the birth of the reservation: making the modern individual among the Lakota

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The individual is no doubt the fictitious atom of an "ideological" representation of society; but he is also a reality. . . .

—Michel Foucault (1979:194)

By 1885, the American West had been won, and the Lakota had been militarily pacified. The Lakota bands no longer roamed the Plains, but had been sequestered on the Great Sioux Reservation, comprising the western half of what is now South Dakota. There were no more Indian wars, intertribal war parties, buffalo hunts, or sun dances. The United States government had embarked on a policy of *civilizing* the Lakota and other western Indian peoples, and schools and even family gardens appeared on the reservation. Although the Lakota had formerly been recognized by the United States in treaties as a "nation," the government no longer made treaties with Indians, and the internal sovereignty of native polities had been denied by extending federal jurisdiction over crimes in Indian country. Political sovereignty now resided with the local agent of the Office of Indian Affairs (OIA), whose material sources of power included the paramilitary Indian police force that he paid and commanded, and the rations he dispensed on which the Lakota had come to depend for subsistence with the destruction of the prereservation mode of production.

But just how completely had the Lakota been politically subdued by 1885? In that year, the agents on the Great Sioux Reservation lined up their charges to take the annual census in order to establish the size of the populations for the purpose of issuing rations. At the Rosebud Agency, the OIA office established on the Great Sioux Reservation to administer the Sicangu (or Brule) Lakota, the 1885 census takers recorded some remarkable English translations of Lakota names. Peppered throughout the census, in between names such as "Black Elk," "Walking Bull," and "Dull Knife," were names such as "Bad Cunt," "Dirty Prick," and "Shit Head" (Rosebud Agency 1885). What happened is not difficult to unravel: Lakota people were filing past the census enumerator, and then getting back in line—or lending their babies to people in line—to be enumerated a second time using fictitious and rather imaginative names. The intention was to

This article traces the means by the which the Lakota people of Pine Ridge and Rosebud Reservations in South Dakota were internally pacified, that is, penetrated by the state apparatus in the form of the United States of Office of Indian Affairs during the period from 1880 to the mid-1930s. The focus is on how the state constructed new kinds of bureaucratically knowable and recordable individuals, with new kinds of self-interests that could be predicted and manipulated by the officials. These new Lakota individuals were made by means of four administrative processes that I call, after Foucault, modes of subjection: property ownership, determination of "competence," registration of Indian "blood" quanta, and recording of genealogy. [Native Americans, colonialism, internal pacification, Lakota, political economy, subjection]

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pad the census lists in order to receive more rations. The Lakota people at the neighboring Pine Ridge Agency had, by such subterfuge, inflated their census list by 70 percent according to later censuses taken under guard. From the point of view of the colonial administrators, all the Lakota looked alike—they had no individual identities in any practical administrative sense—and the OIA had no idea how many Lakota there were (see Commissioner of Indian Affairs 1886:294). If colonialism is about making the colonized "legible," "readable," and "available to political and economic calculation" (Mitchell 1988:33), the Lakota were yet to be colonized.

The Lakota were on the reservation and were under the formal authority of the United States government. They were even subject to the formidable power of the police and to coercion through the withholding of rations. They had been militarily pacified, but not internally pacified, that is, under predictable, bureaucratic control (Giddens 1987:172–197). All of that was to change, however, over the next several decades as a series of administrative techniques was deployed that constructed new subjects among the Lakota—new kinds of individuals with specific practical, recordable, and predictable identities and self-interests. In this article I describe that process on the Pine Ridge and Rosebud Reservations in South Dakota,[1] from the 1880s to the 1930s.

introduction

There were, of course, "individuals" among the Lakota in prereservation times. In fact, the Lakota in particular and Plains Indians in general have been recognized in the anthropological literature as particularly "individualistic" societies in which political power was not centralized but tended to cohere around self-made leaders, and individuals competed for wealth, prestige, and power (Goldfrank 1943, 1945; Lewis 1942; Mishkin 1940). But this form of individuality emerged in the context of social relations profoundly different from those of the industrial capitalism of late 19th century America. The Lakota were not "modern" individuals. In the third quarter of the 19th century, they were an equestrian, bison-hunting, warring, "stateless," social form in which the primary sociopolitical units were kinship-based, leader-centered bands (*tiośpaye*) and larger intermittent, ecologically and militarily strategic political clusters.[2] This social form is perhaps best characterized as a kind of kin-ordered mode of production (Wolf 1982), with communal access to strategic resources (food, shelter, clothing, basic instruments of production), but with more privatized ownership of buffalo robes, which were exchanged with traders in the American fur trade. (For an analysis of "individuals" among the similar Blackfeet, see Nugent 1993.)

The problem for the state apparatus, when it finally sought to regulate the Lakota on the reservations in the last quarter of the 19th century, was that the kind of "individual" prevalent among them could not easily be fitted into either the government's jural and administrative schemata or the market economy in which land and labor were commodities. It was not that the Lakota had not already been influenced by "civilization" or had not already experienced significant "acculturation." Indeed, their entire way of life in the 19th century was made possible by the Indian trade niche generated by European and American merchant capital. Rather, what occurred in the late 19th century is that the Lakota and other western Indian peoples were being integrated into global processes, not for the first time, but in new ways—on reservations. These reservations were playing an increasingly crucial, historical role as western Native Americans were displaced in order to vacate the American West and make the lands available for mining, commercial agriculture, and railroads. In the process, the Lakota were being transformed from a people with a specialized role at the periphery of society to a people—albeit a disempowered people—in the core.

The civilization program of the OIA is most usefully viewed not as a process of "culture change," "directed acculturation," or "ethnocide." Whatever the public statements of OIA

officials about fostering civilization and eradicating barbarism, OIA policy in fact has generated and sustained much of the social and cultural distinctiveness of the Lakota. The degree of control necessary to secure the internal pacification of the Lakota under the changed circumstances of reservation life was much less ambitious than "civilization." The Lakota had to be forced to conform to a certain minimum definition of modern individuality. In this way, they would be constituted as social persons who could fit into the American nation-state and the market system of metropolitan capitalism. Without this political groundwork, any attempt to deal with the Lakota directly would—as the census results indicate—be like trying to force round pegs into square holes.

This article is a history of the making of reservation individuals among the Lakota. It is not an ethnohistory (understood as the "history of an ethnic group") of the Lakota during this period, nor is it a study of federal Indian policy during the "assimilation period" (see Hoxie 1984; McDonnell 1991; Otis 1973) or an institutional study of the Indian assimilation period (on Indian police and courts, see Hagan 1966; on Indian schools, see Littlefield 1989, 1993; Lomawaima 1993, 1994; McBeth 1983; Trennert 1988a). Nor is it a study of "acculturation" or "culture change," as these processes are usually understood. Rather, this article traces the history among the Lakota of what Foucault calls "subjection" (Foucault 1983; see also Corrigan and Sayer 1985). Subjection is the construction by the powerful of spaces in which human beings are enabled to participate in the social life of public institutions, in the economy, and in the body politic of the nation. It involves the official promulgation of fundamental social classifications through which individuals are to be *known* (by themselves, by other individuals, and by the officials) and allowed to act. Subjection also involves the linkage of these social classifications to power, both negative and positive: not only can individuals be punished by the officials for violating the social classifications, they quickly come to find that abiding by them opens up avenues of enablement. Thus, subjection is not absolutely imposed from above; it also seduces the subaltern to live by its rules, and thereby shapes new and predictable self-interests, outlooks, and behavior patterns (see Foucault 1979, 1980).

