

American Indian Law Review

Volume 22 | Number 2

1-1-1998

Plastic Indians, Nazis, and Genocide: A Perspective on America's Treatment of Indian Nations

David M. Osterfeld

Follow this and additional works at: <https://digitalcommons.law.ou.edu/air>



Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

David M. Osterfeld, *Plastic Indians, Nazis, and Genocide: A Perspective on America's Treatment of Indian Nations*, 22 *AM. INDIAN L. REV.* 623 (1998),
<https://digitalcommons.law.ou.edu/air/vol22/iss2/12>

This Book Review is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian Law Review by an authorized editor of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

BOOK REVIEW

PLASTIC INDIANS, NAZIS, AND GENOCIDE: A PERSPECTIVE ON AMERICA'S TREATMENT OF INDIAN NATIONS

David M. Osterfeld*

Ward Churchill, *Indians are Us? Culture and Genocide in Native North America*, Common Courage Press, 1994 \$14.95

Sizzling the moisture laden air, the hot summer sun creates a sticky incumbrance on human skin. As the wind whistles through the drooping power lines which plague the reservation like a swarm of locusts, damp creosote and sagebrush mix, providing a beautiful aroma and caress to everything encountered. Although the wind is heavy with the sweet smell of rain, storms remain out of sight.

This land is a sacred land, tucked into the Third Mesa of the Hopi reservation in Arizona, and home to the voice of elders resting within its womb. Few white men visit, not only because of the hot, rugged, barren terrain, but also because this land is not completely open to tourists or visitors.

However, in the distance, a faint cadence stirs the hawks upon the power lines into flight, sending a message to all that something is coming. Straining through the sunlight, one sees a glint in the far distance and begins to hear the cadence strengthen in tenor.

As the cadence nears, its source is obvious. In fact, too obvious. With the flip-flop of sandals trudging astride a dime store pony, a pudgy man, of obvious European descent, chants incoherently while beating a freshly tanned hide drum with an unscathed, shiny mallet replete with colorful chicken feathers and plastic beads. Crowning his white pompadour is a headband with obligatory feather attached; while the turquoise bolo tie, beads and bracelet juxtaposed against his tailored tweeds scare even the hungry horse flies away. As this man parades himself about the sacred ground, several other white males, replete in their own "genuine" Indian trappings, attempt to follow the man, as if learning a ballet number in steel toed boots.

As this spectacle continues, the Earth rumbles with the voices of Chiefs and Elders. "How could a human being be so insensitive as to walk upon sacred ground. Why are we disturbed by an eyesore such as this?" the voices rumble into the sky. The wind answers, "The source of your disturbance is new-age respect for Indigenous cultures."

*Third-year student, University of Oklahoma College of Law.

With this image as the front cover of *Indians Are Us? Culture and Genocide in Native North America*,¹ Ward Churchill leads his reader into fifteen essays and one poem focused upon the difference between Indian and European cultures. As a result of cultural differences and European dominance, Churchill tells the reader that Indians have and continue to have their own holocaust, both physical and cultural, at the hands of euro-americans — from Columbus to the modern federal government.

In an effort to paint a clear picture of *Indians Are Us?*, this review will present a brief summary of several essays and a poem, chronologically, as they appear in the book. Although this review is meant to encapsulate the content and message of *Indians Are Us?*, nothing can substitute for personal conclusions derived after one completely reads this work.

"He Burnt" (p. 10)

Churchill sets the tone of *Indians Are Us?* with *He Burnt*, (p. 10) a poem by Chrystos (Menominee), which vividly shows the effect someone's disrespect for different cultures can have. For example, Chrystos writes, ". . . I know the nazis won/ as the slaveowners have/ We see the evidence of their victories/ in every morning's paper burning with a stench/ that fills our lives . . ." (p. 10)

Comparing the nazi Holocaust, slavery, and modern culturally degrading activities such as cross burning and swastikas, Chrystos shows not only that discrimination has occurred in the past, but it continues to burn its way through modern American society. Additionally, Chrystos lets the reader discover that discrimination and cultural genocide not only have an obvious, immediate impact upon their victims, but also a lasting one.

