

# Unfolding Futures: Indigenous Ways of Knowing for the Twenty-First Century

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Modern racism is the active writing of Indian people out of contemporary life.

– Stephanie Fryberg

The Supreme Court does not know even the very basics of Indian law.

– Maggie McKinley

Environmental researchers know that Indian people have important knowledge. But they think of it in terms of “the elders” rather than the twenty-five years of fisheries research carried out by the tribe.

– Kyle Whyte

What’s missing is not voices, but ears. University administrators, government officials, judges, leaders of nonprofits – they don’t even know what they don’t know.

– Shelly Lowe

In the summer and autumn of 2016, American Indian people<sup>1</sup> (re)entered American political consciousness in ways not seen since the takeover of the South Dakota village of Wounded Knee in 1973. Wounded Knee featured a seventy-one-day siege, the mobilization of the American military against Indian activists, and copious media reportage; and it came on the heels of the 1972 takeover of the Bureau of Indian Affairs in Washington, D.C., the seizure and occupation of Alcatraz Island (1969 – 1971), and several best-selling books on Indian activism. In the early

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1970s, Indian people and their challenges and possibilities achieved a political visibility that they had not held for a century.

In 2016, Indians reappeared once again. The occasion was the near-completion of the Dakota Access Pipeline, a 1,100-mile, 30-inch pipe built to carry oil from the Bakken Fields of North Dakota to a terminal in Illinois. Passing about one-half mile north of the Standing Rock Sioux reservation, the pipe would run underneath the Missouri River, jeopardizing the Tribe's water source; and it turned out that the U.S. Army Corps of Engineers, which had jurisdiction over the land, had failed to adequately consult the Tribe.

The protests did not follow the patterns of the sixties and early seventies. Over the course of the spring and summer, a small prayer camp on the Standing Rock reservation grew into a vast protest city, with as many as ten thousand people occupying several camps. Lakota and Dakota peoples were joined by Indigenous peoples from across North America and around the world, as well as environmental activists and allies from a range of other social justice groups. Some came for a weekend; others committed to a long stay. The pipeline had been rerouted away from the city of Bismarck, North Dakota, in what seemed to be a clear case of environmental racism: the willing endangerment of an Indian community in order to distance a White community from danger. For environmentalists, the protest against Dakota Access was also part of a three-pronged strategy: trying to slow production, trying to change patterns of consumption, and trying to reduce oil infrastructure. They relished the opportunity to reprise their success in stopping the Keystone XL pipeline in 2015.

Beginning in the late summer and extending throughout the fall, the protests were met with an astonishing display of militarized police power. Camouflage, gas mask, and body armor—wearing, AK-47-

toting private guards, North Dakota law enforcement, and National Guardsmen faced down protesters. Unlike Wounded Knee, which had relied upon a now-simple world of network television coverage, Standing Rock was a viral story. It featured a proliferation of social media images documenting both the substance of the camps themselves – mostly spiritual and pacifist – and the dog attacks, teargassings, and bean-bag and rubber-bullet shootings that were being launched by the authorities.

A legal and political effort accompanied the camps. The legal story was marked by events that unfolded far from Standing Rock: federal court decisions in Washington, D.C., requests to halt construction from cabinet departments, a December 2016 revocation of the pipeline's permit, and, in June 2017, a federal court ruling that the Army Corps of Engineers had failed to conduct an adequate and consultative environmental study in relation to Sioux treaty rights. The Standing Rock Sioux Tribe rightly claimed a kind of victory. But the pipeline was in full operation by then, and the judge refused to shut it down on what seemed to be mostly procedural matters. "Victory" seemed to belong in quotation marks, as the oil has continued to flow.

As scholars interested in the past, present, and future of Indigenous peoples in the United States and the world, we watched the events at Standing Rock and extracted lessons. Most non-Native people we talked with about the occupation could agree on the significance of sacred places, or the spiritual and environmental importance of clean, safe water, or perhaps arguments about cultural patrimony and history. These were the familiar tropes associated with the "American Indian." Most non-Native people also knew that it all had something to do with broken treaties – because there always is a story about a broken treaty. It is a hook on which hangs a vague feeling of

*Deloria,  
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national guilt, a well-meaning expression of sympathy, and a sad sense of the inevitability of it all.

