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43

CRIMES AGAINST HUMANITY

Ward Churchill

If nifty little "pep" gestures like the "Indian Chant" and the "Tomahawk Chop" are just good clean fun, then let's spread the fun around, shall we?

During the past couple of seasons, there has been an increasing wave of controversy regarding the names of professional sports teams like the Atlanta "Braves," Cleveland "Indians," Washington "Redskins," and Kansas City "Chiefs." The issue extends to the names of college teams like Florida State University "Seminoles," University of Illinois "Fighting Illini," and so on, right on down to high school outfits like the Lamar (Colorado) "Savages." Also involved have been team adoption of "mascots," replete with feathers, buckskins, beads, spears, and "warpaint" (some fans have opted to adorn

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themselves in the same fashion), and nifty little "pep" gestures like the "Indian Chant" and "Tomahawk Chop."

A substantial number of American Indians have protested that use of native names, images, and symbols as sports team mascots and the like is, by definition, a virulently racist practice. Given the historical relationship between Indians and non-Indians during what has been called the "Conquest of America," American Indian Movement leader (and American Indian Anti-Defamation Council founder) Russell Means has compared the practice to contemporary Germans naming their soccer teams the "Jews," "Hebrews," and "Yids," while adorning their uniforms with grotesque caricatures of Jewish faces taken from the Nazis' anti-Semitic propaganda of the 1930s. Numerous demonstrations have occurred in conjunction with games—most notably during the November 15, 1992 match-up between the Chiefs and Redskins in Kansas City—by angry Indians and their supporters.

In response, a number of players—especially African Americans and other minority athletes—have been trotted out by professional team owners like Ted Turner, as well as university and public school officials, to announce that they mean not to insult but to honor native people. They have been joined by the television networks and most major newspapers, all of which have editorialized that Indian discomfort with the situation is "no big deal," insisting that the whole thing is just "good, clean fun." The country needs more such fun, they've argued, and "a few disgruntled Native Americans" have no right to undermine the nation's enjoyment of its leisure time by complaining. This is especially the case, some have argued, "in hard times like these." It has even been contended that Indian outrage at being systematically degraded—rather than the degradation itself—creates "a serious barrier to the sort of intergroup communication so necessary in a multicultural society such as ours."

Okay, let's communicate. We are frankly dubious that those advancing such positions really believe their own rhetoric, but, just for the sake of argument, let's accept the premise that they are sincere. If what they say is true, then isn't it time we spread such "inoffensiveness" and "good cheer" around among *all* groups so that *everybody* can participate *equally* in fostering the round of national laughs they call for? Sure it is—the country can't have too much fun or "intergroup involvement"—so the more, the merrier. Simple consistency demands that anyone who thinks the Tomahawk Chop is a swell pastime must be just as hearty in their endorsement of the following ideas—by the logic used to defend the defamation of American Indians—should help us all really start yukking it up.

First, as a counterpart to the Redskins, we need an NFL team called "Niggers" to honor Afro-Americans. Half-time festivities for fans might include a simulated stewing of the opposing coach in a large pot while players and cheerleaders dance around it, garbed in leopard skins and wearing fake

bones in their noses. This concept obviously goes along with the kind of gaiety attending the Chop, but also with the actions of the Kansas City Chiefs, whose team members—prominently including black team members—lately appeared on a poster looking “fierce” and “savage” by way of wearing Indian regalia. Just a bit of harmless “morale boosting,” says the Chiefs’ front office. You bet.

So that the newly formed Niggers sports club won’t end up too out of sync while expressing the “spirit” and “identity” of Afro-Americans in the above fashion, a baseball franchise—let’s call this one the “Sambos”—should be formed. How about a basketball team called the “Spearchuckers”? A hockey team called the “Jungle Bunnies”? Maybe the “essence” of these teams could be depicted by images of tiny black faces adorned with huge pairs of lips. The players could appear on TV every week or so gnawing on chicken legs and spitting watermelon seeds at one another. Catchy, eh? Well, there’s “nothing to be upset about,” according to those who love wearing “war bonnets” to the Super Bowl or having “Chief Illiniwik” dance around the sports arenas of Urbana, Illinois.