Subjection can be seen as the creation of a "matrix of individualization" (Foucault 1983:215), the axes of which constitute modes of subjection. During the period under consideration, four modes of subjection operated in the internal pacification of the Lakota by the state apparatus. Lakota people experienced the first mode, empropertiment, as did other populations in metropolitan capitalist society. The Lakota shared the application of the second mode, "competence," with wards and inmates in "total institutions" (see Goffman 1961; Rothman 1990). The third mode of subjection, "degree of Indian blood," was uniquely applied to Indian people in the United States. The fourth mode, registration of genealogy, was shared with others in the United States, but it was applied more oppressively to Indian people. Together, these modes of subjection facilitated the penetration of the subjectivities of Lakota by the state and by capitalism, and determined the channels through which the Lakota people would be known by the state and allowed to act as individuals. Ultimately, the processes of subjection largely determined how Lakota people thought—and, to some extent, think—about themselves and "society" and how they perceived and acted in their own self-interest. This does not mean that an autonomous Lakota culture was obliterated by subjection or that there was no resistance to subjection, but the new forms of individuality, even where resisted, could not be ignored.[3]

property ownership

One of the most important and well-known elements of the civilization program of the OIA was the allotment of Indian lands in severalty. OIA officials and eastern "friends of the Indians" recognized that empropertying individuals would reduce the problems inherent in civilizing a population. The commissioner of Indian Affairs, for example, wrote in a report:

> The allotment system tends to break up tribal relations. It has the effect of creating individuality, responsibility, and a desire to accumulate property. It teaches the Indians habits of industry and frugality, and stimulates them to look forward to a better and more useful life, and, in the end, it will relieve the government of large annual appropriations. [1881:17]

Allotment is now widely understood in American Indian studies to have been a project that did *not* result in the elusive civilization of Indians, but that did effectively help to transfer Indian property to non-Indians (Hagan 1976; Hoxie 1984; McDonnell 1991; Otis 1973). In terms of *civilizing* effect, allotment is considered by some contemporary scholars to have been a fanciful figment of the Victorian colonial mind and a self-referential discourse without basis in practical reality: "Some reformers of the late nineteenth century had as much faith in the magical effects of property and laissez-faire in transforming the Indians as some missionaries of the early decades of the century had in the miraculous influence of the Bible and the institution of the Sabbath" (Berkhofer 1978:172; see also Meriam 1971[1928]:7). But empropertying Indians *did* have consequences that were phantasmic, to use Marx's term, if not magical: beyond drawing Indian land into the market, it helped to secure a new sovereignty on the reservations. This was because private property under capitalism—instituted in the Native American case by the allotment of Indian lands in severalty—presupposes the state as a protector of the common interests of individual property owners.

In 1889 a U.S. commission traveled to Pine Ridge Agency in Dakota Territory to negotiate with the Oglala Lakota for the sale of lands on the Great Sioux Reservation to the federal government and for the allotment in severalty of the remaining reservation lands. Before the commission arrived, Red Cloud and other chiefs had organized the majority of the men at the agency to stand firm against the proposal and to refuse to sell any land. During the proceedings, one Oglala related to the commissioners, through an interpreter, a now well-known indigenous discourse on land:

> I am an Indian and the Great Spirit has made me, and this land is the Great Spirit's wife, and I am born from there, and my heart comes from there, and I am an Indian and I am standing on my own land. . . . I went with Red Cloud. We belong to his band, and we will not sell the land. [U.S. Senate 1890:106]

This pronouncement was unmistakably clear on the moral attachment of people to land, with obvious implications not only for the sale of land, but also for the privatization of land.

Both the cession and allotment eventually took place, however, under the provisions of the Great Sioux Agreement, which became law in 1889 (U.S. Congress 1889:890). Allotment in severalty began on Rosebud Reservation in 1894 and on Pine Ridge Reservation in 1904. Under the original formula, each family head received 320 acres,[4] each single person over 18 years received 160 acres, and each child under 18 received 80 acres; acreages were doubled in the case of lands usable only for grazing purposes (U.S. Congress 1889:890).[5] Allotments were originally held in trust status and could not be sold or leased without the permission or supervision of the OIA (legislation enacted in 1906 authorized the Interior Department to remove from trust status allotments of individuals deemed competent [see below]).

The Lakota people on both reservations were divided on the matter of accepting allotments. Some people were eager for allotment. Some "scrambled to get lands where they wanted them" (Special Allotting Agent 1911). Other Lakota were apparently less interested in land than they were in the annuities, called Sioux benefits, which allottees received. Under the provisions of the Great Sioux Agreement, each adult allottee was to receive two milch cows, one pair of oxen with yoke and chain, or two mares and one harness set, one plow, one wagon, one harrow, one hoe, one axe, one pitchfork, and $50 cash (U.S. Congress 1889:895).[6] Given a primary motivation of obtaining goods and cash, many allottees understandably did not give much consideration to the agricultural value of the allotments they chose. The allotting agent on Rosebud reported to the commissioner in 1905: "The bulk of the allotments do not constitute, by any means, the best land on the reservation. They have apparently selected them on account

of their nearness to the Agency, to some principal stream . . . or to some favorite camping ground instead of selecting them with regard to the character of the surface soil" (Allotting Agent 1905). Another agent reported that families chose allotments so as to be near "friends"—probably band members (Allotting Agent 1902). Many Lakota were quite lackadaisical about the business of allotment. One agent complained about the sudden departure for a dance of Indians whom he had expected to come to his office for allotments: "With a dance in prospect, allotments are of no importance" (Allotting Agent 1901).

Some Lakota people were opposed to allotment in principle—perhaps because they were perceptive enough to suspect that it would transform social relations in profound ways. On Rosebud Reservation, a man who had been active in the Ghost Dance movement in 1890 organized a group of "kickers" (OIA slang for troublemakers) in resistance to allotment. The allotting agent reported in 1903: "Finally this [resistance] developed [into] open opposition, culminating one day in the approach of a war party in war paint, dress, mounted and armed of some sixty or ninety young braves, and ordering the party [the allotment survey crew] to quit work and clear out or we should all be killed" (Allotting Agent 1903). On Pine Ridge Reservation, the Oglala Council, composed of "the older and nonprogressive Indians," opposed the presidential order to allot the reservation (Pine Ridge Agent 1907).

Despite their resistance, the Lakota people were eventually allotted, and allotments quickly became important resources as the reservation lands began to be drawn into the broader agricultural economy of the West. Although allotments were initially chosen to receive Sioux benefits, so that almost any piece of land would suffice, the Lakota soon began to recognize the value of land in the market economy: as a means of commercial production or, more commonly, as a marketable commodity itself. The Rosebud allotting agent reported in 1902 that "many younger persons [whose allotments were injudiciously chosen for them by their parents] have grown up and see the necessity of better land" (Allotting Agent 1902). These people sought to exchange their poor land for more valuable allotments. In 1904, "surplus" Rosebud Reservation lands were opened by the federal government for sale by lottery to non-Indian homesteaders. Over one hundred thousand people registered for the 2,412 homesteads available from the government for prices ranging from $400–$640—44 competitors for each available homestead (Schell 1975:254). The effect of this intense demand on land prices in South Dakota was, predictably, profound. One former homestead just off the reservation had sold, with improvements, for $5,000—ten times the price at which the government was selling comparable Rosebud lands. The appreciation of the value of land had the effect of "radically changing the idea of the Indians as to what constitutes good land." Many people who had poor allotments now wanted to exchange them for the remaining valuable farm land on the reservation (Allotting Agent 1905). The "great demand for lands in that neighborhood and the high price at which farming lands are held" were "well known to the Indians," an OIA official reported (McLaughlin 1903). By the second decade of this century, there were many white settlers in and about the reservations, and when the prices of agricultural commodities began to appreciate with the start of World War I in 1914, Lakota land came into demand for sale and rent to non-Indian farmers and ranchers. Income from land leases and sales was critical to Lakota subsistence during this period.

