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**ARRESTING NARRATIVES:
INCOMMENSURABILITY, POLICING AND SETTLER SECURITY**

BY

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B.U.S., UNIVERSITY STUDIES, UNIVERSITY OF NEW MEXICO, 2012**

THESIS

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**ARRESTING NARRATIVES:
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ABSTRACT

Settler colonialism is interrogated through the practice of arrest. Case studies of arrests at Standing Rock validate the historical salience of settler colonialism as a structure enabling Indigenous elimination and settler replacement that is dependent upon arrest to maintain and enhance settler lives and the settler project through unfettered access to Native land and resources for capital accumulation. Arrest is analyzed in relationship to statehood initiatives, the procuring of settler security, frontier feminism, and road signage in the masculine zones of travel in 1930s North Dakota. Contemporaneous reports from Standing Rock, the memoirs of Elaine Goodale Eastman and newspaper articles celebrating Red Tomahawk, the Oglala police officer who assassinated Sitting Bull, demonstrate the modalities through which arrest sustains settler sympathies and serves to incorporate Native people into a proper heteronormative, neoliberal subjectivity as enforcers of foreign legal codes. Critiquing and interrupting the colonial practice of arrest enables the greater security of the Indigenous women, girls, trans, and non-gender conforming who are most vulnerable to police violence. In risking arrest, Standing Rock water protectors presented a material impediment to the smooth flow of capital and demonstrated the unsettledness of the time of settler colonialism, evincing future imaginaries.

Introduction

In the summer of 2015, I received the Newberry Consortium for American Indian Studies (NCAIS) award to participate in the graduate student institute at the Newberry Library in Chicago, Illinois. I joined some fourteen students from participating universities for a month of intense scholarship. (Or, not so intense, if the beach at Lake Michigan was more your thing.) A master's candidate surrounded by Ph.D. students, I sat with them each morning around a wide and chunky polished oak symposium table to discuss the morning's readings. I struggled to define my research within the parameters, expectations, and imperatives wrought by academia. It was research I had only loosely begun to synthesize for myself, and, applying as a fellow, I emphasized wanting to intersect a queer and Indigenous feminist critique with a case study of police violence in Albuquerque. Like many scholar activists in Albuquerque, I recognized that Indigenous transwomen are prime targets for police abuse and violence. And like you, reader, the hypocrisy of taking a train all the way to Chicago to research and contextualize enactments of police violence in Albuquerque was not lost on me.

July abruptly busted into the more languid and lazy heat of August as I struggled to define a research direction, any direction. An initial search for the terms "policing" and "activism" revealed one slim folder with a newspaper article from Gallup. Heady stuff in reporting the formation of the Red Power Movement, and police brutality topped their list of concerns but I needed more. Well, someone rather slyly suggested, why not focus on the intersections of policing within the relocation and urbanization period of the 1940s and 1950s? This line of questioning seemed a bust also, as the Newberry houses, quite literally, tens of thousands of sociological tracts and anthropological treatises on this

period. As the summer passed with me reading in my lonely carrel, the persona of the house-bound scholar in Chaim Potok's *The Chosen* came to mind. However, unlike Potok's intellectual, my research seemed without direction. Fruitless.

During this time, Sandra Bland died in a Texas jail, only further cementing my commitment to more clearly delineate the racialized and sexualized settler colonial terrain of excessive force policing, its zones of exclusion, and its incumbent, death-world extremities. The 45-minute video of Bland's detention and arrest suggests that the officer is hypervigilant in securing dominance over Bland and I believe her blackness, femaleness, and an urban countenance signified by her summer maxi dress and snappy, unfazed demeanor marked her as not belonging, as entering a zone of exclusion when turning onto the sleepy Texas rural highway that determined her fate. The urban-ness ascribed to Black bodies operates in reverse in the mid-sized Southwestern city of Albuquerque, New Mexico where it is fairly common for Navajos and pueblo peoples to be stopped by the police and be advised to "go back to the rez," to the rural spaces where one is presumed to belong. Bland's July 2015 death followed upon the police deaths of two gay Southwest teens accused of vehicle theft, Mary Hawkes in April 2014 (Albuquerque), and Jessica López in November 2014 (Denver), and, in concert with the rise of the Black Lives Matter movement initiated by three Black female activists, two of them queer, the reality of female victims and the labor of queer female activists in addressing the issue of police violence flashed into common consciousness. On the night of George Zimmerman's acquittal for the execution of Trayvon Martin, Alicia Garza facebooked, "Black people I love you. Our lives matter, Black Lives Matter."¹ Garza worked as Special Projects coordinator for the National Domestic Workers Alliance, and

called on her anti-police brutality activist friend Patrice Cullors and fair immigration advocate Opal Tometi to found the BLM movement as an orchestrated response to the hundreds of black people shot by police and vigilantes in the U.S. annually. Black Lives Matter unapologetically links the problem of white supremacy to the problem of anti-Black police brutality. In parallel but divergent ways, I hope to connect the problem of police brutality to the structure of settler colonialism enabled and empowered by U.S. rule of law. To paraphrase Tuck and Yang, the authors of “Decolonization is Not a Metaphor,” decolonization is incommensurable with a settler police state and the praxis of arrest.

Meanwhile, tweaking search terms in the Newberry’s catalogue unveiled a rather weighty manuscript box on Red Tomahawk. As a Sergeant for the Lakota Police Force, Red Tomahawk shot and killed Sitting Bull in 1890, while attempting to arrest him on the orders of Standing Rock Indian Agent James McLaughlin. The agent openly declared Sitting Bull a “troublemaker” and planned to imprison the Oglala leader for life. McLaughlin may have hoped to quell the Ghost Dance, the practice of which was sending conservative government officials into a frenzy as a direct challenge to white supremacy and settler colonialism. Its uptake by the Oglala was a response to statehood initiatives that broke up the nation’s reservation boundaries into five reservations in order to more easily facilitate the influx of white settlers. The Lakota people were expected to participate in the boarding school system and farm on individual household allotments, a condition many found untenable and unreasonable on principle, and a dishonoring of treaties. Some dancers were housed with Sitting Bull along the Grand River. Despite the fact that the dance was a non-violent practice of prayer and resistance, the situation of the

gathering and Sitting Bull's rather provisional involvement (he was quite elderly) infuriated McLaughlin. Against the advice of a more seasoned government official, Valentine McGillicuddy, McLaughlin ordered police and troops to raid the sleeping camp and arrest the warrior Sitting Bill, or *Thathájka Íyothake*. The memoirs of Elaine Goodale Eastman, a young, white, government-appointed educator in Lakota nation at the time vividly recalls this event and Wounded Knee I, sometimes with horror and sometimes with the innocence and naiveté common to feminist autobiography of this time to poignantly if inadvertently point up how parallel strains of settler colonialism work together to take-over Indian country—in this case, the military, the police, the church and affiliated schools supervised by Goodale Eastman herself. The memoirs are both alternately apologist in tone and an example of feminist intersections with U.S. state-making imperatives that fit the prerequisites for its autobiographical genre in relating the heroine's journey as one of individual liberal freedom and progress. Penned in the late 1930s, the text slotted nicely with a file unit of newspaper articles from the Dakotas in the 1920s and 1930s that widely-regarded the police officer Red Tomahawk as a hero and dignitary specifically due to his role in slaying Sitting Bull and squelching the Ghost Dance. Red Tomahawk was invited to Washington, D.C. as a guest of Eleanor Roosevelt; his homicidal actions are understood as within the service of securing the greater good and nation building, a baldly overt exposition of how memory and narrative transit on behalf of settler colonialism. Although not the smoking gun of police violence and resistance I hoped for, the memoirs and file batch demonstrated the tenure of the times, as one in which past narratives of settler-colonialism circulate in the common imagination through the transgenerational transmittal of anti-Indian sentiment and

genocidal action. The transit of national memory via both archives substantiates Chickasaw scholar Jodi Byrd's hypothesis that "Indianness" is an open signifier circulating on behalf of a colonialism in which "the United States propagates empire not through frontiers but through the production of a paradigmatic Indianness," embodied by the assassinated leader Sitting Bull and his killer Red Tomahawk as national hero.²

That assignation of Indianness, noble killer or exterminated troublemaking threat, kind of buzzes in the heart of white society ready to be resurrected as in 2016 when Standing Rock water protectors were routinely labeled "terrorists" and "troublemakers" by Tiger Swan security and local law enforcement. The stereotype of the Indian troublemaker is so many-centuries old as to be laughably cliché if water protectors weren't actually gassed, hosed, arrested, and bitten by dogs in 2016, oddly Machiavellian and reminiscent of the colonial legacy of Vasco Núñez de Balboa sailing to present-day Panama in 1513 and attacking "sodomite" locals with hungry Mastiffs. The commonality across narratives of policing in Indian country are even more apparent in the contrast between Standing Rock in 1890 and Standing Rock in 2016, and the swift and brutal reaction of police when settler capital is threatened by treaty claims. Embedded within both narratives lies the subtext of white feminist imbrication with corporate and government imperatives threatening Indigenous land bases. Goodale Eastman supervising viciously racist educators and the mayor of Duluth, Emily Larson, opposing a Duluth City Council Resolution in support of Standing Rock water protectors by promising to "grow the economy" in steady conversation with pipeline builder Enbridge, are acts that glaringly highlight the incommensurability of white feminisms with Indigenous feminisms.

The deaths by police of Sitting Bull and Sandra Bland were precariously balanced upon the circumstances of arrest as that irrevocable marker of settler colonial police authority and right to kill. Arrest: that simple predictor of free and unfree, law-abiding and criminal, loomed large as a more specific in-road to my heretofore abstract study of policing. The video of Sandra Bland's arrest by Brian Encinas is haunting: the officer slammed her head and sat on her, an arguably unspectacular act of everyday violence in the United States. However, what further got me thinking was watching a white, female medic examine Bland to determine her fitness for detention and incarceration. I began to theorize arrest as an emotive circuit of relationships that depend upon white women feminists as agents of regulation, censure, and jurisdictional authority—a clearinghouse for the moral legitimacy of arrest—and I began to interpret the frontier educator in Eastman and pro-development mayor Larson as implicated in these circuits of culpability. And as much as I as a white woman conceive of arrest as the spectacle buttressing settler security (a domestic state of exception as articulated by Foucauldian scholars Giorgio Agamben and Achilles Mmembe) for Native, black, and brown people arrest, and the risk of arrest, exists in an everyday zone of indistinction. There is nothing, as the Black Lives Matter movement proclaims, in the over-zealous tactics of detainment and force resulting in death, conditions that mimic the time of slavery as certain detainment or arbitrary death. Hangings in county cell jails, attributed to suicide but used to cover-up murder by law enforcement, are so common as to be akin to lynching. For the colonized subject to successive waves and incantations of settler colonial rule of law, there are no state of exceptions for the business-as-usual exceptional use of violence of the settler police state.

As a practice, the arrest of Indigenous and unpropertied racialized people functions to secure a white, heteronormative colonial state of settlers desiring, and murderously protective of, the “right” to unfettered access to land for settlement and resource extraction. The arrest of Standing Rock tribal chairman David Archambault, La Donna Allard, Red Dawn, and hundreds more in 2016, 135 years after Sitting Bull’s arrest for refusal to sell land, undergird the saliency of Patrick Wolfe’s claim that settler colonialism is an ongoing, historical process of Indigenous elimination from one’s own land and community in concert with a system of white replacement on that land. Resistance to settler colonialism’s practices of elimination results in injury, arrest, or death. The corporeal practice of arrest figures prominently within the particularized constellation of social relationships structuring settler colonialism. The practice of arrest secures the settler state and this work holds white feminist accountable to their prominent role in upholding the state when we should be fucking burning with desire for its destruction.

I include an examination of policing as emotive affect and sympathy instilled in the settler population through a barrage of nationalist, law and order sentiment. This interrogation of the broader circuits of power functioning on behalf of the heavily-policed settler state includes the role of white feminists in undermining Native sovereignty through patriotic allegiances to the white racial constitution of government. Arrest is the marker of racial exclusion. This hyper-visibility of those demarcated by race and “Indianness,” bound up in centuries of racist emotive charge or “affectability,” notes Audra Simpson, “is the condition that makes some vulnerable to and, by the structuring of capital, entwined with racial logics of exclusion that condition inclusion in a Western,

white racial order.” This cultural conditioning, writes Simpson in synthesizing Denise Ferreira da Silva’s writings on race and global knowledge production, “readies people for particular states of subjecting and being subjected to force and to law.”³ In keeping with Simpson and Smith’s call-out in *Theorizing Native Studies* to apply a critically-Indigenous, non-statist, and decolonizing gaze to all area studies, I commence this foray into one particularly untenable aspect of the settler state, that of arrest. I argue that the ongoing historical and structural salience of settler colonialism is exhaustively and coextensively replicated, buttressed and legally entrenched via the corporeal policing practice of arrest. Thus as activists committed to a material decolonization, it is incumbent to disinter/dismember all validity and viability endowed to settler law and law enforcement. Maintaining the structure of settler colonialism requires steady work and vigilance on the part of the settler; maintaining the structure of settler colonialism requires police with arrest powers; the dismantling of this structure can be greatly enhanced through material strategies of decolonization that have real resonance in communities, like an ethic of not calling the police.

This essay at all stages is guided by the challenges of a methodology of Indigenous feminism. As the examples of arrest at Standing Rock demonstrate, current patterns of white feminist interventions impact Natives and Native land bases in non-productive and destructive ways incommensurable with Indigenous feminisms. There are many shortcomings to this prosaic effort, and the first shortcoming is that I could not—maybe because this is so close to home—more fully extrapolate upon the police as serving a role of enforcing heteronormativity. The second, more obvious fail is not making more clear linkages between Black Lives Matter activism and decolonization

activism. However, both pose a challenge to white feminists and other so-called radical activists to rethink our relationship with police in our communities, and recognize that if we are white and feel safe, that sense of safety comes at the cost of the lives of many, many other policed and readily-extinguished lives.

