# An Interplay of Shadows and Light: The Decolonial Potential of Red-Black Unity (Part 2)

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*Editor's Abstract*: This essay traces the history of Red-Black unity within the context of U.S. settler colonialism and is presented in two parts. Here is the second part; the first half was published in *Zanj* Volume 3, Number 1.

*Keywords*: Red-Black unity, settler-colonial society, racism, social movements, Black Power, American Indian Movement, repression, struggle, Black Panthers, nationalism, decolonial theory

We have sunk to a depth at which the restatement of the obvious is [our] first duty. — George Orwell

## **Red-Black Solidarity During the Long '70s**

AIM's refusal to supplant indigenous tradition with one or another Marxian "tendency," a matter consistently driven home by organizers like Jimmie Durham during the early '70s and forcefully reiterated at the end of the decade by Russell Means in a highly publicized amplification of Carmichael's 1968 critique,<sup>1</sup> severely limited the range of revolutionary Black organizations from which it might expect to be treated as more than an afterthought, much less receive the kind(s) of tangible support necessary to the forming of mutually respectful and constructive relations. Indeed, as illustrated by reactions to Means' 1980 speech, those hewing to one or another new communist "line" were by-and-large openly, often bitterly, and sometimes comically hostile to AIM's indigenist

<sup>&</sup>lt;sup>1</sup> See Durham's "American Indian Culture," written in 1974 and assigned as a reading to orient members of the Native American Support Committees (NASC) around the country. Means' speech was delivered at the second Black Hills Survival Gathering in July 1980 and published under the title "For the World to Live, Europe Must Die" as the cover article in the December issue of *Mother Jones*. It has since been reprinted in various venues. See, e.g., Means and Wolf 1995: 545-54 (also see 401-2). It should be noted that Carmichael, undoubtedly at the behest of Kwame Nkrumah (with likely input from C.L.R. James), modified his position on Marxism-Leninism, publishing a brief piece to that effect in the February 1973 issue of *Black Scholar*. As is revealed in his memoirs, however, he never really relinquished his view that Marxism-Leninism was "distressingly and constrictively Eurocentric as a perspective on social evolution [that] for non-European peoples, especially Africans, struggling for liberation, was itself a species of colonialism." Carmichael with Thelwell 2003: 633.

aspirations.<sup>2</sup>

There were, however, significant exceptions. Among the most noteworthy was the Republic of New Afrika (RNA), the provisional government of which was established in March 1968 under sponsorship of the Detroit-based Malcolm X Society, headed by the brothers Gaidi and Imari Obadele.<sup>3</sup> The stated goal of the new entity which, while bringing the Maoist Revolutionary Action Movement (RAM) under its umbrella at the outset,<sup>4</sup> and absorbing a number of former Panthers over the years, remained staunchly "Malcolmite" in orientation, was to actualize a fully independent Black nation with a clearly defined territory "encompass[ing] the Deep South states of Mississippi, Louisiana, Alabama, Georgia, and South Carolina," employing tactics spanning the gamut from community education and organizing, to litigation and diplomacy, to physical occupations and guerrilla warfare in accomplishing it.<sup>5</sup>

Although the RNA failed to address the issue of indigenous land rights in either its Declaration of Independence or Constitution, both formulated in 1968, when the defect was pointed out by Carmichael and others during the early '70s, its provisional government entered into a lengthy series of discussions, both with representatives of AIM and with people representing native communities situated in the five states.<sup>6</sup> While complexities involving demarcation of specific territories and how to address the "red-black identity question" were in no sense fully resolved,<sup>7</sup> "by the 1980s, the RNA had acknowledged indigenous land [rights] and sought to craft a land-based

<sup>2</sup> The Revolutionary Communist Party, USA's "Searching for the Second Harvest: Russell Means' Attack on Revolutionary Marxism," published in the October 1980 issue of its "theoretical journal," *Revolution*, is exemplary in this regard. The "second harvest" refers to the speculation of an anthropologist, featured in a *New York Times* story on August 12, that 7,000 years ago, a small group of people indigenous to what is now Nevada may have stored their feces as an emergency food source during the winter months. Seizing upon this dubious source to anoint the conjecture as fact, and extrapolating wildly from there, the RCP's anonymous authors concluded that this was a normative practice among North America's indigenous peoples in precolonial times. In other words, as one analyst astutely summarized the RCP's argument, indigenous people traditionally ate their own shit, and those, like Means, who insist upon adhering to their own traditions wish nothing so much as to continue doing so. See Jackson 1996. "Searching for the Second Harvest," *sans* annotation, is collected in Churchill 1983: 35-58. <sup>3</sup> The Malcolm X Society was founded shortly after Malcolm X delivered his November 1963 "Message to the Grassroots" speech in Detroit, declaring that "Revolution is based on land. Land is the basis of independence. Land is the basis of freedom, justice, and equality." See Karolczyk 2014: 31-32. "Message to the Grassroots" is collected in Breitman 1989: 16-29 (passage quoted at 21).

<sup>&</sup>lt;sup>4</sup> According to RAM leader Max Stanford, who took the name Muhammed Ahmad in 1970, "RAM decided to go into the Republic of New Africa (RNA) and become [its] left wing." Ahmad 1979: 39.

<sup>&</sup>lt;sup>5</sup> This was the Malcolm X Doctrine elaborated by Imari Obadele in his 1966 *War in America*. Geographically, the RNA's concept was/is essentially an updated version of the earlier-discussed Black Belt premise advanced by Harry Haywood from the late '20s onward. See Berger 2009.

<sup>&</sup>lt;sup>6</sup> The author was involved in several such discussions as a representative of AIM who also happens to be a Cherokee whose family resided in what is now Elbert County, Georgia prior to the Removal Era. Suffice it to say that I'm not fully in accord with the criticisms advanced by Andrea Smith, Pamela Kingfisher, and other—mostly younger—Cherokee activists. See, e.g., Smith 2002.

<sup>&</sup>lt;sup>7</sup> It should be noted that the Indian participants did no better than their black counterparts with this one.

strategy" to honor them.<sup>8</sup> This in itself was sufficient for AIM to view the RNA as an ally, a matter reflected in the declaration of unity by AIM's Bob Robideau (Anishinaabe-Dakota) published in the December 1983 issue of *New African*.<sup>9</sup>

In May 1984, the New Afrikan People's Organization (NAPO), cofounded and headed by the RNA's then-minister of justice Chokwe Lumumba to do the practical work involved in pursuing the provisional government's policy objectives, reciprocated by declaring that it "supports the struggles for sovereignty and independence of Red nations over their lands in North America [and is] absolutely aligned with the Native American, Chicano-Mexican, and Puerto Rican revolutionary organizations in their resolve to dismantle the illegal U.S. empire."<sup>10</sup> Indeed, it was by that point clear that solidarity had already been manifested in a far more concrete manner, an unknown number of New African citizens having joined former Panthers in the BLA and conducting armed operations since 1977 or earlier, in part for the express purpose of supporting "the struggle for Native American sovereignty rights."<sup>11</sup>

As was discussed in the opening section of this essay, Carmichael's and his All-African People's Revolutionary Party (A-APRP)'s embrace of those same rights—and, more specifically, their solidarity with AIM—was forcefully displayed during the BIA building occupation in November 1972. Barely three months later, in early March 1973, Carmichael was in Rapid City, South Dakota, engaged in a strategy meeting with several AIM leaders on how the A-APRP might best support the movement's armed stand-off with federal forces at the Wounded Knee massacre site, on the nearby Pine Ridge (Oglala Lakota) Reservation.<sup>12</sup>

Envisioned as the opening round of an intensive and sustained effort by AIM, in collaboration

<sup>8</sup> Berger and Dunbar-Ortiz 2010: 70.

<sup>9</sup> Robideau, 1983. At the time, Robideau (Anishinaabe-Dakota), a noted participant in AIM's armed struggle on the Pine Ridge reservation during the mid-70s, was heading the Leonard Peltier Defense Committee (LPDC).
<sup>10</sup> New African People's Organization Document IV(a): Profile of the New African People's Organization (NAPO). In 1989, the indigenous peoples of Alaska and Hawai'i were also included.

<sup>11</sup> The quote is from a 1987 document jointly submitted in the case of Mutulu Shakur, a New African citizen since 1968, charged with heading the BLA unit that both liberated Assata Shakur from a New Jersey prison in 1979, but also carried out a series of bank and armored car expropriations from 1977-1981. While most of the group, including former Panthers *cum* New African citizens Sekou Odinga and Bilal Sunni Ali, had been captured in the latter year, Mutulu had remained at large until 1986. See Chokwe Lumumba (chair of the New Afrikan Peoples Organization) and Nkechi Taifa-Caldwell (Minister of Justice of the Republic of New Afrika), Affidavit and Memorandum on Motion to Quash the Indictment, *U.S. v. Mutulu Shakur* (No. 82-CR-312-CSH, U.S. Dist. Ct., Southern Dist., NY, Oct. 31, 1987), quote at 2. For further, albeit decidedly limited, background on the RNA/BLA connection in this and other units during the late '70s, see Berger 2014: 11-15.

<sup>12</sup> See Smith 2012: 191. Carmichael was not actually in Wounded Knee, as at least one AIM member who was there apparently believes. See Kipp 2004: 104. It's possible that Kipp somehow mistook Ralph Abernathy for Carmichael, as Abernathy *did* visit briefly on March 7, mainly to try and convince AIM to end the confrontation. Of interest is the fact that in a widely published photo of Abernathy meeting with Russell Means and Dennis Banks at Wounded Knee on March 7, Banks is flanked by a visibly red-Black AIM member. Photo available at http://www.gettyimages.com/de=tail/news-photo/wounded-knee-sd-rev-ralph-abernathy-confers-with-leaders-of-the-pic-ture-id514906502?#381973wounded-knee-sd-rev-ralph-abernathy-confers-with-leaders-of-the-pic-ture-id514906502.

with grassroots Oglala residents, to reclaim the self-determining rights guaranteed them in 1868 Fort Laramie Treaty, the Siege of Wounded Knee ultimately lasted 71 days, during which the 200-odd Indians defending a hastily constructed perimeter at any given moment exchanged well over a half-million shots with a considerably larger and militarily equipped array of FBI and U.S. Marshals Service special operations personnel augmented by a hefty contingent of BIA police (many of whom doubled during their off-duty hours as a reservation goon squad).<sup>13</sup> All the while, Carmichael was periodically meeting with AIM representatives in unlikely locations for purposes of coördinating support activities.<sup>14</sup>

The siege finally ended on May 8, 1973, after receipt of a letter signed by White House special counsel Leonard Garment agreeing to the dispatch of a presidential commission within sixty days to discuss U.S. violations of the 1868 treaty with the traditional Oglala leadership council.<sup>15</sup> By then, 562 AIM members and allies were facing federal charges arising from Wounded Knee, the most serious lodged against those targeted as leaders, especially AIM's two most prominent figures, Dennis Banks and Russell Means.<sup>16</sup> In response, AIM seized the opportunity to challenge U.S. jurisdiction over Pine Ridge or any other "Sioux" reservation on the basis that they were

<sup>15</sup> The commission did in fact meet with the Oglala council and delegations from several other indigenous peoples on May 17, and U.S. noncompliance with the provisions of its treaties with American Indians was indeed discussed. The official response was to observe that treatymaking with Indians had been legally prohibited since 1871, and then to claim, falsely, that correcting the problems would require new treaties. See Anderson et al. 1973: 250-58.