And why stop there? There are plenty of other groups to include. Hispanics? They can be “represented” by the Galveston “Greasers” and San Diego “Spics,” at least until the Wisconsin “Wetbacks” and Baltimore “Beaners” get off the ground. Asian Americans? How about the “Slopes,” “Dinks,” “Gooks,” and “Zipperheads”? Owners of the latter teams might get their logo ideas from editorial page cartoons printed in the nation’s newspapers during World War II: slant-eyes, buck teeth, big glasses, but nothing racially insulting or derogatory, according to the editors and artists involved at the time. Indeed, this Second World War—vintage stuff can be seen as just another barrel of laughs, at least by what current editors say are their “local standards” concerning American Indians.

Let’s see. Who’s been left out? Teams like the Kansas City “Kikes,” Hanover “Honkies,” San Leandro “Shylocks,” Daytona “Dagos,” and Pittsburgh “Polacks” will fill a certain social void among white folk. Have a religious belief? Let’s all go for the gusto and gear up the Milwaukee “Mackerel Snappers” and Hollywood “Holy Rollers.” The Fighting Irish of Notre Dame can be rechristened the “Drunken Irish” or “Papist Pigs.” Issues of gender and sexual preferences can be addressed through creation of teams like the St. Louis “Sluts,” Boston “Bimbos,” Detroit “Dykes,” and the Fresno “Fags.” How about the Gainesville “Gimps” and Richmond “Retards,” so the physically and mentally impaired won’t be excluded from our fun and games?

Now, don’t go getting “overly sensitive” out there. None of this is demeaning or insulting, at least not when it’s being done to Indians. Just ask the folks who are doing it, or their apologists like Andy Rooney in the national media. They’ll tell you—as in fact they *have* been telling you—that there’s been no harm done, regardless of what their victims think, feel, or say. The situation is exactly the same as when those with precisely the same

mentality used to insist that Step ‘n’ Fetchit was okay, or Rochester on the *Jack Benny Show*, or Amos and Andy, Charlie Chan, the Frito Bandito, or any of the other cutesy symbols making up the lexicon of American racism. Have we communicated yet?

Let’s get just a little bit real here. The notion of “fun” embodied in rituals like the Tomahawk Chop must be understood for what it is. There’s not a single non-Indian example used above which can be considered socially acceptable in even the most marginal sense. The reasons are obvious enough. So why is it different where American Indians are concerned? One can only conclude that, in contrast to the other groups at issue, Indians are (falsely) perceived as being too few, and therefore too weak, to defend themselves effectively against racist and otherwise offensive behavior.

Fortunately, there are some glimmers of hope. A few teams and their fans have gotten the message and have responded appropriately. Stanford University, which opted to drop the name “Indians” from Stanford, has experienced no resulting drop-off in attendance. Meanwhile, the local newspaper in Portland, Oregon, recently decided its long-standing editorial policy prohibiting use of racial epithets should include derogatory team names. The Redskins, for instance, are now referred to as “the Washington team,” and will continue to be described in this way until the franchise adopts an in-offensive moniker (newspaper sales in Portland have suffered no decline as a result).

Such examples are to be applauded and encouraged. They stand as figurative beacons in the night, proving beyond all doubt that it is quite possible to indulge in the pleasure of athletics without accepting blatant racism into the bargain.

NUREMBERG PRECEDENTS

On October 16, 1946, a man named Julius Streicher mounted the steps of a gallows. Moments later he was dead, the sentence of an international tribunal composed of representatives of the United States, France, Great Britain, and the Soviet Union having been imposed. Streicher’s body was then cremated, and—so horrendous were his crimes thought to have been—his ashes dumped into an unspecified German river so that “no one should ever know a particular place to go for reasons of mourning his memory.”

Julius Streicher had been convicted at Nuremberg, Germany, of what were termed “Crimes Against Humanity.” The lead prosecutor in his case—Justice Robert Jackson of the United States Supreme Court—had not argued that the defendant had killed anyone, nor that he had personally committed any especially violent act. Nor was it contended that Streicher had held any particularly important position in the German government during the period in which the so-called Third Reich had exterminated some 6,000,000 Jews, as

well as several million Gypsies, Poles, Slavs, homosexuals, and other untermenschen (subhumans).

The sole offense for which the accused was ordered put to death was in having served as publisher/editor of a Bavarian tabloid entitled *Der Stürmer* during the early-to-mid 1930s, years before the Nazi genocide actually began. In this capacity, he had penned a long series of virulently anti-Semitic editorials and "news" stories, usually accompanied by cartoons and other images graphically depicting Jews in extraordinarily derogatory fashion. This, the prosecution asserted, had done much to "dehumanize" the targets of his distortion in the mind of the German public. In turn, such dehumanization had made it possible—or at least easier—for average Germans to later indulge in the outright liquidation of Jewish "vermin." The tribunal agreed, holding that Streicher was therefore complicit in genocide and deserving of death by hanging.

