

THESIS

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ABSTRACT OF THESIS

...

The ellipsis performs various functions in U.S. culture. It euphemizes, it transgresses, it represents an omission of text, and it occupies a space between words and yet has meaning. For these reasons, the ellipsis is an appropriate icon to organize the chapters of this text. This thesis proposes that the speaking subject is always already in a position that is simultaneously defined and transgressed by language and analyzes the subsequent linguistic performances enacted to negotiate with that position.

The borders that form individual and national identity perceptions are imagined and yet, consequential. All speaking subjects exist in a space of discontinuity and must forever negotiate the irreducible gap between meaning and language, and subsequently, a temporal experience of identity. This thesis proposes that this condition of language renders the speaking subject a linguistic audience as abject. In an effort to negotiate this unbearable abjection, the speaking subject continuously participates in identity boundary performances in order to delineate spaces of self and other and spaces of identification, as well as to experience meaning. This delineation process in itself is neutral, but must be analyzed for its effect in practice. The effects of these performances become highly consequential in the complicated and highly contested spaces of national identity. In these spaces, the illusive boundary between self and other is exaggerated with simultaneous attempts to assimilate difference within. It is the task of this thesis to engage poststructural and psychoanalytic theories with texts that inform and delineate the

frames of U.S. national identity and Native American identity. This thesis will primarily take up and build upon Kristiva's *abjection*, Baudrillard's conceptions of *the virtual positive*, and a Barthesian and Derridian influenced notion of *authority*. These theories are then engaged in an analysis of texts that inform Native American realities. The purpose for this engagement will be to challenge the reader to realize her/his own *authority* in the texts that inform her/his own identity and the identity of the *self-created* other. The aim is to position the subject in a space of conscious participation in responsible meaning making. The analysis will focus on the texts, "Native" and "House Bill 10-1067," relying on these texts' intertextual references to complicate seemingly harmless recent associations. These texts are relevant to this study because they continue to inform past and present conceptions of the United States as a nation-state and in turn continue to frame the material realities for Native communities. Overall, this thesis unpacks the notion that all speaking subjects are participating players on the stage of a large-scale identity boundary performance. In framing the subject's position in this elliptical space, there is a suggestion for subjects to consider their lines in this performance, for their consequences and potential, in the forever negotiation of difference/self-reference, *mise-en-abîme*.

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DEDICATION

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“The vibrant desire to write binds you to a terror that you try to control, to handle, all the while trying to keep it intact, audible, in “this” place where you must find yourself, hear yourself out, yourself and your reader, beyond all reckoning, thus at once saved and lost.”
(Derrida, as cited in Wood & Bernasconi, 1988, p. 73)

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CHAPTER 1

.../The Ellipsis: A Metaphor to Articulate Abjection, Linguistic Performances, and *Authority*

The three dots ... Less than nothing, or more ... Something else ... The consuming of Everything, of Nothing, through style ... body and language being mingled, those intermediate states, those non-states, neither subject nor object ... untouchable, unsociable, discredited ... as particular as it is incommensurable.
(Kristeva, 1982, p. 135)

The omission of this paper's title is intentional. The omission, represented by the ellipsis, is meant to preview both the content and form of the writing to follow. In respect to content, the ellipsis is a symbol that can be abstracted to describe the relationship between humans and language, the irreconcilable gap between the speaking subject and the linguistic medium that informs subjective identity and consequential conditions of human suffering. In respect to form, the ellipsis provides an iconic structure with which to mimic. It provides punctuation without closure and spaces in between to suggest that which is other, that which is not contained by official definition. The ellipsis is an appropriate sign with which to consider human existence. It is a sign that presupposes and postpones, and yet, means something different in all circumstances and with each encounter. It is a sign that recognizes the impossibility of, and at once relinquishes, authorial control of static and/or transparent meaning.

This thesis aims to offer new perspectives on the texts that inform and frame Native (and U.S.) identity. Rather than utilize anthropological or sociological paradigms through which to examine the social conditions unique to particular Native American

identity, I use various communication concepts to examine the linguistic practices surrounding the framed populations and the important role that language plays in the framing of texts that negotiate with difference. Overall, this thesis aims to be a dissolution of the static legitimacy associated with the language supporting any (dominant) identity and focuses on the role of discourse in shaping a(n) (un)just past, present, and future, while questioning the *authorities* of said discourse.

.../Abject

National identification is a historical product that can be deconstructed, or analyzed, and which is always fragile. Even if it is very strong, the strength attests to the fragility. It is because it is fragile that it is so strong.

(Derrida, as cited in, Payne & Schad, 2003, p. 26)

The dominant culture is a construct in constant struggle; “[e]very power relation implies at least *in potentia*, a strategy of struggle” (Foucault, 1991, p. 225). In an effort to negotiate with this struggle, discourse is used to frame certain identities as dominant and certain identities as “other”. But what happens when those identities deemed other, are not quite other? What happens when the very language trying to purify cultural identity exposes the already polluted identity category? Any thing/one that threatens identity boundaries are deemed abject.

Things or people that are considered abject always refer in some way to boundaries (bodily or cultural). The abject is anything that draws attention to the unclear or contested boundaries of a body. The abject can be that which is expelled from a body, that which pollutes a body, or that which marks, draws attention to, or threatens the (legitimate) boundary of a body. Kristeva (1982) explains that the abject is horrifying because it is literally “the collapse of the border between inside and outside” (p. 53) a constituted identity.

This thesis interprets the United States to be an illusive cultural, linguistic and physical body. Those who strongly depend on a specific interpretation of this cultural body's identity, in order to confirm their own identity, may overemphasize cultural, linguistic, and physical land boundaries in hopes of protecting this cultural body, and their own, from ambiguity or anything that threatens intentions or perceptions of homogeneity. If the identity of the United States is thought of in terms of a metaphorical and territorial body, then cultures, such as Native Americans, that contest the (legitimacy of the) territorial boundaries of the United States would be framed as abject. In the language of abjection, tribal sovereignty within the United States is similar to a pollutant or scar that marks the boundaries of the body as contested. Any foreign or "other" matter within the territories of a perceived body is a threat to the illusion of clean and proper borders and must be expelled, eliminated, or assimilated. Because tribal sovereignty marks the territorial body of the United States as contested, the task of past and present performances of colonialism are to eliminate or assimilate tribal culture and identity. The discursive productions of national identity boundaries, of inside and outside, have real consequences, especially for those cultures deemed abject.

.../Omission

Something that has been deliberately or accidentally left out or not done
(Encarta, 1999, "Omission")

As a result of being framed as an abject culture, within, but also contesting the territorial boundaries of the United States, tribal communities experience an undeniable concentration of specific omissions that invariably lead to undue suffering. All people must negotiate with omission, and while it is one thing to point out something that is not necessarily false, but trivial, it is quite another to look at the different human experiences

of omission and examine the varying consequences: “one can argue that we are all colonized and alienated without arguing that we are all colonized and alienated in the same way” (Deutscher, 2006, p. 19).

One might ask how Native American communities experience omission and why these omissions are significant. At present, Native American tribes experience omissions in many areas, including security, adequate healthcare, and culturally appropriate education. While these areas might at first appear to be separate, they are connected in that they are all breaches of U.S. federal trust responsibility.¹ Trust responsibility is the federal government’s obligation to honor certain promises made to tribes in treaty agreements, in exchange for the land ceded. Healthcare, security and education are among the promises included in U.S Federal trust responsibility.

The first breach of U.S. federal trust responsibility is in regards to providing quality healthcare to federally recognized tribes. “The U.S. government is obligated through treaty and federal statutes to provide healthcare to members of federally recognized American Indian tribes” (Smedley, Stith, & Nelson, 2003, p. 85). This trust has been breached in a number of ways that includes lack of access to, and severely under-funded clinics. According to Smedley et al. (2003),

The federal Indian Health Service (IHS) provides healthcare services primarily on Indian reservations, which are home to only a minority of American Indians (as few as 30%), as the majority of the population currently lives in urban or other non-reservation areas. Not surprisingly, a large majority (80%) of American Indians and Alaska Natives report no access to IHS facilities. (p. 85)

Access is additionally complicated because one can only be served at an IHS clinic on the reservation where she or he is a registered tribal member.

Aside from the glaring issue of accessibility to clinics, those patients who do make it into a clinic where they can be served often receive inadequate services due to the lack of funding. An example of this inadequacy is described by IHS (Indian Health Services) in 2003, “the Navajo Area IHS was funded at 55 percent of the projected total need and this means only half of the Navajo Nation health care needs are funded” (Anslem, 2005, para. 7). One of the causes for this under-funding, according to Melissa Gower, the group leader for Health Services for the Cherokee Nation, is that the federal appropriations process does not require IHS funding to adjust in order to address population increases and inflation, unlike Medicare and Medicaid (Gower, 2010, para. 12). The effects of under-funding are substantial and because of this, “American Indians continue to experience some of the worst health conditions in the United States” (Jones, 2006, para. 3). The under-funding of clinics leads to high rates of chronic disease, rationing of care, overburdened and obsolete facilities and equipment, and a lower life expectancy of 6 years less than the rest of the U.S. population (Gower, 2010). According to IHS (2010), the lower life expectancy and the “disproportionate disease burden exist perhaps because of inadequate education, disproportionate poverty, [and] discrimination in the delivery of health services” (para. 3). These disparities in health care are not just unfortunate, but are unacceptable breaches in federal trust responsibility. In addition to undue suffering in terms of health, the federal government is also neglecting its responsibility to provide for the safety and security of tribes on reservations.

The second breach of U.S. federal trust responsibility is in regards to providing security to federally recognized tribes. There is currently a critical omission, a gap in jurisdiction laws that apply to prosecuting crimes of abuse against Natives by non-Natives. Currently, tribes do not have the legal permission to exercise criminal jurisdiction over non-Natives (Bubar & Jumper-Thurman, 2004, p. 72). As a result, Native Americans continue to disproportionately represent the victims of physical and sexual abuse crimes. Sexual assault occurs at “twice the rate in the Native American population as in the general population” (Hukill, 2006, p. 247). Federal policy and jurisdiction allows for this abuse, which is usually targeted at Native women; “because of existing laws, non-Indians may go on a reservation where they can do violence to Indian women without fear of punishment because the tribal authorities have no authority over the non-Native” (Hukill, 2006, p. 248). The fact that the government permits the existence of this gap in jurisdiction, demonstrates a violent form of cultural discrimination, “tribal, federal, and state governments use jurisdictional issues to diminish the safety of women and children” (Hukill, 2006, p. 247). This situation is a blatant breach of trust responsibility.

The third breach of U.S. federal trust responsibility is in regards to providing culturally appropriate education to federally recognized tribes. Currently, the U.S. government offers Native American families two main options. They can send their children to residential district schools, or to Bureau of Indian Affairs (BIA) Schools. These choices do not satisfy the trust responsibility for a couple of reasons. If Native children are sent to off-reservation public schools, they do not receive culturally appropriate education and “often the civil rights and cultural identities of American

Indian and Alaska Native students are not supported in the classroom” (U.S. Commission on Civil Rights, 2005). The other option is to send the children to the on-reservation BIA schools, but these schools are insufficiently funded. According to a report put out by Trujillo & Alson (2005) for the National Education Association Human and Civil Rights Division, BIA schools are “generally severely under-funded, with inadequate facilities and poorly paid teachers” (p. 3). According to Senators Dorgan, Franken, Udall, Bingaman, Johnson, Tester, and Klobuchar (2010), BIA schools are in “dire” condition and many considered “structurally unsound” with a backlogged construction need that totals over 1.3 million dollars (p. 1). In a letter to the United States Budget Committee, these senators asked for a FY2011 budget appropriation of 293 million dollars, saying, “it is unjust to expect Indian students to succeed academically if we fail to provide them with a proper environment to achieve success” (p. 1). BIA schools need to be properly funded because according to Trujillo and Alson (2005), these venues allow Native American students,

the opportunity to learn their own languages in the context of their tribal cultures, based in their group history, as well as acquire the skills they need to be successful in the national society” (p. 3).

In other words, BIA schools have the potential to provide culturally appropriate education and fulfill the trust obligation, but they are not adequately funded and not well attended. According to the U.S. Department of Education’s National Center for Education Statistics (2005), “about 90 percent of all American Indian and Alaska Native students attend regular public schools and 7 percent attend schools administered by the U.S. Government’s Bureau of Indian Affairs.” (p. 3). Native American families cannot be

expected to send their children to under-funded structurally unsound BIA schools, but the alternative leads to the continued dilution of tribal cultures and constitutes a breach of federal trust. The results are unacceptable. National reading and math assessments in 2007 showed that white students outperformed Native American students by 20 to 30 percentage points (Navis, 2009, para. 4). And Native students have the second highest dropout rates of all students in the country” (Trujillo & Alson, 2005, p. 2). Unfortunately, the effects go beyond academic statistics. According to Henson and Taylor (2002), “American Indian and Alaskan Native teenagers suffer from poverty, suicide, teen birth, and substance abuse at rates higher than the national average.” And the National Education Association reports,

[American Indians and Alaska Natives] lag in attainment and academic performance . . . suffer from significantly higher rates of poverty, unemployment, suicide, early school leaving, and serious health risks. . . . and lack of alignment between students’ home culture and public schools’ teaching methods. (Trujillo & Alson, 2005, p. 2)

The federal government’s obligation to provide Native American students with education is not being appropriately met and causes tribal communities undue suffering.

Substantial omissions in the areas of healthcare, security, and culturally appropriate education are breaches of U.S. Federal Trust Responsibility. This leads to disproportionate accounts of human suffering for tribal nations. In the words of Anguksuar (1997), “colonization is a continuing process, not simply a historical event” (p. 218). Past and present colonial objectives are performed through language. In this thesis, I propose that communities that threaten dominant conceptions of the boundaries

of U.S. national identity experience significant consequences resulting from performances that negotiate with the linguistic state of abjection.

Elliptical Progression

The components of the thesis will be organized according to various metaphors represented by the ellipsis. The first metaphor of the ellipsis, outlined in this chapter, has been used to signify *the abject* and has discussed the position of Native Americans as an abject identity in relation to the construction of an autonomous U.S. identity. Positioned as abject, Native American nations experience disproportionate accounts of omission and human suffering. It will be necessary to explore the way in which the metaphor of the ellipsis, both literal and figurative, alludes to the in-between space, the radical liminality, suggested by the presence of groups that challenge U.S. sovereignty lines. Such liminality can be further contemplated by building on an exegesis of Kristeva's conception of abjection, the task of Chapter two.

Chapter two explains the position of all linguistic subjects as abject identities. This is done by setting up the theories that inform and intersect with linguistic performances of abjection. This chapter explores the human experience of language in an always already state of abjection. It incorporates poststructural and psychoanalytic reasoning and proposes that communities that threaten dominant conceptions of the boundaries of U.S. national identity experience significant consequences resulting from performances that negotiate with the linguistic state of abjection, *mise-en-abîme*. These *mise-en-abîme* performances of abjection are essentially unsettling responses to difference as a response to the initial unsettling difference, the difference (discontinuity) that created the speaking subject through a violent severing from the (m)other

(continuity). In other words, as linguistic subjects, humans experience meaning in a state of abjection and negotiate with this experience of abjection through material performances that have consequences—consequences that ultimately result in disproportionate accounts of human suffering.

Engaging the theories from the second chapter, chapter three explores the intersecting and competing texts that inform the text “Native.” This chapter builds on Baudrillard’s notions of “the real,” “reality,” “virtuality,” and “the virtual positive.” Essentially this chapter engages Baudrillard’s terms in order to position them within the larger framework of abjection performances. The theories open up two intersecting texts that compete for meaning under the umbrella term “Native.” The two texts examined are the systematic and official delineation of “Native” identity, known as Indian Blood Quantum, and a mass-produced bumper sticker that takes the shape of a license plate and reads “Native.” These texts help to demonstrate a consequential linguistic performance, that of the self-same. The self-same, a Baudrillardian notion, is examined as an identity boundary performance that attempts to assimilate, but manages only to euphemize, the uncomfortable difference that remains from colonial self/other delineations.

Chapter four continues the work of chapter three in the analysis of a text that informs material realities for those who are officially regarded as “Native.” This chapter looks at the intersecting texts that concern the Fort Lewis College Native American Tuition Waiver. These texts are positioned as holographic frames that concern colonialism. The first frame positions the waiver as a real-time text and includes media, political, student, and faculty accounts of a bill that threatened to change the terms of the aforementioned waiver. The second frame is an account of the history of the legal

documents pertaining to the waiver that is unique to Fort Lewis College. The third frame is an account of varied purposes that Fort Lewis has been used for that led to the unique position of Fort Lewis College. The fourth frame is a brief and limited history of major events that led to Ute land cessations that set up the context for the need to build Fort Lewis. The fifth frame outlines the major functions of U.S. colonialism to position Ute land cessations. Chapter four, in a sense, performs *mise-en-abîme*. Each section and addition of contexts reframes the event, and with each re-framing uncovers a holographic image of self-reference. The purpose for the performative organization is to position the waiver as another attempt to assimilate “that which is Native” in an effort to attain the more comforting self-same (virtual experience of clean and proper self without uncomfortable material obligations). The chapter will again engage the theories outlined by Baudrillard in order to position them under the larger theoretical framework of abjection.

The final metaphor of the ellipsis draws on implications of indefinite meaning, the linguistic excess resulting paradoxically from sanctioned discourses that attempt to contain the other. With constructed alterity as a conceptual centerpiece, this section will consider Derrida’s notion of *différance* as a potentially productive means of repositioning authorial agency. Supplemented by a Barthesian understanding of “text” (a continuous production of work in progress in which meaning is *authored* in the moment of reading), this analysis will explore the always-present potential for a new experience of meaning with(in) language.

Note on Terms Used

There are numerous terms used to describe the cultures who are indigenous to the territory now known as the United States. This terminology is contested in various ways by various groups and often generalizes disparate tribal cultures. Without intending to oversimplify a diverse people, I have chosen to use the terms “Native” and “Native American,” to refer to those individuals and nations that belong to federally recognized and unrecognized indigenous tribal cultures. When I have quoted government documents they often use the terms “Alaska Native” and “American Indian.” “Alaska Native” refers to the indigenous tribes in Alaska, and American Indian refers to the indigenous tribes in the continental United States, excluding Native Hawaiians. I have used the term “Indian” when discussing Indian Blood Quantum and Indian Boarding Schools in instances where changing terms may have affected the clarity of the sentence. When the term indigenous is used, it is meant to be consistent with the belief that the tribes being referred to did not migrate from another land.

Note on Authorial Intent

It is important to discuss my intent before moving on to the arguments presented in this text. It is well known that many scholars have written about and done research on various indigenous cultures and in doing so have reinforced dominant Western hegemonic delineations and framings of indigenous and U.S. civilizations. Careless and inappropriate incidents of scholarship made by non-native academics who were overly confident about their rights and self-created privilege to define, describe, interpret, and make claims about indigenous cultures have made it necessary to be extremely self-critical and self-reflective when doing any scholarship that involves writing about communities that one does not belong

to. That being said, it is not my intent to participate in scholarship that de-authors, re-authors, or narrates indigenous' rights, claims, narratives, and histories. I want to be clear that it is not my intent to speak for, represent, or interpret indigenous cultures or peoples. I do believe that is necessary to recognize, analyze and be critical of language that perpetuates certain cultural identities, relationships, and dependencies. It is the focus of thesis to explore the dependent discursive relationship that exists between U.S. national identity and Native identity, highlighting the subjective reliance of the U.S. nation-state on specific interpretations of Native identity. In other words, this thesis explores the concepts of self-reference and self-created other that saturate the discourse surrounding the relationships and negotiations between U.S. and Native nations. It must be stressed, that this study aims to complicate positions of subjectivity, and perceptions of a distinctive self/other for both dominant and non-dominant identities.

It will now be useful to identify how language and identity are related to spaces of abjection. Recognizing the fragile relationship between meaning and language and acknowledging one's own discursive identity as a speaking subject relying on abject objectification of the other, can lead to the active disruption of dominant power relations.

CHAPTER 2

... /Abjection: Linguistic Audience as Subject

This text recognizes identity to be a fluid and becoming construct. In other words, identity relies on an ambiguous, unstable and borderless “I”.² The speaking subject is always an audience to language, always created and divided by language, in a space of abjection. In this aporetic space, the subject continuously produces false boundaries and illusions of non-porous bodies in order to experience a semblance of completion. Anything or anyone that then upsets or transgresses these delineations of purity would also disrupt the illusion of a stable identity. Consequences necessarily arise when real people become players on the stage of an identity boundary performance and are perceived as transgressing boundaries that are fundamental to identity survival.

This chapter explores theories that allow for an analysis of the imbricated performances of linguistic mediation. This imbrication can be thought of as *mise-en-abîme*, or as a set of Russian nesting dolls that never terminates in a central doll. In an attempt to delineate identity, the subject engages in a recursive set of performances of mimesis and difference in order to experience temporal meaning. It is necessary to begin by familiarizing with some of the theories and concepts associated with poststructuralism in order to build the argument that language constitutes social reality and has material consequences. This will include a brief discussion of Barthes’, *From Work to Text* and *The Death of the Author*, and will also discuss Kristeva’s notion of intertextuality, and

Derrida's *différance*. Understanding how *différance* is manifested in words will then allow for a discussion of the manifestation of *différance* in identity, specifically the deference of identity. The notion of a deferred identity will help with the understanding of Kristeva's abjection, which will be the pivotal theory grounding the claims of this thesis. The consequences of experiencing meaning as a linguistic audience as abject will be explored in relation to Douglas' theory of purity—and performing delineations of self/other, and Baudrillard's notion of the virtual positive, and performing delineations of *self-same*. Finally, this chapter will bring in Anderson's theory of an imagined community in order to examine the concept and consequences of abjection when extended to a group level as demonstrated in chapters three and four.

Poststructuralism

“As if the world were to be read by man [*sic*].”
(Foucault, 1977, p.17)

Originating in France in the 1960s, poststructuralism emerged in response to a failure of structuralism to explain the way that symbols function, or do not function, in relation to the claims being made. Fittingly, the theory of poststructuralism is not a unified theory with an established set of fundamental beliefs. Poststructuralism is only unified in its rejection of structuralism. What then is the poststructural distinction from structuralism? Structuralism is a unified theory of human knowledge, and claims that there are identifiable and unchanging rules that govern symbol usage. Structuralism claims that there are absolute and unquestionable premises that explain the way that language functions to serve the human intention of meaning. Structuralism relies on the

feasibility of stepping outside the mechanics of signification in order to identify how language is used to convey meaning.

Poststructural theories challenge this feasibility and propose that there is no way to get outside of language in order to identify how language *ultimately* functions. Poststructuralism goes even further then claiming inescapability in meaning's relation to language and contends that language itself is where humans derive meaning. Attesting that language is more than the channel between the signifier and the signified, poststructuralism exposes that the channel is all there is. If an idea, or word is conceived and perceived of in the form of symbols in response to various preceding encounters with other combinations of symbols, then it is inconceivable to conceptualize it in any other space outside of symbols. This space is "a field without origin – or which, at least, has no other origin than language itself, language which ceaselessly calls into question all origins" (Barthes, 1977, p. 146). Thus, in a poststructural perspective, language constitutes social reality and there is no end to the process of signification.

It will be useful to become familiar with the concepts and theories associated with poststructuralism in order to then examine how these theories engage with the texts "Native" and some of the intersecting texts that inform the materials consequences associated with a "Native" identity. Roland Barthes was a well-known structural theorist who went on later in his life to reject structuralism. His articulation of structuralism and poststructuralism is then a good place to begin this distinction.

From Work to Text

In 1977, Barthes wrote an essay, "From Work to Text," that has become pivotal in the rejection of structuralism. The piece "designated on the one hand the closure of the

book, and on the other the opening of the text” (Derrida, 1978, p. 294). In this essay, the way that Barthes articulates the difference between a work and a text serves a useful metaphor to distinguish structuralism from poststructuralism. As is explained in the essay, the work is governed by structure, while the text transcends structure, “the difference is this: the work is a fragment of substance occupying a part of the space in books (in a library for example), the Text is a methodological field The one is displayed, the other demonstrated” (Barthes, 1977, pp. 156-157). The work is described to be an end product, the creation of the author who has imbedded their inextricable intentions into every transcribed articulation. The text on the other hand is discussed as being a work in progress, only existing in the moment that it is being manipulated, engaged with, annotated, reacted to, connected with and questioned. The work is closed, ready to be consumed, only to be evaluated by a textual scholar in terms of history, encompassed rhetorical applications, and original intentions, the “‘intentional meaning’ of the author within the given contexts of genre constraints and social and literary conventions” (Leitch, 1992, p. 22). The text, on the other hand, is open, open to an infinite number of meanings situated within a forever sliding historical context. The work is limited to those who are cultured to interpretation and possibly excluding to those who do not have access to the tools of scholarly dissection.

It is important to examine the consequences and potential in attempts to control meaning (which would be an examination of the case studies as static works) and the consequences and potential that must be faced even with an acceptance of fluid meaning (which would be an interpretation of the case studies as temporal texts). This thesis will approach the case studies, “Native” and “House Bill 10-1067” as texts that are always

already open and being reinterpreted in each historical moment, but will also examine how both of these texts have been proposed as works, with a proposed official and stable meaning. In order to better understand what is meant by a temporal text, it is necessary to question the roles of author and reader and their participation in a system that operates on transient experiences of meaning. If a perceived work is thought of as a text, and the official intentions of the author are no longer thought to contain the meaning, what then becomes of the author?

The Death of the Author

The *explanation* of a work is always sought in the man or woman who produced it, as if it were always in the end, through the more or less transparent allegory of the fiction, the voice of a single person, the *author* 'confiding' in us.
(Barthes, 1977, p. 143)

In 1977, Barthes discusses this notion of temporal vs. static meaning in his description of "the death of the author" in his essay by the same name. Barthes explains that while the author may return to a text after the moment of writing, the author would return to, or more appropriately approach the text as a guest, to experience the writing in a new moment, as a reader (p. 161). As a reader, the author may once again take up authorship as she or he experiences a unique moment with the familiar text and responds anew to that which she or he is reading, in a new way or form that is unlike the previous encounter. Derrida (1978) also contributes to this notion saying that a return to the book, *le retour au livre*, is a "moment of wandering, ... repetition does not reissue the book. ... Far from letting itself be oppressed or enveloped within the volume, this repetition is the first writing. ..." (p. 295).

Thus, the death of the author blurs the distinction between the author and the reader, suggesting that the real authorship takes place during the reading, ends with the process of writing, and begins again with each new reading or re-reading.

In explaining the death of the author, Barthes points out that the work is the attempt at the official control of meaning and *authority*, while the text is open and available to every reader who in turn becomes the author/scriptor of the text upon engaging with the text. The “death of the author” demands that audiences realize their responsibility as the *authorities* of meaning in textual interactions. Thus, if an audience is aware of an injustice, and aware of their *authority*, then they may take an active role in complication of dominant understandings of what Derrida has named “phantom ideals” or impossible identity definitions, in order to upset the always vulnerable illusion of static meaning. In a poststructural reading, the (con)text, “the ‘sources,’ the ‘influences’ of a work...fall in with the myth of filiation [to fix, set, or determine conclusively or authoritatively]” (Barthes, 1977, p. 160) and become irrelevant, making way for the “intertext.” And while the initial source of a text may be seen to lose its *authority*, the intertext does not prevent the new (con)texts and associations from inevitably affecting material outcomes that will come out of this (un)recognized shift in interpretation.

Intertextuality

Intertextuality is the process of textual interplay, in which each text refers endlessly to other texts. Kristeva is “widely credited with coining the term intertextuality in her 1966 article on Bakhtin, *Word, Dialogue, and Novel*” (de Nooy, 1998, p. 270). She wrote, “any text is constructed as a mosaic of quotations; any text is the absorption and transformation of another. The notion of *intertextuality* replaces that of intersubjectivity”

(Kristeva, 1980, p. 66). Since it's coining, the term has come to represent various theories, which explain how "texts cannot exist or function in isolation from other texts." (de Nooy, 1998, p. 270). These theories associated with Kristeva, Barthes, and Derrida, among others, examine "the role of language in the constitution of the subject/author" (de Nooy, 1998, p. 270). Actually, as de Nooy (1998) cleverly points out, "the gradual effacing of the Kristevan imprint [on the term] is a story of the intertextuality of intertextuality" (p. 270). I would add that intertextuality does not deny that an author authored, rather, it recognizes that the author was not the sole author of the text. Authors exist in terms of being *an* author but not *the* Author, which is not to say that some authors do not claim *authority* with subsequent corresponding implications.

Intertextuality is an acknowledgement of an endless reproduction and recombination of all of the signs in the text. It is an acknowledgement that there is no meaningful utterance or expression that occurs outside of the jointing and interrelating of contexts. In a poststructural reading, the text is so much more than the embodiment of authorial intent, "the text is a tissue of quotations drawn from innumerable centers of culture To give a text an Author is to impose a limit on that text, to furnish it with a final signified, to close the writing" (Barthes, 1977, pp. 146-147). Poststructuralism rejects the imposition of the final signified.

Just as the meaning of the text, and the roles between author and reader constantly shift, so too does the meaning of words exist in a space of temporality. The above notions of text propose that significance is experienced in the signifier, and thus, language constitutes social reality. It is now necessary to explore the instability in the very language that constitutes social reality. A discussion of Derrida's *différance* will highlight

that the meaning of words is temporal and relies on a constantly shifting point of reference. This idea will foreground a discussion of the instability of identity, and that identity, which cannot escape language, is temporal and also relies on a constantly shifting point of reference, and a constant interpretation and negotiation of self/other. In poststructural interpretations, language has material consequences. Words are not static, their definitions are forever in transition of deferred meaning—subject only to *différance*.

Différance

Différance is *ob-vious*—from the Latin *ob-vius*, *ob-via*, “against the way” ... to be more precise, *différance* *obviates* the disclosure and appropriation of presence/absence: it *forestalls* and precludes, suspends and forecloses on the “coming to presence with oblivion” of the word, ~~Being~~.

(Heidegger, 1977, p. 42)

Différance is a Derridian term that helps to explain the always already instability of language. It is challenging to attribute a clear definition to *Différance*, but then again, what word or thought is easy to define? All definitions rely on the use of metalanguage, on the use of other words and symbols, which themselves are defined by still more metalanguage. In order to begin to narrow down the possible meanings of the original *reference*, one must make comparisons and distinctions until a *referenced* is settled on, not found, but momentarily settled on. This referenced of course, is in the same instance a reference to all of the comparisons and distinctions that its attempted definition requires.

The process of definition is by no means exact. In fact, meaning overflows with every utterance. As soon as there is a reference, as is the case with every symbol, representation, abstraction or whatever term one would prefer to substitute, there is an infinite number of referenced. When this complexity of language becomes itself a question of ambiguity, a conundrum is certainly the only answer. In other words,

disambiguation is quite a task. Maybe this is easier to understand through the following referenced abstraction. As a foreigner, one might become despondent with the experience of using a foreign dictionary written in a language other than their first language. In looking up an unfamiliar word one would be led to a definition that is itself made up of representations and references that defer meaning to still other postponed clarification. This experience of being a foreigner, of fumbling with the available means of language, restricted by self-reflexive explanations, is precisely the occurrence that humans experience with every symbol encountered. With this in mind, one can now begin to chase the meaning of *différance*, the meaning which is “something evermore about to be” (W. Wordsworth, 1850, as cited in Miller. 1981, p. 260).