For example, Chrystos creates an image of a burning swastika placed on the front lawn of a Jewish female, and writes, "burning through the sod Cries of burning bodies/ children whose hollow eyes are caught briefly in old newspaper photographs being loaded to die/ . . . Always the grass will have a faint trace unless it is entirely dug up and replanted/ Every morning as her children go to school/ she glances there with a burning shudder/ putting sandwiches in bags." (p. 10) Chrystos artfully blends historical atrocities and discrimination against Jews with this modern act of racism and cultural disrespect, illustrating the blurred edges between nazi exploitation and cultural degradation of Jews versus modern acts of cultural disrespect. Thus, it is of little surprise that Churchill picked this image and poem to provide an overview of the essays to come.

1. Common Courage Press (Monroe, Maine) 1994 [hereinafter *Indians Are Us?*].

"Bringing the Law Home" (p. 11)

In an effort to encourage a Denver federal court to drop three charges² emanating from a protest of Denver's Columbus Day celebration, Churchill and others³ requested the court and jury to consider America's history of cultural genocide of the Indian in relation to the penalties and court proceedings the United Nations (the United States included) brought against nazis. For example, Churchill compares the following German and American events/policies:

- 1.) The Trail of Tears, where the United States government forced the Cherokee nation on a brutal march to lands West of the Mississippi River, as the model for Hitler's Lebensraumpolitik (the effort to conquer Europe for German expansion). (pp. 28 & 36).
- 2.) Compulsory transfer of Indian children from their families to euroamerican families and the sterilization of Indian women, compared to Germany's general goal of cultural genocide and medical experimentation. (p. 39).

Churchill sharply points out the United States' apparent indifference to its purported position against genocide, when he discusses the United Nations' Convention on Punishment and Prevention of the Crime of Genocide of 1947.⁴ Article II of this convention specifies five categories which the United Nations will consider genocidal; including 1.) deliberately inflicting conditions of life intended to bring about the destruction of a race, and 2.) forcibly transferring children from the group to another group. (p. 14).

However, instead of ratifying the Genocide Convention, like many of the participants of the convention, the United States stalled its endorsement, believing the convention would find many current federal policies genocidal, especially those dealing with minority populations. (p. 16) Specifically, Churchill points to the involuntary sterilization programs the federal government managed for Indian women, and the forced transfer of Indian children from their natural parents to euroamerican families and boarding schools. (p. 16).

When the United States finally did adopt the Genocide Convention standards through the Genocide Convention Implementation Act of 1988, Churchill explains, the Senate sought to exempt the United States from its impact. For example, Article I (2) of the 1988 act states that nothing within

2. Refusing to obey a lawful police order, obstructing a public thoroughfare, and disturbing the peace. (p. 11).

3. Russell Means, Glenn T. Morris, and Cahuilla Red Elk (Margaret Martinez).

4. UN GOAR Res. 260A (III) 9 December 1948; effective 21 January 1951.

the Genocide Convention treaty will prohibit the Constitution as interpreted by the United States. (p. 17).

However, as Churchill shows through Article 27 of the Geneva Convention, "no country can invoke the provisions of its internal law as a reason for not abiding by a treaty obligation." (p. 19). Therefore, Churchill concludes, the Genocide Convention treaty is binding on the United States. (p. 20) In fact, Churchill shows the hypocrisy of the Genocide Convention Implementation Act of 1988 through the United States' application of international law against Germany during the Nuremberg trials, despite the lack of Germany's codification and recognition of these laws. (p. 21).

With the stage set recognizing the United States' disregard for international genocide law, Churchill takes the reader back in time to the arrival of Christopher Columbus, the Spanish Conquistadors and the pioneers seeking Westward expansion. Not only did millions of Indians perish at the hands of Columbus, the Spanish and pioneers; they were plagued with diseases intentionally loosed upon them, tortured by domestic animals, disemboweled, roasted on pits, scalped for state sanctioned bounty, and forced to walk thousands of miles in inhumane conditions. (pp. 28-38).

