

GENOCIDE ACTIVISM: GENERATIONAL INTERPRETATIONS WITHIN AFRICAN
AMERICAN AND NATIVE AMERICAN ORGANIZATIONS, 1948-1978

by

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ABSTRACT

KATHRYN BLAKE MARLOWE. Genocide Activism: Generational Interpretations within African American and Native American Organizations, 1948-1978. (Under the direction of DR. KRISTINA SHULL)

This thesis is a comparative analysis of Native American and African American activist strategies from the immediate post-WWII era to the height of the Civil Rights Era using a term I call “genocide activism.” Genocide activism is when a group or individual uses the term genocide or references the 1948 UN Genocide Convention to criticize and denounce certain conditions, peoples, or governments for past or present injustices. Using the Civil Rights Congress (CRC) and the National Congress of American Indians (NCAI) as comparable organizations in the immediate post-WWII era and the Black Panther Party (BPP) and the American Indian Movement (AIM) as comparable groups in the Civil Rights Era, this thesis analyzes the nuance of activism throughout these three decades. The CRC’s and the NCAI’s political and legal forms of activism demonstrate the constraints and benefits of working within governmental institutions. The BPP and the AIM represent a shift in activist strategies to radicalism and similarly illustrate the expansion and development of the term “genocide” to an all-encompassing term for social injustices.

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As a general disclaimer, as a white woman, I will never, nor shall I ever claim, to know first-hand the experience of African Americans or Native Americans. It should additionally be noted that this work is preliminary in its discussion. This master's thesis lays the foundational research for future dissertation work. All mistakes found within are my own.

DEDICATION

I want to additionally dedicate this work to my family. First to my mother, Brandi Leigh Walsh. I could never ask for a more hardworking, caring, and amazing mother. I know it wasn't easy raising three kids on your own, but you did it and because of you, I have come so far. Secondly, to my older sister, Haleigh Nicole Marlowe. Thank you for calming me down and listening to my thoughts on my work. To my younger sister, Carrigan Mae Marlowe. I also have you to thank for soothing me and walking with me to de-stress. You both are absolutely perfect. I honestly have the best sisters in the world and could not ask for better. To my stepfather Kevin Christopher Walsh. Thank you for always believing in me and talking so highly of me. Lastly, to my father Christopher Scott Marlowe. I know you would be proud of my accomplishments. I love and miss you much, may you rest in peace.

I absolutely adore you all and thank you for comforting and encouraging me as I wrote this thesis. I would never have gotten to this point if it weren't for you all.

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INTRODUCTION

From the White House, January 11, 1944, President Franklin D. Roosevelt delivered the State of the Union address on the radio. In his speech, he discussed a hopeful future; one that included an international community. A so-called United Nations that would provide security to the world and “not only physical security... [but also] economic security, social security, and moral security – in a family of Nations.”¹ As President Roosevelt referred to in his State of the Union address, nations around the world, including the United States, would ratify and form the United Nations after his address on October 24, 1945, to promote world peace, order, and security through war prevention. Some of the United Nations’ earliest laws were created in the wake of Nazi Germany’s abhorrent plan to completely eradicate all Jewish people, later referred to as the Holocaust. Their plan was so barbaric that countries such as Great Britain, France, and the United States (to name a few) sought to restore the war-damaged Europe and to prevent future devastation caused by war. It was this sentiment that characterized some of the UN’s earliest international laws, such as the 1948 Genocide Convention on the Prevention and Punishment of the Crime of Genocide. The Genocide Convention’s main purpose was to prevent and punish those responsible for the Holocaust and genocide; yet, it also had some unintended consequences.

The Genocide Convention, like other humanitarian UN laws, became a conduit for criticism and as well as activism within the United States. Using the Genocide Convention or the term “genocide” to denounce certain conditions, individuals, governments, and/or institutions is what I call “genocide activism.” This concept is heavily influenced by Daniel E. Solomon’s term

¹ Franklin D. Roosevelt, "Fireside Chat 28: On the State of the Union" (speech, Washington DC, January 11, 1944), UVA Miller Center. <https://millercenter.org/the-presidency/presidential-speeches/january-11-1944-fireside-chat-28-state-union>.

and definition of the “anti-genocide norm.”² Solomon defines the “anti-genocide norm” as, “an individual or organization’s explicit or implicit expressions of opposition to the past, present, or future occurrence of genocide. Implicit expressions consist of analogies between instances of violence or repression and canonical genocidal events, in particular the Nazi Holocaust.”³ While Solomon’s definition does not significantly differ from mine, I changed the term to “genocide activism” to emphasize the importance and weight of the term “genocide” in activist settings. I believe that including “norm” within his definition diverts agency from activist groups and instead emphasizes the global sentiment of genocide. Of course, the visceral negative reactions and emotions to the Holocaust and genocide were significant for activists to capitalize on, but I believe a stronger term is necessary to characterize activist groups’ use of the term genocide. It is not simply the global community’s denouncement of genocide that characterized the post-WWII era. In the post-WWII era, United States activist groups pointed to genocide comparisons and the Genocide Convention as significant methods of activism emotions.

To illustrate the weight and legitimate claims of United States genocide against African American and Native American populations, the first chapter shall discuss how earlier European and United States interactions and policies with these groups could prove genocidal. This chapter selectively analyzes instances of early European and United States oppression and genocide from the end of the fifteenth century to the post-WWII era. Focusing particularly on war, this chapter demonstrates how United States wars provided some opportunities and new risks for African and Native Americans. This chapter shall additionally introduce the United Nations’ decolonization efforts and introduces how the Cold War era suppressed American citizens. Analyzing the Cold

² Daniel E. Solomon, "The Black Freedom Movement and the Politics of the Anti-Genocide Norm in the United States, 1951-1967," *Genocide Studies and Prevention: An International Journal* 13, no. 1 (2019): 130-143.

³ Solomon, "The Black Freedom Movement," 13.

War era will emphasize the oppressive environment early civil rights groups worked in, which is particularly significant for the subsequent chapter.

The second chapter compares the CRC and the NCAI as two organizations that conducted activism through legal and political action. Comparing the CRC as a prime example of “genocide activism” and the NCAI as a more reserved organization that publicly did not use “genocide activism” shows the benefits and the negatives of these activist strategies in the Cold War era. The CRC and the NCAI as organizations are not often studied in relation to one another, however, I argue that such comparison is useful in explaining the nuance of activist strategies. The final chapter compares the Black Panther Party (BPP) and the American Indian Movement (AIM) as two identity-based movements that conducted activism in more visible, often considered militant, modes of activism. Using the specific instances of the BPP’s armed Oakland policing and the AIM’s occupation of Wounded Knee, this chapter emphasizes the interconnectedness and cross-racial interactions between African American and Native American activism. This era saw the expansion of “genocide” as a term that encompassed all injustices African American, Native American, and other racial groups suffered in the contemporary United States. Overall, this thesis is a comparative analysis of the organizational and movement strategies of two African American case studies (the CRC and the BPP) and two Native American case studies (the NCAI and the AIM) as generational changes from the immediate post-WWII to the later Civil Rights Movement era. This thesis argues that “genocide activism” is a consistent mode of activism from the beginning of 1948, when the Genocide Convention formed, through the Civil Rights era during which “genocide activism” expanded.

Considering the range of fields and subjects drawn upon throughout this thesis, historiographic discussion appropriate for each chapter’s focus shall appear in more detail in

each chapter. The first chapter provides the necessary context and framing for this thesis. It analyzes the scholarly debate on Native American genocide, the opportunities for activism and resistance during American wars, and the initial struggle with defining and interpreting “genocide” and the Genocide Convention. This chapter contains few originally found primary sources but utilizes the works of other scholars to illustrate the relevant debate on genocide studies. The subsequent chapters, however, delve deeper into primary sources. As for primary sources, the second chapter analyzes the CRC’s and the NCAI’s organizational strategies through select court cases, personal memoirs, and petitions that characterized the overall strategies of these groups. The final chapter similarly analyzes speeches, writings, but most frequently newspaper articles on the BPP and the AIM.

Terminology

It is imperative to note that there is still a growing debate about the appropriate terminology to use when addressing someone of indigenous background in the United States. Therefore, I will not edit or re-word the identifying terms attributed to an individual in the sources I use. As for how I shall address people of indigenous background, when not referring to the specific Native American Nation that an individual is a part of, I use the term “Native Americans.” Using the term “Native Americans(s)” is not intended to disregard the various ethnic identities of Native Americans, but rather to emphasize a shared experience. Like the term “Native Americans,” “African Americans” is a relatively new term, though more recently some have replaced it with Black Americans. Historically, “Negro,” which is now considered a derogatory term, was the accepted, typical word to describe an African American person. Understandably, “Black Americans” is considered a more appropriate term, since not all

individuals who identify as “Black” do not claim ancestry from the African continent. Yet, considering how new this discourse is, I will continue to use African Americans to represent this demographic minority in the United States. Instead, “Black” in this thesis refers to the pan-African ideology that states that all individuals with African roots share similar histories and experiences and, thus, are part of a global community and identity.⁴ Black will then not only mean people from the African continent but all countries and states, including the United States, who share an African background.

In addition to my own emphasis on “genocide activism,” activism requires a clearer definition. As Daniel Cobb points out, there is an unfortunate over-emphasis on “militant action” when it comes to defining activism. However, by expanding on activism and not focusing solely on the militancy of activist groups, Cobb shows that by “writing grants, holding community meetings, convening summer workshops for college students, organizing youth councils, giving testimony at congressional hearing, authoring books and editorials, and manipulating the system from within” people attempted to “exercise power” and to act “in politically purposeful ways.”⁵ Building off of Cobb’s definition of activism, I propose that activism does not simply require physical action, nor does it require overt, immediate change. Activism is when an individual or group aims to raise awareness, to promote change, or to critique current political or social structures. It does not have to be immediately noticeable, as it is often the case that marginalized groups are largely ignored or suppressed, but it must have the direct intention of promoting or advocating for change in one’s society, nation, or environment.

⁴ Charles V. Hamilton, “Pan-Africanism and the Black Struggle in the U.S.” *the Black Scholar* 2, no. 7 (March 1971): 10-15, 10. <http://www.jstor.com/stable/41202888>.

⁵ Daniel M. Cobb, *Native Activism in Cold War America: The Struggle for Sovereignty*, (Kansas: University Press of Kansas, 2008), 2.

The reader will additionally realize that “the United States” is used as a narrow, limited description of the state. While the United States as a whole encompasses a variety of individuals with differing social, ethnic, and economic backgrounds, differing ideologies, and differing perspectives, this thesis understands the United States as a general political state. This interpretation of the United States is inspired and better understood through the theological lens of James C. Scott. Scott demonstrates that “state simplifications” do not fully explain the intricacies of a country, but instead represents a small aspect of society that the “official observer” is interested in.⁶ In this case, what I deem, as the official observer, as representative to the United States is the general authoritative, political activities of US politicians, congressmen, and presidents that shape and enforce laws that impact American society. This generalization makes it easier to read, but also simplifies the complexities of statehood and nations.

⁶ James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition have Failed*, (Yale: Yale University Press, 1998), 2-4.

I. The United States and Genocide

Anyone familiar with United States history knows of the suffering African Americans and Native Americans experienced at the hands of European colonists and later American citizens. But could these years of the United States' oppression, enslavement, and conquest be genocidal in essence? This chapter shall explore how the United States' foundation on racist ideology and settler colonialism could constitute genocide according to the UN Genocide Convention. In detailing these histories, this chapter will express the varied hardships that African American and Native Americans experienced at the hands of European colonists and later the United States. Despite the oppressive environment African Americans and Native Americans lived in, the United States' global interactions provided new opportunities for these groups to seek freedom and rights. This chapter then shifts from the pre- to the post-WWII era, to introduce the United Nations' decolonization efforts, founding charter, and Genocide Convention as a precursory discussion for later chapters. Lastly, this chapter proceeds to place this history in the context of the global Cold War, where the United States and the Soviet Union fought to impose democracy and communism respectively, onto other nations.

United States War and Territorial Expansion: African Americans and Native Americans

African American history begins with European settlers, who transported and enslaved Africans in the early sixteenth century to the American continent. Europeans took Africans and transported them through the Trans-Atlantic Slave Trade. In a triangular trade route, Europeans forcibly removed slaves from Africa to the Americas, where slaves then reaped raw materials that their owners sold back to Europeans. The Trans-Atlantic Slave Trade persisted for 336 years,

from 1501 to 1867 when the last-known slave ship transported Africans to Cuba for slave labor.⁷

During these years, the United States abolished the Trans-Atlantic Slave Trade in 1808.⁸

Europeans enslaved Africans specifically for a multitude of reasons. For one, Africans had immunity to some of the diseases that killed Native Americans. While Europeans forced some Native Americans into slavery, their vulnerability to diseases made Native Americans unsuited for forced labor.⁹ Africans also could not as easily “blend in” with Europeans due to their skin color, nor could they easily find transport back to their homeland.¹⁰ Enslavement and mistreatment at the hands of plantation owners remained a consistent injustice for African Americans for over three centuries. The forced enslavement of Africans, however, is not typically considered genocidal. Instead, the European colonist’s exploits and interactions with Native Americans are more clearly genocidal.

The European conquest of the Americas was the first disastrous, genocidal experience for Native Americans. It is often told in United States secondary schools that United States history began in 1492 when the famous Italian explorer Christopher Columbus landed in the Caribbean while on his quest to find the Indies.¹¹ Of course, Native American history begins earlier than European discovery. Long before European colonialism, as early as 8500 BC, Native Americans practiced complex agricultural techniques and domesticated wild plants for harvest.¹² Yet, the

⁷ David Eltis and David Richardson, *Atlas of the Transatlantic Slave Trade* (New Haven & London: Yale University Press, 2010), 21.

⁸ Donald R Wright, *African Americans in the Colonial Era: From African Origins through the American Revolution* (Somerset: John Wiley & Sons, 2017), 12.

⁹ Donald R Wright, *African Americans in the Colonial Era*, 10. For more information on Native American slavery in the colonial era see Alan Gallay ed. *Indian Slavery in Colonial America* (Lincoln & London: University of Nebraska, 2009).

¹⁰ Donald R Wright, *African Americans in the Colonial Era*, 11.

¹¹ Thomas Benjamin, *The Atlantic World: Europeans, Africans, Indians and their Shared History, 1400-1900* (New York: Cambridge University Press, 2009) 93-95.

¹² Roxanne Dunbar-Ortiz, *An Indigenous Peoples’ History of the United States* (Boston: Beacon Press, 2014), 15-31.

introduction of Europeans exposed Native Americans to perhaps the most gruesome experiences of their lives. Seen as inherently “inferior” and “savage,” Europeans felt justified in murdering and displacing Native Americans in the name of conquest and godly Christian intervention.¹³ The European massacre of Native Americans grew into some form of sick sport. In the mid-1670s, New England, Connecticut, and Massachusetts, some colonial townships paid hunters for Native American scalps.¹⁴ Colonists would additionally conduct warfare and expose Native Americans to European diseases. Diseases, such as smallpox and measles, are considered the number one reason the Native American population declined so quickly. Some sources estimate that ninety percent of the Native American population declined from disease exposure and a lack of built immunity.¹⁵ It should be noted that despite the Europeans’ historical oppression of Native Americans, Europeans also relied upon Native American knowledge, resources, and technology to survive in their new environment.¹⁶ The social, racial, and religious differences between the European colonizers and Native Americans created a tense environment plagued by disease, warfare, and oppression.

Despite the reasonable arguments that European colonists committed genocide against Native Americans, there are still some scholars who do not believe that it was genocide. No one really denies the past atrocities that the United States committed against Indigenous populations; however, scholars have raised questions about the intentions behind such actions. For example, the mass extermination of Indigenous populations through diseases can be interpreted as a horrific byproduct of individuals fleeing Europe in search of new opportunities and freedom.

¹³ Dunbar-Ortiz, *An Indigenous Peoples’ History*, 32-36.

¹⁴ Dunbar-Ortiz, *An Indigenous Peoples’ History*, 63-65.

¹⁵ Francis Jennings, *The Invasion of America: Indians, Colonialism, and the Cant of Conquest* (New York: Norton, 1976), 22-24.

¹⁶ Benjamin, *The Atlantic World*, 273-274.

Alex Alvarez in his 2015 work *Native America and the Question of Genocide*, is an example of this interpretation of Native American genocide. Arguing that the intention behind the mass murder of Indigenous peoples in the Americas was completely absent from the European colonists' desires, Alvarez asserts that European settlers sadly carried the diseases that wiped out the Native American populations.¹⁷ In his reasoning, the horrific deaths and displacement of Native populations do not constitute genocide since European settlers were not intentionally attempting to eradicate the Native population. Similar to this assertion, in his popular 1999 book *Guns, Germs, and Steel*, Jared M. Diamond argues that Native Americans and other non-Eurasian persons were colonized and conquered by Europeans since their "molecular biological" structure differed significantly from Europeans.¹⁸ The intention behind colonization, in these scholars' opinions, absolves early European settlers and American settlers as perpetrators of genocide.

Other scholars, however, refute this interpretation and portray colonizing Europeans and the United States government as intentional perpetrators of genocide. In contrast to the works by Diamond and Alvarez, Roxanne Dunbar-Ortiz disapproves of the understanding that the spreading of disease was an unintentional consequence of colonialism, pointing out how smallpox blankets were spread to Native Americans on purpose and how European colonists and local governments would pay hunters for Native scalps.¹⁹ While European colonists (and later United States citizens) condemned Native Americans for introducing such "savagery" and cruelty in the form of scalping, evidence suggests that scalping was a part of ceremonial

¹⁷ Alex Alvarez, *Native America and the Question of Genocide* (Lanham: Rowman & Littlefield, 2015)

¹⁸ Jared M. Diamond, *Guns, Germs, and Steel: The Fates of Human Societies* (W. W. Norton & Company, 1999).

¹⁹ Dunbar-Ortiz, *An Indigenous Peoples' History*, 9.

practices.²⁰ In reality, European settlers and Americans turned scalping into a torture technique. In addition to proving how colonists used biological warfare and sponsored killing Native Americans, Dunbar-Ortiz proposes that there are four distinct periods in which the United States committed genocide against Native Americans: the forced removal under President Andrew Jackson initiated in the 1830s, the California gold rush of the 1850s-60s, the Indian Wars (1609 – 1924), and the Termination period of the 1950s. David Stannard’s *American Holocaust* and Ward Churchill’s *A Little Matter of Genocide*, likewise deny this interpretation and portray the American government as intentional perpetrators of genocide.²¹ Stannard examines the North American continent before Columbus’ conquest to the end of the nineteenth century, to demonstrate the significant loss Native Americans experienced at the hands of Europeans and Americans. Yet, Stannard’s boldest claim is that the United States’ policies against Native Americans constitute “the worst human holocaust the world had ever witnessed.”²² On top of the United States’ genocidal acts against Native Americans in earlier centuries, Churchill uniquely contends that the United States’ participation in the Cold War contributed to genocide on the home front. Churchill claims that the United States’ “genocidal political economy of radioactive colonialism” created a toxic, unlivable environment on Native American reservations and, thus, would be a form of genocide.²³ The United States as an intentional perpetrator of genocide, per this author’s opinion, is the only way to describe the United States and Native American interactions in the fifteenth and sixteenth centuries.

²⁰ David Correia, *An Enemy such as This: Larry Casuse and the Fight for Native Liberation in One Family on Two Continents over Three Centuries* (Chicago: Haymarket Books, 2022), 48-49.

²¹ David Stannard, *American Holocaust: The Conquest of the New World* (New York & Oxford: Oxford University Press, 1992); Ward Churchill, *A Little Matter of Genocide: Holocaust and Denial in the Americas, 1492 to the Present* (San Francisco: City Lights, 1997).

²² Stannard, *American Holocaust*, 146.

²³ Churchill, *A Little Matter of Genocide*, 345-348.

