

Severing Union

The Queer Performance of Steven Paul Judd's "Stop The DAPL"¹

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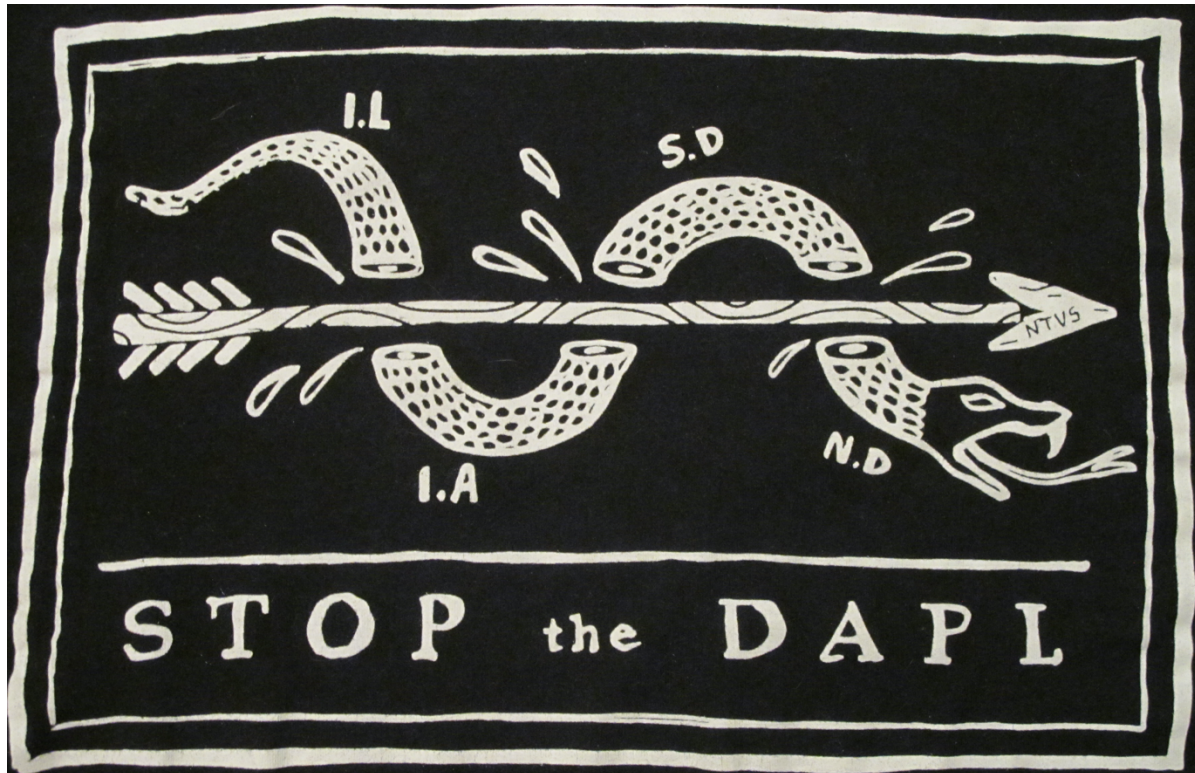


Figure 1. Steven Paul Judd, "Stop the DAPL," 2016, screen print graphic on T-shirt. Design courtesy of The NTVS; photo by the author.

In September 2016, the Native-owned apparel company The NTVS released a graphic to support the Standing Rock Lakota resistance to the North Dakota Access Pipeline (DAPL).² Designed by Kiowa-Choctaw artist Steven Paul Judd, the black-and-white image depicts an arrow slicing a snake into four sections, each representing a U.S. state the pipeline crosses. The phrase "STOP the DAPL" appears below the snake (Figure 1). Judd appropriated the image from a 1754 political engraving by Benjamin Franklin, which featured a snake severed into eight segments representing British colonies in America. It included the phrase "JOIN, or DIE." In the image, Franklin advocated for unification of the British colonies in anticipation of the Seven Years' War (also known as the French and Indian War). To win the war and protect (and increase) their landholdings in the west, the colonies would have to unite and form a military against the French and their Indigenous allies.³ The union, however, never materialized and instead British Parliament dispatched its army to defend the colonies against the French.⁴ A decade later, spurred by the Stamp Act of 1765, colonial newspapers such as the *Constitutional Courant* appropriated the image to represent colonial union against Britain. As a tax on print goods in the colonies, the Stamp Act built on the Sugar Act of 1764, but with a significant difference: where the

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Sugar Act was a duty on imported goods, the Stamp Act was a revenue tax over which colonists had no control or influence in British Parliament.⁵

The tax kicked up the dust in the colonies, but only because the Sugar and Stamp Acts heightened existing tensions between colonists and the British Empire over the acquisition of Indigenous lands west of the Appalachian Mountains.⁶ Britain held treaties and other agreements with the Haudenosaunee promising to limit settlement. George III issued the Royal Proclamation of 1763 to reinforce those agreements and save the expense of defending the colonial frontier. Franklin, as an officer of the Crown and a colonial agent in Britain, initially rejected the “radical appropriation” of his etching.⁷ Drawing a distinction between Parliament and the Crown, he agreed with the anti-Parliament sentiment, but read the appropriation of his etching as an affront to the Crown’s sovereignty, or “ultimate power,” over the colonies.⁸ “JOIN, or DIE” nonetheless was instrumental to fomenting anti-British sentiment leading up to the American Revolution and ensuring more rapid dispossession of Native land and life west of the Appalachians.

Steven Paul Judd’s “STOP the DAPL” graphic is not merely a clever appropriation of a well-known image. Rather, Judd reveals the imperial logic behind Franklin’s engraving and offers the possibility of Indigenous-centered alternatives. Where Franklin’s severed snake represents union as the British colonies’ best defense against the French and their best opportunity to increase land holdings in Indigenous territories, Judd’s indigenizing riff on the Lakota Black Snake prophecy rejects colonial possession by privileging Indigenous solidarity. Yet, “STOP the DAPL” goes beyond a mere reversal or refusal of Franklin’s original “JOIN, or DIE.” Rather, Judd “indigenizes” both Franklin’s original etching and the later anti-British “radical appropriation” of the image to present the intertribal, intergenerational, inter-ethnic solidarity around #NoDAPL as *both* analogous and counter to the colonial notion of “union.”