In consideration of the above listed atrocities, Churchill objects to Columbus Day and any recognition of "the genocide of American Indians initiated by Christopher Columbus and carried on with increasing ferocity by his successors." (p. 42). If America will not listen, then why not have an Adolf Hitler day, poses Churchill. (p. 28). Why let a few "genocidal by-products" of Hitler's bona fide accomplishments, such as rocket telemetry and the foundation for genetic engineering, get in the way of Adolf Hitler day? (p. 28).

"Nobody's Pet Poodle" (p. 89)

Beginning this essay with a comical description of an Indian packaged for, and reflective of, his euroamerican art market⁵, Churchill saliently places dogs

5. Churchill identifies this description as a "recurrent hallucination" which sums up the state of "American Indian art." (p. 89).

[A] life-sized plastic Indian man, seated in a director's chair and outfitted in the high Santa Fe style: abundant turquoise, fur and leather, genuine piñon-scented aftershave or cologne, fashionably long but neatly razor-cut black hair, a blanket-vest over an open necked silk shirt, his medicine bag filled with cocaine, a \$5,000 antique concho belt and Gucci loafers. Sometimes he wears a Billy-Jack hat. Altogether, looks like something of a combination of Rudy Gorman and Earl Biss, but thinner, sleeker, a bit firmer of jaw. In one hand, he holds a collection of sable artist's brushes, in the other a wad of hundred dollar bills. Tattooed in blue on his left buttock is the inscription "Government Inspected, U.S. Department of Interior Certified Grade-A Prime Meat." Suspended from a genuine platinum Charles Loloma chain around his neck is a small laminated card reading "Federal Certificate of Degree of Indian Blood."

with pedigrees, and human forms, with signs such as "Jude," "Colored," and "Palestinian" hanging from their necks, behind the Indian. (pp. 89-90). However, as Churchill explains, the Indian is unaware of those behind him, continuing to pander his people and their heritage, and "compulsively . . . wag his tail and lick the feet of whatever white patron comes before him." (p. 91).

After this introduction, Churchill cites the *Act to Promote Development of Indian Arts and Crafts*.⁶ This act, which can punish a violator up to \$1,000,000 in fines and fifteen years in prison, prevents anyone who is not a federally recognized Indian from selling or displaying for sale any good which suggests it is Indian produced. (p. 91).

Explaining that the act's "recognized Indian" language requires the artist's membership in the federal government tribal rolls, Churchill explains that this act restricts Indian art and imposes governmental approval upon an expression of culture. For example, the arts and crafts act forced the Cherokee National museum to close because, as creator of a large wood sculpture entitled "Trail of Tears" present in the museum as well as the Great Seal of the Cherokee Nation, artist Willard Stone "failed to meet federal standards for being Indian." (p. 93). Thereafter, Churchill questions what will become of Indian artwork from several federally unrecognized tribes such as the Abenakis of Vermont and the Lumbees and Coatan of North Carolina. (p. 94).

The culprit of this damaging act, according to Churchill, is a "small clique of low-talent and no-talent individuals in the Santa-Fe area calling themselves the 'Native American Artists Association' [NAAA], gathered around an alleged Chippewa and maudlin primitivist named David Bradley." (p. 94). Although the NAAA cites its purpose as preventing non-Indians from posing as Indians for monetary benefit, Churchill believes their efforts are to prevent talented artists from competing with NAAA's motel room and bank lobby art. (pp. 95-98).

Focusing his criticism of the arts act and NAAA, Churchill introduces the reader to Jimmie Durham, long a supporter of Indigenous rights in International and domestic law. (p. 101-02). Churchill explains that Durham's art conveys the juxtaposition of traditional materials with modern objects, and forces the viewer to "engage in some degree of critical rethinking of their core values and beliefs." (p. 103).