Lorenzo Veracini states that settler colonialism obscures the circumstances of its own production, whether through empire that transits via cross-temporal histories dependent upon Byrd's paradigm of stereotyped Indianness, feminist-inspired pioneer narratives, or mayors extolling the virtues of free market enterprises on Indian land. Maintaining the structure of settler colonialism requires steady work and vigilance on the part of the settler; maintaining the structure of settler colonialism requires police with arrest powers; decolonization requires, at minimum, dismantling whatever policing practices or arresting powers that interfere with Indigenous sovereignty, intellectual traditions, and Native right to original land base. Decolonization requires abolishing the police.

Tidy geographies

Placing policing in conversation with settler colonialism necessitates a review of the U.S. history of law enforcement and their role in society. *Against Equality: Prisons Will Not Protect You* is a slim pocket volume of queer scholarship advocating for the abolition of police and prisons. The title is composed of block letters within a circle of bright rainbow colors. To the bottom right, an adolescent white male boldly sketched and reminiscent of Dick from the iconic *Dick and Jane* readers of baby boomer childhoods gleefully and mischievously sprays a hose in the direction of a police officer with purposeful stride in the background. Readers aware of the tradition of gay camp will

recognize the graphic connotations right away; it is very campy. The way Dick holds the hose can be construed as sexual, and Officer Friendly, baton swinging at the hip, is the violent potential for law to interrupt, arrest, regulate, and police the gender expression, sexual activity, and explorations of youth. Dick, as positioned within a cultural touchstone of the sixties and seventies, serves as mnemonic reminder of the happy and secure role police play in the protection of our streets, parks, and suburban neighborhoods. In an era of gay inclusion, Officer Friendly over looks Dick's public cruising and the police role as protector ostensibly extends, in this new neoliberal era of gay-friendliness, to the specific public spaces of whiteness inhabited by the cruising Dicks with expendable incomes. *Against Equality* actually eschews the legal protections of hate crime legislation protecting Dick and resting upon the assumption that locking up more bigots will make us and society safer. "Increasing criminalization does not make us safer," notes Dean Spade, "it just feeds the voracious law enforcement that devours our communities."⁴

Jasbir Puar notes that the ascendancy of gay civil rights in the United States and the protections proffered to Dick directly correlate to increased policing, arrest and racialization of certain "othered" bodies, especially Sikh and Muslim males deemed, in the popular mind, as terrorist following the 9-11 attacks. Articulating these striations as stemming from bifurcations that position the racial other as straight and the homosexual other as white, Puar confronts queer collusion in U.S. imperial militarized policing projects and challenges the fluid exchange of military personnel, correctional guards, and police officers from domestic sites like the substation and the prison to military sites like

Abu Ghraib. “The continuities between the ‘old’ racial profiling of the war on drugs and the ‘new’ profiling must be at the heart of any examination of state racism.”⁵

In the 1890s, the black journalist Ida B. Wells demonstrated that lynching stemmed from white economic insecurity and resentment against black business success, but most black men lynched were accused of harboring sexual lust towards white women. This retired old saw came forth to embed Muslims in a similar fictional snare, especially following the Lyndie England scandal, when Muslims became culturally and socially-constructed in the common U.S. public imagination as pre-modern, lynchable and having perverse sexual urges transgressing across a “naturalized sexual script of terror.”⁶ Meanwhile, Dick and the symbol of his manicured lawn (ownership) means increasing incorporation into the national project as a homonormative nationalist, consumer and reproducer (through adoption, sperm banks and alternative parenting arrangements). Feminism, gay consumerism and multiculturalism are progress narratives upholding nationalist formations when western feminists evoke Afghan women as needing Western-style legal protection and white queers are increasingly targeted for supposed discretionary income and expected to uphold patriotism by embracing heteronormative modes of being like having mortgages, taking vacations, supporting hate crimes legislation, and community policing initiatives. From this point of view, the benefits of multiculturalism most accrue to whiteness as biopower manages “difference within sameness” in the interest of transnational capital formation. Therefore, the focus on civil rights for the LGBTQ population in the form of marriage, military, child adoption and the embracing of heteronormative desires and consumer practices supports transnational dictates of flexible capital accumulation and actually works against the potential of a

more broad-based alliance of the racialized, feminized working-class to fight against the structural inequalities posed by unjust arrest, detention, and incarceration.

The tidy geography summoned by the neat space of Dick's suburban park with its emerald horizon of hedges affirms a comforting habitat of having and being *with*; the geography of Black spatiality is specifically inhabited by the condition and ontological existence of being *without*, argues McKittrick. Black displacement produced an extravagant array of alternative cartographies and resistant geographies, from slave ballads to fugitive maps, but only one siren song survives as an authentic encapsulation of liberation and that is the ballad of being *with*, the secure state of *having* limned in technicolor in the graphic of white Dick's antics with the hose. A "differentiated-bifurcated social system prevails" in the dismissal of black slave and post-slave spaces as sites *without* freedom. "Being with under this system requires land exploitation, colonialism, and racial condemnation while 'with' is the ontological condition of liberty."⁷ The spatial logics of the plantation are fissured to modern day publics of decaying city infrastructure, environmental racism, and the prison-industrial complex, those spaces without that affectively attach to black and brown bodies in the so-called post-racial world. Wilderson argues that black people are relegated, cinematically and in the real world, to an ontology of suffering. This articulation of a libidinal economy, expounded upon in the later section on white frontier feminist Elaine Eastman's memoirs, theorizes black pain as an essential antagonism premised upon a prior claims of white ownership in that "Black men and women...cannot claim, each other: flesh is always already claimed by direct relations of force."⁸

It may seem antithetical to McKittrick's project to make a call-out to places that signify black freedom while specifically listing the environs of blackness without, of the not freedom feverishly and tumultuously realized by the prison. McKittrick's scholarship in "On plantations, prisons, and a black sense of place," and in addition to other works, firmly engages and responds to the law and order crisis of liberalism hinging on the science of criminology and the sociology of the "broken windows" theory, predominant in literature on crime, in which policing, prison practices, and their relationship to blackness are almost never mentioned or named. As an academic discipline, criminology departments are "cop shops," according to Correia and Wall, even offering PhDs without "one *required* course on police violence or the racist history of prisons."⁹ The racist prison geography described by Correia and McKittrick exists in close historical proximity to the restrictive, punitive spacial regimes of plantations and reservations. "Practices such as racial punishment, the criminalization of non-white bodies, and the legal codification of servitude can be found across the differential space-times of plantations and prisons."¹⁰

Eighty-eight state prison facilities clutter California, representing a 400% expansion in two decades, according to geographer and prison abolitionist Ruth Gilmore, the scholar whose foundational text on the materiality of the global carceral archipelago guides McKittrick's work in underscoring the spatial dynamics of the punitive, racialized prison regime. The penitentiary map is "the material and infrastructural saturation of prisons in the state is writ large. It is the visual complement to the knowledge that it is black, brown, and poor bodies, mostly young men in the prime of their life, who inhabit these spaces."¹¹ Although the public at large must continually deal with the always touted political idea that prisons offer safety and security from crime, prisons actually suck the

sending community dry of life, hope, and economic certainty. The prison cage is an institutional unit of incapacitation fracturing community stability as neighborhoods are emotionally and financially stretched to the breaking point in attempting to negotiate a complex and costly legal system. Certain neighborhoods, places, and barrios are the sending communities that bear the brunt of the evaporation of capital to feed the prison-industrial complex. Police, warrants, arrests, and detentions may feed the coffers of the state but social calm, stability, and any general sense of well-being are shattered in neighborhoods rocked by a heavy police presence. Policing, arrest, detentions, and “prisons wear out places by wearing out people.”¹² In addition, the focus on crime disguises the largest transfer of wealth in U.S. to the top tiers of income brackets, a legal wealth transfer funded by debt crippling derivatives, compound interest schemes, warrants, detentions, liens, evictions, and prison profits. The corroded but still present linkages among the slave-era plantation, the reservation, and 21st century police arrest, imprisonment, and execution are the linkages of global capital spinning gold from the enslavement (imprisonment) of black and brown bodies.

Gilmore situates increased incarceration rates within a crisis of global capital in which economic planning keeps unemployment rates hovering at 6-percent. This surplus population of labor is abandoned by regular streams of capital and ends up imprisoned for subsistence crimes. Unemployment rates are not only formally structured by the abstracts of macroeconomic planning originating in 1950s USA but are charged by cultural flashpoints of an arresting and imprisoning “sociological presence bounded by the fatal coupling of power and difference, which resolves relationally according to internally

dynamic but structurally static racial categories” making one employable or imprisonable.¹³

Achille Mbembe argues that governmental legal authority and “sovereignty resides, to a large degree, in the power and the capacity to dictate who may live and who may die,”¹⁴ invoking Agamben, Foucault, Frantz Fanon and Hannah Arendt to advance a thesis of the right of the sovereign nation-state as the right to kill. According to Foucault, specific and transparent signatory meanings ascribe to bodies with the whole Western exegesis as an obsessive and limiting categorization of object-things, including recognized populations. The state exercises biopower and acts on its right to kill through obsessive categorization, taxonomy and ordering of things such that “power defines itself in relation to a biological field” of racialized divisions that dictate who lives and who must die. Mbembe constellates racism as the technology making the unintelligible intelligible in law and legitimating “the murderous functions of the state.”¹⁵ Biopolitical controls are deployed in concert with geospatial territorialization to authoritatively legislate and demarcate “boundaries and hierarchies, zones and enclaves; the subversion of existing property arrangements; the classification of people according to different categories; resource extraction; and finally, the manufacturing of a large reservoir of cultural imaginaries” with this system of spatialized geographic definition dividing towns and cities into compartments or regions of similar size to enable uniform control and distribution of power “regulated by the language of pure force” symbolized “by barracks and police stations”¹⁶ protecting the new articulations of property arrangements in the era that Puar, Naomi Murakawa, Chandan Reddy, Nikhil Singh, and Jodi Melamad encapsulate as the era of “post war liberalism.”

Post war liberalism, in a nut shell, represents the decades following World War II when the narrative about racism shifted from a state based racism promulgating the biological inferiority of nonwhite races to one in which racism is conceived as some white people's individual and anachronistic pathology. Both theories of race and racism obscure a Marxian dialectical perspective that productively sites racism (and sexism) as the innate structural problem of labor relations engendered by the imperatives of global capital and the ongoing settler colonial drive for land. According to Murakawa, "liberal lawmakers confronted racism as an administrative deficiency" in which the excessive carcerality of police could be checked by proper protocols, like *Miranda* and discretionary use of force.¹⁷ Legislation in the long civil rights era intended to root out institutionalized racial bias only "reinforced the common sense that racism is a ghost in the machine, some immaterial force detached from the institutional terrain of racialized wealth inequality and the possessive investment in whiteness."¹⁸ This rule-bound carceral machine only spun out an excessively sophisticated penal regime targeting very specific populations, and by the 1970s, the inherent administrative biases of the judicial system determining who lives and who dies sunk its bloodied teeth into blackness as criminologists more and more simply attributed crime to an ingrained black criminality that came of broken homes, Black matriarchs, and lack of social values. Moreover, it is not Murakawa's intent to focus on whether the prison administration is intentionally racist but the extent of penal harm engendered by a penitentiary with increasingly scalar levels of isolation as punishment, withholding of food, water, and hygiene as punishment, and pain compliance as punishment such that by the 1990s exceeding spectacles of humiliating and abusive tactics overdetermined the lives of most prisoners in medium and

maximum security facilities across the United States. Parenti notes that laws banned weights, books, beards, family visits, ponytails, and make-up from men's prisons only cementing the premise that law is a punitive regime of imposed heteronormativity not a place of potential rehabilitation and integration into society, in fact, *the pain is the thing*. Chain gangs in Wisconsin are indeed chained together to clear roads of weeds and the work is not a clear exchange of economic value, but the spectacle of punishment demanded by the white, crime obsessed public as prisoners toil away while wearing 50,000-volt stun belts as "experiments in public torture" used, often by local sheriffs seeking reelection, as "cheap political theater."¹⁹

The landlocked ship of Corcoran prison is sited among California cotton fields and like most max penitentiaries, is recognizable from afar due to high, uniform block walls capped by multi-strand coils of menacing razor wire and the incessant high whine and blinding glare of fluorescent security lights. The electrified fence is lethal but more lethal have been the 175 live rounds shot by Corcoran guards between 1994-1998, killing 27 inmates of staged gladiator fights that pit rival prison factions against each other.²⁰ California law allows guards to shoot inmates when breaking-up a fight, and laws legislating *integrated* prison yards led to explosive and abusive violence in prison yards overseen by sadistic correctional officers emboldened by the legislative right to kill.

