

UCLA

American Indian Culture and Research Journal

Title

Forced Federalism: Contemporary Challenges to Indigenous Nationhood. By Jeff Corntassel and Richard C. Witmer.

Permalink

<https://escholarship.org/uc/item/2p77q4ct>

Journal

American Indian Culture and Research Journal , 33(2)

ISSN

0161-6463

Author

Simpson, Audra

Publication Date

2009-03-01

DOI

10.17953

Copyright Information

This work is made available under the terms of a Creative Commons Attribution-NonCommercial License, available at <https://creativecommons.org/licenses/by-nc/4.0/>

basic epidemiological and genetic principles, the work offers a regional synthesis with provocative conclusions that will certainly warrant attention and further debate.

Gregory R. Campbell
University of Montana

Forced Federalism: Contemporary Challenges to Indigenous Nationhood. By Jeff Corntassel and Richard C. Witmer; foreword by Lindsay G. Robertson. Norman: University of Oklahoma Press, 2008. 251 pages. \$34.95 cloth.

In a classic sense, this book is social scientific study. Based on directed and random sample surveys with tribal governments and archival research and interviews with contemporary indigenous leaders, this book examines with great breadth and social scientific rigor a new era in indigenous politics, the era of “forced federalism.” Forced federalism is subsequent to the era of self-determination and thus moves Indians away from self-determined activity vis-à-vis the federal government in matters relating to jurisdiction, taxation, and revenue. Instead, the forced federalism era sees a devolution of federal power to states in their dealings with Native peoples—a devolution that forces Indian nations to act less as nations, these authors argue. “Acting less as nations” is a posture that speaks from the challenge that this era poses to the inherent and federally recognized sovereignty of Indian nations.

Once thought to be within the exclusive domain of federal power through the trust relationship, Native nations have been subject to state power and jurisdiction and more so, Corntassel and Witmer convincingly argue, since the passage of the Indian Gaming and Regulatory Act (IGRA) in 1988. This act, which appears to confer upon federally recognized Indian nations in the United States the “right” to game, requires that the first nation in question compact with the state that now surrounds them in order to exercise that right. This necessity of “compacting” with state governments, rather than “treating” with the federal government—an era that ended in 1871 but is foundational for many sovereignty arguments—moves Indian nations into another jurisdictional ambit and, perhaps, another form of sovereignty than has been experienced historically or is ideal. This is a model of political relatedness that results in a diminished form of indigenous nationhood, which is defined as a form of politics determined by a reciprocal, dignified, clan-based governmentality and is challenged by the constraints posed by compacting. However, the study that Corntassel and Witmer conducted with 168 indigenous governments in the United States revealed the different strategies and visions that this era has brought into play. This era has induced a form of politics that relies less upon forms of separateness and litigation than analysts might have anticipated or indigenous nationals might have imagined or, perhaps, desired following the era of self-determination.

Corntassel and Witmer’s central question is how are indigenous nations managing this new era? This is a question that finds its answers generated by

data sets that then confirm the broader claims being made in the book about participation in state politics. Thus we come to understand the different modes of engagement that indigenous nations have deployed in order to manage the negotiated space of compacting with states: voting, campaign contributions, and lobbying, all of which have increased since the passage of IGRA and have forced a political posture of participation with state governments. Much of this posture of participation must be anticipatory and defensive, a response not only to the requirement that Indian governments compact post-IGRA but also that they respond to the expectation that they are disingenuous in their cultural authenticity and are believed to be insincere in their political aspiration. In this, they are imagined to be, in the public eye, “rich Indians” (or quasi-Indians who only politick to establish gaming operations and thence, to be rich) and that their sovereignty then must be curtailed and contained further through state fiat. The gamut of these expectations was captured by Katherine Spilde’s concept of “rich Indian racism” and is deployed to good analytic effect by Corntassel and Witmer, as we see the ways in which Indians must articulate these expectations while negotiating in this era of compacts in order to position themselves so that they may then exercise their right to establish gaming operations in their territories or to politick in other ways (that is, go for federal recognition, which also carries the anxiety of disingenuousness in the era of forced federalism).

Corntassel and Witmer argue that the politics of this moment require that Indians manage the images and other forms of discourse that mobilize the sentiment of rich Indian racism. So, for example, managing “the politics of perception” is key to instrumentalizing indigenous political aspiration, as these expectations of indigenous disingenuity are built into the compacting process and must be contended with (24). Corntassel and Witmer mobilize a constructionist model of these perceptions in the public eye to examine the different forms of Indianness that proliferate the public imaginary and work to govern public perceptions and politics, among them the notions of Indians as “advantaged,” “emergent contenders,” militants, and “dependants,” all categorical constructions that then determine how they will be perceived and treated. Corntassel and Witmer argue that “rich Indians” are “regarded as increasingly powerful entities and are often categorized as ‘undeserving’ in terms of their political and economic power.” A standard policy-making response is to regulate them extensively through taxation and revenue sharing in order to capitalize on their status as “undeserving” and to keep their power in check (35).