Leasing and sale of lands that attended allotment had the effect of making Indian lands available for use by non-Indians in the agricultural economy, and allotment is a well-recognized mechanism in the economic underdevelopment of the reservations (see Jorgensen 1971, 1972, 1978). But how did allotment affect the process that is the focus of this article—the subjection of the Lakota? How did the privatization of land help to reconstitute Lakota political subjectivities? Recalling the Lakota references to "mother earth" and land in 1889, it is noteworthy that less than a decade later the Rosebud agent reported that some Lakota were beginning to refer to their allotments as "my land" (Commissioner of Indian Affairs 1897:275). By the 1930s,

ownership of an allotment in trust status was an important symbol of being a traditional Lakota (see Biolsi 1992:170). Some Lakota protested OIA policies regarding trust lands during the New Deal as "un-American" because they interfered with what they saw as their right of private property. An Oglala complainant submitted a written statement to the Investigating Subcommittee of the Senate Committee on Indian Affairs in 1938 that said, among other things, that certain "Russian ideas are creeping in" on the reservation:

> The Constitution of the United States says that no land shall be taken away without due process of law and that there shall be no servitude. From what I learned about Abraham Lincoln, after the Emancipation Act was passed, slavery was abolished in the United States. But under the Wheeler-Howard Act [the Indian Reorganization Act, 1934], it seems the Bureau [OIA] is handling the Indian lands in the way that will fit in with their program whether the Indians like it or not. The superintendent [OIA agents were called superintendents after 1908] says the Indian can lease this piece of land but some other land is set aside and they cannot lease that. And it seems that the programs are all made and they are forced upon the Indians and the Indians do not have anything to say. Now we want to continue under the Constitution of the United States. That is, we would like to remain Americans. We want to be governed by the Constitution of the United States, and not be governed by policies which are entirely un-American. If the Commissioner [of Indian Affairs], John Collier, cannot respect the Constitution of the United States and the policies which are American, he should be removed and not allowed to continue in office. [U.S. Senate 1940:21462-3]

There is good reason to believe that few Lakota knew what the phrase "Russian ideas" meant in the popular media and political images of the 1930s and 1940s. This written statement may have been translated or even drafted by someone else. Whether or not the Lakota were worried about communism, their strong sentiments regarding private property rights have been amply documented. In 1940 the Lakota Treaty Council (an unofficial, traditionalist resistance body [see Biolsi 1992:151–171]) adopted a resolution "that the theories of a German Karl Marz [*sic*], expounded in the last centuries, 'That all men are created equal, that there will be no poor people and no rich people, advocating an abolition of private properties, and controlling of everything by the masses and all will be under one master,' cannot be attained among the Sioux Nation, the honest Americans" (Eight Reservations Treaty and Claims Council 1940).[7] As early as 1887, the commissioner of Indian Affairs had identified private property as one of "the great conservative forces" that would help pacify Indians (quoted in Hagan 1956:131).

Clearly, something unprecedented had happened in the Lakota situation with the acceptance of allotments. The significance of property ownership as a form of modern subjectivity lies in its implications for political sovereignty, specifically for the state: privatization of the means of production/subsistence creates fundamentally new subjects with radically new interests and social and political relations to each other. It reconfigures social life and creates "a new human nature" (Thompson 1967), "economic man," which in turn presupposes the state as a sovereign entity that "stands above" and represents the parallel interests of self-interested, atomized property owners in the marketplace. The moment of the creation of civil society, a social world of private property owners, is simultaneously the moment of the creation of the bourgeois state and its sovereignty (see Corrigan and Sayer 1981; Gabel 1984; Marx 1975). Within the context of private property relations, social interaction of the more peaceful variety as opposed to Hobbesian chaos cannot take place without the emergence of a fundamentally new kind of "imagined community" (Anderson 1983:15). This "community" is vital even if it is in fact a "community" of alienated individuals (Ollman 1976)[8]—and by this I mean a community that is built upon, and exists to protect, the interests of individuals against violations of basic property rights by other individuals, blocs, classes, and class fractions, and even by elements of the state apparatus itself. This is the *rational* and *consensual* basis of the state—from the standpoint of the propertied—as John Locke recognized (1980:65–68).[9] The state as a "social contract" among property owners, and between property owners and the government, like the atomized individual, is both ideological representation and social reality. Theorists of differing conceptual vantage points may characterize the modern nation-state as a "monopoly on violence," a form of "organized terror," a "class weapon," or the "executive committee of the ruling class"—in

short, an *imposition*. For social life to flow relatively smoothly under capitalism, however, government must in part be a genuine social contract between property owners—even *petty* property owners (Thompson 1975:264), such as the Lakota—and between each individual and "the constituted authorities."[10]

Of course, the Lakota were enmeshed in property relations in fundamentally different ways than were their non-Indian neighbors on the plains, and it would be a grave error to assume that allotment simply reconstituted the Lakota individual as an "economic man." For most Lakota people, property and its proceeds (money, livestock, crops) necessarily served different social ends from those found among non-Indian farmers. The local logic of social reproduction and of accumulation on the reservation was distinct and was a perennial concern of the colonizers. The Pine Ridge agent complained in 1896:

> A serious drawback in the work of civilizing these or any Indians . . . is found in the universal custom of relatives and connections by marriage considering that what one has belongs to all. As such relations are usually very numerous and for the most part idle and improvident, no one family can accumulate anything. Let a man be in receipt of a salary, no matter how large, or let him by industry raise a crop, and he gets no real benefit from it. His own relations and those of his wife swarm down upon him and consume everything, so that he has nothing for his industry. This is not only discourages any attempt to be industrious and to accumulate property, especially things that can be used for food, but it puts a premium on idleness and unthrift, for he who idles not only saves his muscle, but fares as well as does he who works. [Commissioner of Indian Affairs 1896:291]

The Rosebud superintendent wrote to his district "farmers"[11] in 1922:

> It is . . . conceded by all who know Indians, that they are the most liberal people in the world so far as feeding each other is concerned. . . . They have not only been liberal in feeding the hungry but have been liberal in giving away horses, blankets, shawls, money, and other valuable property.
>
> The give-away spirit has been prominent among the Sioux for a number of years and is still practiced to some extent. I believe that time has come when this matter should be brought to the attention of the Indians and have them discuss it in a friendly way, and have them to understand that we are not criticizing their old customs but that the time has come when their own comfort and the comfort of their families depends upon a change of this old time custom. [Rosebud Superintendent 1922]

But this social use of wealth, which the anthropologist Haviland Scudder Mekeel described as "virtually . . . a state of socialism" (1936:11), did not detract from the fact that the Lakota were empropertied as individuals and depended upon the state apparatus for the security of their property. People may have given away, but what they gave away was theirs to give. Once the Lakota had been empropertied as individuals, each man, woman, and child had a material stake in the protection of private property relations (even if the property was not fully private because it was held in trust) and in a social apparatus—the state—that could claim to "stand above" and, in so doing, represent their "common interest" and guarantee protection. Lakota individuals owned land that generated income. As petty property owners, they had a clear interest in "petty property rights" (Thompson 1975:264)—despite their social use of wealth—and it was the government that could guarantee those rights: protection against violation of leases, trespass of livestock on allotments, and protection against other infringements by non-Indians, by other Lakota people, and even by government agencies. In 1907, for example, one Oglala sued another Oglala in the OIA agency court. The defendant was instructed by the Indian judges:

> _____ wants to build a fence around his land that was reserved for his allotment by the Allotting Agent but your house is on the land and desires that you remove your house on to your land that was reserved for your allotment. He has given you ample time in which to remove your house. It is time that you attend to your own affairs and let other people alone. We wrote you once before but you did not heed us. We advise you again to remove your house on to your own land, so that he can fix his fence and other improvements on his land. [OIA Judges 1907]

In 1916, Oglalas were sued by other Oglalas in the agency court for cattle that trespassed and destroyed a garden and hay (Pine Ridge Agency 1916a, 1916b). Recognition of this obligation of government to "stand above" disputes and protect property was obviously behind

the Lakota reference to the U.S. Constitution and their rights as property owners. Although it may not have "civilized" them as was the stated intention, empropertying the Lakota certainly opened up their subjectivities to the penetration of the state, its sovereignty, and its law. The Lakota may have been "virtually socialists," but they had also been made into "Red Lockeans" (Takaki 1982).

