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A Constellation of Confinement: *The Jailing of Cecelia Capture* and the Deaths of Sarah Lee Circle Bear and Sandra Bland, 1895–2015

Tria Blu Wakpa

Combining literary and social analyses, this paper focuses on an overlooked text, Janet Campbell Hale’s Pulitzer Prize–nominated *The Jailing of Cecelia Capture* (1985), which stands out in contemporary Native American literature because of its focus on the imprisonment of a Native woman.¹ In the novel, Hale—who is Coeur d’Alene and of Kootenay, Cree, and Irish ancestries—narrates the story of Cecelia’s struggle for freedom in a society that otherizes the protagonist based upon interrelated systems of oppression.² The text opens with Cecelia’s four-night, three-day imprisonment in the Berkeley City Jail in January of 1980. The protagonist is incarcerated for drunk driving and successive welfare fraud charges from 1972, when she was a young, single mother working and attending the City College of San Francisco. For the majority of the novel, Cecelia remains incarcerated in her cell, which allows her to contemplate the ways that multiple oppressions have shaped the material conditions of her life.

Despite its fictiveness and publication thirty years ago, the issues that *The Jailing of Cecelia Capture* raises remain relevant and critical. For example, Sarah Lee Circle Bear, a twenty-four-year-old Lakota woman imprisoned for a bond violation, was found

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unconscious in a cell in Brown County Jail, located in Aberdeen, South Dakota on July 6, 2015.³ According to witnesses, jailers repeatedly disregarded Circle Bear's requests for aid, and she passed away while in police custody.⁴ Echoing central themes in *The Jailing of Cecelia Capture*, Circle Bear's father, Terrance, stated, "She cried for help. She was in excruciating pain. . . . Why didn't they take her to the hospital? Was it because she was Native American?"⁵

While characters in *The Jailing of Cecelia Capture* express limited interest in considering the parallels between Native and African American experiences of confinement and oppression, Native writers have made connections between the untimely demises of Circle Bear and Sandra Bland—whose death occurred on July 13, 2015, one week following Circle Bear's, but has received far more visibility in the mainstream media.⁶ Bland, a twenty-eight-year-old African American woman, was discovered hanging lifeless in her cell in the Waller County Jail, located in Hempstead, Texas.⁷ Pulled over for a minor traffic violation, Bland was arrested for allegedly assaulting an officer after the interaction escalated.⁸ This paper investigates what this constellation of confinement—characters in *The Jailing of Cecelia Capture*, Sarah Lee Circle Bear, and Sandra Bland—reveals about the continuities and discontinuities, as well as the politics and forces, that influence the incarceration and oppression of Native and African Americans.⁹

INTRODUCTION

Exposing the ways that dominant race and gender standards criminalize Native peoples by marking their behavior as aberrant to the norm and increase their vulnerability to oppression and confinement, *The Jailing of Cecelia Capture* provides insight into the circumstances of Circle Bear and Bland's deaths. As Luana Ross points out in her study of imprisoned Native American women, European Americans have historically portrayed Native peoples and practices as deviant.¹⁰ European American norms, which have set the perimeters of the law, continually disadvantage Native and African Americans, whom US police are more likely to kill than any other racial groups.¹¹ Like the unnamed protestor's response to the "no indictments" ruling in Sandra Bland's death—"That sister didn't hang herself, she was lynched! And she was lynched just like ancestors before her"—many have recognized the continuities of oppression and violence against Native and African Americans in the United States.¹²

Despite these valuable contributions and others, there remains a dearth of information about imprisoned Native peoples—Native women, in particular, who are subjected to the double bind of race and gender. Like Ross, I engage Kimberlé Crenshaw's articulation of "intersectionality," which highlights the interdependence of social constructions, to uncover how race and gender produce assumptions about normativity that demarcate the lived experiences of Native and African Americans.¹³ I posit that Native literature provides an important realm for illuminating underrepresented narratives often omitted from mainstream discourses and take an interdisciplinary, intersectional approach that combines social and literary analysis to understand the factors that lead to the confinement of Native and African Americans.

Scholars have remarked that *The Jailing of Cecelia Capture* describes reality for many Native people. Ernest Stromberg underscores how the novel exposes “the internal contradictions and limitations of the American social narrative of individualism and its governing assumptions of equality, freedom, and opportunity.”¹⁴ Laura M. Furlan highlights the protagonist’s “feminist and indigenist agency” in escaping and reclaiming mechanisms of confinement, both physical, such as prisons and reservations, and social, for instance, patriarchy.¹⁵ I draw from and extend these analyses by showing the ways that social constructions function as modes of confinement and connecting characters’ experiences to the present-day realities of Circle Bear’s and Bland’s imprisonment.

Without dismissing the power of agency, I offer the term *social confinement* to deconstruct choice paradigms and post-racial and post-gender narratives, which are ubiquitous in mainstream society.¹⁶ Social confinement describes the multiple and persuasive oppressions that Native and African Americans experience based upon the intersections of race, gender, class, sexuality, age, and ability that lead to criminality and incarceration.¹⁷ Choice paradigms, by contrast, portray incarcerated people as individually responsible for their decisions without taking into account modes of social confinement that severely restrict people’s options and decision-making abilities. According to Ross, “Any explanation of Native criminality that sees individual behavior as significant overlooks the social and historical origins of the behavior.”¹⁸ While African Americans in the United States—unlike Native peoples—have not endured settler colonialism, they are likewise marked as deviant. As I have written elsewhere, mainstream narratives frequently represent prisoners as savages or alternatively as people who have made “bad” decisions.¹⁹ Yet the ability to make “good” choices relies on the availability of “good” options, which are privileges not afforded to all individuals. Post-racial and post-gender narratives falsely maintain that society has progressed to the point that race and gender are no longer systems of oppression; therefore, individuals’ failures supposedly result from their own inadequacies. Social confinement theory is useful to deconstruct post-gender and post-race narratives that are deemed to be “common sense” in dominant discourses, but are actually misinformed about Native and African Americans’ lived realities.

Given Native and African Americans’ overrepresentation in prisons and their disproportionate targeting by police brutality, scholarship that illuminates these issues is urgent and vital.²⁰ In this literary and social analysis, I conduct close readings of *The Jailing of Cecelia Capture* and analyze the novel within historical and contemporary contexts. This methodology highlights the continuity between the past and present, which results from the social construction of systems of oppression. In recognizing that Native women and women of color are marked non-race and non-gender normative and are more susceptible than their White counterparts to police and sexual violence, I argue that while the rule that allows officers to order people out of their cars is upheld by the Supreme Court, it places these women in danger.²¹

THE IMPORTANCE OF ACCOUNTING FOR INTERSECTIONALITY

In the first chapter of *The Jailing of Cecelia Capture*, Hale establishes that the protagonist grew up on a reservation in Idaho, where the Coeur d’Alene Reservation is located.

However, throughout the novel, the author remains vague about Cecelia's tribal affiliation. Although scholars have criticized Hale's supposed lack of "tribal vision," I posit that through this ambiguity, Hale encourages a reading of Cecelia as a "Native Everywoman."²² Such a maneuver is useful in demonstrating the patterned and persuasive ways that social confinement affects Native Americans and in particular Native women. The shift from the supposedly universal "Everyman" to a "Native Everywoman" requires a double modification, from the socially constructed foregrounding of, first, the experiences of white men and, second, those of white women. In other words, unless otherwise indicated, an "Everyman" and "Everywoman" are assumed to be white. As Evelyn Nakano Glenn writes, race and gender function as fluid and unstable categories; therefore, to create stability, dichotomous hierarchies are established, and "[t]hus White appears to be raceless (Dyer 1988) and man appears to be genderless."²³ The white male experience becomes synonymous with normality and universality, which has deleterious consequences for Native and African Americans.