The Bradley group, according to Churchill, has begun to attack Durham's work, which only proves that their purpose is not to prevent non-Indians from profiting, but to prevent anyone from competing with their art sales. (p. 105). Churchill concludes that Durham is an artist of, by, and for his people, something that Bradley and NAAA could never obtain. (pp. 107-08).

(pp. 89-90).

6. Pub. L. No. 101-644, 104 Stat. 4662 (Nov. 29, 1990).

"Renegades, Terrorists, and Revolutionaries" (p. 173)

Through a comparison of the American Indian Movement's (AIM) recollection of events to those of the news media at the "Trail of Broken Treaties" siege of the Bureau of Indian Affairs (BIA) in 1972 and the firefights at Wounded Knee and Pine Ridge, Churchill explains that the American Government has engaged in a media "blitzkrieg" to subvert Indian movement demonstrations. (p. 173). Through this negative media coverage, Churchill reasons, the American federal government attempts, and sometimes succeeds, to paint a negative picture of Indian culture and repress support for Indian movements. (p. 182-83).

The federal government, afraid of causing national concern over AIM's occupation of the BIA the eve of Richard Nixon's re-election efforts in 1972,⁷ brought in Indian spokesmen to discredit AIM's siege. One such spokesperson was Webster Two Hawks and, according to Churchill, the federal government generously paid Two Hawks for his critical views of AIM and its purpose in the siege despite his lack of representation of Indians as a whole. (p. 174-75).

This propaganda continued, Churchill notes, to the Wounded Knee/Pine Ridge coverage of AIM members' initial objections to Dick Wilson's corruption as tribal chairman of the Oglala Sioux. (p. 175). Churchill points out that the federal government sought to control information of the siege through press briefings instead of direct media coverage because it prevented mainstream media access to the Wounded Knee confrontation between Dick Wilson's GOONS (Guardians of the Oglala Nation) and AIM. (p. 176). In fact, Churchill comments, although Federal Bureau of Investigation (FBI) agent Curtis Fitzpatrick was wounded in his wrist during the firefights, mainstream media, and thus the American people, saw his *head* bandaged when arriving at a hospital off the reservation. (p. 176).

After pointing out that the United States Commission on Civil Rights formally concluded that the FBI, rather than AIM, was fostering a "reign of terror" on the Pine Ridge reservation,⁸ Churchill explains the events for which Leonard Peltier remains in prison to this day. While the mass media recounted that two FBI agents were either lured into an ambush and drug around, stripped, riddled with bullets, scalped, and executed while begging for their children; Churchill states that the agents were shot three times from long

7. For more information on the Trail of Broken Treaties, see VINE DELORIA, JR., *BEHIND THE TRAIL OF BROKEN TREATIES* (Delta Books 1974); WARD CHURCHILL, *BIA I'M NOT YOUR INDIAN ANYMORE* (Akwasasne Notes 1973).

8. Churchill cites the following two articles for support: United States Commission on Civil Rights, *Monitoring Events Relating to the Shooting of Two FBI Agents on the Pine Ridge Reservation* Denver: Mountain States Regional Office (July 9, 1975) and United States Commission on Civil Rights, *Events Surrounding Recent Murders on the Pine Ridge Reservation in South Dakota* Denver: Mountain States Regional Office (Mar. 31, 1976).

range, were never stripped, drug around nor scalped, nor lured into the position their superiors placed them in. (p. 180).

Churchill concludes his examination of mass media misrepresentation of AIM and its goals by pointing to the trial of Bob Robideau and Dino Butler, indicted for the deaths of the two FBI agents, Ron Williams and Jack Coler. The FBI "suddenly announced that it had evidence that a force of '2,000 AIM warriors' known as 'Dog Soldiers' and 'trained in the Northwest' were about to arrive in South Dakota [and] . . . planned to 'kill a cop a day . . . burn farmers . . . snipe at tourists . . . assassinate the governor . . . blow up the Bureau of Indian Affairs . . . and destroy Mt. Rushmore National Monument . . .'" (p. 181). However, this information eventually became known as false when defense attorney William Kunstler elicited testimony from FBI director Clarence Kelley that there was no known evidence to support these "dog soldier" claims.⁹ (p. 181). Citing this information, Churchill supports this essay's opening quote from Joseph Goebbels, Nazi Propaganda Minister; "The bigger the lie, the more likely it is to be believed."