The American Revolutionary War (April 1775 – September 1783) offered African slaves and Native Americans new avenues and possibilities of freedom. Towards the beginning of the war, Americans did not want to include slaves in the fight. One of the biggest concerns was violent retaliation if slaves wielded guns. Yet, as the British recruited African slaves, promised freedom, and the need for soldiers grew, the United States recruited enslaved people into the army.²⁴ Through military service, some African slaves would become freed people. Sometimes, Southern slave owners enlisted slaves to replace themselves, or, in other instances, African slaves were put in battalions that guaranteed their freedom after service.²⁵ In addition to the possibility of freedom through military service, the intellectual ideology of Enlightenment denounced slavery. The Revolutionary War happened in the context of growing Enlightenment thought, where slavery was seen as an immoral act, one that denies the inherent rights of humans. Enlightenment thought, military opportunities, and lack of need for slave labor led the Northern states to almost abolish slavery completely by the 1780s.²⁶ These opportunities, unfortunately, did not mean equality for African slaves. Despite their service and the end of slave labor in the North, the South continued to rely upon enslaved labor after the Revolutionary War and freed slaves continued to lack rights across American society.²⁷

²⁴ Jack Darrell Crowder, *African Americans and American Indians in the Revolutionary War* (Jefferson: McFarland & Company Publishers, 2019) 1-6.

²⁵ Crowder, *African Americans and American Indians*, 1-6.

²⁶ Donald R. Wright, *African Americans in the Colonial Era: From African Origins through the American Revolution* ed. 4 (Blackwell: John Wiley & Sons, 2017), 191-196.

²⁷ For more information on the role African Americans played in the American Revolutionary War see Jack Darrell Crowder, *African Americans, and American Indians in the Revolutionary War* (Jefferson: McFarland & Company Publishers, 2019); Donald R. Wright, *African Americans in the Colonial Era: From African Origins through the American Revolution* ed. 4 (Blackwell: John Wiley & Sons, 2017); Judith Van Buskirk, *Standing in their own Light: African American Patriots in the American Revolution* (Norman: University of Oklahoma Press, 2017); Douglas R. Egerton, *Death or Liberty: African Americans and Revolutionary America* (New York: Oxford University Press, 2009); Daniel C. Littlefield, *Revolutionary Citizens: African Americans 1776-1804* (Cary: Oxford University Press, 1997).

Native Americans found themselves similarly torn between supporting the British or the Americans during the American Revolutionary War. In the beginning, Native Americans had little interest in the Revolutionary War, seeing the conflict as a civil war between two oppressive, white-populated nations that should not concern them. Despite the lack of interest, both the British and Americans attempted to pull Native Americans into their conflict. Several Native American communities sided with the British since it was the American colonists who continued to encroach on their lands. The British appeared even more appealing when they offered to grant Native Americans some territorial protection if they joined their war efforts with the Royal Proclamation of 1763.²⁸ This promise did not see fruition. When the British lost the war, they abandoned their Native American allies and offered them no assistance in fighting off the newly founded United States. Instead, in the Peace of Paris Treaty, the British granted the United States all “land East of the Mississippi, South of the Great Lakes, and North of the Floridas,” which would have devastating consequences for Native Americans in the following years.²⁹ Rather than giving back stolen territory, the British guaranteed Native American hardship with United States expansion.

For African slaves, slavery and inequality persisted in the post-Revolution era until the end of the American Civil War (1861-1865). The United States’ foundation on the natural rights of all men and the growing denouncement of slavery led the United States Congress to abolish

²⁸ Crowder, *African Americans and American Indians in the Revolutionary War*, 168.

²⁹ Colin G. Calloway, *The American Revolution in Indian Country: Crisis and Diversity in Native American Communities* (New York: Cambridge University Press, 1995), 273-274. ²⁹ For more information on the role Native Americans played in the American Revolutionary War see Jack Darrell Crowder, *African Americans and American Indians in the Revolutionary War* (Jefferson: McFarland & Company Publishers, 2019); Ethan A. Schmidt, *Native Americans in the American Revolution: How the War Divided, Devastated, and Transformed the Early American Indian World* (Santa Barbara: Praeger, 2014); Colin G. Calloway, *The American Revolution in Indian Country: Crisis and Diversity in Native American Communities* (New York: Cambridge University Press, 1995).

the Atlantic Slave Trade in 1808. The end of the Atlantic Slave Trade, in turn, resulted in few African-born Blacks living in the United States and more identifying as African Americans than Africans.³⁰ This new identity and the language of the Declaration of Independence (July 4, 1776) empowered African Americans to denounce the institution of slavery. In addition to the self-identification shift, the Northern states and the Southern states differed in opinion on how slavery should proceed in the United States. Southern states perceived slavery as imperative to economic growth and everyday life. Northern states, or “free states,” abolished slavery and generally viewed slavery as immoral.³¹ The divisions between the North and South only increased as the United States expanded its borders westward. Some of the most impactful laws and borders that established “free” and “slave” states are the Mason-Dixon Line, the Northwest Ordinance, and the Missouri Compromise of 1820.³² The border divisions reached a tipping point when it appeared that the United States would not protect slavery in the Southern states, when slave rebellions continued, and when Abraham Lincoln was elected as President.³³ What followed was a series of Southern states’ secession clauses that led to the Civil War.

The Civil War is a well-known event in American history that shifted the experiences and lives of African descendants. The Southern states formed together and created the Confederacy to defend the institution of slavery, while the Northern states formed the Union and outlawed slavery.³⁴ During the third year of the war, the Union passed the Emancipation Proclamation

³⁰ James Horton, *Slavery and the Making of America* (New York: Oxford University Press, 2005), 74-89. The Atlantic Slave trade was the infamous trade route that brought Africans from their continent to the Americas, and then transported raw materials and goods back to Europe.

³¹ James G. Randall, *The Civil War and Reconstruction* (Boston: Heath, 1961) 79-85.

³² Stanley Harrold, *Border War: Fighting over Slavery before the Civil War* (Chapel Hill: University of North Carolina Press, 2010), 2-5, 161-165.

³³ James Horton, *Slavery and the Making of America*, 161-170.

³⁴ For more information on the American Civil War see Herman Hattaway and Archer Jones, *How the North Won: A Military History of the Civil War* (Urbana: University of Illinois Press, 1983); Terry L. Jones, *The American Civil War* (New York: McGraw-Hill Higher Education, 2010); Timothy S. Huebner,

(1863), which stated that all slaves in the Confederacy will be freed (excluding the recently acquired border slave states of Delaware, Kentucky, Maryland and Missouri).³⁵ The Emancipation Proclamation was a step in the right direction; however, it was not until the United States passed the Thirteenth Amendment in 1865 that slavery was abolished. The Thirteenth Amendment was the first in a series of Reconstruction era laws aimed at providing African Americans equity in the United States.³⁶ With the passage of the Thirteenth, and then the Fourteenth and Fifteenth Amendments in 1870, which gave African Americans citizenship and the right to vote respectively, it appeared that the United States actively sought equality.³⁷ Yet, these positive legal amendments did not completely allow for the emancipation of African Americans, nor did it appease United States' racist society.

Shortly after the United States freed African Americans, Southern states continued to promote white supremacy and undermine and rebel against Reconstruction efforts. As soon as Congress passed the Thirteenth Amendment, for example, delegates from Louisiana Constitutional Conference in October 1865 proudly claimed that their state was made for the “exclusive benefit of the white race.”³⁸ Additionally, southern states passed the Black Codes to further undermined African American rights. Black Codes, as prominent African American Abolitionist W.E.B. Du Bois described them, were a series of Southern legislations to reverse

Liberty and Union: The Civil War Era and American Constitutionalism (Lawrence: University Press of Kansas).

³⁵ Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper & Row, 1988), 1.

³⁶ “Thirteenth Amendment (1865)” in *The Civil War Era and Reconstruction: An Encyclopedia of Social, Political, Cultural, and Economic History* by Marry E. Snodgrass (New York & London: Taylor & Francis, 2011), 608-610.

³⁷ Bruce J. Dierenfield, *The Civil Rights Movement* (New York: Pearson Longman, 2004), 7-10.

³⁸ Carol Anderson, *White Rage: The Unspoken Truth of our Racial Divide* (New York: Bloomsbury, 2016), 18-20.

emancipation and to “make Negroes slaves in everything but name.”³⁹ In South Carolina, these Black Codes confined freed African Americans to farmer or servant jobs unless they could pay a hundred-dollar annual fee.⁴⁰ In Florida, African Americans who exhibited “disobedient” behavior would be whipped.⁴¹ On top of reversing African American protections, the racist terrorist group called the Ku Klux Klan (KKK) wreaked havoc on African Americans. A group of white supremacists gathered in 1865 with the explicit goal of threatening, abusing, lynching, and killing African Americans who tried to challenge the status quo of American racism.⁴² In addition to the KKK’s outright terrorism, the United States government adopted discriminatory laws. In *Plessy v. Ferguson* (1896), the United States Supreme Court ruled that segregated facilities were constitutional so long as they were equal.⁴³ Yet, any sort of separation of races could never promote equality and as such, African American facilities were of poorer quality in comparison to facilities for whites. The immediate resistance to Reconstruction continued into the twentieth century.

In the post-Revolutionary War era, the United States continued to massacre and displace Native Americans. As a new country, the United States sought to “cleanse” the territory they “won” of Native Americans. While it initially appeared that the United States would respect Native American property rights with the Northwest Ordinances of 1787, the United States enacted a series of laws that undermined Native American land rights. The Northwest

³⁹ W.E.B Du Bois, *Black Reconstruction: An Essay Toward a History of the Part which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860-1880* (New York: Russel & Russel, 1935), 167.

⁴⁰ Donna L. Dickerson, *The Reconstruction Era: Primary Documents on Events from 1865 to 1877* (Westport & London: Greenwood Publishing Group, 2003), 44.

⁴¹ Anderson, *White Rage*, 20.

⁴² Fred Cook, *The Ku Klux Klan: America’s Recurring Nightmare* (Washington Village: Julian Messner, 1989), 1-24.

⁴³ Mark Newman, *The Civil Rights Movement* (Edinburgh: Edinburgh University Press, 2010), 7-8.

Ordinances proclaimed that the United States would not take any property from Native Americans without their consent; however, the United States broke their own promise and would continue to fail to honor treaties made with tribal nations.⁴⁴ The most infamous law that allowed the forcible removal of Native Americans was President Andrew Jackson's Indian Removal Act of 1830. The act authorized the United States to force Native Americans (mostly the Cherokee, Choctaw, Chickasaw, Creek, and Seminole) residing in the East to the West of the Mississippi.⁴⁵ The act resulted in the tragedy known as the "Trail of Tears" (1838-1839). For years the Cherokee resisted leaving their homes in what is now known as Georgia. Yet, in 1835, a minority group of Cherokees signed the Treaty of Echota, which exchanged their lands for 15 million dollars.⁴⁶ While some Cherokee left voluntarily after the treaty, several stayed in their homelands, still refusing to give up their rightful land.

The remaining Cherokees' defiance and the stipulations of the Echota Treaty resulted in the United States military forcibly removing them.⁴⁷ What followed was a horrific experience for the Cherokee. American soldiers abused and mistreated the Cherokee, forced them to march in treacherous weather conditions, deprived them of adequate food, and confined the Cherokee in poor, disease-ridden conditions.⁴⁸ The number of Cherokees dead as a result of the Trail of Tears lost may never be accurately estimated. Yet, some scholars estimate approximately 4,000 died, while others state that as many as 10,138 lost their lives during the period.⁴⁹ The tragic expulsion of Native Americans represented another United States broken promise. It was stipulated that the

⁴⁴ Dunbar-Ortiz, *An Indigenous Peoples' History*, 124.

⁴⁵ Russell Thornton, "Cherokee Population Losses during the Trail of Tears: A New Perspective and a New Estimate" *Ethnohistory* 31, No. 4 (Autumn 1984): 289-300, 289-290. <https://doi.org/10.2307/482714>.

⁴⁶ Thornton, "Cherokee Population Losses," 290.

⁴⁷ Amy Sturgis, *The Trail of Tears and Indian Removal* (Westport: Greenwood Press, 2007), 55-58.

⁴⁸ Sturgis, *The Trail of Tears*, 55-60.

⁴⁹ Thornton, "Cherokee Population Losses," 295-296.

United States “may and shall” provide protection and safety for the Native Americans, which clearly, the United States failed in doing.⁵⁰ While the Cherokee experience is the most familiar and explored instance, other Native American communities faced similar challenges and hardships with the Indian Removal Act.⁵¹ At the expense of Native Americans, the United States got exactly what it wanted: Native Americans out of “its” new territory.⁵² The United States’ forced removal of Native Americans was only the beginning of intense discrimination against Native Americans.

As the United States continued to expand its territories into the West, the United States further confined Native Americans to reservations. From 1851 to 1871, the United States enacted a series of laws known as the Indian Appropriations Acts, which restricted Native Americans to specific lands in the Midwest to encourage farming and assimilation.⁵³ While the reservation system aimed to sanction Native American territory and to promote assimilation, it additionally preserved Native American communities as sovereign nations. Yet, Native Americans experienced further hardship on the reservations. Native Americans suffered devastating poverty,

⁵⁰ U.S. Congress, House and Senate, *Chapter CXLVIII Statute I* 21st Congress, 1st Session, 411-412. May 28, 1830. <https://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=004/llsl004.db&recNum=458>.

⁵¹ For the experiences of other Native American communities see Mary Stockwell, *The Other Trail of Tears: The Removal of the Ohio Indians* (Yardley: Westholme Publishing, 2014); Donna L. Akers, *Living in the Land of Death: The Choctaw Nation, 1830-1860* (East Lansing: Michigan State University Press, 2004); C.S. Monaco, *The Second Seminole War and the Limits of American Aggression* (Baltimore: Johns Hopkins University Press, 2018)

⁵² For more information on the Trail of Tears and Indian Removal see Gregory D Smithers, “Removal, Reunion, and Diaspora,” in *The Cherokee Diaspora: An Indigenous History of Migration, Resettlement, and Identity*, 93–114 (New Haven & London: Yale University Press, 2015) <http://www.jstor.org/stable/j.ctt17572d9.6>; William Anderson ed. *Cherokee Removal: Before and After* (Athens: University of Georgia Press, 1991); Angie Debo, *And Still the Waters Run: The Betrayal of the Five Civilized Tribes* (Princeton: Princeton University Press, 1940).

⁵³ Divya Subramanian, “Legislating the Labor Force: Sedentarization and Development in India and the United States, 1870-1915” *Comparative Studies in Society and History* 61, iss. 4. (October 2019): 835-863, 852. doi:10.1017/S0010417519000288.

high child mortality rates, poor health, and abysmal living conditions.⁵⁴ Despite the poor conditions, Native Americans continued to live as individuals and as a community separate from the United States. Native American perseverance could not, however, stop the United States from once again abandoning its protective policies with the passage of new legislation.

When the United States passed the 1871 Indian Appropriations Act and the Dawes Act of 1887, it aimed to hasten the assimilation of Native Americans into normative, United States society. In 1871, the United States passed another Indian Appropriation Act that ceased Native American and United States treaty-making and removed their identity as sovereign nations.⁵⁵ The United States Congress denied that Native Americans could live and remain as independent countries. The United States' assimilation policies similarly demonstrated that the United States felt that Native Americans could not sustain themselves and must integrate themselves into the dominant society. In 1887, the United States Congress passed the General Allotment Act (more commonly known as the Dawes Act) that assigned land allotments to Native American individuals. With the Dawes Act, the United States sought to end reservations and to demonstrate the benefits of individual, rather than communal, landholding to Native Americans.⁵⁶ The Dawes Act additionally provided any unassigned land to white settlers and resulted in substantial Native American land loss. Before the Dawes Act, Native Americans held approximately 150 million acres of land, but by the end of 1934, when the United States repealed the Act, only 48 million acres remained in Native American possession.⁵⁷

⁵⁴ Klaus Frantz, *Indian Reservations in the United States: Territory, Sovereignty, and Socioeconomic Change* (Chicago: University of Chicago Press, 1999), 30-31.

⁵⁵ Divya Subramanian, "Legislating the Labor Force," 853.

⁵⁶ Benjamin Heber Johnson, "Red Populism? T.A. Bland, Agrarian Radicalism, and the Debate over the Dawes Act," in *the Countryside in the Age of the Modern State: Political Histories of Rural America*, ed. By Catherine McNicol Stock and Robert D. Johnston (Ithaca and London: Cornell University, 2001), 15-37, 15-16. <https://www.jstor.org/stable/10.7591/j.ctv1nhn0h.6>.

⁵⁷ Johnson, "Red Populism?," 17.

By the mid-twentieth century, the United States turned toward one of the most egregious policies of Native American assimilation in the form of American board schooling systems. The United States took Native American children from reservations to receive an education at white-run schools. These schools aimed to “civilize” Native American children, deny their Native identity, and induct them into American society.⁵⁸ These schools robbed Native American parents of the right to teach their own children of their culture and history, in addition to the forced denial and denouncement of their culture. These white-run schools taught Native American children that they were an “inferior” and “primitive” race.⁵⁹ In addition to the cultural belittlement, the teachers often punished Native American children who spoke in their native tongue and prohibited non-Christian religious practices.⁶⁰

The Second World War gave African Americans and Native Americans new opportunities to promote social changes in the United States. For African Americans, World War II similarly allowed for new opportunities and ways to prove themselves on the home front. Perhaps the most famous aspect of African American participation in the Second World War was the “Double V” Campaign. The “Double V” or “Double Victory” Campaign was an African American effort to both win the war in Europe and to win against segregation and oppression back home.⁶¹ In this way, the Second World War became a conduit for African American activism. Several African American newspapers wrote headlines such as “Remember Pearl Harbor and Sikeston too,” in reference to the lynching of African American Cleo Wright, who allegedly sexually assaulted a

⁵⁸ Jacqueline Fear-Segal, *White Man's Club: Schools, Race, and the Struggle of Indian Acculturation* (Lincoln: University of Nebraska Press, 2007), xi.

⁵⁹ Jacqueline Fear-Segal, *White Man's Club*, 103-135.

⁶⁰ Dunbar-Ortiz, *An Indigenous Peoples' History*, 150-151.

⁶¹ Russell Buchanan, *Black Americans in World War II* (Santa Barbara: American Bibliographical Center-Clio Press, 1977), 113

white woman.⁶² For some Native Americans participating in the war was a means to prove themselves and die in honorable service like their ancestors.⁶³ Other Native Americans recognized the social and medical benefits of joining the war effort. The Second World War gave Native Americans better healthcare, educational opportunities, and job specialization.⁶⁴ Considering the poor conditions on reservations, these sorts of benefits would help integrate Native Americans into mainstream society while also preserving their lives. John Collier, the Commissioner of Indian Affairs, reported that one-third of Native Americans available for military duty complied with the WWII draft, which exceeded “that of any other race in the United States.”⁶⁵ Despite the optimistic participation of both African and Native Americans, both groups faced significant discrimination within the military and still faced continued hardship at home.⁶⁶ After the Second World War, the United States continued oppression and discrimination of African Americans sponsored the Civil Rights Movement, which will be discussed more in the third chapter.

⁶² Neil A. Wynn, *The African American Experience during World War II* (Lanham: Rowman & Littlefield Publishers, 2010), 40-41.

⁶³ Donald L. Fixico, *Termination and Relocation: Federal Indian Policy, 1945-1960* (Albuquerque: University of New Mexico Press, 1986), 4-6.

⁶⁴ Kenneth William Townsend, *World War II and the American Indian* (Albuquerque: University of New Mexico Press, 2000), 3.

⁶⁵ Townsend, *World War II*, 62.

⁶⁶ For more information on Native American participation in the Second World War see Alison R. Bernstein, *American Indians and World War II* (Norman: University of Oklahoma Press, 1991); Jere Bishop Franco, *Crossing the Pond: The Native American Effort in World War II* (Denton: University of North Texas Press, 1999); Kenneth William Townsend, *World War II and the American Indian* (Albuquerque: University of New Mexico Press, 2000); Paul C. Rosier, *Serving their Country: American Indian Politics and Patriotism in the Twentieth Century* (Cambridge: Harvard University Press, 2009). For more information on African American participation in the Second World War see Neil A. Wynn, *The Afro American and the Second World War* (New York: Holmes and Meier Publishers, 1976); Russell Buchanan, *Black Americans in World War II* (Santa Barbara: American Bibliographical Center-Clio Press, 1977); Neil A. Wynn, *The African American Experience during World War II* (Lanham: Rowman & Littlefield Publishers, 2010)

In the immediate post war era, the United States government sought to assimilate Native Americans by passing a series of legislation that would remove any legal, federal obligations between the United States and Native American communities: a period often referred to as the Termination Era. In 1953, the United States enacted House Concurrent Resolution No. 108, which stipulated that Native Americans must adhere to the United States laws and receive the rights and responsibilities of American citizenship.⁶⁷ In other words, H.C.R. 108 denied Native American identity as self-governing nations and forced them into the United States as American citizens. Termination policies represented the US government's concerted effort to eliminate the legal protections of reservations and to force Native Americans into local, state jurisdictions.⁶⁸ This legislation allowed the federal government to divest "its financial responsibilities to Native Nations," meaning that Native American communities would no longer be considered separate from the United States. In other words, the Termination laws represented an explicit form of assimilation and the denial of Native American sovereignty.⁶⁹ It is important to recognize, however, that termination was interpreted differently amongst various Native American communities and could in some cases provide ways for progress and resistance. For example, some Native communities, such as the Inuits, Mescalero Apaches, Paiutes, and Blackfeet saw termination laws as a way to achieve self-rule, while other Indian groups found ways to "escape federal wardship" through these laws.