Crenshaw argues that "for feminist theory and antiracist policy discourse to embrace the experiences and concerns of Black women, the entire framework that has been used as a basis for translating 'women's experience' or 'the Black experience' into concrete policy demands must be rethought and recast."²⁴ This is also true of understanding the challenges that affect Native women's lives. For example, in perhaps one of the most informative scenes in the novel regarding the importance of accounting for intersectionality, Cecelia's father, Will Capture, asks the teenaged Cecelia to change her red sweater because the color is associated with Native Americans. Will states:

[Y]ou know what they used to say in the old days, when I was a boy? They used to say you could always tell Indians because of the color red. When they saw a rig coming or people riding horses in the distance, they would say, "Just look for the color red, and you'll know if they're white or Indian."²⁵

Although Cecelia attributes her father's advice to his old age—Will was born in 1895—even in the present day his words are relevant. From his previous experiences, Will understands that mainstream society exoticizes and fetishizes Native women, who are more susceptible to sexual violence than white women.²⁶ Furthermore, Andrea Smith highlights the ways that race and gender function interdependently for victims of sexual violence:

[W]hile both Native men and women have been subjected to a reign of sexualized terror, sexual violence does not affect Indian men and women in the same way. When a Native woman suffers abuse, this abuse is an attack on her identity as a woman and an attack on her identity as Native. The issues of colonial, race, and gender oppression cannot be separated. This fact explains why in my experience as a rape crisis counselor, every Native survivor I ever counseled said to me at one point, "I wish I was no longer Indian."²⁷

In the previously referenced scene, Cecelia wears tight jeans and heavy eye makeup, but notably Will only notices the red sweater. Cecelia observes, "Lipstick and rouge

and anything red he would notice” (59). This indicates that Will is not opposed to his daughter’s budding sexuality, but to the connection between her sexuality and Nativeness. By prohibiting Cecelia from wearing the red sweater, Will manifests his desire to protect his daughter. If her sexuality may be viewed separately from race—an impossibility given the ways that intersectionality functions—Will perhaps speculates that Cecelia will be safer from sexual predators. Cecelia, however, remains determined to claim her Native identity and sexuality as a Native woman: “Red was always going to be her favorite color when she grew up, she thought vindictively. Her whole wardrobe would consist of nothing but red. Red coats and red dresses and red high-heeled shoes, red jeans and red nylon stockings. Even red underwear” (59). Cecelia’s list of attire becomes more increasingly intimate, suggesting that she understands the interconnections of race, gender, and sexuality.

Although details about Cecelia’s physical incarceration at the Berkeley City Jail are limited and not the focus of Hale’s novel, social confinement also helps to account for the protagonist’s experiences of imprisonment as a Native woman. For example, when the breathalyzer malfunctions after Cecelia is arrested, police officers are legally able to take a blood sample from Cecelia without her authorization. Cecelia feels this injustice acutely:

She was drunk and therefore somewhat anesthetized and also trying to remain detached from all of this, yet she did feel a surge of anger as she watched them stick the syringe into her unwilling flesh. She felt violated. She watched the tube attached to the syringe fill with her life’s blood, deep, dark red. Her very blood was taken without her permission. (4)

The color red again denotes Native American racialization. Histories of violence perpetuated against Native peoples in the United States—including warfare and policies, such as blood quantum (constructed to define Native Americans and diminish their numbers)—cause Cecelia to experience this interaction more intensely. In another scene that points to the confluence of race and gender, Cecelia muses about how remaining in jail would change her physical appearance:

She thought that if they kept her long enough, she would effortlessly lose those bothersome ten pounds, then ten more, and ten more after that, until she was so thin her collar bones would protrude and her cheeks appear sunken. She would acquire a prison pallor and her hair would grow out long again, the way she had worn it as a young girl, and hang down thick and lustrous black and straight as string to her waist. She would dress in a blue denim jail dress and wear China-doll shoes with holes worn through at the toes. She would look very different from her present carefully groomed, manicured self. She wondered how it would feel to look like that, if it would make her feel more authentic. (44)

This passage comments on the difficulty of achieving patriarchal race and gender norms. Through the violence of the carceral setting—the poor quality of the food and lack of sunlight—Cecelia romanticizes that she will obtain a slender figure and pale

skin. However, Cecelia imagines growing out her hair, which throughout the novel symbolizes her Native identity. The waist-length hair that Cecelia envisions, like the “China-doll” shoes, connote non-white femininity. When Cecelia considers if such an appearance “would make her feel more authentic,” she conflates her identity as a Native woman and prisoner. Considering the overrepresentation of Native women in prisons as well as the multiple social and physical forms of confinement that Native peoples have endured—boarding schools, prisons, and reservations—this ambiguity is perhaps appropriate.²⁸ As a result of race and gender constructions, the non-white, non-male body is marked as suspect, deviant, and criminal.

THE MATERIAL CONSEQUENCES OF SOCIAL CONFINEMENT

Applying an intersectional analysis to Will Capture’s lived experiences demonstrates how modes of social confinement affect Native men, who are marked non-race normative, and demarcates the relationship between social confinement and incarceration. Scholars have noted that the surname “Capture” serves as a symbol for the ways that modes of social confinement, which are frequently unaccounted for by society or the law, entrap Native peoples.²⁹ The association of Will and Cecelia with the name “Capture” points to the difficulty—if not impossibility—of escaping the ways that social confinement oppresses Native peoples.

Will’s father Eagle Capture dreams of achieving justice for Native peoples through the US legal system (60). Eagle Capture grooms his son from adolescence to become a lawyer. Will lives with a white family and attends the Jesuit High School. As a high school football star, Will secures an athletic scholarship to Notre Dame. However, after enduring a knee injury that prevents him from playing football, Will flunks out of the University because “English was not his native language, and he had to stop and translate where [the other students] did not” (69). Will then enlists in the US army to fight in the World War. During the time that they are serving, Will and his brother amend their surname to “Capture.” While the exact reason for changing their last name remains vague, Cecelia implies that discrimination against Native peoples contributed to their decision. As Furlan writes, “The shortening of the family name removes the agency of capturing eagles for ceremonial reasons, and suggests they are now the ‘captured’ and not the ‘capturers.’”³⁰ Following his return from a war he hadn’t expected to survive, Will travels the United States, engaging in “prizefighting and boozing” (70). Although Western histories articulate a narrative of progress, the shift from Eagle Capture to Capture—from honor to entrapment—implies a regression in the material and social conditions of Native peoples’ lives.