Indigenous education scholar Linda Tuhiwai Smith (Maori) refers to indigenizing as the (re)centering of Indigenous worldviews, politics, and cultural action.⁹ For American studies scholar Nick Estes (Lakota), indigenizing suggests a radical break in the relaying of Indigenous histories. Indigenous people, he writes, approach history differently from traditional historians who “merely interpret the past.”¹⁰ Instead, radical Indigenous historians and Indigenous knowledge-keepers “aim to change the colonial present, and to imagine a decolonial future by reconnecting to Indigenous places and histories.”¹¹ With Indigenous studies scholar Scott Lyons (Ojibwe/Dakota), Estes recognizes that Indigenous people not only live in “modern times,” but are “central subjects of modern world history,” which means they are also participants in that history.¹² Queer Indigenous studies scholar Scott Morgensen describes this discursive relationship between colonizers and Indigenous people as colonial heteropatriarchy, meaning it depends on the subjugation of Native women and LGBTQ2.¹³ Nineteenth century settlers, for instance, expected to trade for Indigenous women or used violence against LGBTQ2 tribal members to force conformity from the rest of the tribe. The U.S. also explicitly prohibited women from participating in diplomatic processes like treaty-making.¹⁴ Today, violence against Native women spikes in bordertowns along Indigenous nations, where there is a high concentration of workers from the extractive industries.¹⁵ In contrast to and with awareness of colonial heteropatriarchal domination, camp rules at Standing Rock required non-Native visitors and supporters to respect Native leadership,

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Native women who organized the resistance and daily operations, and the Two-Spirit Nation that held an active presence at #NoDAPL, even leading marches on the DAPL site.¹⁶

In Lyons's terminology, "STOP the DAPL" is a kind of "x-mark" — a "sign of consent in a context of coercion."¹⁷ Though Lyons had in mind treaties and other forms of assent that ensure Indigenous survival and resist settler encroachment, the graphic surely speaks "as an Indian ... in a discursive context that, thanks to colonization, is never of pure Native origin."¹⁸ Further, read through queer Indigenous feminism, Judd's image interprets the #NoDAPL movement as an attempt to dislodge hegemonic heteropatriarchal authority.¹⁹ It is a call to new forms of knowing and being rooted in anti-colonial struggles but based on Indigenous needs, values, and worldviews today, rather than a call for reinvigorated traditions that duplicate colonial heteropatriarchy and fix Indigenous nations to the past. "[M]oments like #NoDAPL," Estes writes, "are where Indigenous movement reproduces itself and grows."²⁰ Thus, by separating the snake that Franklin expected to keep whole, "STOP the DAPL" rejects the land-acquiring capitalist foundations of unification and the cultural/political hegemony of European governance. Instead, Judd offers land as a reproduction of Indigenous resistance. Land is, Indigenous studies and gender studies scholar Mishuana Goeman (Seneca) calls a "mnemonic device": it describes an embodied experience and a social relation between Indigenous people and their non-human relatives, thereby rejecting "private property" as a particularly violent form of colonial possession.²¹ The arrow in Judd's image offers solidarity as the counter to union, splitting the snake into segments represented as U.S. states. Designed specifically for t-shirts and flags, the image is also a literal banner for resistance to the pipeline and U.S. authority. When worn as a t-shirt or hoisted as a flag, "STOP the DAPL" embodies the expression or performance — what Diana Taylor would call a "repertoire" — of solidarity, resistance, and sovereignty that calls upon Indigenous knowledge systems, especially conceptions of land as their foundation.

#NoDAPL: A DOUBLE NEGATION OF RECOGNITION

After two years of opposition, the #NoDAPL movement began in earnest in April 2016. It opposed construction of the proposed 1,172-mile, \$3.8 billion Dakota Access Pipeline, which would run from the Bakken tar sands in North Dakota to the refinery in Illinois, crossing South Dakota and Iowa, as well as several waterways, beginning with Lake Oahe and the Missouri River.²² Fearing an inevitable leak would contaminate drinking water for more than eight thousand Standing Rock Lakota and around seventeen million more people downstream, Ladonna Brave Bull Allard called out to anyone who would listen to join her in prayer and protest.²³ A member of Standing Rock whose property sits near the construction, Allard offered her land as the first site of resistance. It came to be known as Sacred Stone Camp and the movement eventually expanded into several additional camps on neighboring tribal lands managed by the U.S. Army Corps of Engineers. An average of six thousand "water protectors" and supporters occupied the camps at any given time until law enforcement violently and indiscriminately evicted them in February 2017.²⁴

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Throughout the conflict, political science scholar Sandy Grande (Quechua) observes, mainstream and independent media made water protectors visible to the U.S. public only as spectacle. Following Guy Debord's "society of the spectacle," Grande defines spectacle as images of excess and extravagance "engender[ing] an increasingly isolated, alienated, and passive citizenry that unwittingly relents to a groupthink of market consciousness disguised as individual agency."²⁵ Thus, the Lakota became visible only through "widely circulated images of armored vehicles, riot police, water cannons, war bonnets, teepees and painted ponies" that simultaneously served to erase them as modern subjects while offering them as foils to the "authentic" American subject at home.²⁶ Livestream coverage by independent media such as Unicorn Riot, Grande argues, actually created "confusion about the level of violence at the camps," while water protectors and other participants spent most of their time "pray[ing], cooking, training, eating, laughing, building, teaching, working, washing, cleaning, singing, listening, reading, and tending."²⁷ The spectacle of violence erased not only this "nonspectacular reality" of cooperation, but also the longer history of Lakota resistance to settler violence.