As police and prison scholars like Murakawa and Correia argue in quoting Robert Cover, "law operates on a field of pain." That field of pain, law's spectacle of violence, is not exceptional but extremely banal, mundane and a normative rendering of unequal relations of power established by enslavement and colonial land theft defined by Byrd as the settler's "originary violence," that is, the first sin, the sin that begets all others. The

normativity of law's excessive violence exerted by police and correctional guards as part of everyday duties means that only the abolition of police and prisons will end a system built upon centuries of post-contact systemic inequality. The policing systems that structurally uphold settler colonialism and white supremacy exist in an antagonistic and irredeemable relationship to Indigenous land sovereignty and black freedom. What cannot be amended cannot be reformed. Police must be abolished not reformed.²¹

Arrest precedes the twisted, unjust and inhumane system of incarceration ensnaring Native Americans at alarming rates. The stunning police shooting death of Loreal Tsingne in Winslow in March 2016 prompted *Phoenix New Times* reporter Antonia Nori Farzan to investigate the killing within the larger context of law enforcement brutality against Native Americans. Farzan reported that in Winslow, Native Americans, many of whom are Navajo in the southwestern town of 9600 people, comprise 23% of the local population but account for fully 65% of those arrested. Over half of arrestees subject to police brutality are mentally-ill and in crisis. Denetdale emphasizes that there is no care, thought, ethic, or accountability to the Navajo or Diné people living, working, and spending in border towns like Winslow, spaces of colonial settlement that border ancient Indigenous land. The interiorities of borders wrought by colonialism and the reservation era are very real in the present, and very much reflect a cactus and tumbleweed style of law enforcement that began with the Texas Rangers in 1835. Tsingne was shot by Officer Austin Shipley after accusations of stealing beer from the Circle K. Dazed and confused, Tsingne squirmed away from Shipley's attempts to handcuff her, kept walking, was grabbed by Shipley again, hit her head on the pavement, and jerkily got up "brandishing" a child's pair of scissors. It was then that Shipley fired

five rounds from his standard-issue 40-caliber Glock revolver. “We’re always treated as outsiders,” argues Denetdale in contextualizing the young mother’s death within the historical embeddedness of anti-Indian colonial attitudes harbored by white townies, “even though that is our territorial land. Anything we have to say is not regarded as anything that the fine mayors of these towns have to consider.”²²

Scholars of abolition centralize capital in any critique of the police. Neocleous traces the origins of modern policing to an era of mercantilism in which the state directly intervened to ensure prosperity through the monarch’s surveilling policing force, initially deployed to oversee the provisioning, rationing, and pricing of grain by merchants and traders. If government or the sovereign ensured a steady supply of an essential commodity like grain against unpredictable shortages and wild price fluctuations, then the population could be suitably mollified, molded, and wedded to the steady discipline of a wage economy that increased the king’s prosperity as well. “Guaranteeing the food supply was crucial to guaranteeing order.”²³ By the 1700s, royal edicts prohibited vagabondage, and the new relationships of property transformed feudal but free artisan peasant workers into agents of the state “forcibly expropriated from the soil, driven from their homes, turned into vagabonds, and then whipped branded and tortured by grotesquely terroristic laws into accepting the discipline for the system of wage labor.”²⁴ Although scholars of policing disagree as to whether the police role in society remains the same in keeping a rule of order over the working class and slaves, or, conversely, policing has been radically professionalized and reformed since its formal consolidation in 1829 London, its continuing expansion reflects the demands of the propertied upper classes for a strict and punitive law and order.

In the United States, the history of police is directly related to keeping the social order intact through the constant surveillance and policing of enslaved and free blacks, who were always subject to the slave patroller's arbitrary violence and demands. According to Correia and Wall, the slave patrol is just an earlier term for police department, and included prohibitions on drumming and congregating.²⁵ The police force is inextricably linked to the punitive enforcement of "a social order based on the theft of Black life and labor and the dispossession of Indigenous lands."²⁶ "Militarized policing of Indigenous peoples was likewise a central function of law enforcement institutions in the United States."²⁷ Both black and Indigenous communities were subject to pass laws that spatially restricted and circumscribed mobility, access to work, and landed resources. In the 1820s, the Cherokee Grand Council invoked a set of laws that were essentially "slave codes that [allowed] the formation of patrols to police and punish slaves," with specific restrictions on hunting, inheritance, and ownership.²⁸ Throughout the late 1800s and early 1900s, Wyoming law enforcement aggressively prosecuted Lakota subsistence hunters outside of reservation boundaries in order to create a big game economy favorable for tourists. The policing restrictions on Black mobility modeled by the slave patrols allowed other racialized groups, like the Cherokee, to make laws specifically in relationship to blackness and black exclusion even as the broader population of the Indigenous were aggressively monitored and policed through modalities specifically developed to spatially restrict, physically control, and arbitrarily punish enslaved Blacks.

Arguably, one thing remains a constant throughout the decades and centuries: police are an isolated subculture that encourages rampant abuse of citizenry via beatings and the "third degree." As early as 1931, supposedly the era of Officer Friendly the

personable and caring beat cop that assiduously patrolled your neighborhood by foot, the Wickersham Commission Report found that “the third degree—the inflicting of pain, physical or mental, to extract confessions—is extensively practiced.”²⁹

In recent weeks, President Trump was critiqued for infamously and off-handedly commenting that he did not understand the police practice of protecting the heads of crime suspects when arrested and put into patrol cars. Speaking in Long Island, Trump was recorded by the Washington post and other news outlets. “When you guys put somebody in the car and you’re protecting their head, you know, the way you put their hand over...I said, you can take the hand away, okay?”³⁰ The practice of protecting the head is just part of the mythical spectacle that police are consumed by justice and equal protection. Officer Friendly is just a myth on a continuum of law and order excesses as velvet glove practices like the friendly neighborhood beat cop, community bike patrols, and coloring books featuring McGruff the anti-crime dog “exist on a continuum with arrest powers, nightsticks, Tasers, K-s, guns, and even SWAT.”³¹ The importance of not speaking with police and abolishing police powers must be contextualized and affirmed as a valid community response to excessive police force in cities, town, rural enclaves, and neighborhoods because:

Officer Friendly is an agent of pacification. His “friendship” comes at a price: accept the police definition of reality and mold you and your family into ideal police subjects: polite, polished, obedient workers and snitches who never question the racist order of capitalist property relations. So don’t let cops read to your kids and don’t join the police basketball league. “Coffee with a cop” is not what it sounds like. In short, don’t be fooled by Officer Friendly. He is not a genuine figure of goodwill. He is a strategic ploy to pacify you.³²

Officer Friendly, as beat cop, res police, horse patrol, party patrol, Texas Rangers, or any of the other multivalent arrangements of state law enforcement authority, are assemblies

of coercive corporeal practices protecting white property interests through the ongoing inequalities premised upon the structures of settler colonialism and white supremacy.

The Time of Settler Colonialism: Method and Scholarship

Nikhil Pal Singh argues that whiteness is a conscious assemblage of “social, political and economic freedoms across a vertiginously unequal property order.” Singh further states that the freedoms of whiteness include the management of the hierarchical racial order and its “material benefits and sadistic pleasures,” marking a significant intervention into the race-neutral Foucauldian analysis of abstract state policing powers inherited in sovereign government signified by beheadings in the king’s court. The cohesion and stability of the liberal white plurality, or settler security, depends upon the policing of those marked as racially differentiated and allows for their sadistic management.³³ Agamben posits the terms of policing and arrest as an obligation to this corporeality, the violent, coercive abusive physical force of the baton that strikes on behalf of racialized and gendered hierarchies of power is a requirement of policing, the body subjugated and secluded by arrest and detention is a requirement of settler colonial hierarchies of jurisdictional power. Agamben’s argues that the “sheriff needs a body:” law enforcement requires the body’s corporeal restraint and the definitive relationship of law to the body becomes “grounds for the sheriff to detain and exhibit the body of the accused.”³⁴ Choke-holds, broken arms and painful pressure techniques are not incidental to policing, the pain is the thing and policing effects an affective sociopolitical restraint that relies upon the ever-present threat of the beat cop’s ready brutality and sadism exerted at both the micro and macro levels of the judicial system upon the most vulnerable.

The structures that sustain white affective economies of police power include not just the police and military who brutally carved out a place for white settlement in the

U.S. west through the rape, detention, and elimination of the land's many Indigenous inhabitants, but also early white feminist settlers like Elaine Goodale Eastman and present-day Duluth mayor Emily Larson acting as instruments of that coercive, panoptic, policing liberal governmentality forming the white-favorable, racial constitution of the settler state. Within a Foucauldian abstracted analysis, Eastman and Larson are working within the constellation of institutions operating at a microphysical level of power for the capillary reproduction of capital. The arresting narratives of settler imbrication with police deserve deeper discursive deconstruction through a modality of Indigenous feminism stretching beyond the abstractions of the post-colonial to unveil the hooded archive of settler colonial police violence in its daily incantations and anti-Indian, anti-Black operations. An unceasing critique of the role of police in maintaining settler security, sustaining settlers' emotional investment in the neoliberal state, protecting private property, and producing modern heteronormative citizenry is a critique rooted in the material realities of Indigenous feminists. Indigenous feminism provides the material basis or reality of lives lived to the abstractions of dense, post-colonial, non-specific theory, and it is Indigenous women, children, trans and non-gender conforming who are most under attack by excessive force policing practices. Agamben's theoretical chokeholds are reported in a 2013 Ontario Human Rights Report as a continuum of the historical abuse and trauma exerted by law enforcement targeting the most vulnerable of Indigenous girls in Canadian prairie cities. "Gross levels of state violence through the dispatching of colonial power vis-à-vis the institution of policing—reports of physical abuse by both police and judges, sexual assault, the terrorizing of Indigenous communities through hyper surveillance, unjust detainment for intoxication, racist

threats, and zero accountability for police misconduct litter the pages” of the 2013 publication.³⁵ Police are a legal entity that initiates arrest, rape, and detainment in order to remove Indigenous people from their own land.

Conversely, arrest can directly unsettle the full consummation of white settler society. Any interruption of the white settler imaginary can result in arrest. Representing Red Nation and Kiva Club, twelve people were arrested protesting Santa Fe’s Entrada Pageant on September 8, 2017. Three are still in jail as of this writing on the afternoon of Sunday, September 9. Billed as a celebration of Spanish heritage, the Entrada is a reenactment of Conquistadors marching into the city that began in the early 1900s with grand costumes and music. The Entrada depends upon a very specific transit of empire, that of settler memory. The Entrada arrests will come to be discursively framed as many things, but reflecting on the arrests today reinforces to me the great lengths police will go to protect the settler colonial imaginary through a racial, spatial politics of safety that treats Santa Fe like a polished-white settler fortress sealed against Indian intruders. Police corralled protestors into a free speech zone and declared they were taking orders from the Entrada Council, an entity regarded positively for bringing in tourist dollars for the annual event. According to Joanne Barker, elimination, as the principle organizing settler colonialism, goes beyond the physicality of genocide and includes jurisdictional laws and statutes that erase Indigenous culture. “There is no post-colonial. The settler’s permanence is in a constant state of threat posed by the ‘counter-claim’ of Indigenous territorial rights.”³⁶

Ned Blackhawk argues that violence is essential to state formation. Arrest can be framed as an essential violent structural element necessary to the settler colonial state-

making imperative. (And arguably there is always a state-making imperative embedded in the settler colonial formation.) Even non-statist violence must be contextualized within the realms of statehood and settlement. As the fragile ecosystem of the Plains Natives was threatened, especially by decimation of the buffalo, tribal nations resorted to violent raiding as a way of subsistence and as resistance to the successive incursions of settlers. The author's historical and ethnographic approach conceptualizes the experiences of Great Basin Indians in order to delineate the shifting and sophisticated strategies, including rape and enslavement, employed by all "sides" to negotiate a world increasingly defined by swiftly shifting demographics, uneasy alliances, technologies of violence and colonially-imposed economies.

However, it is not Blackhawk's point that violence works both ways, or that there is an equivalency between formal state violence and other kinds of violence. What violence does, and I extrapolate here to include the violence of arrest, is secure allegiance to the nation or state through legal participation in the violence. As the Spanish Empire wrestled to consolidate and expand their rule in the Americas, allies like the Utes were invited to witness the full force of Spain's intricate legal system through a specific ordering-in to the space of public floggings and executions. This spatiality of male homosocial bonding machinated to structure the colonial hierarchy of (raced) power relations that became North America. "As Spanish authorities enforced and expanded the institutions of violence within colonial society, they used public and ritualized forms of punishment to communicate and legitimate their rule."³⁷ The committable and binding gaze of the spectacle as the hanging, the chains, the legalized corporeality of the state's judicial, evidentiary, arresting, imprisoning and executing powers, that gaze, legitimates

government authority and signals collusion with its coercive terms. Colonial society was organized by a dizzying array of racialized hierarchies, and those of included or excluded status. For the Utes, the observance of the public humiliations ordered by Spanish law “communicated their own status and honor,” and level of comfort within the prisoner-slave-caste system brought/wrought by the Spaniards.³⁸ Blackhawk’s analysis of the intimacies of violence, empire and state-making in the early American West herald broader implications for understanding present-day public participation in spectacles of legalized capture and arrest.