Understanding the intricacies of the relevant treaties (1851 and 1868), agreements (1877 and 1889), executive orders (1875), and countless legal cases, laws, and administrative protocols proved challenging, even for the most dedicated advocates. They were confused by the shifting boundaries between treaties, by the provisions for approval of subsequent agreements, and by the possibility that not all Lakota and Dakota people had consented to the treaty in 1868. It was all quite complicated.

Media consumers were moved, however, by the images of young Indian people on horseback (sometimes painted), of tipi lodges jutting from the tent city, and of the magical day when bison appeared from over a hilltop and ran past the camp. Most observers had a picture of Indian people in their minds that did not align with contemporary Indian lives. Sympathetic viewers tended to latch on to images that evoked the past; they struggled to know the present and did not think overlong about the future. They did not know what they did not know about Indigenous life, and they could not begin to imagine Indian people *leading* non-Native America in any way. As usual, they assumed that Indians would, at best, reluctantly follow along into whatever it is that comes next.

But the images were part of a leading-edge Indian politics with lessons for everyone's future. Pictures of painted faces, horses, bison, lodges, and landscapes often reflected self-aware strategic essentialisms meant to drive politically powerful narratives that demanded engagement. They were beamed to the world via social media; indeed, one might argue that the occupation garnered much of its energy from a social media campaign launched by Native activists. The campaign went global, even as it recruited allies and partners with resources and net-

works of their own. A small prayer camp turned into an international cause.

In August 2016, as Standing Rock was heating up, six of us – Bryan Brayboy, Mark Trahan, Loren Ghiglione, Douglas Medin, Ned Blackhawk, and Philip Deloria – met at the American Academy of Arts and Sciences with a group of American Indian scholars and thought leaders. Although she was unable to attend that meeting, coeditor K. Tsianina Lomawaima quickly took on a lead role in the conversation. Together, we have followed in the footsteps of generations of other Indian thinkers: we tried to puzzle out this moment in time, when Indigenous peoples are crafting a new environmental-social-political alliance and new strategies for political action, while simultaneously being written out of much of contemporary life. This erasure, as Stephanie Fryberg noted at the meeting, is a particular form of modern racism directed at the Indigenous, though it has consequences for all. The epigraphs at the beginning of this essay – all uttered at that meeting – frame the issues well: Indian people continue to suffer from widespread ignorance and an assumption of their pastness. Shelly Lowe went so far as to frame that ignorance in Rumsfeldian terms: Americans did not have an inkling of what they did not know. Our mission was clear: to understand the contemporary dynamics of this modern racism and to try to create positive change in academia, in the legal system, among government and nonprofit actors, and in the intellectual and cultural life of the nation.

Those conversations at the American Academy helped shape and support this issue of *Dædalus*, which we have titled “Unfolding Futures: Indigenous Ways of Knowing for the Twenty-First Century.” In this volume, you will find serious reflection on many questions most important to Indian Country and the broader Indigenous world. We have tried to place research contributions at the center of many of these es-

says, to make “unknown unknowns” visible to non-Native audiences, and to speak to the unique status, the honest challenges, and the very real achievements of contemporary Indian people. We have organized the issue around key themes, and each essay will touch on one or more of these points: 1) Indians are *unique* – they are not simply another minority, but have a formal legal and political status in the United States; 2) Indian people are *sovereign* – they have collective rights to self-determination and self-governance; and 3) Indian people are *central* – they occupy a position at the very heart of critical issues spanning energy and bioethics to climate change. Finally, readers will note the consistent thematic ostinato: Indian people are engaged with history, to be sure, but they should not be viewed in terms of the past, but through the lens of *futurity*.

