

“Colonized By Freedom:” Making the State, Private Property, and
Race in Kansas

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**“Colonized By Freedom:” Making the State, Private Property, and
Race in Kansas**

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Abstract

State power operates through institutional attempts to define who fully counts as a person. “Colonized By Freedom: Making the State, Private Property, and Race in Kansas” examines the mechanisms of state power in Kansas in the mid-nineteenth and early twentieth centuries to analyze how subjects deemed non-normative fit into a state social structure that is racialized, gendered, sexualized, classed, and ableist. In determining fitness for the ideal of full citizenship, military, medical, educational, and religious figures functioned as arbiters of normative personhood. My project draws on archival evidence from military, medical, religious, and economic institutions that sought to create what I describe as normal personhood through coercion, violence, and the creation of legitimate rule. It argues that if we evaluate that evidence alongside the violence of Indigenous dispossession, early and continued commitment to private property, imperialism, and social/political hierarchies of race, gender, and ability, Kansas becomes much less paradoxical and, indeed, helps us understand how the US state itself emerged and grew. The chapters cover: American Indian treaties in the land that became Kansas; Kansas’s establishment as a free state; the Girls’ Industrial School in Beloit; Kansas’s volunteer guard units that fought in the Spanish–American War; and liberal reforms at the institution that became Haskell Indian Nations University in the late twentieth century.

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Introduction: The Foundations of Free State Liberalism

Lucien B. Smith of Ohio and Joseph F. Glidden of Illinois hold competing claims for the US invention of barbed wire in 1869 and 1874, but the small Kansas town of La Crosse, (population 3,036) has declared itself the barbed wire capital of the world.¹ La Crosse is home to the Barbed Wire Museum, which was founded in the 1960s after yearly “swap and sell” events regularly brought barbed wire enthusiasts to La Crosse from around the country. Reflecting an understanding of the centrality of enclosure in Kansas’s settlement history, the museum’s website summarizes Kansas’s complex territorial history in this way:

first there was nothing but a vast open range. Native bison roamed free. Then came the settlers, and with them, a need to define their territory. Soon, miles of fences were built. Territorial disputes ensued, rights came into question, and the character of the land began to change. When the dust settled, people were once again able to live relatively in peace. The days of the open range were gone.²

It was barbed wire—violently delineated property protection—that restored order. Barbed wire’s historical legacy here is associated with “peace” rather than privatization and carceral enclosure.³

Barbed wire became commercially available in the era that coincided with westward expansion and increased capitalist development in the lands that included Kansas. Kansas fence

¹ In the US, Smith patented barbed wire first in 1869, and Glidden patented the most widely used commercial design of barbed wire in 1874. There were other barbed wire designs patented in France in 1860 and 1865. In Alan Krell, *The Devil’s Rope: A Cultural History of Barbed Wire* (London: Reaktion Books, 2002), 19. Population estimate from US Census Bureau. Quick Facts: Rush County, KS, 2019, <https://www.census.gov/quickfacts/rushcountykansas>.

² Bradley Penka, “Welcome,” Kansas Barbed Wire Museum, updated 2020, <http://www.rushcounty.org/barbedwiremuseum/>.

³ Reviel Netz, *Barbed Wire: An Ecology of Modernity* (Middletown, CT: Wesleyan University Press, 2004) describes the inherently carceral nature of enclosure, and by extension barbed wire, writing that “With a closed line ... and the prevention of motion from outside the line to its inside, you derive the idea of property. With the same line, and the prevention of motion from inside to outside, you derive the idea of prison. With an open line ... and the prevention of motion in either direction, you derive the idea of border. Properties, prisons, borders: it is through the prevention of motion that space enters history” (xi).

laws allowed farmers and landowners to enclose nature and protect their lands from grazing cattle.⁴ While the above account celebrates barbed wire's role in promoting settlement and individual land ownership in the rural parts of Kansas, its production and implementation ultimately benefited capitalist railroad development, sometimes against the interests of individual cattle farmers.⁵ Barbed wire was also linked to industrialization and infrastructural development in the eastern portion of the state, as the Consolidated Barbed Wire Company in Lawrence, Kansas was one of the state's largest employers at turn of the twentieth century.⁶

While Kansas's 1854 settlement is often associated with the border wars that ensued over the territory's admission as a "free" or "slave" state, both sides were driven by the promise of access to land and the acquisition of private property. I argue that the weaponized enclosure

