

Compositional Stasis and Flexibility in American Indian Tribes

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Abstract. American Indian tribal power has typically expanded since the 1960s. During this period, often referred to as the Self-Determination Era, tribes have regained much of their earlier political centrality. One rarely addressed limitation during this period is the inability of tribal polities to break into smaller units while maintaining recognition as legitimate. This essay identifies the inability of tribes to exercise what the authors call compositional flexibility and fracture to form new polities discrete of the previous tribe. The authors argue the absence of compositional flexibility shapes tribal politics and is at odds with many forms of traditional governance systems.

Keywords. American Indians, Native North America, settler colonialism, anthropological theory, law and recognition

I feel like I don't fit into the tribe most of the time. At least not how it is now. I disagree with the direction it is going. It is all about money and that is not what a tribe is for. There are a lot of us [that feel that way] but we can do nothing about it. No good choices, really. We don't win at the elections. We are stuck and can't leave the tribe all together and can't stay. We should be able to break away and start our own tribe. We used to do that all the time but we can't do that now.

—Tribal Elder, Indiana (2009)

In 1867 the Delaware Tribe of Indians (Lenni Lenape) were relocated to land set aside for the Cherokee Nation in what is now northeastern Oklahoma. Neither tribe had a choice in the matter. Despite co-occupation,

Ethnohistory 68:2 (April 2021) DOI 10.1215/00141801-8801822
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the Delaware maintain that they continuously have operated as an autonomous political unit. Yet the Delaware's status as an independent tribe was revoked by the Bureau of Indian Affairs (BIA) in 1979. The agency claimed the Delaware had been under the political jurisdiction of the Cherokee Nation for more than one hundred years (see Obermeyer 2009 for greater details of this case). After a decade of court cases, the Delaware were granted federal recognition as an independent tribe based, in part, on their separate origin. In the post-1975 Self-Determination Era for American Indians, a tribe dividing with each part remaining federally recognized is rare. Given that tribes separated, as the elder in the epigraph mentioned, the case of the Delaware and Cherokee elicits reflection on the broader lack of agency for tribes to presently reconstitute themselves. This article illustrates that division was an accepted part of tribal political, communal, and social life historically, yet it rarely occurs or is even discussed as a viable form of social change among American Indians. Cases such as the Delaware and Cherokee are highly uncommon, only occurring because they were not originally a single tribe but a conglomeration of two different cultural and linguistic groups. What if, for instance, one group in the Cherokee Nation had wanted to split from the rest of the tribe, as they had many times in the past? No such act would be permissible, as the departing group would not be recognized by the federal government as legitimate.

Compared to earlier periods in settler societies, American Indian tribes now exercise greater political authority. This shift has been dramatic enough that the contemporary period starting in the 1960s has been referred to as the Self-Determination Era. Such developments are remarkable, given the long-standing efforts to diminish tribal authority over much of the nineteenth and twentieth centuries. Tribes now manage court systems, health-care delivery programs, educational administrations, large corporations, and the registration of motor vehicles in addition to other political and economic activities. Many of these tribal undertakings would not have been possible in the 1950s, when tribal authority was limited by Congress, and several tribes were subject to the termination of their status as political units by the federal government. Despite the growth of both tribal authority and the field that studies it (see Deloria [1986] 1995 for an overview), one critical component of tribal governance remains underexamined as the example above describes: the ability to divide to form new polities.

Greater tribal autonomy has generally been applauded. Scholars note the dramatic improvement in self-governance from previous political periods (Castile 2006), while activists have witnessed policy reversals from their decades' long mobilization efforts (Cornell 1988). Consequently, many tribes have achieved political and economic independence to design policies

that enhance the health of their communities and the livelihood of their members. Although an improvement from much of the twentieth century, tribal power in the Self-Determination Era is not without its shortcomings, as several scholars have pointed out. Governance theorists, such as Taiaiake Alfred (1999), identified the inaccuracies involved in framing greater tribal power as “sovereignty,” which is a pan-European rather than pan-Indigenous concept. Others, such as Thomas Biolsi (2004), suggest that the expansion of tribal power, in some cases, might also be used as a pretext by settler governments to abjure from obligations made to Indigenous individuals and governments in the form of resources and rights. David Wilkins (1997) has argued that Indian law is not as legally a coherent body as it should be, but rather a set of political preferences that has made the Self-Determination Era more fragile than it seems. In contrast, Kevin Washburn (2006) notes that since the 1980s there has been a lapse in legislative efforts at the federal level for supporting tribal sovereignty. Moreover, Raymond Orr, Katelyn Sharratt, and Muhammad Iqbal (2018), as well as Thaddieus Conner, Alisa Hicklin Fryar, and Tyler Johnson (2017), found that public opinion is easily swayed against American Indian rights and institutions despite general good will. Other scholars, such as Terry Wilson (1992) and Faith Roessel (1989), contend that this period constrains which tribal peoples might be recognized as legitimate. These are just a few perspectives that have identified limitations in the construction of tribal power in the contemporary American Indian Self-Determination Era.