One night in Denver, Will nearly beats a white man to death for calling him “chief” and asking Will if he could locate him a “hot little squaw for the night” (71–72). Will’s response to the man’s racial epithets leads to Will’s incarceration in the Colorado State Penitentiary. Will’s request that Cecelia change her red sweater is likely related to this incident, and both of these scenes occur within the same chapter. Despite hard work and sacrifice, Will is unable to overcome individual and structural modes of social confinement. On an individual level, as Will discusses with Cecelia, the word “chief”

used in this context is “a mockery of him and of his people and of what it meant to be a chief” (71). On a structural level, Congress did not pass the Indian Citizenship Act until 1924 or repeal a law against selling alcoholic beverages to Indians until 1954. Will’s frustration at his inability to overcome modes of social confinement—despite sacrifice and hard work—turns to anger and violence and leads to his imprisonment. To clarify, the term *social confinement* does not deny agency, but instead underscores the persuasive and powerful ways that systems of oppression function and limit social mobility. After Will’s year-long stint in prison, he becomes a reformed man: “The rage would never overtake him that way again. In time he would, like his brother Mike, become known as an easygoing fellow” (72). Although incarceration provides Will and Cecelia with the space and time for self-reflection and change, given the violence of imprisonment, portraying incarceration as helpful or healthful is deeply problematic. Instead, one might question why similar opportunities for growth and healing are not more readily available outside of carceral settings.

Further, the notion that people can and should suppress their emotions when consistently subjected to injustice is misinformed. Anger can be a powerful and productive force for revolution. As Leanne Simpson writes,

it seems difficult for Canadian and American society to see that love and rage are justified—to see indigenous and black people as fully human. I am repeatedly told that I cannot be angry if I want transformative change—that the expression of anger and rage as emotions are wrong, misguided, and counterproductive to the movement. The underlying message in such statements is that we, as indigenous and black people, are not allowed to express a full range of human emotions. We are encouraged to suppress responses that are not deemed palatable or respectable to settler society. But the correct emotional response to violence targeting our families is rage.³¹

Although rage is appropriate, “fully human,” as Simpson articulates, mainstream society views it as intolerable. Rage does not necessarily imply violence; however, whereas Will’s act is criminal, some forms of violence—such as that of the carceral system—are sanctioned and even understood as necessary for discipline and punishment. Will is penalized for his actions and expected to subdue his rage. In other words, the legal system recognizes the crime only as individual—not systemic, which severely disadvantages those who face multiple forms of social confinement.

In this scene, the novel also points to parallels in social confinement for Native and African Americans when the white man who called Will “chief” testifies, “he had no idea the big Indian would get insulted, why, he called all Indians ‘chief’—didn’t everybody? All nigger men were ‘boy’ and all Indian men were ‘chief.’ That was the way it was. He didn’t mean anything by it” (71). Patricia Hill Collins discusses how social confinement creates challenges for men of color and in particular African American men.

Black men, by definition, cannot be real men, because they are Black. The fact of Blackness excludes Black men from participating fully in hegemonic masculinity

because, if they do so, they decenter the assumed Whiteness of those installed in the center of the definition itself. . . . The best that Black men can do is to achieve an “honorary” membership within hegemonic masculinity by achieving great wealth, marrying the most desirable women (White), expressing aggression in socially sanctioned arenas (primarily as athletes, through the military, or law enforcement), and avoiding suggestions of homosexual bonding.³²

The experiences of Native men differ from their Black counterparts; however, social confinement likewise hinders Native men from attaining success according to mainstream values and from asserting their own norms of success.

Notably, Will evidences some of the qualities that Collins outlines for gaining “‘honorary’ membership within hegemonic masculinity”—including those previously delineated as well as marrying Cecelia’s mother, Mary Theresa, who although Native, phenotypically appears white. Yet as Andrea Smith points out, joining the military is ultimately not a successful means toward freedom:

one strategy that many people in US-born communities of color adopt, in order to advance economically out of impoverished communities, is to join the military. We then become complicit in oppressing and colonizing communities from other countries. Meanwhile, people from other countries often adopt the strategy of moving to the United States to advance economically, without considering their complicity in settling on the lands of indigenous peoples that are being colonized by the United States.³³

In this passage, Smith illuminates ways that oppressed peoples participate in the subjugation of other groups. According to Smith, this is because “[o]ur survival strategies and resistance to white supremacy are set by the system of white supremacy itself.”³⁴

Despite Will’s experiences of social confinement, he continues to strive for justice and success in mainstream society. Like his father before him, Will desires a son who will become a lawyer and work on behalf of Native peoples and issues. He instills in Cecelia, his youngest child and final attempt to conceive a son, the desire to become a lawyer. The challenges that Will faced as a second language speaker, which hindered him from achieving his father’s dream, contribute to Will’s decision to raise Cecelia without her Native language:

Then she would have to look at the world and see it as any English-speaking person does . . . and would be able to keep up with any white person. . . . It wasn’t enough, he told her . . . to hold her own; she had to do better, much better, if she was going to survive in a white man’s world. (69)

As this excerpt demonstrates, Will recognizes that as a result of social confinement, Native peoples—and especially Native women—have to “do better, much better . . . to survive in a white man’s world,” and yet the system still limits their ability to achieve. Although Will endeavors to achieve restitution through education and the law, obtaining justice in this way is limited because the system itself is designed

to marginalize Native peoples, justify violence against them, and promote settler-colonial interests.

SOCIAL CONFINEMENT AND PROVING HUMANITY

While Will experiences oppression based upon race and class, as a Native woman, Cecelia endures yet another layer of subjugation. The protagonist recognizes the ways that social confinement differentially affects men and women—and in particular Native men and women—when she questions: “was it that the anger in men turned to murder and violence, and in women to madness?” (85). As Sean Kicummah Teuton argues, “Scholars have recognized the gendered nature of colonial domination. In this familiar scenario, Indigenous men are figured as savage and violent warriors, whereas American Indian women are viewed as passive and abundant caregivers prepared for marriage with white men.”³⁵ Although the racialized assumptions that other characters project onto Will and Cecelia are unreasonable, it is Will and Cecelia who are made to feel criminal and irrational. Cecelia declines to attend her law and psychiatry seminar’s trip to the State Hospital for the Criminally Insane because she “envied the wackos their ability to retreat from this world into the realm of insanity” (21). Cecelia’s problematic logic, which represents insanity as a form of escapism, nevertheless points to the protagonist’s tremendous suffering and the unequal ways that the law—a supposedly objective and universal construct—affects those marked non-race and non-gender normative. Although Cecelia graduates from the University of California, Berkeley with honors and succeeds at Boalt Hall, “one of the toughest, most prestigious law schools in the country,” she is separated from her children, estranged from her husband, and frequently contemplates suicide (17). Hale writes, Cecelia “always hurt inside and lived each day with fear and anxiety” (17). The novel therefore implies that Cecelia earns these accolades at great cost.

Because of these experiences and Cecelia’s interactions with her mother, the protagonist envisions marriage and family obligations as a form of confinement, which hampers her ability to pursue law school. Cecelia feels “freedom” in securing a space of her own, her “cold and shabby” apartment in Berkeley, which is “hers and no one else’s” (14). As a teenager, Cecelia reflects:

Mary Theresa had stayed there and lived that hard life because she was the mother of three little girls. That was all. The only reason. Because she had grown to hate her husband. Those girls had one sorry excuse for a father, and she couldn’t very well leave them with him. So she was a prisoner until they grew up. She was their mother; she had to be a prisoner. (74)

Patriarchal gender norms, introduced through colonialism, render women subordinate to men and Native women inferior to white. As this excerpt clarifies, Mary Theresa feels burdened by the domestic labor required to raise her daughters. From adolescence, Cecelia recognizes the ways that social confinement detrimentally affects Mary Theresa. Cecelia actively resists a life like her mother’s by displaying her determination to achieve “freedom” from dominant racial hierarchies and patriarchal gender norms.

