

CHAPTER SEVEN

Dysfunctional Theology and the Spread of Settler Colonialism



"IF SLAVERY WERE LEGAL, I'd probably have two myself. That would not have made me a racist."

I (Mark) get my fair share of ignorant comments on my social media. But this one took the cake. A few minutes later another person commented, challenging the above statement as dehumanizing and calling for this person to "have a heart." But the individual quickly shot back: "On the contrary my dear, I have a big heart but the law is the law. I would have slaves but I wouldn't treat them harshly because after all, we are all humans. Last time I checked, slavery was acceptable back in the Bible days. So, if slavery was cool with God, it's cool with me."

Human beings will often attempt to justify their blatantly sinful biases. This individual does not want to view himself or be known as an evil person. But he also does not have a moral or ethical problem with owning another person and forcing them to work for him without choice or compensation. He clearly stated that the only thing

preventing him from participating in the dehumanizing institution of slavery was the question of its legality. If it were legal, he would happily participate.

As a general rule, I do not respond to comments on social media. However, this individual nearly caused me to break my rule. But I restrained myself. If I had responded, I would have wanted to ask this individual: “If slavery were legal today, what makes you so confident that you would be a slave owner and not one of the enslaved?”

The Kirwan Institute for the Study of Race and Ethnicity at Ohio State University defines implicit bias as “the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner.” They also identify some characteristics of implicit bias:

Implicit biases are pervasive.

Implicit and explicit biases are related but distinct mental constructs.

The implicit associations we hold do not necessarily align with our declared beliefs or even reflect stances we would explicitly endorse.

We generally tend to hold implicit biases that favor our own ingroup.¹

Implicit biases reveal how our brains create associations between ourselves and those around us. In the United States, the human construct of race is vitally important to how we relate to one another—so important that we include questions for it on surveys, the US census, and nearly every important application. Racial biases exist in the atmosphere of American society, and most every American, regardless of race, has an implicit racial bias.

The implicit racial bias of the person commenting on social media was that he was somehow superior to others. This implicit bias is what allowed him to condone the institution of slavery, which was based on race. He revealed his biased assumptions when he said that if slavery were legal, he would gladly participate in it. He would

certainly have a different opinion of the institution of slavery if he and his race were the ones being enslaved.

THE PERSISTENT EXPRESSION OF A DISEASED IMAGINATION

With the passing of the Thirteenth Amendment, the explicit racist institution of chattel slavery for African people abated in the latter half of the nineteenth century, but it quickly gave rise to the abhorrent lynchings and the segregation of Jim Crow. Meanwhile, the ethnic cleansing and genocide of Native people increased in frequency in the second half of the nineteenth century. Going into the twentieth century, chattel slavery had ended, but the destructive narrative of white supremacy was in full bloom and finding new systems and structures through which to express itself. The country was not growing a conscience nor was the dysfunctional social imagination being rehabilitated. Instead, modern American Christian society was finding increasingly creative ways to justify the blatantly evil lie and actions of white supremacy. Implicit expressions were replacing more explicit ones. A diseased mediating narrative had formed and became deeply embedded in the American social imagination and in American society. In the latter part of the nineteenth century, the implicit assumption of white supremacy found particular expression in the rhetoric around the Indian problem.

The United States claimed rights derived from the Doctrine of Discovery and from the mythology of the exceptional nature of their God-endowed spirituality and humanity in its founding documents. As was their supposed God-given right, the American colonies could fulfill their destiny with further westward expansion. The American colonies and later the nation of the United States would see their presence in North America as a God-blessed, even a God-ordained event. Over the next several centuries, this thinking matured into an

understanding that not only was this new nation to be a city on a hill, but it also had a divine mandate to conquer, occupy, and rule this land from “sea to shining sea.”

The Second Great Awakening of the late eighteenth century witnessed both spiritual renewal and numerical growth in churches. As religious fervor swept throughout the land, the colonists continued to move westward. White settlement surged past the Appalachian Mountains and past the Mississippi River. Western expansion would also often be seen in religious terms. For example, in the early nineteenth century, the term “Manifest Destiny” was introduced, reflecting the belief that this young nation has the God-given right to rule the entirety of the North American continent.