During his remarks to the Nuremberg tribunal, Justice Jackson observed that, in implementing its sentences, the participating powers were morally and legally binding themselves to adhere forever after to the same standards of conduct that were being applied to Streicher and the other Nazi leaders. In the alternative, he said, the victorious allies would have committed "pure murder" at Nuremberg—no different in substance from that carried out by those they presumed to judge—rather than establishing the "permanent benchmark for justice" which was intended.

Yet in the United States of Robert Jackson, the indigenous American Indian population had already been reduced, in a process which is ongoing to this day, from perhaps 12.5 million in the year 1500 to fewer than 250,000 by the beginning of the 20th century. This was accomplished, according to official sources, "largely through the cruelty of [Euro-American] settlers," and an informal but clear governmental policy which had made it an articulated goal to "exterminate these red vermin," or at least whole segments of them.

Bounties had been placed on the scalps of Indians—any Indians—in places as diverse as Georgia, Kentucky, Texas, the Dakotas, Oregon, and California, and had been maintained until resident Indian populations were decimated or disappeared altogether. Entire peoples such as the Cherokee had been reduced to half their size through a policy of forced removal from their homelands east of the Mississippi River to what were then considered less preferable areas in the West.

Others, such as the Navajo, suffered the same fate while under military guard for years on end. The United States Army had also perpetrated a long series of wholesale massacres of Indians at places like Horseshoe Bend, Bear River, Sand Creek, the Washita River, the Marias River, Camp Robinson, and Wounded Knee.

Through it all, hundreds of popular novels—each competing with the next to make Indians appear more grotesque, menacing, and inhuman—were

sold in the tens of millions of copies in the U.S. Plainly, the Euro-American public was being conditioned to see Indians in such a way as to allow their eradication to continue. And continue it did until the Manifest Destiny of the U.S.—a direct precursor to what Hitler would subsequently call *Lebensraumpolitik* (the politics of living space)—was consummated.

By 1900, the national project of "clearing" Native Americans from their land and replacing them with "superior" Anglo-American settlers was complete: the indigenous population had been reduced by as much as 98 percent while approximately 97.5 percent of their original territory had "passed" to the invaders. The survivors had been concentrated, out of sight and mind of the public, on scattered "reservations," all of them under the self-assigned "plenary" (full) power of the federal government. There was, of course, no Nuremberg-style tribunal passing judgment on those who had fostered such circumstances in North America. No U.S. official or private citizen was ever imprisoned—never mind hanged—for implementing or propagandizing what had been done. Nor had the process of genocide afflicting Indians been completed. Instead, it merely changed form.

Between the 1880s and the 1980s, nearly half of all Native American children were coercively transferred from their own families, communities, and cultures to those of the conquering society. This was done through compulsory attendance at remote boarding schools, often hundreds of miles from their homes, where native children were kept for years on end while being systematically "deculturated" (indoctrinated to think and act in the manner of Euro-Americans rather than Indians). It was also accomplished through a pervasive foster home and adoption program—including "blind" adoptions, where children would be permanently denied information as to who they were/are and where they'd come from—placing native youths in non-Indian homes.

The express purpose of all this was to facilitate a U.S. governmental policy to bring about the "assimilation" (dissolution) of indigenous societies. In other words, Indian cultures as such were to be caused to disappear. Such policy objectives are directly contrary to the United Nations 1948 Convention on Punishment and Prevention of the Crime of Genocide, an element of international law arising from the Nuremberg proceedings. The forced "transfer of the children" of a targeted "racial, ethnical, or religious group" is explicitly prohibited as a genocidal activity under the Convention's second article.

Article II of the Genocide Convention also expressly prohibits involuntary sterilization as a means of "preventing births among" a targeted population. Yet, in 1975, it was conceded by the U.S. government that its Indian Health Service (IHS), then a subpart of the Bureau of Indian Affairs (BIA), was even then conducting a secret program of involuntary sterilization that had affected approximately 40 percent of all Indian women. The program was

allegedly discontinued, and the IHS was transferred to the Public Health Service, but no one was punished. In 1990, it came out that the IHS was inoculating Inuit children in Alaska with Hepatitis-B vaccine. The vaccine had already been banned by the World Health Organization as having a demonstrated correlation with the HIV-Syndrome which is itself correlated to AIDS. As this is written, a "field test" of Hepatitis-A vaccine, also HIV-correlated, is being conducted on Indian reservations in the northern plains region.