Another consequence of the termination era is that many Native American youths moved to cities, where they joined cross-racial cohorts of rising civil rights activism, radicalizing

⁶⁷ Fixico, *Termination and Relocation*, 93-94.

⁶⁸ Kenneth R. Philp, *Termination Revisited: American Indians on the Trail to Self-Determination, 1933-1953*, (Lincoln: University of Nebraska Press, 1999), xi.

⁶⁹ Edward Charles Valandra, *Not without our Consent: Lakota Resistance to Termination, 1950-59*, (Champaign: University of Illinois Press, 2006), 18, 23.

groups, and their movement tactics. In 1952, the Bureau of Indian Affairs supervised the Relocation Program, which moved Native Americans from their reservations to major cities.⁷⁰ The Relocation Program aimed to force Native Americans into the dominant United States society as a means to showcase the grandeur of American society, however, relocations placed Native Americans in worse conditions. The Relocation Program forced Native Americans into “crowded and dilapidated ghetto apartments” in US cities and additionally did not provide ample, sufficient occupational options for Native Americans.⁷¹ Oftentimes Native Americans worked seasonal jobs and could rarely find a job that would properly pay and sustain them.⁷² As shown in the third chapter, the poor conditions and mistreatment Native Americans faced in urban cities played a significant role in pushing AIM to adopt similar, more radical tactics of the BPP.

The Post-War Era: The United Nations, Genocide, and the Cold War

When the United Nations officially adopted the Genocide Convention on the Prevention and Punishment of the Crime of Genocide on December 9, 1948, they did so to lessen the possibility of another Holocaust and to satiate the global detestation of genocidal acts. In the Genocide Convention, Article II clearly lays out what constitutes genocide:

Article II: In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;

⁷⁰ Donald L. Fixico, *Bureau of Indian Affairs* (Santa Barbara, Denver, & Oxford: Greenwood, 2012), 129.

⁷¹ Fixico, *Bureau of Indian Affairs*, 129.

⁷² Fixico, *Bureau of Indian Affairs*, 129.

(e) Forcibly transferring children of the group to another group.⁷³

Yet, the United Nations initially failed to reach an agreement on the Genocide Convention. Since its conception, the international community warily considered the term “genocide.” Initially, some countries worried that an aggressive nation could unlawfully invade another on claims of genocide. During a 1948 United Nations meeting, the Indian representative, Mr. Sundaram, expressed his concern that the Genocide Convention would allow “an unfriendly State to charge, on vague and unsubstantiated allegations, that another State was responsible for genocide within its territory.”⁷⁴ Territorial aggression and intervention was just one issue that United Nations members disagreed with; the definition of “genocide” itself came under scrutiny. Soviet Russia, Venezuela, Pakistan, Egypt, the United Kingdom, Poland, and China expressed their disapproval that the Genocide Convention did not include a clause on “cultural genocide.”⁷⁵ For example, Venezuela proposed that “cultural genocide” was the “systematic destruction of religious edifices, schools or libraries of the group,” while Indian representatives stated that such destruction did not mean the annihilation of a group and thus was not genocide.⁷⁶ The United Nations members similarly worried over the specifics of “genocide,” in particular, the so-called numbers problem. As the name suggests, there was a legitimate concern regarding how many people from a certain group must be forcibly expelled and/or killed to constitute genocide

⁷³ Convention on the Prevention and Punishment of the Crime of Genocide, *United Nations* December 9, 1948. Accessed November 1, 2022. https://treaties.un.org/doc/Treaties/1951/01/19510112%2008-12%20PM/Ch_IV_1p.pdf.

⁷⁴ UN GAOR, 3rd sess., Part 1, *Summary Record of Meetings 21 September- 10 December 1948*, 437-438, UN Doc. A/C.6/SR.103 (1949) (Mr. Sundaram, India) quoted in John Quigley, *the Genocide Convention: An Internal Law Analysis*, (London & New York: Routledge, 2016), 218.

⁷⁵ United Nations, “Yearbook of the United Nations 1948-49” *UN-iLibrary* (December 1949):913-976, 957. <https://doi.org/10.18356/d77815fb-en>

⁷⁶ United Nations, “Yearbook of the United Nations 1948-49,” 957.

specifically.⁷⁷ It was a common inquiry, one that the American Alfred J. Schweppe, a member of the American Bar Association, perfectly summed up:

I can no more put them out as my opinions, but this whole concept of part of a group, which may be part of a group in a town, doesn't mean the whole group. Certainly it doesn't mean if I want to drive 5 Chinamen out of town, to use that invidious illustration, that I must have the intent to destroy all the 400,000,000 Chinese in the world or the 250,000 within the United States. It is part of a racial group, and if it is a group of 5, a group of 10, a group of 15, and I proceed after them with guns in some community to get rid of them solely because they belong to some racial group that dictators don't like, I think you have got a serious question. That is what bothers me.⁷⁸

As Schweppe's statement demonstrates, there were several discrepancies present in the law. How many individuals of a specific group must be killed in a certain fashion to constitute genocide? Does driving out some individuals of a certain race, religion, or ethnic background mean that you wish to eradicate that entire population? The United Nations cursory concerns continue into the modern era.

Some scholars, activists, and legal experts recognize the inefficiency of the UN genocide definition and have since advocated for new interpretations and definitions of the term. In 1959, Pieter Drost, a Dutch scholar, proposed that genocide is "the deliberate destruction of any human beings by reason of their membership of any human collectivity."⁷⁹ This interpretation would expand upon the Genocide Convention definition by including those of political, cultural, sexual, etc. backgrounds. In this same vein, settler colonialism is often compared to and referred to as genocide, showing another expansion of what genocide may entail. Settler colonialism, as Roxanne Dunbar-Ortiz defined it in 2014, is when "a collective and sovereign moves to establish

⁷⁷ Samantha Power, *"A Problem from Hell: American and the Age of Genocide"* (New York: Basic Books, 2002), 65.

⁷⁸ The Genocide Convention. Hearings before a Subcommittee of the Committee on Foreign Relations United States Senate, 81 Congress, second session, Executive O. United States Government Printing Office: 1950. p. 205.

⁷⁹ John Cox, *To Kill a People: Genocide in the Twentieth Century* (New York & Oxford: Oxford University Press, 2017), 6-7.

a permanent homeland by way of displacement.”⁸⁰ The United States’ expansion policies remain a clear example of settler colonialism. As shown earlier, European colonists and later the United States forcibly removed Native Americans to expand their own territory. While the colonists and the United States clearly brutalized Native Americans with their territorial expansion, some scholars do not consider it genocidal. In 2006, Patrick Wolfe, states that while some consider settler colonialism to be genocidal in essence, he contends that “settler colonialism is inherently eliminatory but not invariably genocidal.”⁸¹ Wolfe states, for example, that while the British took land and territory from the Fiji natives, they did not commit genocide in doing so. Wolfe further contends that some instances of settler colonialism *did* result in genocide. In particular, Wolfe states that the United States’ expansion policies led to some genocidal moments, however, it was never a consistent occurrence.⁸² According to Roxanne Dunbar-Ortiz, however, settler colonialism, specifically in the United States, was founded on racial, and white superiority and supported a policy of genocide.⁸³ Both scholars agree that the United States was a perpetrator of settler colonialism, however, not Native American genocide itself.

In addition to the creation of the United Nations, the post-World War II era saw the emergence of the Cold War, which suppressed American citizens. After the Second World War, the Allied powers divided Germany and its capital Berlin into four occupation zones governed by the United States, France, Great Britain, and the Soviet Union. The allied nations of the United States, France, and Great Britain adopted similar policies towards denazification and demilitarization of Germany, while the Soviet Union occupied the East portion of Germany.

⁸⁰ Dunbar-Ortiz, *An Indigenous Peoples’ History*, 63-65.

⁸¹ Patrick Wolfe, “Settler Colonialism and the Elimination of the Native” *Journal of Genocide Research* 8, Iss. 4 (December 2006): 387-409, 387. DOI: 10.1080=14623520601056240

⁸² Wolfe, “Settler Colonialism,” 387.

⁸³ Dunbar-Ortiz, *An Indigenous Peoples’ History*, 8-10.

While governing their territories, the Allied occupiers and the Soviet Union grew critical of each other's occupation policies. What followed was a series of disagreements and growing suspicions and tensions that deteriorated political relations between the United States and the Soviet Union. The Cold War represented a flurry of proxy wars and constant competition between the two global superpowers of the time, the Soviet Union and the United States. The United States adopted a so-called "Containment" policy to fight off the influence of Soviet Russia and Communism globally.⁸⁴ There were several times when the Cold War became "hot" and caused actual warfare, the most infamous being the Vietnam War (1955-1975). The United States' involvement in the Vietnam War is one of the most controversial and morally dividing episodes of the post-WWII era. In an effort to make Vietnam a democratic government, the United States decided to intervene against the Northern Communist leader Ho Chi Minh, and back the Southern dictator Ngo Dinh Diem.⁸⁵ Despite the initial general support from the United States public, United States citizens began to criticize U.S. involvement in the Vietnam War. In particular, the 1968 Tet Offensive and the images it brought to the American public unsettled and disturbed the thoughts of victory and justice in Vietnam.⁸⁶ Unsurprisingly, the Cold War directly affected domestic affairs in the United States.

The Cold War tensions spurred the United States to surveillance its own citizens, which inhibited activism and dissent within. In the 1930s interwar period, the US Red Scare movement influenced the creation of the HUAC and the FBI. The Red Scare is characterized by an irrational fear that Communists, especially Russians, infiltrated the US and sought to destroy and

⁸⁴ Mitchell Hall, *The Vietnam War* (New York: Routledge, 2018), 87-88.

⁸⁵ Hall, *The Vietnam War*, 12-14.

⁸⁶ Daniel C. Hallin, *The "Uncensored War": The Media and Vietnam* (New York & Oxford: Oxford University Press, 1986), 160-163.

undermine democracy.⁸⁷ To identify these presumed Communist spies, the HUAC and the FBI monitored people suspected of “un-American,” “subversive,” and/or communist behavior. What constituted an act as “un-American” and/or “subversive” typically fell under the realm of Communist affiliation. Anything that challenged the status quo of American society and politics could be considered “un-American,” “subversive,” and or “Communist.” For example, the FBI monitored Clyde Kennard, an African American, for possible “subversive” activity after he applied to Mississippi Southern, a largely white college, in 1958.⁸⁸ The United States’ surveillance of its own citizens represented a sort of “domestic containment” as people were actively attacked and suppressed within the United States.⁸⁹

In addition to the suppression of its own citizens, the international community, especially the Soviet Union, criticized the United States’ internal racial policies. Despite promoting democracy and equality globally on the surface, the United States did nothing to improve the lives of African Americans and instead acted against their interests. For example, on July 27, 1957, Estelle Barker, a white Alabamian woman, accused Jimmy Wilson, an African American who worked for her, of attempted rape and robbery of \$1.95. The all-white jury found Wilson guilty of theft and gave the maximum sentence of death by electric chair.⁹⁰ The disproportionate charge Wilson received horrified the global community and immediately spurned outcries. Newspaper articles and enraged citizens from Norway, Israel, Jamaica, Australia, Liberia, Ethiopia, and Ghana condemned the United States for its hypocrisy and for the cruel punishment.

⁸⁷ Susan L. Brinson, *The Red Scare, Politics, and the Federal Communications Commission, 1941-1960* (Westport: Praeger, 2004), 2-3.

⁸⁸ Timothy J. Minchin and John A. Salmond, “‘The Saddest Story of the Whole Movement’: The Clyde Kennard Case and the Search for Racial Reconciliation in Mississippi, 1955-2007” *The Journal of Mississippi History* (2010): 191-234, 201-203.

⁸⁹ Paul C. Rosier, “‘They are Ancestral Homelands,’ 1301-1302.

⁹⁰ Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton and Oxford: Princeton University Press, 2000), 3-4.

A news article in the *Voice of Ethiopia* claimed that “it is inconceivable that in this enlightened age, in a country that prides itself on its code of justice, that, for the paltry sum of \$1.95, a man should forfeit his life.”⁹¹ The international attention to the Wilson case additionally demonstrates the rising internationalism with racial freedom movements, which will be discussed in further in the third chapter. The numerous critiques forced the United States Secretary of State, John Foster Dulles, to encourage Alabama Governor James Folsom to grant Wilson clemency, since his case has grown to an international level of concern and could pose a strong strategic point of criticism for the Soviet Union.⁹² Wilson’s case is just one of the many ludicrous US racial policies and retaliation against African Americans that garnered international attention. The Wilson case additionally points to one of the key Soviet strategies to undermine the United States.

The Soviet Union used its prominent role, as one of the two global superpowers of the post-WWII era, to appeal to African Americans and Black people across the world. The Soviet Union depicted their country as an enlightened “anti-racist” society that sought to protect the inherent rights of Black people. For example, the Soviet Union covered a story of two American laborers who attacked one Black worker in a tractor factory and how other workers consistently protested the assault.⁹³ Whether the story was real or not, the fact that it was two Americans who unduly attacked a Black man and that the entire Soviet working class demanded justice characterized the United States as villains and the Soviets as protectors of Black lives. In many cases, the Soviet Union’s propaganda and anti-racist campaign worked. The appeal of the Soviet Union and the frustration of the United States Jim Crow laws caused several African American

⁹¹ Dudziak, *Cold War Civil Rights*, 4.

⁹² Dudziak, *Cold War Civil Rights*, 4-6.

⁹³ Meredith L. Roman, *Opposing Jim Crow: African Americans and the Soviet Indictment of U.S. Racism, 1928-1937* (Lincoln & London: University of Nebraska Press, 2012), 25-26.

leaders, to travel and sometimes permanently stay in Soviet Russia in the postwar years.⁹⁴ The Soviet Union used socialist philosophy and stories like the tractor factory to promote Communism and to condemn the United States. In response to the Soviet Unions' techniques, the United States began to hunt and spy on their own citizens for possible Soviet and Communist influence.⁹⁵

Similarly, Soviet Russia criticized the United States for its mistreatment of Native Americans. For example, the main Soviet news distribution agency, the Telegraph Agency of the Soviet Union (TASS), claimed in 1977 that the United States committed genocide against its Native American population. TASS stated that “the Indian population, the national minority most oppressed in the United States, has fallen victim to genocide, that gravest crime” and further condemned the United States as a hypocritical government that falsely promoted human rights.⁹⁶ TASS’ news report was featured in the Native American *Wassaja* newspaper, which does not add commentary. While there is no explicit promotion or appreciation for the Soviets’ comment, its inclusion in the newspaper does demonstrate a certain resonance with TASS’ message. Considering TASS’ damning message, it is not surprising that the US CIA recognized the TASS as a “propaganda apparatus.”⁹⁷

In addition to the United Nations Genocide Convention, the United Nations decolonization effort garnered attention as a primary activist strategy based on self-

⁹⁴ Joy Gleason Carew, *Blacks, Reds, and Russians: Sojourners in Search of the Soviet Promise* (New Brunswick: Rutgers University Press, 2008), 1-2.

⁹⁵ More on this in the subsequent chapter.

⁹⁶ “Hits Genocide of Indians: Russia Answers Carter on Human Rights Issue” *Wassaja*, October 1977, p 10, American Indian Newspapers Collection, Adam Matthew. https://www.americanindiannewspapers.amdigital.co.uk/Documents/Images/SNRC_WSJA_1973-1977_ED048/9

⁹⁷ “The Soviet Foreign Propaganda Apparatus: A Research Paper” Declassified and Sanitized, April 1986. Released Dec 1, 2011. <https://www.cia.gov/readingroom/docs/CIA-RDP87T00787R000200170003-4.pdf>

determination. Initially, members of the United Nations could not agree on the implementation and rationale of decolonization. While South Asia, Latin America, and Soviet Russia strongly advocated for decolonization, European nations feared that decolonization would spurn rebellions, violence, and anti-colonialism in their empires abroad. The United States, on the other hand, contemplated promoting decolonization. On the one hand, decolonization efforts represented a moral ideal, but on the other, the United States worried about the stability of allied European nations.⁹⁸ Despite these initial disagreements, in 1960, the United Nations passed the Declaration on the Granting of Independence to Colonial Countries and Peoples, which demanded that the colonial powers recognize the self-determination of a peoples and to take “immediate steps” in giving them sovereignty.⁹⁹ The United Nations decolonization efforts are in direct relation to the United Nations founding charter on self-determination. Specifically, the United Nations’ first Article, paragraph two demanded that all UN members must recognize and respect the self-determination of its people.¹⁰⁰ As the subsequent chapters shall demonstrate, this concept of self-determination and decolonization are key activist strategies for the NCAI, the BPP, and AIM specifically.

Conclusion:

Early European colonizers and then United States citizens initially viewed Native Americans as savage beings that needed to be expunged from the North American continent. In the name of expansion, the United States committed devastating atrocities on the Native American population. Once the United States forced Native Americans into smaller territories

⁹⁸ Nicole Eggers ed. et.al, *The United Nations and Decolonization* (London: Routledge, 2020), 3-5.

⁹⁹ Eggers, *The United Nations and Decolonization*, 7.

¹⁰⁰ United Nations Charter (full text), *United Nations*, Accessed November 15, 2022.
<https://www.un.org/en/about-us/un-charter/full-text>.

and reservations, United States policies shifted from genocidal to forced assimilation and termination. This was a new form of oppression, as the United States continued to discriminate against Native Americans by not recognizing them as sovereign peoples. The United States similarly viewed Africans and African Americans as inferior beings and forced them into slavery at the beginning of the fifteenth century. As Africans distinguished themselves as African Americans, they demanded more rights in the United States. Yet, African Americans too experienced discrimination and oppression through Jim Crow Laws and the KKK. After the Second World War, the international community formed the United Nations to prevent any further devastating wars. To prevent future atrocities and to usher in a new era, the United Nations adopted decolonization efforts and the Genocide Convention. Yet, the Cold War competition between the United States and the Soviet Union overshadowed these progressive stances and laws. As a key tactic against the United States, the Soviet Union portrayed itself as the protector of Black people, including African Americans and Native Americans.

II. Legal & Political Activism: The CRC & The NCAI

Considering the United States' persistent oppression of African Americans and Native Americans, it is no surprise that these racial groups began formulating ways to resist the United States government. In the immediate post-WWII era, the Civil Rights Congress (CRC) and the National Congress of American Indians (NCAI) -- one African American-led and the other Native American-led -- formed to challenge the United States' oppressive and racist policies. This chapter illustrates how the CRC and the NCAI advocated for the rights of African Americans and Native Americans respectively during the tumultuous post-WWII era and towards the beginnings of the Cold War. Both groups adopted varying activist strategies that demonstrate the nuance and ability of working within the United States government to defend African American and Native American rights. It is argued that the CRC and the NCAI, as political and legal advocacy groups, conducted "genocide activism" working within the United States. This concept is related to what historian Evelyn Higginbotham called a "politics of respectability." While her book focuses more on the important role African American women played in making the church a "powerful institution of racial self-help" for African Americans as a whole, her concept of respectability politics is significant to this thesis.¹⁰¹ Respectability politics as Higginbotham defined it was where African American women altered their behavior and denied their cultural practices to look more favorably to white Americans.¹⁰² As this chapter demonstrates, in the early years of the Cold War, certain African American and Native American groups and individuals suppressed their form of activism so as to avoid additional scrutiny from

¹⁰¹ Evelyn Brooks Higginbotham, *Righteous Discontent: The Women's Movement in the Black Baptist Church, 1880-1920* (Cambridge: Harvard University Press, 1993), 1.

¹⁰² Higginbotham, *Righteous Discontent*, 1.

the United States. The CRC and the NCAI sought to elevate their status as respectable institutions by advocating on the political and legal levels.