With Estes, Grande argues #NoDAPL is consistent with a history of Indigenous resistance to resource extraction and pipeline construction, as well as the longer history of resistance to U.S. colonialism beginning with first contact.²⁸ For the Lakota, resistance efforts ignited in 1803 when, Estes writes, "[t]he fledgling U.S. settler state 'bought' 827 million acres from the French Crown in the Louisiana Purchase and sent two white explorers, Lewis and Clark, to claim and map the newly acquired territory."²⁹ None of the affect Indigenous Nations consented to the sale of their lands. Estes continues:

It was only after we rebuffed Lewis and Clark for failing to pay tribute for their passage on our river that they labeled the Oceti Sakowin [i.e. The Great Sioux Nation] 'the vilest miscreants of the savage race.'³⁰

Over the next century, the U.S. deployed a number of military and legal strategies to dispossess the Oceti Sakowin: Red Cloud's War from 1866-1868, General George Armstrong Custer's assault at the Battle of Greasy Grass in 1876, the slaughter of ten million buffalo, the invasion of gold-seeking settlers, the Indian Appropriations Act of 1876, the Black Hills Act of 1877, statehood for North Dakota and South Dakota in 1890, Dawes Allotment Act of 1887, the Flood Control Act of 1944, mass imprisonment and so on.³¹ Over the same period, the Lakota resisted, beginning with their refusal to Lewis and Clark and their defeat of Custer. In 1973, the American Indian Movement occupied Wounded Knee at the Pine Ridge Reservation and, in 1974, ninety Native nations from around the world gathered in Standing Rock to form the International Indian Treaty Council, which set the foundations for the 2007 United Nations Declaration on the Rights of Indigenous Peoples. In 2014, the Oceti Sakowin led resistance to the defeated Keystone XL pipeline.³²

This history demonstrates the Lakota's long resistance to U.S. encroachment and the capitalist logics of nation-building. More importantly, it also reflects the repeated failures of Indigenous attempts to work within the apparatuses of U.S. law. "Settler society," Estes notes, "entreated the Oceti Sakowin for the 1854 and 1868 agreements, not the other way around." He continues:

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We entered these relationships with the understanding that both parties respected a common humanity with the people and the lands. In our view, the settler state lost its humanity when it violated the treaties. Every act on our part to recover and reclaim our lives and land and to resist elimination is an attempt to recuperate that lost humanity — humanity this settler state refuses and denies even to its own.³³

Each subsequent attempt for recognition has further entrenched the Lakota in the U.S. settler state, which has led scholars such as Glen Coulthard (Dene) and Audra Simpson (Mohawk) to reject recognition altogether. Anthropologist Elizabeth Povonelli, in her study of heteronormative love as a disciplinary state construct, refers to this double bind as the “cunning of recognition.” “Either love through liberal ideas of self-sovereignty and de-culture yourself,” she writes, “or love according to the fantasy of the unchanging dictates of your tradition and de-humanize yourself.”³⁴ Modified as a relationship to land, Povonelli’s thesis suggests Lakota have had to choose between de-culturation (accepting land as property) and de-humanization (resisting on the grounds of sacred rights or ancient claims to possession). De-humanization is all-too-apparent in the spectacular militarized response to #NoDAPL: water cannons in freezing weather, mass arrests, tear gas, concussion grenades, and Long Range Acoustic Devices (LRADs). But it also works through the minor and often temporary concessions of the U.S. political system, such as the Army Corps of Engineers’ decision to withhold the lease for DAPL construction on the contested site. “Capitalism has never been opposed to resistance or protest,” Lyons writes. “Much to the contrary, it has actually been driven by them [Protest] justifies capitalism by demonstrating its openness and ability to self-correction.”³⁵ However, the immediate success of #NoDAPL is its double negation of recognition; its implementation of protest as a not just a claim to historical or cultural rights, but also a refusal of the capitalist system that denies Indigenous existence. #NoDAPL is, in Coulthard’s words, “a crucial act of negation” impeding and blocking the flow of resources from dispossessed Indigenous land to international markets, while disrupting the economic infrastructure “core to the colonial accumulation of capital in settler political economies.”³⁶

Steven Paul Judd’s “STOP the DAPL” enters here as an Indigenous appropriation of colonial imagery to undermine capitalist development, as well as a reflection of the nonspectacular reality of cooperation among Indigenous people in the long history of resistance to settler violence. The white graphic on a black background depicts a snake severed into four parts, each labelled with the initials of a U.S. state: North Dakota, South Dakota, Iowa, and Illinois. Spurts of liquid emanate from the severed parts. Below the snake, a line separates it from the phrase “STOP the DAPL,” and a double line frames both the snake and the phrase. Following the Lakota prophecy of a deceitful black snake (zuzeca sape) bringing destruction and devastation across the land, the whole snake represents the pipeline; the liquid emanating from its body is oil.³⁷ The individual segments represent the DAPL’s route through the four U.S. states marked by the initials. In the most immediate sense, the graphic represents the effort to, in its own words, “STOP the DAPL.” Going further, however, Judd’s graphic appropriates Franklin’s engraving “JOIN, or DIE” to locate #NoDAPL in the longer history of Indigenous resistance to the capitalist foundations of U.S. colonialism, to reiterate the movement’s double negation of recognition, and to suggest its potential to establish new ways of knowing and being.

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SEVER THE SNAKE

Benjamin Franklin first published “JOIN, or DIE” (1754) as a print in the *Pennsylvania Gazette* — his newspaper — on May 9, 1754 (Figure 2). It depicts a snake in eight parts, each marked by an initial or two. The head stood for New England, a combination of four colonies, while the other seven segments represented New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, and South Carolina. The segmented snake co-opted a mythical “joint snake,” which could break into pieces but survive if the parts came together again.³⁸ It emphasized the urgency of unity, as the snake could only live if it were united by sundown. The whole snake suggested wisdom, prudence, tranquility — ostensibly values the colonies would exemplify if they chose unification — in order to obfuscate colonial interest in trade, plantation development, and land speculation out West.³⁹ Below the snake, a line separated it from the phrase “JOIN, or DIE.” Aside from the head, snakes do not have specialized parts, so the image represented the first virtue of unification: egalitarianism.⁴⁰ This might explain why the head is “New England”: it could refer to the New England Confederacy of 1643, an early attempt at colonial unification.



Figure 2. Benjamin Franklin, “JOIN, or DIE,” 1754, woodcut print. Image courtesy of Library of Congress.