The intersection with queer theory, critical Indigenous scholarship, and Indigenous feminisms most poignantly exemplifies how policing formations and surveillance technology historically developed in concert as authorial, biopolitical, and regulatory functions for the containment and exclusion of the non-white and non-heteronormative bodies deemed surplus to the neocolonial state. Jennifer Denetdale eloquently details the historical links among settler colonialism, policing, technology and gender. Settler colonial processes of dispossession and elimination are intricately entwined with the policing of sexuality and the brutal militarist imposition of nucleated coupledom upon variant familial kinship forms and affiliations, including the Diné practice of polygamous marriage. In writing about the 1913 uprising at Beautiful Mountain, Denetdale argues that Navajos got caught up in not only Churchill’s neoliberal police order, but a technological surveillant coloniality imposing a nuclear heteropatriarchy. Navajos who historically practiced variegated kinship practices found themselves the object of federal policies that discouraged Native marriage practices, inheritance customs and the practice of an easy, amicable divorce.³⁹ Following upon the

arrests of the three wives of Hata'lii Yazı, or Little Singer, the uprising involved the shooting of a rifle into the air and eleven Diné men taking over the Shiprock, New Mexico jail. Denetdale adduces the jail records and court transcripts of the events as enacting a dual disappearance. The arrested women are unnamed in the records and Agent Shelton's justification for the arrests as an outlawing of polygamy are also absent from the official records. This is a dual erasure. Women are erased as political actors from the post-contact landscape and reduced to the wives of Little Singer. In addition, the erasure of the rationale for arrest, polygamy, enacts the disappearance of the history and memory of the variegated geopolitical spatial contours of Diné kinship formations, occluding the real for what Rifkin defines as a "euro-ethnoepistemology" of institutionalized heterosexuality ensured by increasingly intrusive levels of policing and surveillance: the Diné police reported to Shelton on the lives of Little Singer and the extended family.^{40,41} The uprising at Beautiful Mountain evinces the unsettledness of the settler colonial project and the history of Diné resistance to U.S. legal authority. Denetdale constructs queer linkages to Indigenous resistance through the historical, not anthropological, memory of polygamous and non-heteronormative ways of being that disrupt presumptions that family is and has always been organized in favor of heterosexual, nucleated coupled units.

The arrest of Sitting Bull and the arrests at Beautiful Mountain coincide with the consolidation of U.S. jurisdictional authorities in the west through the passage of statehood initiatives. New Mexico became a state in 1912, and by 1913 the Diné, barely recovered from incarceration at Bosque de Redondo, faced renewed persecution in the form of policing and excising of traditional polygamous practices. Minnesota statehood

was predicated on the violent repression of the Dakota peoples and Sitting Bull's arrest was initiated the year following South Dakota statehood in 1889. The Indian agents of the new states wasted no time in broadly interpreting their duties as the policing of moral conduct according to the individual lawmakers' own code of ethics, and as another ever-ready strategy of elimination ("master's tools").⁴² That is, and this is emphasized by queer legal advocates Mogul, Ritchie and Whitlock, law enforcement officials "do not merely objectively enforce the letter of the law" but act passionately and decisively out of a set of racialized and gendered biases and presumptions. The law allows for broad latitude in deciding whom to target for the enforcement of the law and who to arrest, making the law anything but objective. "Far from being passive players just doing a job, law enforcement agents play a crucial role in manufacturing, acting on, and enforcing criminalized stereotypes."⁴³

Dylan Rodríguez proclaims that the imperial ambitions of U.S. state-making casts the world as a prison, or global carceral archipelago, in foregrounding the question of *how* gendered, racialized police violence is an essential function in both the interiorities and the exteriorities of settler colonial nation-states. State power is predicated upon exclusionary policies enacted as violent force. "This material logic of violence overdetermines the social, political, economic and cultural structures that compose American globality and constitute the common sense organic to its ordering."⁴⁴ Rodríguez foregoes the interrogation of *why* police use violence and focuses on the *how* of state violence and carceral control. In the belly of a nation-state that manufactures violence, with violence integral to the state-making machine humming with 500 years of uninterrupted white supremacy, its undoing requires more *how* scholarship, Rodríguez

argues. Arrest and detention literally embody *how* settler colonialism is structurally organized along racialized lines of legal exclusion. Without getting too circuitous, much of the *how* of state violence rests on the technology of arrest that extends through time as a ready tool of power, and its very arbitrariness (one never knows when one will be stopped by the cops) keeps the potential of popular contestation of the conditions of our collective degradation at a low hum. Arrest, detainment, and the absolute political authority to commit violence upon captive bodies keeps slaves slaves, debtors debtors, prostitutes prostitutes, and disappears the dissonance of Ghost Dance dissidents: to refuse one's criminalized status is to risk death.

Patrick Wolfe's assertions about settler-colonialism as an ongoing process of Native people's elimination from the land and settler replacement are affirmed by the practices of policing and arrest.⁴⁵ Arrest functions as an ever-ready technology deployed for the protection of white moral comfort and white access to property; arrest quite literally arms, fortifies, and enables the smooth implementation of landed, settler colonial imperatives. Arrest is a subjective, arbitrary act and a technological tool of settler-colonialism involving racialized and gendered sexual violence incited by circuits of white affectivity. As foundational to the time of settler colonialism, solid and sustained activist contestation to the dynamics of arrest is an unsettling move in support of Indigenous sovereignty.

Arrest, detention, and the law are constitutive of a specific set of racialized and gendered practices developing differently but simultaneously to enhance the pivotal emplacement of racial capital's triadic triumphalism of structural oppressions: slavery, alienable labor, and settler colonialism. For Hartman and Lowe, the time of colonial

slavery is co-extensively replicated within present-day life as an ongoing affective reality marked by the historical trauma of violent captivity and loss of homeland that thoroughly negates the spatial and temporal narrative of liberal progress. The time of slavery constellates the past in continuous orbit with the present. The time of slavery “infuses the conditions, memories, and possibilities of the present,” exposing the mythology of freedom, equality, and justice for all as a cornerstone lie of U.S. ideology.⁴⁶ Hartman examines slavery as an affective economy of pleasure and pain, or white sadistic pleasure begotten through legal, racialized violence, in interrogating the “role of pleasure in securing the mechanisms of racial subjection” tied to a corporeality of “domination [dependent] upon demonstrations of the slaveholders’ dominion and the captive’s abasement.”⁴⁷ This corporeality of power is expressed through sexual and physical violence—the master’s dick and the slave patroller’s whip—and via the minstrel show, and the singing slave coffle. Both the minstrel in black face and the coffle mimic happiness and are performative of the pleasurable. Hartman reports that the shackled slaves of the coffle were instructed to sing happy songs to obfuscate the wailing sobs arcing up when forever departing from loved ones to far-off and unknown plantations. Hartman’s scholarship on the time of slavery parallels the time of settler colonialism to underscore how the microphysics of capillary power reproducing capital are sustained through acts of pleasure and pain, the spectacle and the mundane, and how the incalculable, constant, over-bearing bodily risk of arrest and imprisonment pervades the lives and spatial imaginaries of Indigenous peoples as a time of regulatory policing and routine surveillance in service to settlement. Denetdale and Rifkin establish that settler colonialism enforces a rule of law that is only tolerant of a patriotic and heteronormative

polity. The interrogation of white (settler) feminism and masculinity in the Goodman memoirs and Red Tomahawk archives depends upon the methodological frameworks of Indigenous feminism and queer studies to guide a study of unlikely markers: ongoing Oglala resistance, the history of genocidal landed settler take-over in Minnesota and the Dakotas, and the mayors of Duluth and Mankato.

Incommensurability

The 1930s memoir of the highly-lauded frontier feminist educator in Lakota territory, Elaine Goodale Eastman is paired with Mandan newspaper articles of the same time period to align with Byrd's theory that empire transits, in this case as the apologist settler memory of Wounded Knee I and Sitting Bull's murder that reinscribes and justifies the saliency of its own brutal historical praxis. A visual analysis of the highway signage and state police emblems of North Dakota featuring the profile of Red Tomahawk, the Lakota police officer who killed Sitting Bull in a botched raid to arrest the aging leader, reveals the imbrications of law and order masculinity with an emerging neoliberal order preparing Indians to grasp the Ranger's mantle and properly police. According to Ward Churchill, Red Tomahawk's lawful execution of one of his own relatives represents a second stage of colonialism, the one where the colonized participate in their own demise via a "broker or *comprador* class drawn from the oppressed themselves, participating in their own colonization through acceptance of managerial and/or enforcement positions within the colonial system."⁴⁸ Police units on reservations developed in the 19th century and were often composed of former U.S. Army scouts who labored to assassinate Indigenous warriors like Sitting Bull, and later identified, arrested and imprisoned leaders giving cohesion to Native culture through forbidden religious practices like the Ghost Dance.

Plainly, the federal rationale in creating and maintaining these paramilitary entities among peoples the U.S. had recently conquered was never remotely concerned with seeing to it that they retained (or regained) a capacity to enforce their own laws among themselves. To the contrary, the express intent of the exercise was to usurp and destroy native concepts of legality and order, imposing in their stead a system of rules devised in Washington, D.C., all of them meant to subordinate indigenous nations to the will of the United States, undermining their

sociocultural integrity and destroying their ability to resist domination by Euroamerica.⁴⁹

Valentine McGillicuddy recruited the 50 members of the Standing Rock police unit in 1879, writing in his autobiography that the officers were widely reviled by other Lakota. The purpose of the force is first focused on ensuring the continued management and conformity of juveniles returning from boarding schools. Hiram Price urges McGillicuddy to “use every means practicable to prevent the returned Carlisle students from relapsing into Indian costume and customs, even to the extent of using the Indian police force.”⁵⁰ The decade leading up to Tháthájka Íyothake’s (Sitting Bull’s) death and the massacres at Wounded Knee represent, according to Philip Deloria, the time when the possibility of violent outbreak was still very much alive. “Indian outbreaks—and not simply among the Lakota—became a common fear during the years of reservation management, when there was, for the first time, something for Native people to break from. *Outbreak, rebellion, uprising*—such words revealed a fear of Indian people escaping the spatial, economic, political, social, and military restrictions placed on them by the reservation regime.”⁵¹ Deloria describes how all the reservation’s lands are fenced in, and constantly patrolled by tribal police as part of a settler colonial regulatory policy employing tactics of surveillance, detention, and arrest. The surveillance and everyday threat posed by police worked to allay the possibility of resistance. At the onset of statehood, the army and police units labored in concert to amplify these repressive tactics and violently squash the resistance of Native nations to U.S. rule as recognized leaders like Sitting Bull, struggling diligently against conditions of U.S. statehood incommensurable with Indigenous land-based autonomy, were targeted for imprisonment.



Figure 1: Standing Rock BIA Police force in 1890

In her memoirs of her five years in Lakota territory, Elaine Goodale Eastman writes that the Standing Rock Indian agent, James McLaughlin, believed Tháthájka Íyothake to be a “troublemaker” due to his involvement with the Ghost Dance, and gave orders for his arrest. McLaughlin believed lifetime imprisonment for Sitting Bull’s rebellious outbreak represented a punishment greater than death.⁵² In this exchange, complex realms of settler affectivity emerge as the white aspirational ability to enact arbitrary racialized, gendered violence and carceral punishments due to a feeling, the infusion of affect: a troublemaker in our midst, students relapsing into known customs, “danger, war and outbreak” looming close on the horizon.⁵³

The gendered implications of T̥athájka Íyothake's execution by police may not be immediately apparent. Not only involvement in the Ghost Dance but the matter of his two wives probably infuriated government officials, and cursory research shows that punitive fines and detentions were levied far more against Native people than Mormons for polygamous unions during this pivotal era. The interference with plural unions stemmed from Secretary of the Interior Henry Teller's 1883 establishment of a separate court of "Indian offenses." Teller believed that polygamous unions posed a problem for the "value of private property as an agent of civilization," and his reasoning belies U.S.

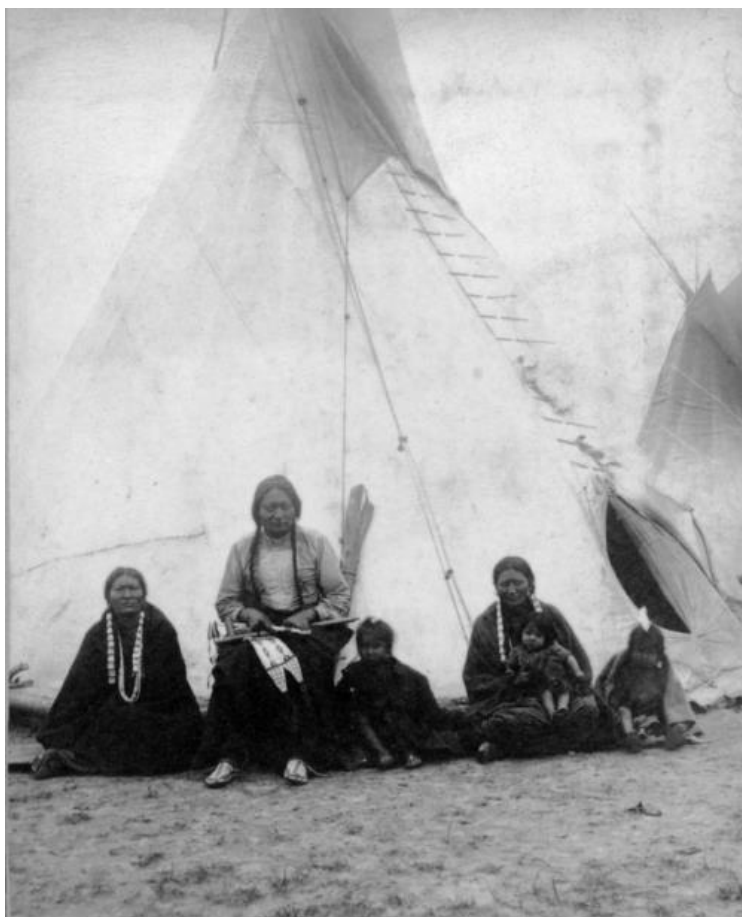


Figure 2: T̥athájka Íyothake with two of his three wives, and three children.

governing imperatives deeply invested in the regulation and disciplinary apparatuses that would produce a limited kind of sexual subject, that is, one committed to marriage-based heteronormativity used in service to private property, wealth accumulation and the monogamous, nucleated family unit.⁵⁴ Sitting Bull, or T̥athájka Íyothake, became a symbol for everything needing pacification in the

Indian spirit and way of life, and “had everything to do with the practice of perfecting conquered people into similarity—ghost forms of the white conqueror, coexistent but not equal.”⁵⁵

The 1890 attempted arrest and assassination of Sitting Bull at Standing Rock, and the Wounded Knee massacre of a few weeks later, add up to only a fraction of the violence of settler-colonialism’s logics of displacement and elimination in the decades leading up to Wounded Knee I as “the violence of the Civil War period bled unimpeded into the era of the Indian Wars.”⁵⁶ The Horse Creek Treaty of 1851 guaranteed territorial boundaries for the Great Sioux Nation and nine other First Nations along with an annuity of \$50,000 for fifty years. The U.S. government promised to make no claim to the designated lands in exchange for safe passage for settler travelers. The treaty was broken almost instantly as the Congress declared that promised annuity payments would only be made for ten years. One payment was made. Minnesota became a state in 1858, and by 1862, when Lincoln signed the Homestead Act giving unimpeded access to free, private-ownership of 160 acres of prime western lands, settlers flooded Minnesota and the Dakotas, and came to stay. Again, it is difficult to ignore the imbrication of statehood with settler-colonial logistics of arrest, detention, displacement and elimination, and persecution by the panoptic agents of law.