<sup>16</sup> Means alone was prosecuted on 40 charges between 1973 and 1976—37 felonies and 3 misdemeanors—and was acquitted of 39. All told, "The 562 arrests produced only fifteen convictions; five of those came on charges of 'interfering with federal officers." Johansen and Maestas, 1979: 88-89 (also notes 177 and 179, below). This is a standard COINTELPRO tactic used against RAM in Philadelphia to devastating effect during summer of 1967, for example, and certainly against the BPP. The point isn't to obtain convictions—although that's always useful—so much as to tie those charged up in the judicial process (often meaning sitting in jail, awaiting trial), diverting the time and energy of their organizations up in raising money to underwrite their bails and legal defenses, thereby "neutralizing" or at least significantly impairing their ability to engage political activity. On the operation targeting RAM, see Churchill and Vander Wall 2002a: 45-47.

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<sup>&</sup>lt;sup>13</sup> For one of the earliest, and still among the best, accounts of the siege, see Anderson et al. 1973. On page 97, there is a photo of Angela Davis shortly after she was prevented by U.S. Marshals from entering the AIM perimeter on March 23; on page 51, there's a photo of Ralph Abernathy arriving in Wounded Knee on March 7 (see note 166). Also see Burnette with Koster 1974: 262; Churchill and Vander Wall 2002a: 141-77; Weyler 1982: 75-94; Smith and Warrior 1996: 228.

<sup>&</sup>lt;sup>14</sup> For example, FBI agents observed Carmichael and a second A-APRP member (likely Bob Brown) conferring with Clyde Bellecourt at the Salt Lake City airport on April 15, 1973. Smith and Warrior 1996: 246-47. Bellecourt, who'd been in Wounded Knee since shortly after the siege commenced, had by that point left, ostensibly to facilitate fundraising for legal defense purposes while seeking increased interorganizational and international diplomatic support. It should be noted that Carmichael's personal—and very public—manifestations of solidarity continued during the subsequent "Wounded Knee leadership trials" (see notes 176-179, below), as when he put in appearances during the 1974 Banks/Means prosecution in St. Paul. See, e.g., the photo of Carmichael, together with Banks and attorney William Kunstler, outside the courtroom in Lynn Salt's and David Mueller's and Lynn Salt's 2013 documentary, *A Good Day to Die*.

collectively recognized as a separate and fully sovereign nation under the 1868 treaty (and the 1851 Fort Laramie Treaty as well).<sup>17</sup>

Nearly a year before the issue of jurisdiction was addressed during so-called Sioux Sovereignty Hearing convened by the federal district court in Lincoln, Nebraska in December 1974, however, the "Wounded Knee leadership trials" had begun, with the prosecution of Banks and Means in St. Paul serving as the opening act.<sup>18</sup> By then, "Black power icon" Angela Davis, publicly described by Richard Nixon as "a dangerous terrorist" and denied entry to Wounded Knee by U.S. marshals during the siege even though the SCLC's Ralph David Abernathy had been allowed to meet with AIM leaders inside the perimeter two weeks earlier,<sup>19</sup> had long since declared mustering support for the Wounded Knee defendants to be a top priority the National Alliance Against Racist and Political Repression (NAARPR) that she and radical black Chicagoan Charlene Mitchell had cofounded in mid-May 1973.<sup>20</sup>

The NAARPR's unstinting emphasis on building consciousness around the political nature of the AIM prosecutions continued into early 1975,<sup>21</sup> by which point the ten-month Banks-Means

<sup>19</sup> See notes 165 and 166, above.

<sup>20</sup> In August 1970, Davis, already a noted radical, was charged with kidnapping, murder, and conspiracy in connection with Jonathan Jackson's spectacular—and fatal—taking of a judge and other hostages at San Rafael, California's Marin County Courthouse, in hopes of exchanging them for his elder brother, George, an acclaimed writer *cum* Panther field marshal and one of the three "Soledad Brothers" facing the death penalty for having allegedly killed a guard at the state prison bearing the same name and held at the time in nearby San Quentin while awaiting trial. Following her acquittal on all counts in June 1972, she, together with Mitchell, quickly set about developing her own defense organization into the much more broadly focused NAARPR. Prioritization of AIM's defense, along with that of the Wilmington 10, was emphasized by Davis during her keynote address during an organizing conference held in Omaha in early September 1973, and again, a few weeks later, during a heavily attended talk at the University of Minnesota. On Davis' trial and defense organization, see Davis 1974, 295-396; Aptheker, 1977. For the context of the Soledad Brothers case, which is far too complex to go into here, see Durden-Smith, 1976. On formation of the NAARPR and the Wilmington 10 case, see Chapman 2013: 69-71. On Davis' prioritization of AIM cases in Omaha and Minneapolis, see Smith 2012: 213-14; Sayer 1997: 61.

<sup>21</sup> Apart from Davis' frequent speeches, in which the Wounded Knee trials were invariably mentioned and typically highlighted, a key element of the NAARPR's support was delivered in the form of facilitating events featuring organizers of the AIM-sponsored Native American Support Committees (NASC) or representatives of the National Lawyers Guild-sponsored Wounded Knee Legal Defense/Offense Committee (WKLDOC), a group of radical attorneys and paralegals organized during the siege by veteran NLG member Ken Tilsen to represent AIM defendants in the aftermath. See Matthiessen 1991: 72; Sayer 1997: 42-55.

<sup>&</sup>lt;sup>17</sup> This took the form of the so-called Sioux Sovereignty Hearing orchestrated by John Thorne, George Jackson's former attorney (see note 175), convened by federal district judge Warren Urbom in Lincoln, Nebraska, on December 16, 1974, and lasting thirteen days. The fifty-one witnesses who testified included not only AIM leaders like Banks and Means, but also traditional elders, grassroots Lakotas, and several noted experts, both Indian and non-Indian. For key documents and excerpts from the transcript, see Dunbar-Ortiz 1977: see esp. 141-46.

<sup>&</sup>lt;sup>18</sup> The Banks-Means defense team, headed by celebrated radical attorneys William Kunstler and Mark Lane, did in fact submit a motion to dismiss all charges on jurisdictional grounds prior to the trial—which began on January 8, 1974—but it was denied by presiding federal district judge Fred Nichol. Sayer 1997: 63, 69. Sayer's is by far the most comprehensive treatment of the Wounded Knee trials overall.

show trial had ended in the judge's dismissal with prejudice of all charges on grounds of gross misconduct by both the prosecutors and the FBI,<sup>22</sup> and only six of the 153 Wounded Knee cases brought into court had resulted in convictions<sup>23</sup>—three more were obtained on June 5, 1975<sup>24</sup>— while all but a handful of the remaining thirty-two were quietly dropped.<sup>25</sup> Meanwhile, the government's prosecutorial offensive against AIM had been augmented by an equally intensive but

<sup>&</sup>lt;sup>22</sup> All remaining charges were dismissed with prejudice—meaning that they could not be reintroduced against the defendants—on September 16, 1974, with Judge Nichol observing, among other things, that he found it hard to believe that "the FBI, which I have revered for so many years, has fallen to such a low estate" as to have placed an infiltrator in the defense team and denied it under oath, provided an "eyewitness" to events supposedly occurring in Wounded Knee on dates when he was actually in California, and so on. Several other charges had been dismissed earlier, partly on grounds that, during the siege, the government had violated the 1878 *Posse Comitatus* Act (18 USC § 1385) prohibiting use of the military for purposes of maintaining civil order other than cases where a national emergency had been official declared. Sayer 1997: 195-96, 145-46.

<sup>&</sup>lt;sup>23</sup> Four AIM members—Marc Fleury, Colin Wesaw, Reggie Dodge, and Larry Johns—were convicted on October 18, 1974 of having conspired to "obstruct, impede, and interfere" with U.S. marshals after a bench trial before federal district judge Warren Urbom in Lincoln, Nebraska. Another, Allen Cooper, had already pled *nolo contendere* in the same court on May 13, while two others—Manuel Alvarado and Terry Gene Williams—had been convicted after a jury trial. See *U.S. v. Cooper* (397 F.Supp. 277 (D. Neb. 1975). June 19, 1975).

<sup>&</sup>lt;sup>24</sup> This was the second of the so-called Wounded Knee leadership cases, in which prosecutors abandoned the sorts of grandiose conspiracy charges pursued against Banks and Means. AIM spiritual leader Leonard Crow Dog (Sicangu Lakota), Oklahoma AIM leader Carter Camp (Ponca), and Stan Holder (a Wichita who'd overseen armed defense during the siege) were convicted in the federal district court in Cedar Rapids, Iowa only of aiding and abetting the brief detention of four postal inspectors who'd attempted to enter the perimeter as a group on March 11, 1973—ostensibly to ascertain the condition of mail facilities located therein—during which one was relieved of his government-issue sidearm. Camp and Holder, expecting to receive terms of eighteen years in prison, declined to show up for sentencing. Crow Dog did appear, however, and was placed on five years' probation. Shortly thereafter, the two fugitives surrendered and received sentences similar to Crow Dog's. Sayer 1997: 210-13. Also see *U.S. v. Crow Dog* (399 F.Supp. 228 (N.D. Iowa 1975) August 4, 1975).