John L. O’Sullivan, editor of the *United States Magazine and Democratic Review* coined the phrase “Manifest Destiny” in 1845. O’Sullivan used the term “to explain God’s unique mission for America. That mission was to civilize and democratize the North American continent through the acquisition of territory westward to the Pacific Ocean.”² If the thirteen colonies had been founded by an exceptional people with superior, physical, intellectual, and spiritual characteristics, that exceptionalism would have no choice but to seek expansion. The Doctrine of Discovery had encouraged the conquest of a lesser people by a greater people. Therefore, the exceptional Anglo-Saxon people of the thirteen colonies would need to expand their influence and power: “America saw itself as a bulwark of Western civilization centered on belief in God. . . . And in the twenty-first century, most Americans continue to believe that their nation is indispensable and exceptional. . . . The concept of exceptionalism remains the guiding paradigm in self-identification for most Americans.”³ While Manifest Destiny does not directly reference the papal bulls of the fifteenth-century Catholic church, the understanding of

chosen-ness and the legacy of promised lands align closely with the imagination and narrative of the Doctrine of Discovery.

The theological imagination of the young nation would both contribute towards and be shaped by the social imagination of American exceptionalism and the impetus to spread this exceptionalism to the Pacific coast. The familiar patriotic anthem “America the Beautiful” contains the phrase from “sea to shining sea.” This patriotic song was originally written as a hymn in the late nineteenth century by Katharine Lee Bates, an English professor at Wellesley College. The lyrics would be published in the denominational journal of the Congregational Church, *The Congregationalist*, in 1895.⁴

In “America the Beautiful” we see the blatant conflation of American greatness with Christian faith. A hymn sung in the church would be steeped in the dysfunctional social imagination of American greatness and the inevitability of American triumph. The lyrics speak of a majestic land of “amber waves of grain . . . purple mountain majesties . . . [and] fruited plain” that has been conquered by “heroes proved in liberating strife, who more than self their country loved.” Both the social and theological imagination are emboldened with the prayer, “God shed His grace on thee, and crown thy good with brotherhood from sea to shining sea.”⁵ A Christian hymn explicitly justifies the white American Christian quest for Manifest Destiny. Even a modern interpretation of the hymn states that “each time we join together in singing the vividly descriptive lines of ‘America the Beautiful,’ we are moved emotionally as we contemplate the wonders of our great nation. The scenic beauties, the courage of the early settlers, and the sacrifices of heroes in battle all stir us to avid appreciation of our country’s heritage.”⁶ The enmeshment of the social and theological imagination resulted in a deepening of the dysfunctional mediating narrative of American society.

As the nation began to grow and expand, the social imagination of the Founding Fathers became entrenched in society as well as in various social structures and systems, including the legal system. For example, the *Dred Scott* decision of 1856 affirmed the dysfunctional social imagination of the Founding Fathers. The decision asserted that African Americans “are not included, and were not intended to be included, under the word ‘citizens’ in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to the citizens of the United States. On the contrary, they were at that time considered as a subordinate and inferior class of beings, who had been subjugated by the dominant race.”⁷ A Supreme Court case filed by an individual seeking freedom through legal channels affirmed that the United States Constitution was not written for nonwhites. The great project of democracy was launched with only white men in mind as beneficiaries.

The *Dred Scott* decision also touched upon the US government’s relationship to the Native community. Native tribes would be seen as foreign entities. The Supreme Court had already ruled in 1831 (*Cherokee Nation v. Georgia*) that Native tribes were “domestic dependent nations” existing ‘in a state of pupilage. Their relation to the United States resembles that of a ward to his guardian.’⁸ The case left open the possibility that the US government could provide instruction and correction for the Native tribes. An inherently racist bias is also evident: “The people who compose these Indian political communities have always been treated as foreigners not living under our Government. It is true that the course of events has brought the Indian tribes within the limits of the United States under subjection to the white race.”⁹

The *Dred Scott* decision, therefore, affirmed what was already embedded in the social imagination of the American people. Africans and Natives were considered less than human. They would be

candidates for correction and tutelage by a superior people group. The entrenchment of this social imagination from the very beginnings of the United States would find a wide variety of expressions throughout the country's history.