Yet despite her best efforts, race and gender inequalities render Cecelia literally and figuratively second best. At the St. Mary's track meet, Cecelia is the only Native girl competing, a statistic that parallels her later experience at Boalt. Prior to running the race, Cecelia thinks about Mary Theresa, whose suffering serves as the protagonist's inspiration. Cecelia "had to win this damned race. She just *had* to win. All that training was going to pay off. It would, wouldn't it? Otherwise it would all have been for nothing. Wasted effort. Like her mother's life. Like what her mother always said her life had been" (74). Yet this is not the only injustice that Cecelia contemplates before the race. She also recalls being physically assaulted by an older boy in school, Jimmy Griffith, who was never reprimanded because he "was the son of a rancher, a man of some influence in the community" (76). Cecelia is a victim not only of Jimmy's cruel act, but also the systemic structures that prevent his punishment. She seeks solace in academic excellence—in Hale's words "beat[ing] them at their own game"—which suggests at least in part that Cecelia's motivations for pursuing law school at Boalt also stem from a desire to prove herself, even her humanity, by earning success in mainstream society (76). As Victor Rios states, "Working for dignity has to do more with a sense of humanity than a sense of power."³⁶ Because social confinement and its material consequences render Native peoples inferior, Cecelia and Will's longing to earn respect through excelling in mainstream society is not surprising.

The injustice of Mary Theresa's position and the incident with Jimmy propels Cecelia in the race:

She tried to remember to pace herself, but it was no good. . . . She had to show her stuff. She needed to. Win. Show them up. Win. Beat them. . . . She concentrated on that one word: winning—but then, almost at the end, the giraffe loped effortlessly ahead of her and kept the lead. She had a little smile on her face. Her blond curls bounced as she ran. She didn't appear to be out of breath or to have worked up much of a sweat. She wasn't putting all she had into this race, or at least she didn't appear to be, but Cecelia was, and she was beating Cecelia. (76–77)

As this excerpt clarifies, Cecelia loses the race to a white girl. The word "race" emerges as a pun; although Cecelia runs a literal race, her motivation to excel derives from a desire to validate herself (and her race). That Cecelia views the blonde's performance as "effortless" figuratively comments on white privilege, which allots benefits that are often unrecognized. As Crenshaw points out, "Race and sex, moreover, become significant only when they operate to explicitly *disadvantage* the victims; because the *privileging* of whiteness or maleness is implicit, it is generally not perceived at all."³⁷ Alongside Will's imprisonment in the Colorado State Penitentiary and narratives about Mary Theresa and Jimmy Griffith that foreground the race, Cecelia describes visiting the school nurse the day of the track meet for menstrual cramps. Figuratively illustrating the ways that privilege inhibits people from recognizing social confinement, the nurse tells Cecelia, "that menstrual cramps weren't real, though they felt as if they were. They were just imaginary pain. Psychosomatic. It was all in her head—she was resisting becoming a woman" (73). Thematically, this scene parallels descriptions of the white man who calls Will "chief" and Cecelia giving birth to her son, Corey.

While she is in labor, Cecelia undergoes intense suffering, intensified by the doctor's assumption that she is overreacting because "[s]he's just a young kid. Unmarried. From the home. They get like that sometimes. Just scared is all. Don't mind her. She's okay" (108). However, when the doctors, annoyed by Cecelia's lack of progress, finally examine her, they realize that she is experiencing an abnormal birth, and they need to induce labor. Rather than acknowledge their prejudice and apologize for the hours of needless anguish that they have caused Cecelia as a result of their biased assumptions, the doctors accuse her: "'Why didn't you tell us that the bag of waters had broken?' they demanded." Vulnerable, Cecelia accepts their blame. "She didn't know. How was she supposed to know? They shook their heads in disgust. It was her fault. She was stupid" (108). As this passage illustrates, social confinement makes individuals, and even victims, feel responsible for systemic issues. Further, failing to account for race and gender biases—particularly in the medical field—may lead to critical situations that endanger the lives of Native women and women of color. Stereotypes prevent people from receiving the care that they need and are entitled to receive. The doctors' suspicion of Cecelia's suffering parallels the nonfictional situation of Circle Bear's death in which the jailers disregarded the suffering of a young, pregnant Native woman. As these stories suggest, pregnancy amplifies women's vulnerability to systemic oppression. As earlier referenced, Circle Bear's father Terrance attributed her death to racial discrimination. The nurse, the white man in Denver, the doctors, and the jailers all viewed Native peoples' pain as "imaginary," which is an assault to their humanity.

Metaphorically representing her exhaustion and pain caused by social confinement, after Cecelia loses the race, she collapses on the ground, "gasping for breath, her body soaked in sweat, the white T-shirt that said LODI across the chest in red letters stuck wetly to her body," literally scarlet letters, marking her, denoting racial difference (77). After the race, Cecelia also receives a red ribbon. The color of the ribbon somewhat cheers Cecelia, who considers, "She was going to have to find another way of winning. Maybe someday she would marry a congressman" (78). In other words, if Cecelia cannot attain privilege and success through her own efforts, she will marry into it. Cecelia's logic here is the paradox at the heart of the novel: the protagonist's struggle to resist evaluating her self-worth according to dominant standards even as she strives to excel in meeting these norms.

DEMISTIFYING *DE MINIMIS*

Although Cecelia purports that studying the law is "orderly and logical and required discipline," her lived experiences demonstrate that, in practice, law is unsound (17). For this reason, Cecelia defines the doctrine *de minimis* differently from dominant discourses. *De minimis* is a legal term that courts employ to avoid ruling on matters deemed inconsequential and therefore unworthy of judicial examination.

Cecelia considered the doctrine of *de minimis*. She didn't believe it, quite. The law was infinitely capable of concerning itself with trifles, bringing to jury trial people accused of stealing a pen from Woolworth's, for instance. The law, it seemed, was

overly concerned with oppressing the poor and upholding the rights of the rich. And it was not true, either, that justice was blind. (31)

The knowledge that Cecelia gains from being charged with welfare fraud as a young, single mother struggling to attend school and provide for her son conflicts with the system's understanding of what constitutes *de minimis*. This passage demonstrates one way in which the experiences of Native women are often misunderstood without an intersectional analysis that accounts for modes of social confinement.

The law defines *de minimis* according to the supposedly normative and universal experiences of white men, which Hale illustrates through the reactions of Nathan, Cecelia's wealthy white husband, and Miss Wade, a middle-aged white woman who is Cecelia's caseworker. In referencing stealing a pen from Woolworth's, Cecelia cites what she considers an instance of petty crime that should be too trivial for a court of law to consider seriously (31). This specification foreshadows the scene in which Miss Wade catches Cecelia working as a waitress at Woolworth's to supplement the welfare support that she receives. Cecelia takes the job out of desperation:

[S]he felt she couldn't hold on much longer. She went to see a counselor, because she had read an ad in the school paper: "If you are having any kind of problem, financial, emotional, academic, come to the counseling center and get help." The counselor, a cigar-smoking bald man, counseled her to quit school, get a job and save money. That was when she decided to become a criminal. (124)

The counselor, like Miss Wade, discourages Cecelia from pursuing higher education based upon race, class, and gender typecasts and perhaps Cecelia's position as a single mother. Cecelia's decision "to become a criminal" is her resistance against social confinement, the expectations (or lack thereof) that it produces, and an assertion of her humanity. Yet because of the ways that white privilege functions, neither Miss Wade nor Nathan empathize with Cecelia and instead view her dishonesty as a serious offense. Miss Wade informs Cecelia that she will be prosecuted for welfare fraud and chastises her, stating, "I don't know how you can look at yourself in the mirror when you get up in the morning" (125). After Cecelia marries Nathan, he similarly rebukes Cecelia about her past, asking, "Why on earth did you do it? Lots of people survive on welfare without having to cheat. . . . Just no pride, that's all. Just lazy and worthless" (142). Of course, as a single mother attending school, undertaking a work-study program, and waitressing part-time at Woolworth's, Cecelia is anything but lazy. Nathan's accusation that Cecelia is "worthless" not only denotes Cecelia's supposed lack of positive qualities, but also how he and mainstream society fail to value a Native woman with low income.