competence

The reservation system of the late 19th and early 20th centuries was based on the congressionally authorized and judicially sanctioned status of wardship applied with considerable administrative discretion. Wardship was founded on the assumption of Indian incompetence to function effectively in the market economy of the wider American society (for legal analyses, see Carter 1977; Cohen 1942:167–173). As a 1928 report on the OIA, known as the Meriam Report and commissioned by the secretary of the interior, explained: "Indian guardianship was assumed when the Indians as a race were unquestionably incompetent. Relinquishment of this trust cannot lightly be made. The Indian, therefore, is assumed to be incompetent until formally declared to be competent" (Meriam 1971[1928]:101). What was termed incompetence was rooted in the essentialized characteristics of most Indians presumed in the colonial gaze. "[T]heir instincts are purely nomadic," the Pine Ridge superintendent insisted in 1922, which constituted one of the main problems of inducing Indians to become farmers: they preferred to travel to dances and fairs rather than tend their crops and stock (Pine Ridge Superintendent 1922). "[T]hese Indians are not far enough away from the old buffalo days to succeed as cattle growers," the Rosebud superintendent reported (1916). Still hunters at heart, the Lakota could not be trusted to arrive at "the proper viewpoint with respect to their live stock. Nine out of ten Indians look upon cattle as to their meat value only," the Pine Ridge superintendent complained in 1922 (Pine Ridge Superintendent 1922). The commissioner of Indian Affairs (1881:110) found the Lakota to be "proverbially improvident," and though the Lakota people undoubtedly changed over the ensuing years, government assessments of their competency changed little. Fifty years later, in 1931, the Rosebud superintendent dismissed the Lakota as "notoriously improvident." Moreover, he reported that the Lakota people have "little conception of how money is obtained or how it should be invested" (Rosebud Superintendent 1931). They did not understand financial transactions of more than $100 (Rosebud Superintendent 1909), and "their interests and thoughts are in other directions than business or economic problems"—directions such as feasts, giveaways, showing generosity toward friends and relatives, dancing, and traveling (Rosebud Superintendent 1931). "[T]here can be no question about Indian incompetence to manage much of a business enterprise," the Rosebud superintendent wrote in 1933, as "the Indian at heart is rather shiftless in matters of industry." Progress was being made under his tutelage, the superintendent reported to his superiors in Washington, but he believed it "pertinent to add here that because of racial factors and characteristics the process of self-support and full ability to make the best of things will come rather slow—a little progress each year" (Rosebud Superintendent 1931).[12] The Meriam Report summarized the situation for Indians generally: "With respect to knowledge and experience in the use of property, many of them are still children and must be given training in the use of property and its value before they are declared competent to handle it independently" (Meriam 1971[1928]:101). In the opinion of some OIA personnel, the Lakota were simply "shiftless, lazy and irresponsible" (Commissioner of Indian Affairs 1894:288), and their homes and farms were "slovenly" (Rosebud Superintendent 1933).[13]

Given all this essentializing of the Lakota (whether based on a colonial theory of "racial characteristics" or on the premise that the Lakota were simply "not far enough away from the old buffalo days"),[14] they could hardly be considered sufficiently responsible to manage their

resources—any more than could a mental incompetent, a spendthrift (see Mackay 1948:52–53; Woerner 1897:379), or a juvenile. Consequently, the government concluded that the Lakota had to be closely supervised and, ideally, trained. Allotments, substantial sums of money, and some personal property were held in trust for individual Indians unless or until they were deemed competent. This wardship system was ultimately rooted in law enacted by Congress. Under an administrative procedure known as Individual Indian Money (IIM) accounts, expenditure of income accruing to individuals from federal annuities (from tribal land sales) or sales or leases of allotments was supervised by the agency bureaucracy. Farm equipment or livestock purchased with IIM funds was also regulated (Biolsi 1992:16–17), and cattle were branded "ID" (Indian Department). Sale or lease of allotments was also supervised by the OIA (Biolsi 1992:11–15).

At least officially, OIA policy sought a solution "at the earliest time possible, when the Indian will not need supervision but will take his place in the community where he lives" (Pine Ridge Superintendent 1921). According to the officials, developing the competence of the Lakota required a delicate and judicious balance of supervision, training, and gradual exposure to free market forces. There was some sentiment in the OIA that a sink-or-swim approach would be in the best interests of Indian people. The Rosebud agent suggested in 1889, the year before the Wounded Knee massacre:

> The time has arrived when it is absolutely cruel to treat the Sioux as children or wards. Public sentiment is restive under the [budgetary] strain and will not long permit them to retain their present status; they must become individualized and acquire the rights of citizenship. The strain of civilization will deplete their numbers, as in the case of the Omahas, Winnebagos, and other semi-civilized tribes, but the principle of the survival of the fittest will apply, and such may acquire a reasonable degree of independence. [Commissioner of Indian Affairs 1889:1591]

Most OIA personnel, however, believed that such an abrupt policy shift—essentially cutting Lakota loose—would be cruel. True, the "process of assimilation and enlightenment will be held in check by too much restraint" (Pine Ridge Superintendent 1923). In 1929 the commissioner of Indian Affairs authorized the annual dispensation of $500 to "reasonably competent" adults from their IIM accounts for unsupervised use, "that they may be encouraged to assume personal responsibility and to acquire that self-reliance and practical business experience which will enable them to become independent and progressive members of the community" (Office of Indian Affairs 1930). Happily for the administrators, however, wardship status would still be necessary for many Lakota in most areas of personal business for some time to come.

Wardship entailed a complex set of formal and informal character appraisals that were applied to Lakota persons, on the basis of which administrative decisions on individual cases were made. In 1923 the OIA began conducting an "Industrial Survey" of all families on reservations in the United States. The intent of the survey was to collect data on the relative standing of families in "the march of progress"—to evaluate OIA programs and individual families' advancement (Office of Indian Affairs 1923). A page was allocated to each family, with a photograph of the members, their home, and farm (see Figures 1 and 2). Detailed—if not systematic—data were recorded on the size and legal status of lands, blood quanta, the ages, wardship status, health status, and mental competence of family members, and on crops and livestock, and sources of income. In addition, discursive comments on the character of the head of household were included in many entries. Most of these character appraisals concerned the extent to which the individual behaved in conformity with the OIA's ideal of self-support.

Thus, one Rosebud man was described in the survey as "white . . . to all intents and purposes," no doubt because he "supports himself by his own efforts" (Rosebud Agency 1923). Another family was described thus: "They live like white people in every way" (Rosebud Agency 1923). It was noted of another Rosebud man that he was a "good farmer" (Rosebud Agency 1923). One Pine Ridge man was listed as "industrious . . . and doing well," while another was described

Figure 1. Photograph from the Industrial Survey, Rosebud Reservation, 1923. Washington, DC: National Archives and Records and Administration.

as "inclined [at least] to be progressive" (Pine Ridge Agency 1924). Another Pine Ridge man was described as "doing much more and better than the average Indian" (Pine Ridge Agency 1924). Others did not fare as well in OIA evaluation. One Rosebud man was described as making "only a feeble attempt at farming," and his home was described as showing "no thrift or progress" (Rosebud Agency 1923). The Pine Ridge survey included this dire note on one

Figure 2. Photograph from the Industrial Survey, Pine Ridge Reservation, 1925. Washington, DC: National Archives and Records Administration.

man: "[A local OIA employee] reports that he is practically a total failure" (Pine Ridge Agency 1924); another man was simply dismissed thus: "Amos is nil" (Pine Ridge Agency 1924). Amos's father was described in this way: "The old man is interested in the past and cares little about the present and future" (Rosebud Agency 1923). Other men were described as "not industrious" (Rosebud Agency 1923), "not reliable" (Pine Ridge Agency 1924), and "N.G." (no good) (Pine Ridge Agency 1924).

The same normalizing gaze is apparent in the "honor roll" maintained in each of the outlying districts on Pine Ridge in 1927. Men were grouped on the roll on the basis of their "efforts." One OIA district farmer maintained a list of "coffee coolers" who not only "loafed" but visited and consumed the food of others. As a positive example, the superintendent also installed an exhibit in the agency office of the garden products of one determined Oglala farmer (Pine Ridge Superintendent 1927).[15] In 1921 the Rosebud superintendent wrote to a Lakota housewife:

> Dear Madam: In looking over the reports submitted by the various employees on inspection of Indian homes on clean-up day, I wish to advise you that [the field matron] says you had your house in excellent condition, clean and everything properly arranged. . . . The condition of your house will be pointed out as an example or model for the other Indians to be guided by. I was in your house one time and everything indicated that you were a first class housekeeper.

This letter appeared on the front page of the local newspaper on the reservation (*Todd County Tribune* 1921:1).[16]

The authorities' record-keeping and their self-righteous, patronizing, racist, and invidious character appraisals of individual Lakota were not just matters of "discourse" understood as purely representational. As Corrigan and Sayer insist (1985:196), one must also consider the materiality of the state's—actual and fictive—creation of individuals. The files and appraisals had serious, practical consequences for people. Because Lakota individuals were wards (unless declared otherwise), they were supervised in everything from their expenditure of cash to their public assemblies, and the files and character appraisals (both formal and informal) had a significant impact on official decisions in individual cases.