The diminished ability of tribes to divide into multiple distinct and recognized polities that are independent of one another, as they had in the past, is a less examined feature of the Self-Determination Era. This article labels the ability of tribes to divide and reconstitute themselves as the exercise of *compositional flexibility*. As a term of our own construction, compositional flexibility is used to bring a range of concepts together, such as secession, division, fracture, reconstitution, and separation. Compositional flexibility contrasts with what we call *compositional stasis*, which is the inability to divide and share or maintain federal recognition. As we suggest, compositional flexibility was an important feature of tribal political, social, economic, religious, and cultural life and governance for many American Indian peoples for millennia despite the contemporary period being defined by compositional stasis. Take for instance the Tewa language group of the Southwest, which according to Ronald Towner and Matthew Salzer (2013) coalesced politically in the fourteenth century and, as Samuel Duwe and Kurt Anschuetz (2013) have shown, responded through organizational adaptation during periods of ecological change. As work by Richard White (1991) on the Great Lakes and Charles Hudson (1976) on

the Native South have described, political flexibility was a strategy that American Indians employed in responding to European colonial expansion. When considering the flexibility of the past, in this sense, tribes live in a time of fewer possibilities.

However, compositional flexibility is not the same as disenrollment or exclusion of individual tribal members (see Wilkins and Wilkins 2017 for a discussion of disenrollment). Compositional flexibility allows for the division of a tribe into multiple polities that are recognized as legitimate by settler states. With certain exceptions, compositional flexibility has not been an accepted feature of American Indian tribal political life in the continental United States during the Self-Determination Era. Rather, there have been incremental movements toward compositional stasis rather than explicit congressional acts or laws, Supreme Court decisions, or executive actions that forbade tribes from formally dividing. The inability of tribes to exercise compositional flexibility illustrates Patrick Wolfe's (2006: 388) assertion that settler colonization is a structural process rather than an event. We argue here that although there are no explicit laws forbidding division, the denial of compositional flexibility resulted from three policy developments that replaced governance practices of flexibility with stasis for many tribes: the first was the end of the treaty-making period in 1871; the second was the Indian Reorganization Act policies of 1934; and the third, and most explicitly prohibitive, was the establishment of the Office of Federal Acknowledgment in the late 1970s and its criteria for recognition.

The policy developments that created compositional stasis have divergent origins, but the motivation to constrain tribes, and Indigenous people in general, is likely more singular. Settler colonial theory provides considerable evidence identifying the intention to erase Indigenous peoples in present and future forms (see O'Brien 2010 for a discussion of the "vanishing Indian"). By eliminating Indigenous peoples as biological, cultural, and political entities, settler states attempt to extinguish possible claims against their own sovereignty. Accompanying the goal of eliminating Indigenous peoples is the need to render Indigenous populations legible for expedited administration and therefore less of a burden or inconvenience for states (Biolsi 2004: 243). Making populations legible is not distinct to the settler states (Scott 2001), yet legibility is especially consequential for Indigenous peoples who have diverse types of political organization. As part of the broader process in settler societies to erase Indigenous peoples and their obligations to them, tribes have been "compositionally frozen."¹ In the context of a fluid past for many tribes, it is striking how division is not seen as a political option. So dominant is compositional stasis and so removed is compositional flexibility from the repertoire of tribes that division and reconstitution are rarely even imagined.

This article begins with a broad framing of the importance of compositional flexibility for tribal peoples and then focuses more specifically on the historical and ethnographic cases of American Indians. The first section surveys the division of tribes into new units across cultures. It looks at compositional flexibility among American Indian tribes through anthropological studies. The second section explores how three policy developments—the end of treaty making, the Indian Reorganization Act, and federal acknowledgment—moved tribes away from flexible to more static arrangements. The third section builds on the example of the Delaware Tribe of Indians to examine the Shawnee Tribe’s successful separation from the Cherokee Nation. This section also explores the Citizen Potawatomi and Mohawk Nations’ inability to divide into multiple polities and gain recognition. As these cases suggest, division with federal status is possible, though rare. When allowed, division might be available for tribes seeking clarification around issues of historical mergers. Division is not permitted when its causes are contemporary disagreements. These case studies and the paucity of reported details indicate the limited focus on division within American Indian–focused political literature. In the fourth section, we describe the underlying assumptions that exclude or make difficult the possibility for compositional flexibility within settler societies. The final section explores the limits to our knowledge about compositional flexibility and the causes that have removed it as a political and legal possibility for tribes.

There are, however, some limitations to our approach. This article raises the issue of compositional flexibility, its historical significance, and its contemporary limitation rather than providing a comprehensive study of what constitutes a “tribe” and its varied construction through time and geography (see Sahlins 1968). A comprehensive account of division and recombination of tribes requires a critical exploration of the concept of a tribe (see Fried 1975 on tribes in the context of villages, clans, and nations), and the variation in how tribes historically divided or reconstituted.² These examinations are beyond the scale of this article. Instead, by focusing on the importance of compositional flexibility in American Indian political life in the past and its absence in the contemporary period, we may better show how stasis is a historical aberration, yet also a rarely examined assumption.