In Article I of the U.S. Constitution, the famous “three-fifths” clause outlines four categories of people: citizens, indentured servants, “all other persons” (the nonreference to African American slaves), and a fourth group, “Indians not taxed.” An Indian person paying taxes to the U.S. government would have presumably given up a different, non-U.S. form of citizenship, one based in a tribal nation. Because they were part of their own nations, Indians would be neither taxed nor counted for purposes of representation in the United States. They were members of foreign nations, in other words. That sensibility was reinforced in the Commerce Clause, in which Congress is given the power “to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.” Here, the word “among” signals the internal nature of the states, while the word “with” suggests the external quality of both foreign nations and Indian Tribes. In key passages of the Constitution, then, Indian Tribes are framed as being outside the

Constitution. And, for Indian people, that fact has long suggested the importance of a third passage, the controlling logic found in Article Six – the Supremacy Clause – which names three bodies of law as supreme: the Constitution itself, the laws passed by Congress, and the treaties negotiated with external political bodies.

As inherent sovereigns, Native nations have for millennia exercised the prerogatives of self-government, self-determination, and self-education within their territorial land base. Settler colonial incursion and dispossession have constrained, but not extinguished Indigenous sovereignty (though not for lack of trying). The United States has extended its claims over Indigenous peoples – and more than one billion acres of land – through a complex interweaving of military force, diplomatic negotiation, and instruments such as treaties, as well as the unilateral assertion of jurisdiction and governance through legislation, executive orders, and court rulings.

Some of those rulings effectively established a different relationship – not rooted in autochthonous Indigenous political autonomy and a concomitant diplomacy, but in what has come to be known as the “trust relationship.” As a principle of law and nationhood, the trust relationship embodies the responsibilities of the federal government – as both the taker and the recipient of Indian lands – to provide basic services to Native people. Many treaties and agreements stipulate educational and health services as federal responsibilities to Native nations; even when not so stipulated, these services are embodied through the trust relationship.

The legal landscape of trust has been muddied by Supreme Court dicta (that is, opinion, not ruling) in the case of *Cherokee Nation v. Georgia* (1831), when Chief Justice John Marshall, in a burst of legal creativity, stated that the relation of Indians to the United States “resembles that of a ward to

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Lomawaima,  
Brayboy,  
Trahant,  
Ghiglione,  
Medin &  
Blackhawk*

his guardian” (emphasis added).<sup>2</sup> A guardian’s powers over a ward are much more expansive and less constrained by law than the powers of a trustee over a beneficiary, and, over time, federal powers over Indians have frequently developed entirely unchecked.<sup>3</sup> American Indians were consigned to the status of wards for nearly a century, from Marshall’s convenient articulation of the *resemblance* until Congress passed the American Indian Citizenship Act in 1924, conferring birthright citizenship on all Indians born within the territorial limits of the United States. Quite a few Indians (perhaps as many as two-thirds) were already citizens, naturalized through treaty, Congressional legislation, or other mechanisms.<sup>4</sup>

For so many Americans – the formerly enslaved or the immigrant – citizenship offered a path to civil rights, security, and empowerment. And Indian people too have recognized some of the advantages of U.S. citizenship (access to courts, for example). But in two decisions (*U.S. v. Sandoval*, 1913, and *U.S. v. Nice*, 1916), the U.S. Supreme Court also found that, for Indians, citizenship was not incompatible with wardship, and all of the federal powers and controls concomitant to it. The federal government, as a trustee, styles itself as the theoretical caretaker of Native assets and peoples, although, in reality, federal powers have more times than not stripped Native lands of resources and Native peoples of both land and wealth.<sup>5</sup>

The issue commences with a consideration of the concept of *sovereignty*: its origins, its contested meanings, and the way it positions American Indian people as unique within the political, economic, social, cultural, ethical, and administrative fabric of the United States. How did Indian sovereignty emerge historically, even as the United States introduced other concepts – “domestic dependency,” “guardian-ward” relationships, and “plenary power” – that worked to limit Indian self-determination?

Is sovereignty a Western concept, hopelessly contaminated by colonialism? Or is it a necessary and powerful tool in the service of tribal nations, now and in the future? Is it an inherent right that predates the U.S. Constitution? How might Indian people reimagine Indigenous sovereignty in the twenty-first century? Heidi Kiiwetinepine-siik Stark and Kekek Jason Stark frame their discussion through a Nenabozho story – an Objjwe trickster tale – that illuminates key questions: immanency, popular sovereignty, and the constant dialectical assertion and resistance surrounding legal and administrative structures (such as those demanding that the U.S. Army Corps of Engineers adequately consult the Standing Rock Sioux Tribe). Placing the trickster Nenabozho in an ice-fishing shack, Stark and Stark offer both a philosophical narrative stressing relationality among living beings, including sovereign nations, and a case study grounded in sovereignty struggles involving treaty-based Ojibwe fishing rights.