For example, in 1906 the Rosebud agency had drawn up a "roll of honor" on which were listed those individuals who were deemed "temperate, prudent, honest and otherwise fitted to take charge of the [IIM] money of their children." (McLaughlin 1906). This money included substantial sums from tribal land sales that could make a great difference in the day-to-day lives of families on the reservations, in terms of subsistence level, dependence on intermittent labor for subsistence, and surplus for social and ceremonial funds. Access to this money depended on how one's character was perceived by the bureaucrats.

The work of the "competency commission" that visited Pine Ridge in 1917 provides another example of the serious consequences of OIA knowledge and appraisals. The commission "interrogated" (McLaughlin 1920a) applicants for fee patents; these patents, if granted, would essentially remove restrictions on the sale and lease of allotments owned by the patentees.[17] Simultaneously, the land became subject to state and local property taxes, and the patentees became U.S. citizens (all Indian people were made citizens by Congress in 1924)[18] and subject to the jurisdiction of state law even while residing on the reservation (Attorney General of South Dakota 1939–40:212; *Louie v. United States* 1921; *State v. Big Sheep* 1926; *State v. Monroe* 1929). The competency commissioners referred to fee-patented Indians as having been "turned loose." For each application recommended for approval, the commission provided detailed information—similar to that included in the Industrial Surveys—on age, degree of blood, marital status, health status, land assets, crops and livestock, sources of income, education, and fluency in English. The reports authored by "competency commissions" justified the approval of a fee patent with general appraisals of the applicant's competence and related characteristics.

Many people were simply described as "capable of transacting business affairs intelligently," without government "supervision." Some were said to have a "reputation for industry" and to

be "well spoken of by the Agency Employees." Some of the commissions' recommendations for fee patents were justified by pointing out that the applicants were "strong," "robust," and in "the prime of life" or of "the desirable age to be turned loose" (Pine Ridge Competency Commission 1920). These appraisals meant only that the applicants were young and were likely to survive the difficult times involved in trying to keep their land or were capable of sustaining themselves despite the probable loss of their land. The commission was also concerned with the intelligence of patentees: was the individual "bright," "above the ordinary Sioux Indian in intelligence," or "of more than ordinary intelligence"? In a capitalist context, competency was often gauged through material accumulation. In one case a commission report observed that a couple owned a Dodge, in another that the couple was "well to do" and "prosperous." One man's competence was argued in this way: "Is said by his neighbors to be very penurious and always has money for his needs." Other cases were argued on the basis of presentability to non-Indians: "A very nice appearing woman"; "He is a nice appearing and modest young man"; "Is a very self-possessed and nice appearing woman"; "She with her husband are one of the most intelligent and nice appearing families we met on this reservation." The commission went on at length about one man's appearance: "He is a splendid specimen of manhood, 6 feet, 4 inches in height, weighs 230 pounds, and perfect physique, and being quite intelligent."[19] There were also occasional individuals who clearly evinced competency because they could be assessed as "in every respect a white man, other than his Indian blood," "in every respect an educated white woman other than her degree of Indian blood," or one who "[r]eads, writes and speaks English like a white society girl" (all quotations from Pine Ridge Competency Commission 1920). The commission recommended the fee patenting of 370 individuals on Pine Ridge Reservation (McLaughlin 1920b).

Later the same year, the commissioner of Indian Affairs looked critically on existing procedures for declaring competency and ordered that allottees must genuinely demonstrate "a business capacity equal to the average white man in order to receive a patent" (Pine Ridge Superintendent 1920). In 1929, the commissioner advised field personnel that fee patenting procedures must be more "conservative" and that real evidence of competency must be demonstrated (Office of Indian Affairs 1929). Most Lakota patentees had quickly sold their land or mortgaged and subsequently lost it (see Department of Indian Studies 1981). According to administrators, rapid land loss was due to the fact that "incompetent" Indians had been mistakenly declared competent and had been turned loose (see Meriam 1971[1928]:100–105; Schmeckebier 1972[1927]:148–165).[20] This explanation indicates an important point about the administrators' gaze and their "knowledge" of the colonized subjects: it was essentially arbitrary with reference to any hard reality locatable in the characters of individual Lakota people. The knowledge of administrators can be characterized as both interested and self-referential. Their "interested knowledge" is visible in that fee patenting was a project conditioned by administrative and political concerns to reduce the number of wards and consequent administrative costs, and to convey Indian lands into the market and onto state tax rolls. The "self-referential knowledge" of administrators is reflected in the discursive world they constructed and in which they trafficked in essentializing theories of Indian incompetence and resultant codings of individuals. This world was occupied with administrative fictions rather than with objective, measurable, or fixed qualities in the subjects.[21] Much of the administrative "knowledge" of Lakota individuals circulated among OIA employees as reputations. Many of the appraisals in the Industrial Surveys, for example, were based on summary opinions drawn from local agency personnel. Thus, among the Lakota, as James Scott tells us generally (1985, 1990), the subaltern had much at stake in how they were seen by the powerful.

The question of the extent to which the Lakota "internalized" the colonial discourse of "competence" is, of course, complex. Certainly, the Lakota developed their own "readings" of, and their own strategies for, manipulating their new legal statuses. In the eyes of the Lakota

people, special arrangements the OIA termed wardship (for example, tax exemption, exemption from state jurisdiction, the issuance of rations) had more to do with treaty rights than with "incompetence" (see Biolsi 1993). Indeed, the idea of "guardianship" seemed pointedly ironic to some Lakota. In 1909 an Oglala told an OIA official in an open council that the idea that Congress was the Indians' guardian was "laughable." It was Native Americans who were the guardians, who had been relinquishing land ever since the whites had crossed the ocean to provide the whites with a place to live (McLaughlin 1909). But if Lakota people could live against the new administrative codings of degrees of "competence," they also had to live within them. They could not live as if the codings did not matter in their lives because they were obligatory in everyday life on the reservations. The new gaze mattered too much to ignore when one dealt with the OIA, and there was a great deal to be gained in going along with the official interpretation, at least within earshot of officials—being seen both as competent and as incompetent by the bureaucrats had, respectively, distinct advantages (more potential freedom in the case of the former, exemption from state taxation and legal jurisdiction in the latter), and individual Lakota people calculated their interests in terms of this prevailing political-economic situation. In 1991 an elderly Lakota man told me that the Lakota were not truly a "sovereign nation," as the younger people and tribal attorneys were insisting, but that they were "captives" or "wards" of the United States—with attendant legitimate claims on the federal government, notwithstanding the obvious disadvantages and humiliations of wardship.[22]

degree of Indian blood

The blood quantum has long been recognized by scholars as an important ascriptive status and social and cultural fracture line among the Lakota, and the administrative use of blood quanta began in the period under consideration.[23] By the second decade of the 20th century, the OIA registered the blood quanta of all people living on the reservation, calculating degree of Indian blood to sixteenths.[24] By this time, even the federal courts had delved into the question of what degree of "white blood" an Indian needed to be considered legally a "mixedblood" (*First National Bank of Detroit v. United States* 1913; *United States v. First National Bank of Detroit* 1914), and physical anthropologists Arles Hrdlicka and Albert Ernest Jenks had worked out anthropometric methods for determining the "blood status" of hybrid individuals when genealogies were not reliable (see Beaulieu 1984; Jenks 1916). The registration of blood quanta was connected to the eventual resolution of "the Indian problem" envisioned—at least officially—by the central office of the OIA in Washington: the elimination of discrete Indian tribes and of the protected legal status of Indian individuals. This involved the eventual division and distribution, or liquidation, of all tribal lands, the division and distribution of tribal trust funds into pro rata shares, the removal of the trust protections on individual allotments and bank accounts, the termination of special federal services to Indians (such as law and order, education, health care, rations, and federal employment), and the graduation of Indian people into United States citizenship and the extension of state and local jurisdiction over erstwhile reservations. Such was the stated goal of federal Indian policy. The existence of tribes as political and legal entities and of federal trust authority over individual Indian wards were seen as temporary states that would gradually wither away.[25]