Compositional Flexibility and Tribes

The ability to divide to create new political units is an often assumed but overlooked dimension of human sociality. Looking over the long history of human existence, and given the immense cultural diversity and innumerable

political units present in today's world, social differentiation can be seen as one of the major organizing forces in history (see Moffett 2018). Yet the mechanisms for social division and differentiation have been placed largely in the idiographic field of history and outside ethnological theory. Moreover, the potential for political division and reconstitution is often only normalized in earlier periods of social organization (Eliade 1971: 95).

Gregory Bateson's (1935) concept of schismogenesis is the most recognized theory addressing how such differentiation occurs in small communities. Bateson built his model of cultural change through analyzing how differentiation occurred as a by-product of competition, animosity, and hierarchy among the Iatmul of New Guinea. Since Bateson, the question of how communities aggregate into empires (Colson and Gluckman 1951) or develop into states (Cohen and Service 1978; Service 1962) has far outweighed interest in how they divide. One indirect consequence of these state-centered approaches for understanding social division came through defining a tribe as an historical outlier precisely because they lacked solidified structures of control to prevent repeated schisms (Fried 1975).

Despite the lack of theoretical attention given to social differentiation, ethnographic and historical accounts showed how compositional flexibility was an essential feature of tribes in North America and other regions (Lee 1976; Steward 1955; Evans-Pritchard 1940). The degree to which organizational and political arrangements were flexible has been linked to culture (Boas and Codere 1966), ecological setting (Lewis et al. 2014), material culture, religion (Dickson 1990), and proximity to other groups. For many tribes, flexibility was critical to survival and the basis of social arrangements (Marshall 1960). Some have even marked the beginning of homo sapiens with the emergence of consensus-driven sociality (Cosmides and Tooby 1987) and early symbolic culture (Wengrow and Graeber 2015).

Compositional flexibility and its essential function for tribes, therefore, run against the notion that American Indian peoples are static and inflexible. Built into the expectation that American Indians do not change is a fragility that if tribes and peoples do change, they are debased, destroyed, corrupted, or inauthentic. For instance, the nineteenth-century historian of the American West, Francis Parkman ([1851] 1962: 63), declared: "The Indian is hewn out of rock. You can rarely change the form without destruction of the substance . . . it is this fixed and rigid quality which has proven [their] ruin." The fragility of tribes as a function of their inadaptability fed the sense that American Indians were vanishing and relegated to extinction in the later nineteenth century. The trope of the vanishing Indian impacted literature and visual art of this period, which often juxtaposed American Indians against a setting sun.

Settler colonial theory has much to say about the need to eliminate the possibilities of Indigenous peoples in settler states. Scholars, such as Wolfe (2006: 388), have argued that the impulse to make Indigenous peoples vanish was a direct imperative of colonialism. In what Wolfe (378) terms “the logic of elimination,” he identified that an omnipresent objective in colonialism is to remove Indigenous peoples both biologically and culturally. Further studies have expanded on Wolfe’s (2006) concept of elimination. Comparative works such as Katherine Ellinghaus’s (2006) outlined the differences between Australian and US policies that either biologically or culturally assimilate their Indigenous populations. Margaret D. Jacobs (2009) has shown how settler colonialism has altered gender and maternal or paternal arrangements regarding marriage. Warwick Anderson (2006) identified the role that scientific and medical professions had in imbuing Indigenous populations with notions of contamination. Henry Reynolds (2013) has outlined Indigenous elimination in the military history of settler states, which, in certain instances, overlooks violent conflict. In terms of utilizing new methods for what have been mostly historical, theoretical, and ethnographic approaches to the logic of elimination, Orr and colleagues (2018) employed experimental designs to show how violating the static expectation of Indigenous peoples might diminish political and economic support, hence eliminating the political existence and rights of Indigenous polities.

Stasis is an especially unwarranted assumption in political life if tribes are considered within a geopolitical context (Wolf 1982). Many tribes voluntarily divided throughout the millennia before European colonization of North America. The involuntary breaking up during settler expansion is evidenced by the broad dispersal of some tribes across the United States. Flexibility was endemic to many precolonial systems but, as Marvin T. Smith (2002: 3) has observed, European contact “radically altered Native American societies and their interrelations.” Regions such as the Great Lakes underwent rapid political change owing to colonial expansion (White 1991), yet a paradigmatic example of flexibility comes from the Native South. Although working with imperfect anthropological and archeological evidence, scholars such as Hudson (1976, 1997) have shown that the organizational units (then termed “chiefdoms”) underwent rapid disruption shortly after de Soto’s expedition; and, from the sixteen to eighteenth centuries, existing polities were reconstituted by Natives adapting to rapid changes. John Worth (2007) has argued that archeological evidence suggests that the political instability of this time resulted in an aggregation of chiefdoms into larger political units. Hudson (1976) has also pointed out that the continuities between pre- and post-European invasion did not mean