Within the context of Cecelia's experiences, Hale demonstrates that welfare aids Native women by helping them to meet basic needs, such as providing themselves and their children with "good, nourishing food" (124). Stromberg notes,

[I]f we consider this novel in terms of the period of its production and publication, we hear a powerful Native response to the conservative rhetoric of the Reagan

era. Emerging in a period of marked assaults on affirmative action programs and the scapegoating of welfare mothers, Hale's novel, with its harrowing depiction of a single mother struggling to survive on welfare, provides another window on "Reagan's America."³⁸

Miss Wade and Nathan's reactions indicate the ways that representations of the welfare recipient have become imbued with race and gender stigmas, how social confinement consistently and injuriously affects Native women and women of color on individual and structural levels. For instance, both Miss Wade and the counselor discourage Cecelia from pursuing higher education, and the system—which punishes Native women and women of color for survival strategies—fails to adequately account for their needs, causing Cecelia undue stress. As Cecelia reflects, "All through that first year [of attending college] she worried that Governor Reagan would succeed in closing down the state-subsidized day-care centers, as he said he would, but he didn't manage to" (124). Cecelia "live[s] every day in dreadful anticipation of how [the welfare fraud] case was going to turn out" (144). These descriptions show how social confinement can limit quality of life and life expectancy by producing immense anxiety. Further, the origins of mass incarceration in the United States are attributed to the Reagan administration. Michelle Alexander notes, "Crime and welfare were the major themes of Reagan's campaign rhetoric," and both were racialized projects targeting Native peoples and people of color.³⁹ As Cecelia's imprisonment for welfare fraud indicates, for Native mothers, social and physical confinement are at times connected.

The criminalization and subsequent violence directed against Native and African Americans continue into the present day. The nonfictional circumstances of Bland's death demonstrate that minor infractions can quickly intensify into critical situations for women of color. Initially stopped for purportedly failing to signal while changing lanes, Bland was then arrested for allegedly assaulting an officer after he demanded that she exit her vehicle. Danny Cevallos writes, "Being ordered out of your car by an armed state trooper on the side of a busy highway at night probably doesn't feel like a *de minimis* intrusion. Of course, in fairness, these *de minimis* intrusions in other cases have also led to countless discoveries of drugs, guns, and missing bodies."⁴⁰ Cevallos reads Bland's response to the officer as evidence of Bland's unfamiliarity with the rule. Bland asks, "'Wow, really, for a failure to signal? You're doing all of this for a failure to signal?'"⁴¹ Given that Bland was actively involved with the Black Lives Matter movement, her response might also have indicated her anxiety and anger. I posit that Bland's reluctance to exit from her car into a space where she would be more vulnerable to violence was intensified by her race and gender. Bland was not mistaken in her concern that if she exited her car, she would be subjected to violence. The officer threatened Bland with his Taser and used physical force. Three days later, Bland was found dead in her cell.⁴² Preliminary autopsy reports ruled suicide as the cause of death, but family members and activists continue to view Bland's manner of death as suspect.⁴³

AN OPTIMISTIC BUT UNREALISTIC ENDING

As an adult woman, Cecelia searches for recognition and validation not only through earning accolades, but also through her relationships with men. However, because the men in Cecelia's life have internalized dominant ideologies, rather than alleviate Cecelia's suffering, they contribute to it. For example, Cecelia eventually marries Nathan, whose family has "money, status, [and] political power" (164). Yet Nathan's familial history, once impressive to Cecelia, eventually begins to irritate her. Nathan, who himself pursues a PhD, initially discourages Cecelia from attending law school and instead advises that she "consider a more realistic career goal, such as becoming a social worker or a teacher of young children" (164). Nathan's recommendation to Cecelia reveals his racialized and gendered notions that because Cecelia is a Native woman and a mother, she should settle for a less ambitious and time-consuming career that would allow her to dedicate more time to raising their children. Stromberg references histories of US educational policies designed to subordinate Native women and states that a "woman's role is domestic, and an Indian woman's role is even more domestic."⁴⁴ Nathan not only pressures Cecelia into pursuing a less prestigious position, but also never considers that *he* might alter his career goals to help with the reproductive labor. Nathan assumes a condescending attitude toward her, mentioning to Cecelia that she reminds him of Lupe, a Mexican prostitute whom "he had imagined himself in love with" when he traveled throughout Mexico and South America as a young man (165–166). Whereas Cecelia asserts her intention to marry into privilege—and Nathan is white and wealthy—Cecelia suspects that Nathan marries her as a form of rebellion and verification of his radical politics. Stromberg argues, "Nathan's overdetermined erotic feelings for Lupe and Cecelia follow a historical trajectory of thinking that has linked race with degrees of sexuality."⁴⁵ Interestingly, this is the sort of racialized and gendered predatory behavior from which Will seeks to shield Cecelia when he forbids her as a teenager from wearing the red sweater.

Although by marrying Nathan and attending law school Cecelia endeavors to separate herself from Mary Theresa, because of the patterned and persuasive ways that social confinement works, Cecelia and her mother find themselves in similar predicaments. After Cecelia and Nathan move to Spokane for a teaching position that he receives, the protagonist considers: "She was the prisoner now, as Mary Theresa had been, of circumstance and an inability to imagine anything beyond the prison, to create anything different for herself" (176). Social confinement creates conditions that for Cecelia figuratively feel like entrapment and limits possibilities for thinking beyond these constructions. When her relationship with Nathan becomes strained, the protagonist wonders: "So why had one not shown up? Nathan's worthy replacement. That was the way it was supposed to happen. That was what happened in movies once the heroine got away from the bad husband" (15). Cecelia's misguided fantasy that men provide women with salvation is based upon patriarchal narratives and norms. Rather than recognize the interdependent and injurious ways that white supremacy and patriarchy operate, Cecelia believes that simply swapping partners will solve her problems.

Cecelia receives similarly patronizing treatment from Jim, another white man with whom she is romantically involved. Jim balks when Cecelia—who at the time is a young, single mother—refuses to marry him and accept the financially comfortable lifestyle that he offers. Jim recognizes the ways that social confinement limits Cecelia’s options and believes that she should view marriage to him as highly desirable because it offers her a means of transcending poverty and the stigma of single motherhood. After Cecelia rejects Jim’s offer, she reflects, “She might not be able to win an argument with someone who believed she was in a trap she couldn’t escape from on her own, but she knew that she could escape. Times were bad but not intolerable. She was strong enough and tough enough to live through bad times. She would show them all how good she was. They would see” (120–121). In contrast to Cecelia’s later fantasy that she will be rescued from her “bad husband” by a “replacement,” here the protagonist shows her refusal to succumb to society’s low expectations of Native women. Yet Cecelia places the burden of “escape” entirely upon herself rather than identifying the ways that the systemic structures of social confinement limit her agency. Both Nathan and Jim prove incapable of understanding Cecelia’s lived experiences as a Native woman, and they reiterate the social confinements that Cecelia endures to remind her of her ascribed role.