Paradoxically, the exercise of tribal sovereignty rests, in some measure, on the recognition of a tribe by the federal government. Currently, there are 567 tribes with federal recognition, with many others enmeshed in the complex and difficult process of petitioning for acknowledgment; others are recognized by states, but not the federal government. Amy Den Ouden’s essay tracks a complex history of recognition efforts on the part of the Golden Hill Paugussett Tribe of Connecticut. Focusing on efforts in the early 1970s to navigate both state politics and federal recognition, Den Ouden reveals the ways in which racialization and erasure of the Native fundamentally shaped the discussion. Observers questioned Connecticut Indians’ “African” looks as somehow compromising Native political identity, even as legislators cracked jokes about dead Indians and “Indian givers,” and resisted the Paugussett’s bid for federal recognition, which was rejected in 2004, leaving

them a state-recognized tribe, a status confirmed in a 2009 legal challenge.

Recognition, which rests fundamentally on history, reveals a wide range of historically specific relations among Indian peoples and colonizers. The cases of Alaska and Hawai'i highlight that diversity, while stepping out of a purely continental perspective. Alaska's Indigenous peoples survived Russian colonization (1784) and then watched as their lands were "purchased" by the United States in 1867. As Rosita Kaahāni Worl and Heather Kendall-Miller suggest, this history produced a unique land claim settlement strategy as Alaska moved from territory to state, and oil producers sought first to drill and then to build the Alaska pipeline. The settlement laid a new economic and political form – the Native corporation – over Indigenous life and politics. How were the Alaska Native peoples to navigate political sovereignty over tribal members and land and to establish relations with the federal government? A complex legal and legislative history underpins the contemporary relation between the corporation, the tribe, and the government, but it confirms both sovereign status and trust responsibilities.

Hawai'i, as Noelani Goodyear-Ka'ōpua and Bryan Kamaoli Kuwada make clear, is the product of a very different kind of colonial, imperial, and Indigenous history, one defined only partially by American global, mercantile, and military interests, and more important, by an ongoing sovereignty not readily captured by federal recognition practices. Indeed, their essay focuses on a 2014 Department of Interior plan to create a process pathway to federal recognition for a Native Hawaiian political entity. Hundreds of Kānaka Maoli protested, noting the clear distinctions between Native America and Native Hawai'i, and insisting on an identity not only ethnic or geographic, but also national, in ways that demanded connection to the independent Kingdom of Hawai'i that exercised authority

for most of the nineteenth century. Using a Kanaka Maoli epistemology focused on the making of 'aha, or rope, Goodyear-Ka'ōpua and Kuwada argue for a political vision that braids past and present together to generate a new claim on futurity. In these cases, the United States has sought to erase both Indigenous peoples' rights and the nation's concomitant responsibilities to recognize, support, and fulfill those rights.

As Amy Den Ouden's essay affirms, tribes are not racial collectives, but political/legal ones, which means that they exercise the right to define their own citizenship. Even as outsiders frame Indian identities racially, so too do tribes themselves. One of the main ways that tribal citizenship has been defined has been through the racial marker of blood, handed down from the American assimilation policies of the nineteenth and early twentieth centuries in the form of blood quantum membership requirements. "Indian blood" is a metaphorical thing that has often taken the concrete form of genealogical math. How many quarters or eighths or sixteenths blood does one have? What if your parents are from two different tribes? How much blood do you need to be enrolled as a citizen? The advent of genetic testing has opened up new questions about identity and ethics, which are the subject of Nanibaa' Garrison's essay. Indigenous peoples' genetic material ends up being coveted by researchers, even as new industries offer the average person a chance to "prove" Native ancestry and thus constitute a particular claim to identity, and perhaps even a claim on tribal enrollment. In this sense, Garrison observes, Indian people are central to contemporary bioethical debates that extend far beyond the question of tribal membership or research protocol. Garrison's essay highlights the complex interworkings and linkages between the social, political, cultural, and genetic nature of Native identity.