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With “JOIN, or DIE,” Franklin intended to promote unity among the colonies to secure military defense against the French and their Indigenous allies; however, he also hoped to ensure military support, commercial development, and other concessions from the Haudenosaunee Confederacy for imperial expansion in the west.⁴¹ In other words, capitalist expansion on Indigenous land provided the very impetus for colonial union. “JOIN, or DIE” Tuhiwai Smith would say, suggests the logic through which imperialism brought disorder to Indigenous systems, only to justify the creation of, as Lyons writes, “a larger group where once there had been the many and the small.”⁴²

In contrast to the logic of unification embedded in the-snake-that-can-be-made-whole, Judd’s “STOP the DAPL” offers separation in the snake killed by an arrow. In other words, Judd indigenizes Franklin’s engraving to contest DAPL construction and the long history of conquest through Indigenous worldviews and value systems exposing the colonial virtue of “union” as a smokescreen for land acquisition. Though both images imply a relationship to land, Franklin’s etching offers land as a bounty to be acquired through unification, while Judd’s graphic (re)opens, in Goeman’s words, “the meaning of land beyond territory, property, or location while retaining its political vitality.”⁴³ Land in this context becomes a mnemonic device, or “site of stories that creates cohesive understanding of longing and belonging,” refusing the destruction of land and the people who exist on it to profit very few.⁴⁴ As storyteller, Judd makes the space of Standing Rock come alive with an anticolonial knowledge connected to other knowledge systems.⁴⁵ Specifically, he conveys the Lakota prophecy of the Black Snake, which foretells the end of times — also suggesting an urgency for action — but by describing the Black Snake as severed, he also says that the end of times can be prevented. The arrow slicing through Judd’s Black Snake represents unspecified forms of Indigenous “solidarity.” This solidarity also clearly acts as a counter to the logic of colonial union by separating the snake into segments that each represent not just a segment of the pipeline that crosses a particular U.S. state, but each of those actual states. Judd’s story, in other words, is that to stop the DAPL is to engage in a policy of colonial disunion, or, as Lyons writes an expression of “the right to self-determination” as the “right to secession from the control of dominant powers.”⁴⁶

The danger of repeating “union” for Standing Rock is the suppression of actual diversity among members and the repetition of the colonial logics of containment, what Goeman describes as the “translation or too easy collapsing of *land to property*.”⁴⁷ Yet, “STOP the DAPL” heeds Tuhiwai Smith’s warning against “simply engaging in an inversion of the colonizer/colonized relationship” without addressing “the complex problems of power relations” taking place within and across groups.⁴⁸ Established around 1677, the “Covenant Chain” between the Haudenosaunee and the British is an early example of such relations: while treaties negotiated through the Chain preserved hunting grounds and secured protections for members of the Haudenosaunee Confederacy, those same treaties also made possible settler encroachments.⁴⁹ While the British reluctantly and irregularly defended Haudenosaunee villages from French invasion, they also (often unsuccessfully) prohibited the Haudenosaunee from negotiating directly with the French. This is the paradox of treaties for Indigenous peoples: treaties created Indigenous polities as nations, defined territorial boundaries of those nations in relation to settler governments, and imbued individuals with the authority to negotiate sale of lands once held communally.⁵⁰ So while treaties were, as Lyons writes, a way to resist settler encroachment and commit to “living in a new way of life, not only in the immediate present, but for as long as possible,” they also

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reorganized Indigenous collective ownership into individual private property, justifying expansion through transference of Indigenous land to the settler state.⁵¹

By drawing off the *radical appropriation* of Franklin's etching — and all the implied messiness of complex power relations, Judd's graphic invites, as Quo-Li Driskill writes, "a way to think of nationalism and sovereignty 'beyond the nation-state.'"⁵² Thus, "STOP the DAPL" and the #NoDAPL movement perform a queer turn on "JOIN, or DIE" and its colonial logics to benefit Indigenous people.

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Despite Franklin's efforts, colonial representatives in America failed to approve unification.⁵³ In response, Franklin threatened to force a union through British parliamentary procedure, and Parliament, aware union would create a body separate from the British Empire, readily obliged, seizing the colonial militaries and requisitioned colony monies to finance it.⁵⁴ The Stamp Act emerged in 1765 as a tax on printed materials, not only to squeeze revenue out of the colonies, but also to assert Parliamentary sovereignty in the Americas.⁵⁵ An extension of the 1764 Sugar Act, the Stamp Act placed a tax on printed materials, which British subjects in England already paid, but Parliament instituted the taxes in response to colonists' attempts to further settle Indigenous lands.⁵⁶

After the Seven Years' War, the colonial frontier quickly expanded to include lands newly won from the French, including the expansive Ohio Valley, which reached from the Appalachian Mountains to the Mississippi and beyond.⁵⁷ The Royal Proclamation of 1763 prohibited settlers from crossing a ridge line along the Appalachians, ostensibly because of the cost of sending troops to defend the frontier, and the Sugar Act a year later attempted to collect revenue to offset the expense.⁵⁸ Settlers observed the Proclamation Line only briefly while the British military, which many settlers already distrusted, increased its presence.⁵⁹ Indeed, colonial administrators saw an increase of troops as an attempt to ensure the colonies' dependence on Britain.⁶⁰ Tensions heightened while the Sugar Tax failed to produce even a fraction of the revenue necessary to maintain the British Army, so Britain pushed further, instituting the Stamp Act of 1765.⁶¹ But, unlike the Sugar Act which could be viewed as a duty on imported goods, the Stamp Act imposed a tax on local goods to "pay for stationing redcoats where colonial Americans didn't want them." Colonists responded with the now famous protest of "No taxation without representation."⁶² Much more than a reaction to an unfair imposition on their earnings, colonists saw the act as a dispossession of their rights. Historian Timothy Breen writes,

The Stamp Act instantly transformed the political landscape of Britain's Atlantic world. After that date, colonists would never again view their imperial connection quite the same way as they had at mid-century. It was not that they espoused ideas of national independence. Rather, from their perspective, Parliament's shocking decision to levy taxes without representation called into question political assumptions about shared political identity — the stuff of colonial nationalism — and replaced these inchoate feelings of pride and loyalty with harsher emotions such as anger, confusion, and disappointment. The Stamp Act brought home to many Americans, already nervous

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about accumulating consumer debt and tighter commercial regulation, the full burden of colonial dependency.⁶³

Because newspapers felt the full weight of the tax, publishers immediately used their bully pulpit to express opposition — what Breen calls “remarkable ideological conviction” — to the act. William Goddard, publisher of the *Constitutional Courant* first exploited the ambiguity of unity and opposition in Franklin’s “JOIN, or Die” etching to suggest the colonies unite against the British Empire.⁶⁴ Over the next year and a half, the image appeared weekly in the mastheads for the *New-York Journal*, the *Massachusetts Spy*, and the *Pennsylvania Journal*.⁶⁵ While clergymen, lawyers, merchants and planters protested in public debates, Breen writes, “ordinary people made the depth of their own hostility to the new imperial legislation abundantly clear as well.”⁶⁶ He continues:

They thoroughly intimidated crown officials appointed to distribute the stamped papers; they rioted in the streets of several American cities, sometimes pulling down entire houses. As members of a mob, they burned effigies of government agents associated with the hated duties.⁶⁷

In the face of this vociferous opposition, Franklin — an agent of the Crown — adamantly repudiated the “radical appropriation” of his engraving and he had reason to do so. Franklin produced a new engraving, “MAGNA Britannia: her Colonies REDUC’D” (ca. 1776) to equate separation from Britain to cutting off the limbs of the empire (Figure 3).⁶⁸ In doing so, he recognized the opposition was not to the Stamp Act or the authority of the British legislature



Figure 3. Benjamin Franklin, “MAGNA Britannia: her Colonies REDUC’D”, ca. 1776, etching. Image courtesy of Library Company of Philadelphia.

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alone, but to that of the Crown, as well.⁶⁹ Franklin later wrote if the colonists had agreed to unify under Parliament a decade earlier — when he first released “JOIN, or Die” — and therefore had secured their defense in the Seven Years’ War without the imposition of the British army, the Revolution could have been delayed or prevented altogether.⁷⁰ Yet, without underplaying the significance of the Stamp Act in fomenting resistance to the British in the coming decade, the Royal Proclamation of 1763 exasperated extant animosity between the colonies and Parliament over the issue of western expansion. Through the proclamation, Britain attempted to reinforce agreements held by the Covenant Chain in order to reestablish its friendship with the Haudenosaunee, while also attempting to cut off colonists from nations in the west by insisting all land cessions be negotiated and approved through the British Crown.⁷¹ Of course, the colonists continued their encroachments and direct negotiations unabated. Leading up to the American Revolution, earnest congressmen of the fledgling United States likewise hoped to use treaties with Haudenosaunee to “ease the continuing pressure of white settlement” in part to secure Indigenous “friendship or at least ... neutrality” against the British.⁷² The Haudenosaunee Confederacy, meanwhile, negotiated with leaders from both Britain and the colonies. The Grand Council originally urged neutrality, but eventually advised each member nation to make their own determinations.⁷³

With these complex power relations in mind, “STOP the DAPL” appears to borrow from, rather than dispute the radical sentiment of the 1765 radical appropriation of “JOIN, or DIE.” It is a queer Indigenous turn on the colonial logic of separation from the British Empire. Because colonialism acts through gender and sexuality, heteropatriarchy is “not incidental, but instrumental” to colonialism.⁷⁴ Morgensen suggests, with queer Indigenous studies scholar Mark Rifkin, decolonization entails “a changed understanding of the relation between sexuality and sovereignty” and calls for a centering of queer Indigenous critique and Indigenous feminism in decolonial discourse.⁷⁵ To this point, he offers two theoretical positions I wish to deploy: first, colonial masculinity was invented through conquest and violence and became entrenched as methods of settler rule; second, as these logics and methods shifted, colonial masculinity itself changed.⁷⁶ Where masculinity, in Morgensen’s formulation, is understood as “matters of achievement, as scare goods, or as insecure or perishable if debility or certain gendered actions resulted in being ‘unmanned,’” Franklin’s resources logic of colonial unification is a form of colonial masculinity.⁷⁷ In other words, colonial masculinity might be understood as a social relation connected to the ability to acquire and use resources on Indigenous land, which Judd’s graphic challenges by debilitating the Black Snake. Thus, the graphic acts an “x-mark,” or sign of Native modernity, that does not merely assent, but actually reinvents, in Goeman’s words, “the enemy’s language” to generate “indigenous community belonging and holds back settler transgressors.”⁷⁸ The text explains where the Dakota Access Pipeline is a tax on Native land, life, and livelihood, #NoDAPL is a challenge to the authority of the colonial nation-state that supports the pipeline through the law, police violence, and capitalist orthodoxy as heteropatriarchal violence.

However, the inverse of Morgensen’s relational theory is also true: while colonial masculinity changes through interactions with Indigenous people, Indigeneity changes through the uncertainty of colonial masculinity. As Hill shows, for instance, the Haudenosaunee took in refugee nations — including

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Mahican, Huron, Algonquin, Erie, Neutral, and others — throughout British and American wars and other territorial encroachments.⁷⁹ Refugee nations maintained their political and cultural structures and gained representation in the host nation, while those with land to do so added to Haudenosaunee territorial jurisdiction.⁸⁰ The Confederacy also extended to these nations the same protections the Haudenosaunee received through the Covenant Chain agreements and treaties. The women’s council encouraged many of these arrangements and Haudenosaunee women also used adoption as a way to rebuild their communities after reduction incurred during epidemic diseases and warfare.⁸¹

In the spirit of these women and the non-normative/anticolonial relations they embodied and generated, I evoke Driskill’s prerequisites for Two-Spirit critiques, which “challenge heteropatriarchal dominance and notions, gender binaries, and the policing and control of sexualized and gendered bodies,” to view “STOP the DAPL” graphic as a queer radical appropriation of Franklin’s call for colonial union in the original image by countering it with a call for solidarity respectful of the sovereignty of individual nations.⁸² It engages tribally specific concerns — the imagery, the prophecy, and the cause of the Standing Rock Lakota — at the same time that it takes up intertribal investment in decolonization. The image is, furthermore, accountable to overlapping communities in the implied mantra of the #NoDAPL movement, Mni Waconi (“Water is Life”), where the water from Lake Oahe and the Missouri River reach many millions of people. “STOP the DAPL” pulls from and suggests Native knowledge systems and scholarship, particularly in its work against colonial union, if we understand, with Povinelli, colonialism continues in the enforcement of heteropatriarchal “love” structuring the nuclear home, binding it to the state and capitalism, and limiting self-sovereignty.⁸³ Where the colonial notion of union is inherently heteropatriarchal, the decolonial notion of solidarity invokes queer Indigenous knowledge to suggest other, less binding and homogenous, ways to love and, therefore, other (less binding and homogenous) ways to govern. Judd’s image queers Franklin’s, not by reversing it, but by pushing against the normativity of union.