This French term, *différance*, a Derridian neologism, is as playful as it is precise. This precision is attributed to its simultaneous ability to be clever in its play on words and to be functional in its ability to guide the deferred associations of sameness, difference and postponement into a very appropriate channel for a poststructuralist reading. However ironic the association of precision and *différance*, it is best-understood *en français*, as it plays with the French word *différer* which means both *to differ*, to be something other, and *to defer*, to postpone, delay or suspend. Derrida coined the word *différance*, which happens to have the same pronunciation of *différence* (the French translation of difference) to explain the mimeses, differing, and deferring of signs. Appropriately (and iconically), it is thought by some that Derrida’s *différance* mimics Heidegger’s (ontological) difference, and Hegel’s *Aufhebung*, though transgresses these notions of difference with *deference* “and the nonmetaphysical posture of Derridean discourse” that refuses the presuppositions “that there are already fixed entities and

concepts which are then related” (Brogan, 1988, p. 32). Derrida insists that *différance* “operates beyond the metaphysical logos” (Brogan 1988, p. 31), in the deference of fixed essence in perpetuity, and is therefore “neither a word nor a concept” (Derrida, 1973, p. 130). Derrida (1973) explains, “We provisionally give the name *différance* to this *sameness* which is not *identical*: by the silent writing of its *a*, it has the desired advantage of referring to differing, both as spacing/temporalizing and as the movement that structures every dissociation” (pp. 129-130). With this, “the destabilizing effect... [of] Derrida’s ‘gross spelling mistake,’ the inaudible *a* of *différance*” (A. Wordsworth, 1981, p. 211), there has been quite the impact on the collective understanding of poststructuralism which now forever considers the mimesis, difference and postponement that must replace the essence in the existence of every symbol. This concept can be re-read in terms of consciousness as it does not “simply ‘exist’ as some pure essence, cogito, or being, but is itself constituted as process by the interplay and interpretation of signs, signs that in themselves are merely marks of difference... which never presents, but always defers, presence” (Young, 1981, p. 244).

For the sake of clarification, it is useful to briefly reiterate the three notions of mimesis, difference and postponement that come together in *différance*. The mimesis is a necessary use of borrowed symbolic interpretations. The difference allows a distinction from notions that the symbol of focus is not referring to, in order to narrow down the list of possible signifieds. Then, the postponement, the suspension of reference, the deferring of presence, allows for the recognition of a sign’s complete participation in temporality, as it can not be seen to ever *mean* on its own, only to mean in relation to a constantly

shifting point of reference. This concept is described by W. Wordsworth in terms of human temporality:

The coming of the waters, always approaching but never here – a static movement of poised violence – it is the gap or interruption, the distance between one sign and another, between signs and what they signify, between now and the future, between life and death, in the ecstasies of finite human time. (as cited in Miller, 1981, p. 260)

(In)Appropriately, and with the risk of utilizing the self-same in order to define, *différance* operates to explain the difficulty in the task of explaining *différance*. Though the term (is a) play(s) on words, the operation of the term is far from a neutral word game. *Différance* highlights the instability in language and is thus vital to disrupting the illusion of any solid and autonomous body encompassed by language. In this thesis, *différance* will be used to describe the always already deferred presence of meaning in words, and also the always already mimetic, different, and deferred presence of identity.

Identity and Diff(erence)(érance)

Différance becomes the condition (the element, the environment, the ecosphere) for the possibility *and* impossibility of conceptualization, idealization, comprehension.
(Ormiston, 1988, p. 48)

Différance functions to articulate the mimesis, difference, and deference that is at work in every symbolic interaction. Poststructural theories propose that language constitutes social reality for the subject. Keeping these two ideas in mind, *Différance* becomes useful in the interpretation of the speaking subject's relation to identity and difference. The following will briefly explore intersections of *différance* (mimesis, difference, and deference) and subjective identity, beginning with a look into the operation of sameness.

Mimesis

Subjective identity relies on mimetic identification with and performances of the (m)other. It is a continual recognition of being the same but not identical to that from which one came. In psychoanalytic terms, it is Kristeva's conception of the imaginary, "the representation of identification strategies (introjection and projection) that mobilize the image of the body as well as the ego and the other (Kristeva, 1987, p. 7). Kristeva's imaginary passes through symbolic interpretation, "preparing the advent of the speaking subject" but stays within the realm of "drive-related meaning" (de Nooy, 1998, p. 44). Unlike Lacan, who makes a clean distinction between the imaginary and symbolic, Kristeva proposes that the imaginary, the space of identification, is a space between the unconscious and the symbolic, between continuity and discontinuity. Kristeva explains that this space offers "the developing subject an image of himself by using the myriad representations of the child's world to mobilize a whole array of identifications" (p. 103). Mimesis functions to position subjective identity in a place of copying the always already borrowed interpretations of self, the borrowed symbolic distinctions between self and other. In addition to mimetic identification, identity also relies on the notion of difference.

Difference

An experience of identity relies on drawing differences between that which a speaking subject identifies as self and that which is other. In Freudian and Lacanian psychoanalysis this difference is developed in the "mirror stage," the process of language acquisition and symbolic definition, "it is the ability to speak that distinguishes the subject" (Sarup, 1993, p. 10). According to Kristeva, the delineation of difference and the order of the symbolic, occurs earlier. The realm of the symbolic (which Kristeva calls a deferred semiotic), is entered the

first time that a subject intentionally rejects the breast of the mother. For Kristeva, the maternal body functions as

remnants of the unnameable from the time before self and other, before language, before anything could be named. As the child struggles to separate from the immediacy of mother-child fusion, the mother is abjected: the child tries unsuccessfully to expel the mother from its borders in order to establish a distinct “self” and “other.” (de Nooy, 1998, p. 18).

Difference functions to give birth to the ego, initiates the subject into the space of symbolic interpretation, and provides a subject with a meaning-driven existence through language. It is tempting to discuss difference as being *all* that is exterior to the subject or rejected by the subject, assisting to delineate the borders for identity, but this would be a gross oversimplification. This oversimplification would ignore the difference that comes from within. Derrida says that “without difference as temporalization, without the nonpresence of the other inscribed within the sense of the present” nothing can be thought to have meaning in “itself” (Lucy, 2004, p. 27). In other words, while the process of exclusion gives a subject a sense of self and other, it cannot grant a speaking subject possession of identity. Notions of self and other remain illusions of autonomous *corps propres* (clean and proper bodies of identity). To recognize the otherness within is to recognize again the instability of language (the very medium that allows for identity), and the indefinite deferment of a static identity. It will be useful to briefly unpack the notion of *deferred identity* and the *otherness within* in order to build up to a discussion of the speaking subject as an always already linguistic audience as abject.

Deference

Deferment, the always already postponed attainment of “I,” is the inescapable process of an identity experienced through the slippery medium of language. For both Kristeva and Derrida identity is not a fixed essence, but a negotiation with difference. Both theorists place otherness within the constantly shifting boundaries of “I,” blurring the dividing line between self and other in a third non-separate space of in-between, finding “identity within difference and difference within identity” (de Nooy, 1998, p. xv). The delineation between self and other is desirable, yet futile. Derrida (1974) proposes, “the motif of the limit, of the frontier, of the parting line will furrow the whole sequence” (p. 189). In other words, the desired self/other boundaries only highlight the otherness within self, the borrowed language that will never grant transparent meaning but will always postpone a fixed identity. The concept of otherness within is profound, as de Nooy (1998) points out, “an otherness that is not simply exterior implies a problematizing of identity: We are not simply present and accessible to ourselves” (p. 17).

Like words, subjects never “are” but only “have” momentary experiences of meaning in unrepeatable contexts. Kahneman (2010), a recognized contributor to hedonic psychology, has claimed that in discussing the self, one must always distinguish between an “experiencing self” (the self experienced only moment-to-moment) and a “remembering self” (a self that evaluates past experiences and memories of self).³ While a distinction between interpretations of past and present experiences is useful, as are any tools that allow us to analyze how subjects interpret linguistic articulations, it is necessary to point out the always deferred notion of self, even in Kahneman's notion of the remembering self. Any interpretation of self is far from a static notion, and one can easily

confirm this with a comparison of their 8 yr-old remembering self to their 22 year-old remembering self to their 35 year-old remembering self, and so on. In other words any notion of self, remembering and experiencing perceptions of self included, can only be experienced momentarily, and in relation to constantly shifting points of reference. Nietzsche's metaphor of a tree is useful in thinking about the idea of deferred presence:

We are not subtle enough to perceive that probably *absolute flow of becoming*; the permanent exists only thanks to our coarse organs which reduce and lead things to shared premises of vulgarity, whereas nothing exists *in this form*. A tree is a new thing at every instant; we affirm the *form* because we do not seize the subtlety of an absolute moment. (as cited in Barthes, 1975, p. 61)

Symbolic interpretation functions to organize fluid concepts into manageable (self) distinctions. It is through the process of naming or assigning identity that the speaking subject attempts to bring order to a world that is infinitely open and changing. With difference coming from within and without, it is the function of language to divide tolerable difference from intolerable difference. Intolerable difference is often the difference that most clearly threatens delineations of self.

Similar to words, "I" can only mean in relation to (identification to and difference from) a constantly shifting point of reference. Identity is ever changing, its borders forever dependent on symbols that house, but cannot hold meaning consistently. The line of difference is effaced with the same stroke by which it is drawn. In other words, identity is not static and is only realized to the extent that it is performed. Kristeva (1969) positions "I" as "a mark of separation and of unity, of incompleteness and arrest, of what cuts and connects, of the leap over the incision" (p. 333). While the irreducible gap

between meaning and language cannot be reconciled, boundaries have everything to do with meaning—and the threat of the collapse of meaning. Productions of boundaries function to disguise a subject's position as abject through a deliberate abjection of the other.

.../Abjection

The place of the abject is where meaning collapses, the place where I am not. The abject threatens life, it must be radically excluded from the place of the living subject, propelled away from the body and deposited on the other side of an imaginary border which separates the self from that which threatens the self.

(Creed, 1993, p. 65)

Kristeva's Abjection

In 1982, Kristeva wrote, *Powers of Horror: An Essay on Abjection*, a book that must be foundational to any subsequent discussion of abjection. This hauntingly poetic epexegetis of abjection probed the connections between, and in-between, identity, meaning, language, and hierarchy. This is a clever and performative piece that *approaches abjection* in its subject matter focus as well as in its form. As with other notions that are associated with poststructural theory, abjection is a concept that resists an oversimplification that sacrifices complexity and fullness of meaning for a boundary-focused clarity of definition. Kristeva (1982) certainly conveys this with her descriptions of abjection being a “hallucination of nothing” (p. 42), and “something to be scared of” (p. 32). She further elaborates on the notion,

Approaching abjection ... Neither Subject nor object ... ejected beyond the scope of the possible, the tolerable, the thinkable. It lies there, quite close, but it cannot be assimilated A vortex of summons and repulsion places the one haunted by it literally beside himself. (Kristeva, 1982, p. 1)

In this performative writing style throughout the book, Kristeva manages to blur various words, definitions, and literature examples with a textual pulse that leaves a reader dizzy and wrestling with comprehension. This displacement of subjective identity in the process of reading is precisely the focus of the book, and is the only way to approach Kristeva's abjection. In the book, Kristeva (1982) describes Céline's writing style, which she also manages to perform in her own writing, as challenging the very notion that is the subject of her book "by naming it, [in order to] both have it exist and go beyond it" (p. 190). While demonstrating an impossible transparency of meaning, Kristeva also manages to write a very deliberate and thorough textual account of the abjection manifested in literature in her provocative analyses of the Old and New Testament, and the writings of Céline.

Kristeva's abjection is built explicitly on the theories of psychoanalysis per Freud and Lacan, the poverty of prohibition by Bataille, and the work done on dirt and purity by Mary Douglas. Overall, Kristeva's contribution to the understandings of abjection complicates dominant associations with the word in dictionaries and thesauruses (low in status, defilement, taboo, and sin) with a thorough examination of how these associations intersect with notions of borders, inside/outside, and self/(m)other. The book is profound in its message that the speaking subject's fear of unstable boundaries originates with the initial separation from the (m)other and results in the repeated construction of boundaries performed to avoid the horror in mingling identities with, or being reabsorbed by, the (m)other. She ultimately illuminates the crisis of the word, the instability in meaning that leaves a subject to be defined and transgressed by an unattainable language. This positions the speaking subject in a space of the in-between;

The points of suspension cut off a constituent from the main clause or from the predicate; thus isolated, the constituent *loses its identity* as object phrase, for instance, and while it does not gain a truly autonomous value it still floats in a syntactic irresolution that opens a path to various logical and semantic connotations. (Kristeva, 1982, p. 198-199)

The suspension of complete meaning corresponds with the relationship of meaning to language, and the relationship of identity to the speaking subject. Language is a medium that one is always already experiencing in a new way. One could argue that language and identity are in constant conversation with one another, yet this statement seems to ignore the fact that these two concepts, language and identity, are one and the same, though never the same for more than a fleeting moment. In the simultaneous creation of and splintering of subjective identity, language is abjection, and we, its inextricable audience, become the abject.

The Abject . . . What is it Really?

It is neither subject nor object, but it is not far from these notions either. In fact, it is both of these notions experienced in the only way that is possible, as the always already disruption of continuity. As Kristeva (1982) articulates, the abject is that which “does not respect borders, positions, [or] rules. [It is] the in-between, the ambiguous, the composite” (p. 4), “the collapse of the border between inside and outside” (p. 53). de Nooy (1998) interprets Kristeva’s abject,

a form of otherness that never quite constitutes a definable Other. It never accedes to the status of object, in that—although heterogeneous—it can never be

completely expelled from the subject. It disrupts the neat organization into inside and outside, self and other, as an inaccessible otherness within. (pp. 24-25).

The abject is the other created by the detachment of the subject from which it came, *or* it is the negotiated subject created by a fusing with the other.⁴ In looking at the United States as a metaphorical body, the abject would be the culture that came from the body, was attempted to be expelled from the body, but remained as something in-between *belonging* and *expelled*—as something that challenges any perceived homogeneity of U.S. culture. In the United States, this could be interpreted as Native American culture, a culture that has historicity and materiality that threatens the legitimacy of U.S. borders and identity. If detachment, fusing, and all other identity boundary interactions exist in the realm of the symbolic, then it is necessary to examine the relation between the speaking subject, language, and abjection. It is language that defines the subject and provides the subject with the experience of meaning. It is also language that denies the subject a constancy--of meaning in words—and of identity. Being the medium that simultaneously defines the subject's identity and denies the subject more than a temporal experience of identity, it is the speaking subject that is always already a linguistic audience as abject.

Linguistic Audience as Abject

A subject requires language in order to be defined a speaking subject, however, this same medium that provides the subject with definition is also incompatible with static meaning, challenging the speaking subject to reinterpret meaning in every moment. This complicated status offers the speaking subject an identity conundrum: human beings are not, Lacan insists,

paraîtres, or mere appearances, but *par-êtres*, para-beings, taking up a position as subjects alongside another condition, from which the signifier always alienates us. We are in other words, perpetually beside ourselves. (Lacan, as cited in Belsey, 2007, p. 62)

The speaking subject is at once born of and detached from symbolic meaning and is therefore rendered abject, “halfway between same and other, unnameable, . . . repulsive, something to be expelled like excrement, like unwanted food” (de Nooy, 1998, p. 45). The space of linguistic abjection positions a subject as always already fragmented in a fearful and intolerable space of non-static identity.

In our continuous state of fragmentation, we crave a discontinuous sense of completion, a taste of continuity that does not guarantee a dissolution of our sense of self; we are discontinuous beings, individuals who perish in isolation in the midst of an incomprehensible adventure, but we yearn for our lost continuity . . . the concern is to substitute for the individual isolated discontinuity a feeling of profound continuity. (Bataille, 1986, p. 15)

Barthes (1975) similarly describes the identity of a subject as “fiction,” a “non-site,” “adrift” proposing that a “certain pleasure is derived from a way of imagining oneself as *individual*” (pp. 62-63). Perhaps it is this aporetic desire that drives a subject to produce false spaces of inside and outside, illusions of the *corps propre*,⁵ (clean and proper body). Perhaps it is because the speaking subject is always an audience to language, always created and divided by language, in a space of abjection, that the subject continuously produces false boundaries and illusions of non-porous bodies in order to experience a semblance of completion. According to Derrida,

We find a desire to reconstitute . . . the ‘ideal body,’ the ‘perfect body,’” going on to say that this imagined ideal doesn’t exist, but that “we repeatedly elevate phantom ideals of origin and purity. (Deutscher, 2006, pp. 2-3).

Thus, anything that upsets or transgresses the delineations of purity would also disrupt the illusion of a stable identity. When these transgressions occur at the linguistic, cultural, and physical levels, then individuals belonging to the corresponding identity realize that their identity status is in conflict, and go on to create a language that attempts to explain these unwanted transgressions.

Identity Boundary Performances

Self/Other. In 1966, Mary Douglas wrote, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo*, a book that has been pivotal to any discussion of dirt, purity, and borders across the disciplines. In the book, revised in 2002, Douglas defines dirt as “matter out of place” (p. 44). I argue, that when real people become players on the stage of an identity boundaries performance, and they are perceived as transgressing boundaries that are fundamental to identity survival, then their role becomes *matter out of place* and they are assigned an abject status—that which is other, fused with self. Douglas (2002) goes on to say:

Ideas about separating, purifying, demarcating and punishing transgressions have as their main function to impose a system on an inherently untidy experience. It is only by exaggerating the difference between within and without . . . that a semblance of order is created. (p. 5)

An identity boundary performance (for an individual or group of people) is one that delineates “I,” which can be performed by drawing a boundary of difference, a boundary

between self and other. The discourse of any cultural identity for example, of labeling what does and does not belong to the imagined identity stasis, must function to delineate intolerable difference. These delineation performances are the function of both culture and colonization. The difference being that with the self-created privilege involved in colonization, as Derrida has discussed, the colonizer pretends to have “a natural or historical right to exclude others,” (Deutscher, 2006, p. 19). In other words, while self/other delineations are necessary to delineate meaning and identity, these performances are no longer neutral when they assign a hierarchy of belonging. While the symbolic move to exaggerate difference between self and other can position entire cultures on the margins of a nation-state, this move will never be successful in removing the difference *within* a delineated self-reference.

Self-Same. Intolerable difference within a perceived body (individual, cultural, or nation-state) is an unwelcome reminder of a subject’s irreconcilable abjection and inability to participate in transparency. Thus, an identity boundary performance is enacted to negotiate with this discomfort. Baudrillard’s notion of the self-same is a performance of self-reference that attempts to erase alterity, historicity, and the traces of materiality that challenge a desired reality. The self-same is an identity boundary performance that attempts to virtually eclipse or assimilate the other in order to leave no excess beyond self. While total assimilation would eliminate self (which requires difference in order to exist), these performances are nevertheless enacted in order to reduce intolerable difference and allow subjects to imagine static identity.

Such a desire for static borders of identity is futile and yet, understandable. Without any semblance of borders, a subject cannot experience a sense of culture,

meaning, or self. On the other hand, an over-emphasis of the illusion of static borders results in the cultural abjection of “others.” These jettisoned groups of others attain abject status and become the threat to an illusive clean and proper body of the dominant culture.

While Kristeva’s focus in *Powers of Horror* is on the boundary performances in literature, she sets up a discussion of the boundary performances in any of the texts that continuously constitute perceptions of identity. The irreducible gap between meaning and language cannot be reconciled, thus individuals draw boundaries in order to perform identity. An experience of identity becomes possible again and again through the constant performance of meaningful delineations and symbolic interpretation. Identity is a process of naming and organizing the world into the categories of “self” and “other.” It is found in the descriptions of individual identities and in the language of collective identities (schools, cities, languages, age groups, races, religions, cultures, nations, and so on). The language that delineates the categories of self and other are as fragile as they are consequential. They are illusive and yet powerful. The delineation of difference becomes increasingly complex as the speaking subject becomes more and more attached to experiences of identity while simultaneously becoming more and more repulsed by whatever threatens to expose these precious delineations of difference, these borders and boundaries of identity. The symbolic performances that continuously (re)affirm identity are most consequential when that identity relies on imagined consensus with others. In the process of performing group identity, the illusive borders of what is and what is not tolerable must be over-emphasized in order to effectively capture more *imagined communion*. These performances must function to ignore the transgressions, the subtleties of ever-changing identities and overemphasize static performances of the self(same). It is

important to look at group identity performances in order to examine the consequences and consider whether a particular experience of identity is worth the cost of what/who must be expelled or absorbed in order to perceivably eliminate the in-between or abject. These perceptions of clear identity boundaries at the levels of the nation-state are produced through shared symbols, repeated interpretations, and imagined consensus.

Imagined Communities, Nation-States, and Identities

Anderson's (2006) proposed definition of a nation is "an imagined political community—and imagined as both inherently limited and sovereign" (p. 6). In this wording, Anderson has chosen to use the word "imagined,"

because the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the image of their communion. (p. 6)

This imagined communion linking disparate individuals has enormous defining potential. The ability to define, to draw borders that delineate metaphorical and material bodies, allows for the creation and reproduction of an inside/outside dichotomy, a legitimate/illegitimate constituency, a documented/undocumented procedural classification, and a legal/illegal label with corresponding material consequences.

Anderson (2006) acknowledges that this conception of the nation was posited in the context of decomposing historical certainties in religious communities and the dynastic realm (p. 12), but was also certainly dependent on a kind of imagining that coincided with the birth of the press. He proposed that the mass consumption of a single print-commodity, or print-capitalism "provided the technical means for 're-presenting' the kind of imagined community that is the nation" (p. 25). In other words, the production

of a widespread discourse is able to provide many people with a frame of reference that they are then able to imagine that other audience members share. While a mass-produced print/symbol-commodity does provide audience members with a shared frame and as Anderson proposes, was able to introduce a “meanwhile” into the conversation of time, individual interpretations of the frame and the content being framed must be taken into account. Each audience member brings to her/his reading of any print/symbol-commodity her or his own intermingling of discourses experienced in different, previous contexts as well as situational associations that will *re-present* the experience of the symbol in the present. A text can certainly be shared through the mediation of print/symbol commodity, but a contextual association is never shared. This is because a word never is, a word has.

A word never means, it only has a contextual meaning in an unrepeatable context. Derrida (1978) explains that a return to a text does not reappropriate the original meaning, “the latter is no longer in itself” (p. 295). A word is a vacant symbol without the accompaniment of associations. In fact, this instability in language is exactly the predicament that all humans share in the never-ending process of interpreting temporal meaning. While an audience can share a text, they cannot attain transparency of meaning through the linguistic mediation that is at work in all media texts, or print/symbol commodities. In other words, while media is mediating content, it is simultaneously always mediated by form, a form that does not hold definition, an abjection, the inevitable human circumstance of always already displaced meaning.

Anderson acknowledges that the conceptualization of nation through mediation encourages the thinking of a “representative body, not the personal life” (p. 32). A representative body, or “imagined community” is not inherently negative or positive but

should be analyzed for the way that its definition functions consequentially in a given space and time. National identity language can therefore be examined for how it “plays a role in shaping people’s attitudes, behavior, and aspirations in regard to belonging to a modern liberal society” (Ong, 2003, p. 15). There are great consequences corresponding to one’s delegated positioning of being inside versus outside in the purity classification of belonging.

U.S national identity for example, is often claimed officially⁶ and in the popular media⁷ to be primarily concerned with freedom. This discourse serving to establish U.S. national identity’s service to *freedom*, is actually in the service of establishing its national identity as being *free from* anything that threatens to disrupt the illusion of a static and homogenous nation.

In an attempt to manage the overwhelming notion of a fleeting identity, in this case a cultural identity, the United States as a nation, uses specific discourse that simultaneously attempts to establish it’s own boundaries of identity and abject identities thus allowing for a definition of a clean and proper self. Kristeva (1982) explains this notion saying “what is abject is not my correlative, which, providing me with someone or something else as support, would allow me to be more or less detached and autonomous” (p. 1). In other words, as a linguistic audience as abject, the only way that the speaking subject can experience an (illusive) experience of identity, is to ab-ject others in order to delineate borders of inside/outside. The psychological purification of the “body of identity” is thus enacted upon the physical bodies of those deemed abject. In colonizing indigenous tribes, the U.S. enacted this purification on the bodies of Native Americans, accompanied by a purification discourse. This language of purification is also currently

being used in political and popular media to (re)*classify* subjects of (il)legitimate belonging, and to (re)classify delineations of tolerable difference. As Hall (2003) explains,

Cultural identity “is a matter of ‘becoming’ as well as of ‘being.’” It belongs to the future as much as to the past. It is not something which already exists, transcending place, time, history, and culture. Cultural identities come from somewhere, have histories. But, like everything which is historical, they undergo constant transformation. Far from being eternally fixed in some essentialized past, they are subject to the continuous “play” of history, culture, and power. Far from being grounded in the mere “recovery” of the past, which is waiting to be found, and which when found, will secure our sense of ourselves into eternity, identities are the names we give to the different ways we are positioned by, and position ourselves within, the narratives of the past. (p. 236)

The task then, is to engage with the consequential texts that inform the past and present in order to analyze if it is appropriate and desirable to position identities differently in the future. While the speaking subject will always be an audience to the very medium that provides for and transgresses the experience of identity, the speaking subject can choose how to perform the boundaries of identity and can evaluate the consequences of those performances in order to decide if the consequences are tolerable. While borders function to delineate tolerable and intolerable difference, maybe the consequences of those linguistic actions can be articulated more consciously with a recognition of the illusion of difference.⁸

Methodology: Examining Identity Boundary Performances in Textual Interplay

This thesis will take up Kristeva's theory of abjection in order to examine texts that function to support the identity of non-native U.S. nationality, and serve to abject native identity. The analysis will focus on the texts, "Native" and "House Bill 10-1067" and will include these texts' intertextual references to complicate recent associations that contribute to previous attempts to assimilate Native American culture and eclipse historical materiality. Chapter three, will examine the term "Native" in the seemingly harmless context of a bumper sticker and the legally consequential context of blood quantum. Chapter four will examine House Bill 10-1067 and its seemingly harmless attempt to reconcile state budgetary concerns. It will also consult the legally and historically consequential texts that inform the bill. These texts are relevant to this study because they continue to inform past and present conceptions of U.S. nation-state boundaries and in turn continue to affect and have consequences for the material realities of Native American communities.

As previously discussed, abjection occupies the grotesque (unclear boundaries) space between continuity and discontinuity. Continuity is the pre-symbolic space that cannot be known to the speaking subject. It is unknowable to the subject because it is irreducible to language, which according to poststructuralist thought is the only medium for experiencing meaning. Continuity, though unavailable to the speaking subject is not completely separate from the speaking subject. Continuity includes materiality, and that materiality forms the vehicle of the speaking-subject, the physical, breathing body. Where poststructural theories are primarily concerned with the break from continuity (discontinuity), psychoanalytic reasoning takes an interest in the connection between the

two. This thesis, building on Kristeva, has combined poststructural and psychoanalytic theories in order to consider the position of the speaking-subject as abject—a space in-between continuity and discontinuity. The speaking subject inhabits the space of the materially real but cannot experience that space meaningfully without language. And here lies the gap—the irreducible gap between *what is there . . .* and *what is there for the speaking subject*. Kristeva, influenced by Lacan and Bataille, uses the terms of “continuity” and “discontinuity” to explain the *pre-symbolic material* and the *symbolically interpreted* that grotesquely sandwich the space of abjection. Baudrillard’s work also concerns these spaces, though he uses the terminology “real” and “reality” to describe continuity and discontinuity respectively. While Baudrillard’s writing does not concern the space of the abject, his terminology is nonetheless useful to this thesis because in his writings on the real and reality, he introduces a new space, that of virtuality.

I argue that the symbolic performance of what Baudrillard calls “virtual” is an unproductive response to the blurred boundaries of self/other inescapable to a subject’s abjection. Baudrillard’s virtuality, and specifically, Baudrillard’s notion of *the virtual positive*, or *self-same*, can be thought of as an identity boundaries performance that responds to the unsettling position of being a linguistic audience as abject. In other words, in order to negotiate with linguistic mediation, and the inability to get outside of language, outside of the “meaning-to-say,” the speaking subject attempts to escape abjection and eclipse the gap between continuity and discontinuity in a new space that is not concerned with historicity or materiality- Baudrillard’s virtuality. Holding abjection as the conceptual centerpiece of this thesis, and the reason for identity boundary

performances, this next chapter will consider Baudrillard's notion of *virtuality* as a potentially productive means of describing a grossly unjust response to the discomfort experienced as a linguistic audience as abject.

The next chapter explores complex and contradicting narratives that inform the word, "Native." An epexegetis of Baudrillard's intersecting notions of "the real," "reality," and "virtuality" provides a useful discourse with which to discuss the complicated understandings of, and implications of, "Native" identity. The "real" is discussed as the flesh and blood of the Native American body. "Reality" is re-presented in the cultural history that accompanies U.S. government and tribal government contributions to the official definition of "Native." "Virtuality" is discussed in two cases of language that function to euphemize experiences of Native American existence. Using Baudrillard's conception of virtuality, as a space of positivity, where difference is covered up, and experiences of identity are presented for immediate experience, certain linguistic media can be seen to offer up an identical world that erases the (claim of the) other.

CHAPTER 3

.../Euphemism: Virtual Attempts to Euphemize the “Native”

The virtual positive is one example of an identity boundary performance that negotiates with the speaking subject's position as abject. This chapter will continue to engage the theories taken up in the last chapter in order to examine an abject text, a text like all texts, that cannot hold static meaning, and yet, can be evaluated for the possible effects of that changing meaning. This chapter will examine the intertextuality of the text “Native” and the ways in which seemingly harmless experiences of meaning associated with this word can contribute to large-scale national identity boundary performances that function in a colonial manner. Certain meanings of the word Native (un)intentionally function to negotiate with intolerable difference (that illuminates the contested boundaries of the United States) by euphemizing obligations associated with the term. These linguistic negotiations are concerned with difference that threatens the homogeneity of U.S. culture. The following euphemistic performances introduce another form of the always already identity negotiation that can never be resolved by the speaking subject, in the unsettled position of being a linguistic audience as abject.

The Intertexts that Inform “Native” Identity

A recent media artifact has adopted the term “Native” and used it in the everyday space of a bumper sticker. This text can be seen frequently in Colorado and positions the subject who displays it as the main character in this current narration of Native.

“I have to ask... what is it with all of these bumper stickers?” (Colorado04, 2009). This question was posted by a blogger responding to the trendy bumper stickers that look like a Colorado license plate with the word “Native” found in place of the alphanumeric tag (see *Figure 1*). Another concerned Colorado resident, originally from the Midwest, called one of the sticker’s distributors, Sandy Glade of Colorado Mountain Stickers in Lakewood, Colorado, to inquire about the “xenophobic” stickers. Glade replied, “Sometimes people think that we’re snobs because we’re so proud.” Glade, who admits that she was actually born in Utah but moved here when she was young says, “but we have a reason to be,” she continued, “is the message ‘No Vacancy’ born of pride? Yeah. That one ruffled a few feathers, but it’s all in fun” (Gornell, 2008, para. 3). The bumper stickers indicate a (virtual) reality that connects specific Colorado residents with a delineated commonality and perhaps contributes to imagined communal identity in relation to geography. While the intent may be fun, and indicative of an individual connection to place, the sticker’s message taps into, and (un)intentionally contributes to much larger and more complicated issues surrounding the official determination of the status of being “Native.”

One official determination, the official governmental recognition of Native American identity, involves a certification of “real” Indian blood, and is accompanied by a reality in which there is a federal obligation to honor certain promises made to tribes through the Federal Trust Responsibility, as well as other agreements and treaties. Included in these agreements is the responsibility to provide tribal nations with security, healthcare, education, land, and resources.

Another official determination, a tribal recognition of Native identity, allows for a reality that includes cultural membership, a share of government-distributed resources, and royalties from any successful tribal financial endeavors (mineral possessions, energy production, casinos). When considering the various implications of what being a “Native” means, it is clear that the word is a text⁹ that is being interpreted differently in order to serve different functions. It is interesting to note that in these varying interpretations, there is an intersection of the concepts of real, reality, and virtuality in relation to the term Native. While manufacturers of the “Native” bumper sticker are successful in producing a cultural symbol that attracts the Colorado consumer, they simultaneously produce a media artifact that has the potential to alter understandings of who can claim “Native” identity. With widespread material implications associated with the term “Native,” it is appropriate to consider how *virtual* and “fun” uses of the term may contribute to shifting interpretations of a “*real*” native, and how a continued shift in the term’s meaning would alter current material *realities*.

This remainder of this chapter will be divided into three sections. The first section will discuss the concept of blood quantum, a method that currently contributes to identifying “real” Native Americans. The second section will differentiate between the concepts of real and reality using Baudrillard’s terminology in order to then delineate Baudrillard’s notion of virtuality, which is a productive concept to describe unproductive self-reference performances. The third section will discuss Baudrillard’s notion of the virtual positive and make the argument that certain media artifacts (un)intentionally contribute to previous attempts to euphemize the Native American. This third section will

introduce discuss the notion of the self-same, which I propose is a consequential identity boundary performance in response to the unsettled position of linguistic abjection.