This fetish to "be Indian" dates back to the founding of the United States, and is

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Lomawaima,  
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visible in the tortured inversions of the “one drop rule”: if one drop of African blood taints the Whitest person as “Black,” then, at the same time, one drop of Indian blood will (often happily) make the Whitest person “Indian.” That desire to appropriate noble Indians has long been paired with its opposite: the denigration of Indian “savagery,” “backwardness,” and “inability.” Contemporary psychological research on the connections among culture, institutions, and individuals reveals the cumulative negative effects of such stereotypes, as both Indians and non-Indians internalize beliefs, constitute identities, and then make them material through actions and interactions. And yet, as Arianne Eason, Laura Brady, and Stephanie Fryberg argue, the same cycles can be changed through concentrated interventions. Indian people, they suggest, offer a critical point of centrality for the timeless challenge of driving cultural change in socially positive ways. As stereotyped images linger from the past and fuel negative outcomes in the present – such as the disproportionate removal of children from Native families – they can also be transformed in ways to help produce Indigenous futures.

Efforts on the part of Indian people to drive positive cultural belief systems among non-Native Americans invert an earlier campaign: that of White Americans to eradicate Native language, culture, social practice, and collective identity. These assimilation policies took shape around military power and physical containment on reservations, religious transformation, and a boarding school program that brutally suppressed the very notion of Indianness and Indigenous systems of education. As Bryan McKinley Jones Brayboy and K. Tsianina Lomawaima point out, the legacy of that schooling practice remains with Indian people to this day, often in the form of multi-generational historical trauma. At the same

time, however, schooling also helped foster intertribal solidarities and created new conditions for political organizing and cultural reassertion. Today, the possibility for education and schooling to be *simpatico* – instead of in tension – is more profoundly possible. It is the future.

If closing the gap in K – 12 education offers a vital goal for Indian Country and the United States as a whole, it is also the case that tribal colleges have stepped into the breach, not simply as educational institutions, but as cultural and community centers and powerful collectives that fuse spirituality with institutional structure in novel ways. Today, thirty-seven tribal colleges and universities effectively serve over twenty thousand Native and non-Native rural students. As Cheryl Crazy Bull and Justin Guillory suggest, the tribal college movement indexes a critical expression of tribal futurity, offering culture-centered training in fields that are locally important, educationally traditional, and emergent with new possibilities for Indian cultures and economies.

Nor are tribal colleges the only institutional locations to be indigenized by Native peoples. Museums, for example, have long offered simplistic representations of American Indians, and often served as repositories for Indigenous human remains and cultural patrimony. Two critical interventions – the founding of the National Museum of the American Indian (1989) and the passage of the Native American Graves Protection and Repatriation Act (1990) – helped transform museum practice today. As Philip J. Deloria suggests, the decades that followed that legislation saw an explosion of excellent tribal museums and an increase in tribal capacity in both repatriation and cultural affairs. As the National Museum of the American Indian refreshes its permanent galleries over the next five years, it will explicitly argue for Native peoples’ centrality in the Amer-

ican story, and insist not only on survival narratives, but also on Indigenous futurity.

In that future, Indian people face many challenges, including the long-standing issue of health and wellness of tribal members. As Mark Trahanant recounts, the federal obligation to Indian health care has its origins in treaties, most of which provided for doctors and, in some cases, hospital care. A long history of poor performance, lack of funding, and socioeconomic inequity has produced significant health disparities between Native and other populations. And yet, as Trahanant argues, in the years following the 1976 passage of the Indian Health Care Improvement Act, the Indian Health Service has closed a substantial number of health disparity gaps. One major feature in that success has been contracting out to tribal service providers. Trahanant observes that, precisely because they are still underfunded, many of the successful operations under the Indian Health Service actually offer prototypes for thinking about new forms of service delivery at a lower cost. In dealing with chronic underfunding, the Indian Health Service may find itself in a leadership role.