Blood quantum registration was an administrative technique that anticipated, measured, and even facilitated this process. The special significance of racial registration for Indian assimilation becomes clear when contrasted with racialization under the "one drop rule" or "hypodescent" for African Americans (see Davis 1991; Dominguez 1986; Harris 1964; Jordan 1969; Smedley 1993; Takaki 1982). The latter entails rigid social and legal boundaries between discrete and clearly-demarcated "races." Blood quantum registration, on the other hand, was a matter of a *gradient;* inevitably, it generated the interpenetration of "races"—both conceptually and

practically. It was useful to the powerful, not for defending discrete boundaries—although racial privilege can, and did, exist without such boundaries—but rather for blurring racial boundaries. Blood quantum was associated not with the separation of the races, but with assimilation. The Pine Ridge superintendent put it this way in 1922: "It is without question, advisable, in the matter of bringing the Indians to a reasonable standard of competency, to provide for *an inter-mingling of the races*," facilitated by allowing white settlers to purchase Indian land from which trust status had been removed (Pine Ridge Superintendent 1922, emphasis added). "The real progress of the Indian," he pointed out, "lies in his *contact with white neighbors*" (Pine Ridge Superintendent 1932, emphasis added). Of course, such intermingling would result in intermarriages and sexual contacts and, thus, children with higher degrees of non-Lakota "blood." The OIA agencies maintained statistics on intermarriages during this period, presumably because intermingling was seen as a step toward assimilation.

Degree of blood was a both a measure of individual assimilation and an active tactic for reducing the size of tribes and ending trust authority over individuals (see Jaimes 1992; Limerick 1988:338; Stiffarm and Lane 1992). There was a general and official assumption within the OIA that competence was correlated with degree of blood. The "full-blood class of Indian, which of course includes the less intelligent Indian" was commonly juxtaposed in OIA discourse with the class of "intelligent Indians, which of course includes the younger generation as well as the mixed-bloods" (Pine Ridge Superintendent 1921). In 1917 the OIA unilaterally removed trust authority over (fee patented) all Indians of less than one-half Indian blood and declared them U.S. citizens, no longer wards of the government. By this act, their allotments were fully commoditized and made subject to state taxes, and they received "unrestricted control" of monies to their credit in IIM accounts. The commissioner of Indian Affairs declared that the "time has come for discontinuing guardianship of all competent Indians and giving ever closer attention to the incompetent that they may more speedily achieve competency." This policy meant, according to the commissioner, the "ultimate absorption of the Indian race into the body politic of the Nation. It means, in short, the beginning of the end of the Indian problem" (all quotations from Commissioner of Indian Affairs 1917a).[26] The justification for the criterion of discrimination between who would be turned loose and who would remain a ward was put this way by the commissioner:

> While ethnologically a preponderance of white blood has not heretofore been a criterion of competency, nor even now is it always a safe standard, it is almost an axiom that an Indian who has a larger proportion of white blood than Indian partakes more of the characteristics of the former than of the latter. In thought and action, so far as the business world is concerned, he approximates more closely the white blood ancestry. [1917b:3]

In conformity with this policy, 319 fee patents were issued on Rosebud and 463 on Pine Ridge. Most of this land was rapidly lost (Department of Indian Studies 1981).

Thus, one's blood quantum had material consequences for the individual and served to differentiate interests—for example, between those of Lakota with land and those of Lakota who lacked it. Furthermore, in the face of extremely limited reservation resources dependent upon federal funding, Lakota people quickly came to recognize that standard of living was directly connected to the number of tribal members competing for resources. The political economy of the reservation has thus fostered an "image of limited good" (Foster 1967:123)—through the actual scarcity of limited resources—in which any criterion for expanding or contracting tribal enrollment and claims on reservation resources was inescapably politicized. Degree of blood is one such basis for delineating tribal enrollment and has been used by the OIA and, since 1936, by the Oglala and Rosebud Sioux tribal governments (Oglala Sioux Tribe n.d.:art. 2; Rosebud Sioux Tribe n.d.:art. 2; see Trosper 1976 for a Flathead example).

Given both the differentiation of interests between those who were fee patented and those who were not, and the use of blood quantum minima for defining tribal enrollment, it is not

surprising that Lakota people internalized blood quantum as part of the way they saw themselves in the world or that they perceived full-bloods and mixed-bloods as being different, even mutually antagonistic, social groups. "Only full-bloods shall have the power to participate in all tribal matters being conducted in Council," the Oglala Council resolved in 1926 (Oglala Council 1926). On the other hand, one Oglala mixed-blood explained why a council controlled by full-bloods could not complete any business in 1921: "The principal reason for the failure was that the council was composed of too many of the aged full blooded men, who are very particular that a council should be managed in the old traditional way" (Lakota Correspondent 1921).[27] In 1930 the "enrolled mixed-bloods" on Pine Ridge sought to organize a separate council as a counterpart to the full-bloods' Oglala Council (Lakota Correspondent 1930). When Lakota on Rosebud executed applications for marriage licenses in Todd and Tripp counties during the late 1920s, they listed their blood quanta under the heading of "nationality" (Todd and Tripp Counties n.d.). Although they probably did not believe that blood quantum was equivalent to nationality, they obviously saw blood quanta as an essential element of identity—essential enough to require knowledge of one's blood quantum when filling out the application.[28]

The degree to which the blood quantum has persisted as part of a person's internalized individuality among the Lakota is reflected in the remarks of one of my contemporary (1991) Lakota consultants, who happens to have a greater degree of Indian blood than his father:

> My dad . . . lives out in Antelope [an Indian community], and I live in [Mission, a mixed Indian-White] town, and he says, "Well, you're just another White boy like the guys in town." "Hey, Dad," I say, "well, let's go to the enrollment office and see who's more Indian. You know, I'll show you my [tribal identity] card, and you show me yours." And that kind of settles that.

In the fall of 1992, a Rosebud full-blood wrote to the editor of the local newspaper in opposition to a proposed tribal ordinance to lower the "Sioux blood" quantum required for enrollment:

> Here on the Rosebud reservation, we see most of the good-paying jobs going to people with one-quarter blood quantum. The 1/2 and 4/4 Lakotas rarely get the good-paying jobs and many have to remain on welfare and other government programs. This is the way it goes. People of only one-quarter blood, many with wasicu [white] values and thinking, are the ones with the good jobs and in positions to govern our Lakota people. But, there are many young, well-educated full-bloods here who do not get the opportunities to work with and lead our people. Is this the way it should be? If we, the Sicangu Lakota people, lower the tribe's blood quantum requirement to one-sixteenth, who will be getting the good jobs and be in positions of governing our people in the future? Will these one-sixteenth "Indian" people really be able to understand the thoughts and feelings of our Lakota people? If we begin enrolling people of only one-sixteenth blood quantum, what will the other fifteen-sixteenths be, wasicu or some other blood that is not Lakota? Do we want to remain a proud Lakota people, or do we want to become absorbed into a dominant, different culture and totally lose our identity? [*Todd County Tribune* 1992:4][29]

As in the case of property ownership, degree of blood quickly became a *fact*—in this case based on the "indisputable" evidence of ancestry—that entered into the commonsense ways Lakota individuals thought and think about themselves.

genealogy

Closely connected to the status of the blood quantum in the construction of the new individual was the administrative establishment and recording of an individual's genealogy. Family relationships—which quickly became *nuclear* family relationships listed under a male head and a patronymic family name, whether or not the actual domestic unit looked like this (see Shoemaker 1992)—were recorded in the OIA censuses from 1885. By the turn of the century, it was apparent that registration of genealogy would be necessary in order for the OIA to carry out one of its most important functions, the probating of allotments (or proceeds from the sale of allotments). Estates of allottees were probated according to the laws of the State of South

Dakota, and the Interior Department had legal jurisdiction over, and administrative responsibility for, probating estates held in trust. Accurate records of genealogy were essential for determining heirs. Thus, in 1901, the commissioner issued a circular to the agencies, explaining that reliable and permanent records of marriage and family relationships were necessary, and agents were instructed to keep such records (Office of Indian Affairs 1901). The agencies soon developed a system of family history files to meet this need: on each form were recorded the names and allotment numbers of the husband, wife, their parents, and their children (separate forms were filled out for "additional" wives in the case of polygynous marriages) (Office of Indian Affairs n.d.a).