Primarily, this chapter utilizes the Smithsonian's National Congress of American Indian Records, select CRC and NCAI personal memoirs and writings, and a few legal cases to demonstrate the CRC's and the NCAI's activist strategies. CRC and NCAI members' personal memoirs illustrate the ways some individuals differed from their organization's tenants and practices. Did any members of the NCAI express themselves openly in their own publications? Were members generally more receptive to genocidal claims and Communist ideology outside of their organization affiliation? This section reveals that individual members of the NCAI were typically upfront and less reserved about their experiences as Native Americans in the mid-twentieth century United States. While the NCAI as an organization discouraged protests and inflammatory language, individual members would use controversial terms in their private writings. Examining these distinctions through the private writings of individual members provides a more nuanced understanding of Native American activism in the post-war era.

Creating a New Group: The Differences & Similarities of the CRC & the NCAI

An issue that both African Americans and Native Americans suffered -- and that the CRC and NCAI sought to address -- throughout the centuries was the lack of political representation. The early citizenship laws excluded African Americans from voting and therefore, resulted in no representation for African Americans. Most American government officials, additionally, failed to understand the plight of African Americans and actively sought to further oppress and belittle them. For example, in 1945, President Truman elected James Byrnes as his Secretary of State, who publicly stated that the United States was a "white man's country" and even mocked

lynching victims in his previous position as a US Congressman.¹⁰³ For Native Americans, the closest institution they had to representation is the Bureau of Indian Affairs (BIA), which was not even a representative organization to begin with. On March 11, 1824, Secretary of State John C. Calhoun formed the BIA as the official United States cabinet that handled all government interactions between Native Americans and the United States.¹⁰⁴ This cabinet was inherently flawed, however, considering it was a one-sided interaction, where the BIA simply imposed US policy *on* Native Americans not *with*. The BIA additionally played a significant role in advocating for assimilation policies, such as the boarding schools discussed earlier.¹⁰⁵ The continued discrimination, poor representation, and outright racism against African Americans and Native Americans throughout the centuries led them to find new ways to improve their lives.

The founding and creation of the CRC and the NCAI differed significantly, despite forming around the same time. At a 1946 conference in Detroit, hundreds of left-leaning, African American, labor, and other progressive organizations formed the CRC.¹⁰⁶ The CRC formed as a combination of other organizations (the International Labor Defense, the National Federation for Constitutional Liberties, and one year later the National Negro Congress).¹⁰⁷ The CRC advocated for the rights of “racial, national, religious, and political minorities” through legal representation and organized protest.¹⁰⁸ Mainly though, the CRC legally represented unjustly imprisoned African Americans, whom the US government labeled as enemies, and Communist sympathizers,

¹⁰³ Carol Anderson, *Eyes Off the Prize: The United Nations and the African American Struggle for Civil Rights, 1944-1955* (Cambridge: Cambridge University Press, 2003), 69-71.

¹⁰⁴ Fixico, *Bureau of Indian Affairs*, 14-15.

¹⁰⁵ Dunbar-Ortiz, *An Indigenous Peoples' History*, 151.

¹⁰⁶ Charles H. Martin, “The Civil Rights Congress and Southern Black Defendants,” *The Georgia Historical Quarterly* 71, no.1 (1987): 25-52, 26.

¹⁰⁷ Wilson Record, *Race and Radicalism; the NAACP and the Communist Party in Conflict* (Ithaca, New York: Cornell University Press, 1964), 151.

¹⁰⁸ Record, *Race and Radicalism*, 26-27.

and were subsequently, sentenced to death. Considering the general make-up of the CRC and its implicit distaste of the US government's response to Communists, the House Un-American Activities Committee (HUAC) and the Federal Bureau of Investigation (FBI) almost immediately labeled the CRC as a communist organization. Since the HUAC identified the CRC as a Communist, subversive organization, the HUAC and the FBI heavily monitored, while the US government and the public criticized and feared the CRC.

The CRC's connection to the Communist Party USA is perhaps reflected in the lack of scholarly work analyzing the CRC's activist tactics. Gerald Horne's 1988 book, *Communist Front?* analyzes how Communist Party organizers worked within the CRC to oppose what he deemed as an oppressive United States government and to advocate for the rights of African Americans. He pays significant attention to the injustices that the CRC faced from the HUAC and claims that while the CRC had several communist-leaning and Communist Party members, they were not a "communist front" as the HUAC claimed.¹⁰⁹ He additionally points out that the US government unduly targeted the CRC for its American Communist Party affiliation and has not been analyzed as an important historical organization in the scholarship on Civil Rights.

The US government deemed the CRC a subversive organization due to its strong association with the US Communist Party. As a subversive organization, the HUAC, the FBI, and President Truman heavily monitored their organization and members. As an organization, the CRC undertook many legal cases where they defended members of the Communist Party in the US, Canada, Puerto Rico, and Canada.¹¹⁰ Though, the CRC did not maintain any overt political standing as a Communist party; they advocated for their rights as citizens and for freedom of

¹⁰⁹ Gerald Horne, *Communist Front?: The Civil Rights Congress, 1946-1956* (Rutherford: Fairleigh Dickinson University Press, 1988)

¹¹⁰ Horne, *Communist Front?* 160-166.

speech, and they had openly Communist members in their organization. The strong Communist presence in the CRC concerned the United States government and, thus, resulted in the HUAC and the FBI suspecting the organization as a Communist front. Even when the CRC did something completely unrelated to communist activity, such as defending African Americans in judicial courts, there was a warning note preceded by their documents. For example, when Joseph Cadden, the Executive Director of the CRC, sent a letter to President Truman on February 5, 1948, the letter was first marked “on the list of subversive organizations” before the White House staff members forwarded the message to President Truman. The letter itself did not contain any communist rhetoric; Cadden simply reaffirmed the CRC’s support of the president’s “ten-point program,” but wanted Truman to take more action in enforcing the often-filibustered anti-lynching bills.¹¹¹ In addition to the Communist Party USA associations, the CRC fought against the 1940 Smith Act, which added further suspicion on its organization. The Smith Act allowed the United States government to deport immigrants based on “subversive” activity or membership with the United States Communist Party.¹¹² There was perhaps no doubt in the minds of more conservative members of the United States government that the CRC was a subversive organization due to the fervent disdain of the Smith Act.

Most works aside from Horne’s book focus not on the CRC per se but its relation to other African American civil rights groups or its role in assisting specific individuals legally. In *Eyes off the Prize*, Carol Anderson examines how the National Association for the Advancement of

¹¹¹ Joseph Cadden, “Civil Rights Congress to Harry S. Truman” February 5, 1948, <https://www.trumanlibrary.gov/library/research-files/joseph-cadden-civil-rights-congress-harry-s-truman?documentid=NA&pagenumber=2>.

¹¹² Rebecca Hill, “The History of the Smith Act and the Hatch Act: Anti-Communism and the Rise of the Conservative Coalition in Congress,” in Robert J. Goldstein ed., *Little ‘Red Scares’: Anti-Communism and Political Repression in the United States, 1921-1946* (London & New York: Routledge, 2016): 315-346, 316.

Colored People (NAACP), the National Negro Congress (NNC), and the CRC, among other similar organizations, attempted to appeal to the international community, namely through the United Nations, to advocate for the rights of African Americans.¹¹³ She claims that the CRC used the Genocide Petition as a way to protect itself from the anti-communist, Red Scare atmosphere of mid-twentieth-century America.¹¹⁴ Other scholars, like Theodore Hamm, discuss the specific legal cases, where the CRC worked to provide justice to wrongly accused individuals.¹¹⁵ In Hamm's article, he details the CRC's role in the Wesley Robert Wells case in California. Wells was a nineteen-year-old African American, who was arrested for theft in 1928 and later sentenced to death in 1947 for throwing an ashtray at a prison guard.¹¹⁶ Wells' eventual release in 1974 is often attributed to the Black Panthers, who later took on the grassroots campaign to spread Wells' case in the United States after the CRC disbanded in 1955. However, Hamm emphasizes the influence the CRC had in publicizing the Wells case and in the Black Panther Party's later involvement in the case.¹¹⁷

Despite the significance of Anderson's, Horne's, and Hamm's works, more often than not, historians only mention the CRC in specific reference to the Genocide Petition. For example, Charles H. Martin and Daniel E. Solomon both focus on how the CRC used the category of genocide to critique the United States.¹¹⁸ Martin demonstrated how the CRC's Genocide Petition

¹¹³ Carol Anderson, *Eyes Off the Prize: The United Nations and the African American Struggle for Civil Rights, 1944-1955* (Cambridge: Cambridge University Press, 2003).

¹¹⁴ Anderson, *Eyes Off the Prize*, 169-186.

¹¹⁵ Theodore Hamm, "Wesley Robert Wells and the Civil Rights Congress Campaign," in *Racializing Justice, Disenfranchising Lives: The Racism, Criminal Justice, and Law Reader* ed. Manning Marable et.al. (New York: Palgrave Macmillan, 2007), 353-365.

¹¹⁶ Hamm, "Wesley Robert Wells," 354.

¹¹⁷ Hamm, "Wesley Robert Wells," 362.

¹¹⁸ Charles H Martin, "Internationalizing 'the American Dilemma: The Civil Rights Congress and the 1951 Genocide Petition to the United Nations,'" *Journal of American Ethnic History* 16, no.4 (1997): 35-61; Daniel E. Solomon, "The Black Freedom Movement and the Politics of the Anti-Genocide Norm in the United States, 1951-1967," *Genocide Studies and Prevention: An International Journal* 13, no. 1 (2019): 130-143.

capitalized on the international scrutiny that the United States faced for its discriminatory practices against African Americans. During the Cold War, members of the United Nations and Soviet Russia consistently criticized the United States for its Jim Crow laws and lynching practices. Using these critiques, the CRC raised awareness of the atrocities the African American community faced during this time. In addition to the CRC, Martin recognizes that the NAACP appealed to the United Nations to similarly advocate for better treatment of African Americans. Solomon similarly recognizes the impact that the Genocide Petition had on African American activism. He proposed that African Americans used the post-World War II anti-genocide norm, despite the failure of the Genocide Petition to charge the United States with genocide.¹¹⁹ As introduced at the beginning of this thesis, the “anti-genocide norm” demonstrates the weight the Genocide Convention had on activism in the United States. Solomon additionally analyzes the effect the “anti-genocide norm” had on the “black freedom movement,” which he generally characterizes as “black protest groups, non-profit organizations, and activist networks that mobilized for political, social, and economic equality during the postwar period.”¹²⁰ Thus, Solomon argues that the terms of genocide represented a “dynamic historical idea,” one that inspired the “black freedom movement” to leverage the Genocide Convention for their own benefit.¹²¹

Similar to the work on the CRC, few scholars have studied the NCAI specifically, and those who do often neglect the organizational tactics of the NCAI itself. In 1944, more than 50 Native American tribal representatives met in Colorado to form the NCAI, which was one of the first pan-Indian organizations that sought to protect all Native American interests, regardless of

¹¹⁹ Solomon, "The Black Freedom Movement," 131.

¹²⁰ Solomon, "The Black Freedom Movement," 131.

¹²¹ Solomon, "The Black Freedom Movement," 131.

specific tribal affiliation.¹²² As discussed in the previous chapter, termination laws continued to challenge Native American rights as sovereign peoples and the NCAI sought to impede and resist them. To confront the Termination laws, the NCAI filed several lawsuits against the United States government to protect Native American rights to self-determination.¹²³ Plenty of scholars have written about the NCAI's fight against the Termination laws, but rarely does anyone go into more detail about the organization itself.¹²⁴ The exception is Thomas Cowger's *The National Congress of American Indians*.¹²⁵ Cowger recognizes how little attention has been given to the NCAI. In his book, he provides a thorough investigation of NCAI activities from when it was established in 1944, through the mid-1960s.¹²⁶ He argued that "the historiography on Native Americans in the twentieth century remains sketchy and uneven, largely focusing on federal policy and relying principally on government documents." Thus, he aimed to provide more insight into the social dynamics of the organization and how it's situated in the political climate of the Civil Rights Movement and the Cold War.¹²⁷ As of now, the only book-length analysis of the NCAI is Cowger's work, which will be particularly helpful in providing background information as well as details of the NCAI activities in the mid-twentieth century.

¹²² Thomas W. Cowger, *The National Congress of American Indians: The Founding Years* (Lincoln: University of Nebraska Press, 1999); Based on his dissertation, "Sovereign Nations, Shared Identity, and Civil Rights: The National Congress of American Indians, 1944-1964" (PhD dissertation, Purdue University, August 1994).

¹²³ National Congress of American Indians, "Seventy Years of NCAI," Accessed November 7, 2022. <https://www.ncai.org/about-ncai/mission-history/seventy-years-of-ncai#:~:text=In%20the%20wake%20of%20the,exercise%20criminal%20jurisdiction%20over%20Indians>

¹²⁴ Kenneth R. Philp, *Termination Revisited: American Indians on the Trail to Self-Determination, 1933-1953*, (Lincoln: University of Nebraska Press, 1999); Larry W. Burt, *Tribalism in Crisis: Federal Indian Policy, 1953-1961* (Albuquerque: University of New Mexico Press, 1982); Edward Charles Valandra, *Not without our Consent: Lakota Resistance to Termination, 1950-59*, (Champaign: University of Illinois Press, 2006); Donald L. Fixico, *Termination and Relocation: Federal Indian Policy, 1945-1960* (Albuquerque: University of New Mexico Press, 1986).

¹²⁵ Thomas W. Cowger, *The National Congress of American Indians: The Founding Years* (Lincoln: University of Nebraska Press, 1999)

¹²⁶ Cowger, *the National Congress of American Indians*, 2-5.

¹²⁷ Cowger, *the National Congress of American Indians*, 2-5.

Since its founding, the NCAI advocated for the rights of Native Americans, in particular, the right to self-determination. This group was at the forefront of self-determination, which was a right of a group to establish itself as sovereign people and provided a political structure for Native American groups. The NCAI provided a political structure by representing Native Americans in legal cases, lobbying Congress to acknowledge Native American injustices, and promoting “Native Americans politically through voting blocs.” Another goal of the NCAI was to address the inconsistencies and the inability of the Bureau of Indian Affairs (BIA) to sufficiently include Native American opinions in United States affairs. As the previous chapter demonstrated, the BIA was the US cabinet responsible for implementing federal law with Native Americans, such as the Dawes Act and the white-run boarding schools. With Termination, the United States sought to abolish the BIA, but instead significantly reduced its funding in the 1940s. Yet, the simple desire to remove the BIA demonstrated the lack of respect or perceived *need* for Native American interactions. In 1953, the US government bestowed Native Americans citizenship and did not require a separate identity on the North American continent. Thus, the establishment of the NCAI as a legal, representative body can be considered a necessary accomplishment for Native Americans as a whole.

Terminology and Legal Status: The Consequences of Words

*Some of the issues involved in the civil rights struggle were not Indian issues. Segregation, which the black man protested so bitterly, was not seen as a denial of social status by Indians. [Indians] had never aspired to a place in the white man's society...*¹²⁸ - D'Arcy McNickle

¹²⁸ D'Arcy McNickle, *Native American Tribalism: Indian Survivals and Renewals* (New York: Oxford University Press, 1973), 122. Italics added.

D'Arcy McNickle, one of the founding members of the NCAI and member of the Flathead Indian Reservation, amply stated one of the main perceived differences between the African American and Native American twentieth-century struggles: African Americans wanted to be included and recognized by the US government, but Native Americans wanted to remain separate, as sovereign nations in the North American continent. McNickle's perception of the twentieth-century African American and Native American struggles provides insight into why the CRC and the NCAI appealed to different UN laws. This section shall address why the CRC and the NCAI used these particular UN laws. The CRC's use of the Genocide Convention and the NCAI's use of the UN Charter will provide a further, deeper understanding of their organizations' goals. How these organizations used the UN Charter and Genocide Convention similarly demonstrates the benefits and flexibility of arguing to apply international laws at a local level. As I will later demonstrate, the United Nations and the United States responded to and handled the CRC's genocide accusations and the NCAI's claims for self-determination differently. Lastly, this section will examine how the terms the CRC and the NCAI used reflect a tense post-World War II era and how the US government and public perceived these organizations and received their arguments.

The CRC and the NCAI conducted activism politically and legally to advocate on behalf of and improve the lives of African Americans and Native Americans respectively. The most infamous and inspiring CRC activist strategy was its historic petition to the United Nations. A mere three years after the Genocide Convention, the CRC presented two copies of their *We Charge Genocide* petition to the UN assembly in Paris and the UN offices in New York.¹²⁹ This

¹²⁹ William L. Patterson ed. *We Charge Genocide: The Historic Petition to the United Nations for Relief from a Crime of the United States Government Against the Negro People* (New York: Civil Rights Congress, 1951).

petition boldly claimed that the United States government committed genocide against African Americans through generations of slavery, segregation, and lynching.¹³⁰ In a similar vein, the NCAI used the UN charter to advocate for Native Americans' right to self-determination. In particular, the first Article, paragraph two of the founding UN charter was especially attractive and empowering to the NCAI. The UN charter, Article 1:2 requires all UN members to recognize and respect the self-determination of its people.¹³¹ In using these specific UN laws, the CRC aimed to address the contemporary problems with African American segregation, lynching, and racism, while the NCAI intended to combat the Termination laws of the 1950s, which directly affected Native Americans.

Capitalizing on this global anti-genocide sentiment, the CRC hoped to focus global attention on the African American situation in the US. In their petition, the CRC directly referenced the Genocide Convention's definition, stating that:

It is sometimes incorrectly thought that genocide means the complete and definitive destruction of a race or people. The Genocide Convention, however, adopted by the General Assembly of the United Nations on December 9, 1948, defines genocide as any killings on the basis of race, or, in its specific words, as "killing members of the group." Any intent to destroy, in whole or in part, a national, racial, ethnic or religious group is genocide, according to the Convention. Thus, the Convention states, "causing serious bodily or mental harm to members of the group" is genocide as well as "killing members of the group." We maintain, therefore, that the oppressed Negro citizens of the United States, segregated, discriminated against and long the target of violence, suffer from genocide as the result of the consistent, conscious, unified policies of every branch of government.¹³²

The approximately one hundred signatories called upon the UN General Assembly to punish the United States for genocide against the African American community. It was not an unreasonable

¹³⁰ Patterson, *We Charge Genocide*.

¹³¹ United Nations Charter (full text), *United Nations*, Accessed November 15, 2022. <https://www.un.org/en/about-us/un-charter/full-text>.

¹³² Patterson, *We Charge Genocide*, xi.

or unfounded accusation. Based on the definition, the mistreatment of African Americans throughout eras of slavery and Jim Crow segregation could be considered genocide. The CRC was correct. The United States *did* kill African Americans disproportionately with lynching. The United States *did* cause serious mental and bodily harm through Jim Crow laws and segregation. And the United States *did* deliberately place African Americans in unsavory, poor living conditions that inhibited their ability to thrive. However, this accusation did not result in any legal ramifications for the United States government, nor did it seriously inspire a societal shift in the more conservative white groups in the United States toward improving the treatment of the African American community. Regardless of these unrealized effects, the CRC used the Genocide Convention as a multi-faceted, strategic effort to internationalize African American experiences.

The paranoia surrounding the CRC impeded the organization's strategic effectiveness and led the FBI, the HUAC, and United States citizens to harass CRC members. The anti-communist paranoia in the United States resulted in CRC members' unwarranted arrests, un-prompted violent attacks, and hate mail, with some of the most common statements being, "Go back to Russia."¹³³ This treatment led the CRC to the United Nations, where they hoped to pull at the heartstrings of the global community and, subsequently, obtain some level of protection for their members. If the world recognized the CRC's claims of genocide and sympathized with their hardships, they might have some protection within the United States. Or more bluntly put, if the US government arrested or mistreated CRC members, the world would demand to know their location and their well-being. They additionally hoped that the petition would garner support and

¹³³ Horne, *Communist Front?*, 60-63.

attention from the world, for everyone to see how serious the United States' oppression of African Americans was.

The CRC succeeded in their plans with the publication of the *We Charge Genocide* petition in 1951, however, they were not as successful as they had hoped. On one hand, their petition became sensational news as a controversial literature piece. On the other hand, it increased the tensions between the CRC and the US government. The petition became a bestseller, selling roughly forty-five thousand copies in Europe, revealing the hypocritical US policies to audiences abroad.¹³⁴ It also became a boon for Communist Soviet influence in third-world countries. During the Cold War, the Soviets often used the United States race issue as evidence of communism's superiority over democratic nations. The Soviets convincingly argued that if the United States still allowed discrimination in their own country, how then would they help any people of color abroad?¹³⁵ The argument of treatment at home versus abroad remained a successful endeavor for the Soviets in their campaign to extend their influence in Africa and to convert African nations to communism.