<sup>&</sup>lt;sup>25</sup> Among the cases dismissed was that against Clyde Bellecourt, which was supposed to be the last of the Wounded Knee leadership prosecutions. Of all the period's AIM "notables," *only* the Bellecourt brothers never underwent a political prosecution. Vernon was indicted, along with Banks, Means, and nine others, of conspiring to commit arson during AIM's confrontation with police in Custer, South Dakota on February 6, 1973. Charges against him were later dropped, while Means, Banks, and several others were tried and convicted. See Sayer 1997: 213; and Sterba 1973.

less visible counterinsurgency campaign by the FBI on Pine Ridge.<sup>26</sup>

Described even by the U.S. Commission on Civil Rights as a "reign of terror,"<sup>27</sup> the Bureau's operations on the reservation claimed a terrible toll, with scores of those engaged in the liberation struggle killed and well over three hundred suffering serious physical assaults over a three-year period beginning in mid-March 1973.<sup>28</sup> That AIM fought back <del>as</del> is amply illustrated by a firefight near the town of Oglala on June 26, 1975, which left three dead: a pair of FBI agents and AIM member Joe Stuntz (a Coeur D'Alene also known as Killsright).<sup>29</sup> At that point, plainly frustrated at the movement's perseverance despite years of low intensity warfare waged against it, the Bureau escalated dramatically, immediately launching an invasion of the reservation by some 200 militarily clad and equipped agents intended to break the back of the resistance once and for all.<sup>30</sup>

An international manhunt was also initiated for three members of Northwest AIM—Bob Robideau, his cousin Leonard Peltier (also Anishinaabe/Dakota), and Dino Butler (Tuni)—who,

<sup>26</sup> The FBI's Pine Ridge operation was conducted in a manner highly reminiscent of those routinely carried out by the CIA and/or the U.S. military's special operations units in Third World countries, i.e., organizing local police personnel and vigilantes to attack, intimidate, and physically eliminate dissidents. Louis O. Giuffrida, a military police colonel turned private "internal security" consultant, was contracted by California governor Ronald Reagan to develop domestic applications—or "scenarios," as they were called—of such methods during the late 1960s. Certain of the techniques involved appear to have been employed in that state against the BPP and allied groups. On Pine Ridge, the FBI almost certainly field-tested two of Giuffrida's counterinsurgency scenarios, dubbed "Garden Plot" and "Cable Splicer," against AIM. See Churchill, 1996; Churchill and Vander Wall, 2002a, 194-97, 422n33. For an example of the Bureau referring to AIM as "insurgents"—rather than as "radicals," "militants," or "extremists"—see the February 6, 1976 document reproduced in Churchill and Vander Wall 2002b: 264.

<sup>27</sup> See Muldrow 1975. The text, erroneously attributed to "William F. Muldoon," is included in Hinds 1978: 299-303.

<sup>28</sup> "Taking into account *only* those deaths caused by the physical repression of Indian resistance," the murder rate on Pine Ridge during this period was 170 per 100,000, roughly *nine times* that of Detroit, the supposed "murder capital" of the U.S. at the time. There having been no comparable situations anywhere in North America during the 20th century, it is necessary to look to the Third World to find parallels. "The political murder rate on Pine Ridge... was almost equivalent to that in Chile during the three years [also 1973-1976] after a military coup supported by the United States deposed and killed President Salvador Allende." Johansen and Maestas 1979: 83-84. Also see the chronological list of AIM fatalities included in Churchill 1996: 257-60. It should be noted that, in May 2000, the FBI's Minneapolis field office published a widely distributed pamphlet contesting the circumstances attending the deaths of more than 50 of those listed. For rebuttal, see Churchill 2000; and Kent: 2012.

<sup>29</sup> See Matthiessen 1991: 156-71; Churchill and Vander Wall 2002a: 236-46.

<sup>30</sup> The scale and rapidity of the Bureau's response—the invasion force, elements of which brought in from as far away as Quantico, Virginia, was on-site and operational within 24 hours—plainly indicates preplanning. Together with the speed with which large numbers of FBI and police personnel, as well as white vigilantes, arrived at the remote location where the firefight was occurring on June 26, also suggests that it was deliberately provoked as pretext for the invasion. While this does not imply that the loss of two agents was intended by Bureau planners, the FBI unquestionably misrepresented the circumstances of and capitalized upon their deaths. See Matthiessen 1991: 161, 187-88; Churchill and Vander Wall 2002a: 246-47, 268-72; and Weyler 1982: 178-82. Also see Hill Witt and Muldrow 1976; U.S. Commission on Civil Rights 1979: esp. 109-10, 190-92, 242.

although a number of others were identified as having also participated in the firefight, were targeted as the key activists involved.<sup>31</sup> While Butler and Robideau were shortly captured in the U.S.,<sup>32</sup> Peltier wasn't found until February 1976, in Canada, and it took until December of that year for federal officials to secure his extradition.<sup>33</sup> Hence, his prosecution was severed from that of his codefendants, and the Butler-Robideau trial was scheduled to occur first, before federal district judge Edward McManus in Cedar Rapids, Iowa.<sup>34</sup>

This brought Davis and the NAARPR, who had shifted their focus onto other issues as the Wounded Knee trials were wrapping up, right back into the picture. The public attention they drew to the FBI's role in creating the lethal backdrop to the firefight undoubtedly figured in an all-white jury finding Butler and Robideau not guilty on grounds of self-defense.<sup>35</sup> Peltier's case was assigned an even higher priority by the NAARPR after prosecutors contrived to have his case tried before moved to Fargo, North Dakota, where the federal district judge, Paul Benson, severely restricted the range of evidence that could be introduced by the defense and its ability to crossexamine the government's witnesses.<sup>36</sup>

With defense attorneys thus hamstrung, the prosecution was free to present a whole new set of "facts," many of them directly contradicting those sworn to during the Butler-Robideau trial (the entire transcript of which was ruled inadmissible by the judge). As was later revealed, ballistics evidence was also manipulated and/or fabricated by FBI technicians, while exculpatory evidence

<sup>&</sup>lt;sup>31</sup> For a list of those identified by the Bureau as likely participants, see Churchill and Vander Wall 2002a: 241.

<sup>&</sup>lt;sup>32</sup> Butler was captured during an FBI raid on Crow Dog's Sun Dance on the Rosebud Reservation, on September 5, 1975, Robideau in Kansas, on September 10.

<sup>&</sup>lt;sup>33</sup> Peltier was arrested by the RCMP at the remote camp of traditional Cree leader Robert Smallboy, about 160 miles west of Edmonton, Alberta. His extradition was obtained on the basis of false information in a pair of affidavits signed by a clinically unbalanced Oglala woman subjected to extreme duress by a pair of FBI agents, a clear violation of the U.S.-Canadian Extradition Treaty. See Privitera 1983.

<sup>&</sup>lt;sup>34</sup> McManus had also presided at the last of the Wounded Knee leadership trials (see note 179, above), and was nicknamed "Speedy Eddie" because of the pace at which the proceedings were conducted.

<sup>&</sup>lt;sup>35</sup> Neither Butler nor Robideau ever denied participating in the firefight. Rather, they contended that, having returned fire only after being fired upon by two men later identified as FBI agents, they'd acted in self-defense. Among the witnesses called by the defense to support its claim that such actions were reasonable under the circumstances at hand were William Muldrow of the U.S. Civil Rights Commission, who'd written a 1975 report describing the "reign of terror" fostered by the FBI on Pine Ridge, and Idaho Senator Frank Church, who'd recently chaired a series of hearings on COINTELPRO and related matters. Jury foreman Robert Bolin later indicated that the jury might have rendered the same verdict even if the government had proven that one or both defendants had fired the fatal shots. Matthiessen 1991: 310, 318.

<sup>&</sup>lt;sup>36</sup> Judge McManus was originally scheduled to try the case. Why he was replaced by Benson, and the trial correspondingly moved from Cedar Rapids to Fargo, has never been explained. What *is* known is that he conducted a series of *ex parte* meetings with the prosecutors and FBI personnel prior to the trial, and that his subsequent evidentiary rulings were entirely consistent with those desired by the Bureau, as set forth in a July 20, 1976 report assessing what had "gone wrong" in the Butler-Robideau case. See Messerschmidt 1983: 40-41. On the *ex parte* meetings, see Ellison 2004.

was deliberately withheld from the defense.<sup>37</sup> Unsurprisingly, given these circumstances, Peltier was convicted in April 1977 of killing both agents and sentenced to "boxcars" (i.e., consecutive life terms in prison).<sup>38</sup> Still less surprisingly, shortly after Peltier's first appeal was denied in September 1978,<sup>39</sup> the NAARPR joined the National Conference on Black Lawyers in filing a petition in his behalf with the UN Commission on Human Rights,<sup>40</sup> and continues to manifest its solidarity in efforts to free him.

#### A Fourth World Comes in View

In early June 1974, without awaiting the predictably adverse outcome of the Sioux Sovereignty Hearing,<sup>41</sup>—AIM convened the first International Indian Treaty Council (IITC) near Wakpala, on the Standing Rock Reservation (South Dakota), to consider strategies through which to secure the treaty rights not only of the Lakotas, but of all indigenous nations.<sup>42</sup> Attended by more than 5,000 people, including representatives of ninety-seven indigenous nations throughout the Western Hemisphere and Hawai'i, the A-APRP and several African liberation movements, the Puerto Rican Socialist Party, and elders of each traditional Lakota, Dakota, and Nakota governing council, the assembly issued a Declaration of Continuing Independence, affirming establishment of an Independent Oglala Nation at Wounded Knee on March 11, 1973 and extended it to encompass

<sup>&</sup>lt;sup>37</sup> The systematic nature of Peltier's framing is far too complex to go into here. For an early and excellent analysis of the proceedings, see Messerschmidt 1983.

<sup>&</sup>lt;sup>38</sup> See Matthiessen 1991: 366-67, 370-71.

<sup>&</sup>lt;sup>39</sup> Peltier's appeal was heard by a 3-judge panel of the 8th Circuit Court, headed by the court's chief judge, William Webster. Although thirty-odd reversible errors were considered and "clear abuse of the investigative process by the F.B.I." was conceded in the panel's ruling, Peltier's conviction was upheld. By then, Webster had already left the court to begin a new career a director of the FBI. See Matthiessen 1991: 371-74; U.S. v. Peltier (585 E2d 314 (Sept. 14, 1978)).

<sup>&</sup>lt;sup>40</sup> An adaption of the petition, which also addressed the circumstances of a number of other prisoners, and was submitted on November 11, 1978, was simultaneously published in Hinds 1978: see esp. 276-77. Also see Chapman 2013: 68, 71, 72.

<sup>&</sup>lt;sup>41</sup> On January 17, 1975, Judge Urbom ruled, in effect, that the U.S. is not legally bound by its ratified treaties—at least not those with Indians—and that the nature and extent of Lakota rights are a "political question," subject only to the will of Congress, not the judiciary. In sum, "The Sioux people were once a fully sovereign nation," formally and repeatedly recognized as such by the U.S. through bilateral treaties, but "they are not now" because the U.S. no longer chooses to recognize them as such. It has long been a firm principle of international law, however, that "recognition once given is irrevocable unless the recognized state ceases to exist or ceases to have the elements of nationhood." See U.S. v. Consolidated Wounded Knee Cases (389 F.Supp. 235 (D. Neb.) 1975); Coulter 1982: 117 (citing Oppenheim's International Law at 136).