that the political constitution of regions remained stable. Robbie Ethridge (2010: 3) forwards the notion of the Native South, in particular the Mississippian experience in the sixteenth to eighteenth centuries, as a “shatter zone” whereby Indigenous chiefdoms underwent a “geopolitical restructuring that took place as the survivors made place for themselves in a new, colonial world.” The Chickasaw Nation offers a specific example. Ethridge (2010) traces the emergence of the contemporary Chickasaw polity to a series of ruptures starting in the sixteenth century leading to centuries of reconstitutions that included consolidating multiple chiefdoms, incorporating parts of other tribal groups (notably the Choctaw), and forming larger political units as a result of treaties with the United States.

Several tribes in Oklahoma exemplify this dynamic. The Seneca-Cayuga Nation is a single tribe that is a composite of what were formerly two tribal groups originating from the Iroquois Confederacy in the greater New York region. However, there also remain a distinct Seneca Nation and a distinct Cayuga Nation currently in New York State. For this contemporary outcome to have occurred, whereby a composite single tribe was made from two tribal groups and two discrete tribes nearly one thousand miles away, tribes must have been, to some degree, malleable arrangements in the context of larger historical processes. The Seneca-Cayuga Nation left New York State in the late eighteenth century and is recognized under US law as having a distinct government from the remaining tribal community (Wanamaker 2003). As evidence of the emergence of a new polity, the Seneca-Cayuga Nation in New York was unable to participate in land claims disputes based on treaties between the remaining Cayuga and the federal government that were signed after the Oklahoma-based Seneca-Cayuga left New York State (Harnden 2000; Wanamaker 2003).

Before colonial contact, tribes broke apart and came together for reasons that could be material, cultural, historical, personal, or for a combination of these factors, but the original reasons may be lost to “prehistory” or expressed in storytelling. However, today we may find evidence for this in genetic and linguistic similarities across North America. There are language groups that have common origins but are dispersed in a noncontiguous fashion across the entirety of North America. Tribal bands would separate into smaller bands, remain separate, combine with other bands, recombine into the same bands, or divide even further. There was likely regional variance in the flexibility of tribes, with some having greater subsistence flexibility in response to more variable geographic and social landscapes. On the Great Plains, for instance, tribal groups that were within the same linguistic group and not violent rivals could bring newcomers into their group more frequently, as was the case in similar situations outside

North America (Miers and Kopytoff 1977). The role that such newcomers might have in the polity might have been limited, yet their presence—whether as a subject or participant—was common.

Movement to Compositional Stasis: Three Policy Developments

Three major policy shifts have pushed American Indian tribes toward compositional stasis. The first major policy period was the end of treaty making. Treaties codified tribes as polities but also, counter-intuitively, allowed for the recognition and split of existing tribes. The second policy development was the Indian Reorganization Act (IRA) of 1934. Distinct tribes who shared a location during this period were often combined into one polity through the adoption of a written constitution. The creation of the federal recognition process in the late 1970s was the final policy period and one that prohibited the recognition of groups that had already been part of federally recognized tribes.

Treaty Making

Treaty making had multiple outcomes for tribes and their recognition, which included codifying tribes according to the perspective of colonial powers. On initial examination, treaties increased compositional stasis and reified both ethnic and physical boundaries. However, treaties were also junctures for tribes from which multiple outcomes could quickly take place but which were not easily reversed. Tribes could use a treaty to split apart. The Potawatomi in Kansas in the 1860s is an example of treaty making serving as a mechanism for compositional flexibility. After being relocated from the Great Lakes region, the portion of the Potawatomi that were removed to Kansas then divided in 1861 so that some could move to Oklahoma. Two accounts of the political decision to divide are told among Potawatomi (Orr 2017). One version claims reservation land was sold unwillingly by Potawatomi to railroad companies, while others claim this removal was voluntarily made by those intent on gaining allotments in Oklahoma. The formal political division, from the perspective of the US government, was codified in the Treaty of 1861, which divided the Potawatomi into the Prairie Band (Kansas) and Citizen Band (Oklahoma). Therefore, treaties could provide grounds for recognized division, as both groups—that is, those remaining on certain land and those relocating—might be party to the treaty. When Congress ended treaty making with tribes in the Indian Appropriations Act of 1871, the possibility for tribes to divide via treaty ended. Perhaps not incidentally, the second half of the nineteenth century saw the consolidation of multiple tribes onto a single

reservation to increase administrative expedience (see the Nelson Act of 1889, which made provisions for the movement of the Anishinaabe peoples in Minnesota onto reservations).