Who is “Native?”: A Discussion of Blood Quantum

Indian Blood Quantum is an identification system that is currently used by the federal government and many tribes to identify Native American authenticity and to legitimate claims to life and culture sustaining material resources. First it will be necessary to explain what blood quantum is, and briefly discuss its historical and current uses. This will be followed by arguments for and against blood quantum, which will lead to a brief discussion of additional consequences associated with this identification method.

Blood Quantum: What is it?

Indian Blood Quantum (IBQ) refers to the exact quantity of Indian blood that a Native American possesses. One might wonder, what is *Indian blood* and how is it different from any other human’s blood? The main thing that differentiates *Indian blood* from other blood is that it has been named, officially documented, and tracked throughout the past century in order to determine when the U.S. government interprets that an Native American’s authenticity has been diluted to the point where they can be officially recognized as “white” and will have therefore lost the legal claim to Native identity. Blood quantum is not a physical blood test, but is determined through proof of ancestry. *Indian blood* must be inherited from either one of an individual’s birth parents, so long as that parent is a “real” Indian. The government decided who a “real” Indian was in 1887 when they created the official American Indian lineage rolls, rolls collected in association with the General Allotment (Dawes) Act. IBQ determination “is made on the basis of

proof of Indian Blood by tribal origin. Proof of Indian ancestry is usually verified by the Bureau of Indian Affairs, and a certificate of authenticity” (Bashshur et al., 1987, p. 690).

IBQ is an official determination that decides who is or is not eligible for legal classification as a Native American, and also determines eligibility for the benefits that accompany that legal classification. Blood Quantum calculations affect “land ownership and inheritance, resource allocation, federal trust responsibilities, tribal recognition, and [tribal] sovereignty” (Reddick & Collins, 2006, p. 26). Presently, individuals are concerned with their IBQ when they seek to benefit from tribal membership in the areas of tribal participation, legal assistance, Indian Health Services, security, access to Eagle feathers (a religious item used by many tribes that is considered illegal to possess in the United States), access to sacred sites that are now claimed to be government-owned property, educational grants, college tuition waivers, and tribal royalties. Today the determination of IBQ is “made by one or both of two jurisdictions: the Bureau of Indian Affairs (BIA) and the tribal council of a recognized Native American or Alaska Native tribe” (Reddick & Collins, 2006, p. 26). Tribes use varying blood quantum requirements for membership enrollment ranging from a strict quantum of five-eighths, to the most commonly used quantum of one quarter, to a very inclusive quantum that allows for any genealogical proof dating back to 1887. But in order for an individual to receive a Certified Degree of Indian Blood (CDIB) card, often referred to as a “white card” (used to receive BIA healthcare and education services), one must be able to “prove that either their total blood quantum meets the current one-quarter degree [BIA] requirement or that they are a member of a federally recognized [tribe]” (Reddick & Collins, 2006, p. 28). It is also required that “this Indian blood must belong to a tribe that has entered into a treaty

with the United States, ratified by congress” (Woody, 1993, para. 3). IBQ is both a U.S. governmental and tribal governmental tool used for identifying “Native” authenticity, but how did this unusual form of cultural classification originate?

Historical Use of Blood Quantum

To better understand blood quantum it is necessary to look at its historical significance, “the subject of Native identity is entangled within the threads of American history, government policies, and legal interpretations” (Reddick & Collins, 2006, p. 26). The origins of blood quantum calculations, a racial tracking technology, “evolved in the United States as an exclusionary gauge used to classify noncitizens (Indians and blacks in particular) who were forbidden to vote or own land” (Reddick & Collins, 2006, p. 26). Aside from these restrictions, IBQ was also used to acquire land from tribes.

In 1887, the General Allotment Act, otherwise known as the Dawes Act, provisioned a “formal eugenics code” that was utilized to:

define who was (and who was not) “Indian” by U.S. “standards.” Those who could and, were willing to, prove to federal satisfaction that they were “of one-half or more degree of Indian blood” and to accept U.S. citizen in the bargain, received a deed to an individual land parcel, typically of 160 acres or less. Once each person with sufficient “blood quantum” had received his or her allotment of land, the remaining reservation land was declared “surplus” and opened up to non-Indian[s]. (Churchill, 1995, p. 31)

The enactment of the General Allotment Act was a significant and severe historical episode that continues to inform U.S.-tribal relations and identities. This legislation was “a program to divest tribes of their land owned in common in favor of individual private

ownership” (Hamill, 2003, p. 278) and has ongoing implications and consequences. The act divested tribes of some 80 million acres of land that sustained tribal culture and livelihood, and provided the U.S. with 80 million acres of land that continues to sustain U.S. culture and livelihood.

The next law significant to the official definition of the Native American was the Wheeler-Howard Act in 1934. In Section 19 of this act, “Indian” is defined outright as a person who is a member of “any recognized Indian tribe now under Federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any reservation” (Reddick & Collins, 2006, p. 30). The act was also known as the Indian Reorganization Act and “established ambiguously defined blood-based rolls and reservation residency requirements” (Reddick & Collins, 2006, p. 30). IBQ was tracked through the rolls established in the Dawes and Wheeler-Howard Act, to be used to track Indian populations in the United States and justify various federal measures.

One such federal measure was the Indian Boarding School episode. IBQ was applied to Native Americans and tracked regularly through Indian Boarding School enrollment lists in order to track assimilation progress. At the heart of IBQ and other assimilation policies was the notion of “a savage/civilized continuum that places full-blood Indians on the savage, pagan, backward holy end of the continuum and full-blood Whites on the civilized, Christian, progressive end” (Hamill, 2003, p. 281). At one of the Indian Boarding School commencement ceremonies the Reverend A. J. Lippincott suggested to the students, "Let all that is Indian within you die! . . . You cannot become truly American citizens, industrious, intelligent, cultured, civilized until the Indian within

you is dead" (Adams, 1995, p. 274). These "schools" managed to break up many Indian families and brought many Indians into the cities where successive marriages to people of other ethnicities led to further IBQ dilution.

In addition to justifying past measures aimed at acquiring additional federal lands and justifying "educational" projects that aimed to dissolve Indian culture, IBQ continues today as a racial classification process that is used by both the U.S. federal government and tribal governments for various reasons.

Current Uses of Blood Quantum

Presently, both tribal and the U.S. federal government use IBQ to verify tribal membership. It is important to note that in both cases, quantum requirements aim to limit resources to officially documented Natives. On the federal side, this is to limit the population that the government is obligated to, and on the tribal side, this is to limit the amount of people to divide tribal resources among. It will now be useful to look at some of the cases that people have made for and against IBQ requirements for tribal membership purposes.

According to Gabriel Laundry, a Puyallup former council member, "some Indians are in favor of keeping a blood quantum requirement because it naturally limits the number of people eligible to enroll, he said. 'Their view is that the more people you have, the smaller the pieces become when you start dividing up the pie'" (Carson, 2002, para. 34-35). This opinion is certainly understandable, and as Johnston (2003) points out, "when limited tribal funds must be shared among members, an incentive to limit the number of people in the Nation is, unsurprisingly, created" (p. 265). Laundry, however, favors a more inclusive approach to tribal membership, "the greater numbers you have,

the more power and authority you have in the surrounding community” (Carson, 2002, para. 38).

Bob Anderson, head of the Indian Law Center at the University of Washington School of Law, suggests another reason that Native Americans support the blood quantum, “the less distinctive a tribe is, either racially or culturally, the more precarious its status as a sovereign nation . . . that’s where the pressure comes in to keep blood quantum” (Carson, 2002, para. 39-41). This case for blood quantum points out the U.S. government’s motivation to track the dilution of IBQ. U.S. Federal Trust Responsibility obligates the federal government to honor certain promises made to tribes in treaty agreements in perpetuity, in exchange for their land. Education, healthcare, protection of religious freedom, and security are among the promises included in this trust responsibility.¹⁰ With the dilution of IBQ, there are fewer individuals that the federal government is obligated to uphold treaty promises with.

Many opponents of IBQ classifications also point out a colonial/assimilation motivation,

Not surprisingly, the use of the white card to record a human pedigree raises civil rights concerns. The use of ‘blood quantum’ to define a genetic cut-off point for Indian people is viewed by many as an instrument of assimilation or extermination” (Horwich, 2001, para. 2).

Churchill also argues against IBQ requirements for two reasons, first because “indigenous notions of group membership and identity did not rely on blood in pre-contact North America” and second, because “blood as a criteria for Indian identity was

imposed as a policy to annihilate Indian people and cultures” (Churchill, as cited in Hamill, 2003, p. 271).

The issue of IBQ has been raised for over a century and is deeply intertwined with Indian identification processes. Because of this complicated history, whether or not it is in the best interest of tribes, it is inextricably tied to tribal/U.S. resource arrangements. Carson (2002) suggests, “Deciding who gets in and who stays out has become a divisive and emotional issue . . . in tribes across the country—particularly in those with profitable casinos” (Carson, 2002, para. 4). Just as there are many reasons, like casino profit division, that seem to justify some claim to authenticity before tribes can accept new enrollment, there are plenty of other reasons why the IBQ classification is especially detrimental to the future of Native American tribes.

Additional Consequences of Blood Quantum

In a study of Black Seminoles, Johnston (2003) points out that IBQ requirements threaten black tribal members whose ancestral ties to the community relate more to a shared history than shared genes. Black Seminoles’ (also known as Freedmens) “membership in the [Seminole] Nation is under threat as the tribe moves to an identity system that seems to place genetics and blood quantum above history” (p. 262). The IBQ requirements obviously privilege race in determining belonging in Indian nations, even though that was not a determinate in pre-colonization America and forever alters tribal membership identification.

In a study analyzing the relationship between IBQ and Indian Health Service utilization it was found that blood quantum is consistently declining. There is an increasing trend among Indians to marry non-Indians, a rate estimated to be higher

than 50 percent If the current demographic trends continue and the regulation [of requiring 1/4 blood quantum for Indian Health Service eligibility] is enacted, as time goes on, fewer and fewer Indians will qualify for benefits. (Bashshur, 1987, pp. 692-693)

In other words, IBQ is a system that points towards the extinction of Indian realities through assimilation determined by blood dilution. “This whole blood quantum thing was invented by the federal government,” says Robin Torner, the tribal chairman of the Cowlitz Tribe,

we’re not breeding dogs here, belonging to a tribe has got a lot more to do with than blood. It has to do with tribal affiliations, your heritage, who you live with and who you give your loyalties to. (Carson, 2002, para. 15)

He and other critics point out that “blood quantum requirements amount to slow-motion genocide. If the children of those who marry outside the tribe were disqualified, they say, the tribes would disappear” (para. 16). Because Native Americans marry outside of their tribe at rates above 50 percent, Torner’s point illuminates a dangerous momentum for the “reality” of tribal identity. According to the Bureau of Indian Affairs, “six of every ten American Indians were full-blooded in 1980. Now, the ratio is just one in three” (Carson, 2002, para. 30). With this current trend, the dilution of Indian blood would eventually eliminate federal obligation and is therefore in line with previous federal goals to assimilate the Native American, both in regards to land/resource obligations and the cultural heritage that never forgets those obligations.

With an understanding of the continued effort to use blood quantum technologies aimed at uncovering “the real Indian,” it will now be useful to discuss Baudrillard’s use

of the terms “real,” “reality,” and “virtuality” before ruminating on the consequences of Baudrillard’s notion of the virtual positive in relation to definitions of “Native” and Native identity.

Re/virtu(al)(ity)

Re/virtu(al)(ity) is a neologism that appropriately combines the concepts of the real, reality, and virtuality. It is an appropriate combination because all of the terms rely on each other for definition as they attempt to describe understandings of human existence. It is also appropriate because, just as with each of the concepts that make up the word, this neologism is messy and complicated to articulate, and cannot be articulated without symbols. The real, reality, and virtuality are difficult notions to explain definitively. It will now be useful to consider Baudrillard’s definition of these terms in order to see how his use of the terms allows for a discussion of an identity boundary performance that aims to tidy up the ambiguous and consequential text, “Native.”

According to Baudrillard (1996) the real is an unimaginable space of insignificance, a space of nothing (p. 151). Reality is an interpretation of the real through the medium of symbols/language. The virtual is an implosion, where reality “involutates of its own accord and implodes leaving no trace” (Baudrillard, 1996, p. 48). It will now be useful to separate these terms as best as possible in order to gain a better understanding of them. See *Figure 2* for a helpful visual delineation.

The Real

The real is a concept to explain continuity, that which is pre-symbolic, or irreducible to language. Baudrillard (1996) explains it as “the continuity of the nothing” (p. 1) or “the void” (p. 2). It is incomprehensible to humans as it is prior to subjective

experience—if we accept that humans are linguistic subjects and only experience meaning through symbolic interpretation. Baudrillard (2005) attempts to explain the inexplicability of the real, “that which is real exists; that is all we can say” (p. 18), it is “the world-as-it-is . . . [with] no possible representation of it” (p. 32). Baudrillard (2005) explains that humans cannot know the real because “things are given to us only through our representation” (p. 39). While humans encounter the real with their material body, the moment that they interpret the real, they are in the space of reality, the human interpretation of the real.

Reality

Reality is a re-presentation of the real, a re-presentation that produces meaning. It is a production resulting from the human drive to define, impose limits, and experience meaning. Reality is an interpretation of the real through the medium of symbols/language, and is therefore the human experience of subjective identity and culture. Reality is discontinuity, or the human manufacturing of meaning through symbolic/linguistic interpretation (Baudrillard, 1996, p. 18). It is an appearance, the radical illusion of the world (Baudrillard, 1996, p. 17). Baudrillard (2005) explains that in reality, “the principal of representation alone gives it its meaning” (p. 18). It is a space of an indestructible “dual form,” an operational representation of the real form (Baudrillard, 2005, p. 21). This dual form is a “form that denies any final reconciliation, any definitive accomplishment” (Baudrillard, 2005, p. 22). This is because linguistic definition is never that which it explains. In other words, there is a gap, a difference between the symbol [reality] and the referent [the real]. This is the notion that both Derrida and Kristeva discuss as the *difference within*. Reality is the place of becoming a subject (and

simultaneously, an other), a place of alienation and “becoming estranged from oneself” (Baudrillard, 1996, p. 112). It is the human experience of realizing difference and connection (mimesis). In an interesting and helpful analogy, Baudrillard (1996) explains that reality is similar to the Big Bang theory in that meaning is experienced in the middle of nothing and “will spread through the world until, perhaps, it exhausts itself (1996, p. 2), and that both objects and the world are not experienced in real time “any more than the stars in the night sky” (due to the speed of light) (p. 7). This delay, this infinite deferment, this gap between the symbol and the referent denies the transparency of meaning and positions a subject as abject—A subject that must experience meaning through mimetic and differential identity boundary performances that never allow for transparency of meaning or identity. According to Baudrillard (2005), “Given reality’s powerlessness to bridge the gap that separates us from the [real] and the insoluble enigma it presents for us, we have had to move to a further stage—that of the Virtual” (p. 44). Because reality can only re-present, it produces difference. Virtuality on the other hand, attempts transparency, and aims to replace difference with the self-same. The borders between self and other cannot be reconciled (because difference delineates self) and so virtuality attempts to absorb/assimilate the other and eliminate this reminder of the irreconcilable gap.

Virtuality

Baudrillard (2005) explains the virtual as a space of total integration (p. 21). Virtuality is a simulation of reality with the loss of a referent [the real], making it a space of self-reference, or self-same, a space that attempts to erase alterity, historicity, and the traces of the real. Baudrillard (1996) explains that it is the human “determination to

invent the real world, so that it no longer escapes us” (p. 44)—the real world escapes us in the gap between the world and our symbolic interpretation of it. Baudrillard (1996) explains that the virtual is an attempt to create a new “real” without the interpretative gap, which would be “a kind of anorexic history which no longer feeds on real happenings” (p. 49). Subjectivity requires a delineation of self and other, “the Other has to be produced imperatively as difference” (Baudrillard, 1996, p. 115). Virtuality “slips on like a condom” (Baudrillard, 1996, p. 139), as prophylaxis, offering indifference and protecting humans from the difference of the other. The danger in virtually replacing unsettling notions of difference with representations of self is a loss of subjectivity. In other words, “to be dispossessed of the other, [is] to lose all otherness” and to lose delineations of otherness is to lose delineations of self (Baudrillard, 1996, p. 112).

In bringing the three concepts of the real, reality, and virtuality together, Baudrillard (1996) explains, “if the system fails to be everything, nothing will remain of it. If thought fails to be nothing, something will remain of it” (p. 151). In this statement, Baudrillard outlines the real, reality, and virtuality and the consequences in the human movement towards the virtual. In other words, if the virtual accomplishes transparency of meaning, the real will cease to exist thereby causing the termination of human existence. But when linguistic interpretation fails to explain the real, human existence remains. Baudrillard (1996) explains the appeal of substituting the virtual for reality:

To the tragic illusion of destiny [the real] we prefer the metaphysical illusion of subject and object, the true and the false, good and evil, the real and the imaginary [reality]; but, in a final phase [virtuality] we prefer the virtual illusion even more

. . . an artificial reconstruction of the world where, at the cost of total disenchantment, we would enjoy a total immunity. (p. 43)

Baudrillard continues to explain that this movement towards total immunity is only a movement and not possible. But, even movement in this direction will come with consequences, “The [murder of reality] is never perfect, perfection is always criminal But perfection is always punished: the punishment for perfection is reproduction” (p. xi). The perfection in that statement symbolizes the movement towards the virtual positive, or the attempt to erase unsettling difference with an image of self. The punishment, or reproduction, is the inevitability of complete erasure of the dual form, which in the case of “Native” would be cultural difference. He goes on to suggest that those individuals being virtually erased will interrupt the transparency of meaning with difference, with their “real” presence, in the appearance of flesh and blood.

The Virtual Positive

The beginning of this chapter discussed how the “Native” bumper sticker proposes an understanding of “Native” as an individual who was born and raised in a particular location. A dictionary definition for virtuality is “the inherent ability or potential to come into existence” (Encarta, 1999, “Virtuality”). If the “Native” bumper sticker is thought of as a media artifact producing a meaning for “Native” that has the potential to replace other understandings of the word in conversations, then what implications would this virtual understanding bring? In a poststructural understanding, words are open texts and are always in a state of being reinterpreted. Nevertheless, new interpretations, especially when they are mass-produced and distributed in public, have the potential to change public interpretations of a “Native” existence. In the conversation

of Indian identity, commonly held perceptions that anyone is a “Native” would contribute to the misconception that the U.S. government no longer has an obligation to uphold treaty responsibilities. These obligations are to the “Natives” who have a different cultural reality of human suffering than the Colorado bumper sticker owners who are trying to demonstrate a pride for the location where they live/were raised. In the space of the bumper sticker, the “virtual” production of a self-same-Native provides the non-Native with a distraction from the Native American “reality” (of a culture dissipated by U.S. legislative measures) documented by “virtual” blood dilutions. A move towards a positive (in the sense that the negativity associated with continued U.S. government obligation is absent) version of the word “Native,” is a move towards a “delirious, self-referential form The self-same The pure and simple appropriation of difference” (Baudrillard, 1996, p. 126).

Kroker and Weinstein (1994) explain the will to virtuality as “the will to supplant the organism's perceptual space with a virtual space and thereby to supplant social time with heterogeneous virtual temporalities” (para. 65). In this sense, virtuality becomes a preferred way to replace the “Native” identity that is associated with the un-payable debt (Federal Trust Responsibility) accrued in U.S. history that continues in perpetuity. It would be replaced with a more manageable sense of “Native” identity that can be claimed in real time, and therefore would erase history and the responsibility attached to the text of “Native.” The computer generated bumper sticker produced for mass consumption offers another way to conceptualize “Native.” This conceptualization offers that anyone can be a native, that in looking in the mirror, every interested individual will see their own image in another context of Native (one who can lay claim to the state where they

live/were raised). The stickers “invent a perfect self-identical world” (Baudrillard, 2005, p. 12), a world that erases the (claim of the) other.

According to Baudrillard (1996), virtual perfection allows one to live “life in real time” (p. 28), to replace an unsettling history with a participation in immediacy, “we are no longer spectators, but actors in the performance, and actors increasingly integrated into the course of that performance” (p. 29). The virtual production of the self-same allows non-Native U.S. citizens to be divorced from material consequences and accounts of human suffering. This undue suffering is a lasting effect of historical self-same and self/other performances that continue to inform past and present identity connections to place—to the abject territory of the United States that still shows the real traces (scars) of that abjection (unclear boundaries with other cultural identities).

In a Baudrillardian analysis of the “Native” bumper sticker, perfection is the ability to replace the negativity associated with the Native American (the un-payable debt) with a positive reference to state pride. Baudrillard (1996) claims, “perfection, true to its name, is always criminal. In the perfect crime it is the perfection itself which is the crime” (p. xi). Using this terminology, the crime is that the *virtual* definition of “Native” attempts to eclipse the “real” Native that experiences human suffering. The *real Native*, the material body, is experiencing suffering, and this is evident when learning that “the health of the Indian population still lags seriously behind that of the general population” (Bashshur, 1987, para. 22), and sexual assault occurs at “twice the rate in the Native American population as in the general population” (Hukill, 2006, p. 247). If the real Native is suffering, at the same time that a Native cultural reality is suffering, then what can be done in defense?

Baudrillard (1996) explains “We have to take words from language one by one, take things from reality one by one, Behind every fragment of reality, something has to have disappeared in order to ensure the continuity of the nothing” (p. 3). If the term Native is removed from the cultural reality that the term officially represents (a reality that includes the consequences of the General Allotment Act, the Indian Boarding School experience, and the other atrocities that occurred in the name of Manifest Destiny), and is replaced with a new positive meaning that represents whoever is looking in the mirror, then this act of virtual positivity will lead the original reality of “Native” culture into an unrecognizable real (the goal of assimilation). The cultural reality of the Native American is under the threat of a simulated Native (the self-same Native implied by the bumper sticker) “a reality that has become unreal by dint of positivity, that has become speculative by dint of simulation” (Baudrillard, 2005, p. 37).

Baudrillard (1996) explains that virtual positivity is a “metastases of identity: all the particles disperse into individual histories” (p. 126). If this is the case with the linguistic interpretation of “Native,” then a history that carries responsibility and debt is substituted with a real-time personal history of geographical upbringing. But, what is the harm in these “fun” new definitions that offer the non-“native” consumer a virtually responsibility-free conception of “Native” existence?

This move towards a virtuality that ignores history will not come without consequences. Baudrillard (1996) explains that there is danger in “total efficiency, total performance” (p. 113). As mentioned before, the absence of alterity is simultaneously the absence of identity. “By eliminating the other in all its forms, not to mention racial and linguistic differences, by eliminating all singularities in order to radiate total positivity,

we are eliminating ourselves” (p. 113). He continues, “The best strategy for bringing about someone’s ruin is to eliminate everything which threatens him” (Baudrillard, 1996, p. 113). Without a delineation of other, there is no delineation of self, no experience of identity. According to Baudrillard (1996), virtuality is the human negotiation of the unbearable gap between the illusion (reality) and the real, between language and the signified. Virtuality uses technology to cover this gap, “no empty space any more, no ellipsis, no silence. The more we move towards that perfect definition, that useless perfection, the more the power of the illusion is lost” (Baudrillard, 1996, p. 32). In other words, humans attempt to trade discontinuity (reality) for a new continuity (virtuality) using the ultimate perfection of the medium, the medium being symbolic interpretation pushed to the level of real time. The attraction to this virtual space is the notion that, “Delivered from ourselves, we shall enter the spectral, problem-free universe” (Baudrillard, 1996, p. 39). In the case of the bumper sticker, the virtual is a space where the U.S. non-Native can replace the problem of difference (a Native American) with the self-referent (The Native Coloradoan/or any other state). Baudrillard (1996) suggests that virtuality is “the horizon of disappearance” (p. 37), a space where humans trade difference and death for transparency and immortality. This is a space where one can avoid the unsettling difference that demands recognition, especially when the demanded recognition comes in the form of trust responsibility obligations and land cession agreements. Virtuality is a space of positivity, where difference is covered up, and experiences of identity are presented for immediate experience.

In *The Intelligence of Evil or the Lucidity Pact*, Baudrillard (2005) posits that despite an increasing attempt by humans to live in the space of the virtual positive, the

dual form (the inability to live in real time due to the linguistically defined existence experienced by the speaking subject) will not allow the referent to be rendered transparent. Baudrillard (1996) warns that the referents, associated with negativity and being eclipsed virtually (with positivity), are real people (*the mirror-people*):¹¹

There is about them a kind of otherness which will not be understood, a kind of incompatibility which will not be bargained away Their *ressentiment* may be impotent, but from the depths of their virtual extermination a passion for revenge is infiltrating and dislocating the Western world. (p. 148)

In the context of “Native” identity, this caption is appropriately responded to by an anonymous graffiti artist in a piece that is found in a bike path tunnel located in Boulder, CO. (See *Figure 3*). The figure portrayed in the tunnel is an individual in what appears to be a bowed stance. There is a feather in a noticeably upright position rising from behind her or his head. The accompanying caption reads: “The Day will come when our silence will be louder.” Baudrillard (1996) explains that the euphemizing of difference has consequences:

Our image in the mirror is not innocent, then. Behind every reflection, every resemblance, every representation, a defeated enemy lies concealed. The Other vanquished and condemned merely to be the Same The ghost of a once sovereign being whose singularity has been obliterated This slavery of the same, the slavery of resemblance, will one day be smashed by the violent resurgence of otherness Already they resemble us less and less . . . (p. 150)

The day will come when our silence will be louder.

Baudrillard's notion of the intelligence of evil is an evil that is not seen from a moral point of view, "but something in reality itself which radically contradicts the Operationalization of the world," (2005, p. 14) the euphemizing of an uncomfortable difference.

This chapter has discussed the intersecting notions of "the real," "reality," and "virtuality" in the complicated understandings of, and implications of, "Native" identity. The real is the flesh and blood of the Native American. Reality is the cultural history that accompanies U.S. government and tribal government contributions to the complex and contradicting narratives of the text, "Native." Virtuality is discussed in two cases of euphemizing experiences of Native American existence. One case is the contribution of Indian Blood Quantum rationalizations in an attempt to uncover "the real" Indian. Although the consequences of this virtual attempt are extensive and significant, the attempt to discover "the real" Indian through blood quantum will always fail, because in the end, any delineation of differences in blood exist solely in the realm of symbolic interpretation, the realm of reality. In other words, blood quantum is a virtual attempt to uncover "the real" Indian, but fails to exist outside of the symbolic interpretation that is reality. The other case of euphemizing experiences of Native American cultural existence includes a recent media artifact (the "Native" bumper sticker) that contributes to erasing unsettling difference with a positive reference to the self-same. Baudrillard articulates these two cases of virtual positivity: "Metaphorically, we are already in the 'umbilical limbo'. Not only have the traces of our past become virtual, but our present itself is given over to simulation" (Baudrillard, 1996, p. 23). In relation to the intersection of virtual positivity and the definition of "Native," the traces of the past are the attempts at using

the technology of blood quantum to virtually discover “the real” Native. The present that is given over to simulation is the attempt to reappropriate the term, “Native” to identify the self-same (experience of state-pride). The dangers in virtual positivity are significant, but the intelligence of evil will be, and always has been the defense.

Colonization practices continue. The technology of the real is still being used in an attempt to uncover “the real” Indian. The virtual positive represented in consumer media continues to encroach on historical and cultural experiences of what it means to be “Native.” But, the criminal (negative) intent to balance virtual positivity is being met. Native Americans actively contribute to the intelligence of evil. Virtual positivity will never fully eclipse the real of human suffering.

The next chapter examines another recent text that functions to reduce an obligation to Native Americans that was accrued in a Native land cession. This text, House Bill 10-1067, attempts to reduce Colorado’s financial burden to fund Native students’ tuition at Fort Lewis College by separating Colorado resident Native students from non-resident Native students. While the text HB 10-1067 and the next chapter focus on the legislative means to make this separation, it is interesting to note that Fort Lewis College relies on Indian Blood Quantum to verify the authenticity of tribal status to determine waiver eligibility. The next chapter will examine the intertextual references that inform HB 10-1067 in order to evaluate identity boundary performances. Although HB 10-1067 is another self-same performance attempting to remove governmental obligations to the Native, tribal nations again rise to the occasion and actively call for the right to self-determination, the right to difference.

CHAPTER 4

.../The Self-Reference, Mise-en-Abîme: Framing the Dregs of Colonialism

This chapter deliberately embeds six holographic frames concerning HB 10-1067 in order to complicate the (oversimplified) economic argument made by the bill's sponsor. The *mise-en-abîme* form that organizes the chapters' sections is meant to correlate with the speaking subject's positioning of identity and the infinite reproductions of self-same and self/other delineations performed to satisfy desires of self-reference.

House Bill 10-1067, the recent re-framing of the Fort Lewis College Native American Tuition Waiver, can be discussed in terms of an economic argument (as is demonstrated by the bill's sponsor), or it can be discussed in terms of colonialism. The framing of the discussion will depend on the reader's/scriptor's apperception and motivations. This first frame (and chapter section) will provide a summary of the bill and an account of the responses to the bill. The responses are important to include because they had a direct affect on the outcome of the bill and give clues to the omitted contexts, the textual interplay that manage to transgress the confines of the house bill.

House Bill 10-1067: A Re-framing of the Fort Lewis College Tuition Waiver

In 1911, the Federal Government and the state of Colorado entered into a contractual agreement that defined the state's obligation to provide tuition-free education to American Indian students. In January of 2010, representatives of the state of Colorado challenged this contractual obligation with a bill for the third time (the first two

legislative challenges will be discussed later in this chapter). The recent legislative challenge, House Bill 10-1067, would have reduced the amount of money reimbursed by the state to Fort Lewis College for the Native American Appropriation for Funds Tuition Waiver program. The tuition waiver program ensures, in perpetuity, that qualifying American Indian students from anywhere in the country are able to attend Fort Lewis College tuition-free in exchange for the tribal lands that were transferred to the U.S. government in 1880, and ultimately, to the state of Colorado in 1911.

House Bill 10-1067 attempted to change the terms of the state's reimbursement obligation from the "cost of tuition" to the "cost of instruction," which would result in a \$3,000-per-student difference that adds up to \$1.8 million in 2011" (Hanel, para. 6). Fort Lewis College officials made a statement that the school would continue to honor its obligation to provide American Indian students with tuition-free education, though the dramatic increase in costs for the program would be largely detrimental to the school and attending students, and would require the school to "lay off faculty" (Andrews, "Councilors," p. 1). The change in funding would reduce Fort Lewis College's budget of \$41 million by \$6 million annually or "by \$490 per full-time student" said Steve Schwartz, the vice president of finance and administration at Fort Lewis College (McGhee, para. 5). While the house bill's stated intent was to improve the situation for the state budget, had it passed, the results would have been devastating to Fort Lewis College and carried negative implications for Native American students. The reduction in funding granted to the institution would have likely affected future Native American recruitment motivation as well as directly affecting the class sizes and resources available to all Fort Lewis students. Fort Lewis College Alumni President, Andy Chase, explained

that had the bill passed, “it would have meant cuts to our staff and our faculty, we might have ... gone to some part-time faculty, we would have had to increase class size, we would have had to have part-time instructors, [and] maybe some TAs” (Chalfin).

Democratic State Representative Karen Middleton of Aurora sponsored the bill and said that she was “carrying the bill for the Colorado Department of Higher Education” (Andrews & Hanel, para. 6). The bill was introduced in the context of the current economic downturn affecting the nation at large and was during a real-time context of dramatic budget cuts to higher education affecting all public colleges and universities in Colorado. Legislators have been forced to make cuts across the board as “the state faces at least a \$1.3 billion shortfall in the 2010-11 fiscal year, which begins in July” (“Ritter’s,” para. 4). In the midst of making tough decisions, The Department for Higher Education had proposed to pay for the tuition waiver by taking “money out of the statewide financial aid budget for work-study, a pot of money that pays needy students who work on campus” (Hanel, “State Eyes,” p. 2). In an attempt to skirt this proposal, Middleton sponsored HB 10-1067.