This foundational work sets up the possibility of a comprehensive Two-Spirit critique from Standing Rock, where Native women and Two-Spirit people, whose bodies recall “five hundred years of erotic murder,” Driskill reminds us, have deployed the erotic as a tool of decoloniality simply by standing between the land/war and capitalism.⁸⁴ Sovereignty at Standing Rock, then, is an embodied experience and a social relation that resists the capitalist turn from land that has the ability to “possess us,” as Goeman writes, to capitalist “private property.”⁸⁵ Thus, Judd’s graphic represents the relationship between land and sovereignty as an embodied experience, performed by people who wear “STOP the DAPL” on a t-shirt or fly it on a flag, as intended.

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PERFORMANCE OF SOVEREIGNTY

In response to the Stamp Act and the radical appropriation of “JOIN, or DIE,” Franklin admonished the colonies for failing to unify in advance of British intervention.⁸⁶ He disputed Parliament’s claim to any right over colonial commerce, but recognized the sovereignty of the British Crown, where sovereignty passes as the “nature and location of power in government.”⁸⁷ In other words, he recognized the Crown’s power to extract revenue from its colonial subjects, but did not recognize Parliamentary authority to control commerce to that purpose. As a crown officer and colonial agent, of course, Franklin benefitted from this notion of split authority that nonetheless represented sovereignty as “authoritarian power or power-over style of governance.”⁸⁸

As an attempt to denaturalize the colonial logic of unity, “STOP the DAPL” opposes any definition of sovereignty constructed by the settler state. The graphic’s implied sense of Indigenous space also reframes land as a mnemonic device that potentially recalls queer Indigenous forms of possession and belonging that refuse “the homogenizing and commodifying legal narratives of land”⁸⁹ articulated by authoritarian power. However, as a graphic that appears on t-shirts and flags, “STOP the DAPL” also responds to the legacy of colonialism represented in “JOIN, or DIE” and the immediate imposition of capitalism at Standing Rock with an embodied expression, or performance, of Indigenous sovereignty, which, in its ephemerality, rejects the hegemonic discourses of colonial power.

Writer and scholar Leanne Betasamosake Simpson (Michi Saagiig Nishnaabeg) defines sovereignty as “authentic power coming from a generated consensus and respect for dissent.”⁹⁰ It entails the freedom to use one’s bodies as one sees fit, without fear of violence or reprisal.⁹¹ And, it understand physical sensation and affective relation, Rifkin writes, as means to “address modes of peoplehood and placemaking ... unintelligible in U.S. legal geographies.”⁹² If sovereignty includes bodies, Simpson writes, then it includes minds and knowledge systems that “regenerate indigenous languages, philosophies, legal systems” and form new ones.⁹³ Foregrounding embodiment as the “entry point” for sovereignty also reframes land as “not just a material, but also a construction of social relationships,” which also makes sovereignty a kind of performance. Diana Taylor understands performances as embodied “acts of transfer, transmitting social knowledge, memory, and sense of identity through reiterated” behavior.⁹⁴ She refers to expressive movements as “mnemonic reserves” that, like land are constitutive of but prior to language, embedded with the hope of challenging the preponderance of writing in Western epistemologies.⁹⁵ If these written epistemologies construct what we know as the archive of civilization in the form of documents, maps, literary texts, letters, remains, bones, videos, and more, then performances represent what Taylor calls the “repertoire,” or embodied memory enacted through performances, gesture, orality, movement, dance, and song.⁹⁶ These often ephemeral, non-reproducible expressions of knowledge allows individual agency and the ability to discover while doing.⁹⁷

As a protest, #NoDAPL itself is a repertoire. It is a “less mediated and sometimes more disruptive” approach to sovereignty that seeks to “disrupt, if not entirely block, access to indigenous territories by state and capital for prolonged periods of time.”⁹⁸ #NoDAPL sovereignty is an ephemeral state for Standing Rock Lakota and other participating Indigenous nations that nonetheless decenters, as Taylor demonstrates in the Latin American context, the historic role of writing introduced by the Conquest,”

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and certainly narratives of violent protest fabricated by law enforcement and repeated, uncritically, by media.⁹⁹ In the same vein, Judd's "STOP the DAPL," when worn on a t-shirt or flown as a flag, is a repertoire of resistance that identifies Standing Rock as a particular locus of resistance and therefore locates the wearer in the #NoDAPL movement, even if he is all the way down in Albuquerque. As a mnemonic reserve, the embodied graphic, in very few words, references a contemporary struggle to also express and register the violence of colonial union, its capitalist foundations, and its present articulations. Further, the repertoire of "STOP the DAPL" activates its potential as Two-Spirit critique of DAPL and colonialism as heteropatriarchal formation by bringing it into the public sphere where communities overlap and intertribal alliances form around the needs of individual tribes, conceptually linking the camps at Standing Rock to the solidarity rallies elsewhere. If the queer turns on Franklin's etching don't seem explicit or immediately readable in Judd's graphic, the wearer also acts as mnemonic reserve for anyone inspired to ask about the t-shirt, its origins, and/or its meanings. The wearer also embodies the resistance in the understanding that money from his purchase goes directly to Standing Rock. For the viewer who recognizes "JOIN, or DIE" as the referent for the design, the colonial foundations of the DAPL project also become all-to-apparent. The effect is potentially more jarring if a viewer sees the image in everyday circumstances, outside Standing Rock and its contingent solidarity marches, where colonial union seems like merely a prelude to now seemingly natural existence of the U.S.

Without forgetting that priority must be given to "the reclaiming and protection of material land" nor suggesting that a t-shirt stands in for direct action, we can recognize "STOP the DAPL" as an embodied expression of sovereignty that reclaims a narrative connection to people and places (i.e. land).¹⁰⁰ It establishes a social relation with viewers, whether or not those viewers accept its message, and creates the potential to "repair relationships with the land and each other,"¹⁰¹ by, to put it plainly, acting as a conversation piece. Some wearers might not be prepared to answer questions about #NoDAPL, Judd's graphic, or the reference to "JOIN, or Die," but they certainly appreciate the sense of solidarity that exchanges when a passerby says, "Nice t-shirt."¹⁰² Both have engaged in a representation of resistance that also enacts a sense of solidarity between them, understanding that "Nice t-shirt" really means, "I support #NoDAPL," perhaps even, "I support Native sovereignty."

