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White Supremacy Part 3: Westward White Expansion

July 13, 2023

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Cruelty as Citizenship

How Migrant Suffering Sustains White Democracy

Cristina Beltrán

Read the entire book at: <https://manifold.umn.edu/projects/cruelty-as-citizenship>

1. Freedom on the Frontier: White Democracy and America's Revolutionary Spirit

The Evolution of Whiteness: The Case of Colonial Virginia

In analyzing American history, it's important to recognize that the political meaning of whiteness developed both historically and regionally, emerging through a series of choices that could have gone differently. Acts of dispossession, slavery, and white supremacy were by no means inevitable—they reflect practices, perspectives, and decisions that shaped settler relationships to land and labor, as well as creating particular forms of collective identity and shared governance. To trace this genealogy of whiteness, I want to turn briefly to the history of colonial Virginia. Examining the history of England's first and most important continental colony highlights the unstable condition of whiteness, particularly in the context of racial capitalism. The story of colonial Virginia suggests how the establishment of *Herrenvolk* republicanism subverted cross-racial political communities and cultivated notions of white freedom.

In *White over Black*, historian Winthrop Jordan observes that in Virginia, the cultivation and export of tobacco produced a desire for labor that was “cheap but not temporary, mobile but not independent.”¹ Initially, the colony solved this labor problem through the use of indentured servants.² Subject to beatings, abuse, and overwork, a servant might find himself sold without his own consent from one master to another up to the expiration of the indenture. Many did not survive the terms of servitude.³ However, those who survived and gained their freedom could then work to become planters in their own right. Initially, high mortality rates meant that those who survived their servitude were too few in number to offer serious competition to their former masters. But as the death rate declined and ex-servants continued to make tobacco, freedmen began competing with their former masters.⁴

Bringing with them negative attitudes toward the poor and laboring classes that were common in England, Virginia's masters worried that the increasing number of freedmen would be either dangerously idle or rebellious. In England, the nonpoor had come to view the poor “almost as an alien race, with inbred traits of character that justified plans for their enslavement or incarceration in workhouses.”⁵ In *American Slavery—American Freedom*, his seminal work on colonial Virginia, Edmund Morgan remarks that such beliefs regarding the poor were “not easy to distinguish from the kind of contempt that today we call racism.”⁶

This dynamic of viewing the poor as akin to an “alien race” is what political theorist Cedric Robinson describes in *Black Marxism* as racialism. Insinuating itself into medieval, feudal, and capitalist social structures, racialism marks the tendency of European civilization “not to homogenize but to differentiate—to exaggerate regional, subcultural, and dialectical differences into ‘racial’ ones.”⁷ The poor were racial subjects within Europe, victims of dispossession, enclosure, and bondage. Indeed, Robinson suggests that “intra-European racism” was very much a colonial process involving invasion, settlement, expropriation, and racial hierarchies.⁸ And while Robinson rightly faults Morgan and other historians for paying insufficient attention to these dynamics of European race making, many of their

insights nevertheless confirm Robinson's critique. Discussing the violence that early English explorers visited on Indigenous populations, Morgan notes that the treatment of Indigenous peoples in Virginia was "akin to the way Englishmen had behaved in another land" where the natives proved unfriendly:

The wild Irish had no poisoned arrows and could not put up an effective resistance against invaders. . . . But the Irish . . . were clearly the wrong kind of people. In the English view they were barbarous, only nominally Christian, and generally intractable. . . . The Irish could become good, that is, civil and Christian, only by submission. Those who chose not to submit could be exterminated and replaced by more deserving settlers from England. Sir Humphrey Gilbert, who won his knighthood by subduing the Irish, himself proposed a colony that would bring peace and prosperity to Ireland by replacing rebellious Irish with Englishmen. Later, Gilbert moved from Ireland to the New World.⁹

The contempt and stereotypes aimed at the Irish speak to how the "domination of some Europeans by other Europeans" was seen as both inevitable and natural.¹⁰ Robinson's analysis highlights how racial capitalism evolved from this older order, manifested in a modern world system enmeshed in slavery, violence, imperialism, and genocide. At the same time, the experience of the first Africans to arrive in Jamestown in 1619 is a reminder that practices of differentiation are both dynamic and contingent.¹¹

As Jordan demonstrates, while negative perceptions of Africans predated English settlement, the social status of Blacks in Virginia was not initially characterized by rightlessness. In the 1630s and 1640s, while some Negroes were serving for life in a hereditary form of slavery, "other Negroes were being released from service like other indentured servants. . . . After the mid-1640s the court records show that other Negroes were incontestably free and were accumulating property of their own."¹² Historical archives show that the first African immigrants—slave, servant, or free—possessed many of the same rights and duties of other Virginians, able to "buy and sell cattle, sue and be sued, earn money, do penance in the church, and if enslaved sometimes purchase their children's freedom, or even their own. Free African Americans held minor political offices, voted, and owned property—including slaves and servants."¹³ In sum, Blacks, regardless of class status, initially enjoyed rights that were later denied all Negroes in Virginia.

Even more significantly, the archives of colonial Virginia offer signs that servants and slaves initially felt a sense of identification with one another. And while indentureship was never as dehumanizing as lifetime, hereditary slavery, in their shared exposure to servitude, at least some servants and slaves saw each other as facing a similar predicament. Moreover, as Morgan observes, Virginia "developed her plantation system without slaves, and slavery introduced no novelties to methods of production. . . . The seventeenth-century plantation already had its separate quartering house or houses for the servants. Their labor was already supervised in groups of eight or ten by an overseer. They were already subject to 'correction' by the whip. They were already underfed and underclothed."¹⁴ In their shared experience laboring on the plantation, Black and white servants bound to the same master "worked, ate, and slept together" and shared in "escapades, escapes, and punishments."¹⁵ It was not uncommon for servants and slaves "to run away together, steal hogs together, get drunk together."¹⁶ Indeed, during Bacon's Rebellion in 1676, "one of the last groups to surrender was a racially mixed band of eighty Negroes and twenty English servants."¹⁷

Bacon's Rebellion revealed the possibilities of an alliance between white and Black servants and slaves against the policies of the ruling class. However, the rebellion also began as an anti-Indian crusade—a lower-class revolt of discontented, landless men angry at Virginia's colonial governor for denying them permission to retaliate against Native American attacks on settlements and claim additional Indigenous

frontier land westward. The rebellion revealed the possibilities of the white and Black poor identifying with each other and uniting in a shared cause. At the same time, the rebellion highlighted how race hatred (in this case, against Indigenous populations) could unite subjects across their differences. For the colony's elite, the lesson of the rebellion was that "resentment of an alien race might be more powerful than resentment of an upper class."¹⁸

The gradual substitution of African and Indian slavery for white servants after 1680 helped resolve Virginia's labor problems, enhancing the experience of freedom and equality among whites through the increased degradation of Blacks. For example, in 1705, the Virginia assembly passed an act that "specifically protected the property of servants while confiscating what belonged to slaves" so that "even the small property previously allowed to slaves . . . was to be handed over to poor whites."¹⁹ Laws were passed prohibiting Blacks, regardless of status, from owning firearms. Laws were passed making it illegal for whites to be employed by Blacks. In Virginia, poll taxes were drastically reduced, making it easier for free white men to vote, while free Blacks were being stripped of the right to vote, testify in court, or serve on juries.²⁰ Over time, Virginia's small farmers began to perceive a common identity with the large, because "neither was a slave. And both were equal in not being slaves."²¹ Consequently, struggling farmers began to see their rich neighbors "not as extortionists but as a powerful protector of their common interests." In sum, Virginia "solved the problem" of the poor by enslaving them. Racism became an "essential if unacknowledged" aspect of America's attachment to the values of equality and republicanism.²²