Middleton and other Colorado legislators had concerns about the “rising costs” of the tuition waiver program, the funding of which increased by \$1.1 million last year, and by \$4.2 million since 2004 (Hanel, “State Eyes,” p. 1). This rising cost in funding naturally accompanies the increase in American Indian students attending the college. Currently, “750 of FLC’s 3,700 students are Native Americans who receive free tuition (Andrews, “Councilors”, p. 1). The rising number of Native American students attending college under the agreement of 1911 prompted state legislators to attempt to change the language of the agreement, which would relieve some of the financial woes of the state.

The action taken by legislature was to propose House Bill 10-1067, which is officially named, but not identified as, *Concerning a requirement that the state fund 100% of the cost of instruction for nonresident Native American students enrolled at Fort Lewis College*.

House Bill 10-1067 was drawn up on January 12, 2010, introduced “in House” and “assigned to Education” on January 13th, and “postponed indefinitely” by the House Committee on January 25th. The bill was sponsored by Representative Karen Middleton, D-Aurora in the House and Senator Bob Bacon, D-Fort Collins in the Senate. Although it was around for less than two weeks, the bill garnered a lot of responses in its short life. It is useful to look at these responses as they are rich with the language that frames identities of the dominant and the abject.

Responses to House Bill 10-1067

The bill was introduced by Middleton and Bacon, who stated that they were carrying the bill for the Ritter administration. Certain local politicians (in the context of an election) responded quickly to criticize the bill and to support the continued funding from the state. Other politicians defended the bill and focused the conversation on the state’s current budget.

Political Representatives

Political representatives against the bill. Just following its introduction, Rep. Sal Pace (Fort Lewis alumnus), D-Pueblo joined with Rep. Ellen Roberts, R-Durango to voice their opposition to the bill, “It’s really sad in 2010 that Colorado has forgotten about the history of broken promises and broken treaties to Native Americans,” Pace said

(Hanel, “State Eyes,” para. 26). Roberts expressed her concern for the “Native Americans in her district” and Fort Lewis College:

In talking with fellow legislators about the bill, many found the most striking and disturbing thing about it was the isolated way a proposed budget cut was being made to one college and to an obligation that remains unique in Colorado to Fort Lewis College’s establishment as an education institution. (para. 4)

Roberts posted information on her website about the history of the tuition waiver and briefly discussed the past failed legislative attempts in the 1970s to limit the scope of the waiver in a similar manner. This legislative excess will be elaborated on later in this chapter. On January 14th, Fort Lewis alumnus Rep. Scott Tipton, R-Cortez, joined the fight to “kill the bill”. Senator Bruce Whitehead, D-Hesperus also made his opposition visible, and lent his support by distributing information about the bill, encouraging people to contact their local government representatives to voice their concern, and writing a column on the issue for The Durango Herald. Whitehead (2010) said of the tuition waiver program stemming from the 1911 State and Federal change of lands agreement, “This agreement has made Fort Lewis College a national leader in providing education to American Indian students, creating a culture of diversity” (para. 3). While this statement is true, it is somewhat ironic given that the school was initially an Indian Boarding School that expressly intended to reduce diversity and replace Native culture with White culture.

Brian O’Donnell, candidate for State Representative, D-59, was also very critical of the bill and put together a set of very clear step-by-step instructions delineating his opinion of the best way people could collaborate in order to defeat the bill (O’Donnell,

“Help Stop Fort Lewis Cuts – Here’s How”). O’Donnell posted his set of instructions on his own political website in addition to the Facebook group page, *Students for the Native American Tuition Waiver @ Fort Lewis College*.

Political representatives for the bill. Local politicians who supported 10-1067 said that the bill was not an attack on Fort Lewis College or Native American students. Officials of the Department of Higher Education, positioned the bill as an economic solution to the budget crises, “We’re not trying to single them [Fort Lewis] out or anything. We’re in the position of making really tough choices among really bad options,” said John Karakoulakis, spokesperson for the Colorado Department of Higher Education. (Hanel, “State Eyes,” para. 13-14). Representative Middleton couched the motivations of the bill among these *tough choices*, saying “the state has had to reduce the amount of work-study money it provides to students statewide to cover its reimbursements to Fort Lewis. Middleton said she had proposed the bill in an attempt to prevent the continuation of reduced funds to work-study recipients. In response to the opposition she received from spokespeople of Fort Lewis College, she said, ‘They [Fort Lewis] were unwilling to come to the table and negotiate.’” (Engdahl, para. 10). Middleton’s senatorial sponsor of the bill, Bob Bacon, D-Fort Collins, backed Middleton’s reasoning:

The tuition waiver grew \$1.1 million in the last year. To pay for the extra, the Department of Higher Education wants to take money out of the statewide financial aid budget for work-study, a pot of money that pays needy students who work on campus. That’s not fair, Bacon said. “What it/[the bill] is, is an attempt to try to maximize the work-study funds across the state for many students, and not just for Fort Lewis”. (Hanel, “State Eyes,” para. 10-12)

In an e-mailed statement, Lt. Gov. Barbara O'Brien explained that the proposal is the result of dire economic times that have resulted in severe budget cuts. She also proposed that this bill would not violate the 1911 agreement and that there is no plan to eliminate free tuition for qualified Indian students, "The state of Colorado has no jurisdiction over that action" said O'Brien (McGhee, para 9). Karakoulakis also positioned the bill as a solution to the impact on work-study recipients, saying that the bill "hedges against other cuts to need-based financial aid and work-study statewide" (McGhee, paras 10-11). Middleton attempted to clarify the circumstances of the bill, "This is seen as an accounting situation, not a political situation." (McGhee, para. 13). She explained to reporters,

The cost of educating American Indian students at Fort Lewis College has soared from \$6.5 million to \$10.7 million over the past five years. That's because the state pays tuition for all American Indians, regardless of their tribe or where they live. (Paulson, para. 4)

Middleton said in response to this situation, "It doesn't make a lot of sense. What we're trying to do is have the *same* policies for all colleges. It's the right thing to do [Emphasis Added]" (Paulson, para. 8). This reasoning raised concerns about the 1911 agreement guaranteeing free tuition to Native American students. Rico Munn, director of the Colorado Department of Higher Education, "rejected suggestions that the bill would violate the treaty. All students would suffer equally,' he said" (Paulson, para. 9-10). The students, however, had different opinions.

Student Responses

A student Facebook community grew quickly in opposition to the bill, mobilizing people, and organizing forums, protests, and letter writing. A much smaller percentage of students spoke out in favor of the bill.

Students against the bill. On January 17, 2010, 24-year-old Alray Nelson, a Fort Lewis College senior, Diné (member of the Navajo Nation), and ASFLC (Fort Lewis student council) senator, created the Facebook group, “STUDENTS for the NATIVE AMERICAN TUITION WAIVER @ Fort Lewis College.” The group had 2,254 members by January 20th, more than 3,400 members by January 22nd, and had grown to 5,252 members by March 27th. The officers of the group include Bilinski, the director of the FLC Native American Center, Lewis, the ASFLC Chief Justice, six ASFLC senators, and Whitehead, Colorado State Senator, D-6. The Facebook group distributed information about the bill, discussed the context of the tuition waiver, and offered a space for people to voice their concerns and organize. The group’s discussion tab included posts that invited members to contact Middleton and Bacon to voice their opinions on the issue and asked members to write letters to the editor of The Durango Herald.

Nelson also used the Facebook group to notify people of the student and community forums that he organized on campus. Soon after the group was formed, he commented that he was able to set up a meeting with and gain the support of the college’s student council. He also organized a well-attended forum at the FLC Native American Center on January 20th, “so students would gain a better understanding of what’s being proposed in the Colorado Legislature.” It was said that between 200 and 300 people attended the town hall style forum (Zah, para. 20). Navajo Nation Vice President Ben

Shelly attended the meeting and spoke in support of the students who were against the bill, "The Navajo Nation is behind you all" (Slothower, para. 3). An FLC student present at the forum spoke out in opposition to the bill and defended the students right to the guaranteed continuation of the tuition waiver, "'Our relatives' blood paid for this,' said Julie Bison, a Lakota student from South Dakota. 'This has been paid for in advance.'" (Slothower, para. 12).

Students for the bill. There was a smaller group of students who formed an opposing Facebook group and voiced their support for House Bill 10-1067 in the name of "equality" and against all "racist" measures of "affirmative action." The Facebook group, "Students Against the Native American Tuition Waiver @ Fort Lewis College," was created and maintained by Lacey Janae and Mark Ekstein, and had 29 members in January (Slothower para. 14-15), and 66 members by March 27th. The sentiment of this group is captured in posts made by the site's creators, "the natives get this waiver and go to school for free because they have nothing better to do, not because they want to learn and do something for good" (Eckstein, "Photo 2"), "I don't think equality means taking the minority and putting them on a higher pedestal[sic] to make up for any prior imbalance. we shouldn't have to apologize for the sins of our fathers . . . how much/long will we owe them? (Janae, "January 21 at 9:40pm"). This group of students was a minority and their views were not expressed by the college's teachers and administration.

Fort Lewis College Officials

The college's faculty and administration were unanimously against the bill. "The change would reduce Fort Lewis College's \$41 million budget by \$490 per full-time student," said Steve Schwartz, Fort Lewis vice president of finance and administration.

He continued,

The more instruction, the more hands-on time you can give to a first-generation student, the more likely they will succeed. If we have to reduce support programs or increase class sizes so students can't get one-on-one attention from professors, that could mean the difference between a first-generation student succeeding or failing. (McGhee, para. 5-6)

Fort Lewis College officials were critical of the bill and expressed concern that their school was being targeted unfairly amidst other crushing budget cuts. While the change in terminology that HB 10-1067 proposed would affect the amount of money that the state paid to Fort Lewis College to reimburse the college for educating Native American students (from the cost-of-tuition, to the cost-of-instruction), it would not mean that Native students would be required to pick up the tab. It would refocus that burden onto the college. In other words, the college would only be able to operate if it continued to fund Native students tuition, as per the 1911 Agreement and the exchange of lands. With so much at stake, and with the demonstrated large number of people agitated about the bill, the college requested that the committee delay the bill's hearing: "We've asked it to be pushed back two weeks," Schwartz continued, "right now (Middleton) is on the fence, because she's mad at us" (Slowthower, para. 21). But Schwartz expressed that the college was also mad and brought up the bill as being one of the few honored agreements between the U.S. Government and tribes. Schwartz said that this is one of the few treaties in which the United States has maintained their promise to American Indians (Paulson, para. 11). Whether he was weighing the impact that this could have on all U.S./Tribal relationships, or merely commenting on the media attention, Fort Lewis College

Spokesman Mitch Davis remarked, ‘This is truly a national story’ (Slothower, para. 16-17).

The Generated Discourse and Subsequent Responses

The debate attracted national media attention including, The New York Times, CBS News, and NPR (National Public Radio), who all called college officials for interviews. The Durango Herald was reported as posting “breathless” titles that required answers from the bill’s sponsors. Among such breathless titles, “State Eyes Cuts to FLC Indians,” and “Save Fort Lewis Indian Tuition Waiver.” The bill’s house sponsor responded to the generated discourse somewhat defensively saying that the bill was being twisted in the media, and by Fort Lewis students. One of the students that she was referring to was Alray Nelson.

In addition to creating the Facebook group of students against the tuition waiver, and organizing student forums, Nelson had also posted flyers around the FLC campus that sandwiched a figure of a closed fist with the words, “Honor and Uphold. The Sacred Trust.” (See Figure 4). When asked about the flyers, the bill’s sponsor replied, “This is the reason that I pulled my bill,” Middleton continued, “it’s mischaracterizing what I was trying to do” (Valenti, para. 13). In addition to the flyers, Middleton also chided the media for “misrepresenting” the bill, ““This was never meant to be a direct impact on Native Americans,” (Engdahl, para. 4). While Middleton continued to focus the situation on the budget, others continued to remind her of the association with Native Americans. “Any cut to the school's state funding will damage its ability to provide an education — and that will hurt American Indians, said Tom Shipps, whose Durango law firm

represents the Southern Ute tribe. The bill would pressure Fort Lewis to recoup the losses from out-of-state Indian students or cut programs, Shipps said” (McGhee, para. 16-17).

The majority of the Ritter administrations remained largely silent though were thought to have had adequate background information and knowledge of prior concerns regarding the bill’s possible affect on surrounding Native communities. On January 21st, Middleton said she would “kill the bill” and that she “never expected the fallout that occurred” (Andrews and Hanel, “Aurora rep. ‘sorry,’” para. 1). Middleton explained,

My vision for this was not where this landed. My goal was to actually re-align how funding was going out to colleges, and it's obviously not been taken that way, so now we're going to go back to the drawing board to figure out a better way of approaching this. (Andrews & Hanel, “Aurora rep. ‘sorry,’” para. 4)

While many of her comments assumed a position that defended her intentions for the bill, she also expressed that she “wasn't given enough background information before going forward.” (Andrews & Hanel, “Aurora rep. ‘sorry,’” para. 6). The bill was “postponed indefinitely” by the sponsor before going to vote.

Roberts (2010), a cohort from the opposing party and opposing side on this issue wanted to clear Middleton’s name of malicious intent:

At no time did I view the bill as racially motivated and in the time I’ve known the bill sponsor, Rep. Karen Middleton, she has struck me as one very experienced in, and a great advocate for, higher education. She didn’t know the history and importance of the Native American students at Ft. Lewis or the unique obligation taken on by the 1911 contract. I appreciate her willingness to take in information

that was new to her on short notice and committing to withdraw her bill. (“The Importance,” para. 8)

Fort Lewis College President Brad Bartel also with went on record with an appreciation for Middleton’s decision to pull the bill:

Fort Lewis College would like to express our heartfelt thanks to Representative Middleton for her decision to pull HB 10-1067. We understand that her intent was never to hurt Fort Lewis College. We want to thank her for her advocacy for education and for her commitment to all Native American students. We welcome the opportunity to work with Representative Middleton, the Executive Director of Higher Education Rico Munn, and the Legislature in finding solutions to the higher education funding challenges in Colorado. (Davis, “HB 10-1067,” para. 3)

The official responses were clear in their appreciation for the bill’s withdrawal and their motivations to remain on good terms with the representative.

Over the two weeks of this piece of legislation’s life, Middleton continued to tell the press that the bill was about the current economic situation and not about the schools obligation to students from registered tribes, “This was never about Native American students,” said Middleton. “The fact the bill was characterized as such is both highly misleading and unfortunate” (Valenti, para. 3). It is useful here to recall the title of House Bill 10-1067: *Concerning a requirement that the state fund 100% of the cost of instruction for nonresident Native American students enrolled at Fort Lewis College*. The title seems to suggest that this bill had everything to do with Native American students. This leads to the fundamental question, if House Bill 10-1067 was never about Native American students, why or why wasn’t it? In order to answer this question it is necessary

to become familiar with the intertextual frames that inform this legislation. In looking into the holographic frames that inform the bill, Middleton may have been correct. Maybe this bill was not about Native students at all, but instead, was another image of self-reference performed in line with previous colonial goals aiming to protect the illusion of a clean and proper identity for non-native U.S. citizens. In a capitalistic society, economic hardship is especially threatening to the illusive, yet highly coveted “self” boundaries, thus the economic argument backing HB 10-1067 should be considered in conjunction with additional frames of textual interplay in order to illuminate much more complicated legislative decisions.

The holographic frames of textual interplay that will be added to the recent media framing of HB 10-1067 will include: the Fort Lewis College Native American Tuition Waiver, the history of the establishment of Fort Lewis and its historical relationship to Native Americans, the historical Ute land cessions that founded the waiver, and then a brief account of the colonial goals that grounded the Ute Land cessions ... the building of Fort Lewis ... the initial reason for the Tuition Waiver ... and House Bill 10-1067.¹² The next frame of reference to be considered in this chapter is the Fort Lewis College Native American Tuition Waiver.

The Fort Lewis College Native American Tuition Waiver

Schwartz said the college began as a boarding school at Fort Lewis near Hesperus, and later moved to Durango, where it grew into a thriving, four-year college. Schwartz said the goal [of the tuition waiver] in 1911 was to lure Indians for indoctrination, and lawmakers didn't expect many of them to accept the offer. But its mission has changed over a century, and the budget cuts would be devastating, he said, because the federal government still requires the school to educate all American Indians.

(Paulson, para. 12-13)

It is difficult to discuss HB 10-1067, which attempted to change the terms of the

Native American Tuition Waiver at Fort Lewis College without a discussion of the tuition waiver. The waiver recognizes that qualifying Native American students from anywhere in the U.S. may attend Fort Lewis College tuition-free in perpetuity in exchange for the tribal lands that were claimed by the U.S. government in 1880 and ultimately deeded to the state of Colorado in 1911. The tuition waiver program is funded by the citizens of the state of Colorado, and has largely been looked at as an economic burden. The question that many want answered is how this financial arrangement came to be. This section begins and ends with the problems associated with funding Native students education per the Native American Tuition Waiver. The waiver began as an effort to assimilate tribes into the settlers' way of life and has emerged into a dilemma as the efforts that were intent on assimilation have once again created solidarity and pursuits of self-determination—results that the state of Colorado does not want the obligation to fund. This frame is another set of images that attempts to negotiate with “the Indian problem.” The following section will be an abbreviated account of the history of the tuition waiver. This section will begin with a discussion of the waiver's initiation in 1911, the first amendment in 1916, the details regarding the 1956 transfer from Hesperus to Durango, the 1972 Legislative challenges to the tuition waiver (the lawsuit and appeal), and will conclude with the current stipulations of the waiver.

The Initiation of the Fort Lewis College Tuition Waiver in 1911: Previous Territory of Fort Lewis Indian Boarding School Reduced to 6,318 acres.

The tuition waiver was instated in order to render Fort Lewis College in correspondence with the terms of a property sale agreement that took place between the federal government and the state of Colorado. The details of this agreement included a

specific stipulation that the property must be maintained as an educational institution where “Indian” students would be admitted “free of charge for tuition.” This requirement was set up initially by the federal government in the continued efforts to assimilate Native Americans into the colonizers’ ways of life in order to reduce the strain between the cultures. Not only did the U.S. and tribal governments claim the same land but they also had different intents for that land. With identities in conflict, the U.S. government was intent on virtually eclipsing the other in order to reduce the struggle of negotiating the difference within its own boundaries.

With the initiation of the waiver, two things happened: first, the state of Colorado agreed to the terms of the agreement and purchased 6,318 acres from the original Fort Lewis School property; second, the federal government released the remaining property associated with Fort Lewis Indian Boarding School to the U.S. public domain. The language from the original proposal and agreement has been included in this chapter in order to allow for a comparison to subsequent changes in the language.

On April 4, 1910, U.S. Congress proposed to sell 6,318 acres from the Fort Lewis property to the state of Colorado. This act read:

There is hereby granted to the state of Colorado, upon the terms and conditions hereinafter named, the property known as the Fort Lewis School, including the lands and buildings, and fixtures pertaining to said school; Provided, that said lands and buildings shall be held and maintained by the state of Colorado as an institution of learning, and that Indian pupils shall at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils; Provided further, that this grant shall be effective at any time before July first,

nineteen hundred and eleven, if before that date the Governor of the state of Colorado files an acceptance thereof with the Secretary of the Interior accepting for said State said property upon the terms and conditions herein prescribed; Provided further, that if said property is not accepted by the state of Colorado as hereinbefore provided, the Secretary of the Interior is hereby authorized to dispose of and convey the said property, including the real estate, buildings and fixtures, to the highest bidder for cash at a price not less than the appraised valuation to be fixed by the Secretary of the Interior, the sale to be subject to his approval and under such rules and regulations as he may prescribe; and the Secretary of the Interior is also authorized and directed to sell, or transfer to other government Indian schools, all other property pertaining to the said Fort Lewis School for the disposition of which provision is not otherwise made herein.” (Fort Lewis College, 2004, p. 2)

On January 25, 1911, Governor John P. Shaforth of Colorado signed the Executive Order thereby accepting the Fort Lewis School property under the conditions named in the 1910 Act of Congress. His executive order ends with this statement:

Therefore, in consideration of the premises and of the grant aforesaid, I, JOHN P. SHAFORTH, Governor of the state of Colorado, for and on behalf of the said state of Colorado, do hereby accept the property know as the Fort Lewis School, including the lands, buildings and fixtures pertaining to said school upon the terms and conditions named in the said Act of Congress of the United States of America, passed at the Second Session of the Sixty-first Congress, entitled: “An Act making appropriations for the current and contingent expenses of the Bureau

of Indian Affairs for fulfilling treaty obligations with various Indian tribes, and for other purposes for the fiscal year ending June 30, 1911, and approved April 4, 1910.” (Fort Lewis College, 2004, p. 3)

After the governor’s acceptance of the terms, the tuition waiver was created in order to render the Fort Lewis property in accordance with the land grant. The state of Colorado, however, did not appreciate the land usage restriction (to education-only), and so fulfilling the intent outlined by the federal government was short-lived.

The First Amendment: Loss of 6,318 Acres of Educationally Appropriated Property

In 1916, there was an amendment to the Act of 1910 that changed the original agreement substantially. The amendment changed the terms of usage that would be permitted on the property and in doing so, reduced the quantity of the land that had to be dedicated to education. The amendment stated:

That the lands, buildings, fixtures, and all property rights, granted to the state of Colorado for educational purposes by section five of the Act of Congress approved April fourth, nineteen hundred and ten (Thirty-sixth Statutes at Large. Page two hundred and seventy-three), may, in lieu of the use designated in said grant, be utilized by said State for the care of the insane, as an agricultural experiment station, or for such other public purposes as may be authorized by the legislature of the State: Provided, That Indians shall always be admitted to such institutions free of charge and upon an equality with white persons. (39 Stat. 123 (1916))

In opening up the property to uses other than education, this amendment removed the obligation to serve Native students in the business of education and replaced this with a

stipulation that “if” there were schools on this property, that Native students would be admitted tuition-free. It was interpreted that the state must also “admit Indians to the experiment station free of charge” (Colorado Legislative Council (CLC), 1971, “No. 167,” p. 18).¹³ The passage of this amendment may have seemed harmless at the time—although it changed the land-usage requirements, it did not affect the situation in that historical present because the operation of the school did not require the amount of land dedicated to that purpose. After the amendment passed, an agricultural testing site was established on the site and ran alongside of the Fort Lewis, which was then operating as a high school. As stipulated in the amendment, provided there was a school on the Hesperus property known as Fort Lewis, Native American students would be able to attend free of charge. The land that stipulated “other” obligations within the boundaries of the state would need to be virtually eclipsed. In 1956, this *restrictive* clause was remedied, and the 6,318 acres were fully assimilated by the state.

1956, School No Longer Operating on the Fort Lewis Property in Hesperus: Loss of the “if” stipulation in the 1916 Amendment

In 1956, Fort Lewis (then operating as a junior-college) was moved from its original site in Hesperus, CO to its present-day location in Durango, CO—situated on land that was not part of the 6,318 acres under contract. The previous site in Hesperus remained under the state’s control as an agricultural experiment station (CLC, 1971, “No. 167,” p. 17). In the new location, the college continued its previous policy to educate Native students tuition-free. According to the Colorado Legislative Council (1971), the property at Hesperus was legally bound to provide tuition-free education to Native students (“No. 167,” p. 17), and informed, though did not require, the continuation of the

policy after the school was transferred to its Durango location. The transferred location may have seemed harmless at the time, because although it seemed to relinquish the state of its obligation to provide tuition-free education to Native Americans, it did not affect the situation in that historical present because the school continued the Native American tuition waiver policy.

To review the situation, the 6,318 acres that had been sold to Colorado was now thought to be free from the obligation of the Native American tuition waiver. Through the gradual changes to the original agreement, the land was no longer restricted to educational use, and the stipulation that required the state to admit Natives free of charge to any educational institution “if” an educational institution existed on that property, was now rendered “not applicable.” These gradual changes demonstrate how the legal ties to the original agreement continued to slip with each historical and revised linguistic frame.

At the time of the move, Native student enrollments were low. In fact, they had always been low, because Native Americans were distrustful of the government schools from the beginning. According to Decker (2004), though Chief Ouray of the Weeminuche Utes claimed not to know the “machinations of American politics,” when Brunot suggested to Ouray that the Utes might like to have some good white teachers “so that your children could compete with White children,” Ouray responded no, “we’d rather teach them ourselves” (p. 53).

Because the relationships with the neighboring Native American tribes were no longer threatening the state of Colorado’s development and future visions of identity, the low number of Native students at the school was seen as positive. In other words, assimilation was seen to have been largely successful. According to the Colorado

Legislative Council (1971), “the low Indian enrollments at Hesperus were in keeping with what had been expected when the grant was accepted [by the state of Colorado]” (“No. 167,” p. 18). The 1911, the Durango Morning Daily Democrat confirmed this sentiment, reassuring readers that just as Fort Lewis must admit Native students tuition-free, “there are no Indians within many miles of the reservation [and] this becomes an obligation of no consequence” (Fort Lewis College, 2004, p. 4). It is important to notice how this sentiment suggests the new understanding, that the tuition-waiver would be maintained at the new location as a charity and because it was not a financial burden to the citizens of Colorado but not because it was a legal obligation. This is in stark contrast to the original agreement in which the land would only be available to Colorado under the conditions that it would be used for education and that Native students would be able to attend tuition-free. These statements also run contrary to the words of the Attorney General who in 1953 (prior to the move) wrote a letter addressing questions about moving the school from Hesperus to Durango. In the letter he dismisses the possible implications of the 1916 amendment:

If the purpose of the school is changed from that laid down in the original congressional grant, it is my opinion that the lands will revert to the federal government and will be lost to the State of Colorado. (Colorado Legislative Council, 1971, p. 23)

While this was his opinion, it was certainly not interpreted as law by the state of Colorado nor the administration of Fort Lewis College.

It is useful to again review the linguistic and material slippage that occurred from the original 1910 property agreement up to this point. First, there was the amendment that

changed the land-usage requirement from education to multi-use as determined by the state. This amendment included an “if” stipulation that said “if” there is an educational institution on the Hesperus property that it must admit Native students tuition-free. The next event that affected the original agreement was the school’s move from the Hesperus property to its present-day Durango location. This answered the “if” stipulation with a “not applicable” response. Despite the move, the waiver was maintained by the state, though this was now framed as charity and was considered inconsequential due to the low-enrollment numbers by Native students. The effects of the slippage of the legal terms that upheld the original agreements intentions are seen clearly in the actions taken by Colorado and Fort Lewis in the 1970s. As enrollment numbers grew, and Native Americans were seen again to be causing a problem for the financial (identity) of the state, Colorado legislatures looked for assurance that the tuition-free obligation was void and could thus be relieved of this obligation. Fort Lewis shifted their interpretation of the agreement according to the state’s perception.

House Bill 1452, Native Tuition Waiver Transitions from Requirement to Choice

In the fall of 1970, Fort Lewis placed a limitation on the number of Native American students that would be admitted to the college, tuition-free. Fort Lewis took this action in order to negotiate with the new funding reimbursement limitation. But why did the state decrease the tuition reimbursement to Fort Lewis College? Throughout the 1960s, Native student enrollment had increased. The members of the Colorado Commission on Higher Education (CCHE) had expressed concern over the fact that the citizens of Colorado were paying for a noticeably larger number of Native students. In 1966, the CCHE asked the State Board of Agriculture to look into their options,

to initiate inquiries with appropriate state and federal agencies looking either to modifications of law to provide reimbursement for the education of non-resident Indian students or to permit strict limitation of non-resident Indian students' at Fort Lewis. (Kyle, 1971)

This move by the state created a dilemma for Fort Lewis College. By this point, Fort Lewis College had become a four-year degree granting institution that was dedicated not only to providing Native students with quality education, but also to offering culturally appropriate support services and courses to promote Native students' success and support Native rights to self-determination. Fort Lewis had even built a cultural center for Native students to study and congregate in solidarity. The new dilemma concerned funding. In reviewing their budget for the 1970-71 school year, and taking into account that the school would now receive limited reimbursement from the state for the Native students' tuition funding, Fort Lewis opted to limit tuition-free enrollment for Native students to 207 applicants to prevent a "revolving door" experience for their students (Colorado Legislative Council, 1971, "No 167," p. 26). As a result, sixty-two Native students were refused in the fall of 1970 ("No 167," p. 26).

Native students and communities protested the college's action, claiming that it was a violation of law and "demanded a return to the previous unrestricted policy" (CLC, 1971, "No. 167," p. 17). The protests did not go unheard and in the winter of 1970, the U.S. Legislative Council appointed the Committee on Indian Enrollment Problems. This legislative guidance had been requested in order to determine the financial and legal obligations that the state of Colorado had in providing the funding of the Native American Tuition Waiver at Fort Lewis College.

The committee researched and put together a report of moral and legal findings. In this report, the committee purported to have found that the moral obligation of the state of Colorado was to provide “quality education to a sizeable number of American Indian students [in keeping with] the conditions of the grant of the original Fort Lewis site at Hesperus” (CLC, 1971, “No. 167,” p. 9). The wording in this report regarding the state’s moral obligation is vague and can be interpreted in various ways—though “sizeable” is certainly different than 100 percent. The committee’s findings on the legal obligation of the state was more specific and not as favorable in terms of holding up the intentions of the original agreement:

The Attorney General [on March 18, 1971] has concluded that the state of Colorado has no federally imposed legal obligation to provide tuition-free education for American Indian students now that Fort Lewis College is located in Durango and not on the site of the original land grant at Hesperus. In fact, the present state law raises federal and state constitutional questions, in that it singles out Indian students as a special group entitled to free tuition solely on the basis of race without any reference to financial need. (CLC, 1971, “No. 167,” pp. 9-10)

This finding was accompanied with recommendations on how to proceed, and in the spring of 1971, the Colorado legislature passed House Bill 1452 with the following provision:

124-14-5. Tuition fees-Indians. (1) The state board of agriculture shall fix tuition, in accordance with the level of appropriations set by the general assembly for the college, subject to the restriction that all qualified Indian pupils whose domicile lies within the geographic boundaries of the state of Colorado, who qualify for in-

state tuition under article 18 of chapter 124, C.R. S. 1963, and who are not otherwise able to pay tuition shall at all times be admitted to such school free of charge for tuition and on terms of equality with other pupils. (CLC, 1971, “No. 167,” pp. 13-14)

In response to the state’s limitation of funding reimbursement, Fort Lewis College set a Tuition Waiver cap in the 1971 winter term. It was projected that there would be 350 applicants for the Native American Tuition Waiver, but that admission would be limited to 192 students, giving priority to Colorado resident Natives. This process delineated a body of tolerable difference, thus keeping the identity of state body in tact. It was meant to satiate the discomfort with allowing open boundaries of unlimited access to state funding by Native students. It is useful to notice again that the legal terminology has slipped from 100 percent to “sizeable,” which was then interpreted as fifty-five percent in 1971. This forty-five percent reduction did not go unnoticed by Native students, who voiced their concern to the federal government.

The 1972 Lawsuit and Appeal: Federal Government Sues the State of Colorado for HB 1452

The Federal government did not agree with the tuition-waiver limitations brought about by the passage of 1452 and took “action against the state of Colorado in United State District Court seeking a judgment which declared the 1971 legislation [HB 1452] a breach of contract” (Fort Lewis College, 2006, pg. 5). On August 14, 1972, Chief Judge Alfred A. Arraj announced his decision:

It is therefore ordered that judgment be entered declaring that the Congressional Act of April 4, 1910, and the acceptance of the terms thereof by the state of

Colorado resulted in the formation of a contract which requires Colorado to admit Indian students to Fort Lewis College at Durango, Colorado free of charge for tuition. (Fort Lewis College, 2006, p. 5)

Arraj's judgment reinstated the contract and made it clear that the new location of Fort Lewis in Durango will not result in a void contract. In accordance with the judgment of this lawsuit, Colorado reluctantly agreed again to the original terms set out in the 1910 agreement and stated that they would guarantee that Native American students would always be admitted to Fort Lewis College tuition-free. However, the state of Colorado also demonstrated their disapproval of the judgment when they immediately filed an appeal with the United States Court of Appeals, Tenth Circuit. This move did not turn out as the state of Colorado had hoped. Colorado lost the appeal and the Court Of Appeals judge affirmed the 1972 judgment:

The Court of Appeals, Seth, Circuit Judge, held that where United States granted land and buildings to State by Act which required that the land and buildings be held and maintained by State as an institution of learning at which Indian pupils shall be admitted free of charge and Act required express acceptance of provision by State which was done by act of legislature, there was not a grant by United States, in praesenti and title did not pass until express acceptance was made by State which had obligation to maintain tuition-free school for Indians at school's new location which was not within boundaries of original grant. (Fort Lewis College, 2006, pg. 5)

This statement from the courts reaffirmed that Fort Lewis College, even in its new location, would be required to admit all "Indian" students to the college tuition-free,

Colorado resident or non-resident, as agreed upon when accepting the land grant in 1911. The terms set out in this appeal were maintained up to and through 2010, despite the short-lived attempt to once again change these terms in HB 10-1067.