⁴ Nicolas Sanchez and Jeffrey B. Nugent, "Fence Laws vs. Herd Laws: A Nineteenth-Century Kansas Paradox," *Land Economics* 76, no. 4 (Nov. 2000): 520, explains that Kansas's first territorial legislature in 1855 enacted a fence law that made farmers responsible for fencing their agricultural lands. This citation certainly does not serve as an endorsement of his politics, but I will also note that Sam Brownback, "Kansas Fence Laws and Trespassing Livestock," *The Journal of the Kansas Bar Association* 56, no. 3 (Mar. 1987): calls the 1855 fence law a fence-out policy and notes that "if the landowner did not have a legal fence around his land, he could not recover for damages caused by another's livestock," but that livestock owners were responsible for property destruction within fenced lands.

⁵ For example, railroad companies used barbed wire to prevent the killing of grazing cattle, a problem that the museum laid out sympathetically as occurring when "approaching trains, unable to stop quickly enough, would strike helpless animals." Bradley Penka, "Railroads and Barbed Wire," Kansas Barbed Wire Collectors Association, Inc, 2015, https://www.rushcounty.org/BarbedWireMuseum/BWHistory_print3.html. From this celebratory expansionist perspective, barbed wire is presented as a humanitarian tool of modernization. But Netz, *Barbed Wire*, 35 explains how railroads employed the technology not out of concern for animals, but to protect trains from damage, saying that "since almost from the beginning, the railroad had used barbed wire to prevent animals from straying onto the tracks and causing damage to the trains." Netz further describes how "we should not be surprised that, among some farmers, barbed wire was unpopular. Farmers in the late 1870 were surrounded by barbs they had not asked for, causing damages they could not control" (35).

⁶ In Chad Lawhorn, "Lawrence Economy Evolves with Consumers," *Lawrence Journal World* 26 September, 2004. https://www2.ljworld.com/news/2004/sep/26/lawrence_economy_evolves/; See also Steve Jansen, "Local History: The Joke Used to be 'Lawrence isn't Worth a Dam'" *Lawrence Journal World* (Lawrence, KS), December 10, 2020. <https://www2.ljworld.com/living/2020/dec/10/local-history-the-joke-used-to-be-lawrence-isnt-worth-a-dam/>. A study of the Bowersock's family role in the deepening of capitalist and ecological crisis in Kansas is warranted but beyond the scope of this dissertation. The Bowersock family to this day owns most of the electrical grid in Lawrence, KS. The company's director, J.D. Bowersock, also dammed the Kaw river in Lawrence to harness electricity for his industrial empire, which included a paper company that profited largely from selling cardboard boxes for shipping. For a history of the Consolidated Barbed Wire Company see Paul O. Caviness, "Building History: The Consolidated Barb Wire Company Drawing Mill and the Industrial Riverfront of Lawrence, Kansas," Lawrence Preservation Alliance, 1988, 17. Accessed at the Lawrence Public Library, Helen Osma Local History Room, KC 725.21 CAV.

made possible by barbed wire is both an apt metaphor and a material expression of the violence of liberal free state settlement in Kansas.⁷ Liberalism, the ideology associated with the expansion of democratic rights and “a doctrine of certain necessary kinds of freedom” is “also, and essentially, a doctrine of possessive individualism.”⁸ In Kansas, the presumption that free state settlement ideologies expanded equality erases the inherent violence of a project that was only made possible through Indigenous dispossession.⁹ The violence of proslavery efforts in Kansas is assumed, as these settlers and their supporters openly equated freedom with white men’s right to own enslaved African American people as chattel. But racist violence also underwrote free-state endeavors like The New England Emigrant Aid Company. Founder Eli Thayer was motivated by a desire to create a society that would be “colonized by freedom,” one in which slavery was abolished solely as a means of increasing white settlers’ access to land, natural resources, and capital accumulation.¹⁰ As with other colonial enterprises, this settlement effort was backed by military force and the physical and logistical destruction of Native livelihoods. The freedom

⁷ This argument extends those of recent histories of barbed wire, which have equated its appearance with capitalist progress. See Patrick Brantlinger, *Barbed Wire: Capitalism and the Enclosure of the Commons* (London: Routledge, 2017) and Netz, *Barbed Wire*, which equates barbed wire’s development with modernity.

