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**“PRE-PACKAGED SOVEREIGNTY”:
THE FALLACY OF INDIAN SELF-DETERMINATION IN THE BUREAU OF
INDIAN AFFAIRS (BIA) TRIBAL SOCIAL SERVICES PROGRAMS**

By

APRIL KATERI CHAVEZ

B.A., AMERICAN STUDIES, Stanford University, 2016

THESIS

Submitted in Partial Fulfillment of the
Requirements of the Degree of

Master of Arts

M.A. American Studies

The University of New Mexico

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July 2020

*For my dad,
Gawemah,
Everett F. Chavez—*

my most northern star.

(March 31, 1952-December 10, 2018)

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**“Pre-Packaged Sovereignty”:
The Fallacy of Indian Self-Determination in the
Bureau of Indian Affairs (BIA) Tribal Social Services Programs**

By

April Kateri Chavez

**B.A., AMERICAN STUDIES, Stanford University, 2016
M.A., AMERICAN STUDIES, University of New Mexico, 2020**

ABSTRACT

This thesis examines the Bureau of Indian Affairs (BIA) tribal social services programs in New Mexico Native reservation communities. I rely on interviews with current/former BIA social workers and administrators to contextualize my analysis, while revealing the limits of existing social work scholarship and offering recommendations for future scholarship and community work. Using critical Indigenous studies and feminisms along with critical social work, I advance two primary arguments. The first is, despite the so-called self-determination era, the Bureau of Indian Affairs (BIA) functions as a settler colonial administration that diminishes tribal sovereignty and perpetuates racist and gendered violence. The capacity for tribes to contract through the Indian Self Determination and Educational Assistance Act (ISDEAA) of 1975 is not the promise of self-determination, but the maintenance of white possessive logics and white normativity in the name of Indian welfare and rehabilitation. Secondly, rather than reforming BIA tribal programs, it is necessary for each tribal community to reestablish their cultural social networks and programs that are guided by their Indigenous justice systems and traditional practices of healing and kinship. By privileging and prioritizing, Indigenous justice systems, traditional practices of healing and kinship within tribal programs and communities, tribes can materialize the newest iteration of self-determination outside of American jurisprudence and white normativity discourses. Moreover, they can directly refuse settler colonial administrative domination over our most valuable community members, our Indigenous children.

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Preface

This project began for me several years ago in my village. It began with the stories of laughter and deep sadness. I choose to return home to Kewa Pueblo, NM, formerly known as Santo Domingo Pueblo, after college because my village is my comfort, but it is also my strength. I had the privilege of working as a Child Welfare Worker in the tribal social services program and did so for over two years. I often met families on their worst days, and even with the stigma of my office, over time, I learned I could earn their trust by listening. In hospital rooms, crisis treatment centers, backseats of cop cars, their homes, on the open road, court houses, and at trading posts, stories were shared. Often over snacks, I listened to mothers, fathers, sisters, brothers, artists, drummers and storytellers share their prayers, pains, traumas, and fears. Always punctuated with Indian humor, their tragedies nearly always ended with laughter.¹ Hope.

Many faces and stories are forever imbued on my heart and guide my scholarship, but one mother in particular, is who I remember most. She would detail how her traumas and stress manifested in her body. Some days she believed she was going deaf, blind, or mute. She said when she would go to tribal court, she felt invisible—nothing but evaporation. When she was in the social services office, she saw words move past her lips, but it was without sound. When she went to our tribal wellness center her tongue would float to the roof of her mouth, unmovable. In unintentional pentameter, she shared all the

¹ In her essay, “Answering the Deer: Genocide and Continuance in the Poetry of American Indian Women”, Laguna Pueblo poet and activist, Paula Allen Gunn, captures what I am referring when I, and many other Natives, mention Indian humor. Gunn writes, “Humor is widely used by Indians to deal with life. Indian gatherings are marked by laughter and jokes, many directed at the horrors of history, at the continuing impact of colonization, and the biting knowledge that living as an exile in one’s own land necessitates... Certainly that time frame we presently inhabit has much that is shabby and tricky to offer; and much that needs to be treated with laughter and ironic humor.”
Allen, Paula Gunn. “Answering the Deer: Genocide and Continuance in the Poetry of American Indian Women” *American Indian Culture and Research Journal*, vol. 06, no. 3, 1982, pp. 35–46.

ways she felt broken, and all the things that broke her—rape, drugs, rejection, isolation, poverty, family, and fear. She whispered to me once that she only had one lullaby to offer her unborn child; meth.

For months, she offered me the poetry of her experiences and challenges while I listened and responded by barking mandates and deadlines for her to meet. Always asking more of her than she could possibly offer. I found myself asking one reoccurring question “how do you measure surviving?”² and how do we heal?

This mother, and the countless others like her serve as an important example of what I experienced during my time working within tribal programs that was overseen by the Bureau of Indian Affairs (BIA). We frequently asked more than they could offer, often without regard for their experiences and knowledges. Without qualification, and both implicitly and explicitly, we rejected many. Especially when they were unable to meet requirements, we deemed them failures or poor parents, and judged them off their inability to perform within our (the BIA’s) metrics of success. These very behaviors of intolerance that seemed to be valued and encouraged, caused me to think critically about my role within this office and within these systems on tribal lands. I witnessed how the conditions in which I was made to work, directly and indirectly, reinforced settler colonial power relations and promoted white normativity and respectability. I had become a colonial agent against my own people by asserting control through mandates and orders that were prescribed, not by our own tribal government, but that of the American government. The unconceivable paradox for me was that I am a tribal member, and this is my home. Yet, if

² Upon reading the work of Muscogee Creek attorney and scholar, Sarah Deer, “The Beginning and End of Rape”, I realized that she, too, asks this question, pp. 158.

I am of my community, how can I knowingly exert covert violences against them in the form of social work? I refused to be complicit, so I quit.

This paradox is exacerbated by the reality that Indigenous nations have existed since time immemorial and our continued survival is a direct result of our languages, ancestral philosophies and natural laws that govern our lifeways. In fact, these a priori and esoteric teachings guide our customs to be responsible, mutual caregivers to all beings.

Simply, we have the tools we need to be good to each other and they have never failed to keep us safe and alive. Prior to colonization, Native communities openly practiced their own methods of healing, kinship and relationality based on reciprocity and responsibility. We also have our own conceptions and practices of justice and sovereignty that predate any settler colonial government. Yet, I regularly saw tribal leaders and BIA administrators across the state and U.S. undercut viable methods of implementation while demonstrating a general disinterest. Whereas, our Indigenous people's resiliency is reflected in our healing practices, and healing is directly related to conceptions of justice and sovereignty, why are we not employing them on a more administrative level in lieu of BIA mandates? Tribes are skilled and creative survivalists, so why would they knowingly let the settler colonial administration in the form of the Bureau of Indian Affairs have preeminent control over the futures of our governance, families and futures? These concerns and the stories of humor and pain directly guide this work.

Introduction

Social workers are often the first responders. In many instances they can serve as their client's primary advocates that stands between them, institutionalization and violence. For these reasons, we must be the ones to critique and dismantle the very systems we are paid to enforce. We can no longer legitimize and collude with racist and sexist laws that work to disenfranchise, separate, weaken and destroy Indigenous peoples, communities, lands and sovereignty. The purpose of this thesis is to provide a critical framework to designate the Bureau of Indian Affairs (BIA) as a dominating settler colonial administration that maintains white normativity while covertly sanctioning containment and assimilation in Indian Country.³ This work tracks BIA social services programs, policies and practices by situating them in relation to colonial economies of extraction, dispossession and domestication. It also offers tribes a decolonial praxis that could reinagurate their Indigenous languages and cultural practices of kinship, healing and justice as the guiding force relating to social work and child welfare.

For the purpose of this work, I focus only on the twenty-three tribal nations in New Mexico that are contracted with the BIA.⁴ Using critical Indigenous studies and feminisms and critical social work theory, I advance two main points that are guided by a set of questions. These questions are:

³ Throughout this thesis, the nouns: Indigenous, Native, Pueblo and Indian will be capitalized. However, in the U.S. context, Native and Indian designate a political distinction, and not a racial one within federal Indian law, they are used only in the context of the U.S. When I employ the word Indigenous, I denote an international approach that can be applied to include all global Indigenous peoples and nations.

⁴ Those twenty-three tribes are: Ramah Navajo Chapter, Jicarilla and Mescalero Apache nations, and the nineteen Pueblos of Nambe, Pojoaque, San Ildefonso, Ohkay Owingeh (formerly known as San Juan), Santa Clara, Tesuque, Taos, Picuris, Acoma, Cochiti, Isleta, Jemez, Laguna, San Felipe, Sandia, Santa Ana, Kewa (formerly known as Santo Domingo), Zia and Zuni.

- 1) How does the BIA and tribal social workers perpetuate colonial violence within tribal communities?
- 2) What is BIA's role in creating these community dynamics?
- 3) How can we reimagine Indian child welfare outside of the BIA?

My focus, therefore centers how contemporaneously, even with the vicissitudes of the so-called self-determination era and the legal status of Indians in American jurisprudence, the Bureau of Indian Affairs (BIA) is permitted to function as a colonial and assimilative governmental administrative body that continues to diminish tribal sovereignty and perpetuate ongoing brutalization and premature death, always, in the name of care and rehabilitation through tribal social services programs and contracts. Secondly, rather than reforming BIA social services programs, it is necessary for each tribal community to affirm their cultural social networks and programs that are guided by their Indigenous justice systems and traditional practices of healing and kinship.

Decolonization--I continually draw correlations between Indian child welfare and the land to demonstrate why Indigenous relations to land and kin are antithetical to settler capitalist conceptions of services and welfare and how they offer liberatory methods to secure decolonized futures that must rest, "*principally* and *principledly* on the radical reformation of Native social and interpersonal relations."⁵ We must collectively and thoroughly refuse the systems predicated upon our erasure for the security of our territory, natural resources and cultural survivance. In this way, I refer to the meditation offered by Franz Fanon where he plainly declares that, "decolonization is always a violent event" to

⁵ Italicization is made by Barker in her text, and places emphasis on the distinction. Barker, Joanne. *Native Acts Law, Recognition, and Cultural Authenticity*. Duke University Press, 2011. pp. 227.

indicate that the recommendations made in this work will not be easy, nor quick.⁶ Following the tradition of Fanon and Marx, Dene scholar, Glen Coulthard suggests “Five Thesis of Indigenous Resurgence and Decolonization” arguing that tribes cannot be complacent, nor conciliatory to the violences enacted by the nation state and this process requires self-actualization.⁷ When we limit ourselves to the colonial paradigms, policies and vernaculars that outline our own inhumanity, subjectlessness and rightlessness, we accept our own tacit compliance with the nation state then condemn those who offer alternatives, particularly when they exist on the fringes of recognition, membership and tradition.⁸ All terms and conditions set forth by the state serve to further separate us causing grief, disorder and premature death within our communities. For these reasons, we must conceive of decolonization not as “ideological, but methodological” that includes all relatives, not limited to, but including GLBTQ2 relatives.⁹

⁶ Fanon, Frantz. *The Wretched of the Earth: Frantz Fanon*. Grove Press, 2004. pp.1.

⁷ Coulthard, Glen Sean. *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*. Langara College, 2017. pp.165.

⁸ Citing the works of Glen Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (2017), Audra Simpson, *Mohawk Interruptus: Political Life across the Borders of Settler States* (2014), and Joanne Barker, *Native Acts Law, Recognition, and Cultural Authenticity* (2011).

⁹ I reference the anthology, *Queer Indigenous Studies: Critical Interventions in Theory, Politics and Literature* to demonstrate a necessary, and more inclusive definition of decolonization that does not subscribe to biology or gender binaries that are colonial constructs and are not, historically, reflective of Indigenous histories that includes Two-Spirit, third-gender, etc. peoples, who were often considered to be medicine people, healers and/or warriors in the community. See pp.4.