Concluding the essay, Churchill cites Malcolm X's statement, "If you're not careful, the newspapers will have you hating the people who are being oppressed, and loving the people who are doing the oppressing." (p. 182). Therefore, the federal government's "anti-AIM propaganda effort can serve as something of a textbook illustration of a much wider technique of political repression," of Indian nations. (p. 182-83).

"Naming Our Destiny" (p. 291)

Pointing out the deceptive innocence of such a statement as "I'm a member of the Cherokee Tribe," Churchill shows, in this essay, how the words "tribe" or "clan" mean much more than just ancestry. Churchill states, "How one is perceived by others does much to determine the nature of the respect or lack of it [others] are likely to accord you. . . . it seems self-evident that how individuals and groups are labeled or named- and perhaps more importantly, how they name themselves-is vital to the circumstances of their existence." (pp. 292-93). Therefore, concludes Churchill, Indians must identify themselves as peoples constituting nations, instead of clans or tribes which connote lower life forms such as animals or plants.

Illustrating this distinction, Churchill refers to two dictionaries, the Oxford English Dictionary (OED), and Webster's dictionary. In the latter, a tribe is described as a congregation of people in a "primitive state" of "common stock," where the OED defines tribe as a race of people in a primitive or barbarous state under a chief. (p. 294-95). Thus, as Churchill points out,

9. Churchill cites the reader to the Butler-Robideau trial transcript, CR-76-11, Appendix A, p. 3 (N.D. Iowa, 1976).

Indians are not only demeaned as being in a primitive state, but also as members of a "common" ancestry. (p. 295).

Churchill next examines the definitions of people and nations in order to show why everyone must change the way they address Indians. Webster's Dictionary defines "people" as individuals from a group of common character or as from a group of common stock such as a tribe. Also, the OED defines "people" as a group to which one belongs such as a tribe, clan, family, community, etc. (p. 297). Consequently, reasons Churchill, the "[d]esignation of Indians as tribes provides a near perfect psychic rationalization/justification of the perpetual, 'natural,' and 'inevitable,' subordination of native ('tribal' and therefore 'lower,' 'lesser,' or 'inferior') societies to their purported European/Euroamerican 'betters' ('non-tribal,' and therefore, by definition, 'superior')." (p. 298).

Next, Churchill states the definition of "nation" from Webster's dictionary and the OED. Both definitions connote a people under a single government united through language, religion and customs. (p. 299). The OED even goes as far as to distinguish a nation from "a smaller or more narrower body" to which Churchill adds "such as a community, clan, family or 'tribe.'" (p. 299). Thus, Churchill concludes that everyone should state "Indian Nation" instead of "Indian tribe," just as the Webster's and OED dictionaries suggest at the end of their definition of "nation." (p. 300).

Illustrating why Indians indeed compose nations, Churchill historically recounts all recognition of Indians as nations and the cultural bonds which compose nations. For example, Churchill points to Plymouth colonist William Wood's comment that the natives encountered in Massachusetts had laws and no criminal conduct; as well as a statement from Edmund Atkin in 1754, the English Superintendent for Southern Indian Affairs, "No people in the world understand and pursue their true National Interest better than the Indians." (p. 303).

A review of America's recognition of Indians as nations, would not be complete without mentioning Justice John Marshall's comments in the seminal action entitled *Cherokee v. Georgia*.¹⁰ Justice Marshall stated, "The numerous treaties made with them [Cherokees] by the United States recognize them as a people capable of maintaining the relations of peace and war, of being responsible for their political character for any violation of their engagements, or for any aggression committed on citizens of the United States . . . our government plainly recognize[s] the Cherokee Nation as a state . . ."¹¹ Additionally, simply entering into treaties with Indian nations showed the United States' recognition of their autonomy and the cultural integrity ever present in a "nation."