The two men with whom Cecelia feels the strongest connection are Brian “Bud” Donahue, a soldier in Vietnam and the father of Corey, and Running Horse, a “dumb, uneducated skin . . . cowboy-cum-lumberjack [who] could understand her soul in a way no white man ever could” (186). The relationship with Bud lasts for only three days—Cecelia can barely remember his face—and Cecelia questions whether or not the relationship would have endured if Brian had survived and returned home from Vietnam. Furlan notes, “Although [Cecelia’s] stable relationships seem to be with white men, her transgressions or affairs are with men of color: Roberto, Raul, and Running Horse. So while ‘ethnic’ men provide a sense of decadence to Cecelia’s life, she relies on Nathan, a white man, for maintaining a home and raising her children (her first husband, Bud Donahue, who died in the Vietnam War, was also white).”⁴⁶ Given Cecelia’s troubled relationship with Nathan, Jim’s initial warning to Cecelia—“Don’t go getting attached to me, now. I’m not the marrying type. I’m just passing through” (114)—and the brevity of Cecelia’s relationship with Bud (whom Cecelia, counter to Furlan’s statement, never marries), Furlan’s articulation of “stability” is questionable and overlooks the “decadent” and dehumanizing ways that the white men in the novel treat Cecelia. Roberto is not a man of color, but a “ruddy-faced gringo” with an “awful Spanish” accent who misreads Cecelia as a Mexican woman (33).

While I differ from Furlan’s reading of the ways that race intersects with Cecelia’s romantic, sexual, and marital relationships, I do think it is quite important in understanding these relationships. Highlighting the ways that social constructions negatively influence the achievements of men of color and make them seem like less desirable partners helps to contextualize Furlan’s claim. For example, Collins posits, “For women, the seeming shortage of marriageable African American men becomes redefined less by analyzing the myriad social issues that African American men confront (and that contribute to this shortage), but in searching for the elusive good ‘catch’ in a

sea of Black men as an ‘endangered species.’”⁴⁷ Raul attends Boalt, and like Cecelia, he is one of the few Natives or people of color, which demonstrates the rarity of educated, non-white men. Collins’s critique parallels Adrienne Keene’s discussion of the challenges of forming enduring Native heterosexual relationships, about which she writes, “I would absolutely love to end up with a Native man. . . . My friends and I joke that educated, motivated Native men are like unicorns . . . magical, mystical creatures that you’ve heard of, and special enough that if someone gets one, they’re holding on and not letting go.”⁴⁸ Cecelia’s relationships with men of color reflect the “decadence” of social confinement, which limits the achievements of Native peoples and men of color.

The one-night stand with Running Horse further illustrates the interconnections of social confinement, which complicates Cecelia’s relationships in different ways. Cecelia relates to Running Horse because they are both Native, a bond that for Cecelia extends even prior to Contact:

Before there was anyone else on this continent, before Vikings, before the *Mayflower*, before the Spanish conquistadors, before the African slave ships, before Ellis Island and its famous huddled masses and all the others, before any of them, their ancestors were here, hers and Running Horse’s, and maybe a thousand years ago their ancestors knew each other, a man and a woman who found each other beautiful, and maybe they slept together like this in each other’s arms, a man and a woman together somewhere in a teepee on the Great Plains, covered with a buffalo robe, lying as they were now. (185–186)

Cecelia’s reference to the *Mayflower* is significant because earlier in the novel, she notes that Nathan can trace his ancestry in the United States to the ship’s arrival, which reiterates her earlier thought that Running Horse understands her better than Nathan, her husband of eight years. Although the novel demonstrates connections between the material conditions of Native and African Americans, Cecelia does not recognize these similarities. Instead, she links European and African Americans based upon histories of immigration and settler colonialism: “Black and white [people are s]o odd. The way some people dreamed. A place of stark extremes. A foreign country” (95). Cecelia’s thoughts reflect the black/white racial binary paradigm, which invisibilizes Native peoples, and the view of the US nation-state as a “foreign country” founded by settlers.

As the passage also suggests, one key difference between European and African American men is their historical identities as conqueror and conquered and contemporary roles as privileged and oppressed. Although Cecelia has intimate relationships with white men who have race, class, and gender privilege, the novel portrays black individuals—such as Ethel, one of Cecelia’s cellmates, and Mophead, “[t]he lone black man in Wapato”—as unusual and even grotesque.⁴⁹ Furlan dismisses Cecelia’s “belief that her soul can only be understood by another Indian [as] essentializing.”⁵⁰ I posit instead that in fact race does matter—which is a central theme of the novel—and love is political. As Keene notes, for Native peoples in particular, selecting a Native partner can be important given genocidal blood-quantum minimums that have sought to define Native identity. Although Keene revises her earlier statement in “Love in the Time of Blood Quantum” that one’s romantic partner needs to be Native or a person

of color to understand her lived experiences and work surrounding Native issues, in “Revisiting Love in the Time of Blood Quantum,” Keene admits that she still longs for a Cherokee partner (she herself is Cherokee) who “shares that connection . . . to land, ancestors, community.”⁵¹

Paralleling Keene’s desire to find romantic love with a Native person, Cecelia fantasizes that she and Running Horse understand each other, based upon shared histories of indigeneity and colonization, in a way that she and the white men with whom she has had relationships cannot. While perhaps true, Cecelia’s assumption is never validated given the short duration of her interaction with Running Horse. Running Horse enjoys Cecelia’s sexual prowess; yet like Nathan, he is definitely not “impressed” by Cecelia’s decision to become a lawyer and even “make[s] an unfunny joke about ‘educated squaws’” (186–187). In his comment, Running Horse fulfills Will’s earlier prophecy: Will would tell her, “It’s too bad that you’re a girl, Cece, because, you know, men just don’t like smart women. When you grow up, you are going to have to pretend to be dumb or else you’re never going to get a husband” (69). By attaching “educated” to the racialized and gendered epithet “squaw,” Running Horse asserts his supposed superiority as a Native man. When Running Horse notices a wedding band on Cecelia’s finger, he asks if she is thinking about her “old man” (184). Cecelia, however, has been thinking about her father and not her husband, as Running Horse assumes. Cecelia recalls her father comforting her at night when she was a small child by telling Coyote stories. This is significant because Will—unlike the non-Native men in Cecelia’s life—has the ability to alleviate her distress due to his Native background and cultural practices. Like Cecelia’s father and herself, Running Horse is a “reservation kid” with similar lived experiences, given the ways that social confinement oppresses Native peoples (186). It is only after Cecelia makes these connections between Running Horse and Will that she consents to sleep with him. Unfortunately, Cecelia’s interactions with Running Horse also parallel another aspect of her relationship with Will. Although both men understand the pride as well as the challenges of being Native, they are insensitive to the experiences of Native women (186).