Cold War tensions abroad subsequently worsened back in the United States. Almost as soon as the CRC published the *We Charge Genocide* petition, the United States government and the public, even other African Americans, considered it a largely Communist, Soviet tactic. The *Afro-American* newspaper directly contested the actual intention of the petition simply by running the headline: "Red Plot or Indictment? UN Asked to Act Against Genocide in United States."¹³⁶ Here the authors of the newspaper question if the CRC really wanted to see African

¹³⁴ Horne, *Communist Front?*, 169-170.

¹³⁵ Martin, "Internationalizing 'the American Dilemma,'" 40-46.

¹³⁶ "Red Plot or Indictment? UN Asked to Act Against Genocide in United States," *The Afro-American*, December 29, 1951, 19.
<https://news.google.com/newspapers?id=mdQmAAAAIABJ&sjid=kgIGAAAAIABJ&dq=we-charge-genocide&pg=2113%2C3191483>.

American emancipation, or did they want to ridicule the US on a world stage? Even the National Association for the Advancement of Colored People (NAACP) denounced the petition as an anti-American, Communist plot that grossly misinterpreted the reality in the United States.¹³⁷ Seeing as how the Soviets used the petition as a propaganda piece, it could be seen that the CRC wrote the petition solely to undermine the United States's promotion of democracy abroad. CRC members also faced continued harassment from the United States government and the public. Upon Patterson's return to the United States from Paris, the State Department seized his passport, further isolating the CRC from the world.¹³⁸ The petition, in a way, became a double-edged sword. The CRC may have received the attention it wanted, but it further tarnished its already poor reputation.

The CRC's petition also revealed some weaknesses of the Genocide Convention in itself. Even before the CRC's petition, the United States government contested and combatted the passage of the Genocide Convention. Raphael Lemkin, the man who coined the term "genocide," fought tirelessly to convince the United States to finally accept the Genocide Convention. Lemkin played a significant role in advancing the adoption of his term "genocide" into the United Nations as an international law. Lemkin adamantly denied that the treatment of African Americans would constitute genocide and, thus, undermined the CRC's petition. At the beginning of a 1953 memo, Lemkin stated, "Genocide implied destruction, death, annihilation, while discrimination is a regrettable denial of certain opportunities of life. To be unequal is not the same as to be dead."¹³⁹ In two simple sentences, Lemkin weakened the CRC's petition. While nations ultimately defined and agreed on the definition of genocide in the Convention, Lemkin

¹³⁷ Anderson, *Eyes off the Prize*, 186.

¹³⁸ Horne, *Communist Front?* 174-175.

¹³⁹ Power, "A Problem from Hell," 75.

held strong authority on what constituted genocide as the man who coined the term. His statement confirmed that discrimination did not equate to genocide, which further appeased US politicians. If the man who created “genocide” thought that the CRC’s claim was invalid, then there is no real argument to be had. Yet, Lemkin’s statement dismissed African American experiences.

Lemkin’s statement could be considered an intentional snub to the CRC’s efforts, but Lemkin merely meant to avoid any more hindrance and opposition to the United States Genocide Convention ratification. At a young age, Lemkin recalled his shock over the frequency in which people, groups, and/or nations persecuted individuals for unchangeable characteristics such as racial identity, religious beliefs, and/or ethnicity.¹⁴⁰ As a Polish Jew, Lemkin witnessed first-hand the atrocities of Nazi Germany. In 1939, Lemkin fled Poland, encountering German bombings, and became a refugee in Lithuania.¹⁴¹ Disturbed by the past atrocities of the Armenian genocide, and the contemporary threat of Hitler and National Socialism in Germany, Lemkin vowed early on to prevent similar inhumane actions. In 1921, he attended Lwów Law School and as early as 1933 spoke before the League of Nations Fifth International Conference for the Unification of Criminal Law in Madrid. There Lemkin proposed a law, similar to his future term “genocide,” that banned what he called “barbarism” and “vandalism.”¹⁴² He defined the crimes of barbarity and vandalism as follows: “[the crime of barbarity] consisted of destroying a national or religious collectivity; the second consisted of destroying works of culture, which represented the specific genius of these national and religious groups. [The ending goal is to eradicate] both the physical

¹⁴⁰ Raphael Lemkin and ed. Donna-Lee Frieze, *Totally Unofficial: the Autobiography of Raphael Lemkin* (New Haven: Yale University Press, 2013), 1.

¹⁴¹ Lemkin, *Totally Unofficial*, 25-60.

¹⁴² Johann Justus Vassel, “‘In the Beginning, There was no Word...’” *European Journal of International Law* 29, no. 4, (2019): 1053-1056.

existence and the spiritual life of these collectivities.”¹⁴³ Though Lemkin recognized the importance of introducing a preventive law against the aforementioned crimes, he struggled for years to get international recognition and respect for genocide as a crime, especially in the United States.

In particular, several US politicians initially rejected ratifying the Genocide Convention due to its clarity and since it could result in legal repercussions from the United Nations. Lynching practices against African Americans remained the primary concern over the United States’ acceptance of the Genocide Convention. During the early twentieth century, Southern states in the United States would commonly lynch African Americans for any behavior white Americans deemed criminal and required justice. While white mobs lynched African Americans for a multitude of reasons -- from something as trivial as entering a white girls’ room to acts of murder -- the most common reason was accusations of rape of white women.¹⁴⁴ White Americans perpetuated the stereotype of sexually deviant and promiscuous African Americans. In general, however, the number of lynchings remains inconclusive and inconsistent. The Equal Justice Initiative calculates that more than 4,400 African Americans were lynched between the Reconstruction Era and World War II.¹⁴⁵ Another study estimated that from 1883 to 1941, there were 4,027 lynchings in the United States and 3,265 of those victims were African American.¹⁴⁶ Regardless of our inability to know the actual number of lynchings, lynchings happened frequently enough that it could constitute genocide. Additionally, white mobs lynched African

¹⁴³ Lemkin, *Totally Unofficial*, 22.

¹⁴⁴ Mattias Smangs, “Race, Gender, and the Rape-Lynching Nexus in the U.S. South, 1881-1930” *Social Problems* 67, Iss. 4 (September 2019): 616-636. Doi: 10.1093/socpro/spz035; Margart Vandiver, *Lethal Punishment: Lynchings and Legal Executions in the South* (New Brunswick: Rutgers University, 2006)

¹⁴⁵ Equal Justice Initiative, “Lynching in America: Confronting the Legacy of Racial Terror” 3 *EJI* (2017): <https://eji.org/reports/lynching-in-america/>.

¹⁴⁶ Charles Seguin and David Rigby, “National Crimes: A New National Data Set of Lynchings in the United States, 1883 to 1941” *Socius* 5, (2019): <https://doi.org/10.1177/2378023119841780>.

Americans as an explicit method of oppression, fearmongering, and of enforcing the racial status quo in the United States.¹⁴⁷

With the definition of genocide that Lemkin provided, it could be argued that lynching of African Americans is indeed genocide; a common fear proposed, most famously by later conservative opponents to the Convention: Senators Jesse Helms, Orrin Hatch, and Richard Lugar.¹⁴⁸ The concern of lynching as genocide, however, occurred far earlier than the aforementioned senators -- all of whom held government positions beginning in the late 1960s -- expressed their concerns. As Connecticut Senator Brien McMahon asked Alfred T. Schweppe, a member of the American Bar Association, in a 1950 Senate meeting, “let’s assume that there is a lynching and a colored man is murdered in that fashion. Is it your contention that that could be construed as being within the confines of [the genocide definition]?”¹⁴⁹ By boldly labeling lynchings and other discriminatory practices as genocidal and by appealing to the United Nations, the CRC’s petition made these concerns more pressing to US representatives. African Americans *were* using the Genocide Convention to criticize the United States. Lemkin’s denial of the CRC’s genocide petition did not ease the tensions making the United States reluctant to ratify the Genocide Convention. While the Genocide Convention did not result in the legal condemnation of the US, the CRC’s use of the Convention solidified the United States’ fear. The social implications of the *We Charge Genocide* petition succeeded in embarrassing the United States as a global power, but it did not result in any protections for the CRC. Ironically, the

¹⁴⁷ See Mattias Smangs, “Doing Violence, Making Race: Southern Lynching and White Racial Group Formation” *American Journal of Sociology* 121, No. 5 (March 2016): 1329-1374; Brad Epperly et.al. “Rule by Violence, Rule by Law: Lynching, Jim Crow, and the Continuing Evolution of Voter Suppression in the U.S.” *American Political Science Association* 18, no. 3 (September 2020): 756-769. <https://doi.org/10.1017/S1537592718003584>.

¹⁴⁸ Power, *A Problem from Hell*, 163-169.

¹⁴⁹ The Genocide Convention. Hearings before a Subcommittee of the Committee on Foreign Relations United States Senate, 204.

United States only considered accepting the Genocide Convention to appear favorably to totalitarian governments. As the following statement from Senator Sam J. Ervin shows, “The only argument now advanced for ratification of this convention is that it would improve the image of the United States in the eyes of Russia and other totalitarian parties to the convention....”¹⁵⁰ Clearly, to the more conservative United States congressmen, ratifying the Genocide Convention would only make sense as a preventative propaganda measure. The actual meaning and message of the Genocide Convention meant nothing in comparison to the US sovereignty rights and its perceived benefits.¹⁵¹

In addition to hopefully receiving some protection with the *We Charge Genocide* petition, the CRC hoped to emulate the success of its predecessor, the International Labor Defense (ILD), with legal court cases to internationalize the African American problem. In the Scottsboro case, the ILD successfully organized and internationalized the plight of eight African American boys. On April 9, 1931, four separate all-white juries in Scottsboro, Alabama sentenced eight of nine African American boys accused of rape to death.¹⁵² The Scottsboro case became international news and even sponsored protests in “Latin America, Asia, the Middle East... Africa, across Europe and the United States, in parts of the British Empire... and in Russia.”¹⁵³ The ILD’s ability to internationalize the Scottsboro boys was mirrored in the CRC’s Rose Lee Ingram case.

¹⁵⁰ United States Congress. Genocide Convention: Hearings before a subcommittee of the Committee on Foreign Relations, United States Senate, Ninety-Second Congress, First Session, on Executive O, the Convention on the Prevention and Punishment of the Crime of Genocide. U.S. Government Printing Office Washington: March 10, 1971,. 2.

¹⁵¹ It should be noted that the United States did not officially ratify the Genocide Convention until 1988. Lawrence J. LeBlanc, *The United States and the Genocide Convention* (Durham: Duke University Press, 1991), 6.

¹⁵² James A Miller et. al., “Mother Ada Wright and the International Campaign to Free the Scottsboro Boys, 1931-1934” *The American Historical Review* 106, No. 2 (April 2001): 387-430, 388. <https://doi.org/10.2307/2651612>.

¹⁵³ Miller, “Mother Ada Wright,” 388. For more information on the Scottsboro case see Richard C. Cortner, *Scottsboro Case in Mississippi: The Supreme Court and Brown v. Mississippi* (Jackson & London: University Press of Mississippi, 2005)

On January 26, 1948, an all-white Georgia jury, similarly condemned Rosa Lee Ingram and two of her sons, Wallace and Sammy Lee, for the murder of John Stratford, a white tenant farmer and neighbor who reportedly frequently sexually harassed Rosa Lee Ingram before.¹⁵⁴ The CRC immediately sought to protect Rose Lee Ingram and her sons from wrongful capital punishment based on unsubstantiated evidence. Only a month after the sentence, the CRC worked with the US Communist Party to publicize the case and frequently featured the Ingrams case in communist newspapers like the *Daily Worker*.¹⁵⁵ The CRC's publicity tactics had an almost immediate effect on the Ingrams court case. On March 25, 1948, Georgian Judge Harper motioned a new trial and changed the Ingrams' death sentence to life imprisonment.¹⁵⁶ This victory, while quite substantial, was not the end of the CRC's involvement in the case. In 1949, The National Committee to Free the Ingram Family, funded and supported by the CRC, internationalized the Ingrams' case when they requested the United Nations' intervention in a petition (not to be confused with their later *We Charge Genocide* petition).¹⁵⁷ The Ingram petition to the United Nations represented a minor gain. In October of 1949, a Polish delegate mentioned that the Ingram case was a violation of human rights, but they also believed that the UN petition was highly influenced by the US Communist Party.¹⁵⁸ In the end, the Ingrams did not receive the justice they deserved. Rosa Lee Ingram and her two sons spent approximately ten years in prison and received parole in August 1959.¹⁵⁹ Despite minimal international attention and the small

¹⁵⁴ Denise Lynn, "Gender Violence as Genocide: The Rosa Lee Ingram Case and *We Charge Genocide* petition," *Radical Americas* 7, 1 (2022): 1-15, 5. <https://doi.org/10.14324/111.444.ra.2022.v7.1.001>.

¹⁵⁵ Lynn, "Gender Violence as Genocide," 6.

¹⁵⁶ Charles H. Martin, "Race, Gender, and Southern Justice: The Rosa Lee Ingram Case" *The American Journal of Legal History* 28, no. 3 (July 1985): 251-268, 262. <https://www.jstor.org/stable/844758>.

¹⁵⁷ Martin, "Race, Gender, and Southern Justice" 255.

¹⁵⁸ Lynn, "Gender Violence as Genocide," 8.

¹⁵⁹ Lynn, "Gender Violence as Genocide," 8.

victories of the Ingrams' case, the CRC's involvement in the Ingrams' case is a considerable success if one realizes the environment in which the CRC defended their case.

Similar to the CRC, the NCAI sought to establish itself as a political body to represent Native Americans as a whole, regardless of specific tribal identity. One of the earliest cases was in 1945 when the NCAI sought to protect the Northwestern Bands of Shoshone's land from the United States Congress.¹⁶⁰ As typical of the United States, the United States sought to take millions of acres of Shoshone lands based on old treaty negotiations. The general counsel of the NCAI, James Curry, filed "an *amicus curiae* brief for a rehearing" on behalf of the Shoshone, but the Supreme Court did not recognize Curry's case and the land went to the Supreme Court.¹⁶¹ While the NCAI did not successfully intervene in this specific case, the NCAI continued to advocate for Native Americans in legal and political interactions with the United States. One of the NCAI's biggest success stories is when they pushed for Native American voting rights in Arizona and New Mexico. In 1945, Arizona and New Mexico barred Native Americans from voting since they did not pay taxes and their federal ward status.¹⁶² In 1948 a Pueblo WWII veteran and a Mohave-Apache WWII veteran both challenged New Mexico's and Arizona's constitutions on voting rights. In both cases, the NCAI legally intervened and successfully argued that New Mexico and Arizona violated Native American rights guaranteed by the federal constitution.¹⁶³

In comparison to the CRC, the United States government received more reserved and neutral critiques from the NCAI. To fund the Second World War, Congress cut the BIA budget

¹⁶⁰ Cowger, *National Congress of American Indians*, 54.

¹⁶¹ Cowger, *National Congress of American Indians*, 54.

¹⁶² Cowger, *National Congress of American Indians*, 64.

¹⁶³ Cowger, *National Congress of American Indians*, 64-65.

and thus disrupted the ability of this organization to effectively operate.¹⁶⁴ The Termination laws additionally curtailed the BIA's abilities by reducing their funding and stating that all of the BIA offices should be abolished. In 1953, House Concurrent Resolution 108 stated that the offices in "California, Florida, New York, and Texas and all other offices of the Bureau" should be terminated "at the earliest possible time."¹⁶⁵ To counteract the representation imbalance, the NCAI established itself as a new, more effective Native American representative government. The majority of the NCAI's founders once worked with the BIA, which caused brief inner turmoil as many members feared that the BIA wanted to control and invade the new organization.¹⁶⁶ This concern prompted the NCAI members, Archie Phinney, a Nez Perce activist and anthropologist, and McNickle to resign from leadership, and in 1945 the NCAI passed a new rule that forbade BIA employees from holding officer positions.¹⁶⁷

Unlike the CRC, the NCAI did not use the Genocide Convention to characterize their past treatment; rather, they ascribed the term "extermination" to their experiences. In 1950, Napoleon Bonaparte Johnson, once president of the NCAI, spoke at a convention: "The federal government has failed again and again in its dealing with the Indians... It followed the policy of extermination, forced migration, isolation, and then in an apparent effort to make restitution came a policy of extreme paternalism."¹⁶⁸ Stating that the United States followed a policy of extermination is very different from saying that the United States committed genocide against

¹⁶⁴ Cowger, *The National Congress of American Indians*, 28

¹⁶⁵ U.S. Congress, *House Concurrent Resolution 108* House ad Senate, B132 August 1, 1953. <https://www.archives.gov/research/native-americans/bia/termination>.

¹⁶⁶ Ibid., 38-42.

¹⁶⁷ Ibid., 42-43.

¹⁶⁸ Unfortunately, the Convention Johnson spoke at is unclear. Letter from N. B. Johnson to Mrs. Helen Thomas of the Office of Indian Affairs, *Smithsonian National Congress of American Indians (NCAI) Records* Bellingham WA: September 18, 1950, 155- 159, 157. https://edan.si.edu/transcription/pdf_files/41625.pdf

Native Americans. As the United Nation's definition shows, genocide remains a strictly defined term and ratified law. The same cannot be stated for "extermination," which until recently remained a more innocuous, unspecified term in United Nations proceedings. What constituted "extermination" was not clearly defined until the late twentieth century.¹⁶⁹ In the 1998 Rome Statute of the International Criminal Court, extermination "included the intentional infliction of conditions of life, *inter alia* the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population" and is a "crime against humanity."¹⁷⁰ Crimes against humanity, unlike genocide, have not been codified into a specific international treaty. Meaning that there is no legal reason for the United Nations to intervene or prevent crimes against humanity in a belligerent state.¹⁷¹ Yet, this law is only applicable to war. The NCAI's appeal to the UN resonated with the growing global decolonization efforts of the time. Members of the United Nations must abide by the UN Charter, which the NCAI found attractive for their activist strategies. As signees of the United Nations Charter, in theory, the United States would have to recognize the NCAI's demand for Native American sovereign rights. Yet, as we can see to this day, that is still not the case.

While it is a stretch to say that the NCAI explicitly did not use the Genocide Convention because the CRC used it without avail, evidence suggests that the CRC's genocidal claims did inhibit the NCAI from making similar claims. In a later amendment to the official NCAI charter, the NCAI explicitly stated that they will not accept any individual, nor organization that is

¹⁶⁹ M. Cherif Bassiouni, *Crimes Against Humanity in International Criminal Law* (Hague: Kluwer Law International, 1999); 300-305.

¹⁷⁰ The United Nations, "Rome Statute of the International Criminal Court", November 10, 1998. <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>.

¹⁷¹ Bassiouni, *Crimes Against Humanity*, 41; Crimes against humanity have, however, been introduced in the Charter of the International Military Tribunal for the Prosecution of the Major War Criminals of the European Theater in 1948.

recognized as a “subversive.”¹⁷² Considering the American public’s strong condemnations of the CRC and possible contention from within the Native American community, perhaps that contributed to the NCAI’s refusal to appeal to the Genocide Convention in public settings. The NCAI also discouraged any sort of combative behavior in public protests. Even as late as 1967, the NCAI proudly held a banner that stated, “Indians Don’t Demonstrate.”¹⁷³ The apparent neutrality (although, in reality, simply non-radicalism) of the NCAI did not entirely follow into the private lives of individual members, which further demonstrates that the NCAI sought to avoid US scrutiny by working within the government to demand the rights of Native Americans.

Outside of Organization Affiliation: Individual Member Interpretations

In his 1971 autobiography, William Patterson claims that it is impossible for an “honest person” to witness the experiences of African Americans in the United States as anything other than genocide.¹⁷⁴ As Patterson wrote the *We Charge Genocide* petition, his genocide claims are not so surprising to find in his autobiography. Yet, his private assertions conjure up questions about the NCAI. Members of the NCAI were less reserved, in private settings, about making more “controversial” claims. One member of the NCAI, Archie Phinney, a Nez Perce activist and anthropologist, even used Marxist and Soviet ideology to understand Native American struggles with the United States.¹⁷⁵ Phinney, along with McNickle, is one of the founding members of the

¹⁷² “National Congress of American Indians (NCAI) Records – Constitution and By-laws, 1967, 1971” (National Museum of the American Indian Archives Center) Accessed November 13, <https://transcription.si.edu/project/34633>.