<sup>&</sup>lt;sup>42</sup> The First International Indian Treaty Council, as it was called, was held from June 8-16, 1974. Among the official observers were representatives of the African National Congress (ANC), Southwest African People's Organization (SWAPO), and the *Frente de Libertação de Moçambique* (FRELIMO). See Dunbar-Ortiz 1984: 33-35; Deloria 1985: 266-70; Means with Wolf 1995: 324-25; Dunbar-Ortiz 2010: 118-19.

indigenous peoples more generally.43

The Declaration also mandated that the IITC assume concrete organizational form so as to "make application to the United Nations for recognition and membership of the sovereign Native Nations" of the Americas and "pledge[d] support to any similar application by an aboriginal people," treatied or not, anywhere on the planet.<sup>44</sup> Charged by the elders with the responsibility of actualizing their audacious agenda while the council was still in process, Russell Means was named as the IITC's permanent trustee, and, in an especially astute move, immediately enlisted Jimmie Durham to direct "AIM's international diplomatic arm."<sup>45</sup>

Durham, having "lived in Geneva during the late 1960s and early 1970s [and] befriended a number of African liberation leaders who came there to present their cases to the UN, including Amilcar Cabral of the *Partido African da Indendència da Guiné e Cabo Verde* (PAIGC), the liberation front in Guinea Bissau," the ANC, SWAPO, FRELIMO, "and movement leaders from Angola, Mozambique, and Zimbabwe,"<sup>46</sup> was exceptionally well-qualified to undertake the task. In short order, he'd secured office space in a building across the street from the UN headquarters in New York,<sup>47</sup> recruited a small but talented volunteer staff,<sup>48</sup> and begun the tedious process of attaining official standing with the UN itself.

The latter objective was achieved in May 1977, when the IITC became the first indigenous organization formally accorded consultative status by the UN Economic and Social Council (ECOSOC).<sup>49</sup> By then, Durham had already convinced the Sub-Committee on Racism, Racial Discrimination, Apartheid, and Colonialism of the NGO Special Committee on Human Rights, based in the UN's Palace of Nations in Geneva, to sponsor an IITC-organized International Conference on Discrimination against Indigenous Peoples of the Americas at that location on September 20-23, the same year.<sup>50</sup> With 165 delegates from indigenous nations throughout the hemisphere participating and representatives of thirty-eight UN member-states and fifty NGOs officially observing,<sup>51</sup> the 1977 "Indian Summer in Geneva" was truly a watershed event in terms

<sup>&</sup>lt;sup>43</sup> See "Declaration of Continuing Independence by the First International Indian Treaty Council at Standing Rock Indian Country, June 1974," collected in Dunbar-Ortiz 1977: 200-5.

<sup>&</sup>lt;sup>44</sup> Ibid. 202.

<sup>&</sup>lt;sup>45</sup> See Means with Wolf 1995: 328; Newcomb 2012.

<sup>&</sup>lt;sup>46</sup> See Dunbar-Ortiz 2010: 123.

<sup>&</sup>lt;sup>47</sup> The IITC's office was located at 777 United Nations Plaza, and for several years donated by the United Methodist Women, who owned the building. Means with Wolf 1995: 356.

<sup>&</sup>lt;sup>48</sup> Probably the most significant of these was veteran AIM member Paul Chaat Smith (Comanche), who edited *Treaty Council News* and, in 1976, established an IITC west coast office in San Francisco. See Durham 1993: 46.

<sup>&</sup>lt;sup>49</sup> It has been stated that the World Council of Indigenous Peoples (WCIP) was "the first of eleven nongovernmental international organizations (or NGOs) representing indigenous peoples to receive consultative status at the United Nations by 1987." In fact, the WCIP applied for NGO status in 1975, the year it was founded, but was not accredited until 1981. The IITC, which was accorded Type II (Consultative) NGO status in 1977, was the first. Dunbar-Ortiz 1984: 33, 35. For the erroneous WCIP chronology, see Wilmer 1993: 3, 136. On the process involved in Durham's securing NGO status for the IITC, see Tot 2017: 152-55.

<sup>&</sup>lt;sup>50</sup> See Durham 1993: 28; Dunbar-Ortiz 2010: 123; Weyler 1982: 214-16.

<sup>&</sup>lt;sup>51</sup> Dunbar-Ortiz 2010: 124.

of drawing global attention to indigenous issues.<sup>52</sup>

Among other things, it quickly prompted several follow-ups, notably the Fourth Russell Tribunal on the Rights of the Indians of the Americas, conducted in Rotterdam in November 1980, amplifying and expanding the scope of the record created in Geneva while fostering hemispheric linkages between indigenous resistance groups previously unaware of one another's struggles.<sup>53</sup> In September 1981, the subcommittee on racism and decolonization convened a second conference on native rights in Geneva, this one attended by150 delegates from indigenous nations throughout the Americas as well as representatives of the aboriginal peoples of Australia and the Saamis (indigenous to northern Scandinavia), to receive reports and documentation from the three indigenous NGOs which had been by then accredited.<sup>54</sup>

The subcommittee's report on the proceedings, which included the introductory portion of a global study of the oppression suffered by indigenous peoples originally commissioned by the Sub-Committee on the Prevention of Discrimination and Protection of Minorities a decade earlier,<sup>55</sup> prompted the UN Commission on Human Rights to officially acknowledge that "indigenous peoples are separate peoples, unlike other national populations, defined by unique criteria, and have been denied their rights in ways others have been spared," therefore requiring "not just protection of their rights, but active promotion of those rights."<sup>56</sup> Correspondingly, the Commission established a Working Group on Indigenous Populations in March 1982,<sup>57</sup> the mandate of which was to conduct further studies, especially with regard to treaties,<sup>58</sup> and otherwise gather such information as might be needed to draft a formal Declaration on the Rights of Indigenous Peoples.<sup>59</sup>

<sup>55</sup> See Martínez Cobo 1981, 1982, 1983.

<sup>56</sup> Washinawatoc 1998: 47 (quoting Zinsser 1994: 48-49).

<sup>57</sup> See *Report of the Working Group on Indigenous Populations on its First Session* (U.N. Doc. E/CN.4/Sub.2/1982/33): 3. It should be noted that the word "populations" was substituted for "peoples" due to objections to the latter raised by the U.S., Canada, Australia, and New Zealand. Their collective concern centered on the fact that, as is repeatedly stated in international law, "all *peoples* have the right to self-determination" by which they are entitled to "freely determine their political status and freely pursue their economic, social and cultural development." In 2001, the U.S. finally acquiesced, but only with the proviso the "use of the term 'Peoples' shall not be construed as having any implications as regards the rights that may attach to the term under international law." For the relevant document, see Appendix D in Churchill 2003: language quoted at 431.

<sup>58</sup> See Martínez-Echevarría 1999.

<sup>59</sup> See *Working Group Report* 1982: 24. This was patterned upon the Draft Declaration of Principles for the Defense of the Indigenous Nations and Peoples of the Western Hemisphere (U.N. Doc. E/CN.4/Sub.2/L684 Annex IV, 1978), jointly submitted by indigenous delegations at the 1977 conference. See Dunbar-Ortiz 2010: 124-26.

<sup>&</sup>lt;sup>52</sup> The term in quotes is taken from Volkmar Ziegler's documentary film on the conference, *Indian Summer in Geneva*. Also see Means with Wolf 1995: 371-72; Washinawatoc 1998: 41-42.

<sup>&</sup>lt;sup>53</sup> See Ismaelillo and Wright 1982; Weyler 1982: 212-14, 218-21.

<sup>&</sup>lt;sup>54</sup> The three accredited NGOs were the IITC and WCIP (see note 203), and the Indian Law Resource Center (ILRC). Three others—the South American Indian Council (CISA), the Australian National Conference of Aborigines, and the Inuit Circumpolar Conference—participated and were accredited shortly thereafter. Titled "Indigenous Peoples and the Land," the proceedings were observed by representatives of roughly 50 nonindigenous NGOs and numerous independent experts, as well as delegations from a number of mostly Third World countries. See Washinawatoc 1998: 45-46; Dunbar-Ortiz 2010: 126.

At that point, the process Jimmie Durham had in set in motion had begun to bear the hoped-for fruit, perhaps to an extent that even he hadn't quite envisioned. The long denied but nonetheless ongoing existence of what the earlier-quoted Shuswap leader George Manuel described as the "Fourth World"<sup>60</sup>— i.e., the 3,000-5,000 indigenous nations upon whose lands and with whose resources the fewer than two hundred statist entities comprising the first, second, and third "worlds" had all constructed and sustain themselves<sup>61</sup>—had been revealed for all to see. So, too, the considerable and increasing degree of instability in the international order engendered by denial of indigenous rights—not least in the form of armed conflicts<sup>62</sup>—and the corresponding necessity of addressing the situation through the "codification and progressive development of international law."<sup>63</sup>

By then, Durham himself was already gone from the scene, having resigned the IITC directorship and withdrawn from AIM for political reasons during the summer of 1979.<sup>64</sup> The constructive effects of his five-year tenure would continue to reverberate, however, and on fronts other than Geneva alone. Most significantly, he had utilized the web of connections he had made with the ANC, SWAPO, FRELIMO and others during the early '70s to "set the stage for the IITC to be linked with the Non-Aligned Movement (NAM), the organization of African, Asian, Latin American, and Caribbean [i.e., Third World] states and national liberation movements" like the Pan-African Congress (PAC), the Palestine Liberation Organization (PLO), and the Farabundo

<sup>&</sup>lt;sup>60</sup> Manuel and Posluns 1974. On pages 5 and 236, Manuel, a founder of the WCIP (see notes 203 and 208), credits "an African diplomat" with coining the term. Elsewhere, the individual is identified as having been Tanzania's Mbuto Milando. See Hall 2003: 238.

<sup>&</sup>lt;sup>61</sup> For the counts, see Neitschmann, "Militarization and Indigenous Peoples," pp. 1-3. Also see his "The Fourth World Nations Versus States." It should be noted that there were 168 recognized states during the period at issue here, as opposed to 193 today, and that the estimated number of indigenous nations has remained constant.

<sup>&</sup>lt;sup>62</sup> A global survey of armed conflicts revealed that of the 120 in progress during the mid-80s, only four were being waged between states and eighteen by insurgent forces within states. The remaining eight-six were being fought by indigenous peoples for their self-determining rights—and in many cases for survival itself—against states attempting to complete their subjugation or outright liquidation. See Nietschmann 1987: 6-7.

 $<sup>^{\</sup>rm 63}\,$  The UN's mandate in this regard is set forth in Article 13, paragraph 1(a) of its Charter.