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NOTES

¹ This essay is dedicated to the queer Indigenous feminists, activists, and scholars who fight always for liberation through solidarity. Many thanks to Jennifer Nez Denetdale who taught me queer Indigenous feminisms and reviewed an early draft of this essay as well as Kency Cornejo who also read an early draft and taught me performance analysis. Thank you also to Kirsten Buick and Cat Hulshoff for their improvements, as well as Laura Golobish for enthusiastically shepherding this essay through production.

² Established in 2014, The NTVS (i.e. The Natives) is a Native-owned clothing company specializing in t-shirts, snapbacks, tanks, hoodies, and prints featuring Indigenous art and culture by Indigenous artists. All proceeds the “STOP the DAPL” merchandise went to the #NoDAPL movement. <https://www.thentvs.com/>.

³ Lester C. Olson, *Benjamin Franklin's Vision of American Community: A Study in Rhetorical Iconology* (Columbia: University of South Carolina Press, 2004), 34.

⁴ In the years leading up to and throughout the Seven Years' War, the British dispatched settler militias against the French and their Indigenous allies, especially the Mi'kmaq and Malisset in Nova Scotia and the Cherokee Nation to the south; however, these militias consisted largely of loosely organized rangers deploying counterinsurgent techniques rather than an organized colonial army. See Roxanne Dunbar-Ortiz, *An Indigenous Peoples' History of the United States* (Boston: Beacon Press, 2014), 67-69.

⁵ Kevin Phillips, *The Cousins' Wars: Religion, Politics, and the Triumph of Anglo-America* (New York: Basic Books, 1999), 87.

⁶ Olson, *Benjamin Franklin's Vision*, 30, 65; Howard Zinn, *A People's History of the United States: 1492-Present* (New York: HarperCollins, 2005), 60.

⁷ *Ibid.*, 33.

⁸ *Ibid.*, 65, 76.

⁹ Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples* (London: Zed Books, 1999), 146.

¹⁰ Nick Estes, *Our History Is the Future: Standing Rock versus the Dakota Access Pipeline, and the Long Tradition of Indigenous Resistance* (New York: Verso, 2019), 18.

¹¹ *Ibid.*

¹² Estes, *Our History*, 21.

¹³ *Ibid.*; Scott Lauria Morgensen, “Cutting to the Roots of Colonial Masculinity” in *Indigenous Men and Masculinities: Legacies, Identities, Regeneration*, eds. Kim Anderson and Robert Alexander Innes (University of Manitoba Press, 2015), 40.

¹⁴ Estes, *Our History*, 82.

¹⁵ Estes, *Our History*, 31–32, 79. See also Jennifer Nez Denetdale, “‘No Explanation, No Resolution, and No Answers’: Border Town Violence and Navajo Resistance to Settler Colonialism,” *Wicazo Sa Review* 31, no. 1 (2016): 112-113; Nick Estes, “#MMIWG, land, bodies, & consent w/ Cheyenne Antonio, Marissa Naranjo, & Melanie Yazzie,” *The Red Nation Podcast*, May 10, 2020, <https://podcasts.apple.com/gb/podcast/mmiwg-land-bodies-consent-w-cheyenne-antonio-marissa/id1482834485>; and Deborah A. Miranda, “Extermination of the Joyas: Gendercide in Spanish California,” *GLQ: A Journal of Lesbian and Gay Studies* 16, no. 1 (2010): 253–84.

¹⁶ Estes, *Our History*, 20, 61.

Coined in the 1990s as response to derogatory terminology for Native LGBTQ, Two-Spirit is at once a “point of continuity with tribal traditions and a statement of contemporary intertribal identity politics”; it refers to “their diverse lives and their sense of relationship to Indigenous traditions of gender/sexual diversity and spirituality” [Driskill, Qwo-Li, Chris Finley, Brian Joseph Gilley, and Scott Lauria Morgensen, “Introduction” in *Queer Indigenous Studies: Critical Interventions in Theory, Politics, and Literature*, eds. Driskill, Finley, Gilley, and Morgensen, (University of Arizona Press, 2011), 12-14.].

In October 2016, I participated in the #NoDAPL protests at Standing Rock, following a general call for supplies and support labor from Sacred Stone Camp. I noted that while much of the daily activity was self-directed in terms of identifying needs and abilities, Native women identified the priorities and ran the major operations, such as cooking, medical services, organization of supplies, and winter shelter construction. They regularly enlisted campers at the campfire for specific tasks by simply listing out loud what needed to be done.

¹⁷ Lyons continues: “[I]t is the agreement one makes when there seems to be little choice in the matter. To the extent that little choice isn't the quite same thing as no choice, it signifies Indian agency. To the extent that little choice isn't exactly what is meant by the word liberty, it signifies the political realities of the treaty era (and perhaps the realities of our own

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complicated age as well” [Scott Richard Lyons, *X-Marks: Native Signatures of Assent* (Minneapolis: University of Minnesota Press, 2010), 1.].

¹⁸ Lyons, *X-Marks*, 25.

¹⁹ Queer Indigenous Studies centers “knowledges produced by Indigenous GLBTQ2 intellectual histories, and foreground[s] multiplicity among Indigenous people to critically examine their production within power relations” (Driskill et. al., 4.). The emphasis on queer Indigenous feminism also suggests an embodied, relational, land-based, nation-based approach to decolonization. See also “Communism is the Horizon, Queer Indigenous Feminism is the Way,” *The Red Nation*, <https://therednation.org/communism-is-the-horizon-queer-indigenous-feminism-is-the-way/>.

²⁰ Estes, *Our History*, 20.

²¹ Mishuana Goeman, “Land as Life: Unsettling the Logics of Containment” in *Native Studies Keywords*, eds. Michelle H. Raheja, Andrea Smith, and Stephanie Nohelani Teves (The University of Arizona Press, 2015), 75.

²² Tracy Dunn, “The Numbers That Tell the Story of This Standing Rock Victory,” *Common Dreams*, Dec. 5, 2016, <https://www.commondreams.org/views/2016/12/05/numbers-tell-story-standing-rock-victory>.

²³ Ibid.

²⁴ Ibid.

²⁵ Sandy Grande, “Refusing the Settler Society of the Spectacle” in *Handbook of Indigenous Education*, eds. Elizabeth McKinley and Linda Tuhiwai Smith (Singapore: Springer, 2018), 7.

²⁶ Ibid., 4, 7.