Upon the death of an allottee, the agency was responsible for executing a Report on Heirship, based upon a search of the agency records and an official hearing to determine heirs.[30] The report included a complex legal form on which were identified the decedent's spouse(s) and former spouse(s), indicating whether marriage and divorce had been by Indian custom or legal ceremony; children, indicating whether legitimate, illegitimate, or adopted; as well as other lineal and collateral relatives. Testimony from relatives and friends of the decedent was taken under oath, transcribed, and signed by the witnesses (Office of Indian Affairs n.d.b). At one heirship hearing on Rosebud in 1918, the widow of the decedent was sworn in and questioned about her grandchildren (who stood to inherit shares in the estate) and deceased son by the examiner through an interpreter:

Q. Is Seth the only child that John . . . ever had?
A. There is another daughter of his living, Lucy. . . .
Q. Who was the mother of Lucy?
A. Ida. . . .
. . .
Q. Were she and John married?
A. No.
Q. Was Ida a single woman at the time this child was born?
A. Yes.
Q. Did John . . . marry Ida after the child was born?
A. No.
Q. Did he ever in writing or in the presence of witnesses, acknowledge that he was the father of this child, Lucy?
A. John acknowledged that the child was his—he told me that.
Q. Have the other members of your family recognized this Lucy as being John's child?
A. Yes.
Q. Were these the only children that John ever had?
A. Yes.
[Rosebud Agency 1919]

But in order to record the (putatively) precise genealogy of individual allottees and heirs, the OIA went much further than keeping files and interviewing witnesses under oath. The officials attempted to bring Indian domestic relations into conformity with legal marriage, and they used force to do it. By 1901, because of "general moral laxity" (marriages being "broken off and resumed at will," wives being "thrown away," children being "abandoned," all problems leading to "uncertainties, disputes, and suits in court over the inheritance" of estates [Commissioner of Indian Affairs 1901:42]), the OIA issued instructions that marriage licenses would henceforth be issued by the agencies, and rations could be withheld from people who refused to obtain licenses (Office of Indian Affairs 1901).[31] The OIA agency courts established on the reservations in the 1880s also had authority to incarcerate Indian people for misdemeanors, under which illicit relationships were categorized. The Rosebud superintendent reported in 1917 that adultery was "the most serious offense committed by the Indians of this jurisdiction" (Rosebud Superintendent 1917). Throughout the period, cases concerning sexual immorality and domestic arrangements predominated on the dockets of the agency courts on the reservations (see Biolsi 1992:10–12). In 1935 the Pine Ridge superintendent lamented that "a few weeks

in the Agency jail or guardhouse" was all the punishment that his court could mete out in order to enforce legal marriage (Pine Ridge Superintendent 1935).[32]

conclusion

In this article I have explored the modes by which particular kinds of individuals were constructed among the Lakota by the discourses and practices of the OIA. These individuals were bound to the state and civil society through various cultural and material means: as property owners, as wards of various degrees of competency, as bearers of blood quanta, and as kin in officially recognized genealogical grids. Because subjection was linked to both negative and positive power, the Lakota people, by necessity, learned to view their own self-interests in terms of these forms of subjectivity and also learned to shape their thoughts and actions in these terms.

My examination of the processes of subjection is not meant to imply that a distinct Lakota culture was erased, nor do I wish to imply that the administrators truly intended to erase native custom during the "civilization" period. Although there was clearly "culture change" during this period—change that entailed both new identities and some "deculturation"—an autonomous Lakota culture survived and even thrived: the language, a rich social and ceremonial life, a native kinship system entailing rights and obligations, and an indigenous form of political process.[33] But the state apparatus and the capitalist social formation could live with this native cultural persistence—as long as the Lakota were subjected to the new definitions of the individual.[34]

The Oglala writer Luther Standing Bear once described the 19th-century Lakota people as "self-governors" who were guided by *wouncage*, custom, "our way of doing," a way that "it was hard for a person to get away from" (Standing Bear 1933:124). By "civilizing" the Lakota, the OIA made them into a *new kind* of self-governors, with a new way of doing things that would be just as difficult to escape. That is the essence of subjection.

notes

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1. The Pine Ridge and Rosebud Reservations were carved out of the Great Sioux Reservation in 1889.

2. On Lakota sociopolitical organization, see Deloria 1983[1944]:27–28; DeMallie 1976:80–82, 1978: 240–248; Feraca 1964, 1966; Hassrick 1944, 1964; Howard 1966:3; Klein 1983; Mirsky 1966 [1937]:390–392; W. Powers 1975:25–42; Schusky 1975:23–26, 1986; Standing Bear 1933:120–147; J. Walker 1914, 1982; and Wissler 1912:7–11.

3. The absence of gender making in this analysis of the modes of subjection is not an inadvertent omission. Obviously, gender was and is a part of one's fundamental social being for Native Americans in the context of the reservation. In this context, however, gender was constituted at levels of social activity very different from those under examination here—namely, in a new reservation economy based on OIA-issued rations, intermittent male wage work, and male petty commodity production; in subtle (and not-so-subtle) biases in the daily activities of OIA officials; in the disciplines and curricula of the government and religious schools; in the tutelage of OIA "field matrons" who instructed women in domestic science while their husbands received instruction from OIA extension agents in farming (see Board of Indian Commissioners 1892:60–62, 1895:100–102, 1925:10–11; Commissioner of Indian Affairs 1893:54–57; Meriam 1971[1928]:591–598) and in the teachings of Protestant and Jesuit missionaries (for analyses of gender differentiation among the Lakota and other plains peoples, see Albers and Medicine 1983; Klein 1980, 1983; M. Powers 1986; see also Lomawaima 1993; Meriam 1971[1928]; and Trennert 1988b on the construction of gender in OIA policy).

Subjection through the administrative tactics described in this article was not the *only kind* of domination faced by the Lakota people; in addition to subjection, they faced a "conjugated oppression" (Bourgois 1988) that included gender, racial, and class domination, each with its own logic (see Aronowitz 1990:73–112; Foucault 1983; Omi and Winant 1986; West 1988). This does not by any means suggest that these different

sites of oppression were irreducible structures, or that they cannot be grasped with a single, "unified theory" (Fields 1988; Sacks 1989; Young 1981). It is unnecessary to adopt a "post-Marxist" stance to understand the domination of the Lakota. The analytic isolation of the modes of subjection from the other forms of domination that I create in this article is only for the purpose of highlighting this previously unrecognized form of domination in the history of Native Americans.

4. Widows, "subsequent" wives in polygynous marriages, and Indian women married to white men were considered heads of families for allotment purposes.

5. The law was later modified to grant women full allotments on Pine Ridge Reservation and to grant each married woman half of her husband's allotment on Rosebud (U.S. Congress 1899:1365, 1907:1049).

6. Many adults quickly chose allotments for themselves in order to receive goods and cash, but were less diligent about selecting allotments for their children because only adults received Sioux benefits. Land, in other words, was clearly not the motivation prompting Lakota people to seek allotments (Allotting Agent 1900).

7. In this resolution, the Treaty Council was motivated by concern with the possibility of OIA infringement upon their property rights. Indeed, during the New Deal period, certain Department of the Interior functionaries were prepared to sacrifice the vested private property rights of individual Indian allottees for their social engineering project. In 1933, for example, the assistant solicitors in the Department of the Interior drafted a confidential memo on proposed legislation that would eventually become the Indian Reorganization Act of 1934. The memo, which concerned the unequal land holdings among individuals on the reservations, read, in part: "Plainly, such inequality must be eliminated as quickly as possible, if every member of the [tribal] community is to be granted some opportunity to wrest a livelihood from the limited resources of the community." This could be accomplished through a non-stock membership corporation "from which members of the community will be entitled to receive a *fair* share of community income and the use of a *fair* share of the community assets." This plan was not to have been included in the bill because the memo concluded that "[t]o state these objectives in statutory terms is perhaps politically inadvisable" (Assistant Solicitors 1933; emphasis added). Indeed, it would have scandalized not only Congress but also the Lakota.