<sup>&</sup>lt;sup>64</sup> Paul Chaat Smith, director of IITC's San Francisco office (see note 202), resigned simultaneously. In explaining their motives, Durham advanced a bitingly cogent analysis of AIM's recent trajectory. While his critique was multifaceted, it centered on the Bellecourt brothers' pretense that their Minneapolis chapter constituted "National AIM" and its headquarters the "National AIM Office." This positioned the Bellecourts to "receive almost all the…huge sums" raised by AIM and channel them into their "own programmes, which were and are local…urban [and] based on reforms that are possible within the present status quo," while remaining "completely passive about anything outside [the Twin Cities] area." AIM had thus been left with the illusion but not the actuality of a National Office while efforts undertaken on the reservations—e.g., those of Dakota AIM on Pine Ridge—were starved for resources and vital linkages with the indigenous grassroots squandered, a dynamic that was rapidly reducing the movement to "a small core of dislocated individuals [who were at best] politically irrelevant to Indians on the reservations" and thereby nullifying the rationale undergirding his "international work." See Durham 1993: 46, 52, 53.

Martí National Liberation Front (FMLN) of El Salvador.<sup>65</sup>

Well before Durham's departure, longtime AIM activist John Thomas (a Shawnee known as John T.) had been enlisted to serve as IITC's "roving ambassador," visiting, among other countries, Lebanon, Egypt, and, following the overthrow of Shah Mohammad Rezā Pahlavi's U.S. client régime in 1979, revolutionary Iran.<sup>66</sup> Meanwhile, delegations had been dispatched to Cuba and elsewhere,<sup>67</sup> while Durham forged or reinforced links with the NAARPR, RNA, Panthers, American Committee on Afrika, and other organizations on the home front,<sup>68</sup> and followed up on AIM leader Dennis Banks' 1974 meeting with PLO representatives in Vienna by listing IITC as a cosponsor of the Palestine Solidarity Committee's 1976 "Salute to Palestine" demonstration in New York, during which he personally joined a PLO speaker in linking the situation of North America's indigenous peoples to that of the Palestinians.<sup>69</sup>

By 1982, Russell Means was making the latter connection more explicit still, openly describing Indians as "the Palestinians of North America" and Palestinians as "the Indians of the Middle East,"<sup>70</sup> and youngsters from Dakota AIM's survival school on Pine Ridge had already been sent to experience first-hand the conditions endured by their relatives in occupied Palestine.<sup>71</sup> Stokely Carmichael's trailblazing record of unequivocal anti-zionism made the A-APRP an

<sup>67</sup> Although AIM's relations with Cuba dated from at least as early as 1973, the first IITC delegation was sent in 1976. It included Winona LaDuke (Anishinaabe) and Ingrid Washinawatoc (a Menominee who later married Palestinian activist Ali El Issa and added his last name to her own). Washinawatoc, along with Lahe'ena'e Gay (Kanaka Maoli) and Terence Freitas, were executed by FARC guerrillas in Columbia on February 25, 1999. For reminiscences of their early days together in IITC, and her death, see LaDuke 2002: 197-99, 201-2.

<sup>68</sup> These were among the organizations listed by FBI infiltrator Douglass Durham (no relation to Jimmie) in his April 1976 testimony before the so-called Eastland Committee. Quoted in Churchill and Vander Wall 2002a: 277. For the official record—Durham was the only witness—see Senate Subcommittee on Internal Security, 1976.

<sup>69</sup> Pennock, 2017, 100. On Banks' 1974 meeting with the PLO, which coincided with his attendance at a World Council of Churches conference in Vienna, see Senate Subcommittee on Internal Security 1976: 36. Elsewhere, it is suggested that the AIM personality involved was actually Clyde Bellecourt. See Peyer 1985: 551.

<sup>70</sup> Means' formulation was advanced at a press conference in Rapid City during the 1982 Battle of Beirut. See "Sociocide of American Indians: Presented for Russell Means by Ward Churchill to the Russell Tribunal on Palestine" (Oct. 7, 2012; available at http://www.russelltribunalonpalestine.com/en/sessions/future-sessions/ new-york-session-video-presenta-tions/russell-meansward-churchill-presentation).

<sup>71</sup> The arrangement was facilitated by Charlie Abourezk, a Pine Ridge resident and AIM member of Lebanese descent. It was reported in a late 1981 issue of the Dakota AIM periodical *Oyate Wicaho*, of which he was editor.

<sup>&</sup>lt;sup>65</sup> Dunbar-Ortiz 2010: 127. Inexplicably, while her observation is in this instance plainly approving, Dunbar-Ortiz is elsewhere highly critical of IITC's having subsequently "[taken] up the Palestinian issue as its own," cultivated relations with Iraq's Baathist government, and with that of revolutionary Iran. See, e.g., Dunbar-Ortiz 2012: 91. The rather glaring contradiction is perhaps explained by her being unaware that Iraq became a NAM member in 1961, Palestine in 1976, and Iran in 1979.

<sup>&</sup>lt;sup>66</sup> AIM's/IITC's relations with Iran's revolutionary government was such that, in a manner similar to Vietnam's allowing mail from U.S. POWs to be carried stateside only by prominent antiwar activists, the Iranians allowed only John T. to bring back letters from U.S. embassy personnel held as hostages in Tehran following the Shah's overthrow. See Means with Wolf 1995: 399-400; Tot 2017: 194-96.

invaluable ally in this regard, as did his/the Party's facilitation of IITC's establishment of relations with Libya,<sup>72</sup> and AIM's with the Nation of Islam (NoI) in the U.S,<sup>73</sup> while the latter reciprocated by standing in solidarity with the Party at its May 1976 African Liberation Day demonstration in Washington, D.C.<sup>74</sup>

Carmichael, who changed his name to Kwame Ture in 1979, continued as well to put his body on the line in solidarity with ongoing efforts to (re)assert indigenous sovereignty in a more literal and immediate fashion. A prime example is that of *Wakinyan Zi Tiospaye* (Yellow Thunder Community), Dakota AIM's sustained occupation, beginning on April 4, 1981—the anniversary of Martin Luther King's assassination<sup>75</sup>—of an 880-acre parcel about dozen miles southwest of Rapid City, in the Black Hills National Forest.<sup>76</sup> Cast by Russell Means as "the first step in recovering the *He Sapa* [as the Black Hills are known in Lakota]," the action sparked armed attacks by white paramilitaries, one of whom was killed after firing into the AIM encampment in July 1982.<sup>77</sup>

By September, an "atmosphere [in western South Dakota] was likened by some to the situation that preceded the occupation in 1973 of Wounded Knee" prevailed, with not only a

<sup>74</sup> Although the A-APRP had participated in and helped organize annual ALD demonstrations since they began in 1972, this was the first to be organized by the Party alone. See Joseph 2014: 307. Also see the flyer announcing the event posted on-line at http://lcdl.library.cofc.edu/lcdl/catalog/lcdl:102625.

<sup>75</sup> The date was selected for that reason. The site was named in memory of Raymond Yellow Thunder, a middle-aged Oglala Lakota murdered for sport in 1972 by a pair of whites in Gordon, Nebraska, sparking AIM's first major action in the region. While the idea was Russell Means', his brother Bill, who'd recently replaced Jimmie Durham at the helm of IITC, led the small group that initiated the occupation. See Means with Wolf 1995: 407-9; Weyler 1982: 251-61; Barta 2013.

<sup>76</sup> See the *Denver Post* archival photos of the occupation in its early phase, available at http://www.Gettyim-ages.com/detail/news-photo/overview-of-yellow-thunder-camp-12-miles-southwest-of-rapid-news-pho-to/836831234?# overview-of-yellow-thunder-camp-12-miles-southwest-of-rapid-city-sd-picture-id836831234.

<sup>77</sup> There were several self-styled "sportsmen" engaged in such activities during the spring and summer of 1982. The one who was killed, Clarence Tollefson, was a repeat offender, having previously fired into the encampment—where both children and elderly people were often present—from the high ground around it. On at least one occasion, a report, including the license plate number on Tollefson's pickup, had been filed with the local sheriff, who admittedly took no action in the matter. After Tollefson was shot to death, the sniping abrupt-ly halted. See Means with Wolf 1995: 423-29; "Tension Rises in Wake of Death at Sioux Camp," *New York Times* (Sept. 27, 1982; available at http://www.nytimes.com/1982/09/ 27/us/tension-rises-in-wake-of-death-at-sioux-camp.html?mcubz=3).

<sup>&</sup>lt;sup>72</sup> Dale (Dace) Means and Ward Churchill were the first IITC representatives to visit Libya, the Treaty Council's having been included along with representatives of the RNA, NoI, and several other African American organizations in a delegation arranged by the A-APRP in April 1983. See Segal 1983; Wilcox 1983. Also see the photo captioned "The African American & Native American Delegations from the U.S. meet with Colonel Muammar Khadafy on Friday, April 8, 1983, Benghazi, Libya," in *Aframedia Newsletter* (Apr. 20, 1983).

<sup>&</sup>lt;sup>73</sup> Carmichael, who'd changed his name to Kwame Ture in 1979 and had been exploring the possibility of a working alliance between the A-APRP and the NoI since 1981, arranged for AIM to be among the organizations included in an "international session" conducted for the first time during the Nation's Savior's Day proceedings in February 1983. On the timing of Carmichael's name change and initial participation in Savior's Day, see Joseph 2014: 308, 311.

local "militia" but both federal and state officials threatening forcible eviction.<sup>78</sup> It was against this backdrop of incipient violence that Carmichael/Ture appeared alongside Means at the head of a defiant march through downtown Rapid City on September 30, 1982, making it clear that AIM was not backing down.<sup>79</sup> There were other such gestures, but by the early '80s it had become increasingly apparent that the high tides of explicitly anticolonialist Black power politics and its red counterpart were years in the past, both having been supplanted by supposedly more "sophisticated" strategies of liberal accommodation.

#### Aftermath

For the distinguished African American activist/historian Vincent Harding, the first National Black Politics Convention in 1972, otherwise known as the "Gary Convention" and often framed as a benchmark in the realization of Black Power, actually marked the end of any meaningful struggle for Black liberation in the U.S. Despite the uncompromisingly militant tone of its declaration,<sup>80</sup> Harding observed, many—or most—of the 3,000 delegates quickly "turned away [from] the most fundamentally challenging calls of the convention's black agenda[,] back to politics-as-usual [and] the demands of self-interest, or wandered off into unclear, necessarily solitary ways" of avoiding the risks entailed in seriously confronting the status quo.<sup>81</sup> By November of that same year, when, attempting to form a genuinely radical Black United Front, Stokely Carmichael called for a meeting of purported movement leaders in Washington, D.C., only fourteen responded.<sup>82</sup>

As for Red Power, movement historians Paul Chaat Smith (Comanche) and Robert Allen Warrior (Osage), citing bitter factionalism and sparse attendance at AIM's national membership conference in White Oak, Oklahoma, only three months later, hold that the movement crested with the defense of Wounded Knee during the spring of 1973, and rapidly subsided thereafter.<sup>83</sup> Although the impact of even the most action-oriented among the NIYC's early roster of "academic aborigines" had plainly been eclipsed by AIM's "shock troops of Indian sovereignty" well before

<sup>&</sup>lt;sup>78</sup> The passage quoted is from "Tension Rises in Wake of Death at Sioux Camp." On "white vigilante landowners... planning a violent confrontation," see Means with Wolf 1995: 426 (on state and federal threats, see 417-18, 422-23, 435).