JOHNSON V. M'INTOSH AND NATIVE LAND RIGHTS

In the process of westward expansion, the Doctrine of Discovery would be directly invoked to justify the stealing of land from people who already occupied it. The landmark Supreme Court decision of 1823, *Johnson v. M'Intosh* (21 US 8 Wheat. 543),¹⁰ provided that legal justification: "The Supreme Court said that, under Discovery, when European, Christian nations discovered new lands, the discovering country automatically gained sovereign and property rights over the lands of non-Christian, non-European peoples, even though, obviously, the native peoples already owned, occupied, and used these lands."¹¹ The Native occupants of the land would be deemed inferior to the superior claims of the image-bearing Christian presence of European settlers. This sense of sovereignty and superiority of the European-American people would be a common-sense assumption explicitly and implicitly expressed throughout US history.

In 1823, litigation over a piece of land in Illinois escalated to the Supreme Court, which would issue the *Johnson and Graham's Lessee v. M'Intosh* verdict. As legal scholar Eric Kades describes,

M'Intosh involved conflicting claims to large tracts of land in southern Illinois and Indiana. The plaintiffs made their claim under deeds obtained directly from the Indians. . . . The defendant countered with supposedly conflicting claims to some of the same land under a United States patent. . . . The *M'Intosh* verdict held that a discovering sovereign has the exclusive right to extinguish Indians' interest in their lands, either by purchase or just war.¹²

While seemingly a simplistic legal statement, the unique aspect of the verdict was how the Supreme Court would invoke the Doctrine of Discovery, which was rooted in the warped theological imagination of the European mind, as legal precedent for federal Indian law. At the heart of the case was the question of whether the United States government would recognize the human agency and authority of Native tribes to have primacy over their land.

Stuart Banner in *How the Indians Lost Their Land* explores the question of whether the English colonists viewed the Native Americans as the actual owners of North America. If the land rights of Native Americans were recognized, the colonists would have to purchase the land. Banner argues that there was a general understanding among the colonists that Native Americans owned the land. Even beginning with the baseline assumption that recognized “the Indians as owners of the whole continent,” the land was believed to be “disproportionately large to the Indians’ small numbers.”¹³ Native claims to land, therefore, were recognized in the colonial era. Any additional claim would need to be superseded by another legal assertion to deny the common assumptions that Natives owned the land.

In line with this belief, the story of the *M'Intosh* case begins with a land purchase from the Illinois tribes. The Illinois Land Company under the direction of William Murray purchased land in southern and central Illinois in a deal “with the remnants of the once great Illinois tribes, [whose] population had dropped from around 12,000 in 1680 to 1,720 in 1756, to 300 in 1800, as they fell victim to European disease and Indian enemies on all sides.” The Illinois tribes closed the land deal on July 5, 1773, in exchange for a wide variety of goods.¹⁴

A few years later, the same William Murray who negotiated the first deal “recruited a prominent local Frenchman, Louis Viviat, as a partner and agent.” Viviat would negotiate with the Miami Indians on behalf of the Wabash Company. “Like the Illinois tribes, the Miami

as a group suffered precipitous population declines after contact with Europeans; their numbers fell from 7,500 in 1682 to just over 2,000 in 1736.” The deal closed on October 18, 1775, with similar conditions negotiated between the Illinois Land Company and the Illinois tribes, which would have been a very low price given the very large swath of land.¹⁵

On March 13, 1779, the two companies would merge, and Wilson would become the chairman of the now single company.¹⁶ The land in question in the *M'Intosh* verdict, therefore, would trace their land ownership to purchases from both the Miami and Illinois tribes that would cover all of the land in question. Furthermore, the circumstances of the land sale would indicate that tribes shrinking from the adverse effects of European colonial settlers needed to sell the land for survival. In other words, the Illinois and Wabash companies purchased land from Native tribes who were under duress from the very incursion that these companies would represent.