Land— In New Mexico Indian reservations¹⁰ cover 8,152,895 acres of land and the Native population comprises of 10.5% of the state’s total population.¹¹ Manufactured during the Reservation Era (1840s-1880s), reservations were created by the federal government to serve as internment camps with the intention to isolate, incapacitate and erode the lives of Native peoples. It is because of the extermination and assimilative origins of reservations that tribes have strategically refused death through the ways in which they choose to organize their family practices and traditional customs, often times in secrecy. Notwithstanding the history, very real, socio-economic conditions and material poverty, reservations are sites of resistance and cultural maintenance. Centering relations to land is important because reservations can also be a site of new creative and new ways of existing alongside or outside of colonial administrative force. They also offer very diverse case studies in creating heterogenous methods of decolonization and self-determination based on their individual languages, histories, regions and governments making it possible to learn from each other. But also, because reservations are our homes. And if we are able to develop our own internal policies of self-determination it has the potential to transform our relationships to the federal government.

¹⁰ The legal basis for reservations began in what is known in federal Indian law as the Reservation Era (1840s-1880s) and was initiated by Commissions of Indian Affairs, Thomas Medill in 1848, but was not legally established until the Indian Appropriation Act of 1851. According to Anderson, Robert T., et al. in, *American Indian Law: Cases and Commentary*, “Indian tribes would be confirmed on smaller reservations of land under the authority of a federal agent who would, forcibly if need be, lead them toward civilization” (pp. 80). This allowed and enforced the relocation of Indian tribes from their ancestral landmasses onto Indian reservations. Reservations are internment camps that are not intended to be long-term. The BIA was charged with caretaking of the growing populations, yet it was their intentional negligence in the form of underfunding, underfeeding, that led to malnutrition, disease. They were allocated plots of land on poor soil intended to expedite the slaughter of Indian peoples under the political guise of charity.

¹¹ “New Mexico.” *Worldmark Encyclopedia of the States*, Encyclopedia.com, 26 Apr. 2020, www.encyclopedia.com/places/united-states-and-canada/us-political-geography/new-mexico.

Economy— Since the beginning of the Cold War, the violent imposition of nuclear and mining economies in New Mexico caused a cultural rupture that created futures that now involve new kinds of risk for all New Mexico tribes because all of the sites are on or adjacent to tribal lands.¹² These colonial capital economies render tribes as trespassers on their own lands and are predicated upon, “fabulations of *fillius nullius* that attempts to domesticate Native nations” through overt extraction, containment and dispossession.¹³ Not only does their presence denigrate the lands through the altering of the ecologies, but they seek to control the Indigenous present and futures through the invasion of infrastructure and capitalism.¹⁴ Fracking, uranium mining, and nuclear warfare creation typifies a nexus of the various systems of occupation through ecoterrorism and eco-racism which permanently changes preexisting Indigenous modes of relationship and agrarian economies by enforcing new ways of relating to their own lands and how they are able to nourish themselves to survive. Capitalism does not have conscience and has a vested interest in dissolving Indigenous modes of relationship to land. The corollary between nuclear and mining economies and Indian child welfare is to make legible that, in New Mexico, what is done to the land, is done to Native peoples. It also demonstrates that domestication exists in various modalities because they are based on the same white possessive logics of dispossession and domestication. Indigenous ontological relationships

¹² Masco, Joseph. *The Nuclear Borderlands: The Manhattan Project in Post-Cold War New Mexico*. S.I.: Princeton University Press, 2006. pp.99.

¹³ Goldstein, Alyosha. “The Jurisprudence of Domestic Dependence: Colonial Possession and Adoptive Couple v. Baby Girl.” *Darkmatter Journal*. 14 (May 2016). pp.15.
<http://www.darkmatter101.org/site/2016/05/16/the-jurisprudence-of-domestic-dependence/>.

¹⁴ I use Manu Karuka’s example in his work, *Empires Tracks: Indigenous Nations, Chinese Workers, and the Transcontinental Railroad*, to demonstrate the nexus of international imperialism and settler colonialism by tracing the Transcontinental Railroad and also traces how one imperial economy has degraded Indian lands and irrevocably altered their relationship and obligations they have to the land and the animals. I rely on this methodology and apply the New Mexico. See page 40.

to the land are markedly incompatible to the relationships of capitalism, so insofar as tribes prioritizing economic development, they must also prioritize how these logics impact Native youth and families.

Relationality— Modes of relationship, or relationality has become an important element within critical Indigenous studies, and one that has been largely taken up by Indigenous feminist scholars such as Winona LaDuke (White Mountain), Leanne Betasamosake Simpson (Nishnaabeg), and Mishauna Goeman (Tonawanda Band of Seneca). The germination of their scholarship, while not new, is revolutionary insofar as it is reminding Native nations of the responsibility to resolutely refuse colonialism and its assault on interpersonal relationships with our kin and our lands. And as it were, our traditional practices of kin have, and continue to provide a praxis of liberation against settler colonialism and its insidious manifestations now and in the future.

Sovereignty— The word sovereignty has become somewhat of a buzzword in Indian Country. At times, it is capriciously employed, and its definition then becomes ad hoc and highly variable. Its social and legal history are important in understanding that there is no singular definition and its conceptions can have deadly effects on Indian nations based on the context. The American legal conception first appears in the Indian Commerce Clause, and it has become the constitutional standard¹⁵ which the Supreme Court holds the basis for exclusive and plenary power over Indian affairs.¹⁶ In fact, “The Court has ruled that federal plenary power authorizes the government to take Native lands without

¹⁵ This standard has caused judicial tension between the Supreme Court and congressional recognition of sovereignty, most recently in the supposed era of self-determination. See Albavsky, Gregory. “Beyond the Indian Commerce Clause”. *Yale Law Journal*, Vol. 124.4, Jan-Feb 2015: pp. 1020-1091.

¹⁶ *Ibid.* 1012.

compensations, for instance, or to expand, contract, or even abolish tribal sovereignty at will.”¹⁷ Settler colonial anxiety lies in the fear that tribal self-determination and their inherent sovereignty attenuate federal power. This results in two phenomena, first, that sovereignty, at least within the federal context, becomes reactionary and is only discernable when in response to sovereignty exerted by Indians because Indigenous sovereignty is everything American sovereignty is not; thereby, making the two not only distinct, but irreconcilable.¹⁸ Secondly, these set of relations and anxieties accounts for the federal government’s investment in assimilation and dispossession through the consolidation of power in imperial administrations like the Bureau of Indian Affairs. So, with a predominately all-Native BIA workforce, these federal prerogatives are then grafted upon Native bodies, resulting in a governmental manufacture of colonial agents.

Conversely, Indigenous scholars detail how Indigenous conceptions and practices of self-determination and sovereignty are antithetical to American legal conceptions because their laws are based on natural law whereas American jurisprudence is based on legal positivism.¹⁹ An adage by Evelyn Blanchard (Laguna and Pascua Yaqui), “sovereign

¹⁷ Ibid. 1014.

¹⁸ I use the analysis of Manu Karuka’s terms, “countersovereignty”, to think about white possessive logics and how they seek settler invocations of sovereignty that require recognition of Indigenous modes of relationship, “however muted or displaced, in order to maintain any semblance of stability or coherence” creating an antibiosis relationship because Indigenous sovereignty, to varying degrees in the eye of the settler, is dependent upon the state acknowledging, or recognizing their sovereignty (pp.2). Also see, Glen Coulthard’s critique of neoliberal politics of recognition in *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (2017).

¹⁹ The theory of legal positivism is inherently monistic and that supreme power and authority rests within a singular sovereign.¹⁹ That power permits the exertion of force for, or against, those who lack it. Within American democracy, the power lies within the electorate; however, that power is siphoned to those with great wealth, asserting that their rules become law. This is significant because law has the power to create and destroy entire worlds. To this end it is sadistic, but not ahistorical because its actions are deliberate and calculated. Legal authority and wealth become co-constitutive, thus creating an American jurisprudence that is set on the protection of wealth and power security. This power coheres with politics of bestowal and politics of respectability that seek to maintain normative whiteness as the baseline for which all others are to be measured and aspire to. Cite: Green, Leslie, and Thomas Adams. “Legal Positivism.” *Stanford*

people make up sovereign nations”²⁰ captures the limits of legal conceptions because where they emphasize the maintenance of power and dominion, Indigenous conceptions prioritize bodies, hearts and minds of the people as a process of continuance and community that is enacted by virtue of living.²¹ The power to self-determine is inherent in each Indigenous person and is perpetuated through cultural production and community-building. Tribal sovereignty then becomes a reciprocal relationship and continuous responsibility to the future of our Indigenous cultural survivance. In this way, it is not linear. It does not have a beginning, or end, as the Supreme Court would suggest, but rather exists in multiple times, places and spaces as, “sovereignty within multiple sovereignties.”²²

Activism & Resistance— I briefly highlight two specific moments of Indigenous activism and resistance as markers to firmly remind readers that not only were these moments courageous, but highly effective. Thereby, any recommendations made within this work are not new, nor radical, but rather in continuation with the legacies of our (rowdy) Indigenous ancestors and relatives who refused cultural domination and dispossession. And to reaffirm that tribes must follow our own traditions of resistance, if we value the future generations where our cultures, languages and lands remain in perpetuity.

The Pueblo Revolt of 1680 is acknowledged as the first successful Indigenous insurrections in American history. Pueblo scholars, Joe Sando (Jemez) and Joseph Aguilar

Encyclopedia of Philosophy, Stanford University, 17 Dec. 2019, plato.stanford.edu/entries/legal-positivism/.

²⁰ Blanchard, Evelyn L. Personal Interview. 30 June 2020.

²¹ Cobb, Amanda J., “*Understanding Tribal Sovereignty: Definitions, Conceptualizations, and Interpretations.*” *American Studies*. Vol. 46 Num. 3/4 (2005): pp.115-132 pp.125.

²² Simpson, Audra. *Mohawk Interruptus: Political Life across the Borders of Settler States*. Duke Univ. Press, 2014. pp.187.

(San Ildefonso) recount the conditions of Spanish rule citing that, “indignity was heaped upon indignity”²³ and the response “marks the apex of eighty-two years of Indigenous resistance that culminated in a strategically brilliant uprising by the Pueblo people against Spanish colonial soldiers” that resulted in twelve years without Spanish occupation.²⁴ In light of this demonstration of settler colonial domination, Alfonso Ortiz (Ohkay Owingeh) argues that the Pueblo Revolt represents, “Pueblo people’s restoration of their commitment to their beginnings” and therefore should be “understood first and foremost as a religious restoration” indicating that, when traditional lands and lifeways are threatened, Native peoples have a responsibility to respond aggressively and without apology.²⁵

Today, nearly 95% of the BIA workforce consists of Native Americans employees, and this is a direct result of the activism of the all-Indian group known as the Littleton Twelve in early 1970s.²⁶ The Littleton Twelve consisted of five Indigenous women and seven Indigenous men representing various Native nations,²⁷ and they were employees at the BIA Plant Management Engineering Center in Littleton, Colorado.²⁸ Together they filed a formal complaint against the BIA for mismanagement of federal funds and

²³ Sando, Joe S. *Pueblo Nations: Eight Centuries of Pueblo Indian History*. Clear Light, 1998. pp. 63

²⁴ Aguilar, Joseph R., “*Asserting Sovereignty: An Indigenous Archaeology Of The Pueblo Revolt Period At Tunyo, San Ildefonso Pueblo, New Mexico*” (2019). University of Pennsylvania, PhD dissertation. pp. 1 <https://repository.upenn.edu/edissertations/3465>

²⁵ Sando, Joe S., et al. *Popay: Leader of the First American Revolution*. Clear Light Pub., 2005. pp.4.