10. 30 U.S. (5 Pet.) 1 (1831).

11. *Id.* at 16.

However, Churchill notes that the American government's recognition of Indian autonomy was perhaps superficial, given to tribes merely to placate them into feeling secure within the "Americas," their native land. Although our federal government entered into more than 370 ratified treaties with Indian nations between 1778 and 1868, Churchill believes that America "never intended to honor the commitments" it made. (pp. 304-06).

Myopic in its view of civilization, Churchill states, Europe began desensitizing the world to the destruction of Indian people and societies and inculcating the "savage" or "tribal" nature of Indian nations. (pp. 308-09). In particular, Churchill describes the Spanish practice of conquering Indian nations.

Just as the Spanish soldiers seemed to have particularly enjoyed testing the sharpness of their yard-long rapiers on the bodies of Indian children, so their dogs seemed to find the soft bodies of infants especially tasty and the accounts of the invading conquistadors and the padres who traveled with them are filled with detailed descriptions of young Indian children routinely taken from their parents and fed to hungry animals.¹²

(p. 310)

Once free from England, the newly formed United States continued its war on Indian nations, explains Churchill, seeking to exterminate the Indian race for more land and through such people as George Washington, Thomas Jefferson and Andrew Jackson. (pp. 312-13). In fact, Churchill points out, Colonel John Milton Chivington of the volunteer militia believed that Indians were similar to lice, in that to get rid of the lice you also have to kill the young lice called nits. Therefore, colonial America found it easy to justify its extermination plan for both adult and child Indians, akin to, as Churchill points out, a delousing. (p. 314).

In comparing Indians to lower life forms, such as lice, and treating them like animals through genocidal campaigns, the United States proved its disrespect for Indian nations. (pp. 315-25). The roots of American Indian law, which place Indian nations in a ward to guardian relationship, such as a mental incompetent to his caretaker, has and will continue to incubate the United States's disrespect for Indian nations.¹³ "There is an umbilical connection between the description imposed upon any group and how it is treated . . ." (p. 327).

Succinctly driving the point home, Churchill stresses that Indian nations must address themselves as Nations to breach "false consciousness" which

12. Quoting DAVID E. STANNARD, *AMERICAN HOLOCAUST: COLUMBUS AND THE CONQUEST OF THE NEW WORLD* 83-84 (1992).

13. *Cherokee Nation v. Georgia*, 30 U.S. (5 Pet.) 1, 17 (1831).

terms such as tribe and clan propagate and to 'provide the Archimedian point for a more comprehensive emancipation' (p. 331). Churchill concludes his final essay with encouragement to Indian nations.

Don't quit, don't back down. We are *not* beasts or lice, congregated into packs or swarms or tribes. We have suffered much, far *too* much and for far too *long*, as the result of such verbiage and the attitudes it reveals. The long road to liberation—which is to say, the route back to ourselves—begins right there, in our rejection of such naming. And it's long past time we started the journey.

(p. 332).

Conclusion

Throughout *Indians are Us*, Ward Churchill skillfully illustrates how the United States government has and continues to subject Indians and Indian nations to considerable discrimination and genocidal tactics aimed at removing Indian culture, heritage and sovereignty. Through images of early colonization of the Americas and the European decimation of Indian nations and culture, the propagation of disinformation through the media, legislation affecting Indian cultural expression, and modern disrespect for Indian religions, Churchill shows the reader a parade of "horribles" all resulting in cultural and physical genocide of America's Indian nations.

Ward Churchill's essays in *Indians are Us?* each present an aspect of cultural genocide and degradation of Indian nations, whether it be forced registration of Indian artistic expression, or forced assimilation and submission to European and English conquerors and settlers. Churchill, much like the weaver's hands, uses his pen and intellect to combine several essays into a sturdy blanket of support for his ideas and suggestions that Indian nations must object to cultural and physical genocide for the benefit of Indian rights as a whole in the United States.