The first company store surely opened in Indian country. In Minnesota, the Dakota ceded 24 million acres in exchange for an annuity to buy needed goods. Annuities were siphoned off by the middleman traders or owed for inflated prices charged by merchants. Traditional hunting and fishing grounds were overrun and made inaccessible by settlement. In 1862, conditions were desperate for the Dakota Sioux due to a poor

harvest and no annuity payment. When the Dakota complained to the traders, one of them, Andrew Jackson Myrick reputedly said, “let them eat grass.”⁵⁷ In the Dakota War, or Little Crow’s War, that ensued, hundreds of settlers died or were taken prisoner by Dakota warriors in a virtually unknown U.S war that began with Dakota youth killing settlers at a farmhouse in a dispute over eggs. Myrick was found dead with his mouth stuffed with grass. Although Little Crow had travelled to Washington, D.C. only a few years earlier to peacefully negotiate land claims, Little Crow and the council found themselves with no alternative but the declaration of war in protest of starvation and degradation. Knowing revenge was imminent, Little Crow and the Dakota began a full-on war campaign to expel all settlers. Hundreds were slain or taken prisoner by August 1862, including the cousin of *Little House on the Prairie* author Laura Ingalls Wilder. George Washington Ingalls stayed with Little Crow and was traded for blankets in 1863.

President Lincoln sent in Civil War General John Pope and with a large show of military force, the U.S. defeated the Sioux at the battle of Wood Lake, and 393 Dakota people were subsequently charged with hanging offenses. Over 1200 women and children were taken prisoner and detained at Fort Snelling, leading to the surrender of 800 warriors. The Dakota nation of 2000 was expelled to Nebraska and the Dakotas but dozens died at the prison and along the route of expulsion. Thirty-eight warriors “were hanged on a public scaffold especially designed for the occasion on December 26, 1862” by executive order of that great emancipator, Abraham Lincoln, in the largest mass execution ever to date within the United States.⁵⁸ Little Crow’s war lays bare the unsettledness of the settler project, and how the public spatiality of the execution was used to cement settler sentiments as white citizens of the new state literally demanded

justice via the spectacle of blood. Within public opinion, the war was largely thought to be instigated by the well-armed Confederacy, and although widely-defined as a war, Dakota warriors did not receive the prisoner of war status worthy of Confederate soldiers but were simply hanged as murderers.

The remaining 1600 members of the Dakota Nation were imprisoned at Pike Island where over 300 died. Soon, all Dakota were expelled from Minnesota, all treaties annulled, and a \$25 bounty placed on the head of any Dakota person still within the state. Little Crow was killed for bounty while picking berries with his child. In 1863, Sitting Bull greeted the many relatives whom, upon expulsion, had been forced on boats and held in stockades at Fort Snelling in present-day South Dakota.

Riding horses in sub-zero temperatures in December 2012, dozens of Lakota riders journeyed for ten-days from Lower Brule, South Dakota to the site of the hanging in Mankato. Spurred by a dream, Jim Miller envisioned the ride as a ride of forgiveness and going home. Riders gave talks to white audiences along the route, emphasizing that they rode for family. Arriving in Mankato on December 26, the mayor of Mankato presented Jim Miller a key to the city. "I hope this opens a jail cell or two," Miller joked in referencing the history of arrest and detention of the Sioux in Dakota border towns.⁵⁹ The film *Dakota 38* is a full-length movie, available for free, depicting these events as a history of colonization and the potential for decolonizing initiatives. The efforts, story, and narrative of the riders is offered free within a white culture obsessed with money, consumption and individualist, hero-driven story lines. In addition, Jim Miller repeatedly says to the mostly male group of riders, "I love you," an assertion and affectional affirmation, arguably, of traditional *Dakota* masculinities in contradistinction to the

heteronormative expectations of settler colonialism where masculinity, if equated with love at all, is hard-boiled tough love, and rarely same-sex love, collective love or cross-generational love.

The U.S. territorial imperatives that thrust Jim Miller's ancestors further west were the same territorial imperatives that allowed Elaine Goodale Eastman to pursue a dream of pioneering adventure in the Dakotas from 1885-1890. *Sister to the Sioux: the Memoirs of Elaine Goodale Eastman* features a grainy front-cover illustration of the author's head and upper torso foregrounded and turned in semi-profile. Thick, light brown hair is piled in a loose bun and curls ring the face of a white woman with the



Figure 3: *Sister to the Sioux* front cover

suggestion of soft thin lips, a discerning distant gaze, and what might be stereotypically deemed a “Romanesque nose.” Her neck and clavicles are exposed, a glimmering intimation, perhaps, of white vulnerability used to tempt a new generation of readers enthralled by pioneer narratives. In the background, the school bell rings as an ominous sky stippled tawny olive and bronze threatens to storm. Eleven Lakota students in European dress with high-neck collars, some with formal, high-resting hats, are lined up along the

wall of the L-shaped school, monolithically tan with its pitched roof, double hung windows and two chimneys. The students might simply be interpreted as awaiting the progress symbolized by the teacher opening the doors of the school. However, everything exists in a washout of shadow, and the teacher has turned her back to her students. The electricity of danger sizzles in the air, and the class looks out to the horizon from yards behind their teacher, children unmotivated by schoolyard play and hijinks at the bell's toll. So serious. It is December 1890 and the children and their teacher stand deadly still and powerlessly inert in their watchfulness, terror gathering like the horse-clouds of dust rising like Armageddon in the distance, seemingly signifying the stampeding approach of the galloping horses of the Seventh Cavalry.

In the 1930s, Elaine Goodale Eastman published her memoir of the five years she spent among the Lakota as an educator and nurse, writing quite baldly of the circumstances of arrest, over-zealous policing, and military occupation over-determining the lives of the Lakota at the onset of statehood. "I resented the soldiers and was deeply sympathetic to the Sioux."⁶⁰ Eastman was in the chapel of the Oglala Sioux weaving cedar garlands and collecting oranges for the Christmas service when she and the students of the barricaded school received the news of Sitting Bull's death by Native police. Eastman believed the deeply-tragic incident multiplied the Wounded Knee tragedy, and entwines the two narratives together. Sympathetic to white Christian missionary influences in the region, she passionately disdained the police and military reign of influence among the Dakota/Lakota people, and nicknamed the Indian Agent at Standing Rock, James McLaughlin, "the dictator."

Goodale Eastman wrote about the month before Wounded Knee I as a time of grim suspense, a fear in the gut waiting under conditions of martial law, as the Sioux were ordered in from distant encampments, and the “roads became black with convoys moving in two different directions.”⁶¹ Many packed up and went into the agency as directed, by November 17, 1890, but “the Ghost Dancers who had defied police authority, fearing summary punishment, fled in terror to the Badlands.”⁶² Christian Sioux seeking shelter in Rushville from the military stirred a mob-like anxiety among settlers. “The white people became frantic from fear, barricading their houses,” and the “first squaws and breeds...asking protection set the settlers into a panic.”⁶³ Daniel Royer, the Indian Agent at Pine Ridge and jokingly referenced as “young man afraid of Indians,” certainly enflamed passions when he galloped into Rushville screaming that the Indians were on a “warpath.”

Standing Rock Agent McLaughlin used the fray to advance his own long-time agenda, that of imprisoning Sitting Bull for good. Eastman analyzes McLaughlin as acting on generalized and unsubstantiated suspicions about Sitting Bull (suspicion as an affect, state of mind, and feeling of the one who suspects):

The seizure and confinement of the supposed leaders in any mischief that might be on foot was the traditional military method of heading off further trouble. In this instance as in others, it led promptly to the very crisis it intended to avert. McLaughlin, agent at Standing Rock, in his way an able executive, hated and distrusted Sitting Bull, whom he had long tried to suppress. While stigmatizing him as a coward and a faker, McLaughlin’s real fear of the chief was shown at this juncture. He repeatedly urged that the old man with a few other potential “troublemakers” be removed from the reservation and shut up where they could do no harm. The proposed imprisonment-fearful punishment for an Indian-was to be based solely on suspicion.⁶⁴

Eastman penned that her driver had Lakota refugee relatives who had fled to the badlands and advised her that Ghost Dancers pledged to resist if arrests were made. Just weeks

before the Wounded Knee massacre, police arrived at the home of Sitting Bull with McLaughlin's orders to arrest him, and probably to disrupt the Ghost Dancers housed there. White steam rose from the banks of the river, and the sod steps so steadfastly carved into its banks appeared as steps of fog, and the thin yellow shell of the horizon busted into flame, and sleeping warriors woke prepared to fight just as Eastman's driver predicted. As police swarmed the village and were caught up in an equestrian battle with Tháthájka Íyothake's (Sitting Bull's) many supporters, Red Tomahawk (and probably Officer Bull Head too) killed Tháthájka Íyothake at close range with shots to the head and arm. Red Tomahawk, as Sergeant at Standing Rock reservation, had accompanied forty-two tribal police officers sixty miles to the home of Tháthájka Íyothake on the Grand River, and in a 1924 affidavit acknowledging the provenance of a knife and two rifles, eleven Lakota police survivors of the attack on the sleeping civilian population further described what transpired in the pre-dawn hours of December 15, 1890:

The Springfield gun was an Army gun and the Winchester gun was settler's or frontier gun. Both were Sitting Bull's guns. The Springfield was used and taken in the Custer Massacre.

Sitting Bull and his wife were sleeping and had the guns inside their bed. Red Tomahawk slipped in and got them...

About five o'clock in the evening the fight started and about seven o'clock in the morning Major Fachet came up with a troop of the 7th Calvary.

At the time that Red Tomahawk killed Sitting Bull...

Red Tomahawk was holding Sitting Bull by the left arm. Sitting Bull was shot in the left arm and in the left side of the head.⁶⁵

Sitting Bull was killed with his son, Crow Foot, along with six Native police officers on that day. The survivors of that remaining police regiment were celebrated for decades as returning veterans of a war, but only Red Tomahawk fits seamlessly into status of hero,

attending many Washington functions in his honor as slayer of Sitting Bull, and even carousing with Eleanor Roosevelt. The archives are relatively silent on the lives of the Lakota police of the regiment in the years following Sitting Bull's death, and one cannot but wonder what emotions the young officers must have felt, entangled in the regulatory regime of surveillance and violence that "won the west," and paved the way for settler security and well-being. The Newberry Library's Ayer manuscript file on Red Tomahawk reviewed in the final section begs the reading of a counter-archive, as Red Tomahawk subsumes the narrative of the aging Tháthájka Íyotháke, who traveled with the Wild West show in 1885-86 precisely to escape the confines of the panoptic reservation regime and the constant threat of arrest and incarceration. Ghost Dancers arrested at the time of the raid joined that same European Wild West tour as a condition of release from prison. "Imagine that you are Short Bull or Kicking Bear, Ghost dancers who were locked up in a Chicago Stockade, who were offered a chance to join the Wild West show on European tour."⁶⁶

Eastman reports she was "burning with an intense desire to see" Indian country, and the General "arranged at once for my safe escort."⁶⁷ Throughout the autobiography, Eastman positions herself as wanting frontier adventure and the opportunity to thrive in the wilds of unsullied nature. She revels in the comfort of her moccasins and leggings and the affordability of movement at a time when women in the east were wrestling with the wide-trained bustle, commenting that she participates in all the strenuous women's work of society, except the skinning and tanning of hides. There is an early feminist-inspired claim to nature in Elaine's jubilation at taking to the open road "steadily exerted in the direction of greater ease, freedom, vivacity" even as she slides into the vagaries of a

languid white solipsism at times, as in “although the Native policeman, looking dignified and responsible in natty blue uniform, might often be found beside the door as a symbol, it was rarely necessary to compel, or even to urge, attendance at the schools.”^{68, 69}

However, clearly there is some degree of compulsion in attending school. Eastman attests later in the text that parents left their children on the grounds of the barricaded school and church grounds precisely to give the youth sanctuary from the constant threat of the military and the police. Eastman despises both the police and military while also harboring a fair measure of disdain for settlers, as evidenced in reporting the white panic in Rushville. The memoirs fail in holding missionaries and educators accountable for settler colonialism’s ravages at Standing Rock, as instruments of a panoptic surveillance regime of punishing governmentality, racially envisioned and constituted as white.