Settler Freedom: Movement, Removal, Creation, and Participatory Violence

In *The End of the Myth*, historian Greg Grandin states that "all nations have borders, and many today even have walls. But only the United States has had a frontier, or at least a frontier that has served as a proxy for liberation, synonymous with the possibilities and promises of modern life itself."²³ As scholars of settler colonialism and the American frontier have long noted, original conceptions of American identity were based on expansion: "From Jefferson's Presidency to the Mexican War," writes political theorist Michael Rogin, "expansion across the continent was the central fact of American politics."²⁴ Moreover, as the settlement line moved west, "expansion came to be identified not just as a condition of freedom but as freedom itself."²⁵ The United States "was a nation founded on the right of freedom, a right not just exercised by but originating in movement."²⁶ As Hagar Kotef observes, "free movement was a quintessential element of liberal political thought, with some forms of movement encouraged while other were limited and regulated."²⁷ This sense of freedom gave settlers a "unique prerogative"—the ability to organize their politics around "the promise of constant, endless expansion."²⁸ As political philosopher Antonio Negri declares, America's constitutional founding was based on the concept that "space is the expression of freedom." It is the "expansion of space that becomes the horizon of constituent power"—freedom is conceived as "frontier," as the place "where citizens' strength becomes power."²⁹ As early as 1774, Thomas Jefferson asserted in "A Summary View of the Rights of British America" that "the ability to migrate wasn't just an exercise of natural rights but the source of rights. . . . Liberty was made possible by the right to colonize, letting freemen, when their freedom was threatened, to move on to find free land and carry the torch from one place to another."³⁰ As Grandin notes, Jefferson provided settlers "a historical and moral philosophy, telling them that their movement west wasn't just a fruit of freedom but the source of freedom." By 1805, Thomas Jefferson "couldn't think of any limit to U.S. expansion."³¹ In 1824, James Monroe stated, "There is no object which as a people we can desire which we do not possess or which is not within our reach."³² Here we can see the tension identified by Kotef as well as Hardt and Negri—a conception of sovereignty as "an open, expansive project operating on unbounded terrain" that exists alongside a "fantasy of closure and enclosure," involving "clearly demarcated territory, sealed within a border,

which is a container of the people.”³³ Here we see that for certain subjects, movement is a manifestation of liberty that should be maximized. While for others, movement is something that must be tightly managed and regulated.³⁴

The British colonies in North America were conceived in expansion.³⁵ The initial frontier, as nineteenth-century Western historian Frederick Jackson Turner reminds us, “was the Atlantic coast. It was the frontier of Europe.”³⁶ For Turner, one of the most significant things about the American frontier is that “it lies on the hither edge of free land.”³⁷ Implying both territorial space and a racialized settler understanding of “free,” in Turner’s capacious characterization, the frontier came to suggest many things—“a state of mind, a cultural zone . . . a civilizational struggle, a way of life.”³⁸ For Turner, then, the first act of settlement in the wild also defined the frontier. Long before the nation declared its independence, Americans were imagining it as a place of “endless becoming and ceaseless unfurling.”³⁹ As political theorist Alexander Livingston argues, the frontier played “a mythical role in American self-understanding over the course of its transformation from a colony to a nation-state.”⁴⁰

America’s visions of freedom reflected a dream of settler freedom, founded on reflection and consent as well as “acts of force and fraud.”⁴¹ It was on Indigenous land that American settlers “contracted, squabbled, and reasoned with one another.” As scholars of settler colonialism have long noted, territorial dispossession was far from a singular event in the nation’s emergence.⁴² In *Fathers and Children: Andrew Jackson and the Subjugation of the American Indian*, author Michael Rogin notes that America was continually beginning again on the frontier, killing and removing one tribe after another as it expanded across the continent.⁴³ Indeed, Indian conquest “made the country uniquely American,”⁴⁴ with the Indigenous population being “the first enemies the young country had to conquer.”⁴⁵ As Winthrop Jordan declared, “confronting the Indian in America was a testing experience, common to all the colonies.” To “push back the Indian” was to make “a highway for civilization,” proving the worth of one’s mission.⁴⁶ With white citizens fearful that Indian attacks would “annihilate” their “infant communities,” frontier freedom represented an ongoing opportunity for white citizens to engage in practices of invasion, war, removal, and settlement.⁴⁷ In this way, the American desire to claim freedom and resist tyranny was constituted through the imposition of tyranny and unfreedom on others. That America’s most powerful and affecting acts of civic creation were simultaneously acts of racialized violence is why it’s so difficult for certain white citizens to imagine future acts of creation not characterized by retribution, domination, and loss.

America’s revolutionary spirit—what Hannah Arendt refers to as “the principle of public freedom and public happiness”—allowed inhabitants of the colonies to work collectively to establish a republic characterized by “institutions of liberty.”⁴⁸ To engage in acts of founding was to partake in what Arendt describes as “the human capacity of beginning.”⁴⁹ During the American Revolution, founders engaged in deliberative practices of “expressing, discussing, and deciding”—participatory acts of political freedom. Yet, beyond the founders, this process of American self-creation and the struggle over the “right to have rights” have always been contingent and contested processes, involving elites as well as those not authorized to make such claims. In the United States, this wide-ranging desire for civic freedom has been enmeshed in a democratic politics shaped by the politics of white supremacy.⁵⁰ In the context of western expansion, settlers moving across the frontier continued to win “greater liberty by putting down people of color, and then continuing to define their liberty in opposition to the people of color they put down.”⁵¹ Race shaped the boundaries of American membership—creating the economic and social conditions for U.S. assertions and enactments of freedom, democracy, and republican values.⁵² And while America’s revolutionary spirit can rightly be characterized as the desire for public freedom and public happiness, this desire cannot be decoupled from the fact that what most

white Americans came to desire was white democracy.⁵³ During the revolutionary era, white supremacy invited inhabitants of the colonies to be rebels as well as founders, called upon to engage in acts of violence and liberation—to destroy and tear down while also “founding anew and building up.”

Yet, as Arendt notes, only elected representatives had their participation institutionalized in the Constitution: “The Revolution, while it had given freedom to the people, had failed to provide a space where this freedom could be exercised. Only the representatives of the people, not the people themselves, had an opportunity to engage in those activities of ‘expressing, discussing, and deciding’ which in a positive sense are the activities of freedom.”⁵⁴ In contrast to elected representatives, regular citizens were more often than not spectators to the governing of their republic. For the vast majority of citizens, participation in revolutionary politics was through military service rather than deliberative acts of governing. Although only a small minority of citizens regularly engage in practices of public deliberation, the United States has historically offered the people numerous and continual opportunities to participate as citizen-soldiers in wars and conflicts both at home and abroad.⁵⁵

In sum, reckoning with the racialized (and martial) history of American civic life requires acknowledging that the lived experience of what most Americans have understood as public freedom and happiness—as collective practices of self-rule—cannot be detached from the political project of whiteness.

White Democracy

As James Baldwin has written (and our earlier discussion of Virginia demonstrated), the act of “becoming white” is a historical as well as moral process that involves the subjugation of Black and other nonwhite populations through practices of settlement and violence.⁵⁶ Describing this process, Joel Olson characterizes whiteness as “not a genetic inheritance so much as it is a social relation.”⁵⁷ To be a “white citizen” is to enjoy the status and privileges of a racial polity, to inhabit “a position of equality and privilege simultaneously: equal to other white citizens yet privileged over those who are not white.”⁵⁸ Drawing on the work of political theorist Judith Shklar, Olson characterizes whiteness as functioning as a form of social status, what he calls whiteness as standing.⁵⁹ According to Shklar, the worth of citizenship has historically been less about equality of rights or the political power it imparts than about conferring dignity and social standing.⁶⁰ Acknowledging that this assertion is “not an empirical observation of who had the vote at the time,” Olson observes that this is instead a social and affective claim about whiteness as “a political color that distinguished the free from the unfree, the equal from the inferior, the citizen from the slave”; citizenship is not just standing, as Shklar argues, but racialized standing:⁶¹

Whiteness as standing provided a glass floor below which the white citizen could see but never fall. No matter how poor, mean, or ignorant one might have been, or whatever discrimination on the basis of gender, class, religion, or ethnicity one may have been subjected to, one could always derive social esteem (and often draw on public resources) by asserting, “At least I’m not black.”⁶²

For both Olson and Shklar, “Black people . . . were not simply noncitizens but anticitizens.” Not merely excluded from the social compact, African Americans were “the Other that simultaneously threatened and consolidated it.”⁶³ It’s my contention that the category illegal does similar work. Today, the noncitizen migrant is the Other that both threatens and consolidates white citizenship.

As Du Bois and others have noted, the American racial order has been constituted by an implicit cross-class alliance between capital and a section of the white working class. White labor “repressed black labor in the workplace and the community and excluded the latter from full participation in the labor

movement.”⁶⁴ Companies granted white workers higher wages than Blacks and other nonwhites, but more significantly, poor whites (indeed, all whites) under slavery, segregation, and Jim Crow and prior to the passage of civil rights legislation in the 1960s were provided with what historian David Roediger refers to as the “wages of whiteness.” Drawing on Du Bois’s groundbreaking work *Black Reconstruction*, Roediger characterizes these wages as “public, psychological, and material.”⁶⁵ Describing this dynamic, Du Bois writes,

The white group of laborers, while they received a low wage, were compensated in part by a sort of public and psychological wage. They were given public deference and titles of courtesy because they were white. They were admitted freely with all classes of white people to public functions, public parks, and the best schools. The police were drawn from their ranks. . . . Their vote selected public officials, and while this had small effect on their economic situation, it had great effect upon their personal treatment and the deference shown them.⁶⁶

For Du Bois, in addition to the crucial fundamentals of political power, such as being empowered by the state to enforce the law and having the right to vote, the “public and psychological” wages of whiteness were serious and significant, ranging from affective practices (whiteness as a feeling that involved practices of courtesy and deference) to forms of access that were public (unlike Blacks, whites had access to all public accommodations—parks, public schools, and any other public spaces they sought to inhabit), as well as admission into any neighborhood or establishment they could afford to occupy. As Matthew Frye Jacobson has written (and our earlier discussion has demonstrated), the white citizen is not a static figure that is unchanging across time and space. Instead, laws and moeurs—practices of domination, racial performance, and displacement—work together to produce the white citizen.

Supported “through the explicit or tacit consent of local, state, and federal governments,” white democracy is “not a guarantee of equality among whites but . . . a form of racial standing. . . . It does not make all whites absolute equals, but that was never the intent of white citizenship. It just ensures that no white ever need find himself or herself at the absolute bottom of the social and political barrel, because that position is already taken.”⁶⁷ Whiteness served as “a badge of status that indicated full membership in a community and rights to all the accompanying perquisites: the right to vote, to earn, to prosper, to educate one’s children, to own a firearm, even to riot.”⁶⁸ As Edmund Morgan demonstrated, not only did slavery allow small farmers in Virginia to prosper; it also allowed them to acquire “social, psychological, and political advantages” that aligned them with upper-class whites.⁶⁹ White elites were often quite explicit about the comparative and cross-class pleasures that came with whiteness under slavery. Confederate soldier, southern politician, author, and slaveholder Thomas Reade Rootes Cobb echoed Du Bois’s analysis in his claim that “every [white] citizen feels that he belongs to an elevated class. It matters not that he is not slaveholder; he is not of the inferior race; his is a freeborn citizen. . . . The poorest meets the richest as an equal; sits at his table with him; salutes him as a neighbor; meets him in every public assembly; and stands on the same social platform.”⁷⁰ In this sense, whiteness, as Noel Ignatiev and John Garvey argue, means that the race’s “most wretched members share a status higher, in certain respects, than that of the most exalted persons excluded from it.”⁷¹ In the era of *Herrenvolk* democracy, white standing “was akin to aristocratic privilege. Once achieved, it was inheritable, stable, and enduring.”⁷²

White supremacy and racial domination also served as one of the few participatory practices of American democracy. Slavery and Jim Crow, for example, gave everyday white Americans the right to police and punish African Americans, demanding that nonwhite subjects acquiesce to humiliating codes of racial etiquette and invoking the authority of the law to exert domination over the movement and

placement of Black bodies.⁷³ Describing the active role played by white citizens in the daily creation of segregated space, historian C. Vann Woodward observes that Jim Crow laws “put the authority of the state or city in the voice of the street-car conductor, the railway brakeman, the bus driver, the theater usher, and also into the voice of the hoodlum of the public parks and playgrounds. . . . They gave free rein and the majesty of the law to mass aggressions that might otherwise have been curbed, blunted, or deflected.”⁷⁴

Legislated by white elected officials and enforced by a broad cross section of white citizens (waiters/waitresses, realtors, hospital workers, librarians, ushers, lifeguards, landlords, hotel clerks, etc.), Jim Crow gave ordinary white citizens the power, opportunity, and freedom to personally exert authority over the spaces African Americans inhabited and/or sought to inhabit. Every law designed to restrict the freedom of nonwhite peoples (the post–Civil War Black Codes, Jim Crow, etc.) reminds us that Herrenvolk democracy was a mass-based, participatory endeavor, reproduced and administered from both above and below. Indeed, the conjoined histories of racial capitalism and Herrenvolk democracy expose the uncomfortable fact that “neither slavery nor segregation nor any other form of racial domination could have survived without the tacit or explicit consent of the white majority.”⁷⁵

Of course, to think about white democracy is also to consider how whiteness is a gendered phenomenon, enmeshed in questions of embodiment and sexuality. Performances of whiteness and white supremacy have often involved practices of violence, domination, control, and deference related to the control of women’s bodies that are deeply patriarchal in nature. Moreover, conceptions of masculinity are always simultaneously gendered and racialized.⁷⁶ In the context of white democracy, it’s important to remember that white women existed under conditions of serious and significant inequality, positioned as the legal and social dependents of white men. Until the mid-nineteenth century and the passage of Married Women’s Property Acts, the practice of coverture meant that a married white woman had no legal existence separate from her husband. Married women could not own property in their own name, could not enter into contracts, and often could not control their own earnings;⁷⁷ marital rape was oxymoronic, since a wife was legally a husband’s sexual property.⁷⁸

At the same time, white women, despite their own subjugation, helped enforce white supremacist racial hierarchies.⁷⁹ As feminist and queer of color critiques have shown, alongside inequality and gender oppression, white women had access to certain rights due to their racial standing. While white married women were dependent and denied a separate legal existence from their husbands, Black female slaves had no rights whatsoever.⁸⁰ Black slaves were not legally allowed to marry; they had no rights to their children; their families could be split apart at will.⁸¹ In contrast to the anticitizenship of African American women, white women “were within the polity but not the public sphere.”⁸² For Olson, “the distinction between dependent citizenship and anticitizenship” in the context of coverture helps explain the relationship between gender and race in the United States.⁸³ While white citizenship is certainly patriarchal, white supremacist practices of white democracy were not (and have not been) exclusive to one gender.

Movement and Dispossession/Settler and Lawgiver: From Outlaw to Enforcer

Marking the end of the Revolutionary War, the 1783 signing of the Treaty of Paris set the new nation’s western border at the Mississippi River. The treaty’s first article recognized the independence of the original thirteen colonies; the second article ceded the territory between the Alleghenies and the Mississippi.⁸⁴ Later, under Jefferson’s administration, the Louisiana Purchase extended the nation across the Mississippi, nearly doubling the country’s size. According to historian Peter Onuf, “President Jefferson’s vision of westward expansion projected that glorious struggle into the future and across the

continent” as “a kind of permanent revolution, reenacting the nation’s beginnings in the multiplication of new, self-governing republican states.”⁸⁵ As Arendt notes, of the founders, it was Jefferson who expressed the most concern that the Constitution provided a space “only for the representatives of the people, and not for the people themselves.”⁸⁶ According to Jefferson, it was “‘universal law’ which ‘nature’ had ‘given to all men’ that allowed his ‘ancestors’ the right to leave their country of birth and go ‘in quest of new habitations, and of there establishing new societies.’”⁸⁷

Offering citizens access to new land, westward expansion transformed the settler into a lawgiver, a subject who both establishes and wields the law. Launching themselves into the frontier, settlers staged, over and over again, this vision of, in Onuf’s phrase, permanent revolution. In this vision of freedom, “nature was boundless and . . . the frontier would serve as a place of perennial rebirth.”⁸⁸ Moreover, because English law concerning succession to property “was abolished in almost all the states at the time of Revolution,” the laws of inheritance in the new republic were not based on primogeniture, ending the feudal restriction on “the right of the father to dispose of his estate as he wished.”⁸⁹ With fathers no longer required to leave their estates to their eldest male heirs, American inheritance law called for “the equal sharing of a father’s property among his children.”⁹⁰ With property being divided more equally, this changing relationship to property and wealth—“between family feeling and preservation of the land”—created fresh incentives for white settlers to go west in search of “virgin soil” to claim and create property for themselves.⁹¹ At the same time, to experience the freedom of founding and the pleasures of being a lawgiver was also to partake in the politics of whiteness—to be an independent subject authorized to both establish and transcend the law.

Fundamental to *Herrenvolk* democracy is its paradoxical quality of white citizens ruling themselves democratically while simultaneously imposing tyranny over a nonwhite majority,⁹² functioning “through a combination of democratic decision-making by white majorities and extralegal practices of terror,” Olson writes. “The white majority not only makes the law but decides whether, how, and on whom it will be enforced. White tyranny does not contradict the democratic will but is an expression of it.”⁹³

Under the *Herrenvolk* system in the United States, white citizens made laws that gave them the legal right to decide “whether, how, and on whom” laws would be enforced while also targeting nonwhite populations who were generally excluded from making the laws by which they were ruled.⁹⁴ Moreover, as Mary Young observed, in justifying the dispossession and destruction of native communities, white citizens resolved this moral dilemma by cultivating an image of themselves as virtuous, law-abiding Americans who enter into “free contract” with others. The logics of *Herrenvolk* democracy offered settlers a racialized framework that allowed them to reconcile “avarice with honor.”⁹⁵ Indeed, the settler “lust for the land” led white frontiersmen to continually move onto Indian land, violating treaties as soon as they were signed.⁹⁶ Describing the “successful but unauthorized expeditions” that destroyed Chickamauga towns in 1794, Michael Rogin observes that frontier expansion involved continually invading Indian boundaries. Whites “signed treaties only to move onto lands retained by Indians and bought and sold land in Indian country.” Want “was legitimated in the language of law.”⁹⁷

Not only did *Herrenvolk* democracy give white settlers the chance to “legitimate want”; it also encouraged the tendency move between the legal and the extralegal, to both wield the law and exceed the law. Scholars of the West describe numerous instances of “frontier barbarism” whereby settlers terrorized, tortured, and murdered Native Americans only to have such deeds not only go unpunished but be rewarded. A classic example is the case of Frederick Stump, an eighteenth-century settler who moved his family onto land beyond the boundaries of settlement. After natives reportedly killed his family, he engaged in a “course of retribution,” hunting native people throughout the area. In 1768,

Stump and his German servant murdered eleven “friend-Indians,” as British officials called the victims—five men, three women, and three children. “They scalped the dead and disposed of the bodies, throwing some in a hole hacked in a frozen river and burning the rest.”⁹⁸ Yet, following their capture, a mob, “made up of seventy to eighty white vigilantes and said to include members of the still-active Paxton Boys,⁹⁹ came to their rescue. Armed with guns and tomahawks, the mob swarmed the old log jail where the two murderers were being held, in the town of Carlisle, and set them free. Neither Stump nor Eisenhauer was ever brought to justice.”¹⁰⁰

Under *Herrenvolk* democracy, not only could white citizens practice “vigilante justice” by engaging in extrajudicial punishment—for example, lynchings—but self-appointed white citizens could also (as in the Stump incident) choose to pardon those they felt had been treated unjustly. Stump eventually fled through Georgia and into Tennessee, where he became a successful whiskey distiller and a slaver.¹⁰¹ Later, Stump earned the rank of captain in Tennessee’s first militia expedition, “clearing Creeks and Choctaws off the road from Nashville to Natchez.” A recipient of *Herrenvolk* justice, Stump “was transformed from an outlaw into an agent of the law.”¹⁰²

The story of Frederick Stump is an example of how important it is to analyze the practices of *Herrenvolk* democracy not only in terms of slavery and Jim Crow but in terms of settler colonialism, border violence, and territorial dispossession. The failure to seriously theorize native and Latinx populations in relation to white democracy works to reinscribe a Black–white racial binary that leaves scholars less able to analyze how questions of land and the promise of limitless movement and shifting borders have shaped race politics in the Americas. At the same time, while scholars of the frontier help turn our attention to issues of expansion and movement, their analysis of race can be overly spatial, failing to adequately theorize how white racial standing represents practices of freedom and impunity that are both regionally distinctive and also national and ubiquitous. For example, Grandin argues that the frontier can be understood as a kind of “safety valve” in which the boundlessness and logic of endless growth and expansion played a key role in “deflecting domestic extremism” and “relegating racism and extremism to the fringe” of American life.¹⁰³ Describing Frederick Jackson Turner’s frontier thesis, Grandin notes that Turner constructed a myth with “the experience of westward expansion overcoming sectional loyalties and racial animosities, leading to a true humanism, nurturing open-minded citizens capable of addressing of mass industrial society with applied, progressive, and responsible policies.” Grandin refers to this as Turner’s “centrist pioneer progressivism,” arguing that Turner’s “frontier universalism, along with its imagined suppression of extremism, could only be maintained through ceaseless expansion.”¹⁰⁴ Likewise, Alexander Livingston draws on the work of Richard Slotkin to analyze how “the wild” has been figured in the nation’s psyche “as a space of moral renewal and regeneration.”¹⁰⁵ Moving between empirical depiction and myth, Livingston declares that the frontier “symbolizes a mythic state of exception where this ritual of moral and civic regeneration through violence can take place . . . through westward expansion.”¹⁰⁶

Although undeniably insightful, such accounts can lose sight of how the white supremacist logics of *Herrenvolk* democracy suffused America’s racial imaginary far beyond the frontier. To understand expansion as relegating racism and extremism to the “fringe” of American life is to fall prey to what Ian Angus refers to as a kind of “geographic determinism” that equates a particular politics with a particular understanding of place.¹⁰⁷ While the frontier did sometimes produce a “horizon of constituent power” and feelings of freedom and equality between white citizens, such experiences were grounded in a vision of expansion and open spaces undergirded by notions of white equality via white racial standing that were visible far beyond the frontier. Indeed, theorizing *Herrenvolk* democracy helps us see how whiteness is itself a practice of space making and space claiming. More than the frontier, it was white

supremacy that relieved various political pressures, created opportunities for wildness, and deflected certain forms of domestic extremism from dividing the white polity.

Centering focus less on Turner's mythology and more on the realities of Indian dispossession and Mexican conquest allows us to see how ceaseless expansion is not a safety valve against domestic extremism; rather, the expansion authorized by white democracy is itself domestic extremism. Moreover, while the frontier did stage particular forms of racial violence and produce particular regional conceptions of American identity, such violence was certainly not relegated to the "fringe" or "edge" of the United States—it was ongoing and everywhere. And the frontier may have served as a "mythic state of exception," but this state of exception was never confined to the frontier. White supremacy is the state of exception. From slave patrols to draft riots, white Americans claimed the freedom to partake in extralegal forms of racial terrorism in cities and towns across the nation.¹⁰⁸ Engaging in rituals of moral and civic regeneration through violence, and able to transcend the rule of law in the name of a racialized public good, Herrenvolk democracy gave white citizens the freedom to decide who or what lies inside or outside the structure of law.

Reporting on mob violence in New Orleans, Ida B. Wells-Barnett looked to capture the wild freedom and impunity that white rioters felt in engaging in violent assaults and disobeying the various calls to maintain order.¹⁰⁹ Writing on the practices of lynching and mob violence, Wells-Barnett stressed how white democracy gave ordinary Americans the opportunity to break the law with impunity. Du Bois aptly characterizes this era of mob violence as "a sort of permissible Roman holiday for the entertainment of vicious whites."¹¹⁰ Pointing to the fact that in the span of four days, more than a thousand African Americans in New Orleans were injured and fifteen were killed, Wells-Barnett writes,

During the entire time the mob held the city in its hands and went about holding up street cars and searching them, taking from them colored men to assault, shoot, and kill, chasing colored men upon the public square . . . breaking into the homes of defenseless colored men and women and beating aged and decrepit men and women to death, the police and the legally-constituted authorities showed plainly where their sympathies were, for in no case reported through the daily papers does there appear the arrest, trial and conviction of one of the mob for any of the brutalities which occurred. The ringleaders of the mob were at no time disguised. . . . The murderers still walk the streets of New Orleans, well known and absolutely exempt from prosecution.¹¹¹

In thinking about this legacy of racialized terror, Olson reminds us that although white mob violence is often represented as "a sad aberration of democracy," the white citizens who gathered in the streets often "took themselves to be protectors of republican institutions." Creating racialized rituals of moral and civic regeneration through violence, mob leaders in New Orleans, Philadelphia, and New York "presented themselves as patriots. . . . Mobs christened themselves with names like the Sons of Liberty and the Minutemen. The mobs saw anti-Black riots as absolutely democratic, whether they involved tarring Black people or smashing abolitionist presses."¹¹² Lynch mobs were yet another democratic form of mass action in which white citizens were able to both break and wield the law, asserting their ability as a sovereign people to transcend the rule of law in the name of justice and the public good. Indeed, as historian Amy Wood has demonstrated, for whites who supported and participated in lynchings and other acts of extralegal violence, "issues of racial order went beyond the law, infractions against the order were subject to a greater justice." Woods notes that during the 1893 lynching of Henry Smith, the mob in Paris, Texas, scrawled the word "JUSTICE" on the platform where Smith was burned and tortured.¹¹³

Beyond acts of spectacular violence, the ability to regard oneself as law abiding while being free to engage in violent and despotic behavior toward nonwhite subjects reflects a fundamental element of Herrenvolk democracy. Describing this dynamic, Du Bois quotes the German American reformer Carl Schurz, who observed,

Wherever I go—the street, the shop, the house, the hotel, or the steamboat—I hear the people talk in such a way as to indicate that they are yet unable to conceive of the Negro as possessing any rights at all. Men who are honorable in their dealings with their white neighbors, will cheat a Negro without feeling a single twinge of their honor. To kill a Negro they do not deem murder; to debauch a Negro woman, they do not think fornication; to take the property away from a Negro they do not consider robbery.¹¹⁴

In Schurz's depiction of white citizens "unable to conceive" that a Negro could possess "any rights at all," we hear echoes of Supreme Court chief justice Roger B. Taney's assertion in the Dred Scott decision that African Americans "had no rights which the white man was bound to respect."¹¹⁵ White supremacy gave white Americans license to become un-self-consciously criminal—to cheat, assault, and steal while maintaining one's sense of law abidingness, decency, and virtue.

In thinking about the practice of Herrenvolk democracy, it's important to recognize how multilayered the phenomenon is when it comes to the practice of white participation. For while all white citizens receive the benefits of white democracy, only some white citizens chose to engage in embodied acts of extrajudicial violence (doing the raping or killing, performing the lynching, joining the mob, beating the nonwhite person). Other forms of participation were also immoral but often indirect: attending the lynching, cheering on the mob, choosing to not contact the police, serving on the all-white jury, refusing to convict, wearing/watching blackface, using racial slurs, enforcing Jim Crow, refusing to hire or rent to or serve nonwhites. This wide array of actions and practices highlights how profoundly participatory white democracy has been.

Moreover, white supremacy's very diversity produces powerful forms of denial and disassociation. Under Herrenvolk democracy, not only did white citizens have the freedom to engage in legal and extrajudicial acts of tyranny against nonwhite subjects—the decision not to engage in the most bloody and overt forms of brutality sometimes worked to obscure other forms of white democracy and other forms of white complicity. Overt acts of violence could be denied and denounced—whites could focus on the violence and express opposition to and disgust with such "excesses." But alongside such statements and generalized opposition, from the seventeenth to the mid-twentieth centuries, only a minority of white citizens organized to put a stop to white mob violence, with such violence generally going unpunished.

Jacksonian Democracy and Settler Sovereignty

The deep association between white democracy, territorial dispossession, and the American experience of equality and freedom was deepened and reinforced under the presidency of Andrew Jackson. A man whose early career involved personally driving a slave coffle as well as providing legal assistance to and processing the claims of whites who'd taken land from Native Americans, Jackson's very identity was steeped in a larger folklore that highlighted a history of violence against nonwhites.¹¹⁶ Stories of Jackson keeping "the skulls of Indians he killed as trophies, and his soldiers cut long strips of skin from their victims to use as bridle reins," have long been part of his legend.¹¹⁷ Yet seen through the logics of Herrenvolk democracy, we can see that for Jackson, to be a white freeman involved not only the right to self-preservation but a natural "right to violence."¹¹⁸ In a revealing account from this period, it was said

that Jackson “flew into a rage” when a federal agent asked for Jackson’s passport while he was moving a slave coffle along the Natchez Trace and passing through Chickasaw and Choctaw lands (at the time, whites were required to carry proof they owned the slaves traveling with them through Indian country).¹¹⁹ Unwilling to show his papers, Jackson found the agent’s request to be “an insulting assault on his rights,” worked to get him fired, and threatened him with vigilante justice.¹²⁰ As Grandin observes, Jackson’s definition of sovereign liberty “imagined ‘freeborn’ to mean white born and ‘liberty’ to mean the ability to do whatever they wanted, including to buy and sell humans and move them, unrestrained by interior frontiers, across a road that by treaty belonged to an indigenous nation. To be asked for a passport was akin to slavery itself, and to be so asked in front of actual enslaved people signaled ‘that their owners were not the sovereigns after all.’”¹²¹

This reaction to being asked to “show papers” is indicative of Jackson’s belief that white freedom meant freedom from restraint, including “from authorities telling them they couldn’t be slaver or settler.”¹²² In the Jacksonian era, enhanced democracy and racial exclusion were conjoined through “universal manhood suffrage.” Yet the extension of white male suffrage often led directly to the disenfranchisement of free Black men (and some white women) who had voted since the colonial period. Justifying removal in the name of settler sovereignty, Jackson signed the Indian Removal Act into law in 1830. Federal troops were instructed to push Native Americans beyond the Mississippi, extinguishing their titles to their land. The first removal resulted in about 25 million acres of formerly Indian land, including large tracts of Georgia and Alabama, to be freed up for the market and slave economy.¹²³

Thus, in the face of multiple forms of racial domination—slavery growing in the South, Native Americans being driven west—“white settlers and planters who got their land experienced something equally unprecedented: an extraordinary degree of power and popular sovereignty. Never before in history could so many white men consider themselves so free.”¹²⁴ Jacksonian democracy gave white citizens enhanced access to a variety of democratic and civil rights alongside newfound forms of economic opportunity—increased access to property; expansion of the franchise, freedom of speech, association, and assembly; the right to bear arms; a free press; the right to a jury of one’s peers. Under Jacksonian democracy, equality and opportunity were simultaneously more racialized and more widely distributed. As Olson writes, “equality and liberty went from abstract principles to lived experiences for the masses of ordinary men . . . not as universally held rights but as privileges reserved for members of the white club. White citizenship represents the democratization of social status, extending it from the upper class to the masses by transforming it from a perk of wealth to a perk of race.”¹²⁵

Until Lincoln’s election in 1860, Jackson’s successors “continued to unite slavers and settlers” under a banner of freedom defined as “freedom from restraint . . . on slaving, freedom from restraints on dispossessing, freedom from restraints on moving west.”¹²⁶ Seeking to align their beliefs with their desires, Jacksonian settlers sought to “remove Indians, wage war on Mexico, and defend and extend slavery.”¹²⁷ Founded on conquest and the right to movement and expansion, policies such as the Indian Removal Act serve as a reminder that these same conceptions of settler sovereignty also assured white citizens that nonwhite populations could be removed and relocated. In other words, the corollary to freedom as movement was freedom as removal.

Federal Indian Boarding School Initiative Investigative Report

By Bryan Newland, Assistant Secretary, Indian Affairs May 2022

U.S. Treaty-Making Power: Indian Territorial Dispossession and Indian Assimilation

Through treaties and other agreements, Indian Tribes ceded to the United States approximately 1 billion acres of land. ⁷³ Like Great Britain and the colonial governments before it, the United States negotiated and entered into formal treaties with Indian Tribes as separate and distinct sovereigns.⁷⁴ From 1722 to 1869, the British Crown and the United States made at least 374 treaties with Indian Tribes.⁷⁵ As non-Indian settlement increased over time, the negotiation power of Indian Tribes diminished. The U.S. Congress has emphasized that “[e]ducation policy ... took place in the context of wave after wave of invasion by white settlers reinforced by military conquest. Treaties, although almost always signed under duress, were the window dressing whereby we expropriated the Indian’s land and pushed him back across the continent.”⁷⁶

The Treaty Clause of the Constitution reads:

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.⁷⁷

As a result, Indian treaties and successive statutes, including during the Federal Indian boarding school era, originate with the Constitution and involve U.S.-Indian relations;⁷⁸ U.S.-Native Hawaiian relations;⁷⁹ and political relationships unique to Indian Tribes, Alaska Native Villages, and the Native Hawaiian Community.⁸⁰

More than 150 Indian treaties between Indian Tribes and the United States included education-related provisions, the terms of which often varied.⁸¹ For example, the 1794 Treaty with the Oneida, Tuscarora, and Stockbridge Indians provides that:

The United States will provide, during three years after the mills shall be completed, for the expense of employing one or two suitable persons to manage the mills, to keep them in repair, to instruct some young men of the three nations in the arts of the miller and sawyer, and to provide teams and utensils for carrying on the work of the mills.⁸²

In contrast, the 1868 Fort Laramie Treaty between the United States and Great Sioux Nation mandated that:

In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as are or may be settled on said agricultural reservations, and they, therefore, pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school, and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with.⁸³

The text of many Indian treaties evinces that Indian education was a priority in U.S.-Indian relations.

In 1871, Congress ended treaty-making with Indian Tribes, but existing treaty obligations were expressly validated and affirmed.⁸⁴ Thereafter, the Federal Government used only statutes, executive orders, and agreements to regulate Indian Affairs.⁸⁵

Indian Child Removal: A Part of Historical U.S. Policy

“Many Indian families resisted the assault of the Federal Government on their lives by refusing to send their children to school.”

– Kennedy Report, U.S. Senate, 1969.⁸⁷

After 1871, Congress enacted laws to compel Indian parents to send their children to school and to authorize the Secretary of the Interior to issue regulations to “secure the enrollment and regular attendance of eligible Indian children who are wards of the Government in schools maintained for their benefit by the United States or in public schools.”⁸⁸ For example, under the Act of March 3, 1893,⁸⁹ Congress authorized the

Secretary of the Interior to withhold rations, including those guaranteed by treaties, to Indian families whose children did not attend schools:

The Secretary of the Interior may in his discretion, establish such regulations as will prevent the issuing of rations or the furnishing of subsistence either in money or in kind to the head of any Indian family for or on account of any Indian child or children between the ages of eight and twenty-one years who shall not have attended school during the preceding year in accordance with such regulations.⁹⁰

And as the Federal Government has stated, the eventual “abolition of the ration system ... which in many instances has had the effect of forcing the children into school, has been made possible through the ameliorating influence of the Government and church schools.”⁹¹

The United States has applied such Federal regulations, including removal of Indian children to off-reservation Federal Indian boarding schools without parental consent. For example, the Department has recognized the Federal effort to transport Indian children from the Navajo Nation to off-reservation Federal Indian boarding schools without parental consent as follows:

In 1919 it was discovered that only 2,089 of an estimated 9,613 Navajo children were attending school, and thus the Government initiated a crash program of Navajo education. But because of a lack of schools on the reservation, many Navajo children were transported to boarding schools throughout the West and Southwest, without their parents’ consent.⁹²

There is ample evidence in Federal records demonstrating that the United States coerced, induced, or compelled Indian children to enter the Federal Indian boarding school system.

Federal Indian Boarding School System Framework

“Past experience goes far to prove that it is cheaper to educate our wards than make war on them, or let them grow up in ignorance, to say nothing of the humanity of the act,

or the results attained.”⁹⁴ Federal records document that the United States considered the Federal Indian boarding school system a central part of its Indian assimilation policy. The Department has described the role of Indian assimilation policy coupled with Indian land dispossession policy as follows:

The essential feature of the Government’s great educational program for the Indians is the abolition of the old tribal relations and the treatment of every Indian as an individual. The basis of this individualization is the breaking up of tribal lands into allotments to the individuals of the tribe. This step is fundamental to the present Indian policy of the Government. Until their lands are allotted, the Government is merely marking time in dealing with any groups of Indians.⁹⁵

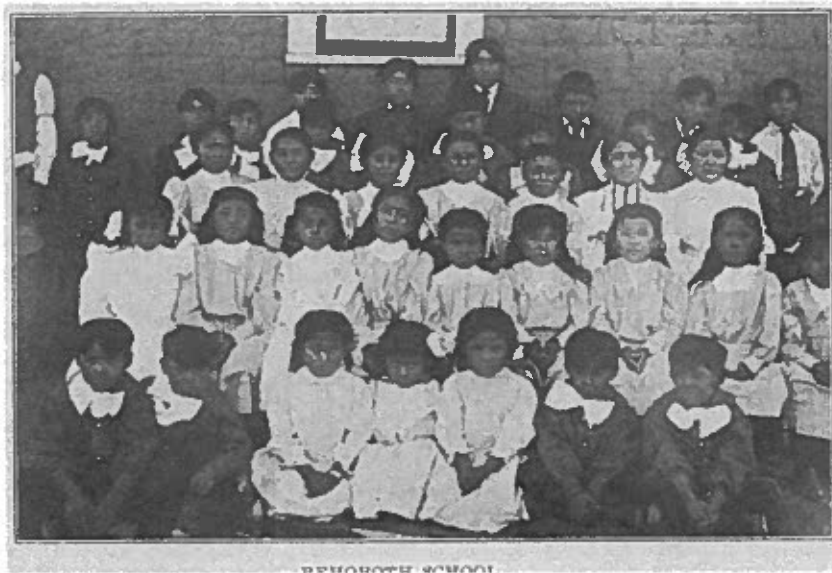
The Department has stated it was “indispensably necessary that [the Indians] be placed in positions where they can be controlled, and finally compelled, by stern necessity, to resort to agricultural labor or starve,”⁹⁶ later adding that “[i]f it be admitted that education affords the true solution to the Indian problem, then it must be admitted that the boarding school is the very key to the situation.”⁹⁷ Indeed, the Department early on concluded that Indian boarding schools “go further ... towards securing [U.S.] borders from bloodshed, and keeping peace among the Indians themselves, and attaching them to us, then would the physical force of our Army, if employed exclusively towards the accomplishment of those objectives.”⁹⁸

Federal records indicate that the United States viewed official disruption to the Indian family unit as part of Federal Indian policy to assimilate Indian children. “The love of home and the warm reciprocal affection existing between parents and children are among the strongest characteristics of the Indian nature.”⁹⁹ When the Department requested the Brookings Institution¹⁰⁰ to study “the economic and social condition of American Indians,”¹⁰¹ the resulting Meriam Report found in 1928 that the main disruption to the Indian family and Tribal relations had come from the Federal Indian boarding school system:

[O]n the whole government practices may be said to have operated against the development of wholesome [Indian] family life.

Chief of these is the long continued policy of educating the [Indian] children in boarding schools far from their homes, taking them from their parents when small and keeping them away until parents and children become strangers to each other. The theory was once held that the problem of the [Indian] could be solved by educating the children, not to return to the reservation, but to be absorbed one by one into the white population. This plan involved the permanent breaking of family ties, but provided for the children a substitute for their own family life by placing them in good homes of whites for vacations and sometimes longer, the so-called "outing system." The plan failed, partly because it was weak on the vocational side, but largely by reason of its artificiality. Nevertheless, this worst of its features still persists, and many children today have not seen their parents or brothers and sisters in years.¹⁰²

The Federal Indian Boarding School Initiative sheds a new light on how the Federal Indian boarding school system produced intergenerational trauma by disrupting family ties in Indian Tribes, Alaska Native Villages, and the Native Hawaiian Community.



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A significant outcome of deliberate Federal disruption to the Indian family unit through removal of Indian children from their Indian Tribes and Alaska Native Villages to off-reservation Indian boarding schools, is that, depending on location, Indian children

experienced the Federal Indian boarding school system alongside other Indian children from the same *and* different Indian Tribe(s) and Alaska Native Village(s).¹⁰⁴ The Federal Government accordingly devised artificial communities of Indian children throughout the Federal Indian boarding school system, resulting in the creation of other Indian families and extended families depending on whether an Indian child returned to the child's own Indian Tribe or Alaska Native Village or located elsewhere after completing education in a Federal Indian boarding school.¹⁰⁵ For example, in 1886, Haskell Institute, Kansas, instituted a "a stricter form of discipline than heretofore prevailed" by establishing a "cadet battalion organization of five companies [to] br[eak] up the tribal associations. Size of cadets, and not their tribal relations, determining now place in dormitory and mess hall, also necessitates a more frequent recourse to the English language as a common medium, by bringing pupils of different tribes into closer contact."¹⁰⁶ In that year alone, the Institute intentionally mixed Indian children from 31 different Indian Tribes to disrupt Tribal relations and discourage or prevent Indian language use across the "Apache, Arapaho, Cheyenne, Cherokee, Chippewa, Comanche, Caddo, Delaware, Iowa, Kiowa, Kickapoo, Kaw, Mojave, Muncie, Modoc, Miami, New York, Omaha, Ottawa, Osage, Pawnee, Pottawatomie, Ponca, Peoria, Quapaw, Seneca, Sac and Fox, Seminole, Shawnee, Sioux, [and] Wyandotte" children.¹⁰⁷ The Department acknowledged that "[i]nter-marriage by the young graduates of different nations would necessitate the use of the English language, which their offspring would learn as their mother tongue."¹⁰⁸ Federal Indian law and policy accounts for Indians that are (1) from a single Indian Tribe or Alaska Native Village; (2) multi-Tribal; (3) Alaska Native Corporation shareholders; (4) reservation-based; (5) urban-based; (6) other Indian families; (7) extended families, (8) terminated; (9) descendant; and (10) otherwise statutorily determined—various political and legal classifications that result in part from the Federal Indian boarding school system.¹⁰⁹

The United States has for nearly two centuries consistently recognized that Indian boarding schools comprised a system for Indian education: "Indian schools must train the Indian youth of both sexes to take upon themselves the duties and responsibilities of citizenship. To do this requires a system of schools and an organization capable of preparing the Indian young people to earn a living either among their own people or away from the reservation homes and in competition with their white brethren. This contemplates a practical system of schools with an essentially vocational foundation."

The Federal Indian Boarding School Initiative investigation at this stage did not examine the Federal Indian day school system, the precursor education system to the

Federal Indian boarding school system. To analyze the Federal Indian boarding school system in this report, the Department notes that in the past it has described that “day school instruction is the initial and most important element in the education of the Indian.”¹¹² “To the day school the Indian child comes fresh from the tepee and finds himself at once amid new and strange surroundings.”¹¹³ Federal Indian day schools were primarily located on Indian reservations and did not have a housing component for children directly on-site with the education institution. Indian day schools “have, in nearly every instance, preceded the boarding school” and “in many cases been established through the benevolent efforts of missionaries or the wives of Army officers stationed at military reservations in the Indian [C]ountry.”¹¹⁴ Still, the Department has underscored that only “by complete isolation of the Indian child from his savage antecedents can he be satisfactorily educated, and the extra expense attendant thereon is more than compensated by the thoroughness of the work.”¹¹⁵

To operate the Federal Indian boarding school system, the Federal Government supported schools with a housing component directly on-site with the education institution. The Federal Government applied several approaches of Indian education that differed by Federal resources provided, location type, including on and off Indian reservations, operator type, and education program type. The Department in the past has classified Indian boarding schools that included those that were:

Located on Indian reservations and controlled by agents.