²⁶ Lambert, Valerie. “*Rethinking American Indian and Non-Indian Relations in the United States and Exploring Tribal Sovereignty: Perspectives from Indian Country and from inside the Bureau of Indian Affairs.*” *PoLAR: The Political and Legal Anthropology Review*, vol. 40, no. 2, 2017, pp. 278

<https://search-ebscohost-com.libproxy.unm.edu/login.aspx?direct=true&db=edshol&AN=edshol.hein.journals.polar40.26&site=eds-live&scope=site>.

²⁷ Rocky Mountain PBS, “Urban Rez: BIA Takeover.” *YouTube*, uploaded by Rocky Mountain PBS, October 11, 2013, <https://www.youtube.com/watch?v=ByjAEGcvk7g>

²⁸ “A Documentary Preserving the Stories of the Native American Civil Rights Movement.” *CoLab Radio RSS*, colabradio.mit.edu/a-documentary-preserving-the-stories-of-the-native-american-civil-rights-movement/.

discriminatory hiring, promoting and training practices.²⁹ The complaint coincided with peaceful protests with dozens being arrested which continued until the Supreme Court case *Freeman v. Moreton* (1974) ruling that maintained provisions in the Indian Reorganization Act (1934) that ensured Native preference for qualified Indian applicants.³⁰ This ruling was adjudicated later that year in the Supreme Court case, *Morton v. Mancari* (1974), that immediately came on the heels of the previous decision. The appellees, all non-Indian BIA employees, brought this class action suit arguing against Indian-preference on the basis that it “contravened the anti-discrimination provisions of the Equal Employment Opportunities Act of 1972, and deprived them of property rights without due process of law in violation of the Fifth Amendment.”³¹ In a majority opinion, the court held that Indian hiring preference designated through Congress does not violate the Fifth Amendment.³² This example demonstrates that the reality within the bureaucracy does not align with the missions, and moreover, it is the responsibility of Native employees to change the policy from the inside out. I will address in greater detail how merely having Native persons in the buildings is not the promise of liberation, but nevertheless, both the Pueblo Revolt of 1680 and the Littleton Twelve demonstrate what can occur when tribal nations come together to organize and unite against domination.

These concepts: *decolonization, land, economy, sovereignty and activism and resistance*, help me organize my arguments related to the BIA and social work because they all contribute and texture Indian Country in a myriad of ways. Moreover, when they

²⁹ Ibid.

³⁰ Christensen, Senior District Judge. “*Freeman v. Morton*.” *Legal Research Tools from Casetext*, 25 Apr. 1974, casetext.com/case/freeman-v-morton.

³¹ “*Morton v. Mancari*, 417 U.S. 535 (1974).” *Justia Law*, supreme.justia.com/cases/federal/us/417/535/.

³² Ibid.

are enacted by Native nations they cohere to, not only critique colonial economies of extraction and dispossession, but also reveal futures outside of federal domination based on our languages and cultures. Finally, they contextualize the complex issues that are addressed within the interviews.

The first half of my thesis discusses how the legal and academic scholarship around the BIA policies and practices, and social work are deeply lacking. Content from the interviews are included in this section to display the unsatisfactory scope of the literature by discussing their first-hand experiences and perspectives to address topics never before seen in tribal social work scholarship. Existing literature on the BIA reflects an inherent trust of the federal government resulting in a very subjective and limited analysis. I posit that this belief inhibits a critical historiography and reading of Indigenous realities within settler colonial administrations. Within social work scholarship, this inherent trust in the government results in inherent trust of their policies, practices and programs, which altogether uphold white normativity and white nationalism.

To contextualize my assertions and expand upon the lacking literature, the second half centers a series of personal interviews with Indigenous and non-Indigenous social workers and mental health professionals who have first-hand experiences with BIA social services programs as both practitioners and administrators. Their voices resoundingly echo the legal limits of BIA and how it directly contributes to the diminution of Indigenous sovereignty and justice. Most notably, their discussions on how the BIA reinforces generations of internalized oppression within Indian nations and how that breeds a culture of prejudice and punishment on Indian lands reveals the violences Native peoples exert upon ourselves, and the challenges tribes face when it comes to decolonial work. Together

they offer reimagined realities, for New Mexico tribes, that are informed by our cultures, where we organize and unite against the BIA in tribal communities as an omnipresent, dominating power and harbinger of premature death. The final section mediates on conceptions and histories of Indigenous justice, kinship and healing that is found in each tribal community.

PART I.– Bureau of Indian Affairs (BIA)

I designate the Bureau of Indian Affairs as a settler colonial administration because of its colonial history and colonial present.³³ It is markedly a civilizing and assimilatory settler colonial project created by the federal government for the theft of Indian territory.

As Patrick Wolfe

writes, “Territoriality is settler colonialism’s specific, irreducible element” that functions as a “structure, not an event”³⁴ For tribes, the BIA is part of what makes up that settler colonial structure. While the late 20th century was marked by the civil rights movement, including the American Indian Movement (AIM) that resulted in a shift in federal Indian policy known as the self-determination era, these new policies do not

³³ In 1924, U.S. Secretary of War John C. Calhoun, created the Office of Indian Affairs in the War Department without congressional authority.³³ In 1834 the office of the Commissioner of Indian Affairs (CIA) was created followed by the Office of Indian Affairs in 1849 which was initially structured within the Department of War, it is currently housed within the Department of the Interior (DOI). See the work of Donald Lee Fixico, *Bureau of Indian Affairs* and Theodore W Taylor. *The Bureau of Indian Affairs*

³⁴ Wolfe, Patrick. (2006). Settler colonialism and the elimination of the native. *Journal of Genocide Research*, 8(4), pp.88

indicate a break from this structure, rather an extension of the foundations in which they were created—to dispossess the Native of their territories.³⁵

Demonstrated in the historical and contemporary policies and practices of the BIA that oscillate between cowardice and deception, its contemporary imperatives require the containment and domestication of Native bodies. The cowardice comes through the imposition of civilizing and assimilative policies thinly veiled as Indian self-determination. The deception comes in the form of opaque practices that work to obscure and confuse tribes to rationalize their domination throughout Indian Country.

The BIA is “the oldest federal agency in continuous existence” and oversees a jurisdiction of over 55.7 million acres marking it “the largest land trust in the world.”³⁶ The BIA remains the proprietary enforcer of federal Indian policies that are categorized into seven major shifts since the 18th century.³⁷ Duane Champagne (Turtle Mountain Band of Chippewa) argues that many of the early BIA policies were “social engineering” programs of forced removal and assimilation.³⁸ These social engineering programs include, but are not limited to the forced removal of Indian children to boarding schools, forced sterilization of women, and the forced removal of children to be fostered by non-

³⁵According to *American Indian Law: Cases and Commentary* by Anderson, Robert T., et al., the era was heralded by a body of congressional legislation, such as the Indian Self-Determination and Indian Education and Assistance Act (1975), Indian Child Welfare Act (1978) and the Indian Gaming Regulatory Act (1988).

³⁶ Buck, Christopher. “Bureau of Indian Affairs”. *Encyclopedia of Race, Ethnicity and Society*. Edited by Richard T. Schaefer. Thousand Oaks, CA: Sage Publications, 2008. Pg. 215-220

³⁷ These policy shifts are known as the: Trade and Intercourse Period (1790-1820s-1830s), Indian Removal and Relocation Era (1828-1887), Reservation and Allotment era (1887-1934), Reorganization and Self-Government (1934-1946), Indian New Deal era (late 1920s-1940s), Termination and Relocation (1946-1961), and finally, the Self-Determination era (1961-present?). See *American Indian Law: Cases and Commentary* by Anderson, Robert T., et al., 78-79.

³⁸ Champagne, Duane. “Organizational Change and Conflict: A Case Study of the Bureau of Indian Affairs.” *American Indian Culture and Research Journal*, vol. 07, no. 3, 1983, pp.15. doi:10.17953/aicr.07.3.bpp1631722t91459.

Indian families. The same bureaucratic administration that exerted these forms of inhumanity and brutality on Indian families and communities can still be felt today in the form of historical trauma and unresolved grief.³⁹

In contradistinction to the violent history, according to the federal government, the mission of the BIA is to fulfill the American government's "moral obligations of the highest responsibility and trust" toward Indians, tribes, and their property, as well as the "responsibility to protect Indian lands and provide Indians with services in partial fulfillment of treaty obligations."⁴⁰ This mission statement of "governmental largesse" is strongly contrasted to the statements provided by all interviewed social workers proving that the intent does not meet the realities.⁴¹ They detail how higher ranking BIA employees are highly authoritative and make a practice in concealing pertinent information, admonish employees for asking questions/making recommendations, redirecting blame,⁴² refusing to familiarize themselves with the community and cultures⁴³, mismanagement of tribal monies and the intentional restriction from monies.⁴⁴ So, given these contemporary challenges coupled with its violent history why do tribes willingly and capriciously contract with this settler colonial administration? Is it amnesia or generations of internalized oppression that account for tribe's capricious comfortability and reliance with

³⁹ Blanchard, Evelyn L. Personal Interview. 30 June 2020.

⁴⁰ See *Seminole Nation v. U.S.* 286 [1942] in Lambert, Valerie. "Rethinking American Indian and Non-Indian Relations in the United States and Exploring Tribal Sovereignty: Perspectives from Indian Country and from inside the Bureau of Indian Affairs." *PoLAR: The Political and Legal Anthropology Review*, vol. 40, no. 2, 2017, pp. 285 <https://search-ebscohost-com.libproxy.unm.edu/login.aspx?direct=true&db=edshol&AN=edshol.hein.journals.polar40.26&site=eds-live&scope=site>.

⁴¹ Blanchard, Evelyn L. Personal Interview. 30 June 2020.

⁴² Montoya, David. Personal Interview. 1 July 2020.

⁴³ Anonymous 2. Personal Interview. 2 July 2020.

⁴⁴ Anonymous 1. Interview by April K. Chavez. Phone, 27 November 2019.

the BIA? All of the social workers attributed that, after nearly 200 years of occupation, the BIA presence is no longer questioned by tribes and has become, in a sense, almost “second nature”⁴⁵ and “sometimes tribes apply a one-size-fits-all model given to them by the BIA. And they don’t ever question it,” as stated by two social workers.⁴⁶

Together they argue that this, in part, is due to internalized oppression and indoctrination that is an overwhelming symptom of colonization. They bring to mind the reality that a large population of Native peoples are survivors of BIA policies are still alive, and they remember. Their memories of psychological torture, having their children ripped away from them, being sexually assaulted in boarding schools, brutalized for speaking their ancestral languages, having their hair unceremoniously cut, starvation, being wrongfully incarcerated, and unwanted sterilization have resulted in very real material and immaterial consequences for survivors, their families, and their communities.⁴⁷ For many, fear, trauma and grief controls their ability to resist leading to the suppression of Native voices in opposition to the BIA.⁴⁸

Even today, the purpose remains the containment and domestication of Native bodies and futures. This is achieved by policies that support and produce “systematized inhumanity” of Native peoples that materializes in social work practices and Indian child welfare.⁴⁹ This systematic subjection reinforces racist tropes of savagery, disposability and predisposition to poor health, alcoholism, dysfunction, diseases and perceived failure to conformity.⁵⁰ All of these elements greatly contribute to the culture of the BIA.

⁴⁵ Blanchard, Evelyn L. Personal Interview. 30 June 2020.

⁴⁶ Anonymous 1. Interview by April K. Chavez. Email Correspondence. 28 November 2019.

⁴⁷ Anonymous 2. Personal Interview. 2 July 2020.

⁴⁸ Montoya, David. Personal Interview. 1 July 2020.