⁸ Raymond Williams, *Keywords: A Vocabulary of Culture and Society* (Oxford, England: Oxford University Press, 1985), 128. Liberalism’s predication on the concept of possessive individualism comes from C.B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford, England: Oxford University Press, 1962), which states that “the difficulties of modern liberal-democratic theory lie deeper than had been thought, that the original seventeenth-century individualism contained the central difficulty, which lay in its possessive quality. Its possessive quality is found in its conception of the individual as essentially the proprietor of his own person or capacities, owing nothing to society for them” (3).

⁹ When a specific tribe is not used, this dissertation uses the terms Native, Indigenous, and American Indian to describe Indigenous people in the US. For discussions about these terms led by Indigenous scholars, see Robert Warrior, “Indian,” in *Keyword for American Cultural Studies*, eds. Bruce Burgett and Glenn Hendler (Minneapolis: University of Minnesota Press, 2014), 130–132 and J. Kēhaulani Kauanui, “Indigenous,” in *Keyword for American Cultural Studies*, eds. Bruce Burgett and Glenn Hendler (Minneapolis: University of Minnesota Press, 2014), 133–137.

¹⁰ The concept of “colonized by freedom” will be described in detail below and in the second chapter. The phrase comes from an editorial about the prominent Kansas free-state settler Eli Thayer, which described that “Mr. Thayer shows clearly enough that freedom will not only triumph, but it will triumph with an insignificant cost of blood, and an actual augmentation of treasure. He proposes to make a profitable business of colonizing Kansas; and indicates the way in which even the old slaveholding states may be also colonized by freedom.” Quoted in Eli Thayer, *A History of the Kansas Crusade: Its Friends and Its Foes* (New York: Harper Brothers, 1889), 224.

ensured by liberal ideology —freedom to possess and accumulate—was always rooted in violence by virtue of the fact that it entailed the differential processes of literal and symbolic enclosure of Black and Indigenous people.

Kansas’s 1854 territorial opening coincided with broader processes of global capitalist railroad expansion—what Manu Karuka calls “railroad colonialism.”¹¹ To protect the interests of capital, the US built more military forts in Kansas and across the west to expand its capacity to enact genocidal policies toward Indigenous tribes in “the west.” The US engaged in mechanisms of Indigenous concentration and enclosure in the late nineteenth century as a means of protecting capitalist interests and expanding its empire.¹² Pawnee historian James Riding In says, for example, that an 1869 policy change that allowed Christian churches to manage reservations “effectively transformed Indian reservations into concentration camps.”¹³ Kansas’s colonization was part of this global process in which policies of Indigenous enclosure worked in tandem with capitalist development to structure empire-building in the North American continent. These processes of empire-building were exported and expanded upon when the US engaged in

¹¹ Manu Karuka, *Empire’s Tracks : Indigenous Nations, Chinese Workers, and the Transcontinental Railroad*. (Berkeley, California: University of California Press, 2019) explains that “Railways enabled the circulation of colonial commodities through the imperial core, and even more importantly, they made large-scale export of financial and industrial capital to the colonies a central feature of global capitalism” (40). Karuka says that the first phase of railroad colonialism lasted from 1812 until 1855, ushering in an era of railroads as a means of warfare in the second phase. Kansas was “opened” for settlement 1854 on the brink of the second phase. Aziz Rana, *The Two Faces of American Freedom* (Cambridge, MA: Harvard University Press, 2010) also describes the US as a “settler empire,” saying that “to speak of the new republic as a settler empire is ultimately to recognize the way in which conquest was constitutionalized as an essential feature of American politics, and how such conquest was explicitly constructed along the lines of a lost imperial status quo” (110).

¹² Concentration policies evoke the image of concentration camps in Nazi Germany, and also Japanese internment in the US. I do not argue that Indigenous concentration policies were directly equivalent to such policies, but emphasize how enclosure was a technology of racism in US colonialism. Netz, *Barbed Wire*, 61–62 describes how barbed wire was used in the South African colonial context amidst the Boer War at the turn of the twentieth century. While not explicitly mentioning Indigenous populations in the US Netz, *Barbed Wire*, 232 also lays out the trajectory of barbed wire development’s in the US to its usage in Nazi concentration camps, writing that “In this limited sense, we can say that barbed wire did in fact arise from American agricultural history and, possibly, would not have been invented otherwise, so that, without the American West, the persecution of the Jews would possibly have taken a different form” (232).