The United Illinois and Wabash Companies attempted to lobby for legislation to affirm their rightful ownership of the land. However, in 1792, a United States Senate committee ruled that “deeds obtained by private persons from the Indians, without any antecedent authority of subsequent confirmation from the government, could not vest in the grantees . . . a title to the lands.”¹⁷ The United States government sought to leave open the question of rightful land ownership and reserve the right to claim the land for its own use. According to Miller, et.al., President Thomas Jefferson told a gathering of tribal leaders in Washington, DC, “that they owned their lands and possessed the legal rights of use and occupancy, and that the United States was the only possible buyer of their lands whenever they were willing to sell.”¹⁸

In the following administration, the Americans would claim against the British Empire, the “right of preemption because Indian nations did not have ‘the right to sell their lands to whom they pleased’

or ‘to dispose of their lands to any private persons, nor to any Power other than the United States.’”¹⁹ Using the Doctrine of Discovery to declare themselves the only eligible purchaser of tribal lands, the United States government manipulated the land market by creating a monopoly through which it was able to suppress land prices, thus effectively cheating Native tribes out of their lands. These actions reveal the diseased social imagination of the United States government, as it brazenly claimed its “promised land” from a defeated, and supposedly inferior, people. As Kades points out: “The meager surviving bands ceded their lands in large part for the protection of the United States.”²⁰

Both claims in the *M’Intosh* case, therefore, held specious claims on the land. The land purchased from the Native tribes would have been purchased under duress and for an unreasonably low sum. The United States government claimed jurisdiction over the land based upon power and authority over the Native groups that had diminished in number in the land. Furthermore, there is evidence that indicates that the case itself was a sham that was brought to establish land rights over Natives rather than adjudicate an actual land dispute. Ultimately, the Supreme Court case would claim to consider two different claims of ownership of the land: one obtained the land from Native tribes, while the other obtained the same land through the US government. The Supreme Court ruled in favor of the defendant (Johnson) who had purchased the land from the United States government.

The Supreme Court, led by Chief Justice John Marshall, in a unanimous opinion referenced the Doctrine of Discovery as a legal precedent for the ruling:

As they [European colonizing nations] were all in pursuit of nearly the same object, it was necessary, in order to avoid conflicting settlements, and consequent war with each other, to establish a principle, which all should

acknowledge as the law by which the right of acquisition, which they all asserted, should be regulated as between themselves. This principle was, that *discovery gave title* [emphasis ours] to the government by whose subjects, or by whose authority, it was made, against all other European governments, which title might be consummated by possession.

So in the end, the discovery doctrine of the fifteenth century was established as a legal instrument that governed land acquisition and land ownership in nineteenth-century North America.

The court acknowledged that a group of European colonizers created a governing doctrine that determined land title rights among the European nations. Native rights would not be taken into account because those rights would be superseded by the authority of the Christian European governments over against all other claims. The Doctrine of Discovery, steeped in the diseased social and theological imagination of Anglo-Saxon ethnic purity and European Christian supremacy, would become the rationale for the *M'Intosh* decision.

Stephen Newcomb summarizes the unanimous decision written by Chief Justice John Marshall. In that decision, Marshall argues “that ‘Christian people’ had ‘discovered’ the lands of North America and that this event had given Christian Europeans ‘dominion’ over and ‘absolute title’ to the lands of ‘heathens.’”²¹ Lindsay Robertson contributes that “Marshall identified an additional ground for decision: that upon discovery by European nations, the Indians lost to the discovering sovereign title to the lands they occupied. . . . In the Court’s words: ‘their [Native tribes] power to dispose of the soil of their own will, to whomsoever they pleased, was denied by the original fundamental principle, that discovery gave exclusive title to those who made it.’ It was this ground—the discovery doctrine—that proved *Johnson*’s most important legacy.”²² The indigenous tribes of North America only had the right of occupancy to the land, while Europeans had the right of discovery to the land, and therefore the true title to it.