¹⁷³ Paul Chaat Smith and Robert Allen Warrior, *Like a Hurricane: The Indian Movement from Alcatraz to Wounded Knee* (New York: New Press, 1996).

¹⁷⁴ William L. Patterson, *The Man who cried Genocide: An Autobiography* (New York: International Publishers, 1971), 179.

¹⁷⁵ Benjamin Balthaser, “‘A New Indian Intelligentsia’: Archie Phinney and the Search for Radical Native American Modernity” in *indigenous Visions: Rediscovering the World of Franz Boas*, ed. Ned Blackhawk and Isaiah Lorado Wilner (New Haven & London: Yale University Press, 2018), 258-276, 260.

NCAI. He was born in 1904 and is said to have always believed in the importance of an pan-Native American organization.¹⁷⁶ He attended the University of Kansas, where he got his Bachelors in Arts, and then went to Columbia University, where he worked on a co-sponsored project with Columbia and Leningrad.¹⁷⁷ The project was a comparative study of the United States and Soviet policy toward minorities.¹⁷⁸ His project led him to teach at the Leningrad Academy of Sciences and to apply Marxist theories to the Native American situation back in the United States.¹⁷⁹ In 1943, he glowingly talked about the Soviet Union before the Tescemini Club in Idaho. He stated that the Soviets were “the first attempt of men to intelligently direct their own history,” which illustrates his attraction to Soviet philosophy.¹⁸⁰ Phinney’s Soviet influence, however, did not mean that he was a Communist. Rather, Marxist thought influenced his writings, ideas, and educational background. For example, his essay on the Numipu, or the Nez Perce, and European settlers used the Marxist critique of capitalism to understand the concept of Native Americans and modernity.¹⁸¹ Phinney wrote the following on Numipu Native Americans:

In subsistence production Indians had no conception of work as distinct from other cultural activity --- there was not even a word for ‘labor’ in their language. But with the abrupt transition from general collective participation to advanced capitalistic economy and individualism, they were confronted with a distinction between labor on an individualistic basis and their communal activity and recreation. This contradiction, fundamentally between collectivism and individualism, now disrupted the tribal order, because material benefits were offered to Numipu tribespeople individually, without the requirement of work.¹⁸²

¹⁷⁶ Cowger, *The National Congress of American Indians*, 31

¹⁷⁷ Cowger, *The National Congress of American Indians*, 31-32.

¹⁷⁸ Balthaser, “A New Indian Intelligentsia,” 261.

¹⁷⁹ Balthaser, “A New Indian Intelligentsia,” 263.

¹⁸⁰ Balthaser, “A New Indian Intelligentsia,” 262.

¹⁸¹ Balthaser, “A New Indian Intelligentsia,” 264-266.

¹⁸² Archie Phinney, “Numipu Among the White Settlers,” *Wicazo Sa Review* 17, no. 2 (2002): 33. In Benjamin Balthaser, “‘A New Indian Intelligentsia’: Archie Phinney and the Search for Radical Native American Modernity,” 265.

Phinney's work demonstrates that Numipu's way of life was completely disrupted by the introduction of capitalistic activity. Phinney's association with the Soviet Union would surely have caused the HUAC and the FBI to monitor his activities. He only avoided US surveillance because of his untimely death from an ulcer hemorrhage in 1949.¹⁸³ Phinney's use of Marxist teachings, even if he died before the intense anti-Communist hunt in the United States, is still significant because it shows the attractiveness of Soviet policies to minority groups. The NCAI's refusal to accept members who were associated with subversive activities represented the suppression of ideological diffusion in the organization. Yet, the 1960s and later signified a shift in how Native Americans demonstrated and conducted activism.

The 1960s and 1970s saw the emergence of more radical elements of the civil rights movement. This time period contributed to more open statements by earlier members of the NCAI. D'Arcy McNickle, one of the original founders of the NCAI, came to recognize that Native Americans did suffer genocide in the past. In his autobiography, McNickle claimed that the paternalistic behavior and termination policies of the Eisenhower administration toward Native Americans constituted genocide: "To interfere with the process by imposing the values of an alien experience is to destroy human capacity – what we have come to know as genocide."¹⁸⁴ McNickle referred to the United States' assimilation policies as genocidal. Surprisingly, McNickle did not emphasize the United States' massacring of Native Americans with territorial expansion policies as genocidal. Rather, the United States imposition of its own cultural beliefs was genocide. His claim is rather shocking considering his association with the NCAI. For being

¹⁸³ "Archie Phinney Quietly at Rest at Jacques Spur" *Lewiston Morning Tribune*, November 4 1949. <https://news.google.com/newspapers?id=BNdRAAAAIBA&sjid=yC8MAAAAIBA&pg=1571%2C214869>. Accessed December 1, 2022.

¹⁸⁴ McNickle, *Native American Tribalism*, 126.

part of an organization that adamantly denied controversy, McNickle's claim was rather strong, yet his statement reveals the changing of time. McNickle recognized Native American genocide in 1973, which is years after the CRC dissolved, and when claims of genocide were more common and less revolutionary.¹⁸⁵ Yet, the absence of genocide as a political tactic in any official NCAI records makes McNickle's claim all the more important. His personal biography is the first known account of McNickle stating firmly what Native Americans suffered at the hands of the US government.

One of the most well-known leaders of the NCAI was Vine Deloria Jr. From 1964 to 1967, Deloria was the executive director of the NCAI. As the director, Deloria increased NCAI membership from 19 to 156 Native American communities and situated the NCAI into contemporary American society.¹⁸⁶ Deloria saw his appointment in the NCAI as representative of the growing activism within the Native American community.¹⁸⁷ He was particularly popular amongst the youth and wrote several books that remain important to Native American identity and consciousness.¹⁸⁸ Deloria's most famous book, *Custer Died for Your Sins: An Indian Manifesto*, denounced the United States' typical interpretation of Native American history and discussed several topics such as Native American humor and Civil Rights.¹⁸⁹ Within his book, Deloria demonstrates that the older generation tended to be more passive because they wanted to avoid the "rejection and bad publicity" given to activists.¹⁹⁰ This assertion fits within the

¹⁸⁵ As I shall demonstrate in the next chapter, the word "genocide" was used frequently in the 1960s and 70s.

¹⁸⁶ "Vine Deloria Jr. '70," *Colorado.edu*, Colorado Law: University of Colorado Boulder, Accessed May 13, 2023. <https://www.colorado.edu/law/2023/02/06/vine-deloria-jr-70>.

¹⁸⁷ David Martinez, *Life of the Indigenous Mind: Vine Deloria Jr. and the Birth of the Red Power Movement* (Lincoln: University of Nebraska Press: 2019), 19-20.

¹⁸⁸ Martinez, *Life of the Indigenous Mind*, 19-20.

¹⁸⁹ Vine Deloria Jr., *Custer Died for your Sins: An Indian Manifesto* (New York: Macmillan Company, 1969); David Martinez, *Life of the Indigenous Mind*, 15-16.

¹⁹⁰ Deloria, *Custer Died for your Sins*, 170-171.

characterization of the NCAI as an “old” organization that remained passive and further illustrates the NCAI’s desire to not be activists in the more radical sense. In another one of his book, *God is Red*, Deloria criticized Western scholars for perpetuating a problematic, Euro-centric history:

The reluctance of scholars to consider the possibility of pre-Columbian visits to the Western Hemisphere is but one example of the stranglehold that the one interpretation of history has had... To accept a series of pre-Columbian visitations would mean that the lands of the Western Hemisphere were hardly “discovered” by Europeans. It would call into question the interpretation and justifications given to colonization, exploitation, and *genocide* committed by Europeans during the last five centuries.¹⁹¹

Inflammatory language targeted at the United States is a persistent feature in other books Deloria has written. In *We Talk, You Listen*, Deloria stated the following regarding the United States’ past: “Four hundred years of lies, cheating, and genocide were necessary in order for American society to destroy the whole planet. The United States government is thus left without even the flimsiest excuse for what has happened to Native people, since the net result of its machinations is to destroy the atmosphere, thus suffocating mankind.”¹⁹² His outright claims of genocide fit with the bolder tactics and language that Native youth groups adopted. The 1960s Native youth were consistently frustrated with the patience and perhaps “passivity” of the NCAI.¹⁹³ This perceived passivity led Native American youths to organize and adopt more radical expressions of activism in the following decades.

¹⁹¹ For more information on the life of Vine Deloria Jr. see David Martinez, *Life of the Indigenous Mind: Vine Deloria Jr. and the Birth of the Red Power Movement* (Lincoln: University of Nebraska Press: 2019), Vine Deloria Jr., *God is Red: A Native View of Religion*, (New York: Grosset and Dunlap, 1973), 111 emphasis added.

¹⁹² Vine Deloria Jr., *We Talk, You Listen: New Tribes, New Turf*, (New York: Dell Publishing Co, 1970), 189.

¹⁹³ Smith, *Like a Hurricane*, 37.

Conclusion

Despite the historical and demographic differences of these organizations, both the CRC and the NCAI aimed to advance the rights of marginalized groups; yet they chose strategically different routes. The CRC's and the NCAI's use of specific words such as genocide and extermination represent the varying degrees of activist strategies in the early twentieth century. These differing terms additionally reveal the significance of using specific legal terminology. Considering that the United States government deemed the CRC a subversive organization, the UN Genocide Convention became an avenue for political protection. Globalizing the internal issues of the United States' racist policies was the key goal of the CRC. The CRC did not seriously contemplate the United Nations condemning or trying the United States for genocide against African Americans. As the specific court cases demonstrate, the CRC hoped to garner sympathy and international awareness to force the United States to act. However, the unfortunate consequence of the CRC's petition and its ties to the Communist Party USA is that the United States, the HUAC, and the FBI abused and harassed its members consistently. The CRC additionally faced further scrutiny from other African American groups, who did not condone the CRC's Communist Party ties.

In contrast to the CRC, the NCAI used less inflammatory language in public settings. For one, the NCAI did not use the term "genocide" in reference to past Native American sufferings and found solace in the UN Charter self-determination article. While the CRC conducted genocide activism more openly with their *We Charge Genocide* petition, some NCAI members characterized Native American experiences as genocide in private. These more private, less public statements of genocide could infer that the NCAI did try to distance themselves from the CRC as a communist group. However, as we have seen, there were benefits to the NCAI's more

traditional, political form of activism. As a whole, the United States did not view the NCAI as a subversive group and it is still an organization that exists to this day, while the CRC is not. While it cannot be fully confirmed that the NCAI did not use the Genocide Convention to describe their experiences specifically because of the CRC's petition, it is not too far off to assert that the NCAI was less combative than the CRC. Regardless of the ways these groups advocated, both still demonstrated genocide activism either through public condemnations or private memoirs. And, both groups represent respectability politics through legally and politically advocating for African American and Native American rights. These activist strategies, however, differ significantly from the more radical demonstrations in the Civil Rights Era.

Chapter III: Radical Youths: The BPP and the AIM

In the 1960s and the 1970s, young African Americans and Native Americans grew resentful of the perceived complacency amongst their older counterparts. These decades represented a significant shift in activist strategies and attitudes among African and Native Americans and saw the emergence of more radical elements of the civil rights era in the Black Power and Red Power movements. A discussion of all organizations participating in the Civil Rights Movement would be a completely different project that this thesis, unfortunately, cannot include, thus, this chapter selectively discusses two groups: The Black Panther Party (BPP) and the American Indian Movement (AIM). I chose these two groups specifically for their prominence, their connection to youth activism, and their connection to Black and Red Power ideology. In addition to outlining the significance of these organizations, this chapter will place them in context alongside a few works and/or speeches of prominent Civil Rights leaders. In this period, I will focus on how the BPP and AIM learned and emulated each other during two events, the BPP Oakland police patrols and the AIM's Wounded Knee occupation, that are often described as the most "militant," and publicized, actions waged by these African American and Native American groups during the late twentieth century. Analyzing their use of the terminology of "genocide" and "self-determination," by individual members and appearing within African American and Native American newspapers during this time period, shall demonstrate the prevalence and increase of more confrontational and condemning language.

As for the material used, this section will reference several online newspaper databases. The *Independent Voices* database within JSTOR contains various newspapers from the twentieth century. The website contains "Black American" and "Native American" subsections, which proved fruitful in this research. For specific data, the word "genocide" appears 338 times and

“self-determination” 238 times in the search tab of their 777 available “Black American” newspapers from 1948-1978. For their 405 Native American newspapers, “genocide” appears 18 times and “self-determination” 98 times. With a 44% and 31% rate of the appearance for “genocide” and “self-determination” in the “Black American” and a 4% and 24% rate of appearance for “genocide” and “self-determination” in the “Native American,” data alone expresses the frequency in which these terms appeared in the specific collection search engines. In the Adam Matthews digitized collection of American Indian Newspapers, 44%, or 20 out of the 45, newspapers published in their collection mention “genocide,” while 53%, or 24 out of 45, reference “self-determination.” Of these newspapers, “genocide” is mentioned 788 times and “self-determination” 3670 times.¹⁹⁴ It should be noted, however, that these newspapers are not always related to the BPP or AIM. These newspapers are generally characterized by their racial association. For instance, a newspaper that is featured frequently in this chapter the *Freedomways* magazine. Two African American women, Shirley Graham and Esther Jackson, edited the *Freedomways* magazine, which released its first edition in 1961 and its last in 1985.¹⁹⁵

The Civil Rights Movement: Intersectionality

The persistent hardships, discrimination, and the United States’ failure to improve the lives of Native Americans and African Americans pushed the new generation towards more radical forms of activism. This new form of activism differs significantly from the CRC and the NCAI’s activist strategies of legal and political involvement. Instead of working within the United States and the United Nations, 1960s activism featured public demonstrations,

¹⁹⁴ These statistics are based on the available search engines in the respective collections.

¹⁹⁵ Ernest Kaiser Ed., *A Freedomways Reader: Afro-America in the Seventies* (New York: International Publishers, 1977), 3. It is presumed that the *Freedomways* ended in 1985, since the JSTOR Independent Voices series shows that the newest series was published in 1985.

occupation, and visible acts of defiance to disrupt the everyday life of American citizens. This new form of activism coincides with the Civil Rights Movement and is often characterized as an African American movement that started in the mid-1950s. The language of the Genocide Convention and the conception of self-determination, however, remained powerful ideologies in this later form of activism.

There is no one agreed start date or year of the Civil Rights Movement. A general Google search will state that 1954-1968 is the Civil Rights timeline, pointing to the 1954 *Brown v. Board* court decision and the Civil Rights Act of 1968. The *Brown v. Board of Education of Topeka* (1954) decision ruled that segregated schooling harmed African American children psychologically and educationally and violated the 14th Amendment.¹⁹⁶ The 1968 Civil Rights Act outlawed discrimination in rental and housing, as a direct result of the federal government's New Deal-era practice called redlining.¹⁹⁷ Other scholars, however debate on the specifics of when the Civil Rights began and ended. One scholar contends that the Civil Rights Movement began in June 1953, when African Americans successfully boycotted the Baton Rouge, Louisiana, segregated bus system.¹⁹⁸ Others pinpoint the early 1940s as the beginning of the Civil Rights Movement, or earlier, originating in conditions of slavery itself.¹⁹⁹ Others contend that the Civil Rights Movement ended in 1973, when other events (such as the Watergate scandal, and Arab-Israel War) took attention away from the civil rights movement, and internal

¹⁹⁶ Mark Newman, *The Civil Rights Movement* (Edinburgh: Edinburgh University Press, 2010), 50.

¹⁹⁷ Bruce J. Dierenfield, *The Civil Rights Movement: The Black Freedom Struggle in America* (London: Routledge, 2021), 202; redlining is a discriminatory practice where Banks would refuse mortgages to African Americans or place severe terms on loans to keep them in poorer housing per Richard Rothstein, *The Color of Law: A Forgotten History of how our Government Segregated America* (New York: W.W. Norton & Company: 2017), vii.

¹⁹⁸ Aldon Morris, *The Origins of the Civil Rights Movement: Black Communities Organizing for Change* (New York: Free Press, 1984), ix-x.

¹⁹⁹ Mark Newman, *The Civil Rights Movement* (Edinburgh: Edinburgh University Press, 2010).

structures within civil rights organizations disrupted demonstrations and activism.²⁰⁰ Regardless of these varied contentions, one thing remains clear: the Civil Rights Movement is often oriented around the African American experience. The Movement begins and ends with rights, court cases, or demonstrations aimed at improving the lives of African Americans. However, this era also saw a wave of rights movements led by women, students, workers, and other ethnic groups.

For the most part, historians have focused on well-known historical events and names that signify key moments within the movement. For African American civil rights history, most works reference and focus on the Montgomery Bus Boycott, the 1963 March on Washington, or the speeches of Martin Luther King Jr.²⁰¹ MLK Jr. is an important Civil Rights leader known for his non-violent approach to protest and as the leader of the Southern Christian Leadership Conference (SCLC).²⁰² For Native American activist studies, scholars tend to focus on the demonstration at the Occupation of Alcatraz Island (1969-1971) and Wounded Knee (February 1973- May 1973), and the Longest Walk (July 1978). There are plenty of works that recount these events, such as Stan Steiner's *The New Indians*, Paul Chaat Smith and Robert Allen Warrior's *Like a Hurricane*, and Troy Johnson's *The Occupation of Alcatraz Island*.²⁰³ What all

²⁰⁰ Christopher Paul Lehman, "Civil Rights in Twilight: The End of the Civil Rights Movement Era in 1973," *Journal of Black Studies* 36, no. 3 (January 2006): 415-428.

²⁰¹ See Jo Ann Robinson, *Montgomery Bus Boycott and the Women who Started it: The Memoir of Jo Ann Gibson Robinson* (Knoxville: The University of Tennessee Press, 1987); Donnie Williams and Wayne Greenhaw, *The Thunder of Angels: The Montgomery Bus Boycott and the People who Broke the Back of Jim Crow* (Chicago: Lawrence Hill Books, 2006); Charles Euchner, *Nobody Turn Me Around: A People's History of the 1963 March on Washington* (Boston: Beacon Press, 2010).

²⁰² See the following for works on MLK: David J. Garrow, *Bearing the Cross: Martin Luther King, Jr. and the Southern Christian Leadership Conference* (New York, 1986); Taylor Branch, *Parting the Waters: America in the King Years, 1954-1963* (New York: Simon & Schuster, 1988); "A Round Table: Martin Luther King, Jr.," *Journal of American History*, 74 (1987): 436-81

²⁰³ Stan Steiner, *The New Indians* (New York: Harper & Row, 1968); Paul Chaat Smith and Robert Allen Warrior, *Like a Hurricane: The Indian Movement from Alcatraz to Wounded Knee* (New York: New Press, 1996); Troy R. Johnson, *The Occupation of Alcatraz Island: Indian Self-Determination and the Rise of Indian Activism* (Urbana: University of Illinois Press, 1996).

of these works have in common is that they focus on large-scale, popular protests of the Civil Rights Movement.

Less known and explored are the two more radical and militant offshoots of the Civil Rights Movement: The Black Power and Red Power Movements. The Black Power Movement began in 1966, when Stokely Carmichael became the Chairman of SNCC and coined the term “Black Power.” Just a month after his appointment, Carmichael delivered a speech in Chicago, Illinois, proposing that SNCC adopt “Black Power” and define said movement without white people’s involvement.²⁰⁴ Carmichael defined Black Power as an organized effort of all Black people to “speak for each other.”²⁰⁵ What Black Power meant differed depending on whom you asked. For example, Dr. Martin Luther King Jr. initially critiqued Black Power as “Black supremacy,” and the head of the NAACP, Roy Wilkins, stated that a nonviolent approach and integration into the United States was the only way to preserve African American lives; doing otherwise would mean “black death.”²⁰⁶ Roy Wilkins, African American head of the Department of Justice’s Community Relations Service, however, viewed Black Power as an African American consciousness movement to appreciate and promote Black pride and unity.²⁰⁷ As for modern scholars interpretations, the Black Power Movement is generally founded on militancy and a radical new racial consciousness and identity.²⁰⁸

The Red Power Movement points its roots to the Black Power Movement. In 1969, the Indians of All Tribes occupation of Alcatraz Island is often considered the catalyst of the Red

²⁰⁴ Student Nonviolent Coordinating Committee, “Black Power” *Black Power* (August 1966), 3-5. Available through: Adam Matthew, Marlborough, African American Communities, http://www.aac.amdigital.co.uk/Documents/Details/UIC_BHC_0001_0006

²⁰⁵ Student Nonviolent Coordinating Committee, “Black Power” 6.