¹³ James Riding In, “Genocide,” in *Nation to Nation Treaties Between the United States and American Indian Nations*, ed. Suzan Shown Harjo, (Washington, D.C.: Smithsonian Books, 2015), 290, Kindle.

overseas colonial warfare in late nineteenth and early twentieth centuries like the Spanish-American and Philippine-American Wars.¹⁴

While these processes accelerated in the late nineteenth century, they were set into motion decades before Kansas statehood as a result of preterritorial treaties with American Indians. My dissertation uses Kansas settlement and institution-building as a lens through which the consequences of liberal expansion and social categorization in the US can be understood. This study sees the violence of Native dispossession and subsequent social crises as intrinsic to the liberal ideology that promoted free-state settlement. It further treats the theft of land, the starvation and removal of Native people, and the destruction of ecological practices that had sustained human life for thousands of years in the region not as unintended consequences of white settlement, but as necessary to the enactment—materially, socially, and politically—of liberalism. I begin by analyzing multiple treaties negotiated with representatives of Indigenous tribes who lived in Kansas or who were removed to the land that became Kansas, and argue that it is from within this set of violent and juridical actions that we must view subsequent fights about slavery in the newly opened territory. In treaty-making, the US gave the appearance of enacting limited sovereignty and liberal personhood by creating treaties that tied Native people to land understood as property, to settled living, to surplus creation, and to markets. But as the first chapter will show, treaties ultimately strengthened white access to ownership either in their intent or in their negation.¹⁵

¹⁴ Netz, *Barbed Wire*, 135 writes that in the Philippines in the Spanish-American War “the U.S. Army, frustrated by the jungles of the Philippines and by the widespread support of local peasants for anti-American guerrillas, adopted by the end of 1900 a policy of concentration. ... as a contemporary American put it, ‘We executed a ‘Weyler’ campaign, but did it according to military law.’ In fact, the practice was not adopted wholesale as in Cuba but was used locally, which perhaps explains the relatively low mortality: about 11,000 Filipinos died in the concentration zones. Most important, the Americans succeeded.”

¹⁵ See also Vine Deloria Jr., *Behind the Trail of Broken Treaties: An Indian Declaration of Independence* (Austin: University of Texas Press, 1974) for a detailed history of how US court cases dismantled Indigenous land rights in order to secure white access to land ownership.

It is through this reality that the subsequent expansion of what I am calling free-state liberalism must be understood. I am concerned with the multiple scales at which a conception of personhood premised on property ownership was strengthened, negotiated, denied, and challenged in Kansas in the nineteenth and twentieth centuries. I focus on this process as it unfolded through periods of settlement, expansion, institution-building, militarism, and reproductive control in Kansas. Contemporary Kansas is associated with political conservatism, but analysis reveals that it was economic liberalism and the state's promotion of property ownership that has ultimately allowed for authoritarian politics to take root and thrive. Popular liberal representations depict contemporary working-class Kansans as misguided in their acceptance of policies that contribute further to their own economic decline. But while many working-class conservatives blame the federal government for their economic woes, it is—not ironically but tragically—the consolidation of capital and land in fewer and fewer hands that has led to the alienation many now experience as caused by a government that appears to them as either a nanny or a deep state. As this dissertation will show, this process began in Kansas's territorial era with policies that promoted white land ownership but that were ultimately exploited to benefit the interests of capital.

Free State Liberalism

My dissertation is a study of specific sites and historical moments when and where the contradictions of free state liberalism are exposed. I examine these as dynamic points when liberal personhood changed, not as an attempt to rectify the racially exclusionary nature of categories of ownership, but rather to expand the reach of capitalism, colonialism, militarism, and carcerality. As Lisa Lowe succinctly described, “the modern distinction between definitions of the human and those to whom such definitions do not extend is the condition of possibility for

Western liberalism, and not its particular exception.” The chapters that follow take up sites in Kansas where these “conditions of possibility” were expanded, negotiated, and resisted.¹⁶

Lowe’s work helps us see the globality of the expansion of liberalism, a process in which modes of categorization, bureaucratization, and statecraft unfolded via colonial enterprises in the Americas, Europe, Asia, and Africa. Some nation-based accounts of Kansas settlement posit that the free state emerged as a result of ideology: a conviction that equality would follow abolition, the vindication of popular sovereignty, or, perhaps most realistically, capitalism’s embrace of free labor. But if we contextualize Kansas settlement within the broader framework of colonial expansion, the notion of “freedom” that underpins both “free labor” and “free state” can be understood as a part of this global process in which modern forms of categorization were created in the service of ensuring the continued subordination of colonized populations.¹⁷ This process was contradictory, debated, violent, legalistic, and occurred over the span of many years. The institutions that developed in Kansas from the state’s founding forward provide an ideal location from which this simultaneous nature of freedom and enclosure can be analyzed.