Indian Reorganization

The Wheeler-Howard Act of 1934, also referred to as the Indian Reorganization Act, was a second major development promoting compositional stasis. In an effort to reemphasize tribes as meaningful polities, the Roosevelt Administration and the BIA ceded limited functional powers to tribes. Tribes were unable to raise revenue, and tribal decisions were subject to review by the BIA (Wilkins 2002: 121–34). The IRA also sought to “organize” (or reorganize) tribes, and in doing so, the policy placed tribes in a context in which the ability to divide or reconstitute themselves was made more difficult. The IRA reemphasized the role of tribes, but it required them to adopt written constitutions in order to derive benefits, such as recognition and funding. The IRA constitutions were based on templates, resulting in an isomorphic system of governance with only small variations across tribes. That constitutions were somewhat uniform did not prescribe the organizational freezing of tribes; rather, the restrictions in how tribes adopted constitutions and the difficulty in changing these documents contributed to stasis. When presented with benefits during the IRA, tribes were not given a significant opportunity for consultation or revision. The IRA policy’s interest in expedience over precision and concern for legalisms and over culturally appropriate governance systems was a central criticism of these constitutions. For instance, those who did not vote were often considered voters in favor for the new constitutions. Moreover, the IRA constitutional process politically consolidated multiple tribes that were distinct ethnic groups, who were placed on the same reservation or tribal lands in earlier periods. These reservations or tribal lands, therefore, had several polities, but during the IRA, these tribes were made to vote on a government that would manage all groups on the reservation or tribal lands. One example is the Cheyenne-Arapaho Tribes in Oklahoma, who became a single government in 1937 as a result of the IRA, even though they were originally two separate groups (Berthrong 1992).

Federal Recognition

A third policy development that led to compositional stasis is centered on the federal acknowledgment process. In the late 1970s, the BIA, under scrutiny because its recognition of tribes was inconsistent (Klopotek 2011: 239–72), developed a set of criteria and a process by which tribes could achieve recognition. This process requires nonrecognized tribes to apply to

the BIA's Office of Acknowledgment with evidence that they fit all the criteria that define a tribe. Although the criteria have changed somewhat over multiple revisions, one criterion states that "the membership of the Tribe is composed principally of persons who are not members of any acknowledged North American Indian Tribe" (Office of Federal Acknowledgment 2015: 37872). It is, therefore, prohibited for tribal members to break from a current tribe and receive recognition. This opens up a question, which remains unresolved—if a group is expelled from the tribe, such as the Cherokee or Seminole Freedman, is that group eligible for recognition? Given the other criteria for recognition, such as self and distinct political organization since 1900, it is unlikely that a tribe would be granted recognition.

The denial of federal recognition of the Duwamish Tribe in 2015 is an example of the prohibition on tribal division. The Duwamish, a tribe located in Seattle, had petitioned the Office of Federal Acknowledgment in the 1970s for recognition. The tribe traces its origins to the signing of the treaty of 1855 via its leader, Chief Seattle, though the tribe was not recognized as a signatory of the treaty by the US government. One reason for denying the Duwamish was that those petitioning were also members of other nearby tribes. This resulted from both intermarriage and the organizational absorption of the Duwamish into other tribes. Although this ruling was considered erroneous and unfair by those advocating for the Duwamish, it indicates that the Office of Federal Acknowledgment excludes tribes that it sees as splitting (Tu 2015).

Each of these policy developments did not by itself completely move tribes from compositional flexibility toward stasis. The three policies identified are likely not a comprehensive list of developments that remove more flexible arrangements for American Indian peoples. Nor do they constrict the compositional possibilities for tribes in the same way. With the end of the treaty-making period, an avenue for division and immediate recognition as a tribe closed. Policy under the IRA consolidated groups through constitutions that required significant effort by tribes and approval by the BIA to alter. Unlike the end of treaty making, the federal acknowledgment process did not directly remove an avenue for division but added an administrative process whereby division excluded a "new" group from emerging.

Case Studies of Successful and Unsuccessful Attempts at Division

Division within a tribe such as the Delaware within the Cherokee Nation reservation is rare. Whereas the Delaware Tribe of Indians and Shawnee Tribe were able to receive clarification as to whether they were incorporated

into the Cherokee Nation, tribes that had not merged from two distinct tribes have been unsuccessful in secession efforts. We are aware of two instances in which secessionist movements have been attempted in American Indian tribes since the 1970s. It is likely there are a far greater number of attempts, but there is no comprehensive literature, records, or studies of fractional movements. The following two case studies illustrate the difficulties of fractional movements in achieving legitimacy equal to other tribes. For the Citizen Potawatomi Nation in Oklahoma, there are two distinct factions. The first is associated with the current and long-term group running the tribe, and the second is a self-described culturally “traditional” group referred to as Sacred Heart Potawatomi (Orr 2017: 88). In the case of the Mohawk of New York State, a secessionist group referred to as the Ganienkeh Mohawk, broke from the larger Mohawk Nation in the 1970s (Landsman 1987). This fractional group set up its own government and has operated under an uncertain political status since its creation, as the federal government has not determined if Ganienkeh authority is an extension of the larger Mohawk Nation or self-generated. The Potawatomi and Mohawk secessionist tribes are not recognized as autonomous. What also emerges in these case studies is how little the literature on American Indians discusses such movements. There are no sources outside our direct research with the Citizen Potawatomi and less than a handful on the Ganienkeh Mohawk movement (see Kwinn 2002 for a discussion of labor politics but not secession on the Ganienkeh).