⁴⁹ Razack, Sherene. *Dying from Improvement: Inquests and Inquiries into Indigenous Deaths in Custody*. Vancouver, B.C.: Langara College, 2017. pp.208.

⁵⁰ *Ibid.* pp. 116.

Indian Self-Determination and Educational Assistance Act, (1975), PL93-638—

Aileen Moreton-Robinson (Quandamooka) best contextualizes the Indian Self-Determination era by writing that, first, “Governments dehumanized Indigenous peoples in order to legitimize their actions and then sought to make us fully human [again] by exercising benevolence and virtue in its many forms.”⁵¹ In the United States, this exercise began with the seminal piece of congressional legislation known as the Indian Self-Determination and Educational Assistance Act (ISDEAA). A reoccurring theme in this thesis is the inconsistencies within the propaganda of the BIA and the opinions of the people they claim to work for. Signed by President Nixon on January 4, 1975, the ISDEAA was and continues to be regarded by many, Indians and non-Indians alike, as the panacea for tribes. This stems from the uncritical notion that prioritizes the capitalistic values of ISDEAA as the promise of “progress and prosperity”⁵² by allowing tribes to, “assume the responsibility, and associated funding, to carry out programs, functions, services and activities that the United States government would otherwise be obliged to provide [through the use of contracts or compacts, and some]...examples of such services include healthcare, education, road constructions, and social services.”⁵³ Heralded as a “culturally relevant tool of human capital accumulation, rather than a force of cultural assimilation and tribal termination”, it appears to be clear that the purpose was not to liberate Native

⁵¹ Moreton-Robinson, Aileen. *The White Possessive: Property, Power, and Indigenous Sovereignty*. University of Minnesota Press., 2015. pp.173.

⁵² Fixico, Donald Lee. *Bureau of Indian Affairs*. Santa Barbara, CA: Greenwood, 2012. pp. 164.

⁵³ Geoffrey D. Strommer & Stephen D. Osborne, *The History, Status, and Future of Tribal Self-Governance Under the Indian Self-Determination and Education Assistance Act*, 39 AM. INDIAN L. REV. 1 (2014), pp. 4 <https://digitalcommons.law.ou.edu/ailr/vol39/iss1/1>

nations, rather to pursue further indoctrination into active members within American global capitalism.⁵⁴

As to assume that these junior policies dissolve generations of colonial history. However, these contracts are not modeled in the spirit of self-determination, but rather compulsory assimilation through an expansive operating system of technical aid and personnel training, including trainings required to social workers.⁵⁵ Whereas all tribes represent individual nations, meaning that no one tribe has identical needs, all 638 contracts, as they are commonly referred to throughout Indian Country⁵⁶ are similar with little to no room for alterations specific to changing tribal needs, particularly since, they are, essentially, “operating federal programs and carrying out federal responsibilities” with “chronic underfunding”.⁵⁷

Many scholars and tribal leaders attest to the proven viability and success of IDSEAA, but their primary metric is the number of compacts plus the total dollars amount of that given fiscal year.⁵⁸ When only relying on the dollar amounts the contracts are bringing in, it elides the negative impacts on communities. Moreover, another crucial challenge lies in the recent historical inevitably of underfunding due to Congress’s failure to appropriate the sufficient funds to support tribal programs.⁵⁹ And once a tribe is in a

⁵⁴ Harvard Project on American Indian Economic Development, et al. *The State of the Native Nations: Conditions under U.S. Policies of Self-Determination*. Oxford University Press, 2008. 201

⁵⁵ Geoffrey D. Strommer & Stephen D. Osborne, *The History, Status, and Future of Tribal Self-Governance Under the Indian Self-Determination and Education Assistance Act*, 39 AM. INDIAN L. REV. 1 (2014), pp. 4 <https://digitalcommons.law.ou.edu/ailr/vol39/iss1/1>

⁵⁶ Per the vernacular used by all interviewees.

⁵⁷ Geoffrey D. Strommer & Stephen D. Osborne, *The History, Status, and Future of Tribal Self-Governance Under the Indian Self-Determination and Education Assistance Act*, 39 AM. INDIAN L. REV. 1 (2014), pp. 22-29 <https://digitalcommons.law.ou.edu/ailr/vol39/iss1/1>

⁵⁸ *Ibid.* pp. 49.

⁵⁹ These are often a result of a shift of administration or shift of priorities, as in the case of the Tribal Self-Governance Demonstration Project that supported Senate Bill 1969—the Department of Health and Human

compact they are given a “letter of credit” where they are contractually obligated to pay for “contract support costs” or overhead. In the event that they are unable to cover costs, “tribes must re-direct program funds to cover these necessary expenses, thus lowering the level of services provided.”⁶⁰ Despite the language and rhetoric of the BIA, the ISDEAA 638 contracts often inhibit tribes from achieving the intended purposes of the any given program because in applying the aforementioned metrics, many contracts are paid, but frequently at the expense of programmatic function and ability to serve tribal peoples. So, when the funding is low or is not appropriated by Congress, programs are impaired, the community suffers, and the tribes assume the blame as the failed contractors. This perceived failure to comply and conform, then, justifies the continued presence of BIA. The specific examples below revealed through interviews demonstrate, not only the restrictions of 638 contracts imposed on tribes, but also the attitudes around supporting self-determination efforts.

A specific example offered by two different social workers working in two different tribes emphasize the administrative challenges of receiving funding that is owed to families, should they submit a BIA Financial Assistance and Social Services application (BIA Form #5-6601), and be approved. Burial Assistance is an option on this application with the possibility of offering a family up to \$2,500 in monetary aid. One worker’s account discusses how workers are discouraged from conducting home visits or “sitting with people” outside of what is outlined in BIA case plans because they are deemed

Services Self-Governance Act of 2004—which had strong Senate support in late 2004, but died at the end of the session because the Bush Administration’s lack of support. See Strommer

⁶⁰ Geoffrey D. Strommer & Stephen D. Osborne, *The History, Status, and Future of Tribal Self-Governance Under the Indian Self-Determination and Education Assistance Act*, 39 AM. INDIAN L. REV. 1 (2014), pp. 49. <https://digitalcommons.law.ou.edu/ailr/vol39/iss1/1>

nonessential, even during traumatic events such as deaths.⁶¹ The application itself is nineteen page long that requires multiple signatures, and should an individual or family apply for burial assistance, the worker was informed that he would have to collect and verify the annual income for each member of the household; in Native communities there can be anywhere from two to fifteen people living in one residence.⁶² In another instance, the worker from another tribal community in Northern New Mexico shared that an application was submitted, but the BIA regional social worker refused to approve it because that individual “knew of” the family and was confident that the deceased worked at Los Alamos National Laboratory (LANL) and would have had a “decent pension.”⁶³

In another heinous experience involving a BIA, this particular administrator shared that he had general questions about this tribal programs’ 638 contracts because the contractual language appeared to be new and was highly ambiguous. Upon calling his regional BIA representatives he was given him strict mandates on how to proceed with the given issue. This administrator states, “So when I’d call [the BIA regional offices], I’d say to my regional rep[resentative], ‘so when you say sovereignty, you really mean the BIA’s definition of sovereignty.’ To which, the regional representative said, ‘sure’.”⁶⁴ He cites his primary frustration with the BIA stemming from the “pre-packaged sovereignty” that is patronizingly distributed under the guise of self-determination.⁶⁵

Division of Human Services (DHS)—Understanding the intricacies of the BIA systems makes clear just how convoluted and, intentionally confusing the system is.

⁶¹ Montoya, David. Personal Interview. 1 July 2020.

⁶² Ibid.

⁶³ Anonymous 2. Personal Interview. 2 July 2020.

⁶⁴ Anonymous 1. Interview by April K. Chavez. Phone, 27 November 2019.

⁶⁵ Anonymous 1. Interview by April K. Chavez. Phone, 27 November 2019.

Juridical powers are siloed off into different juridical organs, and this is strategic on their part, insofar as it scaffolds the number of obstacles, thereby increasing tribal dependency. In New Mexico today, the BIA is divided into twelve regional offices. In my analysis I only look at the BIA Southwest Regional Office which oversees twenty-three tribes which include nineteen Pueblos, two Apache nations (Jicarilla and Mescalero), and the Ramah Navajo Chapter in New Mexico.

Within the BIA is the Office of Indian Services followed by the Division of Human Services (DHS) which is overseen by the BIA's Regional Office and Agency levels.⁶⁶ Within the DHS there six sub-departments: Indian Child Welfare Act, Financial Services, Housing Improvement Program, Individual Indian Money Accounts (IIM), Welfare Assistance, and finally, Child and Adult Protection, also known as Social Services. Confusingly, these latter two terms appear to be used interchangeably throughout much of BIA official documents and websites. For FY 2021, DHS was allocated \$87,490,000 for the 300 contracted and compacted tribal social services programs across the U.S., and the current program description for BIA social services claims that they, "support a community-based approach to welfare, child protection, family stability, housing assistance and strengthening tribal communities as a whole" through the "assistance in solving problems related to family functioning and interpersonal relationships; referral to the appropriate resources for problems related to illness, physical or mental handicaps, drug abuse, alcoholism, and violation of the law; and protective services."⁶⁷

⁶⁶ United States, Department of Interior, Bureau of Indian Affairs, "Budget Justifications and Performance Information: Fiscal Year 2021" IA-HS-4, 2020. <https://www.doi.gov/sites/doi.gov/files/uploads/fy2021-budget-justification-bia.pdf>

⁶⁷ Ibid. pp. IA-HS-6

The BIA does not offer any pedagogical handbooks or statistical information relating to social work practices or how any of these services are achieved on any of their governmental websites. Further tribal-specific case studies need to be conducted in order to elucidate actual tribal social work practices. However, the annual 400-page Budget Justifications and Performance Information reports proved most helpful in understanding departmental priorities and programmatic directions. In the FY 2021 report, I found one new initiative particularly alarming and demonstrative of the cultural disconnect that contributes to violence within tribal communities, called The Center for Excellence or (the Center). The report writes that The Center will be a,

comprehensive program that offers onsite, virtual, and simulated training in areas such as, but not limited to, differential response, trauma informed care, self-care, and working with Tribal Courts. BIA funding is used to sustain and train existing staff and employ professional and other trained personnel to assist in areas such as domestic relations, family violence, alcohol and substance abuse, and incarceration.⁶⁸

I remain suspicious of how a virtually simulated program can adequately educate any worker in the needs of Native families and communities. The report does not detail the ethics or empirical evidence behind the creation of computerized virtual simulators, but this technology does run the risk of perpetuating stereotypes. I do not criticize the implementation of technology on reservations, but rather vehemently dispute any opinion that a virtual simulation, in lieu of in-person experiences, provides adequate education and practicum experience, particularly when claiming to educate in the areas of trauma-informed or culturally competent care. Where the BIA claims that they provide a

⁶⁸ United States, Department of Interior, Bureau of Indian Affairs, “Budget Justifications and Performance Information: Fiscal Year 2021” 2020. Pp. IA-HS-4
<https://www.doi.gov/sites/doi.gov/files/uploads/fy2021-budget-justification-bia.pdf>

“community-based approach” this form of off-hands experiential learning does not appear to be beneficial, nor prudent.

PART II. —The Culture of the BIA

In the beginning of my research, as I sought to recruit willing participants and broached the thesis topic with them, many accused me of being anti-BIA. Since the BIA has a Native-majority workforce, many also accused me of being biased against their family members or our own peoples. As a former tribal social worker, I think self-awareness is the best approach in any critical analysis of any settler colonial administration, but especially the BIA, and more specifically, as a current or former employee/contractor. This section examines individuals’ epistemologies that make up sanctioned and unsanctioned tribal social work practices. It also seeks to discuss elements within these practices that function covertly but underwrite the ethics of the bureau and its employees.