The mythic proportions of free state liberalism were encapsulated perfectly in an 1856 *Cambridge Chronicle* editorial that sang the praises of Eli Thayer, founder of the Kansas free-settlement project, the New England Emigrant Aid Company. The writer explained that after hearing Thayer speak, one

could not doubt the triumph of freedom over slavery ... Mr. Thayer shows clearly enough that freedom will not only triumph, but it will triumph with an insignificant cost of blood, and an actual augmentation of treasure. He proposes to make a profitable business of

¹⁶ Lisa Lowe, *The Intimacies of Four Continents* (Durham, NC: Duke University Press, 2015), 3.

¹⁷ *Ibid.*, 24 writes that “the category of ‘freedom’ was central to the development of what we could call a modern racial governmentality in which a political, economic, and social hierarchy ranging from ‘free’ to ‘unfree’ was deployed in the management of the diverse labors of metropolitan and colonized peoples; this racial governmentality managed and divided the liberal myth of inclusive freedom that simultaneously disavowed settler appropriating and symbolized freedom as the introduction of free labor and the abolition of slavery.”

colonizing Kansas; and indicates the way in which even the old slaveholding states may be also colonized by freedom.¹⁸

The notion that a place can be “colonized by freedom” characterizes the contradictions of free-state liberalism and is a useful way to describe US colonialism more broadly. For free state settlers such as Thayer, the ideological underpinnings of the Kansas settlement project never entailed racial equality. Thayer described a colonization plan predicated on the principles of “business antislavery,” one *so* successful that the movement would eventually recolonize the south. In 1856 after Kansas settlement was well under way, Thayer began to implement a plan that he called the “friendly invasion” of Virginia. Before Kansas was even declared a free state, Thayer developed a capitalist venture that would build another free-labor colony in the long-established slave state in the hopes of converting the US south to a free labor society.¹⁹ Kansas therefore provides an excellent place from which to begin this interrogation of liberalism from the mid-nineteenth century onward, as it emerged out of this effort to “colonize by freedom”—to repurpose concepts such as freedom and liberal personhood to the ends of more extreme forms of settler domination.

In detailing nineteenth-century liberalism’s equation of freedom with free white labor, it is important to emphasize the radical, subversive, and liberative potentiality of abolitionism when it was harnessed by enslaved people who brought about emancipation, and by activists and radicals in the nineteenth and twentieth century who tapped into the abolition movement to build a society premised on true equality. Kansas held immense significance for actual abolitionists. It is where John Brown fought against proslavery forces. It was the so-called “New Canaan” that thousands of Black southerners selected in 1879 as a respite from the violence and lack of

¹⁸ Eli Thayer, *A History of the Kansas Crusade: Its Friends and Its Foes* (New York: Harper Brothers, 1889), 224.

¹⁹ Otis K. Rice, “Eli Thayer and the Friendly Invasion of Virginia,” *The Journal of Southern History* 37, no 4 (Nov. 1971).

opportunity in states like Louisiana, Tennessee, Kentucky, and Alabama. While settlement was possible in a number of “western” states, “for Afro-American migrants, Kansas represented something that Nebraska and the Dakotas did not. To make Kansas a Free State, blood flowed freely during the 1850s. It was the quintessential free state, the land of John Brown, a ‘free state in which a colored man can enjoy his freedom.’”²⁰ I am instead interrogating the extreme limitations of the political free-state movement, which promoted exclusionary forms of liberal ownership built not on principles of democratic freedom, but on the expansion of “whiteness as property.”²¹

The contradictory reality of liberal ownership became apparent in different ways in the years preceding Kansas settlement. In the nineteenth century the US state expanded white access to voting rights and land ownership, leading to a rhetorical expansion of the power of whiteness even as class divisions prevented widespread access to land ownership.²² As Kansas “opened” for settlement, individuals like Thayer exploited this simultaneous sense of white entitlement and class fragility by promising increased access to liberal individualism via property ownership. The symbolic power of liberalism was bolstered as the US simultaneously tightened legal and extralegal justifications for exclusions of Indigenous populations, racialized others, and those deemed nonnormative. The equation of land ownership with freedom therefore relied upon a fiction in which, as Karuka describes, “the frontier, an imperialist creation story, narrates a process and a relationship that produces both a mature, liberal colonial individual, and a national

²⁰ Nell Irvin Painter, *Exodusters: Black Migration to Kansas after Reconstruction* (New York: W.W. Norton, 1976), 159.