The two instances that are closest to a successful exercise of compositional flexibility in the contemporary period surround the Cherokee Nation and two other tribes placed on Cherokee tribal lands. The first is the Delaware Tribe of Indians, which has been discussed above, and the second is the Shawnee Tribe. Often referred to as the “loyal” Shawnee because of their service on the side of the Union in the Civil War while most Shawnee sided with the Confederacy, they were “rewarded” via removal from Kansas to what became Oklahoma (Smith 2009) (hereafter the Shawnee placed on the Cherokee Nation land will be referred to the “Shawnee Tribe,” which is their official name after recognition). After statehood, Kansas asked for the removal of all Indian tribes, and in 1866 the Shawnee and Cherokee Nation agreed to this on granting Cherokee citizenship to 772 Shawnee living in what became Craig and Roberts Counties in Oklahoma. These Shawnee were considered members of the Cherokee Nation and referred to as the Cherokee Shawnee. In 2000 Congress passed a law granting federal recognition to the Shawnee Tribe as a separate tribe. The congressional act was predated by a series of negotiations between the Shawnee Tribe and the Cherokee Nation around resources and shared governance. The Shawnee

Tribe received no land base or trust land as part of the agreement, and some of their services are still administered by the Cherokee Nation. That this was permitted raises an interesting question in the sense that compositional flexibility is diminished. This case is simultaneously extraordinary and ordinary. The Shawnee Tribe's recognition is extraordinary, as it was achieved by a congressional vote rather than the expected path of applying to the Office of Federal Acknowledgment. It is unlikely the tribe would have satisfied the federal acknowledgment criteria and been recognized because the Shawnee Tribal members were also enrolled members of the Cherokee Nation. Moreover, the case is ordinary in that these were two politically separate entities and therefore fit within the model whereby separate tribes who were forced together would be more likely to be granted their request for succession.

Tribes are less successful when they try to divide within their own culture and ethnic group. The Citizen Potawatomi were part of a tribal group whose homeland was originally in the Great Lakes region. Much of Indiana and Illinois were once Potawatomi territory. Like many eastern tribes, the Potawatomi were removed in the 1830s. The group was first relocated to Kansas. The Potawatomi living on the Kansas reservation were again relocated to Oklahoma and became recognized as the Citizen Potawatomi, while those who stayed in Kansas are known as the Prairie Potawatomi (Clifton 1998). Even in the nineteenth century, tribes were able to practice compositional flexibility according to historical circumstances and internal prerogatives.

The late twentieth and early twenty-first centuries created conditions whereby significant economic change challenged Citizen Potawatomi tribal cohesion. The Citizen Potawatomi in Oklahoma after the 1970s have generated significant economic growth. In 1985 the tribal assets, other than land, were a single trailer with a phone and desk inside. After three decades of economic development and with the same tribal chairman presiding, the Citizen Potawatomi's annual economic impact in the region has risen to approximately \$500,000,000 per year (Citizen Potawatomi Nation Public Information Office Website 2018). This growth has come, according to some, at the expense of the cultural and spiritual purposes of the tribe. A fractional movement arose to challenge the tribal leadership in the 1980s. This group, called the Sacred Heart Potawatomi, takes its name from a segment of the tribe's territory where the original church and boarding school of the same name were once located. This group unsuccessfully ran a series of candidates in the tribal elections in the 1980s and 1990s. Later, the group criticized tribal leadership in blogs and websites (Orr 2017: 96).

Few details are known about the Sacred Heart efforts to succeed. It has been discussed in tribal gatherings and in interviews with tribal members but was not covered by local or tribal papers.³ The Sacred Heart petitioned the BIA to be recognized as a distinct tribe, yet there are no records of this that could be found other than what was mentioned by both Citizen Potawatomi and Sacred Heart Potawatomi during interviews. We were told their petition was unsuccessful and no report was generated. We hypothesize that their attempt at recognition would not have been processed, as those petitioning were already enrolled members of a federally recognized tribe and in violation of the criterion requiring tribes to not have been members of another.

Similarly, in the 1970s, a group broke from the Mohawk Nation in New York State. The Ganiенkeh Mohawk seceded to establish a community more closely organized around traditional Mohawk religion. Despite the significance of this secessionist movement, the background that created this schism is unrecorded in the *New York Times* newspaper archives dated 1974–76 that covered the initial community establishment. Unlike the Sacred Heart Potawatomi, however, the Ganiенkeh Mohawk moved away from the Mohawk land base and established a geographically separate community. The records from this period and scholarship about this event focus on the escalating tension with nearby non-Indian populations, which included the shooting of a non-Indian girl (Landsman 1987). Analysis of the media surrounding the Ganiенkeh Mohawk showed that issues of sovereignty and self-determination were minimized as Ganiенkeh activities were framed within crime and disorder (Landsman 1987). Forty years later, the legal status of Ganiенkeh is still unresolved. The land that was used for the Ganiенkeh community is still occupied, but the status of both the land and the tribe as a polity remains pending (Rose and Rose 2015).