In the climax of the novel, Cecelia, released from jail and charges of welfare fraud, implies that she will achieve freedom by no longer seeking approval from men. Although she initially intends to kill herself at Bud’s gravesite, Cecelia decides to live, thinking of herself as “Cecelia Capture. Cecelia Eagle Capture” (199). By referring to herself according to her maiden name and original familial name prior to the changes that her father and uncle made to it, Cecelia asserts her dignity as a single, Native woman. On one hand, this is an act of resistance against histories of colonization; yet Cecelia’s patriarchal surname, translated into English, also follows a Western naming system that chronicles colonization and confinement. In the final sentence of the novel, Cecelia utters, “Good-bye, Bud,” referencing Corey’s father and also that “[h]er long-dead marriage [to Nathan] was really over, and knowing this gave her a great feeling of relief. No longer constrained. Not hemmed in” (201). Because the colloquial definition of “bud” is a man or a boy whose name the speaker does not know—in other words, an Everyman—this line suggests Cecelia’s intention to free herself from structures of social confinement that center the white male. Further, “bud” also means a not fully

opened flower and as such connotes new beginnings. However, even in her attempt to reject these systems of inequality, Cecelia nevertheless references them, which underscores the immense challenges of operating outside of social confinement. While the conclusion of the novel is optimistic because the text indicates Cecelia will have a new start, that the protagonist will suddenly be “free” is quite unrealistic.

THE LIMITS AND POSSIBILITIES OF AN INTERSECTIONAL APPROACH

While displaying the interworking of social confinement, *The Jailing of Cecelia Capture* represents European and African Americans similarly in the sense that they are non-Native and not, according to Cecelia, “Brown people. Real people” (95). When drunk, Will “would say that he was not at all bothered by white/black, since he ‘loved all mankind,’” which implies that European and African Americans as settlers pose a similar threat to Native peoples, lands, and ways of life (95). Because the black/white racial binary model invisibilizes Native Americans, centering Native voices and stories is an important strategy for humanizing Native peoples and raising awareness about their rights. As Crenshaw posits, “it seems that placing those who currently are marginalized in the center is the most effective way to resist efforts to compartmentalize experiences and undermine potential collective action.”⁵² Yet to foreground the particularities of Native peoples’ experiences, Will’s narrative literally discards European and African Americans. As Will tells Cecelia,

One day, up in heaven, in fact, the day after He finished creating the earth, God was puttering around in His kitchen and got to thinking how lonely He was and how someone ought to live on earth. So He got the idea of creating a person. . . . His first person was not done. It was all pale, almost like raw dough. “Damn!” God said and tossed this first effort out. . . . The second person was burned black and also had to be thrown out. God then made a third person and put this one inside the oven. This time God was very careful not to either underbake or burn this person. When he opened the oven door the third time, a person emerged who was done just right, a fine, beautiful brown. “By golly,” He said, “I’m going to call you Indian.” (89–90)

This anecdote not only points to the possibilities of centering Native peoples—who finally emerge as “just right”—but also the flaws in what Andrea Smith calls “strategies for liberation” that participate in the oppression or “throw[ing] out” of others.⁵³ Furthermore, the novel demonstrates that “person” is frequently synonymous with “man.” Thus, Will’s story demonstrates that foregrounding the experiences of Native peoples—and in particular those of Native men—can perpetuate anti-blackness and patriarchy. Smith argues for “resistance strategies that do not inadvertently keep the system in place for all of us, and keep all of us accountable. In all of these cases, we would check our aspirations against the aspirations of other communities to ensure that our model of liberation does not become the model of oppression for others.”⁵⁴ While the white man in Will’s story is also rejected, this is less concerning because the system by its very design privileges white men by upholding their experiences

as normative. Will ultimately retracts the throwing out of “White-Eyes and Negro” when God instructs them to “share the earth . . . have a good time down there and be sure and pray often” (90). As in the last sentence of the novel, “Goodbye, Bud,” these words are hopeful, but not likely adhered to in practice. Problematic as Will’s anecdote is, it nevertheless provides Cecelia with comfort: “The implication was that God Himself was Indian, and that was how Cecelia would picture Him, an old Indian man with long white braids and a black Stetson hat, moccasins and baggy pants with suspenders. . . . That was the God she would pray to” (90).

Like Will’s story, the 1969 occupation of Alcatraz by Native Americans—referenced throughout the novel—provides a space where Native peoples and issues are centered and helps to alleviate Cecelia’s anxiety. Furlan reads the occupation of Alcatraz as the memory that “saves [Cecelia] from a tragic end” and argues that through agency Native peoples have the power to reconfigure spaces of confinement:⁵⁵

Alcatraz was no longer a prison because the “inmates” had taken it over. . . . [And] Alcatraz, once Indian land, exists as a sort of oasis close to the urban space, yet still isolated from “civilization.” That Alcatraz was also a federal penitentiary makes the takeover a reclaiming of captivity itself. A prison does not always have to be a prison. Indians here control their own isolation, a distinct departure from the reservation experience.⁵⁶

However, considering that the politics of confinement are contradictory and complex, it is perhaps more productive to view Alcatraz and the reservation as spaces of multiplicity rather than impose false binaries. Indeed, Alcatraz existed not only as a place of physical confinement, but also a site of belonging and possibility. Native peoples exercise agency and “self-determination,” but social confinement on individual and systemic registers restricts their choices. In other words, a “prison does not always have to be a prison,” but to understand the need for social change, it is important to contextualize the limitations and injustices imposed by physical and social confinement. For some, “Alcatraz, once Indian land,” remains Indian land—albeit occupied by the US National Park Service.

CONCLUSION

In September 2015, officials completed their investigation of Circle Bear’s death, finding that she died of a methamphetamine overdose. Yet as Simon Moya-Smith writes, officials’ claim that “the jailers were closely monitoring Circle Bear while she was in her cell . . . stands in stark contrast to a statement made by an inmate that jailers had allegedly ignored Circle Bear as she shouted for help as she suffered excruciating abdominal pain. The jailers allegedly told Circle Bear to ‘knock it off’ and ‘quit faking.’”⁵⁷ Likewise, a Texas grand jury issued no indictments regarding Sandra Bland’s death.⁵⁸ These grave injustices point to possibilities for solidarity between Native and African Americans.

Ruth Hopkins identifies previous histories of solidarity between Native and African Americans in the 1960s, when Dr. Martin Luther King Jr. sought to collaborate with

the American Indian Movement and Malcolm X expressed his intent to denounce the US' exploitation of Native peoples at the United Nations; however, both leaders were assassinated shortly before these actions would have occurred.⁵⁹ Hopkins contends that "Blacks and Natives face many of the same problems, all stemming from a system of imposed poverty and racism that exploits and dehumanizes us both" and exhorts others to "Join us as we demand Justice for Black and Red." The article includes an image of two women—phenotypically Native and African American—standing side by side, each holding a sign. The Native woman's sign reads, "I AM SARAH LEE CIRCLE BEAR," and the African American woman's sign states, "I AM SANDRA BLAND." Like Cecelia Capture, Circle Bear and Bland have become Everywomen, but in ways that respect the differential experiences of Native and African American women as well as their similarities. As Crenshaw states, "Through an awareness of intersectionality, we can better acknowledge and ground the differences among us and negotiate the means by which these differences will find expression in constructing group politics."⁶⁰ Undoubtedly, much work is needed for Native and African Americans to achieve justice; however, literary and social analyses provide tools to uncover the ways that these ideologies function. Understanding and engaging with these ideas can build solidarity and perhaps one day create meaningful systemic change.

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NOTES

1. Janet Campbell Hale, *The Jailing of Cecelia Capture* (Albuquerque: University of New Mexico Press, 1987). For a discussion of the reasons why this text has been disregarded, see Ernest Stromberg, "The Jailing of Cecelia Capture and the Rhetoric of Individualism," *MELUS* 28, no. 4 (2003), 10.2307/3595302; and Laura M. Furlan, "Look for the Color Red: Recovering Janet Campbell Hale's *The Jailing of Cecelia Capture*," *Intertexts* 14, no. 2 (Lubbock, Texas Tech University Press, 2010): 102, doi: 10.1353/itx.2011.0000.