2010: Current Stipulations of the Native American Tuition Waiver

The Fort Lewis College Native American Tuition Waiver has been maintained despite the attempt with HB 10-1067 that would have changed the terms of the waiver in order to reduce the state of Colorado's reimbursement obligation from the "cost of tuition" to the "cost of instruction" thereby cutting the funding required to support non-resident Native Americans (from a state other than Colorado). The passage of this bill would have limited the funds to Fort Lewis College dramatically and would have directly impacted the quality and amount of programs that they would be able offer to all of their students (native and non-native alike). The outcry against HB 10-1067 was effective in that the bill's sponsor pulled the bill before it went to a vote. It was made clear that Colorado legislature would continue to look into their options to reduce the financial accountability created by the waiver. In other words, efforts to assimilate this obligation would not be accomplished with HB 10-1067. Efforts to replace intolerable difference and erase undesired debt in perpetuity would be again attempted with performances of the virtual positive. For now, however, the Fort Lewis College Native American Tuition Waiver is still maintained with the stipulations that will now be discussed.

In 2010, qualified Native American students are admitted tuition-free. What does this mean exactly? A student must qualify academically, must be able to pay for college-related student fees, and must qualify as a "Native American."

To qualify academically a Native student must meet the academic requirements that all non-native applicants must meet. These requirements are calculated by an index that is determined through a combination of GPA and ACT/SAT Scores. The fees that Native students are still required to pay include: room, board, books, and student fees. Native students, similar to non-native students, are encouraged to fill out a FAFSA¹⁴ in order to cover these related costs.

In order to be considered for the Native American Tuition Waiver, a student must first qualify as a “Native American.” The Fort Lewis College website defines a Native American “for purposes of the tuition waiver” as follows:

The term Native American shall include all persons of Native American descent who are members of any recognized Native American tribe now under federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Native American reservation, and shall further include all persons of one-half or more Native American blood. Eskimos and other aboriginal people of Alaska shall be considered Native Americans. (Fort Lewis College, “Native”, para. 2)

Blood quantum, as discussed in the previous chapter, continues to function as a legal way to define “Native” and continues to affect Native material realities. Under the Fort Lewis College guidelines, this definition of “Native American” is demonstrated by submitting a Certification of Indian Blood (white card), or a copy of one’s Tribal Membership Card. This first step allows a student to be considered for the waiver, after being considered, a student will then need to find out if they qualify. According to the admission form titled, *Fort Lewis College Office of Admission Certification of Tribal Membership for American*

Indians form that must be filled out to apply for the Tuition Waiver (2004),

To qualify for the Native American Tuition Waiver, you must be at least 50% Native American (no enrollment number required) OR, if less than 50% Native American, an enrolled member of a federally recognized tribe. If you are a shareholder or descendant of a tribe member, you must: [1] have your own enrollment or census number; or [2] provide documentation that you are 50% Native American; or [3] prove you are a direct descendant to a tribe member who lived on a reservation prior to June 1, 1934 (typically documented by a chain of birth certificates). (Fort Lewis College, para. 2). (See Figure 5).

Thus, if a student is able to demonstrate that they meet academic and blood quantum requirements, then at present, they will be admitted to Fort Lewis College tuition-free.

It is useful to review the historical situations that have affected the language and legal interpretation regarding the Tuition Waiver. The original 1910 property agreement guaranteed that Native American students would attend Fort Lewis tuition-free in the continuation of a previous effort to assimilate Native Americans. As these assimilation efforts were no longer considered necessary, the language and terms of the original agreement were modified in an effort to rid the state of its financial burden.

First, there was the amendment that changed the land-usage requirement from *education* to *multi-use* as determined by the state. This amendment included a stipulation that said “if” there is an educational institution on the Hesperus property that it must admit Native students tuition-free. The next event was the school’s move from the Hesperus property to its present-day location in Durango. This move was seen to remove the requirement that Native students be admitted tuition-free due to a severance from the

land tied to the original grant. Despite the move, the waiver was upheld by the state, but considered a *charity* as opposed to a *requirement*. The continuation of this *charity* was due to the low-enrollment numbers by Native students. As enrollment numbers grew in the 1960s, Native Americans were again seen to be causing a problem for the financial identity of the state. This growth pointed towards the U.S./Native abject relationship, the irresolvable otherness within state boundaries. Now the state was not just tolerating this difference, but was now actually funding programs that support the integrity of this difference. Programs at Fort Lewis were supporting Native American solidarity and self-determination, programs that have encouraged Native American students to thrive on the Fort Lewis College Campus. In looking at the historical outline of the major events concerning the Fort Lewis College Tuition Waiver, it appears that the tuition waiver is yet another frame of colonialism in which a group struggling with self-reference, first delineates intolerable difference, then attempts assimilation of that difference, and is then confronted with the excess of that unassimilated difference, which continues to prompt legislative measures of assimilation.

It is difficult to understand the Fort Lewis College Native American Tuition Waiver without a familiarity with the various intentions and colonial roles that Fort Lewis has served in its past. In order to better contextualize the tuition waiver, it is useful to examine the various roles that Fort Lewis has played in relation to Native Americans. The next frame in this chapter will outline Fort Lewis' major functions that have shaped its identity as Fort Lewis College.

Fort Lewis: Established in Response to “The Ute Problem”

Fort Lewis has been the name and location for five different establishments, but

has always been defined in relation to Native Americans. Fort Lewis was initially established as a military post to “defend” the U.S. settlers from the Utes on the land that was being claimed by both U.S. and Ute parties. When the Utes were no longer a military threat, the fort was transformed into an Indian Boarding School with the intent to “civilize” neighboring tribes and replace their intolerable difference with tolerable difference in order to assure settlers that that their vision for a new American identity would not be compromised. As the boarding school movement died down, Fort Lewis was changed first into a high school and then into a junior college before it transitioned into its present-day form as a liberal arts degree-granting institution that offers programs supporting efforts of Native American self-determination. It will be useful to trace the evolution of Fort Lewis from its goals of Native extinction/assimilation, to its present day reputation for promoting Native American self-determination. This story begins with efforts to eliminate “the Indian” and results in a college that prides itself on Native American diversity.

Fort Lewis, the Military Fort

Fort Lewis was originally a military post established in 1878 to protect the new mining and agricultural settlers of Colorado from their fear of Native American interactions. Native American were seen as abject because they compromised the settlers agricultural identity by de-legitimizing the land thought to be belonging to the settlers, and by hunting, a livelihood that literally caused agricultural practices to come undone (agriculture stops the flow of herd movement). The fort was named for Lt. Col. William H. Lewis, who had never seen southwestern Colorado, but would none-the-less be remembered in this area. Lewis had been “mortally wounded in a September 1878

engagement against the Cheyennes in Kansas” (Smith, 1998, p. 184), but would be forever remembered as a *defender of America* (defending America from the habituation of Native Americans). Over time, the post in Pagosa evolved from a camp for the San Juan and Animas Valley troops, to a more permanent fort—Fort Lewis. Generals Phillip and William Sherman decided that the Fort was not located in a useful military location because it was “too far from the Utes” and recommended that Fort Lewis be moved to a site on the La Plata river near what was then, “Animas City” and later became “Hesperus” (Smith, 1998, p. 184). In 1880, the city of Durango was established and the military presence at the Fort grew to assure the safety of Durango settlers from neighboring tribes. According to General John Pope at that time, Fort Lewis was “one of the most important posts along the frontier. [It] should be . . . kept garrisoned to its full capacity. It is placed practically between the Navajos and Utes where their limits are conterminous along the San Juan River . . . and [has] some of the best mining regions in Colorado” (as cited in Smith, 1998, p. 186). These goals of separating tribes, so as to prevent alliances, and locating forts next to desired land was typical of colonial projects at that time.

In relation to settlers (imagined) identity, Native Americans were abject. Among many of colonizers’ ideologies, Native Americans threatened the settlers’ borders of land ownership and livelihood practices and therefore were named as dangerous (dirt—matter out of place), and would therefore need to be eliminated from the U.S. body. The Fort received repeated accounts asking for soldiers to render “prompt assistance to settlers in the event of Indians attacking them.” Smith (1998) relays that these were always “rumors” and from “the Indian’ point of view, they were really only hunting or camping,

as they had done for generations” (p. 187). As Douglas (2002) reminds,

the ideal order of society is guarded by dangers which threaten transgressors. These danger-beliefs are as much threats which one man [sic] uses to coerce another as dangers which he himself fears to incur by his own lapses from righteousness. They are a strong language of mutual exhortation. (p. 3)

Douglas’s language highlights an interesting condition of danger, that there is an assumed actor and acted upon. It is interesting that colonial intentions place the colonizer in the actor position, but in expressing the danger that Native Americans pose to the settler’s way of life, the roles are reversed—it is the settlers who need protection from the hunting Utes.

The Native Americans in the area at that time, mainly the Navajo and Ute tribes, were still inclined towards hunting (despite many U.S. attempts to halt this livelihood) and often in the pursuit for game, were misconstrued by settlers to be on an attack mission. As the Utes were forced to sign another peace and land cessation treaty with the U.S. government in 1880, the federal government decided that the military presence was unnecessary and the Fort was eventually abandoned in 1891. Though many were nervous about the military abandonment, Smith argues that “Fort Lewis had served Durango and La Plata County more as a market and an employer ... than it had as a protector from Indians, who were now defeated and powerless” (p. 194) Fort Lewis had served as “a buffer between two cultures and two peoples . . . [and had] provided a valuable calming influence” (p. 194). Though the physical battles had been halted, the mental battles, and the negotiation with the differing ways of the neighboring tribes were still taxing for the settlers. According to Douglas (2002), in the act of “chasing dirt” and tidying, we not

only negotiate with our fear of contamination,

but are positively re-ordering our environment, making it conform to an idea.

There is nothing fearful or unreasoning in our dirt-avoidance: it is a creative movement, an attempt to relate form to function, to make unity of experience.

(p. 3)

It was thought that the Native Americans would need to be “civilized” and “assimilated” into the settlers’ way of life in order to secure the manifestation of their *creative* vision of a new America.

Fort Lewis, the Indian Boarding School

Assimilation was a government priority and the consensus at the time was to approach this task through Indian Boarding Schools. Decker (2004) elaborates on the method:

The Indian boarding school, actually an industrial training school, was a popular concept in the late nineteenth century. The federal government’s evolving policy toward the now defeated and reservation-bound tribes was designed to lead them along the ‘white man’s road . . . Adherents of the boarding-school concept expected it to be the means of assimilation because the youngsters were physically removed from their traditional culture and home and placed in a new environment. In theory, they could be more easily taught and trained to accept the culture and the world of mainstream America . . . [the location of Fort Lewis] seemed ideal for attaining this goal . . . Well away from the children’s homes; even the Utes were generally a day or two removed. (p. 204)

The abandoned military fort had a new purpose, and was set aside by the government to

be transformed into an Indian Boarding School in 1892. The school was only able to acquire sixteen children in attendance in the first year (Simmons, 2000, p. 217), due to reluctance from tribes.

By 1897, three hundred Native children were enrolled, though not always by choice, “when the Southern Utes resisted sending their children to school, the superintendent requested that they be compelled by their agent to do so” (Smith, 1998, p. 205). Superintendent of Indian Schools in 1899, Estelle Reel attested that in an 1898 government study, it showed that 76% percent of students benefited from industrial training in Indian Boarding Schools. This system of education she attested “in so short a time can convert an uncivilized race into a people capable of taking places in the body politic” (Smith, 1998, p. 208). In other words, the Indian Boarding School was an institution aimed at converting intolerable difference to the self-same. According to a government report, at one point the Fort Lewis institution “served as many as 400 pupils at one time” (Kyle). The term *served* in that report certainly shouldn’t be glossed over, as it was not always interpreted as serving the students, but was rather thought to be a cruel and unjust proponent of colonization. According to Smith (1998) one of Fort Lewis’s former students, Harry McWilliams, remembered that Fort Lewis “was run much like a military post” and that the “use of Indian names and the wearing of native attire were discouraged” (p. 206). Students were also restricted from speaking in their Native tongue. It was found that graduates “often experienced rejection, if not outright discrimination, from the white society; more tragically, those who returned to the reservation were frequently shunned by their own people” (Smith, 1998 p. 211). After being stripped (literally of their clothing, hair shorn, language prohibited, behavior restricted) of their

Native American culture, the students were often, unfortunately, abjected from tribes. Additionally, racial profiling also prevented their full assimilation by white society. Thus, successfully graduated students often suffered abjection from both cultures. It cannot be ignored that many Native students were resistant to this positioning and fought the very assimilation methods that rendered their more prominent abjection.

According to Simmons (2000), the students at Fort Lewis protested their captivity and burned down buildings, which were later rebuilt (p. 217). Aside from these prominent self-determination events, health was also a disturbing issue at Fort Lewis and, “medical problems continued to be a constant worry” (Smith, 1998, p. 210). In 1893, two Native pupils died and three others went blind (Simmons, 2000, p. 217).

Despite challenges, the school remained open until the creation of other boarding schools, (like neighboring Ignacio Boarding School) contributed to a decline in attendance. By 1908, only 40 students were enrolled (Smith, 1998, p. 211), and by 1909 that number was down to 34 (Kyle). In 1910, Congress offered the property to Colorado, and in 1911, President Charles Lory of Colorado State Agricultural College (now known as Colorado State University) convinced the state government to make the deal.

Fort Lewis, the High School, Junior College, and Four-Year College

In 1911, the Indian Boarding School was closed, and converted into a state vocational high school under the jurisdiction of Colorado State College of Agriculture and Mining and increasingly added college-level instruction (Colorado State University, 2009, p. 2). In 1933, Fort Lewis dropped its high school program and became exclusively a junior college specializing in agriculture, mechanics, and home economics (Simmons, 2000, p. 233). In 1956, funds were allocated and allowed for the move to its present-day

Durango location and the construction of dormitories and classrooms. Fort Lewis remained a junior college and an extension of the State College until 1962 when it transitioned into a four-year liberal arts degree-granting institution (Colorado State University, p. 3). In 1984, The Colorado State University System was created as a comprehensive governing authority over Colorado State University, Fort Lewis College, and the University of Southern Colorado (Colorado State University, p. 4). In 2002, Fort Lewis separated from the Colorado State University System and became a separate academic entity.

Fort Lewis is now home to over 700 Native American students every year and has represented over 122 different tribes (Fort Lewis College, “Native American & Indigenous,” “Our Students,” para 1). In the fall semester of 2009, Fort Lewis enrolled 758 Native American students, 625 of which were classified as non-resident (Baker, p. 1). Fort Lewis is home to “Intertribal News: A Fort Lewis College Student Publication,” and “Hozhoni Days,” a celebration of tribal cultures. Hozhoni days is an event that includes a pageant and a powwow and is well attended, with up to 5000 attendees per year. In addition to cultural events, the college also now offers a bachelors degree in “Native American & Indigenous Studies” with more than 30 declared students annually. This degree focuses on preparing students for jobs in and near “Indian country” in addition to setting students up for graduate studies (Fort Lewis College “Academics”, para. 1). The excess culture that was not assimilated in the various attempts in Fort Lewis’ history has led to strong efforts towards tribal self-determination. According to Fort Lewis College,

The history of Indian affairs and the present Indian Self Determination policy

have opened a new pathway for understanding the cultural, social, political and economic aspirations and potential of indigenous people in the United States and the world. An Advisory Board, which includes tribal representatives, students, alumni, student services staff and faculty members, helps guide the program's courses and offerings. ("Academics", para. 3-4)

The program boasts "the exciting possibilities of building upon the values of Native communities and upon global indigenous thought provides direction for the curriculum of this program." (Fort Lewis College, "Native American & Indigenous," para. 2). Within this discipline, and in connection to various other departments at the college, Fort Lewis offers courses that are part of a movement to de-colonize and to preserve tribal heritage, culture, and contemporary diversity. Over 30 Courses have been developed that support this movement and include courses titled, "Tribal Preservation," "Ethnobotany," "History of American Indians in Film," "Native American News Writing," "American Indians in Mass Media," "Social Issues in Contemporary Native Society," and "Traditional Ecological Knowledge and Cultural Survival." There are two levels of Navajo language instruction available for Native and non-native students who want to ensure the survival of Navajo culture and a worldview unique to this linguistic expression. Previous attempts to eradicate Native Culture have led to diversity efforts at Fort Lewis College.

This section has framed Fort Lewis College as another historical attempt to negotiate with "the Indian problem" that resulted in solidarity among Native students. To review, Fort Lewis was initially established as a military post meant to deal with the Utes by means of military force. When military force was no longer regarded as necessary,

Native culture was under assault again in the Fort Lewis Indian Boarding School. Extinction by rifle was replaced with extinction by education¹⁵. When the Native presence was no longer recognized as a threat to Colorado's developing identity, Fort Lewis was transformed into a high school, a junior college, and eventually a four-year college. While the early years of the college saw few Native American applicants, in recent years, Native students have become roughly one fifth of the student body inspiring courses dedicated to Native self-determination. As the fort was initially established to protect non-native identity (attempted first through force and second through education), in the end "the Fort" has become an establishment fostering Native self-determination.

It must be remembered that before becoming an institution that celebrates tribal diversity, Fort Lewis was a military post built to respond to the "Ute Problem." In order to better understand the reason for the initial establishment of Fort Lewis, it is necessary to understand why Ute sovereignty was seen as a threat to colonialism and the developing state of Colorado.

Ute Land and Sovereignty: A Threat to Colonialism

In the books of school children of the mid-nineteenth century a map of the half-formed nation of the United States showed a great, blank triangle between the thin lines of the Oregon Trail and the Santa Fe Trail; and this vast wedge in the map was usually filled only with widely spaced letters, 'GREAT AMERICAN DESERT.'

(Emmitt, 2000, p. 44)

Colorado's growing white population came to view the ... Ute Reservation not as part of the 'Great American Desert,' but as land, rich in natural resources, 'too valuable' for occupation by a small group of 'roaming savages.'

(Decker, 2004, p. 41)

The last section explored the varying purposes of Fort Lewis that informed the establishment's shifting relation to Native Americans. But it is inappropriate to discuss Fort Lewis relationship to Native American without looking into the Ute Land cessions

that not only provided the context for the Fort Lewis College Native American Tuition Waiver, but also incurred the building of Fort Lewis. This next frame will explore a brief account of Ute history—a history that is rich with the colonizer’s delineation of a *civilized self* in direct relation to the *savage other*. Of course, when this *other* cannot be expelled from *the great American desert*, the colonizer’s task was to break up the threatening other (threatening their desired land acquisition) and move to assimilate and thus eliminate this threat.

The history of the Utes is complicated and contested. This thesis will necessarily limit this section to a brief account of Ute land cessions consequential to the context of the Native American tuition waiver and for the purpose of observing the recurring images of Ute land sacrifices in order to compensate for U.S. colonialism. This section will follow the major cessions of land to the United States in 1868, 1873, 1880, and 1895, without implying that these were the only measures or events that reduced Ute territory.

Original Ute Territory: 23.5-56 Million Acres

In the main, the policy issue could be reduced to this fact: Indians possessed the land and whites wanted the land the very survival of the republic demanded that Indians be dispossessed of the land.

(Adams, 1995, p. 5)

The Utes initially resided on the lands that cover most of Colorado, a large portion of southeastern Utah, northern New Mexico and northeastern Arizona (See Figure 6). Varying sources will contest that their territory was between 23.5 and 56 million acres.¹⁶ They are the oldest known continuous residents of Colorado (Jefferson et al., 1972, p. iii), with no evidence of migration from another area. In 1540, Coronado brought the Spanish into present-day Colorado and his group was the first to encounter and sign peace treaties with the Utes (Fort Lewis College, “Briefing”). In 1821, Mexico gained

independence from Spain and the Mexicans and Utes maintained relatively peaceful relations and continued the trading expeditions that had been established by the Spanish. The relative toleration between the groups continued until the 1830s, when Mexican settlers began to encroach upon Ute land. The Navajos and Utes, previously unfriendly to one another, worked together to protect the area that both tribes inhabited. In 1848, the Treaty of Guadalupe-Hidalgo was signed, positioning the contested Ute lands as the abject territory that then competed with U.S. soil rather than Mexican soil. The colonizing communities had now transitioned from being Spanish, to Mexican, and finally to U.S. As U.S. settlers began to locate themselves near the Utes, the first treaties were executed between the United States and the Utes. Raids and attacks promoted negotiations throughout the 1860s and 1870s.

Ute Territory Reduced to 15.7 Million Acres: The Treaty of 1868

For the reformer, reservations would serve as the appropriate educational training ground for the Indians advancement. In these holding pens, the “savages,” in a controlled environment, and according to the Secretary of Interior, Columbus Delano,

may be taught a better way of life . . . and be made to understand and appreciate the comforts and benefits of a Christian civilization, and thus be prepared . . . to assume the duties and privileges of civilization. (Decker, 2004, p. 44)

It was thought that if the Utes were *to assume the duties and privileges of civilization*, that intolerable difference would be effectively replaced with the tolerable difference of the self-same.

The Utes were a diverse community with different bands that hunted and resided in somewhat separated parts of the Ute territory. At different points throughout the year

the bands might cross paths or come together for various ceremonies or events. Because the bands were governed somewhat autonomously, it proved problematic when land exchanges with the United States were made without the consent of *all* Ute chiefs. But the space of abjection inhabited by tribal and U.S. cultures became more and more apparent with the land boundary contests. The highlighting of abjection prompted identity boundary performances that would need to purify cherished identity boundary classifications.

In the 1860s, previously mounting tensions continued to escalate as the tribes transient hunting lifestyle was seen as incompatible with the settlers' desire to mine and farm the land—the land that both groups were now claiming and competing for.¹⁷ The Utes allowed settlers to travel across their lands as long as they did not intend to stay. As more and more settlers crossed and then remained on Ute territory, Chief Ouray of the Weeminuche Utes, often heralded as *the Peacemaker*, began consulting with U.S. government. The United States quickly realized that it proved very difficult to negotiate land cessions with the Utes if *all* chiefs were involved and so the United States named Ouray the chief spokesman for all Utes. It may also be noted that the Utes' grotesque (as in unclear boundaries) government structure in relation to U.S. government, in which there are many leaders, needed to be tidied up so that the Utes could be identified as a clearly delineated and thus more manageable *other*.

In 1863, the newly delineated chief of the Utes (only according to U.S. government), Ouray, surrendered territory in the negotiation of a peace treaty. This treaty was not realized, however due to the United States' inability to provide rations promised to the tribes in the treaty. In 1868, Ouray signed another treaty, in which he agreed to a

single reservation for all Utes (without the consent of the other Ute leaders) on about 15.7 Million Acres¹⁸ of land (13 Stat. 673 (1864); 15 Stat. 619 (1868)) (See Figure 7). In this treaty, Ouray agreed to sell all Ute territory east of the continental divide with the understanding that the U.S. government would keep settlers out of tribal lands and that the Utes would have continued hunting rights in Middle and North Parks. The Treaty of 1868 “shrank the reservation by a quarter . . . for an annual payment of \$25,000 [in perpetuity] to be dispersed not by the Indians but ‘at the discretion of the President” (Decker, 2004, p. 56). The Treaty of 1868 was associated with the first Ute reservations. Emmitt (2000) describes the scene vividly:

Government surveyors came with their compasses and stakes . . . They laid out the boundaries of the new reservation. When the imaginary lines were at last made, the Utes discovered that some of their best hunting country . . . was now part of the White Man’s land. Chief Ouray protested to Washington and refused to put his name on the ratification of the survey. (p. 24)

Ouray disputed the deal when the Utes did not receive their payment and the government allowed settlers to inhabit 15,000 additional acres that were not included in the treaty. There was also a dispute within the Ute bands, who had not all agreed with Ouray to cede their lands. According to Chief Ignacio of the Southern Utes, his tribe had “not received payment for the lands ceded in the 1868 treaty and ‘that any business done by or through Ouray for him and his country’ would never be recognized” (Decker, 2004, p. 57). Aside from the problems posed by the contested agreement to the treaty *among* Utes, the terms of the agreement were also not being respected by the settlers. Even though the Treaty of 1868 guaranteed “absolute and undisturbed use” by settlers (Decker, 2004, p. 38), the

government was not doing anything to keep the settlers out of designated tribal lands, and even moved to compromise the treaty's delineation of borders. This situation took a turn for the worse with Colorado's first government.

In 1876, the people of the newly formed state of Colorado elected Frederick Pitkin as their first governor. Pitkin viewed the Native Americans' presence as a problem that "scared off new settlers and acted as an obstacle to the advancement" of Colorado's business interests and reputation" (Decker, 2004, p. 93). Pitkin told lawmakers in a letter that the Ute reservation, "all 12 million acres of it contained nearly one-third of Colorado's arable land," he continued,

I believe that one able-bodied white settler would cultivate more land than the whole tribe of Utes . . . If this reservation could be extinguished, and the land thrown open to settlers, it will furnish homes to thousands of people of the state who desire homes. (Emmitt, 2000, pp. 21-22)

Again, the Utes are identified as matter out of place, or *dirt*. As explained by Douglas (2002), "dirt offends against order. Eliminating it is not a negative movement, but a positive effort to organize the environment" (p. 2). This also resonates with Baudrillard's terminology of negative and positive. For in Baudrillardian terms, the negative allows difference, but attempts to replace the negative with the positive are performances of the virtual positive in which difference is eclipsed by the self-same for immediate experience, divorced from materiality and historicity. Pitkin's sentiment suggests a move to erase the intolerable difference that for the Colorado colonizers is represented by the Utes, and replace this with homesteading and mining culture, or the culture of the self-same.

Pitkin's sentiment was shared by many of the settlers, and the goal to eliminate tribal sovereignty and to end recognition of tribes and their lands as foreign nations was underway. In 1871, U.S. President Grant ended the action of making "treaties" with Native Americans. With Grant's decision, tribes were no longer considered "foreign powers," treaties were replaced by "agreements," though were "still subject to congressional approval" (Decker, 2004, p. 208). The assimilation of tribal lands continued to be aggressively pursued and Pitkin told the press, "My idea is that, unless removed by the government they must necessarily be exterminated." The headline of the Denver paper quoted Pitkin saying, "The Utes Must Go" (Petit, 1990, p. 125).

Ute Territory Reduced to 12 Million Acres: The 1873 Brunot Treaty

Congress and the Interior Department have been, and are continually, besieged to provide for the extinguishment of Indian title to the reservation lands.
(Governor Pitkin's Secretary, Mr. Vickers as cited in Emmitt, 2000, pp. 26-27)

Mineral rushes to Colorado continued to bring more miners, and with more miners came more pressure on the Utes *to sell* and/or move away from their land. The new wave of settlers demanded a revision of the 1868 treaty so that settlers would have access to the minerals on Ute territory. According to Kristeva (1982), a *deject* is an abjected subject (the position of every speaking subject) who misguidedly, asks the question "*Where* am I" instead of "*Who* am I" and thus becomes "a deviser of territories, languages ... [and] never stops demarcating his [sic] universe" (p. 8). The *Boulder News* captured the sentiment of the times saying that if the Utes refused to leave peacefully and sell their lands, that the matter "should be settled by force of arms" (Decker, 2004, 52). The settlers were set on devising their territories and continued to ask the question "*where* am I" in recursion. The cries for the Utes to let the settlers have the mineral-rich

land continued to escalate. Ouray responded and again offered to let the miners come onto the reservation and collect the gold as long as they did not set up permanent camps (Decker, 2004, p. 53). Ouray was quoted saying,

We do not want to sell a foot of our land—that is the opinion of all ... The whites can go and take the gold and come out again. We do not want them to build houses there.” (Petit, 1990, p. 199)

The government said that this could not be regulated and counter-offered an additional \$25,000 in perpetuity if the Utes agreed to sell the San Juan Mining District and move away from this land (Decker, 2004, p. 54). The demands became too much, and the treaty was signed. The 1873 Brunot cession was a surrender of 3.7 million acres with valuable mineral deposits (18 Stat. 36). Ouray reluctantly agreed for fear of a war (See Figure 8). According to Decker (2004),

Ouray explained his reasons for accepting the 1873 agreement to a friend some years later: “If the government would guarantee to let us alone[,] we would not even want the agency rations because we have on the reservation game that we can trade.” (p. 59)

In the Brunot cession, Ouray expressed that tribal sovereignty would prevail if the settlers would allow them some space, even as their lands were whittled away in treaty negotiations and government agreements. With the settlers’ perceived identity tangled up with land acquisition, there could be no tolerable space of difference for the Utes. Colonial goals were intent on removing or assimilating the perceived threat of Ute sovereignty.

Ute Territory Reduced to 1 Million Acres: The Battle of Milk Creek and the 1880 Cession

There is nothing more dangerous to an Indian reservation than a rich mine [and fertile agricultural land]”

(Schurz as cited in Decker, 2004, p. 172).

Eventually, the Utes separated into seven different bands: The Mouache, The Capote, The Weeminuche, The Tabeguach (or Uncompahgre), The Grand River Utes, The Yampa, and The Uintah. The state of Colorado continued to develop its boundaries around the Colorado bands of Utes and according to Urquhart (1968), in 1876 Colorado

was under full political control of those whose policy it was to evict the Utes.

There were even plans laid for removing them to Indian Territory in Oklahoma

. . . . An incident was actually being sought to show why the Ute should be removed from this land which the United States Government had pledged would be theirs [the Utes] forever. (p. 33)

Relationships between the Southern Utes and the settlers were still cantankerous in 1878, as agricultural and mining culture continued to clash with the tribal hunting and gathering lifestyle. Two U.S. posts were established on the edge of the Ute reservation in order to safeguard the terms of the Brunot Treaty. One of these posts, the White River Agency, was run by Agent Nathan Meeker and was stationed at Mill Creek. The other military post, Fort Lewis, was set up near the hot springs in Pagosa. Tensions again escalated as the Utes “were not getting enough food from the government” and thus continued to hunt, a way of life that was contrary to the agricultural lifestyle of the settlers and thus, intolerable. According to Kristeva (1982) the tolerable, “the pure will be that which conforms to an established taxonomy; the impure [or the intolerable], that which unsettles

it, establishes intermixture and disorder” (p. 98). In other words, hunting and agriculture were seen as separate and thus the Utes insistence on hunting in areas that (though originally were considered Ute territory) were (too) close to settlers, thus *disordering* the colonizers taxonomy. This perceived disorder continued to relegate them to the status of *dirt* (matter out of place) and even provoked the language of delineate dirt. On June 23, 1885, the *Durango Idea* read “The progressive white people and the lousy greasy Indians cannot occupy this country together.” (as cited in Smith, 1998, p. 188). The imagined consensus, accompanied by the printing press, created a widespread purification drive and The Boulder *Banner* didn’t hold back, “The only solution of the [Indian] problem is extermination” (Decker, 2004, p. 146).

Realizing that tensions were high and that the situation was becoming more and more volatile, the government began to think up ways to further separate the Utes from the settlers. There were plans to change the terms of the Brunot Treaty (and reduce the Ute Reservation) to ease tensions, but before this action was taken, an unfortunate event at the northwestern post at Mill Creek led to the dramatic and abrupt change to the Ute Reservation boundaries.

The events were instigated when Meeker, discouraged by the Utes’ resistance to an agricultural lifestyle, claimed that Ute land belonged not to the Utes but to the Federal Government, and ordered that Shadrach Price plow a Ute horse pasture and prepare it for farming (Simmons, 2000, p. 186). Bullets were fired at Price by the son of the Ute Pasture owner (called Johnson) (p. 186). Though Price was not hit, this episode created immediate hostility on the part of both the U.S. troops and the Utes. Meeker requested immediate military protection at the post and Major Thomas Thornburgh responded.