Limitations and Motivations behind Removing Compositional Flexibility

Our limited knowledge of the Sacred Heart and Ganiенkeh fractional movements is likely indicative of how rare such secessionist attempts have become in the Self-Determination Era. Even the Delaware and Shawnee's successful separations from the Cherokee Nation have generated only moderate attention (see Obermeyer 2009 for discussions on the distinction between the Delaware and Cherokee). The causes of the limited scholarly research on contemporary succession movements may be a confluence of reasons. It could be that there are efforts by many tribes to divide, but they

are not attended to by scholarship. For example, the Shawnee Tribe's recent secession case has not generated a scholarly article or book. The absence of such research is perhaps symptomatic of the reluctance to attend to tribal division in political scholarship or even the need for more scholars to cover such phenomena. Or, alternatively, it could be that attempts to exercise compositional flexibility are exceptionally rare. It is also possible that the absence of studies is a combination of division being a rare event and one rarely discussed. At this point, we are only able to ask, not resolve, this question.

Perhaps research on tribal composition is focused elsewhere. Certainly, the interest in identity, tribal membership, and recognition by American Indian and Indigenous studies is substantial. Identity as a subject, whether it be its change over time (Nagel 1995), discourse about it (Garrouette 2003), or historical complexities in a single tribe (Dennison 2014; Smithers 2015), has constituted a theme beginning with the development of American Indian and Indigenous studies. Tribal membership is a continual research interest (Lawlor 2005), and, as tribes become centers of capital accumulation and resources, the growing interest in exclusivity has prompted scholarly inquiry (Gonzales 2003).

Recent research by Paul Frymer (2017) shows how the strategic use of demographic control was employed by the federal government while incorporating territory. Even if there were instances in which conflicts in this expansion were uncoordinated, as Andrew Szarejko (2020) argues, a parallel process might be at play regarding compositional flexibility. Frymer found that political debates around granting statehood to territories often revolved around the racial population of that state. Territories with the highest percentages of American Indians, such as New Mexico and Oklahoma, were therefore some of the last to be granted statehood in the continental United States. We also see demographic control at the tribal level, which follows an extant theory in settler colonialism that such states desire to minimize the presence of Indigenous peoples. Wolfe (2006) contends that a primary motive of settler societies is the eventual elimination of Indigenous populations (Hall 2008). Another intellectual strand examines how populations were made uniform and thus easily legible for states in their drive toward "modernization," which is often associated with the work of James C. Scott (2001). The primary drive of states (settler and nonsettler) for Scott and Frymer (2017) is to reduce racial and ethnic complexity for more efficient governance and control. This idea is supported by Christian Dippel's (2014) findings in which forced coexistence, poverty, and resource extraction exist as an assemblage. From these perspectives, removing the ability of tribes to divide favors the uniform and simplifying racial policies of the American settler state.

Moreover, it is possible to consider the movement to stasis as a transition from one model of a tribe over another. John Collier, who reformed Indian policies more than any other BIA director, which included creating and administering the IRA policy, was also fascinated with Pueblo communities' stability (Collier 1962). E. A. Schwartz (1994) argues that Collier saw the Pueblo as something akin to a "Red Atlantis" wherein Pueblo harmony and stability were identified as optimal for all tribes in his book, *On The Gleaming Way* (Collier 1962). It is, thereby, possible to think of this as all tribes needing to resemble the Pueblo, whose economic systems are bound to immobile mud bricks, instead of the more flexible lifestyle and political arrangements in other regions, such as the Northern Plains. Subsequently, inflexibility may imbue permanency and stasis as a model to be favored.

A more sympathetic approach to compositional stasis may then illuminate virtues associated with this type of inflexibility in the Self-Determination Era. The period preceding the Self-Determination Era was called the Termination Era, which is defined by an attempt to dissolve tribes. It is understandable that a rigid or fixed notion of a tribe is a more desirable outcome, given this immediate historical backdrop. If tribes are inflexible enough to not be able to divide, by extension the same tribes are entitled to a continual existence. For tribes, and American Indian peoples, accepting themselves as nondivisible units might be a useful strategy, if not a worthwhile trade-off, if the result means greater security.

This article stops short of analyzing compositional stasis's impact, although evidence suggests that the inflexibility of tribal composition influences economic development. Several studies have found that heterogeneous tribal lands, or those with multiple tribes forced into a shared polity, have worse economic outcomes than those of homogenous tribes (Akee, Jorgensen, and Sunde 2015; Cornell and Gil-Swedberg 1995; Jorgensen 2007). This disparity in performance may come from a lack of legitimacy of tribal leadership in tribes that are composites of once independent tribes (Cornell and Gil-Swedberg 1995). It is also possible that the removal of compositional flexibility has material consequences that compound after decades (Dippel 2014). It may further suggest that noncomposite tribes, in which different polities have recently emerged but who must remain a single political unit, could also suffer the effects of the delegitimization of tribal leadership by alienated members.

A robust answer for why it is now difficult for tribes to formally divide and retain their legitimacy remains elusive. Nor is it completely clear as to why there is almost no demand for compositional flexibility from tribes, political leaders, activists, or scholars. We can only offer some speculations.

These questions remain difficult to answer because they have rarely been formulated as a point of inquiry. Perhaps they have been asked, but not in a way that is legible to those who observe, study, or participate in the activities of American Indians. Maybe cohesion for American Indians is exceptionally important. The individual and communal efforts involving physical, emotional, and political struggles to retain social cohesion and a sense of community through hundreds of years of history, change, and trauma may make community sacred to the point where its division is now unquestionable or even too politically dangerous to a tribe's sovereignty to entertain. One possible reason that tribes do not express compositional flexibility as a necessary power may be its low priority given tribes' myriad responsibilities. Tribes may also not be the totalizing, holistic institutions that define one's experience as they were previously. Individuals and groups may now choose, within limits, the degree to which they participate and are defined by their tribal activities (Biolsi 2005). Whether or not compositional flexibility is important for tribes, the limits imposed on these possibilities separate tribal sovereignty today from earlier periods in American Indian history.

Conclusion

Compositional flexibility, once central to many tribes, has been replaced with stasis. The Delaware Indian Tribe, Shawnee Tribe, Sacred Heart, and Ganienkheh offer examples of attempts to exercise flexibility in the Self-Determination Era. Such attempts are successful when ambiguity about a territorial and political merger exists. The Delaware were able to regain their sovereignty through court proceedings. For the Shawnee Tribe, a political override in the form of a congressional act was required. Both the Delaware and Shawnee were not Cherokee peoples, but originally members of other cultural and linguistic groups. In the unsuccessful cases of the Sacred Heart and Ganienkheh, seceding groups were part of their tribes both culturally and linguistically. Such selective allowance for division indicates that the only differences warranting separation existed in the past. This cultural and institutional assumption mirrors Mircea Eliade's (1959) *in illo tempore*, or in English "in that time," which expressed a view across societies that relegated the power of social creation to the past. Such a conservative view is paradoxical to the belief that social progress, the self-determination of communities, and the conscious construction of society are products largely of the contemporary period, whether it be the Self-Determination Era or, more broadly, "modernity." Keeping tribal communities frozen imposes Western versions of agency and political formulations from the

“end of history” system of thought found in G. W. F. Hegel ([1807] 1977) and Francis Fukuyama (1992). These orientations of thought receive much criticism but also, it seems, much unreflective acceptance as an assimilationist approach to Indigenous polities rather than a pluralist one. Stated another way: how far do the negative rights of Indigenous people extend in settler states?

It is difficult to imagine what American Indian politics might resemble if tribes were able to voluntarily divide and retain legitimacy within settler states. Given the amount of scrutiny that the Self-Determination Era has received, it is surprising that the absence of the power to break apart has received such scant attention by tribes, tribal members, activists, and scholars. Although we have addressed several potential reasons for this missing literature, an underlying cause may be found in how systems of power, including settler states and sovereign governments, make their exercise of power seem natural and self-evident (Bloch 1974). Such an analysis of power could be extended to American Indian tribes who also naturalize their authority over their members. For tribes to break apart and form separate groups while maintaining their legitimacy would require a significant shift in how we conceive of American Indians in contemporary society. Moreover, a great deal of deliberation is needed about the internal mechanisms that would sanction such divisions. Allowing for compositional flexibility necessitates a total acceptance of the sovereignty of tribes as absolute political entities by the federal government, which would imbue them with a communal life that is not permitted today.

Notes

We are grateful to Cheryll Alipio, Tom Biolsi, Lewis Borck, John Borrows, Brenda Child, Philip Deloria, Michelle Jacob, Rauna Kuokkanen, Shane Miller, Jean O'Brien, Beth Piatote, Paige Raibmon, Justin Richland, and the anonymous reviewers for their feedback on versions of this article. This article was inspired by the work and mentorship of David Graeber, who passed away while it was in press and to whom it is dedicated.

- 1 By using the term *compositionally frozen* or *organizationally frozen*, we do not intend to suggest that tribes are culturally, religiously, socially, or economically static. Rather, we point to how tribes cannot divide or combine and be recognized as legitimate polities from outside governments.
- 2 For example, the breaking apart of the Iroquois Confederacy during the American Revolution would be one of the most vivid historical examples.
- 3 This information comes from interviews with Citizen Potawatomi tribal members. These interviews were carried out as part of one of the author's dissertation research, which was approved by the University of California, Berkeley, Committee for Protection of Human Subjects (protocol no. 2007-11-57).

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