²¹ See Cheryl I. Harris, "Whiteness as Property," *Harvard Law Review* 106, no. 8 (June 1993)

²² David Roediger, *How Race Survived US History: From Settlement and Slavery to the Eclipse of Post-Racialism* (New York: Verso, 2008): 79–80 writes that “aggrandizements of adult white men made fictively equal by their race and gender as well as their labor. ... Over time the ‘property’ of being white came to stand in, imperfectly, for actually owning a workshop for a farm, with white citizenship equaling independence.”

space where that individual can enact their agency.”²³ Free state liberalism enacted a frontier space that not only increased white access to ownership, but further established this space as one founded upon moral ideals. That this liberalism was contingent upon Indigenous dispossession and the exclusion of racialized others, reveals the incredibly limited possibilities of a freedom that was tied to ownership and productivity.²⁴

The limitations of such freedoms often meant that Black workers’ attempts to transcend their class status and attain liberal freedom were met with structured white supremacist resistance.²⁵ Colonialist notions of freedom in the United States were tied to a white racial mythology wherein it was a sense of racial belonging that afforded whites the opportunity to squat upon lands, transcend their class status, and achieve financial success. The myth of democracy was as a white racial project that Cedric Robinson says unfolded as a result of

the existence of land rich elites, the social and political prerogatives of mercantile capital and agrarian property, even the genesis of a southern American aristocracy, all this was inundated by paeans to the political enlightenment that—culling from Europe the ‘best’ of its moral traditions—had presumably conducted the people to independence, constructed near-perfect instruments of governance, and provided to the individual rights guaranteed by formal legal codes.²⁶

Liberalism would not easily be bent and reformed to include Black and Indigenous people, who the nation’s wealth was built upon. While the democratic freedoms conferred upon the liberal subject were supposedly universally granted to “all men,” the universalized subject in actuality

²³ Karuka, *Empire’s Tracks*, 170.

²⁴ Rana, *The Two Faces of American Freedom*, 188 describes how in the late nineteenth century, racialized understandings of labor and citizenship meant that “only Anglo settlers and European co-participants, who maintained productive control over labor through land ownership or artisanal work, were truly independent and capable of participating in politics.”

²⁵ Roediger, *How Race Survived US History*, 70, describes the effects of this resistance: “during the foundational period in which the US nation rose to become a world economic leader ... African Americans overwhelmingly failed to gain property; rather, they were property. For every free black in 1860, there were more than eight slaves. As the Civil War approached, the former group owned scant property while the latter, as slaves, constituted almost \$4 billion in other people’s property, a value outstripping all US capital investment in railroads and manufacturing through 1860 and roughly equaling the gross national product for that year.”

²⁶ Cedric Robinson, *Black Marxism: The Making of the Black Radical Tradition* (Chapel Hill: University of North Carolina Press, 2000, Second Edition), 76.

only encompassed white males. Because enslaved Africans and African Americans were denied the right to own property, and therefore denied the right of self-ownership, they were not conceived of as full liberal subjects with access to “possessive individualism.”²⁷

In the twentieth century, Chandan Reddy argues that “US state violence was operating through and constrained by a drive for a monopoly on rationality, figured most often by attempts to concretize the meaning of rational freedom as a freedom from the threat of arbitrariness.”²⁸ While this process solidified in the twentieth century, Kansas’s territorial state-building reflected an effort to craft more sophisticated legal justifications for African American exclusion and treaty negations. The disparate ways that the state attempted to validate racial stratification through the law reveals the arbitrariness and ineffectiveness of the law as a means of ensuring any measure of legal protection against the forces of capitalism and its ultimate goal of protecting white property ownership. This process, paradoxically, ensured to the interests of capital and to many (but not all) white landowners that the “threat of arbitrariness” could not diminish the power of white liberal self-ownership, even while this protection was contingent upon the assurance that Indigenous individuals would be kept tenuously tied to their land and property when it was desired by white squatters.