Indian preference—As mentioned in the introduction, today over 95% of the BIA workforce is Native American, and the BIA along with the Indian Health Services (IHS) are the largest employer for Native Americans.⁶⁹ This percentage was hard fought by Native activists but having Native peoples in the offices is not the promise of change. If we envision the BIA as a colonial machine made up of people, the Indian new deal and

⁶⁹ Lambert, Valerie. “Rethinking American Indian and Non-Indian Relations in the United States and Exploring Tribal Sovereignty: Perspectives from Indian Country and from inside the Bureau of Indian Affairs.” *PoLAR: The Political and Legal Anthropology Review*, vol. 40, no. 2, 2017, pp. 285. <https://search-ebscohost-com.libproxy.unm.edu/login.aspx?direct=true&db=edshol&AN=edshol.hein.journals.polar40.26&site=eds-live&scope=site>.

self-determination era ushered in thousands of Native peoples, so while the bodies have shifted, the machine remains the same—ensuring it’s productivity and efficacy.

The BIA seeks to clandestinely legitimize itself within Indian Country by virtue of its workforce by working to align themselves with tribes. It is reminiscent of the ways settler colonists enacted land grabs through surreptitious methods such as marriage to Indian women, counterfeit documents, and “other forms of trickery.”⁷⁰ Particular to the policies and practices they are enacting, Native employees risk becoming a colonial agent. In essence, the oppressed then serve as the oppressor.

Government-to-Government— Is self-determination within BIA an issue of syncretization, assimilation or, perhaps, something else? Joanne Barker (Lenape) examines the ways American Indian tribes’ legal power and status is mediated within oppressive Western epistemologies. She is vigilant about the potential for a tribe’s ability to repurpose U.S. nationalism in the forms of “racism, ethnocentrism, sexism, homophobia, and religious conservatism” under the guise of tribal sovereignty and self-determination.⁷¹ Many critical Indigenous studies scholars echo that tribal sovereignty and self-determination are rendered meaningless as long as it perpetuates radicalized or gendered intolerances.

The potential for Indigenous values being dissolved into the “indigenization of the current colonialist systems” is strengthened when BIA conducts trainings directed to federal and tribal leaders on methods in self-determination.⁷² It’s counterintuitive for

⁷⁰ Barker, Joanne. *Native Acts Law, Recognition, and Cultural Authenticity*. Duke University Press, 2011. pp.101

⁷¹ *Ibid.* pp.7.

⁷² McCaslin, Wanda D. “Introduction: Healing in Rough Water.” *Justice as Healing: Indigenous Ways*. St. Paul, MN: Living Justice Press, 2005. pp.220.

ISDEAA to introduce the notion of self-determination, provide the entire oversight infrastructure, then prescribe methods of their own making. It is very clear that they intend to dominate the very discourse and outcomes they allege is up to the tribes.

Despite the colossal administrative presence and force of the BIA, some tribes have opted out of 638 contracts. These tribes are known as self-governance tribes. Rather than report to the BIA, they comply with Code of Federal Regulations (CFR) and report directly to the Washington D.C. Today, the Pueblos of Taos, Ohkay Owingeh, Jemez, Santa Clara and Cochiti use self-governance for the delivery of federal programs and services within the Department of Interior (DOI).⁷³ The creation and implementation of tribally relevant policies, procedures and practices are at the discretion of the tribe. One former employee of a self-governance tribe, now working for a non-self-governance tribe, described the environment as one of “flexibility and discretion on how to work with their people when it came to social services”, stating that all programs were responsible for creating new systems for referrals, intervention and prevention services, and reporting and responses to abuse/neglect.⁷⁴ These tribal governments did not have the a “third-party coming in accusing them of non-compliance because they’re not following certain regulations.”⁷⁵

These tribes have taken the early steps in eradicating BIA oversight within their communities. However, it does not always result in self-governance. This same worker recalled how the tribe had gone through all work of creating and implementing services and responses that were valued by the tribe during on tribal administration, yet upon the

⁷³ “Self-Governance Communication & Education Tribal Consortium.” *Tribal Self-Governance*, www.tribalselfgov.org/self-governance/participating-tribes/.

⁷⁴ Anonymous 2. Personal Interview. 2 July 2020.

⁷⁵ Ibid.

change of leadership, the process ceased. She cited that, “depending on who’s governor, things can change within the administration because people’s way of approaching issues changes based on who’s in charge.”⁷⁶ What began as a process of technical assistance, resulted in the tribe knowingly conferring sole authority back to the BIA as they then outlined original social services policies; thus, reverting back to a bestowing political confidence and power to the BIA in this situation, all because of a shift of leadership and their individual priorities.⁷⁷

Christopher Buck argues that, “[a] key to understanding BIA resistance to change appears to lie in the organizational imperative of area directors to preserve and enhance their control over bureaucratic resources and power.”⁷⁸ The same social worker discusses the how the Touhy regulation⁷⁹ is employed by the BIA as a way to circumvent participation in tribal court hearing to testify in tribal court on behalf of a case. This worker asked if a BIA social worker is assigned to a case, “why do we have to go through all these hurdles in order for them to provide a home study on behalf of a child welfare case, and possibly be asked questions by our tribal judge in a tribal court setting?”⁸⁰ All of the participants addressed the overwhelming unwillingness to “familiarize themselves with the communities they provide direct services to.”⁸¹

⁷⁶ Anonymous 2 discusses how there is a distinction between traditional/constitutional governments within each tribe and depending on their governing systems they may rely on democratic elections or nominations to elect tribal leaders. The constitutional governmental structures were mimetically created in look like democratic governments during the Indian Reorganization Act of 1934.

⁷⁷ Anonymous 2. Personal Interview. 2 July 2020.

⁷⁸ Buck, Christopher G. “Bureau of Indian Affairs”. *Encyclopedia of Race, Ethnicity and Society*. Edited by Richard T. Schaefer. Thousand Oaks, CA: Sage Publications, 2008. pp. 26

⁷⁹ According to the Federal Registrar, the Touhy Regulation, “authorizes agencies to adopt regulations regarding ‘the conduct of [their] employees . . . and the custody, use, and preservation of [agency] records, papers, and property.’” For BIA employee’s participation, it needs to be pre-approved by the Superintendent of the bureau. See “Touhy Regulations.” *Federal Register*, 27 Oct. 2017, www.federalregister.gov/documents/2017/10/27/2017-23388/touhy-regulations.

⁸⁰ Anonymous 2. Personal Interview. 2 July 2020.

⁸¹ Ibid.

Finally, while the focus of the interviews is the BIA, David Montoya is clear to remind readers that the BIA is only one instantiation of settler colonial administrations. These very concerns can be seen in other agencies such as the Indian Health Services (HIS) and the Bureau of Indian Education (BIE), and they function by creating, “gigantic maps of confusion of what you can and cannot do thorough contracts” as a form of administrative gaslighting that misleads and distracts tribes from their own colonization. Montoya argues that for these administrations, it’s about, “the manipulation in all aspects of Indian life on pueblos and tribes.”⁸²

Indigenous hermeneutics— While always possible of oppressing one’s own people, it is highly variable and dependent on the individual values, ethics and responsibility to tribes. The AIM movement of the 1970s contributed to the creation to many Indigenous women-led organizations that were at the forefront of bringing national attention to Indian child welfare issues.⁸³ In my critique of Native BIA employees, it is crucial to understand that all of the developments in federal Indian policy were galvanized by Native women, many of them BIA employees themselves, in radial efforts to restore care within the Indian child welfare systems⁸⁴. Dr. Evelyn Blanchard was one of many visionary Native women. She has worked as a BIA social worker and a administrator since the 1960s where she has developed training, drafted policy, wrote grants that funded short-term emergency facilities to Native children being removed from their homes, and most recently has created the

⁸² Montoya, David. Personal Interview. 1 July 2020.

⁸³ Jacobs, Margaret D. *A Generation Removed: The Fostering and Adoption of Indigenous Children in the Postwar World*. University of Nebraska Press, 2014. pp.108.

⁸⁴ *Ibid.* pp.116.

Native American Social Work Studies Institute (NASWSI) at the New Mexico Highlands University which is among the first Native American social work program in the U.S.⁸⁵

The NASWSI example comes in stark contrast to the actions, or inaction, at the aforementioned self-governance tribe, and demonstrates the variation in individual and tribal responses to the BIA. NASWSI is an exceptional example of the potential when a critical and interpretive analysis of the colonial set of conditions within the BIA enforces and the ways individuals, tribes and other institutions can refuse domination. NASWSI is based on the, “sovereign right of Native people to design and develop response to challenges faced by families and children and their societies” responding to the fact that,

The Dine', Apache and Pueblo people have strived over the centuries to exercise their sovereign right to assure appropriate responses to the needs of the people. The struggle to end the destructive and long-term damaging effects of the nation's assimilationist policies and to provide an appropriate education for Native people is legendary and testament to the significance of education in tribal thought.⁸⁶

I address Indigenous hermeneutics because how Native employees interpret their purpose and roles in the BIA determines their practices and the futures of any given community. It is important to highlight the countless individuals who serve as foot soldiers for Indigenous conceptions of self-determination and enact traditional sovereignty through their ethics, values and unrelenting commitment to the safety and wellness of Indian youth and families. Their visions for future instantiations for Indigenous nations may not be similar, but they all have a spiritual and kinesthetic hyperawareness to the state of their Indigenous nations, as community members, because they know what is at stake. They

⁸⁵ Blanchard, Evelyn L. Personal Interview. 30 June 2020.

⁸⁶ *New Mexico Highlands University*, Native American Social Work Studies Institute at Facundo Valdez School of Social Work, 2020, <https://www.nmlegis.gov/handouts/IAC%20070218%20Item%205%20Native%20American%20Social%20Work%20Studies%20NMHU%20Prospectus.pdf>

recognize the mechanics of white possessive logics and have come to know our oppressors by the stories they tell about themselves, and they recognize what they are trying to hide by the way they are hiding it. These knowledges inform their strategies to assert their sovereignty with or without BIA involvement. Lastly, they practice self-actualization by not being complacent, nor conciliatory.

PART III.—Social Work

Due to the remarkable lack of scholarship addressing the specific Native context, the standard conceptions of social work theory and practice in the U.S. are simply transposed from other contexts onto Native peoples. The prevailing doctrines of American social work and child welfare, especially as it is applied to Indian children, normalize white nationalism and cultural difference. Critical social work is a relatively new term with traditions in critical race theory and Marxism that addresses structural analysis, control functions and liberation social critiques and social justice.⁸⁷ When used as a theoretical framework by non-Indigenous scholars it does not quite meet the needs of tribal social work scholars, tribes or workers indirectly undercutting Indigenous sovereignty because they regard white normativity, invisibility, inevitability of colonization and poverty as axiomatic. By criminalizing or policing through the overuse of subjective terms such as, poverty, abuse, and neglect, maintains white systems of domination and possession over their futures and terms of self-identification.

⁸⁷ Fook, Jan. "Critical Social Work." *Qualitative Social Work: Research and Practice*, vol. 2, no. 2, 2003, pp. 124., doi:10.1177/1473325003002002001.

There is little scholarship focused on social work programs located on reservations. What research I have found is often limited to policy analysis of the premier Indian child welfare legislation known as the Indian Child Welfare Act (1978), Indian Health Services (IHS) abuses against Indigenous bodies, white scholars moving to “indigenize” social work through the appropriation of Indigenous knowledge, “tribalism and shamanistic practices”, or examples of a comparative social work method that juxtaposes an Indigenous/rural community against a non-Indigenous/rural community.⁸⁸

While all of the aforementioned categories of research all command further analysis, particularly from a critical Indigenous feminisms and studies perspective, the last two, in particular, prove problematic within the subject of social work because they require Indigenous labor in the form of educating non-Native researchers and practitioners in the hopes that Indigenous labor and cultural knowledge alone can fix the American social services and welfare systems and stymie settler colonial imperatives from being self-fulfilled. They espouse cultural difference as a scholarly principle that must be upheld, which encourages a continuation of otherization.