Colorow, the Chief of the northwestern group of Utes and Captain Jack (Ute Leader), also became worried about the rise of tensions and requested immediate council before Major Thornburgh's troops (who were now advancing toward the reservation) would be allowed to come any closer than 50 feet to the Ute Reservation. According to Urquhart (1968), it became evident that Thornburgh was going to disregard the message, and in response, Chief Colorow felt a duty to warn him again,

the Indians would fight if his troops crossed Milk Creek into the Ute Reservation line Thinking that resistance could be nothing more than a skirmish, Thornburgh continued to advance across the Reservation line . . . the Utes attacked" (p. 34).

The battle at Mill Creek began on September 29, 1879 and concluded on October 5th. Meeker and ten other White River Agency agents were killed, and 5 women, including Mrs. Meeker were kidnapped (Rourke, 1980, para. 22).

Chief Ouray sent a message to the White River Utes to stop fighting, an order that might have been ignored but at that point, chiefs "Jack and Colorow had no more than fifty or sixty braves who had been so successful against three times their number under Thornburgh. Now after a week of war, they faced a reinforced unit of over 1000 troops. They were left with no alternative but to surrender" (Urquhart, 1968, p. 35).

Carl Schurz "drew up a nonnegotiable agreement for the Utes to sign." (Decker 2004, p. 163). Schurz framed this as the way he saved the Utes from the migrating settlers of Colorado. Schurz "saved" the Utes by breaking up the Ute bands so that some could be removed, and some could be assimilated. In this 1880 agreement, the Utes were re-organized, the Uncompahgre Utes were moved to the Grand Junction area, the White

River band was moved to resettle with the Uintah Reservation and the southern bands (Southern and Ute Mountain) were moved to the land near the La Plata River (Decker, 2004, p. 163). According to Abbot Leonard, & Noel (2005), the 1880 agreement “left members of the Mouache, Capote, and Weeminuche bands on a reservation 15 miles wide and 110 miles long [1 million acres] in southwestern Colorado” (p. 117). In exchange for this cession of land, the government promised to pay the Utes \$60,000 per year in perpetuity in addition to some moving and resettling funds. The *New York Times* commented that the whole “agreement” was a sham and “negotiated” at gunpoint, they continued by saying that in the end, Colorado “called for extermination and compromised on confiscation” (Decker, 2004, p. 167). The Ute leaders “reluctantly signed the peace agreement in 1880” with a gun pointed to their heads (Decker, 2004, p. 173). The *Denver News* of March 17, 1947 describes the event:

the rich lands taken from the Indians in 1880—Four and one-half million acres—1 1/2 of the area of the State of Colorado and containing some of its richest resources: 650,000 acres of coal, one-half of Rangely and Wilson Creek oil fields, other oil domes in entirety; plus thousands of acres of mineral, forest and grazing lands.” (Urquhart, 1968, p. 49)

This was the last major cession of land by the Utes, but Congress and surrounding U.S. entrepreneurs continued to compromise the Ute reservation.

CO Ute Territory Reduced to 600,000 Acres: The Denver and Rio Grand Railroad

General Palmer had disregarded all U.S./tribal agreements and put up a new railroad through the Ute reservation, The Denver and Rio Grande Railroad. The state of Colorado condoned this trespassing and Commissioner George Maypenny responded to

the act saying that the Ute reservation must be compromised because the land is “so essential to the prosperity and development of this part of Colorado” (as cited in Decker, 2004, p. 176). Another agreement was ratified by the U.S. government, which reduced the Ute reservation in Colorado once again, this time to 600,000 acres (Decker, 2004, p. 178). According to Simmons (2000), “as a concession to the railroad’s presence on Ute land, Indians were allowed to ride on the train to nearby Durango without charge” (p. 210). The Denver and Rio Grande Railroad has since been changed to the Durango & Silverton Narrow Gauge Railroad, and no longer permits Native Americans to ride for free.

Ute Territory Reduced to 552,811 Acres: The Hunter Act and the Allotment Act

Another reduction of Ute territory also occurred in 1895. U.S. Congress passed the Hunter Act, which imposed the provisions of the General Allotment Act of 1887. Under the terms of this act, tribal members were to choose a parcel of the existing Ute Reservation (Simmons, 2000, p. 218). After each male tribal member had selected his parcel, the remainder of the reservation was returned to the public domain. According to Simmons (2000), “It was well-known in Washington that within three or four generations of dividing and subdividing the parcels, the Utes would be virtually landless” (p. 217). This act is often considered to be one of the most atrocious acts of colonization in U.S. history. Simmons (2000) reported that by 1896, 72,811 acres were divided among the Muache and Capote Utes, while the much larger portion of their reservation, 523,079 acres, was acquired by the U.S. as public domain (p. 218). Chief Ignacio and the Weeminuche Utes had refused participation in this deal and managed to remain on a fifteen by fifty mile [480,000] land track that became the Ute Mountain Ute Reservation

(Simmons, 2000, p. 218). The 72,811 acres retained by the Southern Ute Tribe plus the 480,00 acres retained by the Weeminuche, now known as the Ute Mountain Utes, left the Colorado Utes with 552,811 acres of reservation land. At this point in history, the Utes land has been whittled away and assimilated through various means to eradicate the other. And, although attempted by colonizers, the Utes were never fully assimilated. In fact, the Utes would eventually fight to have some of their land returned, which was accomplished through the Restoration Act.

Current Ute Territory: 2.2 Million Acres

Today the Utes are divided into the Ute Mountain Utes, the Uintah and Ouray Utes, and the Southern Utes (See Figure 9). In 1937, the Restoration Act returned 222,016 acres of homestead land to the Southern Utes, and in 1938, returned 30,000 acres to the Ute Mountain Utes. In 1948 “the federal government returned some 726,000 acres to the tribe in what is called the Hill Creek Extension” (Lewis, para. 5). The Restoration Act, in addition to other tribal land purchases, has brought Ute tribal lands up to a total of 2.2 million acres in 2010.

The Ute Mountain Ute (also known as Weeminuche Ute) reservation is presently located in southwestern Colorado, southeastern Utah, and northeastern New Mexico. The Ute Mountain tribe currently has control of 597,000 acres (Ute Mountain Ute Indian Tribe, “Demographics,” para. 1). According to the Ute Mountain Ute Indian Tribe (1999), they live on “a harsh land” with “no cities to provide services for the tribe” (“Demographics,” para. 1). The natural resources on the land, in addition to the Ute Mountain Casino, and Ute RV Park, provide for a modest income for the Ute Mountain Utes. According to the Ute Mountain Indian Tribe, their community struggled to gain

access to water for over 100 years. Finally, in 1988, the tribe “brought the first piped drinking water to the reservation and irrigation water [through] the Farm & Ranch project. This project was mandated within the Dolores Project” (“Demographics,” para. 2).

The Uintah and Ouray Indian reservation, now home to the Uintah, White River, and Uncompahgre Ute Bands, is located in northeastern Utah in an area known as the Uintah Basin and the tribe controls an area of trust fund land that is about 1.3 million acres in size (Ute Indian Tribe, para. 1). Though their trust fund land is at 1.3 million acres, they also have legal jurisdiction of over “three million acres of alienated reservation lands” that came out of a 1986 decision by the U.S. Supreme Court that was upheld in an Appeals Court ruling (Ute Indian Tribe, para. 2). This makes their reservation the second largest in the United States, only smaller than the Navajo reservation. According to the Ute Indian Tribe, their tribal income comes mainly from oil and gas endeavors, cattle raising, water and sewage projects, and some locally owned and operated businesses (para. 2).

The Southern Ute Tribe (formerly the Moache and Capot Utes) is now located in an area of the La Plata and Ignacio counties in southwestern Colorado. According to the La Plata Economic Development Action (LEAD) Partnership (2010), the Southern Utes have “approximately 309,000 surface acres of trust land, and another 4,000 acres of allotted land” (para. 2). The Southern Utes are one of the wealthiest recognized Indian tribes in the United States due to their aggressive development of their “extraordinary natural resource base during the 1980s and 1990s” (Southern Ute Indian Tribe Growth Fund, “About Us,” para. 2). They currently lead the way in natural gas wells in that area,

and as a result are the largest employer of Native Americans and Non-Native Americans in La Plata County, which includes the city of Durango. In addition to gas wells, they own companies that specialize in alternative energy (including algae fuel), sand and gravel, event centers, real estate, and oil drilling. The tribe is also known for the Southern Ute Community Action Program (SUCAP), one of the largest independent non-profits on the Western slope (SUCAP, para. 1). SUCAP focuses their attention on six main areas: child development programs, nutrition and wellness programs for seniors, job training programs, and alcohol and drug prevention for adults and teens, public transit programs, and programs for at-risk youth (para. 5).

The original Ute territory is estimated to be between 23.5 and 56 million acres depending on which hunting grounds are included. After the major cessions of land by Ouray in the 1868 and 1873 treaties, Ute land had been reduced to 12 million acres. Tensions continued to escalate between the settlers and the Utes and led to the Battle of Mill Creek. This final battle ended in the 1880 treaty, signed at gunpoint, which translated to the Utes ceding another 11 million acres of land. At this time, the Ute bands were reorganized by the U.S. government and a third of the Utes were sent to Utah. After these major cessions of land, the government and citizen entrepreneurs continued to reduce the already depleted Ute territory through the Allotment act and railroad intrusion.

From the beginning, Ute sovereignty was seen as a threat to colonialism and the developing state of Colorado. Though their land was reduced by at least 95 percent, their culture was not assimilated. The attempt to eliminate and virtually eclipse the other resulted in excess Ute culture. The Utes were determined to maintain tribal sovereignty and regain control of a portion of their lands. In order to understand the significance of

Ute sovereignty in relation to colonialism, it is necessary to discuss the major performances of colonialism.

Colonialism: The Grotesque Performances of Self-Reference

In our enthusiasm to both defend and boost our national self-righteousness, we have infrequently looked into the darker, less virtuous layers of our national history.... When we have peered into our past and discovered that our history has not conformed to the myths we have created for our personal comfort and self-esteem, historical amnesia has, too often, resulted.

(Decker, 2004, p. XV)

This section will briefly outline and describe some of the main goals and subsequent performances of colonialism in the United States, specifically focusing on the General Allotment Act and Indian Boarding School movement. These performances are familiar, as they have already been contextualized in this chapter in the previously discussed episodes of Ute land cessions, the establishment of Fort Lewis, the initiation of the tuition waiver, and the founding of HB 10-1067. This section will outline the colonizer's overtly expressed delineations of self/other that were used to justify the hegemonic suppression of tribal ideologies. The section will then briefly describe the means taken to replace the other's culture with a culture of the self-same, in the General Allotment Act and Indian Boarding School.

When European settlers arrived on the shores of the Americas, they encountered the numerous and flourishing indigenous cultures that inhabited the lands. Each of the tribes had a different worldview, and performed culture in ways that challenged the settler's ways of organizing and making meaning in the world. When confronted with difference, the settlers had to ask, who am I? This question is at the heart of U.S. colonizing rationalizations as well as being central to the connected issues of Native American cultural dilution and resistance. The cultural difference presented the settlers

with an opportunity for redefinition in this “*new*” world. The settlers largely interpreted tribal diversity as intolerable difference that interfered with their plans for this land. According to Adams (1995), “Basic to all perceptions was the conclusion that because Indian cultural patterns were vastly different from those of whites, Indians must be inferior” (p. 6). In order to justify their claim to the already inhabited land of the Americas, the colonizers depended on delineating the *savage* other in order to delineate a *civilized* notion of self. In 1803, Jefferson observed that there was a “coincidence of interests” between the colonizers and the tribes, “Indians, having land in abundance, needed civilization; whites possessed civilization but needed land” (Adams, 1995, p. 6). This civilized/savage (self/other) delineation would be performed through the colonizer’s religious, familial, and material definitions of identity.

Religious Delineations of Self/Other

As their minds become enlightened and expand, the Bible will be their book, and they will grow up in habits of morality and industry.
-The House Committee on Indian Affairs in 1818 (Adams, 1995, p. 6)

It was according to rationalizations of “manifest destiny,” the doctrine of “discovery,” papal law, and western interpretations of “moral decency” that the European white settlers justified their *uncivilized* acts committed in the name of *civilizing* the Native Americans.

Manifest destiny was/is a belief that it is Christian destiny to expand and develop westward across the U.S. in order to bring Christianity and democracy to this “empty” land (Barbie, 2001, p. 63). This belief was supported by evangelical intentions and was often argued to be “the nation fulfilling its divine mission” (Adams, 1995, p. 13). Foundational to the concept of manifest destiny is the notion of Papal law. Papal law is a

concept based on historical papal bulls that justified the conquest and colonization of non-Christian nations and their territories. The papal bull is a document issued by the pope, and authentically verified with a metal seal. LaDuke articulates Papal law and colonialism:

The church served as handmaiden to military, economic and spiritual genocide and domination. Centuries of papal bulls posited the supremacy of Christendom over all other beliefs, sanctified manifest destiny, and authorized even the most brutal practices of colonialism. (LaDuke, 2005, p. 12)

In essence, Papal law has functioned as an official moral justification of the *uncivilized* acts committed in the name of establishing a dominant Christian *civilization*. Papal law was not only used to support the colonizer's initial endeavors to conquer and acquire the land, but was also used to weaken the resilient tribal resistance that although reduced, refused to be replaced. Colonizers would attempt to use Christianity to replace the other's ways with that of their own, starting with the notion of family.

Familial Delineations of Self/Other

Colonizers established and reaffirmed their identity with a belief in the Christian conception of a nuclear family complete with "proper" gender roles. The Commissioner of Indian Affairs proposed that the nuclear family home was "the unit of Christian civilization" (Stremlau, 2005, p. 278). Tribal familial structures, based on kinship, were similarly key to their identity and unity of culture, "kinship provided members' identities and determined their rights and obligation to others The importance of kinship to Native people cannot be overemphasized" (Stremlau, 2005, p. 266). Colonizers felt that the Native American family structure was primitive and lacking in moral development, as

William H. Lyon, a member of the Board of Indian Commissioners, remarked, “I believe in [nuclear family] homes for the Indians There is no civilization without homes. The homes of the Indians that I have seen are not such as would lead to civilization” (Stremlau, 2005, p. 275). In addition to the hierarchical condemnation of indigenous familial structure, colonizers understood those structures to be a foundational component in a resilient indigenous conception of cultural identity. With their familial structures intact, it would be impossible to “assimilate” or eliminate the cultural integrity of the Indian; “survival of tribes depended on the interdependent relationship of its members” (Hukill, 2006, p. 246). This led to the colonizers intentional actions to undo the strength in Native American kinship:

Reformers concluded that kinship systems prevented acculturation by undermining individualism and social order, and they turned to federal policy to fracture these extended indigenous families into male-dominant, nuclear families, modeled after middle-class, Anglo-American households. (Stremlau, 2005, p. 265)

The dissolution of the familial structure, and the attempt to replace the intolerable difference of kinship families with the familiar nuclear family of the self/same, would be institutionally implemented through the federal off-reservation Indian Boarding School movement. The Indian Boarding Schools were the site of the indoctrination of the Christian gender roles. In addition to kinship, communal economics was another foundation to tribal sustainability, and the colonizer’s responded with various measures to challenge this ideology and legitimize their right to the land.

Material Delineations of Self/Other

For early policymakers, then, a major priority was the creation of a mechanism and rationale for divesting Indians of their real estate.

(Adams, 1995, p. 5)

The doctrine of “discovery,” (which continues to support present day U.S. property rights) legitimizes the claim that Europeans discovered the “unused” land of the Americas. The doctrine of discovery is backed by papal law, but gained its legal sanctioning when the Supreme Court made a decision in 1823, in the monumental case of *Johnson v. McIntosh*, that claimed Indians to be the rightful occupants of their land but denied their complete sovereignty and limited their power to sell land. It secured that “the European states, and the United States as their successor, secured legal title to Indian lands” (Wilkins, 1997, p. 113). This decision was a profound performance of the virtual positive, as the United States went well beyond military engagements with foreign tribal nations to claim the land, and authoritatively stated that the land was no longer tribal land at all. The decision also officially relegated tribes to an inferior status and legally asserted a ward to guardian relationship. According to Adams (1995), “in a word, Indians were savages because they lacked the very thing whites possessed—civilization” (p. 6).

Despite the colonial attempt to dominate and “civilize” the metropolises, tribal resilience persevered. Religious, familial, and material delineations of self/other may have allowed the United States these performances of *civilized* self-reference, but this self-reference was continually challenged by the inability to erase the other within the territorial boundaries of the United States. The only way for the United States to achieve a definitive self-reference was to assimilate the difference within. Although a definitive self-reference is impossible it would nevertheless be attempted.

In 1876 Carl Schurz was named the General Secretary of the Interior for the United States and outlined his “Indian” policy:

(1) put Indians to work as agriculturalists. ‘Industrial habits’ would encourage individual initiative; (2) educate the youth in schools, on and off the reservation; (3) allot parcels in severalty where and when possible and dispose of lands not used by, or deeded to, Indians; (4) when all of the above is accomplished, treat Indians like other inhabitants of the United States. There must be, Schurz emphasized, ‘a better fate than extermination.’ (Decker, 2004, p. 67)

The General Allotment Act would support agricultural conversion goals and take care of the proposed land allotment. The Indian Boarding School movement would also work towards the agricultural goals, through indoctrination, in addition to focusing on the educational goals of the policy.

The delineation of the savage other produced a temporal experience of identity for the colonizers, but that same delineation also highlighted a dependence on the other for a definition of self. The next identity performances, in the General Allotment Act and Indian Boarding School movement, would attempt to replace the other’s culture with a culture of the self-same. These two federal policies would attempt to assimilate the other and stabilize the notion of self.

The General Allotment Act

‘The Indian will never be reclaimed,’ one reformer preached, ‘till he ceases to be a communist.’

(Decker, 2004, p. 44)

The General Allotment Act of 1887, commonly known as the Dawes Act, aimed to replace “the traditional communal economic base with [the colonizer’s] system of

private property” (Wilkins, 1997, p. 116). The Allotment Act gave each registered adult Indian male 160 acres of reservation land and sold off the remaining allotments to homesteaders. Adams (1995), describes that at that time Lockean theory prevailed and it was thought that “only a society built upon the broad foundation of private property could guarantee public morality, political independence and social stability” (p. 5). Although, while it may have been believed that private property was the correct economic system, there were also more devious motivations associated with the policy. According to Decker (2004), “Individual ownership rather than communal ownership, the reformers believed, would encourage individual initiative among the Indians, while simultaneously weakening tribal ties” (p. 67). It was thought that communal ownership of land promoted strength among the tribes, as tribal members were then all able to work together to protect their home. It was also thought that a large communally owned area of land supported tribal hunting livelihood and allowed tribes to sustain an existence that challenged the settlers’ idea for the land. According to Decker (2004), “once dependent upon the government for food, the Indians would have no choice but to give up their hunter-gatherer existence and gradually learn agricultural skills” (Decker, 2004, p. 44).

The Allotment Act was strategic in that it was a way to claim the majority of remaining tribal lands for the homesteaders. The act was a way to separate tribal members who would now own and be responsible for individual plots of land and this division of land was thought to be less likely to support a hunting and gathering lifestyle. The plan was aimed at eliminating Native culture by replacing it with the colonizer’s culture. This federal measure is still seen to be one of the most damaging and reprehensible acts committed by the United States government against tribal

communities. Even though the Allotment Act strategically reduced the image of tribal culture, and managed to reduce the land claimed by the other, it was not successful in completely replacing the other with the self-same. According to Simmons (2000),

The Bureau of Indian Affairs' guiding objective, to make farmers out of Native Americans, was enjoying limited success Ute agriculture did not flourish, but the handmaiden of assimilation— education—was faring somewhat better” (p. 233).

Although the targeted demographic of the education policy was Native children, Lomawaima also noted that it was intended to put strain on the families, “The idea was it would be much easier to keep [Native nations] pacified with their children held in a school somewhere far away.” (cited in Bear, 2008, para. 19) And with goals of assimilation, General Richard Pratt built the first Indian Boarding School in a former prison.

The Indian Boarding School Episode: A(n) (Un)Civilizing Discourse.

As essential elements of the civilizing project, boarding schools were laboratories of domestication, the primary means by which Native languages, cultures, and identities were to be pounded out and re-shaped.
(Lomawaima, 2006, p. 168)

Indian Boarding Schools served two primary functions in the service of colonialism and Native assimilation/elimination. There was the relentless mission to turn hunters into farmers and the mission to replace the traditional tribal kinship familial structure with the Euro-Christian standard nuclear family. These goals were always accompanied by instilling Christianity as the only true religion, and English as the only appropriate language.

The Indian Boarding School episode is an event that has meant different things to different people, though at its core and undisputed by its founders, it was an attempt by the colonizers to replace Native culture with the familiar culture of the Euro-settlers. In order to do this, the Indian Boarding School divided families and forced Native students to practice traditional Christian gender roles, foundational to a Christian nuclear family. A nuclear family is a household in which only a mother, father, and their immediate children reside. It was thought that if this generation of Native children adopted the Christian familial roles, that the tribal kinship family would be replaced, and virtually eclipsed, by the next generation. The kinship familial structure was thought to be a key factor keeping tribal culture intact and thus threatening the envisioned identities of the new (as opposed to Native) America. In addition to replacing kinship with the nuclear family, the Indian Boarding School movement would also attempt to replace communal economics and a transient livelihood with individualism and agriculture.

The students in the schools were taught that agriculture was superior to hunting. In 1818, the House Committee on Indian Affairs urged Congress, to “put into the hands of [Native] children the primer and the hoe, and they will naturally, in time, take hold of the plough” (Adams, 1995, p. 6). According to Adams, it was believed that “once transformed into farmers, [Indians] would require less land, which would then be available to whites” (p. 6). It was assumed that teaching the students in agricultural ways would encourage them to want to change from their previous hunting lifestyle, a change that would better accommodate the settlers’ plans. To the dismay of teachers and policymakers, many of the students were not eager to join in the settlers’ way of life.

K. Tsianina Lomawaima wrote a piece entitled, *Domesticity in the Federal Indian*

Schools: The Power of Authority over Mind and Body. In this piece about Indian resistance, Lomawaima explains that the intentions of the schools “were to achieve far-reaching social goals, to civilize and Christianize young Indian people and so draw them away from tribal identification” (p. 238). She explained that the federal government “coerced or recruited” Native American children away from their families for the purpose of domesticity training/“training for subservience” (p. 240), assigned them new and “proper” American names, and wrote those names on their bloomers (a type of women’s undergarment, that reach down to just above the knee). In her interpretation of the Indian Boarding Schools, she highlighted that there were many children who resisted the indoctrination and “habituation to simple labor [that] clearly superseded any truly vocational goals” (p. 241). She continues her interpretation with how these children responded, “whether or not school employees consciously recognized the link between enforced uniformity, regimentation of the body, and subservience training, some students did recognize it” (p. 243). Lomawaima explained a specific act of resistance performed by these children when they threw their assigned bloomers, and all that they represented, out onto the lawn. Thus, many Native American children refused to participate willingly in the forced situations that intended to eliminate their Indian identities. Lomawaima’s interpretation of the boarding school claims that it was an institution intent on “training [Native Americans] for subservience.” She explained that even as the government attempted to strip Native American children of their Indian identities, many children retained their identities in the very act of stripping, the stripping of several elements of symbolic domination, the clothing and nominative identifiers of the colonizers.

Despite the devastating impacts of the federal policies aimed at assimilating Native Americans into white culture, Native Americans resisted and *difference* remained. According

to Adams (1995), “the naïve assumption that Indian students, once instructed in the ways of civilization, would readily shed their cultural skins for white ones all contributed to disappointing results” (p. 6). What did result was a negotiation of identities on the parts of both the tribes and the colonizers, both interpretations of cultural identity now indefinable without the other. While colonial boundary performances may have provided temporal interpretations of self-reference, they were short-lived and only highlight a continued struggle. In other words, the boundaries of culture are again unclear, and this ambiguity highlights that both tribal and U.S. cultures are abject. Initially, the colonial definitions of savage/civilized performed self/other delineations. But, this performance did not stabilize U.S. identity boundaries and led to an attempt to replace the other with the self-same and thus purify the difference within. This too was unsuccessful and thus the fate of U.S. identity boundaries remains deferred—a deferment that will not be resolved. This space of indefinable boundaries points to the always grotesque, and thus abject body of the United States. In the context of static identity aspirations, the state of abjection is a highly volatile space to be in, as it points to the unreachable self-reference goal. Colonialism responds to this state of abjection with recurring performances of hierarchical self/other delineations and attempts to replace unsettling difference with the self-same. These performances never eclipse the gap, never render identity transparent, and thus the identity boundary performances in the frames of colonialism continue, *mise-en-abîme*.

.../Self-Reference, Mise-en-Abîme: Framing the Dregs of Colonialism

Before proceeding to a discussion of the colonial texts that were and continue to be performed, *mise-en-abîme*, it may be useful to recapitulate the main propositions put forward thus far. Essentially, I have been arguing that the speaking subject, in being

created and transgressed by language, is a linguistic audience to their own existence as defined by language and therefore experiences meaning as a linguistic audience as abject. In this space of abjection, a subject must constantly negotiate with an identity experienced in the same way that meaning is experienced with language, through performances of mimesis and difference, with the impossibility of escaping the condition of deference. These performances can be neutral in theory, but as can be observed in the various frames that inform HB 10-1067, they can also be very consequential.

The United States originally defined itself through a colonial frame—a frame that justified the colonizer’s claims to the already inhabited land of the Americas. House Bill 10-1067 is a recent reminder that the United States has yet to stop reproducing the recurring frames of colonialism for the purpose of self-reference. This section will be divided up into three parts. The first part will discuss the self-reference performances that have been previously articulated in this chapter as the frames that inform HB 10-1067. The second part will discuss the self-reference performances in terms of their *mise-en-abîme* form. The third part will discuss the bill in terms of the dregs of colonialism, suggesting that HB 10-1067 is a reprehensible frame of colonialism as it masquerades as an autonomous economic argument.

.../Self-Reference

It will now be useful to revisit some of the self-reference performances that were visible throughout the frames in this chapter. The self-reference performances that will be looked at are in the form of hierarchical self/other performances and self-same performances. Self/other performances are driven by a desire to delineate self from other and then protect that established classification from any thing/one that is perceived to

challenge it. In Douglas' (2002) terms, "dirt is dangerous" (p. x). Douglas explains *dirt* to be "matter out of place" and in this chapter, that dirt can be seen as anything that the (descendents of) colonizers perceive as threatening to their cherished worldviews (comprising of land acquisition, agriculture and mining livelihood, nuclear familial structure, and the economics of individualism). In HB 10-1067, Middleton targeted Fort Lewis College for additional budget cuts because Fort Lewis was considered to have a unique program that funded Native student's tuition and thus considered to challenge Colorado's financial sustainability. Previous to this, the military post, Fort Lewis, was built to respond to the settlers' fear of the Utes' "savage" hunting lifestyle considered incompatible to nearby agricultural establishments. In colonial frames of self-reference, self/other delineations are always held in tension with attempts to assimilate the otherness within, in performances of self-same.

The colonial self-same performance is a somewhat more complicated version of mimesis. A homogenizing performance of the self-same is an attempt to virtually eclipse the other through a "reverse-mimesis" of sorts. Instead of mimicking the other, homogenizing self-same performances force the other to mimic self (the colonizer forcing tribal cultures to mimic the culture of the colonizer). In the words of Butler and Spivak (2007),

to produce the nation that serves as the basis for the nation-state, that nation must be purified of its heterogeneity except in those cases where a certain pluralism allows for the reproduction of homogeneity on another basis. (p. 32)

In this chapter, the colonizers engaged in self-same performances at the expense of Native culture. Through the Indian Boarding School movement, the colonizer's forced

the practice of agriculture in place of hunting, and nuclear familial roles in place of tribal kinship. Through the Allotment Act, colonizers forced a system of individual property ownership to replace tribal communal economics. All of these actions were accompanied by the replacement of tribal spiritualities with Christianity, and the replacement of tribal languages with English. These assimilation methods were performed to *kill the Indian and save the man*,¹⁹ and thus, replace the other's culture with that of the (perceived) self.

The ellipsis in the title of this chapter is concurrent with the mimesis, difference, and deferment that any attempt at self-reference (“I,” “culture,” “nation-state”) must always negotiate with. The self is performed as reference, as a mimetic borrowing of symbols that have come before, and also as a production of boundaries that serve to delineate difference. These performances of mimesis and difference are held in tension—a tension that is deferred only by another performance of mimesis or difference. Thus, the self is a reference that is never fully referenc-*ed*. In other words, the boundaries of identity are temporal and fleeting. In order to self-reference, and temporarily experience a perceived escape from the reality *that is abject*, identity boundaries must be performed. In order to imagine national or cultural identity, mimesis and difference must occur in recursion.

.../Mise-en-Abîme

It is the mark of the ambivalence of the nation as a narrative strategy – and apparatus of power – that it produces a continual slippage into analogous, even metonymic, categories, like the people, minorities, or ‘cultural difference’ that continually overlap in the act of writing the nation. What is displayed in this displacement and repetition of terms is the nation as the measure of the liminality of cultural modernity.

(Bhabha, 1990, p. 292)

La Trahison des Images [The Treachery of Images] (see Figure 10), is a painting by René Magritte depicting the image of a pipe with a caption underneath that reads

“Ceci n’est pas une pipe [This is not a pipe].” When asked about the conundrum, Margritte explained “it’s just a representation, is it not? So if I had written on my picture “This is a pipe,” I’d have been lying!” (Torczyner, 1977, p. 71). In interpreting and making sense of this picture, it is the viewer’s subjectivity that is *mise-en-abîme*. At once, the viewer’s reasoning begins to skip with the logic of recursion. There is an immediate identification with a pipe, a mimesis that allows the image to be familiar and recognized. One is then confronted with the work of difference, as the mental identification with the pipe is immediately corrected by the text indicating that it is not a pipe. And thus the meaning is forever deferred by interpretation. This experience is all too common with identity and meaning. As Margritte explained, the image is not an actual pipe. And this is what occurs, but is often overlooked, with every attempt at symbolic representation. In the case of national identity, there may be performances that suggest a recognized image, but this image is not that which it tries to represent, and thus essence is deferred again, only to be temporarily captured, and then once again deferred, in another image.

Mise-en-abîme is a French term that literally translates to “placing into infinity” or “placing into abyss.” It is a term that is used in various ways. Initially, in heraldry, to describe the smallest coat of arms on the United Kingdom’s Coat of Arms icon. In art and film, it is used to describe self-reflexive embeddings. In math and computer science, it invokes notions of recursion and the Drost effect (see Figure 11). In general, *mise-en-abîme* describes the visual experience of standing between two mirrors and seeing the infinite reproduction of one’s image. The usage of *mise-en-abîme* in this chapter has embraced the intertextuality of the term and has borrowed and built upon these previous

meanings. In this chapter, the term describes the experience and performance of self-reference that resonates in Margritte's *Treachery of Images*. The referring to self that continually requires the reference to an infinite production of self/other and self-same delineations. In other words, the self-reference, is the linguistic experience of identity as being positioned between meaning and language, in abyss, chaos, in an abundantly overwhelming bottomless experience of meaning—then negotiating with this position by actively reproducing the imagined image of self, that must always borrow, differ, and defer identity in a similarly embedded infinity. This chapter has also borrowed from the *mise-en-abîme* interpretation that is illustrated in the recurring images characteristic of the Drost effect (see again Figure 11). In this sense, one can see that the whole is represented in the parts. In other words, each part is a holographic frame.

This chapter began by describing the events and discourse surrounding a recent legislation proposal. Following, were six holographic frames/(additional sections) that telescoped out to include the events and discourse that informed the recent legislative bill. Each frame relied on a delineation of self/other. When the system of classification had been (imagined to be) delineated, it was clear that difference remained within U.S. culture. In an attempt to purify the body of U.S. culture and remove the *cultural threat* that in this case threatened the justifiable location of the body of culture, assimilation methods were pursued in order to replace intolerable difference with images of self-same. It was evident that each attempt at assimilation was unsuccessful in attaining the desired homogeneity. Each attempt resulted in cultural excess—that which could not, or refused, to be assimilated. Each frame also pointed to the irresolvable tension of simultaneous

mimesis and difference, the same tension that begets the viewer's attention in artistic mise-en-abîme depictions.