2. Karen Strom, "Janet Campbell Hale," *Storytellers Native American Authors Online*, 1999, <http://www.hanksville.org/storytellers/jchale/>.

3. Sarah Sunshine Manning, "Manning: Sarah Lee Circle Bear Died While in Police Custody; Family Seeks Justice," *Indian Country Today Media Network*, July 28, 2015, <http://indiancountrytodaymedianetwork.com/2015/07/28/manning-sarah-lee-circle-bear-died-while-police-custody-family-seeks-justice-161204>.

4. Ibid.

5. Simon Moya-Smith, "Sarah Lee Circle Bear Was Pregnant When She Died in Police Custody, Family Says," *Indian Country Today Media Network*, August 10, 2015, <http://indiancountrytodaymedianetwork.com/2015/08/10/sarah-lee-circle-bear-was-pregnant-when-she-died-police-custody-family-says-161336>.

6. See Sarah Sunshine Manning, "Manning: Sarah Lee Circle Bear Died While in Police Custody; Family Seeks Justice," and Ruth Hopkins, "Justice or Else!," *Last Real Indians*, <http://lastrealindians.com/justice-or-else-by-ruth-hopkins/>.

7. David Montgomery, "New Details Released in Sandra Bland's Death in Texas Jail," *The New York Times*, July 20, 2015, http://www.nytimes.com/2015/07/21/us/new-details-released-in-sandra-blanks-death-in-texas-jail.html?_r=0.

8. Ibid.

9. Although in this paper I discuss Native and African Americans as separate groups, many people may have more than one racial identity.

10. Luana Ross, *Inventing the Savage: The Social Construction of Native American Criminality* (Austin: University of Texas Press, 1998). Ross writes, "Criminal meant to be other than Euro-American," 14.

11. There is some discrepancy as to whether police are more likely to kill Native or African Americans. However, both demographics are disproportionately victims of police violence. See Mike Males, "Who Are Police Killing?," *Center on Juvenile and Criminal Justice*, August 26, 2014, <http://www.cjcrj.org/news/8113>, and Simon Moya-Smith, "Who's most likely to killed by police?," *CNN*, December 24, 2014, <http://www.cnn.com/2014/12/24/opinion/moya-smith-native-americans/>.

12. John Sexton, "Protestors Insist Sandra Bland Was 'Lynched Just Like Her Ancestors Before Her,'" *Breitbart*, December 31, 2015, <http://www.breitbart.com/big-government/2015/12/31/protestors-insist-sandra-bland-lynched-just-like-ancestors/>.

13. Kimberlé Crenshaw, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics," *University of Chicago Legal Forum* (1989), http://heinonline.org/HOL/Page?handle=hein.journals/uchclf1989&g_sent=1&id=143.

14. Ernest Stromberg, "The Jailing of Cecelia Capture and the Rhetoric of Individualism," 107.

15. Furlan, "Look for the Color Red," 136.

16. Dorothy Roberts critiques "choice" frameworks that fail to account for systemic structures and the racialization/criminalization of African American women. Dorothy Roberts, *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty* (New York: Vintage, 2014), 135–36, 182.

17. Stromberg and Furlan have noted the theme of social confinement in *The Jailing of Cecelia Capture*. I extend these analyses by demarcating the links between physical confinement and social confinement for characters in the novel.

18. Ross, *Inventing the Savage*, 12.

19. Tria Andrews, "The Role of Prison Writing in Adjusting Dominant Understandings," *As Us*, <http://asusjournal.org/issue-4/tria-andrews-a-reflection/>.

20. See "Native Lives Matter," *Lakota People's Law Project*, February, 2015, <http://www.docs.lakotalaw.org/reports/Native%20Lives%20Matter%20PDF.pdf>; and Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2012), 9.

21. See Moya-Smith, "Who's most likely to killed by police?"; Mike Males, "Who Are Police Killing?"; and "Racism and Rape," *National Alliance to End Sexual Violence*, 2016, <http://endsexualviolence.org/where-we-stand/racism-and-rape>. "Racism and Rape" states, "Although the data is limited, many women of color appear to be at greatest risk for rape."
22. Frederick Hale, "The Perils of Native American Urbanization and Alcoholism in Janet Campbell Hale's *The Jailing of Cecelia Capture*," *Journal of American Studies of Turkey* 8 (1998): 61, quoted in Furlan "Look for the Color Red," 124.
23. Evelyn Nakano Glenn, "The Social Construction and Institutionalization of Gender and Race," in *Revisioning Gender*, ed. Myra Marx Ferree, Judith Lorber, and Beth B. Hess (Los Angeles: SAGE Publications, 1998), 10.
24. Crenshaw, "Demarginalizing the Intersection of Race and Sex," 140.
25. Hale, *Jailing of Cecelia Capture*, 59. Subsequent page numbers will be referenced parenthetically in the text.
26. Statistics show that one in three American Indian women will be raped in their lifetimes. See "Tribal Communities," *The United States Department of Justice*, December 14, 2015, <https://www.justice.gov/ovw/tribal-communities>.
27. Andrea Smith, *Conquest: Sexual Violence and American Indian Genocide* (Cambridge: South End Press, 2005), 8.
28. See "Native Lives Matter," *Lakota People's Law Project*, 1. This study reports, "Native women [are admitted to prison] at six-fold the rate of white women."
29. See Furlan, "Look for the Color Red," 126–127, and "Janet Campbell Hale," *Voices from the Gaps*, Regents of the University of Minnesota, 2009, <http://hdl.handle.net/11299/166177>.
30. Furlan, "Look for the Color Red," 127.
31. Leanne Simpson, "An Indigenous View on #BlackLivesMatter," *Yes! Magazine*, December 5, 2015, <http://www.yesmagazine.org/peace-justice/indigenous-view-black-lives-matter-leanne-simpson>.
32. Patricia Hill Collins, *Black Sexual Politics: African Americans, Gender, and the New Racism* (New York: Routledge, 2004), 193.
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48. See Adrienne Keene, "Love in the Time of Blood Quantum," *Native Appropriations*, April 4, 2011, <http://nativeappropriations.com/2011/04/love-in-the-time-of-blood-quantum.html>; and Adrienne Keene, "Revisiting Love in the Time of Blood Quantum," *Native Appropriations*, September 5, 2013. Keene later critiques this idea in "Revisiting Love in the Time of Blood Quantum," stating, "Exalting Native men like they're the be-all-end-all (to employ a term of my grandma) discounts the rarity and specialness of educated, motivated Native women. I've started to feel that it creates a situation where Native men know they're special and rare, and don't treat Native women with the respect they deserve—because there's always another eager, intelligent Native woman when you're through with that one." However, in both these excerpts, Keene underscores the ways that social confinement limits Native peoples from achieving success according to mainstream norms.
49. *Ibid.*, 104. Hale describes Ethel as "a black woman in a black velvet jumpsuit that zipped up the front. The seams strained over her fat, beefy body, her great breasts and her almost unbelievably huge, round, jutting derriere. Ethel had a tough, threatening countenance. She sat on one of the benches, glaring" (5).
50. Furlan, "Look for the Color Red," 133.
51. Keene, "Revisiting Love in the Time of Blood Quantum."
52. Crenshaw, "Demarginalizing the Intersection of Race and Sex," 167.
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