Indian people have long histories of leadership. As Gary Sandefur and Philip J. Deloria suggest, White Americans have often misread that history in terms of military resistance, creating a kind of “great man” understanding of Indian history. Leadership, Sandefur and Deloria argue, has been far more diverse: it has included women in important ways, flowed through colonial institutions such as the church, and taken shape in both local-tribal contexts and national intertribal organizations. Indian leadership has been adaptive, even as it has served as an important location for persistent assertions of cultural autonomy and self-determination. Like health services delivery, Indian leadership has not been without challenges, but it has also offered important models for the United States, a

nation fixated on leadership education that sometimes struggles to produce effective and ethical leaders.

Likewise, as Kyle Whyte suggests, Indian people offer both knowledge and leadership in understanding and addressing environmental crises. Whyte surveys a wide range of literature to identify an emergent field of Indigenous Environmental Science Studies (IESS) that seeks to take seriously the relationality, spirituality, and Traditional Environmental Knowledge (TEK). Whyte argues that Indigenous knowledge *is* science and has functioned as such in both past and present. But his is not an essentialist claim to privilege the Indigenous. For Whyte, the dialectical partnership between TEK and mainstream science offers the most potential for Native and non-Native futures in the face of climate change and ecological disaster.

Megan Bang, Ananda Marin, and Douglas Medin insist on a plurality of sciences, in ways that question the singular hegemony of Western science and make room for Indigenous sciences as both a powerful practice of knowledge-making in its own right and an important partner in a multisided scientific exchange of knowledge. And yet, the authors insist on a reciprocal and ethical relationship. It is not simply the case that Indigenous knowledge ought to be available to the full sweep of science; too often that has meant appropriation and new practices of colonial domination. Indigenous peoples insist that they will stand with the sciences, particularly in our moment of planetary crisis. They would simply like to know that scientists from all disciplines will stand with them as well.

If American Indian people – alive, active, and innovative in the present moment – offer possibilities to others in terms of political movements, representational politics, the production of scientific knowledge, the ethics of bioscience, and the management of institutions, it is also the case that main-

*Deloria,  
Lomawaima,  
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taining self-determining tribal vitality and identity remains the key priority in Indian Country. Perhaps nowhere is that priority so challenged and so rich with possibility as in the question of language preservation and awakening. As Teresa McCarty, Sheilah Nicholas, Kari Chew, Natalie Diaz, Wesley Leonard, and Louellyn White argue, language reclamation fuses pasts, presents, and futures, even as it refuses colonizing imperatives for assimilation and disappearance. Language, they suggest, is central to individual and community well-being and sustainability, and to the larger claim to social justice. To that end, language repatriation will be one of the most significant goals for the Indigenous future.

The claim to social justice is central to the essays in this issue, as is the relation among past, present, and future. The United States has struggled to turn from old master narratives to new histories relevant to its present and future. In those old stories, Indians necessarily had to disappear. For the Puritans to found a City on the Hill – a story often framed as an American claim to religious freedom – Indians had to die, leaving their food and land behind; their disappearance was a sign from God. In the story of frontier settlement, Indians became part of nature, fleeing westward and then just vanishing, according to some conveniently imagined “law of nature.” In the story of European immigration, Indians were already assumed to be gone, their land simply available. In stories of the Civil War, Americans ignored Indians altogether, focused on the White-on-White bloodletting that would redeem the original sin of slavery. And even in the great contemporary counternarrative of African American struggles to move from slavery to freedom to civil rights, Indian histories and peoples find little traction. Americans don’t tend to tell stories in ways that leave room for Indian people. Indeed, the nation has, in many ways, come to

see slavery as America’s primary – or perhaps only – original sin, and national conversations on race, inequity, and the hurts of history tend to occur around a Black/White binary. But slavery required the taking of Indigenous land and the removal of Indigenous people. The United States was founded on dispossession. The stories of settler colonial conquest and slavery are interrelated and inextricable, and we should never forget it.

Land lies forever at the heart of America’s problem with Indians. The United States and the American dream – of freedom, democracy, a divine mandate to lead the world – are built on Indian land. Even by U.S. standards of law (often transparently self-serving), the history of “title transfer” for too much of that land has a rotten smell. It would be so much easier for the nation to congratulate itself if its claims to its territorial land base were more secure.