The *M'Intosh* ruling confirmed the historical treatment of Natives and also set a legal precedent for the future mistreatment of Natives. As Stephen Newcomb surmises, “A key point expressed in the *Johnson* ruling is that the US government formally adopted the argument that ‘Christian people’ had ‘discovered’ this ‘heathen’ continent and that the ‘civilized inhabitants’ of the United States therefore collectively ‘hold this country’ on the bases of a ‘right of discovery.’”²³ The case “strangely linked to fifteenth-century Vatican papal documents of subjugation, a case that continues today as the cornerstone of federal Indian law.”²⁴

The *M'Intosh* case helped form a cluster of cases in the Marshall Court era that created legal precedent for land titles as it related to Native Americans and the United States government. Robertson notes that “in two very important Indian law cases in 1831 and 1832, the Supreme Court touched on issues of Discovery and demonstrated its continued adherence to the Doctrine.”²⁵ Not only did the 1823 Supreme Court led by Chief Justice John Marshall, and subsequent Supreme Court judicial interpretations, perpetuate the dehumanizing worldview of the Doctrine of Discovery, but they transformed the discovery doctrine into a modern-day legal instrument that has become the bedrock of the legal principle for land titles in the United States.

LEGAL JUSTIFICATION FOR INDIAN REMOVAL AND GENOCIDE

An immediate impact of the 1823 *M'Intosh* decision was felt in the state of Georgia. Robertson notes that “the state of Georgia seized on *Johnson's* formulation of the discovery doctrine to support the state's legal claim to the right to coerce the removal of the Cherokee Indians from their lands within Georgia's charter limits.”²⁶ Understandably, the Cherokees resisted the attempts by the state of Georgia to take

over their lands. In 1828, emboldened by the 1823 *M'Intosh* ruling, the state of Georgia sought to “enforce its claim to jurisdiction based on its ownership of the Cherokee Nation’s land. . . . [Furthermore], the election of pro-removal General Andrew Jackson to the White House in 1828 gave Georgians the resolve to attempt it.”²⁷ Georgia would not only add Cherokee land to their state jurisdiction, they would extend Georgia law to those lands occupied by Cherokee Indians. The state of Georgia felt significant confidence in the direction of the country against the independent agency and worth of Native tribes.

As Georgia sought to usurp Cherokee land, the United States government under Andrew Jackson expanded its legal authority against the Cherokee people. Because the Cherokee now occupied land in the United States, they were accused of attempting to establish a new and separate government. Robertson notes that “the United States could not countenance the creation of new states within the bounds of existing states, and these governments could not stand. The Indians must submit to the states or leave.”²⁸ The groundwork was being laid for Indian removal. The cascading effect of these actions was made possible by the *M'Intosh* decision, which gave preemptive authority to the European American gaze over actual Native possession of the land. Furthermore, the assumption of Anglo-Saxon superiority in self-governance exacerbated the belief that Natives were inferior, lacking the agency to own their land and the capacity to self-govern. The assumption of superior governing capacities by Anglo-Americans would result in the desire to take over land owned by Natives, bring them under the jurisdiction of a superior form of government run by superior beings, or to remove them from proximity.

On May 28, 1830, Andrew Jackson signed into law the Indian Removal Act. The legislation stated that the president possessed the right to distribute land west of the Mississippi River for Native tribes. Seemingly a benevolent statement, the legislation would go on to state

that these western lands would be in exchange for the lands where Indians currently resided, and that they could be removed from those districts of residence. The law stated:

That it shall and may be lawful for the President of the United States to cause so much of any territory belonging to the United States, west of the river Mississippi, not included in any state or organized territory, and to which the Indian title has been extinguished, as he may judge necessary, to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside, and remove there.²⁹

The Christian Reformed Church of North America, in its teaching on the Native American experience, explains that

the Indian Removal Act gave power to the government to make treaties with Native nations that forced them to give up their lands in exchange for land west of the Mississippi. These treaties on the surface, spoke to a voluntary exchange and removal of nations, though in reality, most of these treaties were made forcefully, by withholding food, through the decimation of food sources, such as the buffalo, and through violent acts including warfare.³⁰