<sup>&</sup>lt;sup>79</sup> Ibid.: 435. Means errs in observing that the NoI's Minister Louis Farrakhan was also present. Carmichael/ Ture did arrange for Farrakhan to visit the camp, but it was several months later. In any case, see the photo published by the *Rapid City Journal* on October 1, 1982, showing Carmichael/Ture and Means at the head of the September 30 march (available at http://rapidcityjournal.com/russell-means-file-jpg/image\_c2b9a1fa-fcde-5943-857d-11b1c3cc9443.html).

<sup>&</sup>lt;sup>80</sup> See "The Gary Declaration: Black Politics at the Crossroads" (March 1972; available at http:// www.black-past.org/primary/gary-declaration-national-black-political-convention-1972). Apart from the delegates, several thousand others attending the convention overwhelmingly endorsed the declaration. Marable 1984: 137.

<sup>&</sup>lt;sup>81</sup> Harding 1980: 216-17.

<sup>&</sup>lt;sup>82</sup> This is as compared to the hundred or more who'd attended a similar meeting in 1968. Joseph 2014: 296-97.

<sup>&</sup>lt;sup>83</sup> Smith and Warrior 1996: 269-79. Also see Matthiessen 1991: 85-87.

Wounded Knee,<sup>84</sup> Gerald Wilkinson (Cherokee), director of the increasingly "moderate" Youth Council after 1969, offered a similar assessment while attributing the movement's swift decline to its having become "terribly anti-intellectual."<sup>85</sup>

In both cases, the dating may be somewhat premature. Political theorist Harold Cruse, for instance, contended that the "betrayal of the Black militant potential built up during the Sixties" through a generalized "retreat from the field of political battle" was consummated during 1974 convention of the National Black Political Assembly in Little Rock.<sup>86</sup> Similarly, AIM's international treaty council on the Standing Rock Reservation was convened a full year after White Oak and was very heavily attended. Nonetheless, it's fair to say that as the Long Sixties drew to a close in 1975, the transformative objectives and confrontational mode of pursuing them that had propelled the Black and red liberation movements over the preceding decade were no longer ascendant, embraced only by a greatly reduced and steadily dwindling range of dissidents.<sup>87</sup>

A variety of factors figured in the movements' rapid decline. For starters, the essentially spontaneous ghetto revolts that had both backdropped and lent potency to the late SNCC/early Panther style of politics from the outset had run their course by 1970,<sup>88</sup> an outcome facilitated by a series of cynically coöptive governmental concessions like the 1968 Fair Housing Act that conned a large sector of the African American public—and others as well—into believing that the system was actually "getting better."<sup>89</sup> Similarly, the withdrawal of the last U.S. combat troops from Vietnam in 1973, and near-simultaneous ending of the draft, eliminated a second source of mass

<sup>&</sup>lt;sup>84</sup> The "shock troops" quote is from Oglala Lakota AIM member Birgil Kills Straight and appeared in a mimeographed circular distributed by the Oglala Sioux Civil Rights Organization (OSCRO) during the Siege of Wounded Knee. Quoted in Banks, 2011, 58. On the brief alliance between AIM and the NIYC during the early '70s, the split between the two, and the NIYC's increasing moderation, see Shreve 2014: 191-201.

<sup>&</sup>lt;sup>85</sup> Wilkinson, "The Indian 'Red Power' Movement," quoted in Smith and Warrior 1996: 275.

<sup>&</sup>lt;sup>86</sup> Cruse 1974: 13. The NBPA itself was formed during the Gary Convention, however.

<sup>&</sup>lt;sup>87</sup> For a good overview of how this evolved, both during the period at issue and thereafter, see Johnson 2017.

<sup>&</sup>lt;sup>88</sup> While there was considerable variation in their scale, intensity, and duration, several hundred such uprisings occurred between 1965 and 1970—159 during the "long hot summer" of 1967 alone—mostly in northern cities. The reasons invariably centered upon endemic police violence and dispensation of unequal justice by the courts, structural impoverishment and squalid living conditions, lack of educational opportunity, and deplorable medical facilities. See generally, Horne 1995; Risen 2009; and MacLaughlin 2014.

<sup>&</sup>lt;sup>89</sup> The Fair Housing Act (42 U.S.C. 3601-3619), which had been fiercely resisted by congressional conservatives since 1965, was finally passed—in much-diluted form—as Title VII of the Civil Rights Act of 1968 (82 Stat. 73), immediately following the assassination of Martin Luther King, Jr. Much heralded as a mechanism that would finally end the extreme segregation of Chicago and most other northern cities, it was virtually unenforceable as written. Hence, for the next two years, the Federal Housing Administration (FHA) simply ignored its obligation to ensure mortgages to African Americans seeking to move into "whites only" parts of the cities and had yet to fully comply with the law a decade later. If anything, its policy remained, as it had always been, to *reinforce* segregation. See Massey and Denton 1993: 191-205; Rothstein 2017.

discontent and consequent sociopolitical instability.<sup>90</sup> Thus, by 1975 the "cracks in the empire" that had first appeared in early 1968,<sup>91</sup> leading Cruse to contend that "the enemy was floundering with its flanks exposed," were closing fast.<sup>92</sup>

To succeed, the Black, Red, and other liberation movements would necessarily have had to adjust to the demands of a protracted struggle, a prospect holding far less popular appeal than that of imminent victory.<sup>93</sup> The movements' attractiveness to potential recruits, and often to those actively involved, was further diminished by fear. The hammer blows of state repression had by all accounts much to do with the dissipation of liberatory spearheads like the BPP and AIM; hundreds of committed activists and key organizers were killed, imprisoned, or otherwise "neutralized" by the FBI and collaborating police agencies between 1967 and 1975, while *agents provocateurs* were systematically employed to exacerbate intra- and intergroup tensions<sup>94</sup> and relentless propaganda campaigns were mounted to discredit targeted organizations and individuals, thereby eroding their base of popular support.<sup>95</sup>

Such harsh realities precipitated what even so accommodationist a commentator as Todd Gitlin has aptly described as a wholesale "failure of nerve" and consequent "liberal turn" by the

<sup>91</sup> See Joseph 1981.

<sup>92</sup> Cruse 1974: 13.

<sup>&</sup>lt;sup>90</sup> The rapidity with which the huge—and predominantly white—antiwar movement evaporated once American ground forces were withdrawn and, perhaps more importantly, the risk of conscription eliminated, is little short of miraculous. Although the U.S. continued its intensive bombing of Vietnam, both North and South, and sustained its client régime via massive infusions of military aid, thereby extending the war and the ever-mounting toll in Vietnamese lives until 1975, the last largescale antiwar demonstration in the U.S. was in May 1971; it drew 35,000 participants, as opposed to the half-million or more who turned out for the November 1969 Moratorium protest in Washington, D.C. It is a testament to the self-absorbed mindset of "mainstream America," including all too many antiwar activists, that, while well over 3 million Vietnamese were killed and only 58,000 U.S. personnel, the war is commonly and, in all seriousness, characterized as having been "an *American* ordeal." See, e.g., Chatfield 1990.

<sup>&</sup>lt;sup>93</sup> In fairness, it should be noted that this was what the "new communist movement" of the '70s was trying to accomplish, albeit in a hopelessly self-defeating manner. See, e.g., Elbaum 2002.

<sup>&</sup>lt;sup>94</sup> There is a considerable literature on the methods involved and their effects. See, as examples, Churchill and Vander Wall 2002a and 2002b. Also see Churchill 2001; Boykoff 2006; and Greenberg 2010.

<sup>&</sup>lt;sup>95</sup> Unfortunately, as with Huey Newton's conversion of what remained of the BPP into a criminal enterprise during the latter '70s, movement luminaries sometimes conducted themselves in a manner providing *post hoc* validation, or its appearance, of the propagandists' earlier smears. A similar phenomenon occurred in AIM, as the Bellecourt brothers converted their Minneapolis chapter—which they claimed held authority over the movement as a whole—into a combination extortion racket/drug distribution ring. In 1986, Clyde Bellecourt was finally arrested on 9 counts of drug peddling and conspiracy, ultimately entering into an agreement to plead guilty on a single count of selling 5,000 hits of LSD in exchange for the dropping of eight heavier counts of conspiracy and dealing cocaine. Curiously, at the height of Reagan's "war on drugs," he was sentenced to only five years, serving less than two before being released to resume his role as a "top AIM leader" (a position he still purports to hold). On the drug bust, see Furst 1986; and Vizenor 1994: 157-59. On extortion and related activities, see, e.g., Geshick 1984. On Newton see note 141, above; and Pearson 1994.

radical left.<sup>96</sup> While many sought the safety of a headlong retreat into increasingly esoteric—and thus politically irrelevant—domains of intellectuality,<sup>97</sup> purporting to ever greater degrees of radicalism while restricting their engagement to the fighting of endless intellectual "culture wars" from academic stations,<sup>98</sup> a few successfully rechanneled their politics into artistic expression.<sup>99</sup> Most, however, secured a place under the protective umbrella of state sanction by simply withdrawing from "subversive" modes of activism and championing the notion that "people's power" could be attained *only* within the electoral arena, and that improved conditions for communities of color were necessarily contingent upon—but would necessarily accrue from—success therein.<sup>100</sup>

If the realization of Black Power is to be measured purely in terms of electing African American officials, for example, the so-called liberal turn was remarkably successful. Between 1970 and 1975, their number more than tripled, including eighteen members of Congress, 281 state legislators, and 135 mayors.<sup>101</sup> By the early '80s, the number had surged even more dramatically, with black mayors installed in such major cities as Los Angeles, Detroit, Newark, Atlanta, Birmingham, Gary, Cleveland, Oakland, Memphis, New Orleans, Washington, D.D., and even Chicago.<sup>102</sup> As Baltimore was added to the growing list of Black mayoralties in 1984, the Chicago-based former SCLC official Jesse Jackson, despite his history of conflict with the local Panther leader during the

<sup>98</sup> See Hunter 1992; Brennan 2006; and Hartman 2015.

<sup>&</sup>lt;sup>96</sup> According to Gitlin, an early president of SDS and himself always very much a liberal, the beginnings of the failure and resulting "turn" were discernable as early as 1965. See Gitlin 1980: 106-7.