It must be acknowledged that this mise-en-abîme mode of imbrication bears a striking resemblance to Roland Barthes' structural analysis of a narrative, "The general language [langue] of narrative is one (and clearly only one) of the idioms apt for consideration by the linguistics of discourse and it accordingly comes under the homological hypothesis.... The homology suggested here [does not] here have merely a heuristic value" (Barthes, 1977, p. 84). One possible interpretation of this quote is that each of the components of a sentence is one that exists in a cultural context and is worthy of exploration because of the relationship between theoretical use and social application. Still further, one could explore how each component of colonialism exists not merely to allow or assist the colonial goals, but may be similar in position or structure to former colonial practices in whole, though not necessarily in order to serve the same function. In other words, the different levels of meaning pertinent to each section of this chapter are individually important, but it is equally important to then look at them within their surrounding contexts or narratives in order to recognize patterns, in this case, of self-reference. In this chapter, each frame had an account of history to tell. The frames were all included in this chapter because they were intertextually related to HB 10-1067.

Beyond this intertextuality, a telescoping out method was used in order to arrange the frames reverse-chronologically. In this telescoping out, a mise-en-abîme effect became evident. In each historical section, there was evidence of recognition of intolerable difference within the boundaries of the U.S. nation-state, followed by an attempt to assimilate or virtually eclipse this difference and remove historical claims that

threaten the legitimacy of U.S. territory. Another theme that could not be overlooked was the excess of Native culture and claim to lands that was unable to be assimilated by the U.S. government. In each of the frames, one can see that the assimilation goals that, while very damaging to Native cultures and Native peoples, were not successful in eclipsing Native culture overall. In each historical section Native culture remains—and as soon as this evidence of culture is perceived again as threatening to U.S. identity, the next colonial frame appears. It is in this sense that HB 10-1067 can be seen as another frame of colonialism, aimed to replace the other with the self-same.

Fort Lewis was built to eliminate/assimilate the persistent Ute culture. The tuition waiver program was part of a larger movement to assimilate Native Americans through educational efforts. As the tuition waiver became useful to Native students and seen as a burden to state government, HB 10-1067 was proposed in order to abject obligations to Colorado non-resident Native Americans and reduce the number of Native students at the college overall. According to Middleton:

This way Fort Lewis's general funding from the state would increase because it would have fewer non-resident students and [would] easily fit in with other institutions in the eyes of the JBC and CDHE. (Valenti, para 28)

The goal throughout these intertextual frames was to expel difference and replace it with the images of self-same.

.../The Dregs of Colonialism

It is a daunting task, to focus the attention of a powerful, self-assured nation on the peoples whose very existence today might appear as a rebuke, a reminder that this place called home was not always yours.

(Lomawaima, 2006, p. xxi)

As stated earlier, House Bill 10-1067 arose due to Middleton and other Colorado

legislators' concerns about the "rising costs" of the tuition waiver program, which accompanied the increase in American Indian students attending the college. Currently, "750 of FLC's 3,700 students are Native Americans who receive free tuition (Andrews, "Councilors", p. 1). This concern for state resources prompted the legislative response that framed these numbers as being unsupportable, economically. And while these numbers are concerning to those trying to balance the state budget, they are seen as an accomplishment to those looking to close the achievement gap and ensure cultural diversity in institutions of higher education.

There is often mention of residual tribal distrust of educational institutions as a result of the Indian Boarding School movement. As a consequence, Native Americans "have the lowest level of educational attainment of any racial or ethnic group in the United States" with high school graduation rates at 49.3 percent in the 2003–04 school year, compared to 76.2 percent for white students" and "only 13.3 percent of Native Americans have an undergraduate college degree, relative to the national average of 24.4 percent" (National Indian Education Association, p. 1). According to a recent study conducted by the Natural Science Foundation, Fort Lewis College is currently "ranked first in the nation among bachelor degree-granting institutions in the number of degrees awarded to Native American students" (Indian Country News, para. 10). Fort Lewis is unique as an academic institution in that they offer tuition-free education to state resident and non-resident Native Americans. The success of this tuition waiver program in graduating more Native American students than any other institution was shadowed by Colorado's economic recession. With Colorado's financial identity now threatened, the waiver was an ideal target for re-appropriating resources. According to Lomawaima

(2006), “when Indigenous initiatives have crossed the line between allowable, safe difference and racial, threatening difference, federal control has been reasserted in explicit, diffuse, and unmistakably constricting ways” (p. 169).

Before going on to explicitly discuss the house bill in terms of colonialism, it is useful to recall Middleton’s position on the connection between Native Americans and her proposed legislation, HB 10-1067. “This was never about Native American students,” said Middleton. “The fact the bill was characterized as such is both highly misleading and unfortunate” (Valenti, para. 3). It is again useful to include the full title of House Bill 10-1067: *Concerning a requirement that the state fund 100% of the cost of instruction for nonresident Native American students enrolled at Fort Lewis College*. The title of the bill immediately suggests that this bill concerns Native American students, yet the sponsor of the bill said clearly that it does not. This process of identification and difference again resonates with Margritte’s *Treachery of Images*. If the wording of the bill looks like it concerns Native students, but Middleton says that it does not concern Native students, then what might Middleton have meant? She spoke about the state of Colorado’s budgetary concerns. She spoke about the rising number of non-resident Native students taking advantage of the tuition waiver. She spoke about how different Fort Lewis was in relation to the other colleges in Colorado.

Middleton said she agrees that Fort Lewis is being singled out, but rightfully so. She said that Fort Lewis is not like any other school in the state because of the tuition waiver program and unique academic goals. Middleton said her bill was aimed at fixing these discrepancies. (Valenti, para. 23)

If the discrepancy that needs to be fixed, is that Fort Lewis College stands out as an academic institution by offering a tuition waiver program that reduces the achievement gap experienced by Native students, than “fixing these discrepancies” will directly affect Native American students.

This again leads to the question, if House Bill 10-1067, according to Middleton, was never about Native American students, who was it about? Perhaps it was about the non-Native American Coloradans. Perhaps the bill was another image of self-reference performed in line with previous colonial goals aiming to protect the illusion of a clean and proper identity for non-native U.S. citizens. But, just because the bill was directly aimed at protecting the state of Colorado’s financial identity, does not mean that the bill would not have affected Native students. The bill would have dramatically affected Fort Lewis’s budget and in turn, the college’s ability to provide quality education to Native students. While the state supporters of HB 10-1067 intended to fix budgetary concerns, they failed to consider the damage that the proposal contributes to the already historical and deeply unresolved relationship between the U.S. government and neighboring tribal governments.

HB10-1067 was introduced to the house in terms of an economic argument. This argument is sufficiently complicated in the consideration of the six holographic frames that inform the bill. With the additional six frames, this chapter attempted to insert some of the textual interplay that was omitted from the abbreviated economic argument made by the bill’s sponsors. It is useful to review the frames and their intertextuality. First there was House Bill 10-1067, which concerned the Native American Tuition Waiver. Second, it was useful to learn about the Native American Tuition Waiver, which is unique to Fort

Lewis. Third, it seemed crucial to look into Fort Lewis and its original purpose to respond to the “Ute Problem.” Fourth, in order to understand why the Utes were considered a problem, it was necessary to articulate that Ute sovereignty was a threat to colonialism. Fifth, it seemed appropriate to look into colonialism to uncover the grotesque performances of self-reference. This finally led to the sixth frame that explores the self-reference performances of colonialism that appear to occur, *mise-en-abîme*. This textual interplay manages to transgress the confines of the house bill, while creating the context out of which the house bill was developed. Lomawaima (2006), poses the next question in relation to colonialism:

What might the nation-state learn about itself from the lessons drawn from a century of Native experiences with schools? *We might learn about choice. We might learn about self-determination. We might learn about the potential for national strength embedded in cultural and linguistic diversity and the dangers propagated by homogenization and standardization. We might learn enough to forge, together, a new vision of democracy.* Federal and Mission schools set out to ‘civilize,’ assimilate, and ‘Americanize’ Native peoples. Whatever the label, education policies and practices have been designed to erase and replace. Erase Native languages; replace with English. Erase Native religions; replace with Christianity. And so on. (Lomawaima, 2006, pp. xxi-xxii)

The *erase and replace* method of assimilation has been performed throughout the histories described in this chapter. House Bill 10-1067 was the most recent performance that tried to erase the historical obligation to fund non-resident Native student tuition and replace it with real-time economic circumstances in the name of Colorado’s financial

development. Recent state development arguments resonate with past state development arguments that were then clearly identified with colonial intentions.

So what are the dregs of colonialism? The dregs are the excess—what's left over of colonial performances. The dregs of colonialism are overly potent and perhaps the most reprehensible, because they masquerade as something else. When HB 10-1067 masquerades as an economic argument, yet functions in a colonial capacity, it has the capability of serving to homogenize the nation, while removing individual conscience from this practice. It serves to systematize unjust situations that result from abjecting those who will not be assimilated. Homogenization is a performance of self-same, and serves to satisfy a self-reference in conflict. The self-reference is always a delineation of self/other. *I am* requires *I am not*. Colonialism is a grand-scale performance of the self-same and hegemonic self/other delineation. According to Butler and Spivak (2007),

What distinguishes containment from expulsion depends on how the line is drawn between the inside and the outside of the nation-state. On the other hand, both expulsion and containment are mechanisms for the very drawing of that line. (p. 34).

The frames in this chapter have discussed the recurring images (in recursion) of colonialism . . . the recurring frames of expulsion and assimilation. House Bill 10-1067 in these terms cannot be seen as an isolated text/incident. When looking at the frames that inform each of the components of the recent story, we are in yet another frame of colonialism.

Chapter 5.

...(In)Definitive: Concluding with *Authority*

The following definition of style should also be read as worship of the depths, as resurrection of the emotional, maternal abyss, brought up flush with language.
(Kristeva, 1982, p. 189)

The title of this thesis is A title is meant to identify and describe the work that it marks. The . . . both identifies and describes this work. The . . . identifies this work by visually performing the argument of this thesis. Both identity and . . . are experienced and marked by official punctuative periods, but are also always defined and transgressed by the spaces. These spaces represent the break, the irreconcilable gap between the reference and the referenc-*ed*, the irreconcilable gap between self and other. The space represents the otherness within. The official punctuation of both identity and . . . occur in repeated performances marked by framed periods.

In addition to identifying this thesis, the . . . also appropriately describes the various subjects discussed within these pages. This thesis is theoretically about the . . . that identifies the speaking subject as a linguistic audience as abject, the . . . that appropriately describes identity boundary performances of self/other and self-same, and the . . . that symbolizes the (in)definitive potential for *authority*. This thesis is textually about the implications of positioning self-reference *authority* in the dregs of colonialism.

The choice to use the “ . . . ” slash, . . . in each of the chapter’s title was done in order to suggest the “and/or” relationship between the “ . . . ” and what it comes to

represent in this thesis. *The American Psychological Association (APA) Manual* warns against the use of *and/or* constructions, preferring a phrase instead. I have chosen to deliberately subvert the APA “suggestion” in order to highlight the “and/or” relationship between the “. . .” and identity, and between the “. . .” and the subjects discussed.

The Ellipsis: Abjection . . . Identity Boundary Performances . . . Aposiopesis

The “. . .” slash “Abject” in the first metaphor of the ellipsis, outlined in chapter one was used to signify the . . . position of Native Americans as . . . an abject identity in relation to the construction of an autonomous U.S. identity. Positioned as . . . abject, Native American nations experience disproportionate accounts of . . . omission and human suffering, and this was represented by the “. . .” slash “Omission,” also in chapter one. The “. . .” alludes to the in-between space, the radical liminality, suggested by the presence of groups that challenge U.S. sovereignty lines.

The “. . .” slash “Abjection” in the title of chapter two was used to symbolize the and/or relationship between “. . .” and abjection, between . . . and the notion of a linguistic audience as . . . abject. This notion is explained through two aporetic ideas, that language defines the speaking subject and that language . . . transgresses the speaking subject. In psychoanalytic terms, the first moment of definition—of . . . abjection—occurs with the first experience of . . . symbolic intention, when the baby becomes . . . a separate subject from its mother. In other words, . . . identity only becomes possible through a . . . cleaving of a part from the unified whole. The way in which we experience . . . separateness from the unified whole is through . . . symbolic interaction. This . . . symbolic interaction is the only medium we have for interpreting . . . a meaningful existence; therefore, we can only experience . . . life meaningfully as . . . an

abject audience to . . . our own existence as defined by . . . language. Effectively, language is . . . a medium that makes us . . . an audience. Language makes us . . . “spectators” to our own . . . symbolic integration into a social and linguistic order defined in part by our being . . . *separated* from a natal site of meaning that precedes . . . language, this natal site being a state of continuity with the other. Just as the . . . inscription of an original meaning into a . . . text constitutes . . . “Being-as-writing [. . .] it is also its Being-as-inscribed in a system in which it is only a function and a locus. Thus understood, the return to the book is of an elliptical essence” (Derrida, 1978, p. 296). This . . . “Being” is then experienced through brief moments of . . . meaning in . . . passing, because the . . . sign refuses proprietary claims.

While defining the speaking subject, . . . language simultaneously . . . transgresses the speaking subject. Language . . . transgresses the subject, as it does not belong to the subject. Language is never our own. Instead it is always borrowed; “I only have one language, yet it is not mine” (Derrida, 1998, p. 2).²⁰ We attempt to . . . communicate, . . . interpret, . . . translate, and . . . articulate with . . . symbols and . . . words that cannot hold our meaning. Words accompany . . . our experience of meaning, and are attached momentarily to . . . our intention, but as soon as this instant of intention has passed . . . we can no longer access that temporal meaning. Any proposed transparency of meaning with another subject or audience member is . . . an impossible endeavor from the start. The possible frustration in . . . discursive meaning can also be experienced as a subject attempts self-interpretation, . . . self-reference, only to realize once again the unavailability of transparent meaning. In other words, a subject experiences identity as . . .

. a borderless “I,” in the constant . . . negotiation of definition and . . . transgression by the very . . . language with which clarity is sought.

Thus, language is the . . . signifying process that at once defines as well as . . . transgresses the speaking subject. Being the . . . force that . . . simultaneously . . . allows us to define ourselves as . . . subjects, but denies us a static or complete definition, language is . . . aporetic and we are . . . always already . . . its . . . negotiating . . . audience. We constantly negotiate the . . . boundaries of . . . meaning, the . . . boundaries of definition, and the . . . boundaries of . . . our identities in the . . . forever chase for unattainable constancy. In this space of . . . abjection, the . . . subject continuously produces . . . false boundaries and . . . illusions of non-porous bodies in . . . order to experience a semblance of completion. This . . . abjection leads to the . . . identity boundary performances of . . . self/other and self-same that were discussed in two of the texts that inform the identifier, “Native,” in chapter three.

The “ . . . ” slash “Euphemism” in the title of chapter three is used to symbolize the and/or relationship between the “ . . . ” and a euphemism. A euphemism is a . . . linguistic device that is used to mark a certain . . . symbol, . . . word, . . . idea, or . . . person as . . . inappropriate to the context, something . . . to fear, or something . . . that makes people ill at ease or . . . uncomfortable. Euphemism . . . is defined as “the substitution of an agreeable or inoffensive expression for one that may offend or suggest something unpleasant” (Euphemism, 2010). Euphemisms . . . are generally employed to modify terms that refer to . . . the abject or . . . abjection. In other words, euphemisms . . . are used to virtually eclipse . . . symbolic reminders of the . . . irreducible gap between language and . . . meaning, between . . . self and . . . other. Euphemisms . . . are used

when any one/thing brings attention to the . . . crossable and transgressed . . . boundaries of a perceived corps propre (clean and proper body). Thus, euphemisms are well known to modify subjects of . . . sex, . . . bodily excretions, . . . birth, . . . death, . . . grotesque bodies, In media, when there is . . . discourse that is interpreted as . . . inappropriate for the audience, a “ . . . ” may occur to indicate that the . . . language has been . . . omitted in order to prevent either the . . . sender or . . . interpreted receiver’s negative feelings. In chapter three, blood quantum and the “Native” bumper sticker were analyzed for their . . . euphemistic functioning. Both of these . . . euphemistic mediums operate to reduce the . . . unease associated with the . . . U.S. debt in perpetuity . . . owed to Native Americans.

Chapters three and four explore the . . . discomfort associated with . . . obligations in . . . perpetuity to Native Americans. An . . . omission is something that is . . . accidentally or deliberately . . . left out. Chapters three and four explore the omissions of textual interplay concerning recent interpretations of the term “Native” and HB 10-1067: *Concerning a requirement that the state fund 100% of the cost of instruction for nonresident Native American students enrolled at Fort Lewis College*. Recent interpretations, in addition to the creators’ interpretations of these texts, have openly affirmed that these texts are not about Native Americans. The bumper sticker was created to provide state residents with a fun way to . . . signify to others that their . . . identity is partially in . . . reference to the . . . geographical location of Colorado. HB 10-1067 was created to reduce the . . . economic burden that results in a past land-agreement that, in part, delineated the . . . geographical location of Colorado. Recent interpretations of these texts in real-time, on the one hand, have been . . . divorced from historical materiality,

and on the other hand, have deliberately drawn attention to . . . the contested location/obligation of the state of Colorado in order to mark it with a real-time interpretation of self. While chapter three looked at the contested textual *space of* “Native,” Chapter four looked at the contested textual *spaces* concerning Native obligation/belonging. In order to do this, chapter four inserted . . . textual periods . . . from history that informed . . . HB 10-1067, while also point . . . ing . . . to the . . . holographic . . . images of . . . colonialism . . . and . . . self-reference.

The “ . . . ” in the case of chapter four, is used to represent the and/or relationship between the “ . . . ” and mimesis, difference, and . . . deferment that any attempt at self-reference (. . . “I,” . . . “culture,” . . . “nation-state”) must always negotiate with. The icon, “ . . . ,” uses mimesis as each dot (.), and space () for that matter, replicates the other dots (. . .) and spaces (). The difference in each “ . . . ” lies in the order. There is a temporal element to the “ . . . ” in western languages because subjects are taught to read symbols from left to right. This standard of reading suggests that there is a first period (.), a middle period (.), and a final period (.). This is also true of the scenes of . . . colonialism that supported the text, HB 10-1067. There were earlier periods (. . .) in history that performed self-reference/ “ . . . ” in a colonial matter, as was seen in the omission . . . of Ute tribal lands through forced or coerced cession/omission This was also seen in the various periods (. . .) of Fort Lewis through the temporally omitted . . . sections of text and textual relevance from the original land agreement . . . between . . . the federal government and the state of Colorado, which attempted to omit . . . the obligation of providing tuition-free education to Native students in perpetuity And, this was seen with “erase and replace” efforts proposed in HB 10-1067—erase the

obligation of funding “tuition” and replace it with the lesser obligation of funding “instruction.” These . . . framed . . . periods of history resonated with previous . . . colonial goals that delineated tolerable and intolerable . . . difference in order to negotiate with . . . desires for self-reference.

The “ . . . ” in this chapter, chapter five, is used to represent the and/or relationship between the “ . . . ” and varying notions of aposiopesis. According to Andrea Grun-Oesterreich,

[Aposiopesis] can simulate the impression of a speaker so overwhelmed by emotions that he or she is unable to continue speaking. . . . It can also convey a certain pretended shyness toward obscene expressions or even an everyday casualness.” (Sloane, 2001, “Aposiopesis,”)

This chapter will . . . point . . . toward a theory of an elliptical mode of reading/writing. The ellipsis is the generic symbol for all that cannot be explained away with symbols. It suggests unsettled meaning. It is the symbolic articulation of the abject. The ellipsis is “a misunderstood figure, [that] disturbs because it represents the dreadful freedom of language, which is somehow *without necessary proportion*: its modules are altogether artificial, entirely learned” (Barthes, 1977, p. 80). An elliptical reading allows for readers to actively participate in abjection by allowing them to leave the boundary of the definition, and then re-enter bringing with them new contexts which will surely muck²¹ up the delineated definition’s autonomy.

The “ . . . ” is one of the most versatile grammatical structures. Mathematically the “ . . . ” means “and so forth.” In Japanese the “ . . . ” can mean “a pregnant pause.” The “ . . . ” indicates the . . . omission of text understandable in context. The “ . . . ” can

mean that text has been . . . “lost in translation.” A “ . . . ” can be used to signify a continuation of . . . irrationality (as in pi 3.14...). The “ . . . ” serves to . . . “bleep out” words deemed offensive or threatening. The “. . . ”/ellipsis can represent a stream of consciousness style of writing and/or a lack of incorporating official punctuation. The “. . . ” performs a “trailing off,” a pause, . . . a silence It is the *impossibility of naming that which is missing*,²² the moment of “looking up” while reading, the recognition of the inevitability of reader participation, the author’s recognition of their death (continuity)...

In this thesis the “ . . . ” has been a metaphor for both the content and the form of the writing. It has served to indicate an omission, an aposiopesis, an irrationality, and abjection. The “ . . . ” positions the thesis in a space where the reader must question how this versatile symbol will perform and what it will mean in this reading. The ellipsis suggests the versatility of all symbols that function this way, and thus allows the reader agency in meaning making.

The next section will elaborate on this mode of reading that is made both possible and inevitable through the (in)definitive quality of language.

.../(In)Definitive Potential

We must call into question our will to truth, restore to discourse its character as an event, and finally throw off the sovereignty of the signifier.

— Michel Foucault (cited in Young, 1981, p. 66)

(In)Definitive is a word that suggests four meanings simultaneously. First, it represents the infinite (having no boundaries) possibilities for meaning that can be experienced through symbols. Second, it represents the indefinable (impossible to state the precise meaning or delineate the outline or form) nature of human meaning as any official definition is only a denotated border which is transgressed by the infinite

possibilities of meaning that accompanies each word that the definition is comprised of. Third, it represents the indefinite (unclear, lacking precise limits, uncertain, undecided) postponement of meaning suggested in the notion of *différance*. Fourth, the word is somewhat iconic and represents the condition of meaning as the simultaneously experience of being “in” a definition and always already “outside” of definition. Overall, (in)definitive represents the inside/outside relationship between meaning and definitions, most appropriately represented in the shape of the Klein bottle.²³

Meaning and language are in constant struggle. According to Derrida, “language always involves a delay, deferral of meaning, ambiguity, some degree of the speaker’s ‘distance,’ the possibility of confusion, deception and unreliability” (Deutscher, 2006, p. 13). Meaning in language is bound to change frequently, from one context to the next and most often in an exchange of articulations. Any single articulation has the potential to either be one that supports the dominant culture or one that challenges the dominant culture, or more likely, some combination of the two. But regardless of intention, any articulation is constructed of the very fragile joining of (re)appropriated instances of language. And just following a very brief contraction of meaning, these instances of meaning in language come undone, leaving only a hollow casing of tangled symbols waiting to be assimilated into an always already new context of understanding. And herein lies the potential to reframe the grand narratives that consequentially limit certain communities’ human rights. Bhabha (1994) proposes that to dwell “in the beyond” is to:

be part of a revisionary time, a return to the present to redescribe our cultural contemporaneity; to reinscribe our human, historic commonality The

intervening space 'beyond,' becomes a space of intervention in the here and now.
(p. 10)

Unjust narratives that are obsessed with purity call for a collective audience to "dwell in the beyond." According to Derrida (1998),

Contrary to what one is often most tempted to believe, the master is nothing. And he (sic) does not have exclusive possession of anything. Because the master does not possess exclusively, and naturally, what he (sic) calls his language" (p. 23)

The meaning of a word is by no means assured and complicitous (Young, 1981, p. 16). If meaning is individual and fleeting, with a final signified being unattainable and a signified being forever temporal, then how does one subvert the pre-digested meaning presented in an official definition and manage to experience instances of alternative significance? How can we "change the heritage of ideas we inherit?" (Deutscher, 2006, p. 2). The answer lies in the word and its potential, bound in form. All words are symbols that act as supple corpses. A word is a corpse as it bears traces of, and retains the shape that once bonded to, a past meaning. A word is supple because its shape is not definitive, and its pores are many. In order to move from signifieds to significance, one must copulate with the supple corpse, one must intermingle their own associations with those that they gathered from representations presented by the other, one must move from terms to their functions.

If one finds the functions of terms to be inexcusable, then repetition must be supplanted with complication and/or interruption. As Paula Gunn Allen (2005) reminds us, "Adolf Hitler noted a little over fifty years ago, if you tell a lie big enough and often enough, it will be believed" (p. 35). Repetition of meaning leads to the illusion of static

legitimacy. Ambiguity, however, is a direct threat to static meaning. In other words, “if the relevant ideal is open to question, as Derrida suggested the pure body was, we must grapple with a responsibility we might prefer to avoid . . . [and] probe the phantom ideals implicitly at work in a specific cultural, historical, political or literary context” (Deutscher, 2006, p. 3). Ambiguity is a space of potential, a space to ask questions, to rethink subjective influence on another’s subjective existence, and a potential to redefine power distributions that are directly related to the interpretation and justification of colonization.

Concluding with *Authority*

Where there is no choice, there is no anxiety ...[only] a happy release from responsibility.

(Sir Isaiah Berlin, cited in Cozzens, 2000, p. 142)

According to Bataille, “Abjection [. . .] is merely the inability to assume with sufficient strength the imperative act of excluding abject things (and that act establishes the foundations of collective existence)” (cited in Kristeva, 1982, p. 56). In other words, abjection is the space that subjects and cultures occupy because they cannot exclude all that is other. This space of abjection provokes would be subjects and cultures to perform self-reference in recursive acts of mimesis and difference. The simultaneous tensions of mimesis and difference must inform every symbolic interaction and every meaningful experience of identity. These tensions cannot be resolved, but, perhaps we can examine our subsequent identity boundary performances and choose to perform self-reference in a way that approaches this irresolvable status as abject, not with fear for ambiguity, but with curiosity. Ambiguity is a space where identity and difference are not clearly defined. In the space of ambiguity there is space for the in-between, a space to appreciate

grotesque identity boundaries, a space to appreciate the otherness within. In the case of U.S. national identity, ambiguity is a space to appreciate sovereign tribal identities within U.S. boundaries. According to de Nooy, in her book, *Strangers to Ourselves*, Kristeva

explores the condition of and our relation to the foreigner. In it she suggests that we need to recognize the foreignness in ourselves, across an internal boundary, in order to be able to accept the foreigner, neither rejecting nor absorbing (and thus erasing) otherness. (de Nooy, 1998, p. 18)

After looking at the self-reference performances that delineate U.S. and Native identities in historical and recent colonial frames, and recognizing how these performances function to assimilate and thus erase the diversity of Native American cultures, the question is how to perform identity in relation to difference, without absorbing or excluding “otherness.” According to Bataille,

[. . .] The act of exclusion has the same meaning as social or divine sovereignty, but it is not located on the same level; it is precisely located in the domain of things and not, like sovereignty, in the domain of persons. It differs from the latter in the same way that anal eroticism differs from sadism. (as cited in Kristeva, 1982, p. 56)

In this quote, Bataille is explaining how what appears to be the same performance is, in fact, very different. In his quote, Bataille compares the performance of exclusion to that of sovereignty. He implies that sovereignty differs from exclusion in the way that anal eroticism derives sexual gratification through interplay with the other, while sadism derives sexual gratification through causing human suffering for the other. To this effect,

one must evaluate their own performances of self-reference to determine whether these performances involve interplay with the “other” or cause human suffering for others.

It is clear that U.S. performances of identity have created intolerable circumstances of suffering for tribal nations. The Indian Boarding School movement and General Allotment Act were reprehensible episodes that have had lasting effects on tribal communities. These lasting effects are the inequities associated with healthcare, security, and education placing the U.S. government in breach of Federal Trust Responsibility. Blood Quantum identification systems and House Bill 10-1067 are movements that contribute to producing the aforementioned inequities as well as diluting tribal culture.

The Blood Quantum roles were established in the 1887 General Allotment (Dawes) Act in order to track the divided plots of reservation land. This act removed some 80 million acres of land from tribes over 50 years functioning to assimilate Native lands for the development of U.S. territorial identity. The act was posed as way to protect Native Americans, “Indian lands would be broken into individual farm allotments to enrolled members . . . the act permitted whites to gain Indian lands through ‘legal’ means rather than violence” (Langston, 2003, p. 252). Through this act, many tribes lost up to 95 percent of what remained of their reservations and lost their ability to sustain their past livelihoods, livelihoods that were inextricably linked to the land. In this atrocious deal, tribes were guaranteed free healthcare, security, and education in perpetuity. This guarantee is currently not being met.

In another land cession based agreement, Fort Lewis was stipulated as an educational institution that would forever admit Native students tuition-free. HB 10-1067 attempted to change these terms, from the 1911 contract, in order to separate obligations

to Native American Colorado residents from Native American non-residents. The original agreement did not have a provision regarding state residency status because it functioned to continue the process of assimilating tribes into white culture, the goal of the Indian Boarding School movement. The harm caused by the Indian Boarding School movement was physical and emotional. According to Smith (2004), "Children were given inadequate food and medical care, and were overcrowded in these schools. As a result, children routinely died in mass numbers of starvation and disease (p. 89). Bill Wright is a Pattwin Indian, who was a student at Stewart Indian School in Nevada in 1945. On NPR, Charla Bear interviewed Wright as he recounted his memory of an adviser hitting a student:

"Busted his head open and blood got all over," Wright recalls. "I had to take him to the hospital, and they told me to tell them he ran into the wall and I better not tell them what really happened." Wright says he still has nightmares from the severe discipline. He worries that he and other former students have inadvertently re-created that harsh environment within their own families. (para 27-29)

The cyclical nature of abuse has led to the disproportionately high rate of abuse on reservations, which contributes to the safety and security issues for tribal communities that are already insufferable with the lack of legal jurisdiction against non-native abusers. This physical abuse was compounded with the acts of emotional and mental tortures against the children. In the same NPR interview, Bear (2008) interviews Lucy Toledo, a Navajo who went to the Sherman Institute in the 1950s, and remembered some of the unsettling free-time activities at the Boarding School,

"Saturday night we had a movie," says Toledo. "Do you know what the movie was about? Cowboys and Indians. ...Here we're getting all our people killed, and that's the kind of stuff they showed us." (Bear, 2008, para. 25)

The physical, emotional, and mental abuses of children in the Indian Boarding Schools have their scars. According to Noriega (1992), "The result . . . was a deep and deliberate fracturing . . . of what had theretofore been an extremely cohesive society." (p. 374). The effects of this historical episode continue into the present day. According to a National Education Association report, Native American students "continue to have the lowest matriculation rates and the second highest dropout rates of all students in the country" (Trujillo & Alson, 2005, p. 2). HB 10-1067 would have further depleted the matriculation rates by disabling students who would be unable to attend for financial reasons. Also, if HB 10-1067 had passed, it would have affected non-resident Native student recruitment because Fort Lewis would have had to absorb the extra costs accrued by admitting non-residents.

HB 10-1067 would have fostered consequences similar to those created through Blood Quantum identification systems. Both measures foster a situation in which fewer Native participants leads to bigger shares of resources for Natives and Non-Natives. In the case of Blood Quantum, lower tribal membership provides more tribal resources members to divide up, but on the other hand if tribal membership becomes too low, land is returned to the government. In the case of HB 10-1067, lower numbers of non-resident Native admittances to the college allows for more educational resources to be used by funded and tuition-paying students. Both of these situations encourage further

exclusionary self/other delineations, because now, it *seems* to be in everyone's best interest to limit Native participation.

Self/Other delineations comprise ideology, which is an inescapable lens with which to decode the world's overwhelming and immense "everything" into an organized and manageable "something" that humans can then begin to interpret. However, self/other delineations do not need to be exclusionary. The more lenses that exist, the more diversity of thought and culture. According to Lomawaima (2006), "Danger lies not in diversity, but in attempts to standardize and homogenize the linguistically and culturally diverse peoples who comprise the nation's citizenry" (p. 169). This homogenization is what Baudrillard refers to as virtual positivity and the eclipse of the difference. Baudrillard (1996), proposes this solution to the dangers of assimilation measures:

All that seeks to be singular and incomparable, and does not enter into the play of difference, must be exterminated This reconciliation of all antagonistic forms in the name of consensus and conviviality is the worst thing we can do. We must reconcile nothing. We must keep open the otherness of forms, the disparity between terms, we must keep alive the forms of the irreducible. (p. 123)

The "Native" bumper sticker is a recent text that reconciles the uncomfortable difference associated with the unsettled, un-payable debt owed to Native communities through the cession of the territory now known as the United States. The bumper sticker replaces an unsettled notion of "Native" and replaces it with the image of a non-native self, the *colonial Coloradoan*. Diversity can/must not be replaced with ideological consensus. Diversity can/must not be assimilated.

