

Eric Cheyfitz

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An anti-racism agenda in and of itself cannot encompass the drive of American Indians for social justice because the primary historical relationship of Indians to the federal government makes decolonization and sovereignty not civil rights the primary agenda of the 340+ federally recognized tribes in the United States, which are governed under U.S. Federal Indian law, a decidedly colonial body of law in its origins and ends. (Alaska Natives have a different relation to the federal government as represented in the Alaska Native Claims Settlement Act of 1971 and Native Hawaiians, another colonized Indigenous community, have as yet no formal relationship for the most part with the feds). Under federal Indian law, Indians are defined as “domestic dependent nations.” in the generative case of *Cherokee Nation v. George* (1831), their relation to the federal government, as defined in that case, was and continues to be the relationship of “ward” to “guardian.” As articulated in the opinion written by the Chief Justice, John Marshall, Indian tribes existed in a state of “pupilage,” and their lands, ceded in treaties forced on them in the course of a genocide, were to be held in “trust” by the federal government, which still holds title to the land. The bulk of Indian tribal lands exist in that state today, a state of colonization, in which the Congress under federal Indian law holds “plenary power” over Indian nations.

It was not until 1846 in the case of *U.S. v. Rogers* that the Supreme Court under Chief Justice Taney made a very confusing attempt to racialize Indians. And It was only in 1924 that Indians became citizens of the U.S., and that was by congressional fiat not desire.

At this point, tribally enrolled Indians became dual citizens: political subjects of both their nations and the United States under the rule of two laws, federal Indian, and constitutional, each having a distinct jurisdiction under the dual sovereignty doctrine.

Let me give you one prominent example of how this dual jurisdiction works and why Indians cannot be classified primarily as a racial minority: In the U.S. Supreme Court case of *Morton v. Mancari* (1974) non-Native members of the Bureau of Indian Affairs (BIA) sued the Bureau for enforcing the Indian Preference in Hiring Act, as it applied only to specific Native oriented institutions, legislated under the FDR administration. The decision in the case upholds the Indian preference in hiring act as applied to the BIA, which in the opinion of the Court is not in violation of the Equal Employment Opportunities Act of 1972, the basis of the suit. Here is a quote from the decision: “The preference, as applied, is granted to Indians not as a discrete racial group, but, rather, as members of quasi-sovereign tribal entities whose lives and activities are governed by the BIA in a unique fashion....In the sense that there is no other group of people favored in this manner, the legal status of the BIA is truly sui generis. “

Thus, under federal Indian law, Indians are not understood as a racial minority but as citizens, political subjects, of “quasi-sovereign tribal entities.” Under constitutional law, when they are

off-reservation, under a civil rights agenda, their status becomes that of a racial minority from the perspective of the government. But as I have tried to make clear, an anti-racist agenda cannot begin to comprehend the complex legal situation of American Indians, who in the 1960s and 70s when civil rights was the dominant political movement in the U.S., generated by the African American Community, were actively campaigning for a political agenda that focused on complete sovereignty not civil rights and the upholding of the treaties, consistently broken by the federal government, that form the basis of the relationship of Indian nations with the government. The focus of Native activism remains the same today.

Respecting this ongoing history and Cornell's founding from the land-grab on which the United States rests, the AIISP is asking that both the anti-racism center and course be renamed to include the Native agenda of decolonization.