<sup>&</sup>lt;sup>97</sup> This is the period, which has been aptly described not only as a "retreat into theory," but as a "retreat into academia," during which the various "posts"—i.e., postcolonialism, postMarxism, poststructuralism, postmodernism, and so on—came abruptly into vogue, each purporting to be at the cutting edge of radical analysis while offering no basis for concrete action. Again, there is a considerable literature critiquing the phenomenon (much of it written in the same impenetrable manner as the material critiqued). For a few of the more cogent and accessible, see Ahmad 1992; Eagleton 1996; Dirlik 1997; and Ludovisi 2016.

<sup>&</sup>lt;sup>99</sup> Examples include AIM/IITC's Jimmie Durham, who's emerged an internationally acclaimed "post-American" conceptual artist over the past 30 years, focusing largely on the issues of indigenous colonization and erasure, and AIM's John Trudell, who, pursuing variations on the same themes as Durham, fashioned a unique style of musically accompanied spoken word performance and a remarkable career as a recording artist. See Ellegood 2017; and Rae 2010.

<sup>&</sup>lt;sup>100</sup> This is not to say that electoral politics had not figured in the Black Power agenda from the outset. Voter registration, after all, was SNCC's principle focus all along, and it was instrumental in founding both the Mississippi Freedom Democratic Party in 1963 and the Lowndes County Freedom Organization in 1965. The point, however, was never that voting and electing officials should become the be all, end all objective. Rather, it was to empower the disenfranchised by proving that, collectively, they possessed the capacity to assert and exercise their rights—irrespective of official and quasi-official opposition—while concomitantly demonstrating the limits of what could be attained through the electoral process alone. This, to borrow from Marcuse, was conceived as the means of establishing "the Archimedean point for a larger emancipation." See Carmichael and Hamilton 1967: 86-120; Jeffries 2009: 143-206; Marcuse 1965: 111.

<sup>&</sup>lt;sup>101</sup> The totals were 994 in March 1969 and 2,969 in May 1975. Marable 1984: 134.

<sup>&</sup>lt;sup>102</sup> See O'Laughlin 1980; Marable 2007: 182.

late '60s,<sup>103</sup> not only appropriated but *copyrighted* Fred Hampton's term "Rainbow Coalition" as the name of his campaign organization in a bid to win the Democratic presidential nomination.<sup>104</sup> The effort, repeated in 1988, failed on both occasions, but propelled the reformist version of "Black power politics" into the big leagues.<sup>105</sup> By January 1990, the number of Black elected officials in the U.S. had risen to 7,335,<sup>106</sup> a near-750 percent increase over the number holding office twenty years earlier and has continued to climb steadily ever since.<sup>107</sup> Thousands of others had been appointed to governmental positions, or brought aboard as staff to deliver a host of federal, state, and municipal programs.<sup>108</sup> In many locales, a "Black political infrastructure" of the sort envisioned during the Gary convention had been created.<sup>109</sup> Theoretically, such increased representation in the system was supposed to have translated into improvements in the socioeconomic conditions suffered by Black people overall, or so proponents had argued (and still do).

The proof, however, is in the pudding. While there had in fact been tangible gains made by African Americans between 1965 and 1973—i.e., the period in which Black Power was pursued for purposes of decolonization rather than as a buy-in to the existing order—with the median annual income of African American men rising from \$8,700 at the outset to \$11,550 in the latter year.<sup>110</sup> From the point of the self-coöptive shift to the latter posture, *circa* 1973-75, a steady rollback of these gains commenced; by 1975, the median had declined to \$10,511, and to \$9,493 by 1982.<sup>111</sup> Much of this is attributable to the impacts of automation and the "offshoring" of factory jobs—especially

<sup>104</sup> While veterans of the original Rainbow Coalition, former Chicago Panthers in particular, rightly resented Jackson's copywriting of the term as if he'd coined it, the utility of his doing so was revealed in 1988, when Lenora Fulani, front woman for the crypto-fascist New Alliance Party (NAP) founded in 1979 by "social therapist" Fred Newman (an understudy to self-proclaimed fascist Lyndon LaRouche), sought to pass off her own presidential campaign as a progressive "Rainbow Alliance." When the nature of the fraud was exposed in the *Jackson Advocate*, Mississippi's only black newspaper, Newman filed a million-dollar SLAP suit against the paper in an unsuccessful effort to bankrupt it. Appearing as a witness testifying to the "integrity" of both Fulani and the Alliance was none other than self-anointed "National AIM Director" Vernon Bellecourt, who admitted under cross-examination that he'd been paid \$30,000 to do so. With the NAP *cum* "Alliance" thus thoroughly discredited—albeit Fulani ran again as the NAP candidate in 1992—she and Newman sought to take control of "populist" billionaire H. Ross Perot's Reform Party in 1994, an effort that was ongoing in 2000, when she briefly endorsed the Party's presidential candidate, white supremacist "paleoconservative" Pat Buchanan. See Berlet 1987; Serrette 1988; Gurley 1999; and Janofsky 2000.

<sup>105</sup> See Johnson 2017: 212-14.

<sup>106</sup> U.S. Bureau of the Census 1992; U.S. Bureau of the Census 2011.

<sup>107</sup> See Brown-Dean et al. 2015.

<sup>108</sup> As concerns the federal sector alone, by "the late 1980s and early 1990s, some 240,000 blacks [had] found places...in white collar and managerial positions." Zelnick 1996: 41.

<sup>109</sup> In some places, this was nothing new. In Harlem, for example, it had been actualized during the 1930s. See King 2017: 4-5.

<sup>110</sup> The calculations were made in 1982 dollars. See U.S. Bureau of the Census, 1984.

<sup>111</sup> Ibid.

<sup>&</sup>lt;sup>103</sup> Jackson and his Operation PUSH were never part of the original Coalition. To the contrary, "The Rev" displayed a noticeable antipathy, both to Hampton personally, and to the Panthers more generally. Such feelings were mutual. See Williams 2013: 198-204.

as a result Bill Clinton's neoliberal trade policies—in eliminating slots that growing numbers of Black workers had filled during the Long Sixties.<sup>112</sup> Those who'd secured "white collar jobs" in the federal bureaucracy fared little better under Clinton's "reinventing government" initiative during the '90s.<sup>113</sup>

The process has now spanned entire generation and is well into a second: as of 2015 despite the number of Black elected officials having risen to nearly 10,000, including two U.S. senators and forty-four representatives, well over six hundred state legislators, mayoralties in thirty-nine of the hundred largest cities, and the presidency itself<sup>114</sup> — the latter widely heralded as marking the dawn of a "post-racial era in America"<sup>115</sup> — the unemployment rate of African Americans was officially double that of whites,<sup>116</sup> the annual income of those with jobs barely two-thirds that of their white counterparts, the median wealth possessed by black families only six percent that of whites.<sup>117</sup> A year later, near the expiration of Barack Obama's second term as president, the UN Human Rights Commission's Working Group of Experts on People of African

<sup>112</sup> Although the process began in the mid-70s, it accelerated dramatically after Bill Clinton, promising that it would create "a million new jobs" in the U.S. over the coming decade, signed the North American Free Trade Agreement (NAFTA) in 1993. Instead, well over a million jobs were *lost* during the first decade. The bulk of these were "high-end manufacturing jobs [in the] auto, electronics, appliance, heavy equipment," and similar industries, as U.S. corporations found it more profitable to close unionized domestic plants and build new non-union facilities in Mexico in order to cut labor costs (a unionized worker in the U.S. is typically paid more per hour than his/her Mexican counterpart receives *per day*). By 2017, an estimated 4.5 million U.S. manufacturing jobs had been lost to NAFTA in combination with U.S. entry into the World Trade Organization (WTO), engineered by Clinton in 1995. Some displaced U.S. factory workers have been rehired, but only by accepting pay-cuts often exceeding 20 percent. Most others have been able to find employment only in the "food service industry" or the "leisure and hospitality sector" at half the average hourly rate they had previously earned. In sum, "companies' profits exploded" under Clinton, while "U.S. workers lost jobs and faced declining wages," black workers disproportionately so. During the Clinton "boom" of the late '90s, "the lowest rates [of unemployment] for whites and blacks were 3.5 percent and 7.6 percent, respectively." See White 2012; Wilson 2015; Faux 2013; and Public Citizen's Global Trade Watch 2018. Also see Carnoy 1994.

<sup>113</sup> Clinton slated 140,000 federal positions—disproportionately those held by African Americans—for elimination. It will be recalled that Clinton's "liberal" candidacy was strongly endorsed by the Black political establishment and was overwhelmingly supported by Black voters, so much that the celebrated writer Toni Morrison would even describe him as "the first Black president." See Zelnick 1996: 41; Morrison 1998.

<sup>114</sup> Apart from legislators, there were upwards of 6,000 others at the state level. See Brown-Dean et al. 2015; Stephanopoulis 2015.

<sup>115</sup> See Wise 2009; Kaplan 2011.

<sup>116</sup> As of December 2014, the overall U.S. unemployment rate was officially 5.6 percent, while that of African Americans was 10.4 percent. Black unemployment remained twice that of whites in 2019. See Wilson 2015; Wilson 2019.

<sup>117</sup> White families averaged \$50,400 annual income; Black families \$32,038. The median white family wealth was \$111,146, that of Black families only \$7,113. It's worth noting that the data for Latino families were only marginally better than those for African Americans: \$36,840 annual income and \$8,348 in accumulated wealth. Data on American Indian and Asian-descended families was not reported. See Shin 2015; and Stephanopoulis 2015.

Descent issued a "scathing report" on the persistence of structural racism in the U.S., a matter evidenced by the ongoing denial of fundamental rights to its Afro-descended citizens.<sup>118</sup>

While the particulars are different, the story for American Indians has been much the same. The dissipation of explicitly anticolonial Red Power militancy during the late '70s gave traction to a coöptive strategy adopted by Richard Nixon earlier in the decade.<sup>119</sup> Therein, the "tribal council" system imposed through the 1934 Indian Reorganization Act would be integrated into the federal government, essentially as its "third level,"<sup>120</sup> and vested with a radically redefined—which is to say, circumscribed—form of self-determination under U.S. domestic law.<sup>121</sup> Under the 1975 Indian Self-Determination and Education Act (88 Stat. 2203), codifying his policy after Nixon was forced from office, the "duly elected governments" of colonized indigenous nations not only remained subject to the plenary authority of their settler-state colonizer, but were tasked with implementing its policies.<sup>122</sup> Unfortunately, there was no shortage of "Vichy Indians" eager to accept the role of

<sup>&</sup>lt;sup>118</sup> See Norton 2016. The Working Group was established by the Commission's Resolution 2002/68, following the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, South Africa. Its mandate to investigate and report on the situations of diasporic African populations in various countries was renewed in 2011. On the Durban conference, see Mann, 2002; On the Working Group, see UN Commission on Human Rights, undated.