And so American settlement histories are of necessity deeply ideological. They frame Indian peoples around two distinct modes of disappearance: Indians can simply die or vanish; or they can assimilate into America, disappearing as distinct peoples into some vast melting pot. Americans have worked hard to bring both visions to pass. But in every one of those narratives, Indian people have been present differently, always contesting a colonization that aimed not (only) to extract resources but to plunder Indian lands; to colonize, settle, and then forget and move on. And so Indigenous politics is not about claiming civil rights through the mechanism of the American state. Rather, it is about preserving and operationalizing tribal distinctiveness and autonomy, as constituted through American law in the form of the Constitution and the treaties, and holding the nation to its obligations, embodied in the form of trust relationships.

American Indian people make up a small percentage of the population of the United

States, and it is easy to ignore them. This, our contributors suggest, is a tremendous mistake. Because of the distinct history of Indian people and their persistent survival – they are not going anywhere! – Indian peoples are central to the ways in which we need to think about the collective future. Indians may often appear marginal in relation to courts, Congress, and academic legal education, for example, but their unique legal and political status is critical to understanding wider issues of law and policy. Centering Indians in discussions of constitutionality, education and training, and actual jurisprudence will lead to understanding issues in new ways. Centering Indians in considerations of land claims and stewardship will cause non-Native anxiety levels to rise – in productive ways. And so with conversations about race, bioethics, environment, education, health care, governance, and more.

The point is not so much that Indigenous perspectives need to be included in the general politics of knowledge (though that is true); rather it is that the Indigenous itself is generative of that knowledge, not peripheral to it. Indigenous studies is not just about Indigenous people. It's also about ways of seeing and investigating the world that have proven central. The challenge for non-Native people lies in escaping the bad habit of viewing Indigenous people as relics of the past. And yet, it's not enough – as has been demonstrated any number of times – for Indigenous people to be content with the

shout “We are still here!” Even that important statement about survival and the present connotes bedraggled refugees from the past, dragging the archaic along with them into an ill-fitting present. Better to think about the ways that Indian people can contribute to a still-forming future.

We can imagine a future when the United States and its citizens commit to grappling with fundamental questions: What does it mean to live on Indian land? What does it mean that Indian people are still here? Moral, legal, ethical, and social issues and debates tumble out of those questions. But we can also imagine a nation and a citizenry strong enough to engage with these questions, strong enough to respect Native nations as inherent sovereigns, and strong enough to confront the mythologies and stereotypes that sustain a sense of national (and White) privilege and entitlement to everything that has been built on Indian land. If we can imagine that, we can also imagine a nation and a citizenry strong enough to face up to its history: the intertwined sin of enslavement and the legacies of immigration, exclusion, and racism. We can imagine a nation strong enough to grapple with the very definitions of citizenry: Who is included? Who is excluded? Why, and when, and how? We can imagine an inclusive nation bold enough to build a future on a complicated and painful past. In this task, one could do worse than to look to American Indian nations and Native institutions for inspiration and ideas.

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#### ENDNOTES

- <sup>1</sup> Many Native nations prefer to use their own language to refer to the group: for example, *Diné* for Navajo. There is no ideal generic term to apply across nations. Editors and authors in this issue use the following terms interchangeably, with the noted caveats or preferences: American Indian and Indian (within the United States); Native Americans; Native; and Indigenous (often the global term of reference).
- <sup>2</sup> *Cherokee Nation v. Georgia*, 30 U.S. 5 Pet. 1 (1893).
- <sup>3</sup> Vine Deloria Jr. and Clifford M. Lytle, *The Nations Within: The Past and Future of American Indian Sovereignty* (New York: Pantheon Books, 1984); David E. Wilkins and K. Tsianina Lomawaima, *Uneven Ground: American Indian Sovereignty and Federal Law* (Norman: University of Oklahoma Press, 2001); and Charles F. Wilkinson, *Blood Struggle: The Rise of Modern Indian Nations* (New York: Norton, 2005).
- <sup>4</sup> K. Tsianina Lomawaima, "The Mutuality of Citizenship and Sovereignty: The Society of American Indians and the Battle to Inherit America," *American Indian Quarterly* 37 (3) (2013): 333 – 351.
- <sup>5</sup> See, for example, *Cobell v. Salazar* 573 F.3d 808 (D.C. Cir. 2009).