“Keeping power in check,” one might argue, is an understatement, or perhaps is a gentle way of pointing to something far more disorienting for political balance within the larger political and historical context in which these political actions occur. In this, readers might like Corntassel and Witmer to take the data further and into an analysis of the structuring logic of this perception and expectation. Also readers might want the analysis to enter into the ambit of white-settler possessivism in the manner of Aileen-Moreton Robinson’s critical analysis of Australia. But this is a minor desire and points only to the strength of their research, as their findings help us to understand

how, in this territorial and historical context, we find that the notion of indigenous disingenuity is conflated with the desire to compact, and compacting is read as a desire to accumulate wealth and, thus, topple the delicate balance of settler nationhood, one that is predicated upon settler possession and, thus, indigenous disenfranchisement from culture, land, and labor and the containment of indigenous bodies within circumscribed spaces, materially (reservations) and conceptually (federal Indian law).

The well-supported arguments and the data that is provided in *Forced Federalism* help us to point to these argumentative and logical folds in the other ambit of sovereignty: a settler rule. This attention to power is most manifest not only in the analysis of perceptual politics but also in the standout chapters “Managing the Politics of Perception” and “Negotiating Compacts between Indigenous Nations and States.” These chapters put forms of political relatedness into sharp relief and make clear the differences historically and politically between treating and compacting as these may be viewed as forms of diplomacy but are also, in the compacting moment, acts of pragmatic intervention into diminishment of the federal trust relationship to Indian nations. Corntassel and Witmer argue that compacts are not reflections of agreements between polities imagined to be equals; as nations of equal standing, they are “domestic agreements that *yield* forms of indigenous jurisdiction to states and have no standing under international law” (emphasis mine). Further adding to their precariousness, a precariousness that Corntassel and Witmer argue is part of the further “domestication of Indigenous issues” in the United States, is the fact that compacts are governed by the notion of *rebus sic stantibus*, “by way of changing conditions,” and so can be nullified by governmental order. This is radically different than treaties, which are governed by the principle of *pacta sunt servanda*, “the treaty must be upheld.” Corntassel and Witmer provide ample evidence of the manner in which indigenous peoples now have to contend with this precariousness as twenty-six compacts have been nullified in Arizona, California, and New Mexico since 1993, and they provide examples of political strategies, such as putting gaming to statewide vote, lobbying, and campaign contributions to contend not only the “politics of perception” but also to manage the precariousness of the compacting process (111).

In its examination of the different alternatives being explored by Indian nations in the era of forced federalism this book moves us away from assimilationist arguments such as those manifest in the Harvard Project’s model of “nationhood.” This model conflates individual economic development with nationhood with statehood. This is a form of sovereignty that diminishes the inherent autonomy of clan relations and is most consistent with a federal model than of a state system but not one of equals (77–78). Corntassel and Witmer’s critique of this paradigm is critical, is refreshing, and, one hopes, will precipitate other critical engagements and studies on this diminishing and evolutionary model of economic development; one that does not take decolonization, it seems, to be anything but a municipalization of indigenous governmentality. The Harvard Project’s model of “nationhood” is a form of submission to state power that is unnuanced and uncritical and genuflects to settler dominion rather than asserts inherent sovereignty. Again, theirs is

a welcome critique within the literature that is long overdue and, one would hope, will stimulate further deconstruction, analysis, and model making in indigenous policy studies.

This book is part of a recent surge of sovereignty studies within Native studies and political science and so will find a readership in these areas. In its attention to the fiduciary component to indigenous sovereignty this book should be read with Jessica Cattelino's single-nation ethnography, *High Stakes: Florida Seminole Gaming and Sovereignty* (2008). Scholars will want to put the notion of forced federalism into conversation with Cattelino's "sovereign interdependency"—both analytics and epochal designations for early-twenty-first-century indigenous-state relations. Corntassel and Witmer's book should be read with Deborah Rosen's meticulously researched legal history of state sovereignty, *American Indians and State Law: Sovereignty Race and Citizenship 1780–1890* (2008). Rosen's book is an exhaustive examination of assertions of state sovereignty in indigenous, national, and (settler) state contexts—contexts framed through the space of law but precipitating politics that scholars of indigenous politics will understand are not entirely limited by that law. In its methodological breadth the book may be read alongside Stephen Cornell's classic study of indigenous politics in the United States, *The Return of the Native: American Indian Political Resurgence* (1988), for their attention to the underexamined element of participation in formal, settler politics. As well, their book augments and complements in empirically robust ways the arguments of Taiiaki Alfred regarding the importance of nationhood and the perils of co-optation in *Peace, Power and Righteousness: An Indigenous Manifesto*. Scholars will also want to read Renee Cramer's *Cash, Color and Colonialism: The Politics of Tribal Acknowledgement* (2005) for the politics of authenticity as well as Kevin Bruyneel's *Third Space of Sovereignty* (2008) for related analysis of California gaming anxiety.

With the exception of minor problems with editing and footnoting (one appendix, "H," is missing from the text and footnotes in chapter 2 are a bit out of order), Corntassel and Witmer have made an empirically sound and critical contribution to scholarly and, one will hope, popular understandings of the new era of indigenous politics today.

Audra Simpson
Columbia University

Indigenous Educational Models for Contemporary Practice: In Our Mother's Voice, Volume II. Edited by Maenette Kape'ahiokalani Padeken Ah Nee-Benham. New York: Routledge, 2008. 304 pages. \$140.00 cloth; \$41.95 paper.

Material for *Indigenous Educational Models for Contemporary Practice: In Our Mother's Voice, Volume II* is gathered from three days of dialogue at the 2005 World Indigenous Peoples Conference on Education held in Hamilton, Aotearoa, New Zealand. The topics discussed by the two hundred-plus