²⁰⁶ Tom Adam Davies, *Mainstreaming Black Power* (Oakland: University of California Press, 2017), 1.

²⁰⁷ Davies, *Mainstreaming Black Power*, 1-2.

²⁰⁸ For a fuller historiography on the Black Power Movement, see Peniel Joseph ed., *The Black Power Movement: Rethinking the Civil Rights- Black Power Era*. (New York: Routledge, 2006)

Power Movement.²⁰⁹ The Red Power Movement, according to scholar Kent Blansett, is a pan-Indian movement rooted in Native American nationalism and “nonviolent direct action to gain greater recognition of Indigenous sovereignty.”²¹⁰ Blansett additionally proposes that the Red Power Movement is not a part of the larger Civil Rights Movement and such comparisons oversimplify Native American resistance and activism.²¹¹ However, it is the opinion of this author that such comparisons do not oversimplify Native American resistance. Rather it demonstrates the cross-cultural and cross-racial interactions and civil rights promotions in the United States.

There are some scholars, like Kyle T. Mays, who have identified the intersectionality between Native American and African American nationalist and civil rights groups. In *An Afro-Indigenous History of the United States*, Mays redefines “Afro-Indigenous” to anyone who identifies as Black American, Native American, and/or those who are Black and Indigenous, but he also aims to connect these two histories, Native and African American, to each other.²¹² Overall, Mays argues that Native and African American histories are more similar than different. While the works of Vial and Mays are helpful and significant to my research, neither fully apply the question of genocide, and genocide activism to the intersectional studies of Native American and African American histories. There are a multitude of intersectional studies on African American and Native American Civil Rights-era history. Of particular interest are Louise Siddons’ article, “Red Power in the Black Panther: Radical Imagination and Intersectional Resistance at Wounded Knee,” where she explores interactions between Native and Black

²⁰⁹ Kent Blansett, *Journey to Freedom: Richard Oaks, Alcatraz, and the Red Power Movement* (New Haven & London: Yale University Press, 2018) <https://doi.org/10.2307/j.ctv5cgbqj>.

²¹⁰ Blansett, *Journey to Freedom*, 4.

²¹¹ Blansett, *Journey to Freedom*, 4.

²¹² Kyle T. Mays, *An Afro-Indigenous History of the United States* (Boston: Beacon Press, 2021).

activists during the occupation of Wounded Knee, and Christopher Vials' chapter, "United Front against Genocide: African American Antifascism, the Black Panthers, and the Multiracial Coalitions of the Late 1960s," where he details how the Black Panther party mobilized conceptions of anti-Fascism. Both works expand on the close interactions and collaborations between African American and Native American groups.

Introducing the Organizations and the Leaders

On February 1, 1960, Ezell Blair Jr., Franklin McCain, Joseph McNeil, and David Richmond made history when they sat at a lunch counter in Greensboro. In direct defiance of the white-only lunch counter policy, these four first-year African American college students decided to protest segregation by demanding service in the white-only section at Woolworth's store in Greensboro, North Carolina, through student sit-ins.²¹³ Known as the "Greensboro Four," Blair, McCain, McNeil, and Richmond went back to Woolworth again and again to demand service. Their sit-in grew in popularity, as more than three hundred students joined their protest by the end of the week.²¹⁴ The popularity of the Woolworth sit-in and the subsequent sit-ins showed the centrality of youth leadership in demonstrations and civil rights activism. Just a few months after the demonstration, African American college students at Shaw University founded SNCC, where Ella Baker graduated from in 1927.²¹⁵

Ella Baker is considered the founder of the SNCC and had extensive experience in African American civil rights organizations. As an older woman, Baker seems an outlier to this

²¹³ Melody Herr, *Sitting for Equal Service: Lunch Counter Sit-ins, United States, 1960s* (Minneapolis: Twenty-First Century Books, 2011), 8.

²¹⁴ Iwan Morgan, *From Sit-Ins to SNCC: The Student Civil Rights Movement in the 1960s* (Gainesville: University Press of Florida, 2012), 1-2.

²¹⁵ Charlie Cobb, "Birth of SNCC," *Digital SNCC Gateway*, Accessed June 6, 2023. <https://snccdigital.org/inside-sncc/the-story-of-sncc/birth-of-sncc/>

discussion, however, she believed that youth involvement and activism were pivotal in obtaining civil rights. Some of the students, such as the famous John Lewis, referred to her youthful and progressive ideology.²¹⁶ Ella Baker began her work in the National Association for the Advancement of Colored People (NAACP) and the Southern Christian Leadership Conference (SCLC). For the NAACP, Baker was the national director of branches where she did fieldwork in organizing African Americans to attend protests and demonstrations.²¹⁷ In the SCLC, Baker temporarily held the executive director position, which was a “behind-the-scenes” sort of job. While the position was quite significant, Baker was not given the permanent directorship because she was not a minister, which meant only a man could hold said position.²¹⁸ In both organizations, Baker’s recognition was limited because of her sex. As a woman, Baker did not get much national recognition despite her years and dedication in said organizations. It is additionally due to this mistreatment and lack of recognition that Baker sought leadership in SNCC. SNCC continued to demonstrate peacefully throughout the years, however, the organization became more fragmented. While SNCC originally opted towards less militant action, SNCC as an organization grew nationalistic and more in support of Black Power.

The Black Panther Party advocated for stronger militant action against the United States government and promoted Black Power. In 1966, Bobby Seale and Huey Newton formed the Black Panther Party, which sought African American self-determination and rejected the United States as a legitimate government.²¹⁹ Nation of Islam member, Malcolm X in particular influenced Seale and Newton and therefore the Black Panther Party. Assassinated in February

²¹⁶ Morgan, *From Sit-Ins to SNCC*, 8-9.

²¹⁷ Barbara Ransby, *Ella Baker and the Black Freedom Movement: A Radical Democratic Vision* (Chapel Hill: University of North Carolina Press, 2003), 105-106.

²¹⁸ Ransby, *Ella Baker and the Black Freedom Movement*, 179-180.

²¹⁹ Joshua Bloom and Waldo E. Martin, *Black against Empire: The History and Politics of the Black Panther Party* (Oakland: University of California Press, 2016), 1-3.

1965, Malcolm X was an African American leader who promoted Black nationalism and saw “black liberation as part of the global struggle against Western imperialism.”²²⁰ Malcolm X’s defiance and powerful assertions on Black empowerment spoke to people like Seale and Newton, who grew discontent with the Civil Rights Movement’s nonviolent approach, which seemingly did nothing to improve their lives, who lived in poverty, and who were not given the economic and social opportunities of white Americans.²²¹ Malcolm X’s influence led to the Black Panther Party basing their Ten-Point Program (which listed ten different wants of the BPP) on the Nation of Islam’s Manifesto.²²² The Black Panther Party is most known for its support for outright, armed, and sometimes violent resistance against the United States.

Perhaps the most famous Black Panther Party protest was their formation of Oakland police patrols in Oakland, California. Point Seven of the Ten Point program called for the immediate end of police brutality and African American murder, a point that Huey hoped to see fruition by advocating African American armament.²²³ Black Panther members became almost a separate police force as they monitored and patrolled United States police officers. In one case, Newton, Bobby Seale, and Little Bobby Hutton, another member of the BPP, demonstrated their 14th Amendment rights when a cop pulled them over and demanded they hand over their gun.²²⁴ Armed Black men proved too distressing and concerning to US governmental leaders. Therefore, in 1967, Republican Californian governor, and later President, Ronald Reagan passed the

²²⁰ Bloom, *Black against Empire*, 26-28.

²²¹ Bloom, *Black against Empire*, 26-28.

²²² Donna Jean Murch, *Living for the City: Migration, Education, and the Rise of the Black Panther Party in Oakland, California* (Chapel Hill: The University of North Carolina Press, 2010), 127-130.

²²³ Murch, *Living for the City*, 129-134.

²²⁴ Bloom, *Black against Empire*, 45-47.

Mulford Act, which took away the legal right to openly carry loaded firearms in California.²²⁵ In response to such a clearly targeted act, Newton proclaimed the following in the BPP's Executive Mandate Number One:

The Black Panther Party for Self-Defense calls upon the American people in general and the black people in particular to take careful note of the racist California Legislature which is now considering legislation aimed at keeping the black people disarmed and powerless at the very same time that racist police agencies throughout the country are intensifying the terror, brutality, murder, and repression of black people.²²⁶

In addition to some legislation aimed specifically at the Black Panther Party, the FBI considered the BPP a threat to national security and made multiple attempts to undermine its authority and influence. For example, the FBI implanted an FBI informant, George Sams, into the BPP as a fugitive, just so the FBI could break into Panthers headquarters and steal property and money.²²⁷

Inspired to some degree by the Black struggle, in July 1968, Dennis Banks, Clyde Bellecourt, Vernon Bellecourt, and Russell Means founded the American Indian Movement. These four individuals created AIM in response to the poor conditions of Native American urban life in the Twin Cities of Minneapolis and St. Paul; where socioeconomic inequities, discrimination, and cultural dissonance made life disproportionately harder for Native Americans.²²⁸ The unfamiliar environment caused many Native Americans to feel isolated from both their own culture and the new culture in which they were surrounded now. This culture

²²⁵ Gerald D. Higginbotham, et.al., "When an Irresistible Prejudice meets Immovable Politics: Black Legal Gun Ownership Undermines Racially Resentful White Americans' Gun Rights Advocacy" *American Psychology Association* 152, No.2 (2022): 410-424, 410-411.

²²⁶ United States Congress, Senate, Committee on Government Operations, Permanent Subcommittee on Investigations, Riots, Civil and Criminal Disorders: Hearings before the Permanent Subcommittee on Investigations on Government Operations, the United States Senate. Washington: U.S. GPO 1967 found in Jamie J. Wilson, *The Black Panther Party: A Guide to an American Subculture* (Santa Barbara: ABC-CLIO, 2018), 91-93.

²²⁷ Curtis J. Austin, *Up Against the Wall: Violence in the Making and Unmaking of the Black Panther Party* (Fayetteville: University of Arkansas Press, 2006), 211.

²²⁸ Julie L. Davis, *Survival Schools: The American Indian Movement and Community Education in the Twin Cities* (Minneapolis: University of Minnesota Press, 2013), 12-13.

shock only got worse for Native Americans when policemen unduly targeted Native Americans. For example, policemen patrolled bars known for Native American customers in order to make “drunk and disorderly” charges and arrests.²²⁹ To combat the Minneapolis police department’s unfair harassment of Native Americans, AIM members decided to patrol the police. AIM sought to protect Native Americans by similarly making an Indian Citizen’s Patrol in Minneapolis; directly modeled after the BPP in Oakland.²³⁰ The biggest difference, however, is that AIM did not typically wield guns. Rather, AIM members tailed police cars spying and documenting police activity and offering rides home to drunk Native Americans before the police could arrest them.²³¹ Similar to the BPP, the American Indian Movement proudly promoted Red Power. Like Black Power, Red Power came to have multiple contested definitions and varied understandings. Red Power began as a movement with the Indians of All Tribes’ 1969 Alcatraz Occupation and is said to have ended with the Longest Walk in 1978.²³² For the purpose of this thesis, Shreve’s approach to Red Power will be the basic definition and understanding of the term. Namely, Red Power was a multi-defined concept that many Native Americans activists used in demonstrations and protests, which means that groups that did not demonstrate or protest, i.e., the NCAI.²³³ Another important aspect of Red Power is the ideological respect, pride, and appreciation of Native American history and traditions.²³⁴

²²⁹ Davis, *Survival Schools*, 31.

²³⁰ Rachel A. Bonney, “The Role of AIM Leaders in Indian Nationalism,” *American Indian Quarterly* 3, no. 3 (Autumn 1977): 209-224, 214 <https://doi.org/10.2307/1184538>.

²³¹ Davis, *Survival Schools*, 32.

²³² A brief historiography is listed in Bradley Glenn Shreve *Red Power Rising: The National Indian Youth Council and the Origins of Native Activism* (Norman: University of Oklahoma Press, 2011), 6-8.

²³³ Shreve, *Red Power Rising*, 8.

²³⁴ Joane Nagel, *American Indian Ethnic Renewal: Red Power and the Resurgence of Identity and Culture* (New York and Oxford: Oxford University Press, 1997), 130.

One of the most well-known AIM-operated actions was the occupation of Wounded Knee in 1973. The occupation began because the Oglala Lakota community sought to depose Richard “Dick” Wilson: a corrupt Oglala Lakota Chairman, whom the BIA appointed. Richard Wilson made a habit of lavish spending and providing Lakota funds salaries to his family, all the while the Pine Ridge reservation remained impoverished.²³⁵ Wilson also directed a private force, “Guardians of the Oglala Nation” or the “goon squad,” which suppressed Oglala Lakota dissent and was known for its brutality.²³⁶ Due to his corruption, the Oglala Lakota community attempted to impeach Wilson; however, he consistently dismissed any thoughts of his demotion. In addition to Wilson’s shady tactics, the BIA and the FBI supported Wilson, who similarly disliked AIM and was all the happier to keep him in power.²³⁷ To combat the corruption, Oglala Lakota elders invited AIM members to help and take over their protest of Wilson. Yet, mere hours after AIM arrived, United States police officers and the FBI barricaded Wounded Knee and arrested any person who left said restrictions; thus, beginning the Wounded Knee occupation.²³⁸

The Wounded Knee occupation was both reminiscent of the earlier 1890 massacre and remained an important demonstration for AIM. In 1890, the United States military shot down approximately 300 Lakota at Wounded Knee, South Dakota: known as the 1890 Wounded Knee Massacre.²³⁹ The BPP additionally covered the Second Wounded Knee occupation in its

²³⁵ Peter Matthiessen, *In the Spirit of Crazy Horse* (New York: Penguin Books, 1992) 60-61.

²³⁶ Matthiessen, *In the Spirit of Crazy Horse*, 60-61.

²³⁷ Matthiessen, *In the Spirit of Crazy Horse*, 60-61.

²³⁸ Bonney, “The Role of AIM” 216-217.

²³⁹ For more on the 1890 Wounded Knee Massacre and the American Indian Wars see Jerome A. Greene, *American Carnage: Wounded Knee, 1890* (Norman: University of Oklahoma Press, 2014); David Treuer, *The Heartbeat of Wounded Knee: Native America from 1890 to the Present* (New York: Riverhead Books, 2019).

newspaper.²⁴⁰ As the following image shows, the Black Panther Intercommunal News Service put AIM's Wounded Knee Occupation as its front cover.



Figure 1 "Wounded Knee Goes on Trial" Black Panther, January 19, 1974 found in Louise Siddons, "Red Power in the Black Panther," 1. This image on the front cover of the Black Panther Intercommunal News Service, shows Lakota elder Frank Fools Crown surrounded by other Native American activists during the Second Wounded Knee.

²⁴⁰ Louise Siddons, "Red Power in the Black Panther: Radical Imagination and Intersectional Resistance at Wounded Knee" *American Art* 35, No. 2 (Summer 2021): 1-31.

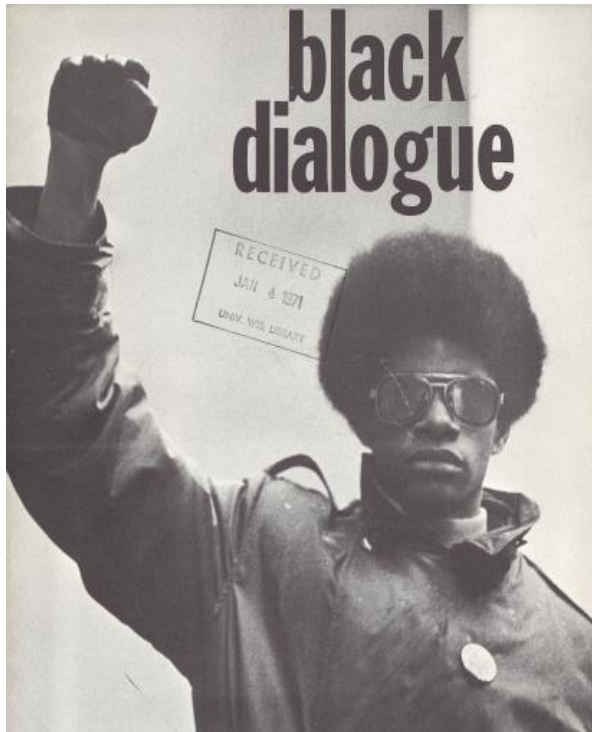


Figure 2 Cover page of the newspaper, *Black Dialogue* 4, No. 2 (Summer 1970). An image of an African American male holding his hand up in a fist in the “Black Power Salute.”

In several BPP newspapers, images of Wounded Knee were reminiscent and visually comparable to Black Power symbolism. Figure 1 shows Lakota elder Fools Crow, wielding a *canunpa* (a Lakota ceremonial pipe) in the same fashion as a BPP member would wield a gun.²⁴¹ As seen in the *Black Dialogue*, an African American magazine, the fist up in the air is very symbolic of African American activism. In 1968, Tommie Smith and John Carlos, African American Olympians, first internationalized the “Black Power Salute” as a form of protest against the on-going racism in the United States.²⁴² In essence, the clenched fist in the air became a symbol of resistance and solidarity across racial, sexual, and ethnic groups. The Black Power Salute became the Red Power Salute, and later even LGBT+ members used the clenched fist as a

²⁴¹ Siddons, “Red Power in the Black Panther,” 2-3.

²⁴² Jason Peterson, “A ‘Race’ for Equality: Print Media Coverage of the 1968 Olympic Protest by Tommie Smith and John Carlos” *American Journalism Historians Association* 26, no. 2 (Spring 2010): 99-100 <https://doi.org/10.1080/08821127.2009.10677714>.

form of counter-protest.²⁴³ The connection between the BPP and AIM was typical of the time. As the next section shall demonstrate, Native American and African American newspapers learned from and promoted one another. These comparisons and outcries represent the growing forms of international intersectionality in Native American and African American activism.

Self-Determination for All: Global Ordinance and American Activism

In contrast to the perceived differences and separation of earlier African American and Native American activist goals, in the 1960s and onward, recognition of one another's hardships enhanced their solidarity and interconnectedness. It was increasingly common for African Americans and Native Americans to work together rather than separate themselves like in the past. For example, Dr. Martin Luther King, Jr. stated the following in his 1964 book, *Why We Can't Wait*:

Our nation was born in genocide when it embraced the doctrine that the original American, the Indians, was an inferior race. Even before there were large numbers of Negroes on our shores, the scar of racial hatred had already disfigured colonial society. From the sixteenth century forward, blood flowed in battles over racial supremacy²⁴⁴

First, Dr. King realized the suffering Native Americans experienced at the hands of the United States and colonialism. These sentiments were generally universal within the Civil Rights Movement in the 1960s. In the 1964 African American publication, *Freedomways*, one of the articles state how African American, Native American, and Mexican American history correlate. Within the article, the writer, Mr. O'Dell states how White imperialism ravaged Native American land and Mexican territory to form plantations. The colonists and United States

²⁴³ Emily K. Hobson, *Lavender and Red: Liberation and Solidarity in the Gay and Lesbian Left* (Oakland: University of California Press, 2016), 69-96.

²⁴⁴ Martin Luther King Jr., *Why We Can't Wait* (New York: New American Library, 1964), 120. Found in Kyle T. Mays, *An Afro-Indigenous History*, 135.

government conducted such atrocities against Native Americans and Mexicans reminiscent of the Nazi “lebensraum” policy.²⁴⁵ African Americans were not the only ones to recognize and view issues globally. The Native American newspaper, *Native Movement*, stated the following, “Here in white America... The Indian people are just now beginning to decolonize... We are the last people in the world to decolonize. While armed liberation struggles are taking place all over the world, the Indian people are just awakening to their deplorable conditions are beginning to interpret them in context with the world situation.”²⁴⁶ Global decolonization paved a way for intersectional activism both in the United States and abroad. Frequently, the Black and Red Power movements discussed global injustices and related them to instances back in the United States. The purpose of these comparisons was to connect a global community against the oppressive forces they faced and to empower and “wake up” the African and Native American peoples back in the United States. The calls for self-determination, pan-African, and pan-Indian, became even more attractive in the context of global decolonization efforts.