²⁷ Ibid., 4.

²⁸ Nick Estes, “Fighting for our Lives: #NoDAPL in Historical Context,” *The Red Nation*, Sept. 18, 2016, <https://therednation.org/fighting-for-our-lives-nodapl-in-context/>.

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid., Grande, “Refusing the Settler Society,” 4.

³² Estes, “Fighting for our Lives.”

³³ Ibid.

³⁴ Elizabeth A. Povinelli, *The Empire of Love: Toward a Theory of Intimacy, Genealogy, and Carnality* (Durham: Duke University Press, 2006), 227–228.

³⁵ Lyons, *X-Marks*, 26–27.

³⁶ Glen Coulthard, “For our nations to live, colonialism must die,” *Unsettling America: Decolonization in Theory and Practice*, Nov. 5, 2013, <https://unsettlingamerica.wordpress.com/2013/11/05/for-our-nations-to-live-capitalism-must-die/>.

³⁷ “Frequently Asked Questions,” www.sacredstonecamp.org/faq/; Estes, *Our History*, 14, 148.

³⁸ Olson, *Benjamin Franklin’s Vision*, 38

³⁹ Ibid., 39

⁴⁰ Ibid., 40.

⁴¹ Ibid., 34, 36–37.

⁴² Smith, *Decolonizing*, 27; Lyons, *X-Marks*, 19.

⁴³ Goeman, “Land as Life,” 75.

⁴⁴ Ibid.

⁴⁵ Ibid., 74.

⁴⁶ Lyons, *X-Marks*, 19.

⁴⁷ Goeman, “Land as Life,” 72.

⁴⁸ Smith, *Decolonizing*, 26–27.

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- ⁴⁹ Susan M. Hill, *The Clay We Are Made Of: Haudenosaunee Land Tenure on the Grand River* (University of Manitoba Press, 2017), 126.
- ⁵⁰ Francis Paul Prucha, *American Indian Treaties: The History of a Political Anomaly* (University of California Press, 1994), 4.
- ⁵¹ Lyons, *X-Marks*, 8; Estes, *Our History*, 107.
- ⁵² Andrea Smith quoted in Qwo-Li Driskill, “Doubleweaving Two-Spirit Critiques: Building Alliances between Native and Queer Studies,” *GLQ: A Journal of Lesbian and Gay Studies* 16, no. 1 (2010): 77, muse.jhu.edu/article/372445.
- ⁵³ Olson, *Benjamin Franklin’s Vision*, 49.
- ⁵⁴ *Ibid.*, 50, 52.
- ⁵⁵ *Ibid.*, 53.
- ⁵⁶ Phillips, *Cousins’ Wars*, 84–85.
- ⁵⁷ *Ibid.*, 83; Olson, *Benjamin Franklin’s Vision*, 30.
- ⁵⁸ Phillips, *Cousins’ Wars*, 84–85.
- ⁵⁹ *Ibid.*
- ⁶⁰ *Ibid.*, 86
- ⁶¹ *Ibid.*, 87.
- ⁶² *Ibid.*
- ⁶³ Timothy H. Breen, *The Marketplace of Revolution: How Consumer Politics Shaped American Independence* (New York: Oxford University Press, 2004), 218.
- ⁶⁴ Olson, *Benjamin Franklin’s Vision*, 27–28.
- ⁶⁵ *Ibid.*, 30.
- ⁶⁶ Breen, *Marketplace of Revolution*, 219.
- ⁶⁷ *Ibid.*
- ⁶⁸ Olson, *Benjamin Franklin’s Vision*, 54.
- ⁶⁹ *Ibid.*, 65.
- ⁷⁰ *Ibid.*, 76.
- ⁷¹ Hill, *The Clay We Are Made Of*, 122–124.
- ⁷² Prucha, *American Indian Treaties*, 23.
- ⁷³ Hill, *The Clay We Are Made Of*, 127–128.
- ⁷⁴ Morgensen, “Cutting to the Roots,” 39.
- ⁷⁵ Mark Rifkin, “The Erotics of Sovereignty” in *Queer Indigenous Studies: Critical Interventions in Theory, Politics, and Literature*, eds. Qwo-Li Driskill, Chris Finley, Brian Joseph Gilley, and Scott Lauria Morgensen (University of Arizona Press, 2011), 174.
- ⁷⁶ Morgensen, “Cutting to the Roots,” 39.
- ⁷⁷ *Ibid.* 41.
- ⁷⁸ Goeman, “Land as Life,” 76.
- ⁷⁹ Hill, *Clay We Are Made Of*, 91.
- ⁸⁰ *Ibid.*
- ⁸¹ *Ibid.*, 67, 76.
- ⁸² Driskill, “Doubleweaving,” 71.
- ⁸³ Povinelli, *The Empire of Love*, 190–191.
- ⁸⁴ Driskill, “Doubleweaving,” 85.
- ⁸⁵ Goeman, “Land as Life,” 80.
- ⁸⁶ Olson, *Benjamin Franklin’s Vision*, 76.

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⁸⁷ Ibid., 75.

⁸⁸ Leanne Betasamosake Simpson, “The Place Where We All Live and Work Together” in *Native Studies Keywords*, eds. Michelle H. Raheja, Andrea Smith, and Stephanie Nohelani Teves (University of Arizona, 2011), 19.

⁸⁹ Rifkin, “The Erotics of Sovereignty,” 176.

⁹⁰ Simpson, “The Place Where We All Live,” 19.

⁹¹ Ibid., 20.

⁹² Rifkin, “The Erotics of Sovereignty,” 174.

⁹³ Simpson, “The Place Where We All Live,” 21.

⁹⁴ Goeman, “Land as Life,” 77; Rifkin, “The Erotics of Sovereignty,” 174; Diana Taylor, *The Archive and the Repertoire: Performing Cultural Memory in the Americas* (Durham: Duke University Press, 2003), xviii-xix, 2.

⁹⁵ Ibid., 16.

⁹⁶ Ibid., 19.

⁹⁷ Ibid.

⁹⁸ Coulthard, “For our nations to live.”

⁹⁹ Taylor, *The Archive*, 17.

¹⁰⁰ Goeman, “Land as Life,” 79.

¹⁰¹ Ibid.

¹⁰² I didn’t catch the “JOIN, or Die” reference until a student of mine saw me wearing the t-shirt and made the connection.