

BOOK REVIEW

The Fight for What Is Right

Perversions of Justice: Indigenous Peoples and Anglo-American Law

Ward Churchill

City Lights, 2003

460 pages, \$19.95

Struggle for the Land:

Native North American Resistance to Genocide, Ecocide, and Colonization

Ward Churchill

City Lights, 2002

420 pages, \$18.95

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To understand the current misadventure in Iraq, look a little closer to home. Keetowah Cherokee Ward Churchill lays bare a devastating account of land robbery and genocide against the Native American peoples in North America, from the earliest days of the Republic. Racism, disdain, and greed for Native American lands drove 13 small British colonies to break away from England. In *Struggle for the Land*, the earlier of these two books, Churchill clarifies that "independence" from England was little more than King George's giving up his "option" to buy native lands which he had by virtue of the "right of discovery." Likewise, the Louisiana Purchase was acquiring from Napoleon the right to purchase land from Indians. As a rogue state, our earliest legal documents from the 1820s endeavored to legitimize the United States by treating Indians as sovereign nations with whom we would enter into treaties. "Legally speaking," quotes Churchill from one such document, "so long as a tribe exists and remains in possession of its lands, its title and possession are sovereign and exclusive."

But of course it was not to be. Chief Justice John Marshall, who had received 10,000 acres in grants west of the Appalachians in return for fighting in the Revolutionary War, declared, invoking an obscure Norman law, that the land was "vacant" and therefore Euro-American deeds were legitimate. By 1832, he was declaring that all natives were "subordinate" to the U.S., a simple statement of colonialism, before the genocide of Western tribes had even begun. Marshall went even further and declared that natives "committed aggression" when they attempted to regain control of their land.

This type of legal history is the foundation for Churchill's devastating critique of U.S. government policies toward indigenous peoples in the United States. *Struggle for the Land* is a series of precise, factual case studies of, for example, the Iroquois efforts to reclaim their land in upstate New York (the entire city of Syracuse is on native land), and the Lakota refusal to accept any amount of money for the Black Hills. One of the most important facts in the book, though, is that Hitler used the United States treatment of Indians as a model for his genocide. Consequently in 1946, as the United States was preparing to sit in judgment on the Nazis at Nuremberg, the Indian Claims Commission Act was passed in order to provide a new veneer of legal rights to Indians, ostensibly

giving them the right to sue for lost land if claims were based on "fraud, duress, unconscionable consideration, mutual or unilateral mistake," which, of course, they were.

In another section, Churchill describes the "radioactive colonization" of native land (i.e., the pursuit of mining rights for uranium (60 percent lies on native reservations), and oil and gas (20 percent on native reservations). Ninety percent of mining takes place on native land. In one concise chart, Churchill outlines 33 different corporations who have leases in areas in Montana, North Dakota, South Dakota, and Wyoming. There are more than 5,000 in the Black Hills alone. Locally, the Hanford plutonium plant leaks toxins from storage tanks into the fishing grounds of the Columbia River Yakima, leading to illness, sickened, malformed and dead fish, and a host of other problems.

The funds from leases are kept in "trust" by the government, and, of course, the tribes see little of them.

Perversions are a continuous series of essays, with more of a focus on the present and on international law. In the introduction it emphasizes recent radical movements like the American Indian Movement, the 1990 American Indian Arts and Crafts Act, which introduced the divisive blood quantum (you must prove that you are native blood to be legally Indian), and the dreadful events of Wounded Knee.

Churchill explains step by step the attempted genocide of indigenous cultures. Just a few of the techniques were preemptive and deceptive leases: the General Allotment Act, which replaced collective ownership with individual ownership; the forced change in indigenous government to the Tribal Council (modeled like a corporate board); the 1956 Relocation Act, intended to force indigenous peoples to move to slums in cities, etc. In 1953, the United States attempted to unilaterally dissolve 109 indigenous nations in its borders. By 1990, more than half of all Indians were no longer on their land bases. But rather than completely obliterate native entities, the U.S. government decided to keep them alive and restructure their government into an entity which could be a signer to negotiations for mineral leases. "Native nations were cast as always being sovereign enough to legitimate Euro American mineral exploitation on their reservations," writes Churchill, "never sovereign enough to prevent it."

Perversions also contains chapters explaining that colonialism is now illegal under international law, a chapter on the occupation of Alcatraz and other activism during the 1970s, and a chapter on the government's aggressive neutralizing of the American Indian Movement, among others.

In spite of their numerous footnotes and specific legal details, Churchill's books are readable and even riveting. His straightforward writing makes what he has to say all the more powerful. Churchill demonstrates unequivocally that for the purpose of enriching the few, hypocrisy, lies, and lawbreaking have been the basis of United States' policies toward indigenous peoples from its founding years. So of course we are still doing it today. We are simply operating on a different continent.