While the American Indian is consistently framed as an ethnic identity that has or will be eliminated/assimilated (a virtually positive framing), the resistance to this framing by the American Indian has never been absent and should not be ignored. Rather than participating in merely critiquing the virtual attempts to assimilate the negativity associated with understandings of what it means to be “Native” (the negativity being the un-payable debt in perpetuity and the Native voices who refuse assimilation and never stop fighting for the reparations of this debt), this thesis is “duty-bound to set itself criminal objectives” (Baudrillard, 1996, p. 151), and will contribute to emphasizing the resilience of Native people.

Colonizing practices have always intended to assimilate/eliminate indigenous culture, “every single government, right, left, or centrist in the western hemisphere is consciously or subconsciously dedicated to the extinction of those tribal people who live within its borders” (Allen, 2005, p. 33). However, this has been met with resistance on every battlefield.

The government’s failure to achieve these goals, [of alienating Indian people from the land], is due in great part to Indian people’s commitment to the idea of themselves. As individuals and as community members, Indian people cling stubbornly to making their own decisions, according to their own values” (Lomawaima, 1998, p. 246).

This commitment to self-determination and cultural sovereignty is observable today as American Indians continue to demonstrate their resilience and resistance to U.S. colonial self-reference performances. According to Kapoor (2006), “the central dominating force is colonization . . . and the definitive political project is decolonization” (p. 164).

Current efforts to decolonize, to challenge the virtual eclipse of Native American culture, are many and varied. For example, Sarah Deer from the Muscogee (Creek) Nation is concerned with contextual discourse expansion and has proposed that anti-sexual assault work and decolonization work intersect in terms of sovereignty philosophy and appropriate legal responses, and should be included in the same dialogue (Deer, 2005, p. 465). J. T. Garrett (1993) from the Eastern band of Cherokee from North Carolina, is concerned with the declining intergenerational contact that results from the negotiated family of the new Native American familial structure and proposes that the key to retaining Native core cultural values is through a strengthened relationship between Native American youth and tribal elders (p. 18). Sheree L. Hukill is concerned with the continued effects of forced colonial individualism that results in the isolation of Native victims of violent physical and sexual abuse. Hukill (2006) proposes that Native communities “return to the traditional Native beliefs that promoted equality and respect for all ‘Created’s’” [and] incorporate culture and spirituality into the definition and implementation [of the Native] community and its programs (p. 248). Jorge Noriega (1992) is concerned with the continued institutionalized practice of colonization, indoctrination, and domination in present American Indian education and proposes that alternative, “liberated forms of pedagogy” within Indian studies programs continue to be developed in attempt to breach the “false consciousness presently engulfing American Indian education as a whole” (p. 376). Andrea Smith of the Cherokee Nation is concerned with economic sovereignty and proposes that political sovereignty cannot be achieved without a struggle for economic reparations for the atrocities of Indian Boarding School human rights violations (Smith, 2004, p. 7). SuAnn Reddick and Cary Collins (2006)

posit that regardless of the fact that there is “no easy or universally accepted solution” to the complications of blood quantum identification, “Native populations alone” must be the ones to “decide the citizenship of their nations, defining their futures, and the social, political, and economic benefits thereunto appertaining” (p. 38).

Ron His Horse is Thunder, Chairman of the Standing Rock Sioux Tribe, explains the meaning of *Mitakuye Oyasin*:

There's a word amongst our people,” he says, “Simply stated, that we are all related, but it's more than just me and my cousin being related. It means that anything that happens to the tribe or one of its members will affect everybody. (Sullivan, 2007, para. 50)

Why write about the language of social exclusion? Why point out these ambiguities of language surrounding abjection performances, and the conditions of abject identity? Butler (2004) articulates a fitting answer:

Not to say that the conditions are at fault rather than the individual. It is, rather, to rethink the relation between conditions and acts. Our acts are not self-generated, but conditioned. We are at once acted upon and acting, and our “responsibility” lies in the juncture between the two. What can I do with the conditions that form me? What do they constrain me to do? What can I do to transform them? (p. 16)

As Rorty (1989) translates for us, “in a Nietzschean view, . . . to change how we talk is to change what, for our own purposes, who we are” (p. 20), while this view is interesting, it seems to point too closely towards a clarity that is unreachable when clarity is only understood through temporal language. To be only slightly more ambiguous, it might be more appropriate to say that to change how we talk is to forever change how we will

interact with the language by which we construct our realities and identities. To change how we talk, is to recontextualize all that we know, all that we can recall of what we have known, and all that we are able to know.

If we accept the Barthesian notion of the *death of the author* and the Derridian notion of *différance* then we must question authoritative and official texts that function to reproduce the images of colonialism, and replace unjust authority by positioning the reader/subject with *authority*. The purpose for this engagement will be to challenge the reader/subject to take responsibility for the texts that she or he authors, which in turn informs her/his own identity and the identity of the *self*-created other. The aim is to position the reader as having agency, to position the speaking subject in a space of conscious participation in responsible meaning making.

If our performances of self-reference cause undue human suffering, than we must shift our perspective in the way that we author meaning and identity. In *The Sense and Non-Sense of Revolt*, Kristeva, (2000) proposes that we change the way that we think and write:

It is no longer a matter of conforming to the universal (in the best of cases, everyone aspiring to the same values, human rights, for example) or asserting one's difference as untouchable and sacred (ethnic, religious, sexual). It is a matter of pushing the need for the universal and the need for singularity to the limit in each individual, making this simultaneous movement the source of both thought and language. "There is meaning": this will be my universal. And "I" use the words of the tribe to inscribe my singularity. Je est un autre ("I" is another"): this will be my difference, and "I" will express my specificity by distorting the

nevertheless necessary clichés of the codes of communication and by constantly deconstructing ideas/concepts/ideologies/philosophies that “I” have inherited. (p. 19)

In other words, we must recognize our desire for mimesis (the universal) and difference (singularity) in order to experience meaning and identity. We must accept this need *to mean* and perform self-reference as our shared value, and then use the otherness within (language) to explain and celebrate our diversity.

As Young (1981) has said, “deconstruction does not remove ‘the world’, but it demands that we rethink the terms in which we formulate it” (p. 19). We are always already abject subjects. If we are not, we cease to exist. If we are not, we have lost our language, our culture, and our identity. If we are not abject, “we” are no longer; “If subjectivity is an effect of culture, of the inscription of culture in signifying practice, there is no place for human beings outside culture” (Belsey, 2005, p. 9). We continuously exist out of necessity as a discontinuous audience disrupting the continuity that is to become our fate. As Kristeva articulates, “on the edge of non-existence and hallucination, of a reality that, if I acknowledge it, annihilates me. There, abject and abjection are my safeguards. The primers of my culture” (Kristeva, 1982, p. 2). Kristeva’s language reinforces that as long as we are linguistic subjects, subjects of culture, or citizens of a national identity, we are always rendered abject. And, although our own relationship with identity is unsettled, we must take care that our compensatory performances of identity purity are in service of the “freedom” that accompanies interplay with the other, rather than using our discourse in service of ensuring that we are “free from” matter out of place, when the characters in that performance are played by real human beings with

real subsequent consequences. Recognizing the fragile relationship between meaning and language and acknowledging one's own discursive identity as a speaking subject relying on object objectification of the other, can lead to the active disruption of dominant power relations. When framed as an ellipsis, such disruptions have the capacity to extend the spaces in between the official punctuative (relating to points of division) means by which cohesive societies are (in)formed by exclusionary discourses. *Mitakuye Oyasin*.

Positioning Authorial Authority

. . . Abject U.S. boundary transgressors: Positions that threaten the static legitimacy of cultural delineations. Who's culture? My culture? Yes, maybe. But, I also identify with "other" cultures, which, I guess, I am not readily identified with. Any identification with "other" cultures is always marked by difference. How is my own abject identity constructed as both the same as and different from the "other?" What are my privileges and disadvantages? How do I want to be positioned as both the same and different? My identity is thus deferred in the tension between these simultaneous desires. My identity is thus deferred to the struggle . . . the work . . . Whose identity do "I" write in this text? The blurred identities of "others" with whose narratives "I" write (for) myself. . . thus, I am.../aposiopesis²⁴

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FOOTNOTES

¹For more information on the federal trust responsibility, see the article, “Recent developments in defining the federal trust responsibility” (Morisset, 1999).

²The *borderless “I”* is a concept discussed by Kristeva (1982), in *Powers of Horror* (p. 4). It describes the impossibility of a static notion of self.

³Kahneman elaborates on the distinction between the experiencing self and the remembering self in his TED lecture (Kahneman, 2010) explaining that the experiencing self is one that in a doctor’s appointment will tell the doctor yes or no in response to the question, *does it hurt here?* While the remembering self is the one that will evaluate the experience after the event has passed in order to decide whether or not it was a painful experience or not and assist that individual in a future decision of whether or not to return to that physician for another appointment.

⁴In looking at the United States as a metaphorical body, *the negotiated subject created by a fusing with the other* could be analyzed as undocumented immigrants, who have embed themselves in the body, and live inside the boundaries of the corporeal United States, but are thought not to belong (this view is not shared by the author). The undocumented immigrant threatens the legitimacy of a clean and proper homogenous body, and thus threatens the imagined body of the United States. This would relegate undocumented immigrants as abject in relation to the United States and might help to explain why they are denied the very basic human rights of security, adequate food, and

adequate shelter. For the purposes of brevity, this relationship was not explored in this thesis, but would be valuable to analyze in another text.

⁵Julia Kristeva's language, translated as "clean and proper body" by Leon S. Roudiez (Kristeva, 1982, p. 4).

⁶This reference is made explicitly throughout Bush's 2002 State of the Union address (Bush, 2002), and in his Second Inaugural Address (Bush, 2005).

⁷For an example, see Aguirre (2003), or Edgar (2003).

⁸As opposed to recognizing our always-already position as abject, difference assumes the impossibility of the corps propre of self and other. Static identity privileges difference over mimesis and deference, only taking up these last two notions when they serve to delineate difference.

⁹In this paper I define a text as a contested site of meaning. It is a symbol or grouping of symbols that implicates official and unofficial narratives. In other words, the word as text implies that there are insoluble contradictions between meanings deemed official and meanings that are not official or occur in unsanctioned interactions/usages, in a society, in a specific time.

¹⁰For more information on the federal trust responsibility, see the article, "Recent developments in defining the federal trust responsibility" (Morisset, 1999).

¹¹In *The Perfect Crime*, Baudrillard (1996) describes what he calls "the mirror people." The mirror people are the others, the people who represent difference. A move towards the virtual is an attempt to euphemize difference, to replace negativity with positivity. Baudrillard explains that move towards the virtual as a move that contributes to enslaving the real behind the mirror, to replacing difference with a reflection of self.

He then calls for a revenge of the mirror-people, saying “little by little they will differ from us; little by little they will not imitate us. They will break through the barriers of glass or metal and this time will not be defeated” (p. 149). In other words, Baudrillard calls for a revolution against anything that tries to reduce diversity with singularity, otherness with the self-same.

¹²The use of the ellipsis in between each of the frames serves to alert readers that each of these sections will themselves be positioned as holographic frames of colonialism.

¹³An endowment fund was also established at the Hesperus site to help fund the tuition waiver.

¹⁴FAFSA is an acronym for “Free Application for Federal Student Aid.”

¹⁵For more on the notion of extinction by education, see Adams (1995), *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928*.

¹⁶This number varies as to whether the territory includes hunting territory, and how much hunting territory is counted. Accounts of up to 56 million acres have been purported (McPherson, 2004, para. 8).

¹⁷Other tribes also considered this land theirs, though this was not always recognized by the U.S. government, as the government was seemingly content at any justification to remove indigenous peoples from lands that they had plans for.

¹⁸Accounts vary on the exact number of acres. Hayes (1996) says this number is 16 million acres (para. 13). Abbott et al, (2005), also appears to round this number to 16 million acres (p. 114).

¹⁹These were the words of Capt. Richard Pratt who founded the first Indian

Boarding School in an old prison. He described his philosophy in a speech he gave in 1892. "A great general has said that the only good Indian is a dead one," Pratt said. "In a sense, I agree with the sentiment, but only in this: that all the Indian there is in the race should be dead. Kill the Indian in him, and save the man." (Bear, 2008, para. 11).

²⁰Derrida (1998) goes on to clarify that while language cannot be possessed, it is different than saying that it is foreign (p. 5).

²¹I use the word muck to mean "to transgress" or is "that which transgresses." It often refers to *matter out of place*, moisture, stickiness, mud, dung, something that has been mined. There are very interesting examples of how to use the word "muck" available on the website *TheFreeDictionary.com*.

²²For more on this notion, see Crawford's (1984) analysis of James Joyce's, *The Sisters*.

²³The Klein Bottle is a shape created by the scientist, Klein, to represent a shape in which the borders between inside and outside are only a matter of perception.

²⁴This is a p(.) (ost) s(.) (tructural) postscript to suggest that the subtleties of language permit the transgression of definitive/finite structure, and encourage the experience of opening up harmful discourse (p.s. the significance was not revealed in the scripts final signified) . . .

FIGURE CAPTIONS

Figure 1. Image of “Native” Colorado bumper sticker.

Figure 2. Visual arrangement delineating the real, reality, and virtuality.

Figure 3. *The intelligence of evil* translated by a graffiti artist in a bike path tunnel located in Boulder, CO.

Figure 4. Alray’s Protest Flyer.

Figure 5. Fort Lewis Tuition Waiver Admission Form.

Figure 6. Map of Original Ute Territory.

Figure 7. Map of Ute Territory After 1868 Cession.

Figure 8. Map of Ute Territory After 1873 Cession.

Figure 9. Map of Current Ute Reservations.

Figure 10. René Margritte’s *La Trahison des Images* [The Treachery of Images].

Figure 11. Depiction of the Drost effect, or recursion.

Figure 1.

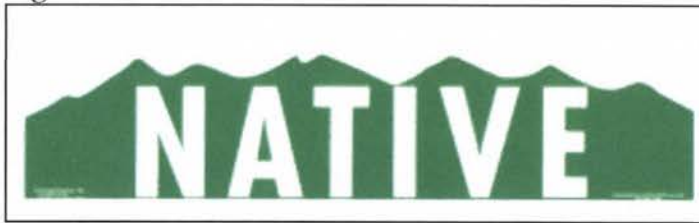


Figure 2.

The Real	Reality	Virtuality
()	(...)	(.)
Nothing	Something	Everything
Continuity	Discontinuity	Transparency
Irreducible to language	Linguistically interpreted	Pure Information
Not there for a subject	Identity/subjectivity/alterity	Self-Same
	↓	↓
	Traces of the something	Traces of nothing

Figure 3.



Figure 4.

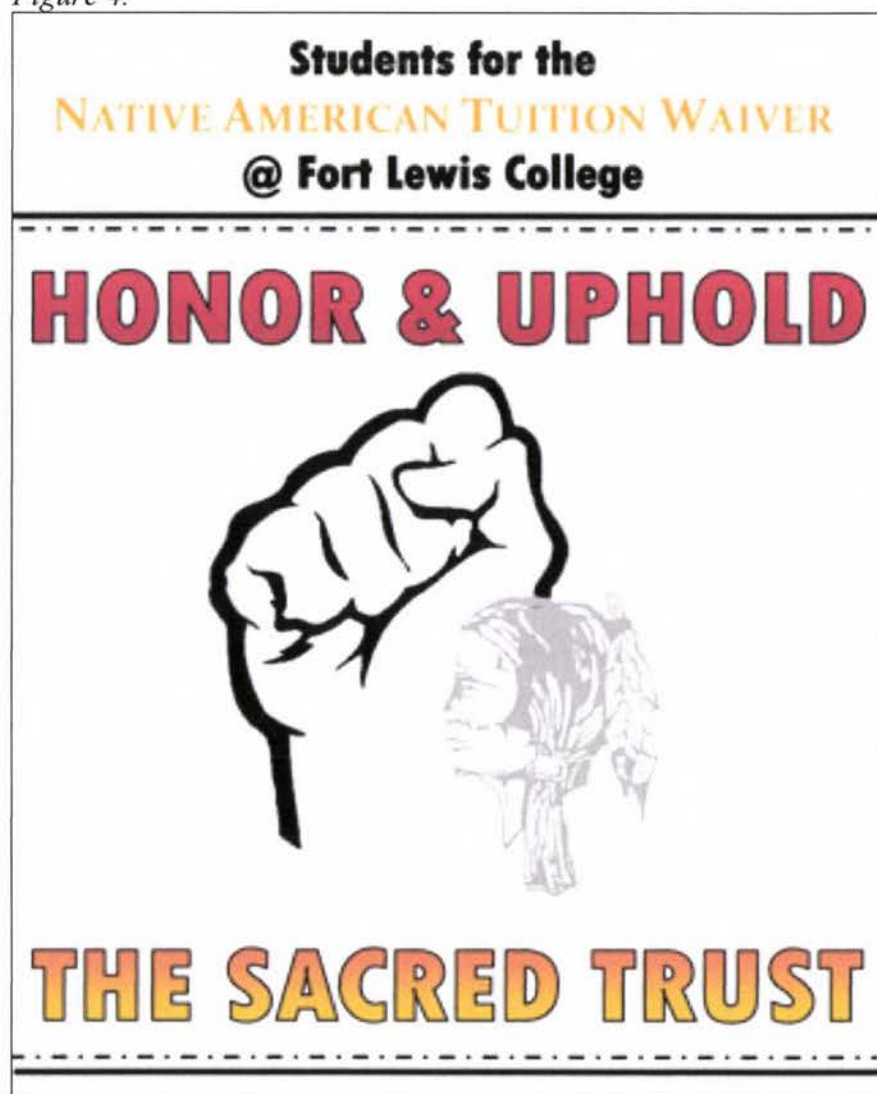


Figure 5.

Fort Lewis College Office of Admission Certification of Tribal Membership for American Indians	
<hr/>	
Agency for Tribe _____	
Date _____	
I hereby certify that: _____	
(Student Name)	(Date of Birth)
_____ is an enrolled member of	
(Social Security #)	(Enrollment/Census #)
_____ Indian tribe. The above-named student is _____ degree	
(Tribe Name)	
Indian blood. The referenced Indian tribe is under federal jurisdiction.	
 _____ Signature of Appropriate Tribal or BIA Official	
 _____ Title	
 _____ Telephone Number	
 _____ Date	
	
Tuition Waiver Requirements	
To be considered for the Native American Tuition Waiver at Fort Lewis College, you must provide a Certificate of Indian Blood or a copy of your Tribal Membership Card.	
To qualify for the Native American Tuition Waiver, you must be at least 50% Native American (no enrollment number required) OR, if less than 50% Native American, an enrolled member of a federally recognized tribe. If you are a shareholder or descendant of a tribe member, you must:	
<ul style="list-style-type: none">• have your own enrollment or census number; <i>or</i>• provide documentation that you are 50% Native American; <i>or</i>• prove you are a direct descendant to a tribe member who lived on a reservation prior to June 1, 1934 (typically documented by a chain of birth certificates).	
Tribal membership documentation must be provided no later than the first day of class. Please contact the Office of Admission at 970-247-7184 or admission@fortlewis.edu for further information or questions regarding the Native American Tuition Waiver.	
O-Forms 11/16/04	

Figure 6.

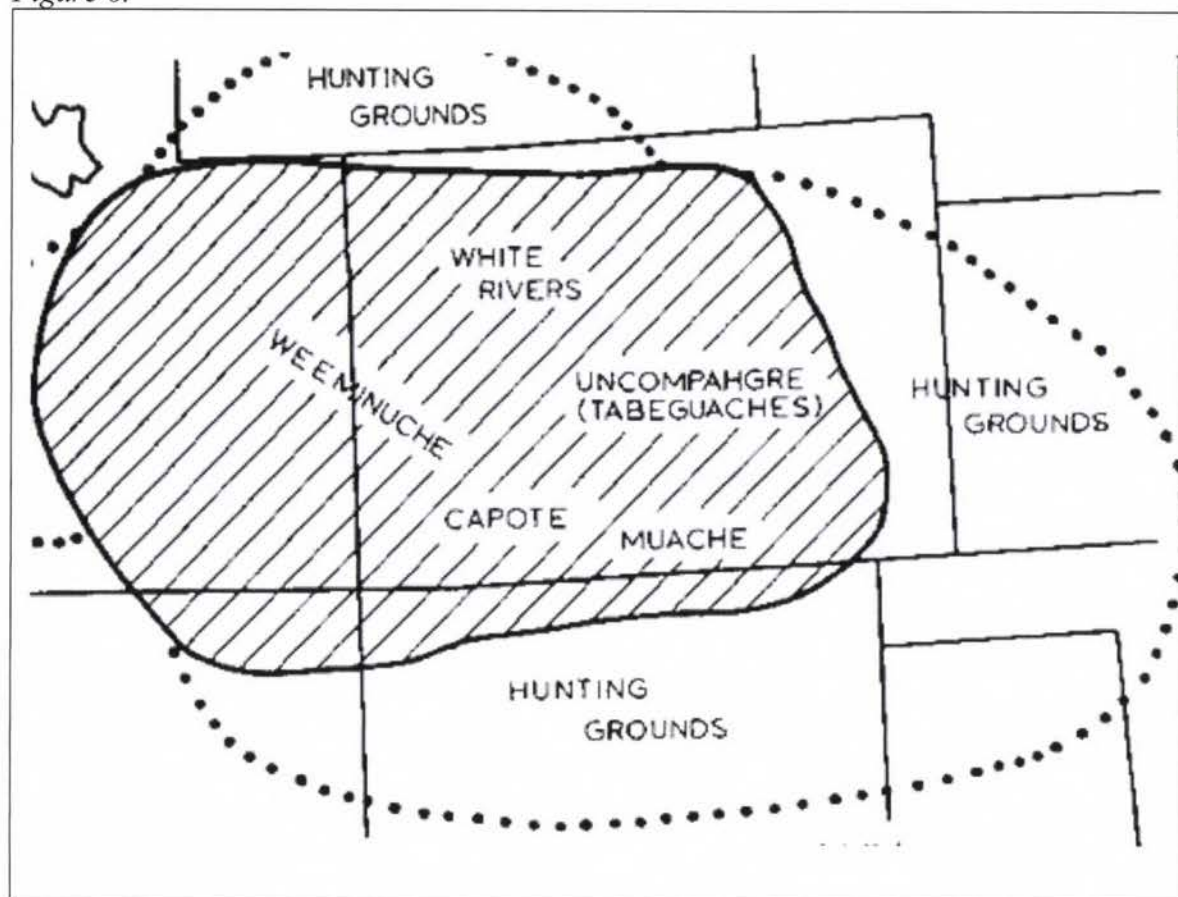


Figure 7.

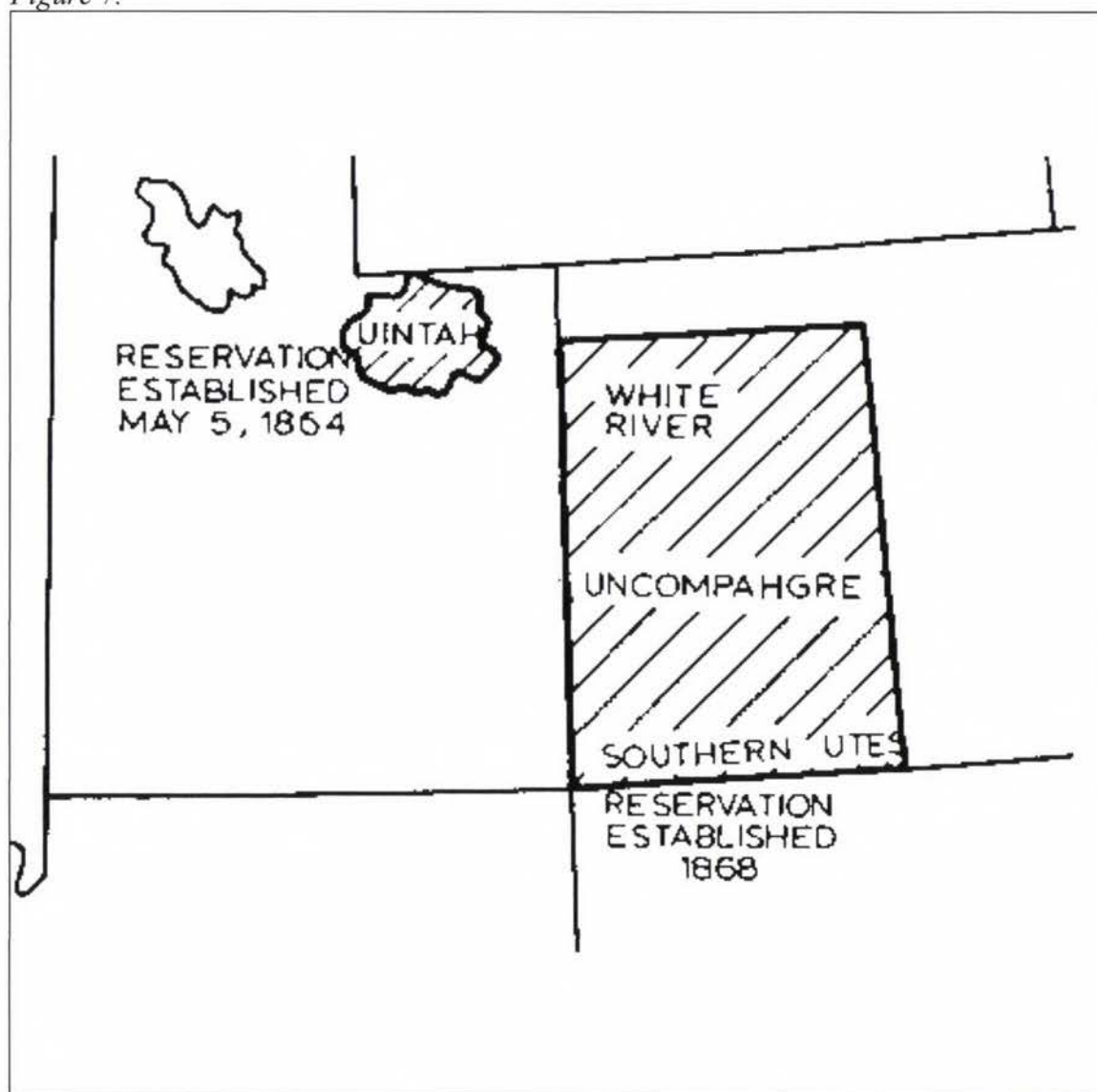


Figure 8.

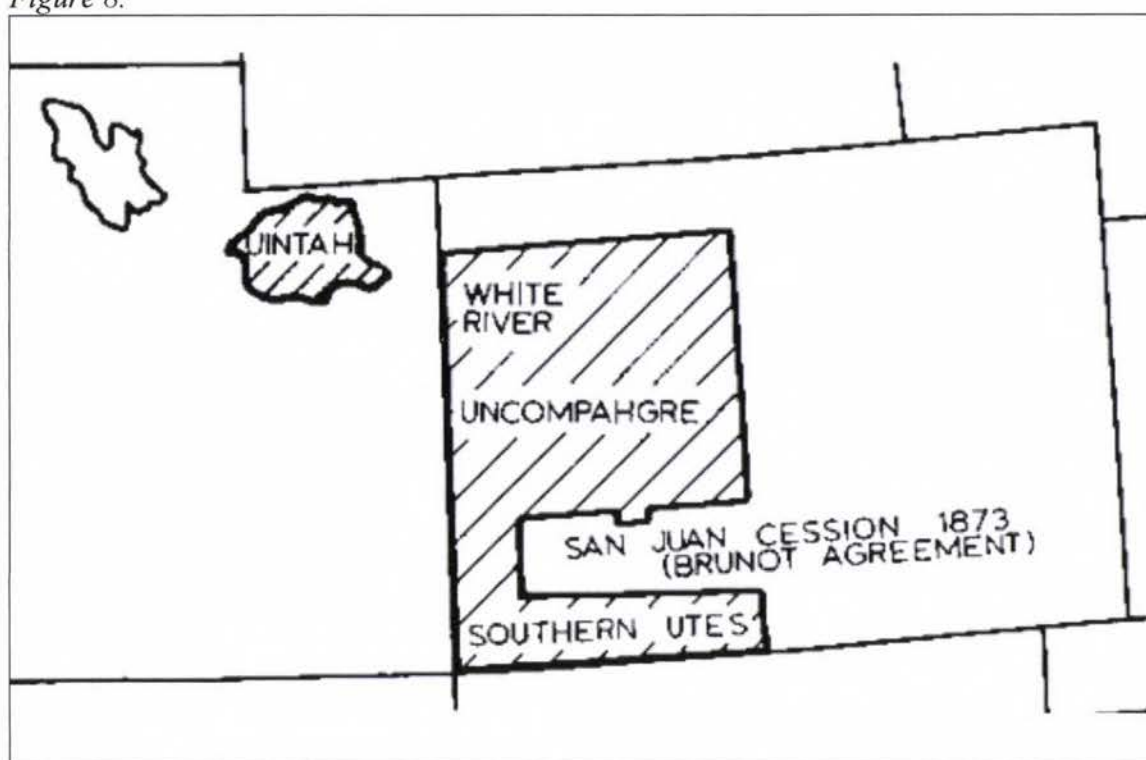


Figure 9.

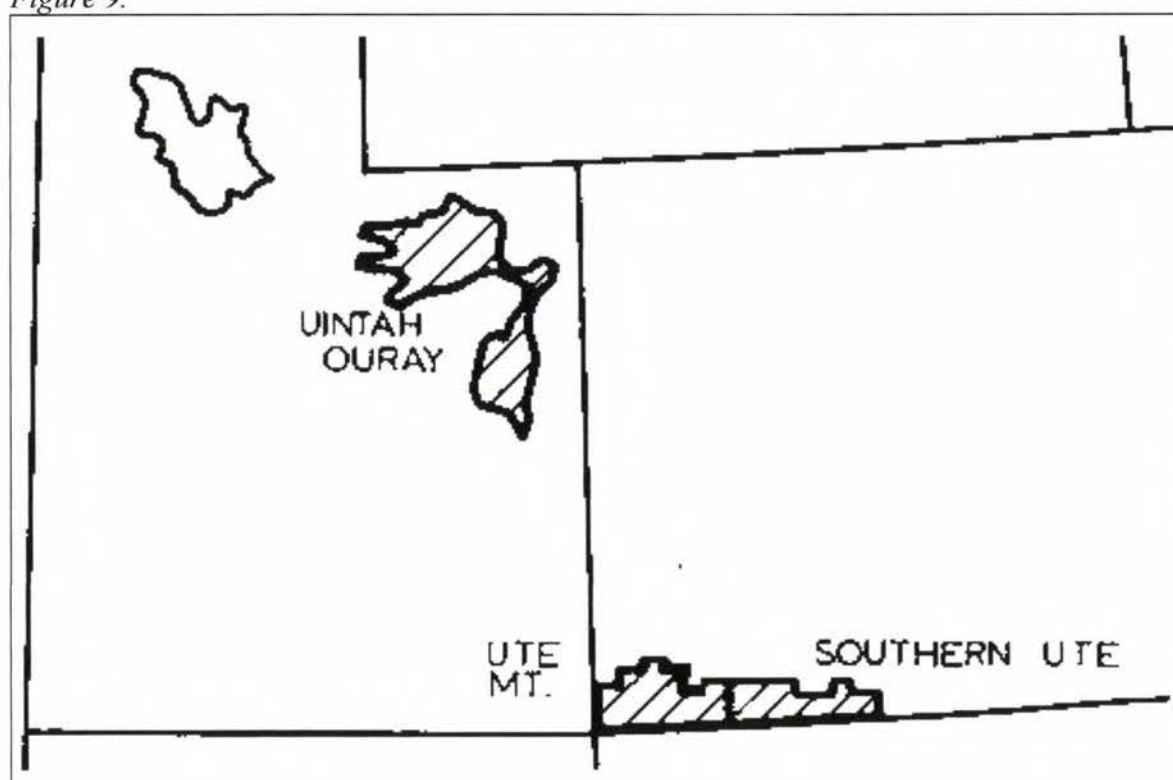


Figure 10.



Figure 11.