While this liberal individualism informed the political realities that led to material benefits like land and property acquisition, it further influenced institution-building at both the state and federal levels. Marxist philosopher Louis Althusser described the function of “ideological state apparatuses” as the means through which the state’s dominant ideologies come

²⁷ from Macpherson, *The Political Theory of Possessive Individualism*, 3 states that “the difficulties of modern liberal-democratic theory lie deeper than had been thought, that the original seventeenth-century individualism contained the central difficulty, which lay in its possessive quality. Its possessive quality is found in its conception of the individual as essentially the proprietor of his own person or capacities, owing nothing to society for them.”

²⁸ Chandan Reddy, *Freedom With Violence: Race, Sexuality, and the US State* (Durham, NC: Duke University Press, 2011), 38.

to be normalized.²⁹ Institutions like schools, reformatories, carceral spaces, and the military are spaces where individuals interact with the state—the places where individuals experience the state’s differential constructions of personhood in terms of race, Indigeneity, sexuality, gender identity, disability, or criminality. It is because of this that “institutions of knowledge were central ... to the process by which the state could exert its monopoly of force because they produced racial and sexual differences to designate the horizon of irrationalities against and through which state violence became identical to legitimate force.”³⁰ The institutions that were charged with making the US state more modern and free—reformatories, industrial schools, prisons, state hospitals, the military—were always also tasked with “protecting” society from the exclusionary subjects deemed in need of institutionalization. Institutionalization, in a purportedly sympathetic or humanitarian fashion, offered mediated forms of citizenship or social participation to nonnormative, criminalized, or racialized subjects. But in the process these institutions strengthened the position of the liberal subject who was “fit” or capable enough to accumulate wealth or buy property without the state’s assistance.

This project focuses on the material consequences of liberal ideologies about property and ownership—how liberalism defined ownership as one of the highest principles of democratic statecraft, and subsequently managed who had access to liberal personhood by virtue of ownership. But liberalism functions on an ideological level to justify US empire-building both within and beyond the continent. One exceptionalist narrative about the US is the notion that the nation engages in “imperialist” endeavors for the purposes of spreading the liberal values of

²⁹ See Louis Althusser, “Ideology and the Ideological State Apparatuses,” *Marxists.org*, Accessed February 28, 2021, <https://www.marxists.org/reference/archive/althusser/1970/ideology.htm>. Reprint, *Lenin and Philosophy and Other Essays* (New York: Monthly Review Press, 1971).

³⁰ Reddy, *Freedom With Violence*, 39.

democracy and freedom through self-ownership.³¹ This myth naturalized the US's colonial domination of Indigenous peoples in the Americas. It further disconnected overseas US imperialism from warfare against Indigenous people within the Americas, and in so doing disavowed the continuities between constructions of racialized enemies in internal US colonialism and "formal" imperial contexts like the Philippines.³²

The US's exceptionalist narrative of its own imperial endeavors is one in which the state was engaged not in formal colonialism, but was promoting an "empire of liberty."³³ While this was construed as a project premised on the promotion of democracy and equality, it was simultaneously always also a racial project both in the ways it designated racial "others" to justify colonial expansion. This process strengthened the white liberal subject as a result of expropriation and increased access to ownership.³⁴ At the turn of the twentieth century when the US engaged in the Spanish-American and Philippine-American Wars, US empire-building projects were informed by racialized understandings of Indigenous people formed through dispossession and warfare. It carried this approach to the bureaucratic management of Indigenous people in the US to the "natives" in the Philippines.³⁵ By 1894 "the government had

³¹ See Julian Go, *Patterns of Empire: The British and American Empire 1688 to the Present* (New York: Cambridge University Press, 2011), 106.

³² See Roxane Dunbar-Ortiz, *An Indigenous Peoples' History of the United States* (Boston: Beacon Press, 2014), 106, which connects these forms of imperialism by describing how the process of "reconciling empire and liberty—based on the violent taking of Indigenous lands—into a usable myth allowed for the emergence of an enduring populist imperialism. Wars of conquest and ethnic cleansing could be sold to 'the people'—by promising to expand economic opportunity, democracy, and freedom for all."

³³ Go, *Patterns of Empire*, 44.

³⁴ *Ibid.*, 54, writes that "the American state's dealings with Native Americans is exemplary of the racialized character of America's empire of liberty ... the military repeatedly waged war on Native Americans and seized their land. The federal government justified this process by the 'right of discovery' doctrine inherited from the British imperial system."

³⁵ Paul Kramer, *The Blood of Government: Race, