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in the history of Aboriginal Canadians, missionaries, fur traders, and British North Americans. The sweep of his research and the scope of his interpretation articulate an important contribution to the discourse on a matter of vital interest to thoughtful Canadians and others attentive to the gathering energy of indigenous peoples worldwide.

*Naomi McIlwraith*

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**Colonial Entanglement: Constituting a Twenty-First-Century Osage Nation.** By Jean Dennison. Chapel Hill: University of North Carolina Press, 2012. 288 pages. \$65.00 cloth; \$24.95 paper.

In this book Jean Dennison gives a detailed account and insightful analysis on how the Osage Nation dealt with key issues when it drafted and subsequently adopted a new tribal constitution in 2006. The drafting process began on December 3, 2004 with the enactment of PL 108-431, a congressional act that reaffirmed the inherent sovereignty of the Osage Nation to determine its membership and form of government. This act came ninety-eight years after those rights were arguably taken away in 1906, when the United States allotted the Osage reservation and statutorily imposed a form of government on the tribe.

As the title of the book indicates, Indian tribes generally, and the Osage more than most, have been severely impacted by the colonial process. The Osages at one point controlled a territory of more than 150 million acres, located mostly in Missouri, Kansas, and Arkansas. Through a series of treaties and agreements with the United States spanning the nineteenth century, the Osages ceded all this land and by the late 1800s ended up on a much smaller reservation in northeast Oklahoma. Soon afterwards, however, that reservation was rumored to be the site of what was considered at the time the largest oil field in the United States. The rumor turned out to be true and the Osages as a group became very wealthy. With wealth, however, came federal laws and regulations. Together with becoming the wealthiest Indians around, the Osages became the most federally regulated Indians in the United States (see Alex Tallchief Skibine, "The Cautionary Tale of the Osage Nation's Attempt to Survive Its Wealth," *Kansas Journal of Law & Public Policy* 9 (2000): 815–845). Dennison's book highlights the more serious issues the Osage Nation had to confront in the process of disentangling itself from the burdens of such federal regulation and colonization. The author smartly divides the book into five chapters titled "Reform," "Blood," "Culture," "Minerals," and "Sovereignty," with

each chapter analyzing a crucial issue the Osages had to face in the process of drafting and adopting their new constitution.

The first chapter is about the very process of reform: how and where does one begin the lengthy process of coming up with a draft constitution that could be presented to the tribe for adoption? The book describes the lengthy, difficult, and thoughtful process of consultation with the various Osage communities, which was designed to get as much input as possible from the various Osage interest groups so that no one would feel ignored and the Osage people as a whole would become vested in the process of reform and the adoption of a new constitution. This process was complicated because of the Osages' peculiar history. The Osages adopted a first constitution in 1861 and then another in 1881, which was modeled after a constitution adopted by the Cherokee Nation in 1839. By the late 1890s, the Bureau of Indian Affairs came to dislike the Osage leadership. In 1900 it dismissed the Osage government, suspended the Osage constitution, and appointed its own more BIA-friendly Osage leaders. A few years later, in 1906, the United States Congress allotted the reservation and imposed its own version of a tribal government on the Osage Nation.

"Blood," the second chapter, is about determining the requirements for citizenship in the Osage Nation. The question was whether citizenship should be open to all Osages who can trace their ancestry to a person listed as an Osage on an official document such as the 1906 Allotment Roll, or whether there should be a requirement that all members possess a certain minimum amount of Osage blood quantum, such as one-eighth, one quarter, or more. This is a complex and politically difficult issue and one that all Indian tribes have faced or are facing, and Dennison does a wonderful job of delineating the various arguments for and against adopting a minimum blood-quantum requirement. Ultimately, the Osage Nation rejected the adoption of any such minimum blood-quantum requirement, a decision Dennison endorses. Stating that "American Indian nations are about more than just the past; they are working to build a strong future. Supporting blood quantum means buying into a racial logic born out of the colonial process, which would eventually devastate Indian communities," Dennison then quotes various Osages who opposed blood-quantum requirements. These arguments range from "to create a minimum blood-quantum for Osage citizenship is to set the date for when the tribe goes out of existence," to "it is important to remember that Indian nationhood is not a racial or ethnic matter, it is a political status. So blood quantum should be irrelevant" (65).

While there are some unquestionable truths contained in these two statements, their logic can extend into perilous territory. For instance, while too restrictive a blood-quantum requirement could very well result in the extinction

of a tribe, does a lack of any blood-quantum requirement at all set the stage for an exponential number of new tribal citizens so that one day, a majority of US citizens could claim to be a member of some Indian tribe? While I, as an Osage, certainly have no objection to that eventuality, one has to wonder whether Indians should be somewhat concerned about how the nontribal majority population would react politically to such a forecast. Concerning the second statement, if it is true that Indian nationhood is only a political and not an ethnic or racial matter at all, one could start wondering why tribal citizenship should not be extended or at least made available to all those residing on Indian reservations who desire to become tribal members and who are currently subject to some kind of tribal political jurisdiction. No tribe has gone that far; the Osages themselves decided to limit their citizenship to those who can trace their lineage to an Osage listed on the 1906 Roll.

The third chapter, aptly titled “Culture,” discusses to what extent Indian culture or cultural values should be incorporated into organic tribal documents such as a constitution. The chapter describes how and why the Osages ultimately decided to keep their culture separate from their constitution. After noting that some of the most adamant proponents of keeping culture out of the structure of government were those elders who believed that Osage culture was the most important ingredient of being an Osage, Dennison perceptively writes, “By insisting that the Osage government should have no part to play in ‘Osage culture’ these elders were ensuring a continued space for their own authorities and practices outside of this centralized governing structure” (91). The role of culture in Indian societies is of course of primary importance. However, its interconnection with Indian identity is more controversial. As the author states, “When Osage culture is deployed as a tool for recognition it risks becoming static and having to live up to other peoples’ standards of what counts as American Indian practice. . . . It is in this way that culture becomes a problematic colonial entanglement, ensnaring American Indians in idealized notions of a primitive past” (87).

The relationship between Indian culture and the existence of tribes as self-governing sovereign entities is even more controversial. Influential Indian thinker Sam Deloria explained in his 2002 “Commentary on Nation-Building: The Future of Indian Nations” that “we are entitled to self-government because we, as societies, preexisted this other government that came along. . . . That is an abstract theoretical basis for our tribal existence. And there are no conditions on that. If we stake out a position that says that our right to self-government is tied to our dedication to culture. . . . We are saying for the first time. WE are saying, it’s conditional.” Deloria went on to warn that Indians should generally be very careful not to say that “in exchange for a continued political existence, we promise to maintain some kind of cultural

purity” because as he put it “you think [whether that Indian culture has been maintained] is going to be judged by our standards. Hell no, it is going to be judged by THEIR standards . . . [and] THEY see culture as static” (*Arizona State Law Journal* 34.1 (2002): 58–59). I think Dennison would agree. She eventually endorses the tribal decision to keep culture out of the Constitution, stating “to write ‘Osage culture’ into a governing structure would be to limit its ability to change, thereby destroying the ability to live and develop” (97).

The fourth chapter, “Minerals,” deals with a unique aspect of Osage history. When the Osage reservation was allotted in 1906, the mineral estate underneath the land was kept in tribal ownership. However, each head of Osage household received one pro-rata share of ownership, called a headright, in the tribal mineral estate. This share entitled the owner to receive a quarterly dividend from the revenues generated from the sale of the minerals. Such revenues came mostly from oil leases. These quarterly payments have at times represented a substantial amount of money. The problem was that this share or headright also entitled the owner one vote in the election of what was considered the tribal council, even though for most of the twentieth century, this tribal “government” mostly acted only as a mineral council in charge of managing the tribe’s mineral estate. Yet because this council was considered the official tribal government, the principle of “one person one vote” was foreign to Osage governmental elections where the rule was “one headright, one vote.” Because headrights can only be inherited, some Osages had more than one vote, some had only a fraction of a vote, and others had no vote at all. In addition, this system resulted in substantial uncertainty as to who could be considered a legitimate tribal member. Was it only those people listed on the quarterly payment annuity roll, meaning those Osages who owned at least part of a headright, or was it all who could trace their lineage to an Osage listed on an official tribal roll like the 1906 roll, or was it only those people actually listed on the 1906 roll? Under that last scenario, which was endorsed by some lawyers within the Department of the Interior, the tribe would have gone out of existence the day the last of these original allottees passed away.

This chapter recounts how most of the opposition to Osage constitutional reform came from many of these mineral headright owners. Sadly, many of these people were misinformed, or were terrified, that any reform would indubitably lead to the abolition of their headright interests. Of course, this could never have legally happened, as the 2004 law that allowed the tribe to reorganize and redetermine its membership specifically stated that the tribe was allowed “to determine its membership provided that the rights of any person to Osage mineral estate shares are not diminished thereby.” Although it is true that to the extent that the law could allow tribal members who did not possess a headright interest to now vote for the new tribal government,

the headright owners as a group lost the monopoly they had on voting rights. But this monopoly was basically completely antidemocratic, unfair, and had transformed the tribal government into more of a corporate board of directors than a true tribal government representing all Osages. The resistance to reform of many of the Osage headright owners and their willingness to sacrifice the greater interest of the tribe in order to preserve an unfair system imposed by the colonial power indicates that they put their own financial interests above all else. This is, of course, neither surprising nor unexpected. It does show, however, how perverse the colonial entanglement can be and how difficult, or some would say really impossible, it can be for tribes to ever extirpate or completely disentangle themselves from such colonial influence.

The last chapter, which in some ways ties all the previous chapters together, is titled "Sovereignty." The chapter discusses not only why Osage tribal sovereignty is so important to the tribe but also the difficulties the tribe has faced exercising its sovereignty while its territory is considered within the borders of two other sovereigns, not only the United States but more problematically, the state of Oklahoma. Tribal sovereignty is said to be "inherent," meaning that it has always existed and was never given by the United States to the tribes. In other words it flows from the tribe itself and does not come from a delegation of authority from the United States. As Dennison nicely puts it, "because the Osage existed as a political body prior to the American Constitution, Osage sovereignty is understood here as simply needing to be brought forward. The authority of the past can be enacted to enable a strong future. . . . [Osage sovereignty] existed not only before the United States but also outside of the United States" (134).

This last chapter also discusses the relationship between tribal sovereignty and the existence of a tribal territory. As Dennison states, "this space, the reservation, is a key link to how Osage authority was asserted through the writing of the 2006 Constitution" (139). Unfortunately for the Osages, the United States Tenth Circuit Court of Appeals held in 2010 that the Osage reservation had been "disestablished" as a reservation by the 1906 Act that allotted the reservation. Dennison explains why that court decision was legally unsound, something I completely agree with and have articulated elsewhere ("Judicially Dismantling Indian Country in the Tenth Circuit: Lessons from Hydro Resources and Osage Nation," *Rocky Mountain Mineral Law Foundation Institute*, 2011). Ultimately, the fact that the Osage Nation no longer has a "formal" reservation is not the end of the road for Osage sovereignty. The tribe still has political jurisdiction over all lands held by the tribe or held in trust or restricted status for the benefit of tribal members. Thus, Dennison quotes current Osage Chief John Red Eagle for the proposition that "this does not

end the Osage Nation's efforts to protect our homelands. . . . We will continue to exercise our inherent right as a sovereign nation" (153).

Jean Dennison has written a very good book. It is well organized, clearly written, and accessible. It is also very useful in understanding the current dilemmas not only faced by the Osages but also by all Indian tribes attempting to overcome the unique problems confronted by a people who have been subjected to "colonial entanglement."

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**Community-Based Archaeology: Research with, by, and for Indigenous and Local Communities.** By Sonya Atalay. Berkeley: University of California Press, 2012. 328 pages. \$70.00 cloth; \$29.95 paper.

Sonya Atalay's *Community-Based Archaeology* represents a vital step toward diversifying and decolonizing the discipline of archaeology on a global scale. The book is part of recent efforts in the discipline to consider the relevance of the field for non-archaeologists, to use research to make practical differences in the world that lies beyond the academy, and to draw indigenous and local communities into the research process. Atalay synthesizes an impressive breadth of literature on the topic, including the ever-increasing number of archaeological publications on indigenous, public, collaborative, postcolonial, and community-based archaeologies, together with a nice breadth of studies from the social sciences and humanities. By bringing these general trends into dialogue with her own work in the United States and Turkey, Atalay extends arguments already set forth in archaeology well beyond their specific regional significance to speak to broader trends in decolonization (see Linda Tuhiwai Smith's *Decolonizing Methodologies: Research and Indigenous People*). Atalay frames her work as community-based participatory research (hereafter CBPR), and argues that this general model for conducting research will help archaeologists to critically analyze and adjust the ways in which they relate to non-archaeologists: namely, indigenous peoples and other local communities that feel the impacts of archaeological research, typically without participating or reaping any benefits whatsoever.

Atalay begins by scrutinizing the relevance of standardized forms of archaeological research for non-archaeologists. She notes that archaeology is moving past the stage of simply sharing the results of research with non-archaeologists to actually democratizing the archaeological process. She sees CBPR as a means of furthering this process. For her, CBPR diversifies the epistemologies that