8. This kind of imagined community corresponds to what Sartre (1976) called a "collective," as distinguished from a "group."

9. Locke's error was not in arguing that the propertied have an interest in the state apparatus—Marx was in agreement with this generalization—but in assuming that property *preceded* the state in history. As Marx clearly saw, however, the state was already there and deeply involved in "primitive accumulation" (Marx 1977).

10. "The state" is an extremely complex, multilayered phenomenon. If we are to bring the state back in to our analysis (Evans et al. 1985), we need to avoid hypostatizing, conflating, essentializing, and turning the state into a black box (see Nugent 1994). For example, it is clear that some manifestations of "the state" may be oppressive from the standpoint of the particular constituency resisting them, while other manifestations may be empowering and actively welcomed by the same constituency. This is no less true of the Lakota than it is of black civil rights activists in the South who found some utility in the courts, Congress, and even the FBI, or of middle-class whites who derive a wide variety of benefits from the government.

11. Farmers were agency officials who lived and maintained subagency offices in the reservation districts.

12. The introduction of "racial characteristics" into the discourse should not be at all surprising given the popular appropriation of "scientific" racism during the period (see Gossett 1965; Smedley 1993). It was at about the same time that an OIA consultant was "scientifically" ascertaining the "blood quanta" of Lumbee individuals—for the purpose of federal recognition as Indians—on the basis of anthropometric measurements (Sider 1993:136–137; see also Beaulieu 1984).

13. The moralizing tone of much of the colonial discourse on American Indians is noteworthy. It is, in fact, a perennial pattern in the representation of Indian people by non-Indians (see Berkhofer 1978:26), and it is no historical accident, at least as far as the OIA is concerned. Although there were impersonal, deterministic theories about why Indians behaved as they did—because they were savages, because of their race—day-to-day control on the reservations required that individuals be given *moral, voluntaristic responsibility* for their actions. As Erving Goffman points out, pragmatic control in "total institutions"—and the reservation was not far from a total institution—requires that "both desired and undesired conduct . . . be defined as springing from the personal will and character of the individual inmate himself, and defined as something he can do something about. In short, each institutional perspective contains a personal morality" (1961:86). Thus, Lakota individuals who did not measure up were not so much "a product of their environment" or "racially inferior" as they were, in the final analysis, "shiftless, lazy and irresponsible."

14. Some OIA officials clearly did not see the problem as a *racial* one, but rather a matter of "habitus" (Bourdieu 1977:72). It was a common, official belief that progress would be made as the older generation, which had lived during the buffalo days, passed away, and was replaced by the younger generation, which had grown up on the reservations and had been educated in OIA or mission schools (Commissioner of Indian Affairs 1897:270; Pine Ridge Superintendent 1915; see also Meriam 1971[1928]:102).

15. The fact that the man was a full-blood and 52 years of age was mentioned by the superintendent, probably because he hoped to convey to his wards that *even older full-bloods* were capable of productive labor and self-support.

16. Clearly, "competence" was gendered.

17. The Burke Act in 1906 authorized fee patenting for allottees deemed competent by the Secretary of the Interior was enabled by (U.S. Congress 1906:182).

18. The federal courts held, however, that citizenship was not necessarily inconsistent with wardship: an Indian citizen could still be considered incompetent and supervised by the OIA if Congress so chose (*United States v. Nice* 1916; *United States v. Sherburne Mercantile* 1933).

19. This concern with "appearance" was no doubt generated by the question of how individual Indians would fare in a wider society in which racist stereotypes of Indians and other people of color abounded. I know of at least one case in which a Lakota man who left the reservation in the 1930s to attend South Dakota State College in Brookings changed his name from an English translation of a Lakota name (such as "Crazy Horse") to a "white" name—and apparently tried to "pass" as a white man.

20. It is more reasonable to assume that individuals who "squandered" their resources from the point of view of the OIA were, in fact, behaving "rationally" in the context of the political economy of the reservation. "Investing" resources in commercial production made little sense for most Lakota families, while "giving away" surpluses reproduced kinship and friendship ties and buffered families against the extremely unpredictable economic times.

21. One of Foucault's main arguments is that "discursive formations" exist more to insure the power of some over others than to get closer to an absolute truth (on self-referentiality, see also Poster 1990).

22. He was concerned that the more Indian people are perceived as sovereign nations, the less they are perceived as wards of the government, and the greater will be the threat of "termination"—the loss of the protected legal status of, and federal fiscal support for, Indian people and their communities.

23. On blood quantum among the Lakota, see Daniels 1970, Macgregor 1946:25, M. Powers 1986:144, W. Powers 1975:117–119, Useem 1947, Wax 1971:75–77, and Wax et al. 1964:29–41. For a nonscholarly treatment, see Iktomi 1937. For examples from other tribes, see Beaulieu 1984 and D. Walker 1967.

24. Calculation of degree of blood was already well established in the antebellum South for the determination of the legal boundary between the white and negro races (see Hurd 1968, 2:4, 19, 86, 340; Stephenson 1969[1910]:12–25).

25. Of course, OIA officials may not have actively wished to bring about their obsolescence, but this was the stated long-term goal of federal Indian policy.

26. It also meant substantial reduction of federal expenditures for the administration of Indian allotments, an increase in property tax revenues, and the flow of Indian lands into the control of non-Indian farmers and ranchers as restrictions on leasing and sale of land disappeared.

27. Lakota individuals who authored documents referenced in this article are not identified by name but are instead listed in the references as "Lakota Correspondents" in order to protect the privacy of Lakota families.

28. It is not possible to know whether they were prompted to do this by the clerk in the county courthouse, or if they volunteered their blood quanta.

29. This is an old and recurrent discourse on Lakota reservations (see Biolsi 1992:151–171).

30. This procedure was devised by the Secretary of the Interior under legislative authorization enacted in 1906 and 1910 (U.S. Congress 1906:182, 1910:855).

31. Regulation of Lakota domestic relations had actually begun much earlier and was probably associated with the official intent to establish paternity in order to assign responsibility for child support. In 1883, the agent at Pine Ridge reported that he had built a guardhouse for incarcerating any Oglala in his charge who might require disciplinary action. Apparently, (sexual) "immorality" was the crime with which he was most concerned. He punished "immorality of any kind," and he boasted to the commissioner that he was not only the first agent to confine errant Oglala to the agency guardhouse but was also the first to correct their immoral acts. The Lakota marriage tie, it seems, was "very loose," and did not entail a license or solemnization by clerical or civil authorities. During his campaign against Indian immorality, he was told by the Oglala that fluid conjugal arrangements were "Indian custom, with which [he] had no right to interfere," but he pledged to continue to "interfere" and "correct" the situation (Commissioner of Indian Affairs 1883:99). He reported that he had trouble finding Oglalas to sit as judges in the court of Indian offenses at the agency, because "from [an] Indian stand point [*sic*] the offenses set forth, and for which punishment is provided, are no offenses at all, and I doubt if one could be found willing to punish another for the offenses" (Commissioner of Indian Affairs 1883:100).

32. The Supreme Court had held (*United States v. Quiver* 1916) that the federal courts did *not* have jurisdiction to try an Indian for adultery; domestic relations were *tribal* matters subject to *tribal* jurisdiction. The administrative procedures of the OIA agency courts, however, were not legally the same as the jurisdiction of the federal courts, and there was no procedure to review agency court decisions, except by the local superintendent (Commissioner of Indian Affairs 1888:29, 1892:27; Meriam 1971[1928]:17; Office of Indian Affairs 1904:101–105; see also Hagan 1966). It is not clear what the Supreme Court would have decided regarding the jurisdiction of OIA courts over domestic relations, had that question been entertained.

33. This "traditional" Lakota culture was not necessarily inherited from a primordial past, or even from the more recent buffalo days. Much of the Lakota culture was produced and reproduced by the reservation situation itself.

34. The federal government experienced consistent problems with this autonomous Lakota culture because Lakota "traditionalism" has been the source of recurrent resistance to domination—from the time of the Ghost Dance in 1890 to the occupation of Wounded Knee in 1973. Neither the state apparatus nor the capitalist system is, nor can be, omnipotent. Each, instead, generates its own peculiar contradictions.

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[2] **The Evolution of Indian Leadership on the Great Plains, 1750-1950**
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