And as James Youngblood Henderson and Marie Battiste argue, Indigenous heritage and knowledge is not for colonizers to profit from or collect for personal or

⁸⁸ For this I reference, Richard W. Voss’ “Tribal and Shamanistic-Based Social Work Practice: Lakota Perspective” wherein he uses the knowledge gained from his three other Lakota co-authors to argue that, while there is something inherently wrong with the Eurocentric social services systems, the alternative is a multiculturalism, wherein it becomes the duty of Indigenous communities to teach non-Native supervisors and administrators, as to inform their own analysis of social work. The knowledge transferred is based on Indigenous languages, cultural and ceremonial practices that are made to be distilled into digestible philosophies for a white audience. Essentially, because their children are being mass incarcerated, removed, hospitalized and institutionalized, the onus falls on Indigenous shoulders to fix the settler colonial systems and their sole responsibility, then, is to labor over the education of non-Indigenous service providers so they may learn to “indigenize their own consciousness”. See Voss, R. W., et al. “Tribal and Shamanic-Based Social Work Practice: A Lakota Perspective.” *Social Work*, vol. 44, no. 3, 1999, pp. 228–241., doi:10.1093/sw/44.3.228.

anthropological safekeeping.⁸⁹ Lastly, I understand how the ubiquitous comparative method models are intended to reveal the stark differences in program services, but this method unduly maintains whiteness and white privilege as the baseline for which tribal nations and their social services programs are always to be being evaluated against. What this does is uphold an American white normativity characterized by extraction, dispossession, and domestication.

To be clear, I am not advocating that all tribes must publish existing developments and reveal private or sacred information, but only to say that the current scholarship is finite and quite unhelpful to tribes insofar as, critical ways to understand their own sovereignty and possibilities of self-determination outside of the BIA. Some works provide important interventions in the discipline, whereas others only limit its development. Possible speculations as to why there is limited research on tribal social services programs extends to lack of funding, tribal secrecy, and/or finite number of Native social workers and researchers in this subject.

Non-Indigenous Social Workers—Below are works by non-Native scholars that address social work related to Indian youth and families but are not specific to working on tribal lands. In one study conducted by Mary Ann Jacobs and Merete Saus, they comparatively look at Indigenous populations in the U.S. and Norway to demonstrate how the nation's existing legal policies limit the implementation of culturally responsive

⁸⁹ Battiste, Marie, and James Youngblood. Henderson. *Protecting Indigenous Knowledge and Heritage: A Global Challenge*. Purich Publishing, 2012.

practices and leave the creation and implementation squarely on the shoulders on the workers and practitioners.⁹⁰

A 2014 study conducted by Marissa O’Neill and Debbie L Gonzalez take a comparative approach to juxtapose tribal conceptions of “family” to that within non-tribal programs. They argue that their study on nontraditional definitions of family can inform the discourse and language within social work practices. However, they begin by defining family as, “The traditional nuclear definition of family in the US (a father, mother and 2.2 children)... evolving from a majority of Western European descent” as the normative family structure.⁹¹ This is followed by a reciting census data from the 1980s to show immigration trends to demonstrate that this, “this familial transition [of the white, traditional nuclear family to Other is caused by] the fact that the US population is evolving from a majority Western European descent to a multicultural society”, as to assume that the Native was eradicated, thus making the U.S. a distinctly homogenous white country, and multiculturalism can be attributed to recent immigration.⁹² Or, what Aileen Moreton Robinson calls, the “white possessive logics” wherein white settlers rationalize the inculcation of national narratives that, “define and construct itself as the pinnacle of its own racial hierarchy.”⁹³

Not only does this study use Native American conceptions of “family” as a marker of cultural difference, it is magnified through their theoretical principles that argue, that

⁹⁰ Jacobs, Mary Ann, and Merete Saus. “Child Welfare Services for Indigenous Populations: A Comparison of Child Welfare Histories, Policies, Practices and Laws for American Indians and Norwegian Sámis.” *Child Care in Practice*, vol. 18, no. 3, 2012, pp. 271–290., doi:10.1080/13575279.2012.683777.

⁹¹ O’Neill, Marissa, and Debbie L Gonzalez. “Tribal and Non-Tribal Agencies.” *Journal of Comparative Social Work*, vol. 9, no. 2, 2014, pp. 148–173., doi:10.31265/jcsw.v9i2.115. pp.2-3

⁹² *Ibid.* pp.2-3.

⁹³ Moreton-Robinson, Aileen. *The White Possessive: Property, Power, and Indigenous Sovereignty*. University of Minnesota Press., 2015. pp.xx.

“[t]he discourse, or the way we talk about social work, also helps us to construct ideas about our social work practice.”⁹⁴ Their principles are patronizing to Native peoples insofar as, 1) assuming all Native peoples have a singular definition, and 2) their attempt to improve *discourse* it achieved by otherizing and diminishing Native histories. In social work scholarship, researchers often assume that mother, father and 2.2 children is what constitutes a family. This racist and gendered generalization circulates, not only within social work, but beyond, and continues to render Native communities vulnerable to the policies that are dependent upon this very premise.

Indigenous Social Workers— The literature of social work on tribal lands is nearly absent altogether, except for the work of a few esteemed Indigenous women scholars who are trained social workers themselves and have first-hand experiences in Indigenous communities. Their works, which I will discuss in further detail is anomalous in an entire body of work uses Native cultural difference and a signifier of analysis and inquiry.

A 3-part investigation conducted by NPR titled, “Native Foster Care: Lost Children, Scattered Families,” chronicles the stories of South Dakota Native families who have been persecuted by the biased foster care system that willfully removes Native children from their communities to be placed in non-Indian foster homes despite the Indian Child Welfare Act of 1978. Bob Walters, a council representative from the Cheyenne River Sioux tribe argues the challenges of subjectivity, stating that, “Neglect is subjective... what social workers call neglect, is often poverty — and sometimes Native tradition.”⁹⁵ The standards within conventional social work, while argued to be based on

⁹⁴ O’Neill, Marissa, and Debbie L Gonzalez. “Tribal and Non-Tribal Agencies.” *Journal of Comparative Social Work*, vol. 9, no. 2, 2014, pp. 148–173., doi:10.31265/jcsw.v9i2.115. pp. 8.

⁹⁵ Sullivan, Laura, and Amy Walters. “Incentives And Cultural Bias Fuel Foster System.” *NPR*, NPR, 25 Oct. 2011, www.npr.org/2011/10/25/141662357/incentives-and-cultural-bias-fuel-foster-system?sc=emaf.

the patronage of benevolence and concern, are paternalistic in nature and result in human rights violations. Domestication comes in in the form of a set of standards that are violently enforced upon Indigenous peoples. Social services and foster care workers are guilty of enforcing racist Western mores of sexuality, marriage, heteronormativity, religious conservatism and inadequate standards of care.

This subjectivity is also exacerbated by the financial incentives for states to remove children. The findings of their investigation reveal that states receive an estimated \$4,000 per child if placed in foster care, but according to federal records, if the child has "special needs," a state can get as much as \$12,000. A decade ago, South Dakota designated all Native American children "special needs," which means Native American children who are permanently removed from their homes are worth more financially to the state than other children."⁹⁶ Patrick Wolfe's, "logic of elimination" is enacted through their systematic removal which becomes mutually constitutive with policies that supports racial capitalism, or a political economy based on the taking of possession of Native children and futurities.⁹⁷

In a 1999 study conducted by Hilary D. Weaver she surveyed over 78 out of the 240 Native American students (BSW, MSW, Ph.D.) practitioners/administrators and/or professors of social work in the U.S. Her study sought to provide empirical research approach to contrast the overwhelming prioritization of theoretical and conceptual scholarship relating to the importance and utility of cultural competency within social work with Native populations. Where thirty-eight Native nations were represented (eighteen

⁹⁶ Ibid.

⁹⁷ Wolfe, Patrick. Settler colonialism and the elimination of the native. *Journal of Genocide Research*, 8(4), 2006

respondents demonstrated affiliation with two or more nations), the study focused on three main factors: Knowledge, Skills and Values necessary for working with Indian children in social work. This was one of the rare studies that privileged Indigenous social work voices and experiences. In her findings on Values, many responses emphasized power dynamics and, what was often referred to a “colonial presence.”⁹⁸ Of all her responses, there was little contradiction, rather a show of consistent themes. Two of them was historical and legal acumen, self-awareness of personal biases, social justice, awareness of the power dynamics and respect and understanding of Indigenous sovereignty. Related to sovereignty, they discussed how they must take cues of sovereignty from their clients, but also from tribal leadership/elders.⁹⁹

In a study by Kanaka Maoli scholar, Valli Kalei Kanuha, she reveals the multiple layers of the challenges Native researchers and practitioners experiences when they conduct research or provide a helping service within their own community or identity group. She troubles and critiques the notion of the objective researcher to emphasize how Native researchers, but more specifically, Native social workers are “caught in an ambiguous and conflicting situation, which provokes tensions and contradictions that keep him in a constant intellectual and existential crisis” by virtue of trying to reconcile their own Native status against the objectivity expected by them from the bureaucratic systems at be.¹⁰⁰

⁹⁸ Weaver, H. N. “Indigenous People and the Social Work Profession: Defining Culturally Competent Services.” *Social Work*, vol. 44, no. 3, 1999, pp. 222., doi:10.1093/sw/44.3.217.

⁹⁹ Ibid.

¹⁰⁰ Kanuha, V. K. “‘Being’ Native versus ‘Going Native’: Conducting Social Work Research as an Insider.” *Social Work*, vol. 45, no. 5, 2000, pp. 439–447., doi:10.1093/sw/. pp. 444

She makes important interventions by plainly stating that Native social workers are capable of exerting colonial violences via their own untouched internalized oppression. She prioritizes the roles of Native social workers and researchers, but also warns of a sense of schizophrenia that can occur by working in one's community. To this she recommends,

that it is not just nonnatives who require sound theories and skills to work with natives but native social workers need them as well...For many of us, being an insider with our clients and staff while also being an outsider who provides therapy to and supervises them are not easily reconcilable loyalties. We often share the social-political histories that have shaped our collectives lives as marginalized peoples, whereas our roles as agency directors, case managers, and professors require us to place those insider experiences in some separate and impartial context when dealing with staff, clients, and students in their specific and contrasting roles as our Others...referred to as a 'pattern of dislike' for other others but by those same patterns of self-hatred direct toward our own peoples because of centuries of internalized oppression.¹⁰¹

Her final recommendations are that the profession of Native social workers need to embrace broader ways of knowing and ways of being able to understand people, but what I think she's really suggesting is a practice in decolonizing one's mind and actions.

As demonstrated in the examples and case studies provided, the scholarship on the BIA and tribal social work is minimal and often contributes to maintaining white normativity. In the academy, this is counterproductive and unethical to participate in this maintenance of the status quo because, while federal bureaucracies function to preserve themselves, scholars should not play a part in governmental self-preservation. This proves that Indigenous peoples must not limit a critical analysis to just these two subjects but approach it through interdisciplinary methods. Moreover, they must, not only produce their own scholarship, but conceive of their own policies and practices.