The Indian Removal Act empowered the United States government to physically displace Natives from east of the Mississippi to lands west of the Mississippi. In a specific expression of this act, the “Cherokee, Creek, Choctaw, Chickasaw, and Seminole were all marched out of their ancestral lands to Indian Territory, or present Oklahoma. . . . The Trail of Tears differed for each of the nations, but all Indians suffered. . . . An exceptionally harsh winter plagued the Choctaw, the first nation to face the forced migration.”³¹ The harsh treatment of the Cherokee tribe has also been well documented: “During the fall and winter of 1838 and 1839, the Cherokee were forcibly moved west by the United States government. Approximately 4,000 Cherokees died on this forced march.”³² The Trail of Tears remains one of the darkest moments in US history.

Cherokee leader William Shorey Coodey describes when the first group of Cherokee were moved west:

At this very moment a low sound of distant thunder fell on my ear. In almost an exact western direction a dark spiral cloud was rising above the horizon and sent forth a murmur I almost fancied a voice of divine indignation for the wrongs of my poor and unhappy countrymen, driven by *brutal* power from all they loved and cherished in the land of their fathers, to gratify the cravings of avarice.³³

The journey proved brutal to the Cherokee as many fell to illness and death along the trail. Reverend Daniel Butrick, an American missionary who accompanied the Cherokee on the journey, wrote, “O what a year it has been! O what a sweeping wind has gone over, and carried its thousands into the grave, while thousands of others have been tortured and scarcely survive. . . . The year past has been a year of spiritual darkness.”³⁴

Not only the journey itself, but the impact after the journey also proved to be devastating to all of the tribes who were force-marched from their ancestral homes. Several hundred Creeks died during the journey, and approximately 3,200 died from disease, malnutrition, and exposure after their arrival in Indian Territory. Disease also took a toll on the Chickasaw, who lost more than five hundred men, women, and children to smallpox. The Cherokee experience was perhaps the most severe. As many as one out of four Cherokees died because of their westward journey.³⁵

For the Cherokee, Creek, Choctaw, Chickasaw, and Seminole tribes, the thread of the Doctrine of Discovery yielding the *M'Intosh* verdict moving towards the Indian Removal Act proved to be a brutal blow that decimated their people. The legal justification of Indian removal that allowed for the brutal and genocidal actions of the United States government not only found expression in the Trail of Tears, but also found expression in the areas of the country where Native tribes were

being displaced. As Native bodies were pushed towards extinction with a brutal displacement in the southern states, Native bodies were also being slaughtered in lands further west.

NATIVE GENOCIDE AND WESTWARD EXPANSION

On January 24, 1848, gold was discovered in California. Over the next few years, more than 300,000 people flooded the state from both within the United States as well as from abroad. This sudden rush of people devastated the indigenous population of California, which at that time was estimated to have numbered approximately 150,000. Fewer than thirty years later that population was reduced to fewer than 30,000.³⁶ Native bodies had to be removed to make room for more worthy bodies in the state of California.

In 1851 in Shasta City, officials offered a bounty of five dollars for each California Indian head turned in. Several unsuccessful miners suddenly found a more lucrative living in murdering Indians, bringing in horses laden with as many as a dozen Native people's severed heads. Marysville and Honey Lake paid similar bounties on scalps. In places where no bounty was offered, freelance Indian killers often sought and received payment for services rendered from the state government.³⁷