Ironically, it one was of the teachers supervised by Goodale Eastman, John Sweeney of Medicine Root District, who raised the blood-pressure of Daniel Royer enough that he wired for troops. On November 22, 1890, Sweeney transcribed a message from Little Wound, one of the Ghost Dancers, to Pine Ridge Indian Agent Daniel Royer. Eight pages of Ghost Dancers’ names follow the four-page letter. Sweeney wrote the names, and ostensibly, the Ghost Dancers placed an “x” beside their name if they agreed with Little Wound’s statement. The communication includes nearly two pages of Little Wound's statement, the names of 84 Ghost Dancers with 54 names attached as the sprinkling of penciled x’s that Scott Richard Lyons constellates as “x-marks of assent,” and a rather paranoia driven explication of affairs by Sweeney who writes that the Ghost Dancers of Yellow Bear Camp who “commenced dancing on the creek this morning...will continue to dance...until stopped by force.”^{70,71} According to Lyons, the

x-marks of the dancers signify their position as citizens of a sovereign nation in political parlay with the United States assenting to nothing but their own religious freedom, precisely what Sweeney writes to Royer must be stopped by force. The Ghost Dancers' portion of the letter expresses great bewilderment about the threatened U.S. military occupation, and even reminds Royer that the dancers are dancing in actual anticipation of the second coming of Christ. As the Ghost Dancers understand the situation, not only are they on sovereign treaty territory, they are practicing their religious freedom guaranteed as the first, founding, and fundamental tenet of the U.S. Bill of Rights which states—today as then—“Congress shall make no law respecting an establishment of religion, or prohibiting [its] free exercise.” Little Wound really cannot believe it and demands to know, as one political leader to another, “why the soldiers were coming on the reservation. What are they coming for? We have done nothing. Our dance is a religious dance and we are going to dance until Spring. If we find then that Christ does not appear we will stop dancing, but in the mean time troops or no troops we shall start our dance on this creek in the morning.”⁷²

In this singular historical moment, Little Wound and the Ghost Dancers enact a complex nexus of political refusal in the face of imminent violence portended by soldiers and Red Tomahawk's police force. Little Wound and the dancers succinctly and forthrightly summarize the incommensurability of Indigenous values with the settler state as an unsustainable set of practices demanding absurd rituals of accountability, like showing up to be counted on ration day. The statement continues to directly address Royer and is pointed, direct and diplomatic. “I have also been told that you plan to stop rations and annuities. Well for my part I don't care the little rations we receive do not

amount to anything. Dr. Royer if such is the case please send me word so that my people and myself will be saved the trouble of going to the agency.”⁷³

Sweeney, for his part, has not just transcribed a letter but added his own damaging opinions. He intersected his role of teacher with one of surveillance, or spy, policing for ill-defined insurrectionary activity, and his communications surely fuel Agent Royer’s hysterics, spurring Royer into the drastic action of calling everyone into the agency and wiring for troops. Sweeney writes Royer that Little Wound is a “very obstinate man” of “ungovernable temper,” and advised Royer that the Indians are well armed and have bragged of easily overtaking the whites.⁷⁴ Sweeney’s letter and fear of the Ghost Dancers epitomizes the white anxiety of Indian outbreak and movement outside of reservation confines articulated by Philip Deloria, and Royer’s fears “mobilize the largest gathering of troops since the Civil War.”⁷⁵ Sweeney forwards this letter and sends Royer into galloping hysterics on an infamous ride to Rushville. Little Wound’s impassioned missive of intransigence in the face of upcoming military incursion, this foreboding, ominous feeling in the air, is confirmed in the pensive, worried, distant gaze of the school children illustrating the cover of *Sister to the Sioux* who gut-wrenchingly knew the soldiers were coming. Did the children know their teacher sparked the soldiers’ advance?

Elaine Goodale Eastman’s experiences contextualize the assassination of Tháthájka Íyothake, and the Wounded Knee massacres of December 29, 1890 within broader circuits of white settler colonial regulatory power exerted as the logistics of settlement violently displacing some from their home, to make way for the settler’s home. As an ongoing process of elimination and displacement, settler colonialism is not just a sum of past historical grievances but a present day set of material practices that

structures dispossession across time as the present-day connections to Standing Rock outlined in later sections attest. For water protector LaDonna Allard's family the memory of Tháthájka Íyothake's as a symbol of resistance to the dispossession of land is very present. Separated by over a century, the arrests and coercive practices of law enforcement today at Standing Rock mimic the events of 1890, and demonstrate the historical saliency of arrest as a tool for securing settler society. Defined by Webster's as "bring to a stop/check, slow/make inactive/seize, capture/to take or keep in custody under authority of law," arrest cannot be separated from the circumstances of its production within the structure of settler colonialism.

Settler Security

The highway signage of North Dakota was introduced in 1923 as a long white metal rectangle with bold black numbering and graphics with a 3-d effect created by the background of the sign: the silhouette of Red Tomahawk and a large white circle displaying the route number superimposed upon him, or over him, like a giant headpiece. Red Tomahawk is a sentinel who silently and safely beckons and guides the weary and uncertain traveler (settler). As a symbol for settlement roads, Red Tomahawk's immobile fixity in time and space, as signage, suggests that the territory is already flattened and vanquished of the Lakota Sioux. The black masculine countenance of the image is a reminder of the "Indian wars," and reasserts white male dominance as military conquest and the geospatial zone of highways, automobiles, and travel as highly-masculinized zones requiring a friendly Indian guide for reassurance on the route to the expanding West and its "dangers." In addition, the graphic of Red Tomahawk gestures to a progress narrative that enfoldes Natives within a certain and secured settler modernity.

In 1923, Red Tomahawk's profile was chosen to mark all North Dakota State Highways. It is displayed to show all travelers that a friendly Lakota was safely guiding them. In 1951, the North Dakota Highway Patrol also adopted his profile for use of the department symbol and as the patrol vehicle emblem. The department's Colonel's Award for Excellence bears Red Tomahawk's name and likeness to symbolize his contributions to the state of North Dakota as a Lakota warrior and ambassador for peace.⁷⁶

The deliberate use of Red Tomahawk, who slayed Sitting Bull at close range, neatly packages a settler colonial imaginary that constructs Native men within strict, heteronormative binaries of Uncle Tom-like service or utter, degrading savagery. According to Sam McKegney, the collusion or collapse of the statuesque Indian and white-defined masculinity as a floating signifier appeases, apprehends, and propels a

“settler North American appetite for depictions of Indigenous men that rehearse hypermasculine stereotypes of the noble savage and the bloodthirsty warrior.”⁷⁷ Red Tomahawk symbolizes the noble Indian properly subsumed into Churchill’s neoliberal police order, marshalling the reigns of law’s killing power, ready and willing to patrol the reservation’s fence lines of segregation with a steady hand on a holstered gun. Red Tomahawk as an actor in the so-called Indian Wars is an assurance to white people of the rightness of genocidal policies of eliminate, destroy, and replace; as flat signage flattened of an authentic history Red Tomahawk is a reassuring symbol to travelers, settlers, and settler-arrivants; a reminder of protection, safety, and security for the patriarch and family moving west. As a progression of colonialism, this represents the stage when direct rule and dispossession is replaced by sectors of the colonized population serving the policing order and the administration and oversights of necessary settler functions like arrest. Red Tomahawk’s (and Tonto’s, etc.) participation in the colonial system of law enforcement allows settlers to chill “secure in the cunningly implanted knowledge that even the most obviously colonized segment of the North American population, the Indians, now agree that ‘the system works’ for one and all.” Sentiment machinates powerfully, argues Churchill, towards believing we are all, at gut level, the same in a pluralistic society, operating out of the same motivations and willing to do what the law may require to get them. “Despite the pleasurable hallucinatory sensations produced by this narcoticizing façade, the perpetual hemorrhaging of Native America goes on and on, unconstrained by public outcry, safely out of sight and mind.”⁷⁸

As automobile travel became common, the state police became a fixture, especially in the large swathes of rurality common to the Western states, ostensibly to

secure the safety of the public roads. The North Dakota State Police also adopted Red Tomahawk's profile as the ideal symbol to promote ethical values of professionalism, public safety, service, and courage. The department gallantly pledges to protect families and vacationing travelers,

from the Red River Valley region in the east, to the wide open spaces of our prairie lands and the pristine Theodore Roosevelt National Park in the west, North Dakota is truly a great place to live, raise a family, or plan your next vacation. North Dakota consistently remains one of the safest states in the nation, and the North Dakota Highway Patrol stands ready to partner with you, our motoring public, to ensure our highways remain as safe as possible. Our agency strives to maintain a high visibility on our highways to help deter violations, and to help those who need assistance. Our job is to provide the safest travel experience for you and your loved ones, and we are strongly committed to accomplishing this. We remain vigilant in our efforts to enforce violations that pose the greatest threat to the safety of you and your family.⁷⁹

The lengthy paragraph above waxes poetically and ostentatiously to describe the land as



Figure 4: Long-time patrol logo for North Dakota State Police. Officers from this department would have deployed to Standing Rock to arrest water protectors.

open, expansive, accessible, and pristine, almost womanly, a desired space arousing unnamed hungers for potential residents and the tourists who expect unfettered access to all that is iconic and within the national purview for the purpose of family settlement, recreation and leisure. The settler sense of national belonging is reinforced by the reference to Theodore Roosevelt. The heterosexual, nucleated family expectations of settler colonialism in the

pledge of the North Dakota State Police functions to affirm the protection of the familial bond in the proactive interruption of threats and violations. Those threats can be contextualized as nonwhite, nonheteronormative, and bulging with lusty, hypermasculinities.

Throughout his life, Red Tomahawk enjoyed status as a celebrated dignitary, and Red Tomahawk is construed in numerous periodicals of the 1920s, from Bismark to Bozeman to Mandan and New York, as having done his patriotic duty in slaying Sitting Bull. Red Tomahawk represents not only the arrest and pacification of any potential Indian outbreak in 1931, but the national consciousness wrestling with its very-near genocidal past in tandem with the collusion of oppressed and colonized peoples in their own arrested and imprisoned status. The newspaper headlines seem to scream that even Red Tomahawk wanted Sitting Bull dead, and the nation is indeed grateful. “A Famous Indian Dies: Killing of Sitting Bull was Red Tomahawk’s Big Feat,” “Highway Markers Show Sitting Bull’s Slayer,” and “Mighty Sioux Warrior Led Indian Police Against Medicine Man,” are the headlines from just Mandan upon Red Tomahawk’s death.⁸⁰ The highway commission endeavored to replicate Red Tomahawk’s likeness in dignified silhouette as the most representative Indian for North Dakota.⁸¹ In the simplification and synthesis of the settler narrative, the murders by Lakota tribal police and the 300 massacred at Wounded Knee became the backgrounded extant in the silhouette images of Red Tomahawk in profile, prominently displayed on the road signage of South Dakota and the patrol cars of the North Dakota State Police as symbols for the unquestioned salience of settler statecraft, nation-building, and masculine authority of law. Settler security was preserved in the death of Sitting Bull, and there is an ongoing reinvigoration

of his worth as cultural, historical, and economic capital: his name is used to sell newspapers in 1931 and a Winchester rifle in 1934.

The Standing Rock Arrests

Although seeming to incite spontaneously, the No DAPL (Dakota Access Pipe Line) movement followed upon an intense two decades or more of galvanizing actions by Indigenous people using the tactics of the occupation and the blockade in numerous locations throughout Canada and the United States as a counter-sovereign move in direct contestation to national rule that disrupted the “settler-state stability and authority required to ensure ‘certainty’ over lands and resources to create a climate friendly for capitalist accumulation.”⁸² In addition to the well-known blockade at Oka by the Kanésatake Mohawk nation, large-scale, disruptive, militant blockades were initiated by the Innu at Goose Lake, Labrador; the Lubicon Cree of Alberta; the Temagami of Ontario; and, Algonquins from Barriere Lake. Synthesizing the roots of the Idle No More Movement, Coulthard argues that the settler state has the only claim on the legitimate use of violence. In addition, seemingly prescient of No DAPL, Coulthard advocated for more direct and sustained economic disruption upon the front lines of colonial capital. Highways and railways are prime routes for transport of capital’s myriad accumulations, and equally prime sites for activist interventions. “If you want those in power to respond swiftly to Indigenous peoples’ political efforts, start by placing Native bodies...between settlers and their money.”⁸³

No DAPL water protectors risked arrest as a tactic of disruption that upset the usual modality in which settler law enforcement fines, arrests, detains, and imprisons Native residents with an impunity equivalent to an attitude of calculated letting-die, as in the case of Tháthájka Íyothake, or in exacting such a punitive rate of warrants, fines, and detentions, as in settler border towns like Shiprock, Farmington, and Gallup today, that

life becomes viciously untenable. In Farmington, the mostly-Navajo Native American population equals 17% of total residents but accounted for 80% of arrests throughout the 1970s, and over 50% of arrests in all non-alcohol related categories but one throughout the early 2000s.⁸⁴ The disproportionate arrests of Native Americans glaringly evinces the corporeality of settler colonialism in extracting wealth from bodies as well as land. Settler regimes are zones of orchestrated death as necropolitical “management takes the form of the control of bodies through policing, surveillance, and discipline.”⁸⁵ The arrests at Standing Rock in 1890 and 2016 represent the settler response to landed sovereignty movements, further illuminating how arrest labors on behalf of settler colonial capital accumulation and is constitutive of broader historical, structural, biopolitical and geospacial processes destroying and replacing treaty-protected sovereign land bases.

In theorizing arrest as a technology of settler colonial regulatory power, and specifically frontier feminist Elaine Goodale Eastman’s imbrications with settler colonial regulatory power in the orders for the arrest of Chief Sitting Bull in 1890 at Standing Rock, the present day Standing Rock Nation Chief, tribal chairman David Archambault II was arrested on August 10, 2016, a material present accentuation and signification of how the violent settler colonial regulation of Indigenous people in the U.S. repeats itself from Wounded Knee to the present at Standing Rock. Protesting an oil pipeline slated to cross the Missouri River, threatening the water supply of twenty-three million people, Archambault and over 550 people who refused to move from the pipe’s projected path were arrested between August and December 2016. Final approvals for the Energy Transfers Partners pipeline was ceded by the state of Iowa in March 2016, and by April

twenty-five water protectors began camping on LaDonna Allard's family land in view of the construction site.