¹⁰¹ Ibid. pp.445

PART IV. –Tribal Social Work

This next section seeks to destabilize the privileging of academics and governmental agencies as the experts, but rather the everyday social workers whose life's work largely goes unnoticed in efforts to silence them. I do so by focusing on four personal interviews of current and former BIA social workers and administrators.¹⁰² Most recently, they each work(ed) with multiple New Mexico tribes, as well as tribes throughout the U.S. with an average of fifteen to twenty-five years of experience in Indian child welfare. I have had the honor of in/directly working with three of the four, and I have witnessed their fervor, compassion, expertise and creativity resulting in the protection of many Native children and families. I have attempted to thematically organize their interviews to demonstrate how their personal politics of Indigenous sovereignty has required them to collectively create their own policies and practices that are drawn from their individual regions, relationality, economies, oral histories, languages, customs and ceremonies. Together they offer a myriad of epistemologies of decolonization, tribal challenges/limits, and other insights that go unaddressed in the academy, BIA, tribes, social workers and administrators.

What Indigenous voices offer is a break from the maintenance of white normativity including, generalized prejudice related to Native families, cultures, traditions, and futures. They demonstrate that for Indigenous peoples, it is nearly impossible to make generalizations because all tribes and communities are distinct. To that end, it communicates that there is no singular response to the BIA and how they choose to employ their inherent sovereignty.

¹⁰² Three are members of the Diné, Pueblo, Hopi nations, and one is non-Native.

Tribes must maintain a healthy suspicion of the law because despite its language and assurances, we must ask, *what are the byproducts of any given law?* Jack Forbes (Lenape) states that, “acquiring political independence doesn’t mean that you’re psychologically or economically liberated. You may have become politically liberated in the sense of the structure of government, but your mind is still possessed by the colonial system that controls you, and economically assets may be owned by the people by the outside.”¹⁰³ This quote summarizes the complexities and paradoxes in government-to-government relationships through the notion of possession.

Aileen Moreton-Robinson explains this notion of possession in her engagement with whiteness studies, in what she calls “white possessive logics” and defines it as, “a mode of rationalization . . . underpinned by an excessive desire to invest in reproducing and reaffirming the nation-state’s ownership, control and domination” over Indigenous lands and bodies.¹⁰⁴ For her, these possessive logics of whiteness are fundamentally and naturally patriarchal and paternalistic. They are self-aggrandizing by the need to create narratives about their white superiority. These logics are valued and encouraged within white society because they are invested in keeping Indigenous peoples small, static and somnolent to a way to perpetuate their domination. The fallacies they circulate have come to inform how tribes view themselves.

One important intervention in critical Indigenous studies and feminisms studies that began with the work of seminal scholar, Vine Deloria Jr. (Standing Rock Sioux) and is demonstrated in the works of Susan Hill (Haudenosaunee), Jennifer Nez Denetdale (Diné)

¹⁰³ Forbes, Jack D., “Who was Columbus? Jack D. Forbes (1990)” October 13, 2019. Episode 1. Apple Podcasts. November 3, 2019.

¹⁰⁴Moreton-Robinson, Aileen. *The White Possessive: Property, Power, and Indigenous Sovereignty*. University of Minnesota Press., 2015. pp. xxi

and J. Kehaulani Kauanui (Kanaka Maoli) is the interrogation of colonial historiographies. Tribes and social workers can employ this same practice, not only this is an act of refusal, but also as an act of recovery.

Something that many workers address in their interview is the responsibility to kindness, respect and mutual care. Mutual care is not only demonstrated in on the ground social work, it is displayed in not taking juridical, national, legal, or scholarly terminologies for granted by the deconstruction of racist blanket historiographies, creating policies and practices that are culturally and tribally relevant, using trauma-informed approaches, and beyond. The topics to follow complicate and support these endeavors towards self-determination and self-governance through their critical assessment of the current challenges facing tribes.

Brainwashing/Domestication— Many communities suffered the devastating effects of the BIA boarding schools system that forcibly removed children from their communities. The boarding or residential school “spanned several generations and affected [hundreds] of tribes in the United States and Canada.”¹⁰⁵ Many Natives alive today recall the violence and inhumanity within these systems. Coinciding with this assimilative practice, was the mass and forced removal of Indian children for the adoption of white families. In 1958 the BIA created the Indian Adoption Project that was carried out by the Child Welfare League of America (CWLA) under the belief that, if not placed in boarding schools, Indian children would be better served being raised by white families.¹⁰⁶

¹⁰⁵ Child, Brenda J. *Boarding School Seasons: American Indian Families, 1900-1940*. University of Nebraska Press, 2012. pp.8.

¹⁰⁶ Jacobs, Margaret D. *A Generation Removed: The Fostering and Adoption of Indigenous Children in the Postwar World*. University of Nebraska Press, 2014. pp. 30

During the Cold War, the BIA and CWLA sanctioned a set of Anglo-American standards that sought to domesticate Native children and families. They violently employed what was called the,

principles commonly regarded as desirable in family life in the United States:

1. The father works and support his family to the best of his ability.
2. The mother cares for her home and her children, keeping them clean, well fed, properly clothed and happy.
3. Both parents maintain for themselves and establish for the family standards of morality.
4. The parents are concerned for the education and the future of their children.¹⁰⁷

The white logics of possession rationalized the removal, or taking possession of Indian children, as well as the insertion of these standards of whiteness which assume heteronormativity, respectability, marriage, family, morality, sexuality and gender, all of which are inherently subjective, gendered and racialized. By introducing these brief histories and racist principles, I highlight what many workers are referring to when they cite historical brainwashing.

The pathologization of Indigenous peoples through perceived inhumanity is a strategy of domination and ownership that enables “distance to be maintained and justified various policies of either extermination or domestication”, as demonstrated in the BIA.¹⁰⁸ One worker muses on how the basic structure of the Department of the Interior that, “oversees the management of natural resources, agriculture, wildlife, and then there are the ‘American Indians’. Native Tribes are under the same category of animals” reminding Native peoples of their subhuman status as wards of the U.S.¹⁰⁹

¹⁰⁷ Ibid. pp.26

¹⁰⁸ Tuhiwai-Smith, Linda. *Decolonizing Methodologies: Research and Indigenous Peoples*. London: Zed Books. 2012. pp. 26

¹⁰⁹ Anonymous 1. Interview by April K. Chavez. Email Correspondence. 28 November 2019.

In discussing the challenges that our communities face, both in and out of the context of the BIA, every single individual described the psychology of tribal communities as one that has been “brainwashed.”¹¹⁰ Exclaiming that tribes and “peoples have become so indoctrinated over centuries” through colonial violence and oppression that it has altered our behaviors and thought processes.¹¹¹ Many examples that were shared in the interviews indicate that, for all intents and purposes of assimilation and extermination, Native peoples are disciplining each other enough to not require the BIA.

They each shared an overwhelming experience in grief and poor self-esteems in their families and the communities at large. Evelyn Blanchard recalls the pervasive and overt attitude of many BIA administrators and workers as one of, “be grateful for what you’re given,” and says that this treatment is “reminiscent to the days of rations” where the government determined who could eat, who would survive.¹¹² This attitude conveys to Natives that they only deserve what they’re given, and nothing more.

Another worker sadly shares how the administrative oversight and domination has made tribes believe that they are incapable. She refers to tribal hiring practices in high ranking positions. Stating that, in certain instances, in lieu of hiring an educated person from their community, they will seek out non-Indian candidates in the backwards belief that maybe, “because they’re not a part of us, they must be better.”¹¹³ Yet, another found that Native or not, “BIA workers can be downright mean” to community members, and said that, in his experience, he sadly reports that he’s, “rarely found a BIA worker who had

¹¹⁰ Anonymous 2. Personal Interview. 2 July 2020.

¹¹¹ Blanchard, Evelyn L. Personal Interview. 30 June 2020.

¹¹² *Ibid.*

¹¹³ Anonymous 2. Personal Interview. 2 July 2020.

compassion and the ability to empathize” in a way that was transformative and helpful to families.¹¹⁴

In another example, a worker describes a gender dynamic among the women in the community where they respond with intolerance for other women and mothers as a way of relating to them. Rather than be supportive, they would respond by “pointing out something wrong with a woman, rather than to look at all the good she possesses.”¹¹⁵ She discussed how female workers often passed judgement on mothers based on their appearance, if they were unmarried, had children from multiple partners, or had multiracial children.¹¹⁶

Many posited that colonization, oppression, trauma, violence, and addiction have informed these learned behaviors that result in intraracism, unkindness and prejudice, often in the forms of anti-Blackness. They suggest that the answer to the dissolution of such maltreatment of our own peoples is to look to traditional forms of relationality and responsibility to one another to correct our thinking and behaviors because through cultural teaching, “we already possess everything we need in order to make our families [and communities] well,”¹¹⁷

Heteropatriarchy/Toxic Masculinity— This subject was gently raised several times and in very brief moments. They cited their apprehension to speak about tribal leadership and community dynamics as a break from community convention to avoid and remain silent about gender dynamics.

¹¹⁴ Montoya, David. Personal Interview. 1 July 2020.

¹¹⁵ Anonymous 2. Personal Interview. 2 July 2020.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

Duane Champagne provides the only exegesis of BIA in his 1970s article, “Organizational Change and Conflict: A Case Study of the Bureau of Indian Affairs” which outlines the history and structure of the BIA to arrive at the conclusion that its primary function is to preserve itself by controlling tribes through “internal bargaining relation and authority structure.”¹¹⁸ He cites the Indian New Deal era and the Indian Reorganization Act (IRA) of 1934, as a point where the adoption of constitutional governments and elections, that was encouraged and administered by the BIA, as a fundamental point of departure from traditional leadership and social structures, including the treatment of women in the community, and their leadership roles.¹¹⁹

One worker alluded to and supported Champagne’s assertion to their tribal governmental structures is one reason that keeps women silenced and outside of important leadership roles. This worker then cited their traditional teachings on equality that are inherent in their oral stories. To essentially argue that we must analyze the, “conditions of our existence and the disciplinary knowledges that shape and produce Indigeneity,” in the present moment.¹²⁰ This analysis of how we produce and enact our Indigenous identity should also include an analysis of how our communities maintain gender roles and subscribe to gender binaries.

In another worker’s recommendations on how tribes can reimagine Indian child welfare outside of the BIA, is by inviting non-male leaders into the conversations about

¹¹⁸ Champagne, Duane. “Organizational Change and Conflict: A Case Study of the Bureau of Indian Affairs.” *American Indian Culture and Research Journal*, vol. 07, no. 3, 1983, pp. 3–28., doi:10.17953/aicr.07.3.bpp1631722t91459. pp.26

¹¹⁹ *Ibid.* pp.6

¹²⁰ Moreton-Robinson, Aileen. *The White Possessive: Property, Power, and Indigenous Sovereignty*. University of Minnesota Press., 2015.pp. xvii–xviii

community needs. In an apprehensive tone, she states that men cannot speak for all community members, so we need to center women's and non-gender conforming voices to reflect the needs of our people.¹²¹

Economic Development—Several interviewees observed tribes' preoccupation with economic development as the only way to conceive of sovereignty within that tribal nation. The problem with this view is it speaks to the politics of bestowal wherein sovereignty exists and only exists when acknowledged by the federal government and their agencies. It denies its inherent value and nature by conceiving of it as only transactional. It also fails to remember that, it is not governments, economies, or businesses that make up sovereign tribal nations, but rather, "sovereign people make...sovereign nations."¹²²

Secrecy—An important caveat in matters of secrecy are the very strict taboos about discussing Native communities, particularly important to the Pueblos, relating to tribal government and the innerworkings of tribal communities. All of the workers expressed trepidation in not wanting to overshare in fear of disrespecting tribal conventions of keeping tribal matters private. However, for tribes this transcends confidentiality and concealment because secrecy has proven to be an effective and subversive tool in surviving under settler colonial occupation while preserving traditional knowledge and practices. They have maintained their ancestral languages, dances, ceremonies, and shrines for over a millennium despite the threat of colonization, assimilation and extermination at the hands of settler colonizers, most recently, known as the U.S. federal government.¹²³

¹²¹ Anonymous 2. Personal Interview. 2 July 2020.