The Genocide Convention makes it a "crime against humanity" to create conditions leading to the destruction of an identifiable human group, as such. Yet the BIA has utilized the government's plenary prerogatives to negotiate mineral leases "on behalf of" Indian peoples paying a fraction of standard royalty rates. The result has been "super profits" for a number of preferred U.S. corporations. Meanwhile, Indians, whose reservations ironically turned out to be in some of the most mineral-rich areas of North America, which makes us, the nominally wealthiest segment of the continent's population, live in dire poverty.

By the government's own data in the mid-1980s, Indians received the lowest annual and lifetime per capita incomes of any aggregate population group in the United States. Concomitantly, we suffer the highest rate of infant mortality, death by exposure and malnutrition, disease, and the like. Under such circumstances, alcoholism and other escapist forms of substance abuse are endemic in the Indian community, a situation which leads both to a general physical debilitation of the population and a catastrophic accident rate. Teen suicide among Indians is several times the national average.

The average life expectancy of a reservation-based Native American man is barely 45 years; women can expect to live less than three years longer.

Such itemizations could be continued at great length, including matters like the radioactive contamination of large portions of contemporary Indian Country, the forced relocation of traditional Navajos, and so on. But the point should be made: genocide, as defined in international law, is a continuing fact of day-to-day life (and death) for North America's native peoples. Yet there has been—and is—only the barest flicker of public concern about, or even consciousness of, this reality. Absent any serious expression of public outrage, no one is punished and the process continues.

A salient reason for public acquiescence before the ongoing holocaust in Native North America has been a continuation of the popular legacy, often through more effective media. Since 1925, Hollywood has released more than 2,000 films, many of them rerun frequently on television, portraying Indians as strange, perverted, ridiculous, and often dangerous things of the past. Moreover, we are habitually presented to mass audiences one-dimensionally, devoid of recognizable human motivations and emotions; Indians thus serve

as props, little more. We have thus been thoroughly and systematically dehumanized.

Nor is this the extent of it. Everywhere, we are used as logos, as mascots, as jokes: "Big-Chief" writing tablets, "Red Man" chewing tobacco, "Winnebago" campers, "Navajo" and "Cherokee" and "Pontiac" and "Cadillac" pickups and automobiles. There are the Cleveland "Indians," the Kansas City "Chiefs," the Atlanta "Braves" and the Washington "Redskins" professional sports teams—not to mention those in thousands of colleges, high schools, and elementary schools across the country—each with their own degrading caricatures and parodies of Indians and/or things Indian. Pop fiction continues in the same vein, including an unending stream of New Age manuals purporting to expose the inner works of indigenous spirituality in everything from pseudo-philosophical to do-it-yourself styles. Blond yuppies from Beverly Hills amble about the country claiming to be reincarnated 17th century Cheyenne Ushamans ready to perform previously secret ceremonies.

In effect, a concerted, sustained, and in some ways accelerating effort has gone into making Indians unreal. It is thus of obvious importance that the American public begin to think about the implications of such things the next time they witness a gaggle of face-painted and war-bonneted buffoons doing the "Tomahawk Chop" at a baseball or football game. It is necessary that they think about the implications of the grade-school teacher adorning their child in turkey feathers to commemorate Thanksgiving. Think about the significance of John Wayne or Charlton Heston killing a dozen "savages" with a single bullet the next time a western comes on TV. Think about why Land-o-Lakes finds it appropriate to market its butter with the stereotyped image of an "Indian princess" on the wrapper. Think about what it means when non-Indian academics profess—as they often do—to "know more about Indians than Indians do themselves." Think about the significance of charlatans like Carlos Castaneda and Jamake Highwater and Mary Summer Rain and Lynn Andrews churning out "Indian" bestsellers, one after the other, while Indians typically can't get into print.

Think about the real situation of American Indians. Think about Julius Streicher. Remember Justice Jackson's admonition. Understand that the treatment of Indians in American popular culture is not "cute" or "amusing" or just "good, clean fun."

Know that it causes real pain and real suffering to real people. Know that it threatens our very survival. And know that this is just as much a crime against humanity as anything the Nazis ever did. It is likely that the indigenous people of the United States will never demand that those guilty of such criminal activity be punished for their deeds. But the least we have the right to expect—indeed, to demand—is that such practices finally be brought to a halt.