Run independently.

- Supported by general appropriation.
- Supported by special appropriation.

Contract schools

- Supported by general appropriation.
- Supported by special appropriation.

Mission schools established and chiefly supported by religious associations

The Department has documented that off-reservation Federal Indian boarding school representatives were “allowed to select children from those attending reservation schools. The effect has been, in many instances, *to demoralize the latter* by selecting the brightest and best pupils, and in some instances to take children that might have been educated at home with little expense to the Government.”¹¹⁷

Federal Indian boarding schools were funded by annual appropriations from Congress but also received resources from other sources as well. For the purposes of this

report, the Department identified a number of different sources of funding for the operation of Federal Indian boarding schools:

- Appropriations made under the educational provisions of existing Indian treaties.
- Funded investments of bonds and other securities held by the United States.
- Proceeds of the sale of lands of certain Indian Tribes.
- Accumulations of money in the Treasury resulting from the sale of lands.
- Annual appropriations by U.S. Congress for Indian school purposes.¹¹⁸

Based upon these sources, it is apparent that proceeds from cessions of Indian territories to the United States through treaties—which were often signed under duress¹¹⁹—were used to fund the operation of Federal Indian boarding schools. As a result, the United States’ assimilation policy, the Federal Indian boarding school system, and the effort to acquire Indian territories are connected.

The United States used monies resulting from Indian wealth depletion from cessions of territories, and held in Federal trust accounts for Indian Tribes, to pay for the attempted assimilation process of Indians. As Congress has found, a “large proportion of the expense for the operation of the schools came from Indian treaty funds and not Federal appropriations.”¹²¹ For example, between 1845 and 1855, while over \$ 2 million was spent on the Federal Indian boarding school system, Federal appropriations accounted for only 1/20th, or \$10,000 per year, of the sum, with Indian trust fund monies supplying the rest.¹²² In addition, concerning the Dawes Severalty Act of 1887 alone, which turned territories from collective Indian ownership into individual Indian land allotments, Congress determined, however intended, “the actual results of the law were a diminishing of the Indian tribal economic base from 140 million acres to [approximately] 50 million acres, and severe social disorganization of the Indian family.”¹²³ Congress further concluded that the Dawes Act’s “land policy was directly related to the Government’s Indian education policy because proceeds from the destruction of the Indian land base were used to pay the costs of taking Indian children from their homes and placing them in Federal boarding schools—a system designed to dissolve the Indian social structure.”¹²⁴ The total amount of Tribal or individual Indian trust fund account monies, if any, held in trust by the United States and used to directly support the Federal Indian boarding school system is currently unknown.

In 1908, the Supreme Court ruled in *Quick Bear v. Leupp* that the United States could use monies held in treaty and trust fund accounts for Indian territories ceded to the United States to fund children “induced or compelled” to attend Indian boarding schools that were operated by religious institutions or organizations.¹²⁵ While payments to religious institutions and organizations depleted funds Indian Tribes were entitled to, the Court held that the prohibition on the Federal Government to spend funds on religious schools did not apply to Indian treaty funds,¹²⁶ did not violate Indian appropriations acts,¹²⁷ and to forbid such expenditures would violate the free exercise clause of the First Amendment.

Although individual Federal Indian boarding schools varied by operation, management, and funding, together they comprised a Federally recognized system.

A DIVINE DESTINY FOR AMERICA by **John L. O'Sullivan**

[John L. O'Sullivan, editor of the United States Magazine and Democratic Review, coined the phrase "manifest destiny" in 1845. This article, which explains the concept of America's destiny and divine providence, was written in 1839.]

The American people having derived their origin from many other nations, and the Declaration of National Independence being entirely based on the great principle of human equality, these facts demonstrate at once our disconnected position as regards any other nation; that we have, in reality, but little connection with the past history of any of them, and still less with all antiquity, its glories, or its crimes. On the contrary, our national birth was the beginning of a new history, the formation and progress of an untried political system, which separates us from the past and connects us with the future only; and so far as regards the entire development of the natural rights of man, in moral, political, and national life, we may confidently assume that our country is destined to be the great nation of futurity.⁴

It is so destined, because the principle upon which a nation is organized fixes its destiny, and that of equality is perfect, is universal. It presides in all the operations of the physical world, and it is also the conscious law of the soul -- the self-evident dictates of morality, which accurately defines the duty of man to man, and consequently man's rights as man. Besides, the truthful annals of any nation furnish abundant evidence, that its happiness, its greatness, its duration, were always proportionate to the democratic equality in its system of government. . . .

What friend of human liberty, civilization, and refinement, can cast his view over the past history of the monarchies and aristocracies of antiquity, and not deplore that they ever existed? What philanthropist can contemplate the oppressions, the cruelties, and injustice inflicted by them on the masses of mankind, and not turn with moral horror from the retrospect?

America is destined for better deeds. It is our unparalleled glory that we have no reminiscences of battle fields, but in defence of humanity, of the oppressed of all nations, of the rights of conscience, the rights of personal enfranchisement. Our annals describe no scenes of horrid carnage, where men were led on by hundreds of thousands to slay one another, dupes and victims to emperors, kings, nobles, demons in the human form called heroes. We have had patriots to defend our homes, our liberties, but no aspirants to crowns or thrones; nor have the American people ever suffered themselves to be led on by wicked ambition to depopulate the land, to spread desolation far and wide, that a human being might be placed on a seat of supremacy.

We have no interest in the scenes of antiquity, only as lessons of avoidance of nearly all their examples. The expansive future is our arena, and for our history. We are entering on its untrodden space, with the truths of God in our minds, beneficent objects in our hearts, and with a clear conscience unsullied by the past. We are the nation of human progress, and who will, what can, set limits to our onward march? Providence is with us, and no earthly power can. We point to the everlasting truth on the first page of our national declaration, and we proclaim to the millions of other lands, that "the gates of hell" -- the powers of aristocracy and monarchy -- "shall not prevail against it."

The far-reaching, the boundless future will be the era of American greatness. In its magnificent domain of space and time, the nation of many nations is destined to manifest to mankind the excellence of divine principles; to establish on earth the noblest temple ever dedicated to the worship of the Most High -- the Sacred and the True. Its floor shall be a hemisphere -- its roof the firmament of the star-studded heavens, and its congregation an Union of many Republics, comprising hundreds of happy millions, calling, owning no man master, but governed by God's natural and moral law of equality, the law of brotherhood -- of "peace and good will amongst men." . . .

Yes, we are the nation of progress, of individual freedom, of universal enfranchisement. Equality of rights is the cynosure of our union of States, the grand exemplar of the correlative equality of individuals; and while truth sheds its effulgence, we cannot retrograde, without dissolving the one and subverting the other. We must onward to the fulfilment of our mission -- to the entire development of the principle of our organization -- freedom of conscience, freedom of person, freedom of trade and business pursuits, universality of freedom and equality.

This is our high destiny, and in nature's eternal, inevitable decree of cause and effect we must accomplish it. All this will be our future history, to establish on earth the moral dignity and salvation of man -- the immutable truth and beneficence of God. For this blessed mission to the nations of the world, which are shut out from the life-giving light of truth, has America been chosen; and her high example shall smite unto death the tyranny of kings, hierarchs, and oligarchs, and carry the glad tidings of peace and good will where myriads now endure an existence scarcely more enviable than that of beasts of the field. Who, then, can doubt that our country is destined to be the great nation of futurity?