On behalf of the Standing Rock Sioux, Archambault filed an injunction on construction in July, in U.S. District Court, as well as seeking relief from the United Nations. Despite these efforts, and the fact that the pipe line route was diverted from the largely-white region of Bismark precisely due to the environmental risks of rupture, construction began on August 10, 2016. Archambault and Council member Dana Yellow Fat, along with others, were arrested that same day in confrontations with police at the construction zone.⁸⁶ Sacred sites and burial grounds of the Standing Rock Sioux were bull-dozed on September 3, 2016, just one day after the filing of court papers delineating their location and justification for protection. "Dakota Access employees cut a two mile-long, 150-foot swathe exactly where the Standing Rock Sioux said the sacred grounds were in the court papers."⁸⁷ On numerous occasions, police used pepper spray and fire hoses in freezing conditions against the growing group of Oceti Sakowin water protectors gathered at the site, many of whom were engaged in religious ceremony. Writing for Lakota Country Times, Brian Ecoffey stressed that

The abuse of detainees by Morton County law enforcement has overstepped every boundary guaranteed by the American Constitution. Water protectors have seen being bound and hooded by police. People are being strip-searched and abused within their jail for minor crimes. And police have employed the use of mass surveillance through drones in the protector camps. This isn't a war zone. This is South Dakota.

In fact, it is a war zone. Communications between the private-security firm TigerSwan and numerous law agencies specifically characterized water protectors and the no DAPL movement in terms of war and enemy combatants. Employed by the pipeline contractor Energy Transfer Partners (ETP), the security firm reported to local, state and federal

agencies, including the FBI and Department of Homeland Security. The No DAPL pipeline protest occupation was repeatedly likened to a jihadist insurgency necessitating extreme security measures that included the deployment of “rubber bullets, bean bag pellets, LRAD sound devices, and water cannons.”⁸⁸

Ironically, TigerSwan was hired after guard dogs for ETP’s initial security personnel attacked protesters in September 2016. In response to the need for a more mediated response, TigerSwan, in its duties representing ETP, infiltrated various protests camps for the purpose of causing dissension. Infiltrators advocated for dangerous and disruptive protest tactics in order to more easily criminalize the activists, portray the protest as a national security threat, and cause divisiveness between protestors with differing strategies. Terms and phrases such as “find, fix, and eliminate,” “battlespace,” and “fighting season” betray the troubled linkages among policing, militarized surveillance tactics and private corporate interests. Energy Transfer Partners willingly suffered collateral damage as part of a larger global campaign to malign anti-pipeline organizing. Illegal property damage by TigerSwan employees, according to former security worker Courtni Dockter, included equipment theft and the intentional setting of fires to ETP company vehicles as strategies that could then be attributed to off-the-rails EARTH FIRST style activists from the protest camp.⁸⁹

Clearly, the water protector camp facilitated sustained protest beyond anonymous, monkey wrench tactics and the characterization is sadly reductionist and just plain wrong. The Standing Rock historian, archivist, and genealogist, LaDonna Brave Bull Allard noted in an interview with *Teen Vogue* that, as an educator, she had not even considered herself an activist until April of 2016, when Chairman Archambault traveled the nation

speaking about the risks of the pipeline mega-project. Moved to provide family land for the first anti-DAPL camp, Allard now says that she does not distinguish between activism and education. All daily activities at Oceti Sakowin camp, from the first day on, were grounded in prayer and ceremony.

Faith Spotted Eagle, Elizabeth Lone Eagle, and Allen Flying By did a water ceremony to bless the ground. They did a pipe ceremony, they did prayers. We started the fire, and the camp was started. That first night, Joy Braun, Josilyn Charger, Joseph White Eyes, and Wiyaka Eagleman were the ones to stay. The community started bringing in food, coffee for them, wood for them. And then people started coming.⁹⁰

In February 16, 2017, Archambault spoke at Cornell University on behalf of the Great Sioux Nation. Clean-up efforts were happening to remove garbage and supplies left by water protectors before they become sources of contaminant during spring floods. The destruction of the sacred sites by bulldozer operators for Energy Transfer Partners has made the issue of their legal protection moot, and changed the terms of the legal suit. Archambault noted the Great Sioux Nation is now pursuing remediation based on treaty rights protecting traditional hunting and fishing grounds.⁹¹

With the large numbers of arrest for civil disobedience (as many as 127 in one day) have come reports of sexually-humiliating strip searches, something akin to Sitting Bull being violently wakened by Red Tomahawk and McLaughlin's police force on that chilly December morn. Sexual humiliation and debasement are an inextricable fabric of the regular practices law enforcement, and specifically the practice of arrest. LaDonna Allard reports that police tactics include the targeting of families. Allard's daughter was arrested while driving, jailed, strip-searched by three male guards, and left in her cell naked overnight. Although Allard's daughter left to process what had happened, the incident did not deter Allard herself from continuing to give her intellectual, material, and

bodily support to the Standing Rock occupation. On a broader level, the specific, sexualized targeting of young female water protectors must be understood as not an aberration but business as usual because Native American girls, women and transwomen are some of the most frequent targets of police abuse. According to Ontario-based scholar Jaskiran Dhillon it is necessary to locate policing and arrest within ongoing settler colonial processes of landed material dispossession and bodily physical harm. The authorial claims of law enforcement over private propertied interests rest on claims to stolen land, and police are the legal configuration through which private property is protected and Indigenous people are expelled from land for settlement or resource-intense endeavors. “Law, particularly property law, is defined by practices of legal interpretation that Cover described as ‘staked in blood,’” Correia argues. “Legal interpretation appears disinterested but requires violent enforcement by legal agents...who ‘specialize in inflicting physical damage.’”⁹² Dhillon agrees with this assessment in writing:

Indigenous girls under siege by police and other law enforcement agents [make pressing the imperative] to offer a crucial corrective to the optics of erasure and make legible how police violence has reached terrifying velocity under settler colonialism [for] Indigenous girls living with incomprehensible colonial gender violence in their day-to-day existence, in the viciousness of everyday life taking place in the back alleys, shadowed corridors, and open streets of white settler society.⁹³

If water protectors were openly and baldly strip-searched during the process of arrest, then law enforcement interactions are far worse than that in the hidden urban and rural spacialities frequented by Indigenous girls and youth.

In the video of protesters liberally hosed with mace, officers of the State Police from five states command the protesters, or water defenders, “to go back to south camp.” The south camp is not within line of the pipeline, and the command unveils neoliberal

regulatory imperatives of governmentality that manage risk, protest, and difference as multicultural absorption that can exist side by side with the corporate behemoth of the oil pipeline—a disciplinary tactic dictating protest camps *here* and the pipeline *there*. The protest cannot interrupt the *there* of the pipeline, and the pipeline’s home is bargained against the home of people, the home of the river, the home of all its tributaries, the home of all the flora and fauna. What is happening today at Standing Rock seems only a new quest and reenactment of settler colonialism’s insatiable drive for land with the militarized law enforcement response of today against the people of Standing Rock as a direct reflection of past violence. The arrests of Sitting Bull and the Ghost Dancers were dependent upon the attendant legal form of the U.S nation-state, a formation always backed up by the potential or real use of the violence signified by law enforcement. The process of acquiring and keeping private property and settler capital is an inherently violent one.

The incommensurability of white feminism with Indigenous feminism was openly declared when Duluth mayor Emily Larson spoke against the city council’s resolution in support of Standing Rock water protectors. Larson emphasized that as a city councilor she would have never brought “these types” of issues forward. Larson ignores the strong constituency that advocated for a city referendum on Standing Rock and advances a subtext that the issue is of a “type” too divisive and too anti-business to be seriously engaged by any elected official. Larson pledged to facilitate a stability and steadiness “in areas that can grow our economy and provide the support and leadership for businesses to feel confident they can do that,” in stressing that DAPL pipeline builder Enbridge is a big employer for Duluth. Duluth is ready to receive its own section of oil pipeline. “Next

year will be a big year for us as it relates to line three.”⁹⁴ Promises, promises, Mayor Larson.

In rejecting the Indigenous landed sovereignty claims of water protectors and siding with transnational capital endeavors, Larson rubberstamps the implicitly violent terms of settler security as deployed by the North Dakota State Police. Patrol cars ironically display the Red Tomahawk logo. The ND State Police suited in riot gear with militarized equipment occupied a steady presence at the recent Standing Rock protests, aided by TigerSwan surveillance teams. As reported by the *Intercept* in May 2017, TigerSwan, a business begun by a Delta Force counter-terrorism, paramilitary expert with experience in Afghanistan, coordinated communications regarding the Standing Rock protestors among local and state police agencies, the Attorney General for North Dakota, the FBI, and the BIA. TigerSwan neatly packages a message that constitutes the protest actions and camps as a terrorist threat needing a militarized response. TigerSwan repeatedly references the water protectors as “rioters.” In the one-page, bullet-point communication entitled “Assessment,” the corporate private-dick skills working for Energy Transfer Partners provide a break-down, in four sections, of what is known about the protest. It is not known how many weapons or how many rioters, and TigerSwan, in a stunning display of ignorance of the movement’s amorphous, rhizomatic, pan-Indian roots, assigns singular agency to the Standing Rock Sioux Nation in writing that “Standing Rock Sioux will continue to riot and attempt to force DAPL security and law enforcement to respond with violence.”⁹⁵ Could TigerSwan’s neat encapsulation of the protest as a riot have any resonance at all without the history of white anxiety and fear regarding what Deloria termed the Indian “outbreak?” Law enforcement’s response to the

2016 Standing Rock protests reveal the dynamics of settler colonialism perfectly in the brutal fusion of transnational corporate interests, militarized private security, police, and judiciary rallying to protect white presumptions of access to Sioux land for the purposes of resource extraction.

Assessment

- **What we know:**
 - Rioters will conduct operations based on weather
 - Movement is well organized and control measures are in place
 - There are divisions within the camps (i.e., Natives vs Whites and inter-tribal conflicts)
 - There are outsiders deliberately moving the rioters toward violent action
 - The rioters do possess weapons
 - Red Warrior Camp is the plans and operations for the rioters and is run by Cody Hall
 - That the use of spotters and runners is widely used during riot operations
 - Uniformed rioter security are giving orders to rioters during direct action
 - Manipulate peaceful protesters through misinformation
- **What we do not know:**
 - Number and type of weapons in camp
 - Who is providing military training
 - When and where the next event will occur and how many rioters will attend
 - Have not confirmed Command and Control at events (suspect Cody Hall)
- **What we think:**
 - The Standing Rock Sioux will continue to riot and attempt to force DAPL security and law enforcement to respond with violence
- **Importance:**
 - The use of force or death of a protester or rioter will result in the immediate halt to DAPL operations, which will likely permanently halt the entire project

Figure 5: Example of TigerSwan communications to FBI, Homeland Security, National Guard and multiple state and local police agencies

The two versions of masculinity posed by Red Tomahawk as the law-abiding Indian offering secure passage for settlers and the contemporary encapsulation of the “Standing Rock Sioux [who] will continue to riot” are not so diametrically opposed, but reside along a continuum of Native representation relying on the dichotomy of the noble versus savage Indian so widely reproduced in film. Both Red Tomahawk and the

“rioters” represent a mapless simulation of the hyperreal, that is, a “banality that continually reproduces itself like the Land O’ Lakes butter maiden who holds up an image of herself that reflects endlessly but has no stable point of origin.”⁹⁶ The indiscriminate reproduction of the cinematic Indian—and in the case of the Standing Rock water protectors, the arrestable Indian—“is predicated on constantly shifting binary oppositions and paradoxes along a vast circuitry of representations: noble vs. bloodthirsty savage, faceless horde vs. lone warrior in defeat...inscrutable enemy vs. loyal sidekick” etc.⁹⁷ The flat profile of Red Tomahawk graphically reinforces settler security as one motors across the settler roads of conquered Indigenous nations.

Images of long-dead historical leaders or generic Plains-and Southwestern-style Indians stuck in a static and tragic nineteenth-century context have been employed over time to reflect Indianness. These images function as an affective economy—in circulation they are recognized worldwide as markers of “the Indian” and are meant to register particular emotions in the viewer, specifically guilt and nostalgia for what has been lost.⁹⁸

It has been argued prolifically before but such images serve to reinforce the idea that First Nations Native Americans have only existed in the past, that there is no present unnamed reality, that all is a priori, of prior form. Having only a priori being, present Indians, as described by TigerSwan’s internal communications, are manufactured out of sheer settler colonial fantasy as masculinized terrorist threat and thus, easily past-tensed by the registers of settler colonial affect when hundreds are arrested and imprisoned, tear-gassed, enduring water cannons and stun grenades in freezing temperatures, having winter survival gear bull-dozed, and being, fuck-what century is this--!, bitten by dogs. At Standing Rock today, colonial-era stereotypes fuel the lawful use of modern technologies of war. The binary of the racialized terrorist threat and the righteous

authority of law both invoke settler colonial heteronormative masculinities that transit—trammel—on behalf of global capital.