In the African American journal *Freedomways*, the shooting of Panama students on January 9, 1964, for demonstrating and demanding “recognition” is considered genocide. The article has an “incident or genocide” subtitle and then proceeds to discuss how the death of these Panamanian students is “unpardonable” and is a result of the United States’ failure to “respect one’s own country and equal opportunity to earn a decent living, in short, what the ‘gringos’ call ‘democracy.’”²⁴⁷ While the article does not outright state that it is genocide, it is clear by the

²⁴⁵ J. H. O’Dell, “Foundations of Racism in American Life” *Freedomways* 4, Iss.. 4 (Fall 1964) :513-535, 523.<https://www.jstor.org/stable/community.28036989>. Lebensraum means “living space” in German and was the German displacement policy that forced Poles from their homes to be replaced with the “superior” German Aryan race.

²⁴⁶ Lee Carter, “You are the Problem – You could be the Solution” *Native Movement*, January 1, 1970. <https://jstor.org/stable/community.28041068>.

²⁴⁷ Jose V. Malcioln, “Panama” in *Freedomways* (January 1964): 383-391, 390-391. <https://www.jstor.org/stable/community.28036988>.

subtitle and the condemning language thereafter that the United States' democracy promotion in Panama is a clear example of genocide. In Panama, the United States benefited financially from the Panama Canal. To keep control of Panama, the United States kept wealthy Panamanians in power with promises of more wealth.²⁴⁸ Growing resentment amongst the Panamanians who did not benefit from the canal grew even more angry with American presence. Discontent with the United States' presence in Panama grew to a head in the 1960s. This specific shooting happened when some students at a Panamanian school attempted to raise a Panamanian flag when some American students already put the American flag up.²⁴⁹ Similar expressions of solidarity could be seen in South Africa. Bernard Magubane, another writer in the *Freedomways*, stated that the United States profited from the racial genocide of South Africa's apartheid regime.²⁵⁰ More than likely, this assertion is positioned on years of colonization and enslavement of South Africans and similarities between Jim Crow segregation in the US and apartheid South Africa. While it is not exactly stated how the United States profited from racial genocide, it is abundantly clear that Magubane was denouncing the United States involvement in, or at least complicity with, genocide abroad.

Not surprisingly, Huey Newton and the Black Panther Party additionally claimed that the United States committed genocide. In the same BPP's Executive Mandate Number One, Huey Newton proclaimed the following in 1967:

At the same time that the American government is waging a racist war of genocide in Vietnam, the concentration camps in which Japanese Americans were interned during World War II are being renovated and expanded. Since America has historically reserved the most barbaric treatment for non-white people, we are forced to conclude that these concentration camps are being prepared for black people who are determined to gain their freedom by any means

²⁴⁸ Alan McPherson, *Yankee No! Anti-Americanism in U.S.- Latin American Relations* (Cambridge: Harvard University Press, 2003), 77.

²⁴⁹ "Panama—United States: Sovereignty Dispute and the Flag Riots January–April 1964." *Regional Guide to International Conflict and Management from 1945 to 2003*, 2004.

²⁵⁰ Bernard Magubane "What is Kissinger Up To?" *Freedomways* 16, No. 3 (November 1976): 162-171, 163. <https://www.jstor.org/stable/community.28037036>

necessary. The enslavement of black people from the very beginning of this country, the genocide practiced on the American Indians and the confining of the survivors on reservations, the savage lynching of thousands of black men and women, the dropping of atomic bombs on Hiroshima and Nagasaki, and now the cowardly massacre in Vietnam, all testify to the fact that toward people of color the racist power structure of America has but one policy: repression, genocide, terror, and the big stick.²⁵¹

Here, Newton raises a plethora of criticisms of the United States. In particular, Newton ascertains that the Vietnam War and the United States' interactions with Native Americans are prime examples of genocide. Newton further implicates the United States as solidly positioned as a genocidal nation in all of its political and social policies both internally and externally. It is a bold statement, but one that resonates and typifies the sort of criticisms the United States received from African American and Native American activist groups.

In these publications, there are several articles that demand the United States officially ratify the Genocide Convention. Jarvis Tyner, National Chairman of the Young Workers Liberation League and Vice Presidential candidate for the Communist Party USA in 1972, wrote in *Freedomways* that the United States must "ratify the UN convention on genocide and the UN declaration against racial discrimination."²⁵² Tyner claims that the United States failure to ratify the Genocide Convention and its political interactions in South Africa, Rhodesia, Portugal, Indochina, and in Israel actively support racial aggression. J.H. O'Dell, an editor of *Freedomways*, points out the hypocrisy of the United States. O'Dell states that while the United States founded itself on the indivisible rights to life, liberty, and the pursuit of happiness for all, it is "one of a mere handful of societies in the world whose government has never ratified the International Agreement Against

²⁵¹ United States Congress, Senate, Committee on Government Operations, Permanent Subcommittee on Investigations, Riots, Civil and Criminal Disorders: Hearings before the Permanent Subcommittee on Investigations on Government Operations, the United States Senate. Washington: U.S. GPO 1967 found in Jamie J. Wilson, *The Black Panther Party: A Guide to an American Subculture* (Santa Barbara: ABC-CLIO, 2018), 91-93.

²⁵² Jarvis Tyner, "A Ticket for the Freedom Train" *Freedomways* 12, no. 2 (1972):124-131, 130 <https://www.jstor.org/stable/community.28037019>

Genocide adopted by the United Nations.”²⁵³ He additionally addresses how the United States conquered sovereign Native American nations, captured Mexicans, and forced African Americans into slavery: “The United States was a sanctuary for millions of the poor from Europe who flocked to its shores, and at one and the same time a slave pen for millions of Africans dragged here in chains and a prison-house for the captive people of the Mexican Republic and the sovereign Indian nations conquered by the United States in wars of aggression.”²⁵⁴ Comparative struggles and decolonization efforts became key to activism. What differentiates these claims from the CRC’s *We Charge Genocide* petition is the recognition of genocide is not solely of African Americans. Rather, they point to Native Americans, Mexicans, South Africa, Panama, etc. as victims of United States genocide and imperialism. Similarly, in all of these examples, genocide and self-determination go hand-in-hand. The United States denial of self-determination and colonialism is considered a form of genocide.

²⁵³ J.H. O’Dell, “Paradise Lost: Some Observations Directed Toward the Bicentennial of the U.S.” *Freedomways* 15, No. 1 (1975): 7-18, 7, <https://www.jstor.org/stable/community.28037030>.

²⁵⁴ O’Dell, “Paradise Lost,” 7.

Expanding on the Concept of Genocide



Figure 3: Brumsic Brandon Jr. "A Black Youth Named Luther," comic, the Freedomways 15, Iss. 3, 1975, p.28. Brandon's comic details the lives of Luther and his friends as they cope with current events. This specific comment addresses the character Hardcore who arrived late to school one morning.

Genocide became a conduit of criticism for a multitude of problems facing the African American and Native American populations. Instead of officially using the terms of the United Nations Genocide Convention, genocide became a blanket term for youth activist groups to describe the general mistreatment both within the United States and abroad. One of the most common features of this new and expanded term of genocide is the suppression of culture and education. The United States educational system suppressed and provided inferior education

materials to African American schools in comparison to white schools.²⁵⁵ *The Black Americans for Democracy* similarly contended in 1973 that the United States education system is a form of genocide. In this article, the authors claim that the University of Arkansas, like other universities, promotes “black genocide” by manipulating African American minds into apathetic beings who lost their identity, assimilated into “white” culture, and denied their ethnicity.²⁵⁶ Both of these articles demonstrate that the suppression of identity is a form of genocide. In Figure 3, police brutality and schooling came together as a form of oppression. As shown, the main character, “hardcore,” was held back by a teacher “Miss Backlash” after arriving at school late. The fact that “Miss Backlash” held “hardcore” back because of outside circumstances shows how society holds African Americans back from conditions outside of their control. “Hardcore” faced backlash from the education system for the policing system in the United States. The denial and vilification of one’s culture appeared genocidal to Native American and African American youths. As I have discussed in the first chapter, Native Americans were forced into white-run schools that aimed to “civilize” Native American youths. A *Native Alliance for Red Power* (more commonly referred to the acronym, *NARP*) newspaper article wrote the following: “white educational institutions is designed to destroy our language and culture. In fact, it is designed to make us be ashamed of our heritage, and induce a feeling of inferiority in our minds. In other words, it is a form of genocide!”²⁵⁷ The psychological damage Native Americans experienced in these white-run schools represented cultural genocide for Native Americans.

²⁵⁵ Christopher M. Span, “Post-Slavery? Post-Segregation? Post-Racial? A History of the Impact of Slavery, Segregation, and Racism on the Education of African Americans” *National Society for the Study of Education* 114, Iss. 2 (2015): 53-74.

²⁵⁶ “Black Rebellion” *Black Americans for Democracy News* 2, 1 (April 6, 1973): p.2 <https://www.jstor.org/stable/community.28015683>.

²⁵⁷ “History: Racist Propaganda,” *NARP Newsletter*, no. 3 (January 1, 1969), p.6. <https://jstor.org/stable/community.28041035>.

There was no one specific United States law that African Americans targeted as genocidal. In 1975, the newspaper *Black Americans for Democracy* referred to the Internal Security Act of 1950 (the McCarran Act) as “detrimental to Black survival” and equated the possible mass incarceration of African American protestors as a “mass genocide.”²⁵⁸ The McCarran Act passed in the post-war era and allowed the US President to authorize the containment of any person(s) who were suspected of undermining and threatening United States security in times of emergencies.²⁵⁹ The article continues to reference the unlawful containment of Japanese Americans during the Second World War as a prime example of the US government’s willingness to arbitrarily force racial groups into concentration camps. Inadequate access to healthcare, living spaces, and poverty also became a form of genocide. In an interesting turn, Black and Red Power youths saw abortions and birth control as genocidal. For example, James Forman claimed that African American infant fatality rates were so low that it constitutes genocide at birth.²⁶⁰ The *Native Movement* opposed Native American abortions and birth control, stating that it would perpetuate the genocide against their populations.²⁶¹ The AIM additionally discovered that the United States performed illegal sterilization methods when they occupied the BIA building in Washington D.C.²⁶² They also argued that growing rates of poverty were additionally genocidal, since it represented a historic effort to enforce and enclose African Americans and Native Americans in unsatisfactory areas. In May of 1964 at the American Indian

²⁵⁸ Rodney Maxey “MaCarran Act Detrimental to Blacks” *Black Americans for Democracy News*, (November 1975): p.6. <https://jstor.org/stable/community.28015694>.

²⁵⁹ Masumi Izumi, “Prohibiting ‘American Concentration Camps’: Repeal of the Emergency Detention Act and the Public Historical Memory of the Japanese American Internment” *Pacific Historical Review* 74, No.2 (May 2005): 165-194. <https://www.jstor.org/stable/10.1525/phr.2005.74.2.165>.

²⁶⁰ James Forman, “Control, Conflict, and Change: The Underlying Concepts of the Black Manifesto,” *Black Dialogue* 4, Iss 2 (Summer 1970): 5-12

²⁶¹ “We Oppose Abortions and Birth Control,” *Native Movement*, (1970): p.14 <https://www.jstor.org/stable/community.28041070>.

²⁶² Siddons, “Red Power in the Black Panther,” 6.

Capital Conference on Poverty, Clyde Warrior, a Ponca member of the National Indian Youth Council (NIYC), encouraged American Indian students to be more nationalistic in order to fight the conscious effort by the United States to commit “social and cultural genocide” against the Native American youth.²⁶³ Here Warrior encouraged radicalism as an effective form of resistance against the United States’ termination policies and its active suppression of Native American education.

In addition to poverty, police brutality became a form of genocide to African Americans and Native Americans. In *Freedomways*, one article, authored by Bruce Wright, discusses experiences of mistreatment of African American youths. Using two specific cases of a ten-year-old African American child, Clifford Glover, and fourteen-year-old African American Claude Reese Jr., Wright contends that the United States police system was genocidal. In 1974, an unnamed white cop murdered Claude Reese Jr. after assuming that the child was holding a weapon in public. In 1973, a white cop named Thomas Shea murdered Clifford Glover for being a robbery suspect. Unfortunately, in both cases, the white cops were acquitted and neither of the kids were found guilty. In response to these two examples, Wright states, “as though the police are not enough of a menace in genocide aimed at Black youth, there is the problem of narcotic addiction and the reaction of the courts and the prisons.”²⁶⁴ According to Wright, police brutality was a form of genocide considering the prevalence and targeted attacks against African American children. Also, narcotic use was considered a sort of self-imposed genocide of African American youths.

²⁶³ Clyde Warrior, “Which One Are You?” *Americans Before Columbus* 2, no. 4 (December 1964): 17. Reference Found in Bradley G. Shreve, *Red Power Rising*, 144-148.

²⁶⁴ Bruce McM. Wright, “Bangs and Whimpers: Black Youth and the Courts” *the Freedomways* 15, Iss. 3 (1975): 178-187, 183 <https://www.jstor.org/stable/community.28037032>.



Figure 4: "Capitalism + Dope = Genocide," Artwork, Native Movement, January 1, 1970, p. 4. This image depicts an individual, with red-skin, injecting drugs into their arm. The red-skin signposts that the individual is a Native American.

African American and Native American activists similarly felt that drug and alcohol abuse was a form of genocide. As seen in the above image found in the *Native Movement*, which reads “capitalism plus dope equal genocide.” While dope (marijuana) is not considered endemic to Native Americans, alcohol use was a major concern. According to one study in 1980, alcoholism accounted for three of the leading causes of death amongst Native Americans.²⁶⁵ The same study referenced an FBI Uniform Crime Report demonstrating that Native Americans retained the highest conviction rate for violent crimes.²⁶⁶ While the image is found in a Native American newspaper, the caption is possibly made in reference to a statement made by a BPP political prisoner. Michael “Cetewayo” Tabor wrote an article published in the Black Panther Party newspaper, “Capitalism Plus Dope Equals Genocide.”²⁶⁷ Within this article, Tabor addresses how African Americans pushed into ghettos became addicted to drugs. In 1969 New York City, there were over 900 drug-related deaths, and most of those deaths were African American or Puerto Rican.²⁶⁸ Both drug and alcohol addiction are related to United States imperialism and capitalism. For example, John F. Richards, a historian at Duke University, contends that the British’s attack on Indian opium use “was a form of cultural imperialism,” since foreign reformers imposed their own views on opium as “disgusting and degrading.”²⁶⁹ These foreign, often Christian reformers, ignored or denied the home remedy purposes of opium in Indian households and how opium use was an accepted cultural practice in India.²⁷⁰ Given

²⁶⁵ Laurence A. French and Jim Hornbuckle, “Alcoholism among Native Americans: An Analysis” *Social Work* 25, no. 4 (1980): 275-280, 275. <http://www.jstor.org/stable/23712094>.

²⁶⁶ French, “Alcoholism among Native Americans,” 275

²⁶⁷ Michael “Cetewayo” Tabor “Capitalism Plus Dope Equals Genocide” *Black Panther Party USA*, Accessed May 20, 2023 <https://archive.lib.msu.edu/DMC/AmRad/capitalismplUSDope.pdf>

²⁶⁸ Tabor, “Capitalism Plus Dope Equals Genocide,” 1.

²⁶⁹ John F. Richards, “Opium and the British Indian Empire: The Royal Commission of 1895” *Modern Asian Studies* 36, no.2 (2002): 375-420, 418. DOI:10.1017/S0026749X02002044

²⁷⁰ Richards, “Opium and the British Indian Empire” 404-405.

that the United States forced Native Americans and African Americans into poor living conditions, it was seen as a predatory attack on these minority groups.

Conclusion

The BPP and AIM demonstrated the more militant forms of African American and Native American activism from the early Cold War era. Rather than separating themselves from each other, the BPP and AIM demonstrate growing intersectionality with racial groups and a global perspective of oppression and resistance. The BPP demonstrated militancy when they openly wielded guns and monitored policemen for police brutality in Oakland, California. The AIM adopted similar tactics to assist Native Americans, whom the US police force would unduly target for arrest charges. The AIM demonstrated militancy when they occupied Wounded Knee, to protest the appointment of a BIA, corrupted leader Richard Wilson. In response to the AIM's occupation, the BPP publicized its support in newsletters. These are just a few examples of the interactions and cross-cultural dissemination between these groups. In general, African American and Native Americans activists, not only the BPP and the AIM, placed their struggles on a global scale and emphasized the global hardships all people of color experienced at the hands of the United States government.

In addition to globalization, these groups tended to expand on the term and definition of "genocide." Genocide meant more than the UN's 1948 definition. Genocide meant police brutality, it meant a lack of sufficient medical healthcare, it meant inferior and suppressive education, and it meant not recognizing a group's right to self-determination. The ways "genocide" became an overarching umbrella term for injustices can be interpreted, on one hand, as trivializing the word itself. The trivialization of genocide is a relatively new term and concept.

Since the Holocaust and the Genocide Convention, the term “genocide” has been thrown around to describe a multitude of problems. For example, in 2014 an MSNBC specialist compared Supreme Court Justice Clarence Thomas’s decision to overturn the Voting Rights Act of 1965 as a method to “commit holocaust and genocide upon his own people.”²⁷¹ This comparison garnered criticism as it could be interpreted that the MSNBC specialist trivialized the Holocaust. Yet, regardless of this possible trivialization, it remains imperative to recognize the weight “genocide” has on activism.

²⁷¹ “MSNBC Pundit’s Comparison of Clarence Thomas to ‘Jew who Sided with Hitler’ Outrageous and Shocking” *Anti-Defamation League* (June 2013); <https://www.adl.org/resources/press-release/msnbc-pundits-comparison-clarence-thomas-jew-who-sided-hitler-outrageous>.

CONCLUSION:

Overall, this thesis argued that “genocide activism” was a significant and critical method of African American and Native American activism since the conception of the 1948 Genocide Convention. This thesis began with a general description of African American and Native American history that could constitute genocide by the UN’s definition. The first chapter additionally provided preliminary information on the United Nations, the Cold War, and decolonization efforts to set the stage for future discussions. In the next chapter, I argued that the CRC’s and NCAI’s activist strategies conducted through legal and political methods was an example of respectability politics. These two groups attempted to work within the United States system to advocate for African American and Native American rights in the post-war era and in the early suppressive environment of the Cold War. While the CRC represented genocide activism more publically with their *We Charge Genocide* petition, I argue that the NCAI similarly used genocide activism in more private settings and memoirs. The NCAI used genocide activism privately since the United States intensely scrutinized the CRC and the NCAI did not publically support activism. Yet, the NCAI still conducted activism like the CRC through legal and political methods. Activism does not have to be militant demonstrations and protests of later activist groups.

The 1960s and 1970s represented a shift in American activist tactics, where youth groups advocated for more radical elements of demonstrations and protests. In the last chapter, I compared the BPP and the AIM as proponents of the Black and Red Power Movements. The United States’ policies towards and response to global and local issues spurred disillusionment and anger in African American and Native American populations, which in turn sponsored rebellion and resistance. Rather than working within governments and political institutions,

African American and Native Americans expressed global solidarity against the villainous force of United States imperialism through public demonstrations. The Black Panther Party and the American Indian Movement represent this shift in activism perfectly. For the BPP, the United States' continued oppression of African Americans led them to take matters into its own hand. One of the most infamous cases that this thesis discussed was the BPP's Oakland police patrolling. The AIM modeled their activist strategies after the BPP and similarly patrolled police officers in Minneapolis, who targeted Native Americans at bars. The AIM also occupied Wounded Knee to rebel against the corrupted, BIA-appointed Lakota leader, Richard Wilson. The BPP demonstrated its respect for the AIM by including and covering the occupation in its newspapers. In contrast to the perceived separation of African American and Native Americans experiences typified in the past, these groups demonstrated a global connection and cross-racial interactions during the Civil Rights Movement.

In addition to the BPP and AIM, African Americans and Native Americans in general altered the definition and meaning of self-determination and genocide to further emphasize global, shared experiences. Rather than view self-determination from a single lens, self-determination became something for everyone, for all individuals of color across the world. Self-determination was similarly connected with genocide, as African American and Native Americans viewed the denial of one's own identity as genocidal itself. This concept relates to the growing expansive terminology and definition of genocide as well. Genocide became a blanket term to express the myriad of issues African American and Native Americans experienced in the past and in the present. There was far more cohesion and interaction between these groups. Rather than see their problems, history, and experiences as singular and non-intersecting, African American and Native American youths bonded and recognized each other's struggles.

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