During the Gold Rush, California grew so fast and experienced so much prosperity that it was one of only a handful of states to bypass becoming a territory and jump directly to statehood. Even though California was admitted as a free state, in 1850 the newly established California legislature passed the Indian Indenture Act, which "establishes a form of legal slavery for the native peoples of the state by allowing whites to declare them vagrant and auction off their services for up to four months. The law also permits whites to indenture Indian children, with the permission of a parent or friend, and leads to widespread kidnapping of Indian children, who are then sold as 'apprentices.'"³⁸ The Pechanga Band of Luiseno Indians, one of the

original California tribes, details this era of their history on their website. California created a state fund that

paid \$1 million for such services at prices said to range from 25 cents per scalp, to \$5 per severed head. . . . Other practices encouraged under California state law . . . permitted the trafficking in Native people as slaves. The practice was understated as “authorizing [the white person] to have the care, custody, control and earnings of such [Indian] minor until he or she obtain the age of majority.” In the late 1800’s, more than 4,000 Native American children were sold into slavery—prices ranged from \$60 for a boy, to \$200 for a girl.³⁹

The wanton killing, enslavement, and complete disregard for the lives of the California Indians was so pervasive that even California’s first governor, Peter Burnett, acknowledged their demise in his State of the State Address in 1851: “That a war of extermination will continue to be waged between the races until the Indian race becomes extinct must be expected. While we cannot anticipate this result but with painful regret, the inevitable destiny of the race is beyond the power or wisdom of man to avert.”⁴⁰

On December 29, 1890, approximately 300 Lakota men, women, and children were slaughtered by the US Army. The event is known as the Massacre at Wounded Knee. In late 1890, the Lakota people and the US Army were in negotiations at Wounded Knee over the surrender of one of the Lakota chiefs. Neither side trusted the other, and tensions were high. Many weapons were present, and though no one knows exactly who fired the first shot, a shot was fired and chaos ensued.

From the heights above, the army’s Hotchkiss guns raked the Indian teepees with grapeshot. Clouds of gun smoke filled the air as men, women and children scrambled for their lives. Many ran for a ravine next to the camp only to be cut down in a withering cross fire. When the smoke cleared and the shooting stopped, approximately 300 Sioux were dead, . . . Twenty-five (US) soldiers lost their lives.⁴¹

The army had brought a battery of four Hotchkiss guns to Wounded Knee. These are forty-two-millimeter guns that shoot two pound

rounds and have a range of nearly four-thousand yards. As the shooting started, the army began raining bullets from these cannons down on the Lakota people, many of them running into a ravine to seek shelter from the gunfire. The part of the Wounded Knee story that is often not told is that the US Army awarded eighteen medals of honor to soldiers who participated in the massacre. Three of these medals were given specifically for flushing the Lakota people out of the ravine. The citations read as follows:

Austin, William G: "While the Indians were concealed in a ravine, assisted men on the skirmish line, directing their fire, etc., and using every effort to dislodge the enemy." Gresham, John C.: "Voluntarily led a party into a ravine to dislodge Sioux Indians concealed therein. He was wounded during this action." McMillan, Albert W: "While engaged with Indians concealed in a ravine, he assisted the men on the skirmish line, directed their fire, encouraged them by example, and used every effort to dislodge the enemy."⁴²

The US Army website lists 425 Congressional Medals of Honor given to US soldiers between 1839–1898 for fighting in the Indian Wars. In 1840, roughly a third of the current number of states were established. By the end of the century, virtually all of the land now considered the continental United States had been settled and was either a US territory or an actual state. During the same period, the nineteenth century, the US population ballooned from 5.3 million to 76.2 million. But throughout this same period, the Native population dwindled from 600,000 to 237,196 as Manifest Destiny was completed and nearly thirty new states were added to the Union.

The displacement, decimation, and destruction of Native lives and communities were sanctioned and carried out by the US government. The narrative of white American exceptionalism that had been deeply internalized by the Western mind found expression in a dysfunctional legal system and genocidal military activity. The dysfunctional imagination that diminishes the humanity of Natives manifested in further

acts of dehumanization, including the physical removal and death of Natives' bodies. Atrocities that reveal genocidal actions found a foundation in the Doctrine of Discovery, which would be used as legal justification in multiple Supreme Court rulings for these genocidal actions. The legal precedent set by the Marshall Supreme Court that relied upon the Doctrine of Discovery lived into the function of the founding documents of the United States—it protected the right of white male landowners. The legal system would perpetuate the narrative of white supremacy and provide the engine of oppression with the necessary fuel.