¹²² As reiterated from the Blanchard, Evelyn L. Personal Interview. 30 June 2020.

¹²³ Prior to that, Pueblo people of, what is now New Mexico, have experienced previous invasions that indelibly changed the region—first with the Spanish, invasion of the sixteenth century, followed by the American conquest during war with Mexico in the nineteenth century. See Sando, Joe S. *Pueblo Nations: Eight Centuries of Pueblo Indian History*. Clear Light, 1998.

In light of a colonial history, Evelyn Blanchard specifically cites the American response after the Treaty of Guadalupe Hidalgo, where tribes witnessed, “Anglos going into the communities, taking and destroying things, and prohibiting, so people had to do things in secret. It was all of those experiences that come together in various ways that create the behaviors we see today.”¹²⁴ In another interview a Pueblo worker meditates on the Pueblo Revolt of 1680 as the beginning of secrecy and another reason why tribal community have responded by “keeping people out.”¹²⁵ Simply, secrecy offers a “safe way to live” under the constant threat of colonial invasion and dispossession, especially today.¹²⁶

Indigenous Intelligentsia & Philosophies— Oren Lyons (Seneca) reminds tribes that, “we cannot forget that the language of sovereignty carries practical power; it is not merely theoretical or rhetorical flourish”¹²⁷ The memory of Indigenous peoples is crucial to how we function today. This act of remembrance can serve to empower people and tribes to rely on the tools and histories that are inherent in their cultures and communities. In interviews many emphatically and impassionedly stated that we must always remember that “we [already] know what we need to know” to survive.

Evelyn Blanchard melancholically says that, “Native peoples [act as though they we] have no intelligence, or philosophical traditions...there’s such an over covering effort [by settlers and tribes], continuous and universal, to essentially diminish, negate and discredit any kind of tribal philosophies. We don’t even promote and recognize the

¹²⁴ Blanchard, Evelyn L. Personal Interview. 30 June 2020.

¹²⁵ Anonymous 2. Personal Interview. 2 July 2020.

¹²⁶ Blanchard, Evelyn L. Personal Interview. 30 June 2020.

¹²⁷ Cobb, Amanda J., “*Understanding Tribal Sovereignty: Definitions, Conceptualizations, and Interpretations.*” *American Studies*. Vol. 46 Num. 3/4 (2005): pp.122

intelligentsia that we have in our communities.” She responds to this despondence by asserting that, “We didn’t get this far by being dumb.”¹²⁸

Another worker states that tribes, “have lived with their natural and fundamental laws for centuries and its worked. Western beliefs have changed native communities and established a ‘white man’s’ way of thinking, governing, and implementing. Restorative justice and Indigenous healing have roots within natural law and therefore the process is more natural and human, so we must use those gifts.”¹²⁹ Described as both tools, skills, or gifts, they are unequivocally ours and they will help us “take care of our people for generations to come.”¹³⁰

Finally, Clyde Warrior (Ponca) reminds us that “intellectual sovereignty is based on the notion of sovereignty as an open-ended process, a beginning step rather than an ending...[to] allow the definition and articulation of what that means to emerge as we critically reflect on that struggle.”¹³¹ This act of reflection, then, must always defer to the ancestral teachings and philosophies of our peoples. Thereby, intellectual sovereignty begins through the courage of remembering. A process that is cyclical and never complete.

Indigenous peoples come from legacies of great philosophers, scientists, architect, engineers, mathematicians, theologians, botanists, and healers whose intelligence, wherewithal, and courage has brought us to this present moment. Our philosophies, epistemologies and languages provide, not only the capacity for survival, but also the capacity for great care. The capacity to prosper under our own doctrines. The capacity to

¹²⁸ Blanchard, Evelyn L. Personal Interview. 30 June 2020.

¹²⁹ Anonymous 1. Interview by April K. Chavez. Email Correspondence. 28 November 2019.

¹³⁰ Anonymous 2. Personal Interview. 2 July 2020.

¹³¹ Cobb, Amanda J., “*Understanding Tribal Sovereignty: Definitions, Conceptualizations, and Interpretations.*” *American Studies*. Vol. 46 Num. 3/4 (2005): pp. 124.

remember and reveal our own powers; ones that existed, and still may, if we refuse to forget; in harmony on our lands, forever undivided.

PART V.—Restorative Practices

Generations of colonial violence enacted on Indigenous bodies, spirits and lands have become “embodied pain, shame, distress, anguish, humiliation, anger, rage, fear, terror.”¹³² Compacting our archives of trauma are the present realities of mass incarceration, institutionalization, sexual violence, ecoterrorism, missing and murdered Indigenous relatives, addiction, and material poverty, to name a few. These shared experiences create shared memories among generations, tribes, races, spaces, and families. When grief is left unresolved and unhealed, it penetrates our psyches and spirit.¹³³

Healing—Healing, or to heal is a deeply political act. For this reason, Dian Millan (Tananan Athabascan) warns that, in a time of new ageism, neoliberal multiculturalism and human rights, we must be aware of the entities that claim to be recuperative, therapeutic or healing.¹³⁴ Given our collective and individual traumas, the law or psychology will never serve as a panacea for Indigenous nations particularly when they clandestinely coerce Indigenous peoples via therapies into conciliatory relationships with the state making it difficult to implement their own practices of healing and justice.

¹³² Million, Dian. *Therapeutic Nations: Healing in an Age of Indigenous Human Rights*. Tucson: University of Arizona Press, 2014. pp.76

¹³³ Deer, Sarah. *The Beginning and End of Rape: Confronting Sexual Violence in Native America*. Paw Prints, 2016. pp.70

¹³⁴ Million, Dian. *Therapeutic Nations: Healing in an Age of Indigenous Human Rights*. Tucson: University of Arizona Press, 2014.

David Montoya demonstrates how, in social work, psychological therapy and healing become incompatible within the BIA practices stating that where, “traditional healing was restorative, many are required to see a therapist and that dynamic [of power and enforcement] makes it punitive.”¹³⁵ An overwhelming viewpoint from all the social workers was that, “there’s been enough punitive justice in Indian country,” it only further oppresses people, and it is time to rely on our philosophies and practices of kinship, healing and justice.¹³⁶ Montoya ends by saying, “if you look at our neurobiology, we’re going to heal and get better, not through therapy or because someone gave us something [such as a pill, but] because we have relationships [in our communities] where we feel valued.”¹³⁷ He emphatically ends by saying that, “Relationships heal!”¹³⁸

Healing is sovereignty in practice. Many have remarked that our strength comes from our ancestral teachings and philosophies, and we need only to employ them for our paths to wellness and healing to open itself to us. They inform the tangible and intangible. Our Indigenous leaders and carriers of language and knowledge must enjoin the entire community and continue leading paths into our futures that is informed by our pasts. In recognition that reverting back to the past is moot and unproductive, and so we must carry our histories, knowledges, prayers, and philosophies as places of strength, meditation and spiritual guidance into new futures.

Justice— Many Indigenous peoples name “colonialism as the root pattern of harm,” and “frame the task of justice in terms of what needs to be healed.”¹³⁹ Settler colonial

¹³⁵ Montoya, David. Personal Interview. 1 July 2020.

¹³⁶ Ibid.

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ McCaslin, Wanda D. “Introduction: Naming Realities of Life” *Justice as Healing: Indigenous Ways*. St. Paul, MN: Living Justice Press, 2005. pp.13

paradigms of justice are incommensurable with Indigenous paradigms. The forced assimilation of their application within Indigenous communities has led to mistrust and premature death. To this, Ada Melton Pecos (Jemez) advocates that:

Nonetheless, tribes need to identify their community strengths and view on justice, law and order... Tribes have the sovereign and cultural right to explain, interpret, change, enact, and apply their own laws—oral and written—through whatever mechanism they choose... American Indian and Alaskan Native people have the clearest understanding of their Indigenous law ways because they live them. They must be the messengers of this law to preserve its integrity, authority, power and meaning to the people.¹⁴⁰

She argues that, not only do we have the sovereign right, but also the responsibility to perpetuate our culture through creation of laws, policies and practices that directly inform our ability to prosper and self-govern.

Kinship— What is done to Indigenous land is done to Indigenous bodies. Our teachings of relationality tell us that we are our lands, yet the “complex justice system of jurisdictional authority” in settler colonial law seeks to break these connections.¹⁴¹ In the introduction I gestured to the nuclear and mining economies that are knowingly poisoning the lands of all New Mexico tribes. I did so as a way to bring forth that the same conditions of brutalities and traumas brought on by the Bureau of Indian Affairs are the same as what is being performed by the Department of Energy because they both ascribe to the white possessive logics of dispossession, and simultaneous taking of possession. In this way, extractive capitalistic economies, Indigenous people and their territories provide the “caloric basis for imperialism” in New Mexico, and throughout the world.¹⁴²

¹⁴⁰ Pecos Melton, Ada, “Indigenous Justice Systems and Tribal Society.” in *Justice as Healing: Indigenous Ways*, edited by Wanda D. McCaslin, 108-120. St. Paul, MN: Living Justice Press, 2005, pp. 118.

¹⁴¹ Casselman, Amy L. *Injustice in Indian Country: Jurisdiction, American Law, and Sexual Violence against Native Women*. New York: Peter Lang, 2016. pp. 130

¹⁴² Karuka, Manu. *Empires Tracks: Indigenous Nations, Chinese Workers, and the Transcontinental Railroad*. University of California Press, 2019. pp.45

To these overt and intimate forms of possession, Alyosha Goldstein asks, “What manner of nourishment and habitation allows for subsistence and resistance? What forms of anticolonial materialism take shape in struggles against perpetual hunger, disposability, displacement, and distribution of early death?”¹⁴³ These set of questions challenges tribes at their very core, taking to task the efficacy of their opening prayers, their administrative promises and their declarations of sovereignty. It brings to the surface the realities of death, hunger and grief. It speaks to our relatives who go missing without a trace, to the authorities who refuse to act, and to the mothers who succumb to their sadness through addiction, to the mothers who have nothing to offer their unborn infants. But above all it makes clear that fallacies and hollowness of U.S. settler colonial sovereignty, policies, practices and promises of self-determination particular to Indian child welfare on reservations today.

Conclusion

When Indigenous sovereignty mutates into despotism and oppression against its own people, Indigenous conceptions justice and healing are an opportunity to refuse death and dispossession as axiomatic. Judge Bria Huculak asserts that by, “[s]hifting the healing, restorative function back to the community—both Aboriginal and non-Aboriginal—is a start in changing the hierarchy and paternalistic structure of our justice

¹⁴³ Goldstein, Alyosha. “The Ground Not Given: Colonial Dispositions of Land, Race and Hunger”. *Social Text* (2018) 36 (2 (135)): pp.93

system [including Indian child welfare systems].”¹⁴⁴ This does not, only, begin and end with the federal government or policy changes, but with the communities themselves and the self-actualizing work they must do. In these efforts, we must not start at tribal social services programs and work backwards to arrive at our relationship to our lands and political economies, but rather envision land, language, family, culture, justice, social services, kinship, capital, tribal government, healing, and ceremony to exist as individual concentric circles that interact in diverse ways to create various formations or links much like raindrops on the Rio Grande and San Juan rivers that feed all twenty-three tribal nations of New Mexico. With tears in her voice, one worker reminds us all that the power to heal, the power to create, the power to refuse, “is already in us. It’s in our sprit, it’s just been dormant. [Colonization] keeps it sleeping, but we need to wake it up. It is time!”¹⁴⁵

¹⁴⁴ Hucuklak, Bria. “From The Power to Punish to the Power to Heal.” *Justice as Healing: Indigenous Ways*. St. Paul, MN: Living Justice Press, 2005. pp.164-165.

¹⁴⁵ Anonymous 2. Personal Interview. 2 July 2020.

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