<sup>&</sup>lt;sup>119</sup> Nixon's ploy, given voice in his July 1970 special message to Congress and implemented under the American Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203), was to preempt the growing demand for self-determination from "Red Power militants" by announcing his own "self-determination policy." While the latter amounted to little more than an "expedit[ed] transfer of the administration of federal programs that benefit Indian people to Indian tribal governments," it greatly confused the issue. See Nixon 1970: 564-66; and Strommer and Osborne 2014-2015: 17n93 18-19. Also see Forbes 1972; and Kotloski 2003.

<sup>&</sup>lt;sup>120</sup> The term in quotes was in vogue during the early-to-mid-90s. Although it is not it's not used therein, its implications are elucidated rather well in Corntassel and Witmer 2008.

<sup>&</sup>lt;sup>121</sup> Per the 1975 Act, "Congress retained plenary control over Indian affairs" while the BIA and various federal departments/agencies were charged with receiving applications from individual IRA councils to run service delivery programs on their reservations ranging from education and health care to policing. Such applications as were approved—federal authorities retained the prerogative of declining them on multiple grounds—resulted in service delivery contracts negotiated to federal specifications, subject to agency regulation and oversight (thus spawning a federal "contract monitoring bureaucracy"). While a "demonstration project" was undertaken between 1988 and 1994 allowing twenty councils to operate with a greater latitude—such authority was extended to all councils thereafter—it remains the case that, at most, "tribes are treated as federal agencies." Hence, the description of them functioning as a "third level" of the colonizing government. See Strommer and Osborne 2014-2015: 17, 23n134, 25, 30, 32-34. Also see Wilson 2012.

<sup>&</sup>lt;sup>122</sup> "It must be emphasized that tribes are operating federal programs and carrying out federal responsibilities when they operate self-determination contracts" because "tribes and tribal organizations step into the shoes of the federal government when they assume responsibilities under the [1975 Act]." Strommer and Osborne 2014-2015: 25n157. Also see Delaney 2017.

comprador,<sup>123</sup> many of them declaring "victory" in the process.<sup>124</sup>

It was a peculiar sort of triumph. After briefly improving during the Red Power era, conditions for American Indians actually deteriorated in many locales. Between 1969 and 1979, the percentage of reservation-based Indian families living below the official poverty line declined from fifty-seven to forty-three, then returned to over fifty percent by 1989.<sup>125</sup> In the latter year, per capita income on all 334 reservations averaged \$4,478; on Navajo, the most mineral-rich and heavily mined, it was only \$3,735, and the familial poverty rate was nearly sixty percent.<sup>126</sup> Since 2010, the rate of "extreme poverty" on reservations—i.e., incomes of less than \$3,000 per year—has run six times the U.S. national average; on the San Carlos Apache Reservation, also in Arizona, one in four people try to subsist on that pittance; on the Tohono O'odam Reservation, also in Arizona, and Pine Ridge, one in five are forced to do the same.<sup>127</sup> The town of Allen, on Pine Ridge, was the country's very poorest, with a per capita annual income of \$1,539, while the poorest county,

<sup>&</sup>lt;sup>123</sup> The term "Vichy Indians"—an obvious reference to the puppet government established by the Nazis in France during the German occupation of World War II—is attributed to Russell Means, referring to those not only acquiescing in but actively collaborating in the U.S. exercise of plenary power over "Indian Affairs." See Atwood 2004. On the Vichy French example, see Burrin 1997.

<sup>&</sup>lt;sup>124</sup> A prime example is Peter MacDonald (Hashkasilt Begay)—known as "MacDollar" to his opponents—who, running on a "sovereignty" platform, was elected chair of the Navajo Nation in 1970, thereafter making common cause with Nixon-even joining the president's reëlection committee (CREEP) in 1972-and contributing significantly to formulation of his Indian policy. Declaring the 1975 Self-Determination Act a "decisive win for Indians," MacDonald immediately embarked on a policy of accelerating extraction of energy resourcesespecially uranium and coal-found in abundance on his reservation and cofounding the twenty-four-member Council of Energy Resource Tribes (CERT, the so-called "Indian OPEC"). While such initiatives were welcomed by U.S. energy corporations-which profited immensely-and strategic planners, the results were devastating for Navajos, both environmentally and culturally, doing virtually nothing to improve their material circumstances. Meanwhile, by 1979, MacDonald had accustomed himself to life as an "energy baron...with a closely guarded home, a private jet at the ready," chauffeured limos, personal bodyguards, and a well-compensated circle of loyalists ensuring his continuation as tribal chair. He eventually ran squarely up against the limits of the Nixonian version of Indian "sovereignty" when hubris led him to try and flex his muscles vis-à-vis the Republican establishment. In 1989, he was suspended from office, charged with 107 counts of fraud-i.e., accepting bribes, kickbacks, and illegal campaign contributions-and was convicted of 41 of them in tribal court and sentenced to six years imprisonment. In 1991, he was also convicted on federal conspiracy and racketeering charges, serving 10 years in prison before Bill Clinton commuted the balance of his sentence in January 2001. See Demaret 1979; AP 1991; AP 1992; and Vanderpool 2001. On CERT, see Deloria 1982; and LaDuke 2002b. <sup>125</sup> See Trosper 1996: 172. Also see U.S. Census Bureau 2000; Harvard Project 2007: 238-9.

<sup>&</sup>lt;sup>126</sup> Conditions on Navajo were by no means the worst. "Papago [Tohono O'odam] and Pine Ridge had the lowest incomes of about \$3,100." On both reservations, as well as Gila River and San Carlos, at least "2 in 3 persons...were in poverty." The Rosebud reservation, with a poverty rate of 60.4 percent, was not far behind. "The Hopi, Blackfeet, Zuni Pueblo, and Fort Apache Reservations had the *lowest* percentages of American Indians in poverty, about 50 percent [emphasis added]." See U.S. Census Bureau 1993: 10.

<sup>&</sup>lt;sup>127</sup> Cook, 2012. It should be noted that the incomes of upwards of a quarter of all Indians residing on reservations were still living below the "normal" poverty threshold in 2014. Krogstad 2014.

Buffalo, was on the nearby Crow Creek Reservation.<sup>128</sup>

The effects of such impoverishment are amply reflected in health data. Overall, American Indian life expectancy in 2016 was twenty years less than the U.S. average for both men and women, a matter accounted for by chronic and often severe malnutrition, lack of sanitation and water purification, grossly inadequate housing, infant mortality, suicide, and rates of death from readily preventable/treatable diseases running far higher than that of the "general population."<sup>129</sup> On Pine Ridge, where unemployment rates have hovered between eighty and ninety percent for decades, the rates of diabetes and tuberculosis are eight times the national average, that of cervical cancer five times, and life expectancy — forty-eight years for men, fifty-two for women — is "the second [shortest] in the western hemisphere, behind only the Caribbean country of Haiti."<sup>130</sup>

Notwithstanding this veritable mountain of evidence to the contrary, a bevy of settler scholars, together with a disturbing number of their "responsible" Indian counterparts, have queued up to herald the by now much-amended Nixonian notion of indigenous rights—eventually dubbed "internal self-determination"<sup>131</sup> — pronouncing it to be "a policy that works."<sup>132</sup> So much so, it seems, that the U.S. has contrived to inject its "model" into international law via the 2007 UN Declaration on the Rights of Indigenous Peoples, Article 4 of which limits their "exercise" of self-determining prerogatives to "autonomy" and "self-government in matters relating [solely] to internal and local affairs" *within* — and under the overarching authority of — whichever state(s) have colonized them, while Article 46 further precludes their independence by guaranteeing the

<sup>&</sup>lt;sup>128</sup> See Hetland 2002; and Ojibwa 2012.

<sup>&</sup>lt;sup>129</sup> Whitney, 2017 (observing in addition that during the final year of the Obama era, the per capita allocation for American Indian health care was \$1,297, as compared to "\$6,973 per inmate in the federal prison system"). None of this was/is nothing new, of course. See, e.g., the more detailed delineation of adverse conditions and effects in Strickland 1997: 53.

<sup>&</sup>lt;sup>130</sup> Strickland 2016.

<sup>&</sup>lt;sup>131</sup> As was discussed in note 211, the U.S. spent 20 years preventing the UN's use of the word "peoples" when referring to indigenous peoples precisely *because* "all peoples" are imbued with an inherent right of self-determination under international law. Finally, in January 2001, the U.S. announced that it would "support use of the term 'internal self-determination' in both the UN and [Organization of American States] Declarations of Indigenous Rights," going on to explain that the term was consistent with its own domestic law in that it "does not include the right to independence or permanent sovereignty over natural resources" and thus "not necessarily synonymous with more general understandings of self-determination under international law." See Appendix D in Churchill 2003: language quoted at 428-29.

<sup>&</sup>lt;sup>132</sup> For the phrase quoted, see Cornell and Kalt 2010. For an additional sample of the literature in the same vein, see Wilkinson 2006; Castille 2006; Jorgensen 2007; Harvard Project on American Indian Economic Development 2007; Trahant 2010; Harris 2011; Kessler-Mata 2017. A particular emphasis is placed by some analysts upon the imagined "economic miracle" wrought by casino gambling operations on over a hundred reservations (effects that are both exaggerated and, in any case, relevant only to the roughly forty such endeavors that have met expectations). See, e.g., Meister, Rand, and Light 2009.

"territorial integrity" of the colonizing states within which they are encapsulated.<sup>133</sup>

Bluntly stated, internal colonialism has, in a semantic maneuver worthy of Orwell, been repackaged, legitimated, and globalized under the rubric of self-determination.<sup>134</sup> It's difficult to imagine a more wretched outcome of the process so hopefully inaugurated by the Indian Summer in Geneva thirty years before, or for those who struggled throughout the intervening decades to accomplish the opposite result. As things stand, however, the Red Power insurgency that lent credibility to the effort to "take the treaties before the community of nations" is now a fading memory, and even the IITC—having long since expelled the "militants" who organized and propelled it—has degenerated into little more than just another clique of NGO "professionals" plying the collaborationist trade.

<sup>&</sup>lt;sup>133</sup> United Nations Declaration on the Rights of Indigenous Peoples (A/61/L.67 and Add. 1; 61/295, Sept. 13, 2007). Despite these provisions, and others obliging states parties only to "consult in good faith" with indigenous peoples before implementing policies directly affecting them (e.g., mining their land or utilizing it for military purposes) the U.S. balked at signing off. When it finally did so on December 10, it was the last hold-out among UN member-states. See Morris 2011

<sup>&</sup>lt;sup>134</sup> See Churchill 2011; Moreton-Robinson 2011.

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