The settler colonial state-making endeavor relies on the staid and circumscribed roles of heteronormative masculinity and femininity. In historical hindsight, Elaine Eastman and Emily Larson emerge as the perfect model, container, and purveyor for what Amy Kaplan phrased the feminine “cult of manifest domesticity,” in which women as mothers transfer cultural values of Anglo-Saxon moral superiority, justifying U.S. imperial policing ambitions here and abroad. The white female subject discovering her freedom by leaving home serves as an analogy for imperial wars fought for freedom to protect that threatened home front. In the discursive expansion of the national consciousness regarding women’s place in the domestic sphere via memoirs such as *Sister to the Sioux*, this broadening of identity strengthened and emboldened the authorial settler colonial narrative, or the narrative on behalf of nation and empire. The maternal figure combines the cult of manifest domesticity with a culture of sentiment in service to settlement, state-making, and nation-building projects. To put critical sites as diverse as highway signage and Eastman’s memoirs in conversation is an attempt to locate the actual sources of colonialism’s scrambled arresting cacophony of narrations spinning out as the circumstances reifying its own production. “The maps of settler colonialism were always already proliferative, the nation state’s borders were already perforated, and the U.S. lines of flight across the treaties with Indigenous nations were always rhizomatic and fluid rather than hierarchical, linear, and coherent,”⁹⁹ argues Jodi Byrd. The narrative of becoming herself, so essential to Eastman’s tale and autobiography in general, reifies the birthing of nation in the recitation of the individual settler-arrivant’s

journey to the new frontier as a story of rebirth in finding the authentic, individual self. The nation born anew in “becoming-Indian, becoming-woman, becoming-America” depends upon the colonialist discursive reification of archetypal Indianness, as a priori concept, “justifying expropriation of lands through removals and genocide.”¹⁰⁰

The Horse Creek treaty was an agreement between nine Indigenous nations and the United States that secured sovereign ancestral land bases for the Sioux, Mandan, and other Native nations while guaranteeing safe passage for Oregon settlers. With five years in treaty territory, at the dawn of the violent transition to South Dakota statehood, (a forthright violation of the treaty terms as settlers poured into the area) Elaine Goodale Eastman was more than an outpost classroom teacher. Promoted to Superintendent of Indian Education for the Two Dakotas in 1890, Eastman evaluated teachers and conditions at reservation schools in her supervisory post.¹⁰¹ Eastman's transits between agencies and mission schools means that she had met, supervised and evaluated the teacher at the number eight day school of Medicine Root district, John M. Sweeney. In addition, Eastman's autobiography suggests that she was in close contact with both Sargent James McLaughlin at Standing Rock and Pine Ridge Indian Agent Daniel Royer. The three men emerged as pivotal historical figures influencing the police raid upon the sleeping encampment of *Thathájka Íyothake* and the military invasion at Wounded Knee, as noted in a prior section.

In 1985, the University of Nebraska reissued Eastman's *Sister to the Sioux* memoirs. The back cover quotes laud Eastman as a “woman ahead of her time” (*Pacific Historian*) and a “talented woman who gave herself so completely to the people she chose to serve” (*American Indian Quarterly*). Valerie Sherer Mathes, writing for *North*

Dakota History proclaims that it “is particularly refreshing to see Indian women viewed through the eyes of another woman.” Why is Eastman given such sympathetic treatment compared to agent McLaughlin, or the agent at Pine Ridge, Daniel Royer, who telegrammed for the troops leading to the massacre at Wounded Knee? Eastman was in close communications with both these men, as well as the founder of Carlisle Boarding School, Colonel Pratt; it seems a particularly infuriating fact of history that Eastman has proclaimed herself a “sister” to the Sioux and today it can be interpreted as part of the odd double-speak of multicultural inclusion which commenced this foray into the Standing Rock arrests, policing, and settler colonialism.

Just days before the events of Wounded Knee on December 29, Eastman reports that Royer has ordered the population in, and that “[r]eluctantly I gave the order and we covered the fifty miles before sunset.”¹⁰² Eastman, who traveled to South Dakota as an outpost classroom teacher “burning with an intense desire to see Indian country,” unwittingly portrays herself as intimately implicated in settler colonialism’s logistical machinations of elimination, exclusion, settlement and containment: “the whole population had been ordered in...the roads were soon black with long convoys...*I* gave the order.”^{103, 104} As an English-speaking educator in un-ceded Lakota national territory, Eastman’s educational mission clearly intersected with military and policing initiatives, and embroiled her in the genocidal logistics of settler colonialism.

Eastman’s sentiments not only engage with settler colonialism but a particular kind of settler colonialism fused with feminist sensibilities that engages a sympathetic stance of affectivity towards racialized others. She loves to travel, loves the sense of freedom Lakota women’s clothing affords her, and brags that she partakes in all the work

of Lakota women's society, except the skinning of buffalo hides. In Eastman's ease of rejecting the women's work of processing the buffalo, her white entitlement creeps in-- after all, she is affirming that she is an educator not a domestic worker. Saying this seems incredibly arrogant and solipsistic. Reading the memoirs of Eastman's contemporary, Ella Deloria's *Waterlily*, the rendering and processing of the buffalo was the women society's main work as buffalo are mentioned every few pages.¹⁰⁵ Eastman articulates her sense of place in Lakota society through a persistent proclamation of the identity "sister" that fails to critique how her placement in 1851 treaty territory hastened the displacement of her Sioux sisters. The author takes no accountability for the modalities, like education, through which white jurisdictional authority was enacted and rode rough-shod over Indigenous systems of governance for the purpose of establishing settler futures on stolen lands. Although progressive enough to advocate for day schools as an alternative to boarding school, Eastman unwittingly enacts a good versus bad whites dichotomy. In advocating for an English-dominant model for education, the slippage of the narrative is its hinging upon a Eurocentric frame privileging ideals of patriotism and U.S. liberal democracy. Eastman, even as her driver stressed plans for resistance to arrest, could not grasp the broader meaning of the Ghost Dance. The Ghost Dance (an English translation of "spirit dance") emerged from the philosophical teachings of the Paiute leader Wovoka, who advocated for an end to white supremacy. "In a series of visions, dances, and songs referred to as the Ghost Dance, [Wovoka] predicted that the tide of whites would recede and the deceased family members would return to their loved ones."¹⁰⁶ The five-day circle dance symbolized the journey of the sun flashing across the heavens. The arrests of Sitting Bull and the Ghost Dancers were dependent upon the attendant legal form of the

U.S nation-state, a formation always backed up by the potential or real use of the violence signified by law enforcement, as so persuasively particularized and ascertained by Blackhawk's scholarship. That authoritative enforcement, within U.S. colonial formulations of hierarchical power, is ideally internalized and self-regulating.

Although Eastman deeply sympathizes with the genocidal plight of the Lakota Sioux, it is exactly this oncology of suffering that constellates, backs, or foils Eastman's sticky narrative identity in the memoirs. That is to say, Eastman has a valorizing and intellectually satisfying memoir that only gains authentic identity and salience in direct relationship to the extremities of pain experienced by a community that almost seems to pivot about her in the text. *Sister to the Sioux* invokes a white feminist sentimental affect crushing to Indigenous sovereignty because that relationship is one that is fissured through with essential antagonisms. Because of white feminism's malleability to the state and desire for inclusion, it can only be positioned as an antagonism and incommensurability with black liberation, Indigenous feminism, and Indigenous sovereignty, those movements representing subjects most sorely in need of relief from state interventions. White feminist affect, argues Wilderson, feeds a libidinal economy that constructs *structures of feeling* such that only through the death of black subjects can "White women know themselves as women and White men know themselves as men."¹⁰⁷ What is available to white and non-Black women as laborers and mothers is denied Black women who cannot, or are not allowed, to claim Black kin. As stated previously, blackness exists in a state of ownership already "claimed by direct relations of force."¹⁰⁸ Wilderson's conceptualization of a carceral libidinal economy based on black suffering that bonds white radicals, liberals, and white supremacists alike is productive for

analyzing the specific ethical dilemmas Eastman poses to her readers in that she expounds upon and profits from a relationship of fungibility and violence strafing the Dakotas from post-contact to present. The text follows the formulaic plot line of an idealistic wanderer, details conflict, and the narrative's end, albeit sadly, resolves with Eastman serving as nurse to Wounded Knee victims at the Pine Ridge rectory. This image of the dedicated and dutiful nurse subsumes the image of what lies outside the rectory: 300 bodies lying in snow stained red with blood.

Settlers like Eastman and Larson must be interpreted as, according to the Canadian writer Jennifer Henderson, more than one of those “positioned as heroic women pushing forward the frontier of settlement” but as pioneer women writers who “serve as markers of the construction and reconstruction of the settler woman, a subject position bound up in the production of racial distinctions and the elaboration of norms of conduct.”¹⁰⁹ Henderson’s coining of the term settler feminism is an analytical framework encapsulating a less celebratory history of first wave feminism that argues for a more critical reading of white settler women’s comportments and travails among Native Nations as writing and acts that buttress and justify settler drive for land. The memoir of Eastman, a young white educator in Lakota territory from 1885-1890, demonstrates how well-intentioned white women are the instruments of a coercive governmentality, the racial constitution of the settler state, and the dispossession of Indigenous land. Eastman’s detailed communications with Richard Pratt, the founder of Carlisle Boarding School noted for saying “kill the Indian and save the man” and Daniel Royer, the Indian agent at Pine Ridge known by locals as “the young man afraid of Indians” entwine her in educational and religious ventures intersecting with the application of violent, panoptic

military and policing initiatives as part of U.S. westward expansion. As noted previously, her driver emphasized that the young ghost dancers would resist if arrests were attempted. It's plausible that she communicated these details in her frequent and verbose letters to Pratt and Royer. Elaine Goodale Eastman's experiences contextualize the assassination of Tháŕhájka Íyothake, and the Wounded Knee massacres of December 29, 1890 within broader circuits of white settler colonial regulatory power exerted as the logistics of settlement violently displacing some from their home, to make way for the settler's home in an ongoing structure of destroying to replace.

Eastman arrives in Pine Ridge in 1885 as a teacher and ends her time there five years later, in January 1891, after helping with nursing care for 33 women, children, and a few men, the bloodied survivors of Wounded Knee, "pierced with bullets or terribly torn with pieces of shell."¹¹⁰ However heroically, tenaciously, stalwartly Elaine Goodale Eastman busted through the badlands wilderness, however much she performed her patriotic duty as nurse at Wounded Knee, her allegiances to white government officials are most prominent in the text, and there are no instances when Eastman advocates directly for the Ghost Dancers. Her marriage to the Dakota doctor Charles Eastman seems only a continuance of the white affective registers of settler colonialism in assuring the reader that her betrothed, Dr. Charles Eastman of the Dakota nation expelled from Minnesota at the onset of settler statehood, did not "repel" her.

In *Living Autobiographically*, Eakin defines the autobiography as the combination of memory and narrative. However, the narrative is constrained by one's conforming to the requirements of a liberal regime valuing individualism, patriotism, and a teleology of, not only progress, but the teleology of contributing to the progress of one's country as a

proper heterosexual role model and normative citizen. The memoir is governed by the rules of telling the absolute truth, not breaking confidentiality, and the valiant pursuit of proper, regulatory, disciplined, law-abiding personhood. “In an American context, the right to write our life stories might seem a natural extension of our rights to life, liberty, and the pursuit of happiness,” but the story is rule-governed by a desiring, consuming public only tolerant of the continuous, the linear, the productive, the arresting, hero-driven, patriotic narrative of citizenry and engagement.¹¹¹ Because Eastman’s memoir is so progress and hero driven, it lends itself well to a critique of white feminism as an affectivity essentially and fundamentally incommensurable with Indigenous feminism.

Both Red Tomahawk’s use as logo and Eastman’s memoir contribute to a U.S. telos of progressivism, albeit a more specific telos of progress than that circumscribed by Eakin: the progressivism and teleology of the specific circumstances and narrative of settler colonialism and settler security inscribed and reinscribed, decade to decade, graphically and textually to reinvigorate the imperatives of U.S. nation-building, a project violently and diametrically opposed to Native national sovereignty. The historical legacy, genealogy, and teleology of settler colonialism necessitates the rigorous critical models of Indigenous feminist scholarship to address the literal evacuation of Native peoples from place, through arrest and other coerced means, in the drowning of the vast hinterlands of sovereign sociocultural, economic, political, and geospatial rhizomatic networks of kinship, trade and governance preceding the time of settlement.

Conclusion

Arrest cannot be defined outside the circumstances of its own production as a modality for ensuring settler state security and the smooth imposition of settler imperatives in projects like the DAPL pipeline, and oddly, settler security is, in fact, a state issue. The federal government recently denied North Dakota's request for \$37 million to recoup the costs of policing, surveilling, macing, flash-gun bombing, bulldozing, cyber-warfare, and arresting 600 or more water protectors. Settler colonialism is contingent upon combined policing and military initiatives in order to secure Indigenous land, and the trajectory of events at Standing Rock from 1890 to 2016 supports this hypothesis. Narratives of arrest are the reality lived in opposition to the full consummation of the settler state project and represent the innate instability and unsettledness of settler colonialism. Settler colonialism and the praxis of arrest are the continual injection, the jolt, the substance, the affective register of the smiling white lynch crowd. For radicals deeply committed to Indigenous sovereignty—that means GIVING BACK THE LAND—the challenge of shredding settler state security via Indigenous feminist anti-statist initiatives is daunting but necessary as water.

In this analysis I argue that arrest substantiates and reinvigorates the conditions of possibility for the ongoing structure of settler colonialism. White feminist land and settlement initiatives are incommensurable with Indigenous feminist praxis. Settler state security in law is affirmed by the act of arrest, and the narrative of that arrest functions as the literal transit and reinscription of the legitimacy of settler colonialism. Decolonization necessitates an abandonment of the constellation of institutional controls reproducing settler capital through the violence of property law. Decolonization is incumbent upon the

ideological evacuation and evaporation of any moral legitimacy afforded the settler police, settler laws, and settler judges ensuring settler security. A settler police state constructs conditions of incommensurability for the potential of a decolonial futurity. Decolonization is contingent upon abolishing the police.

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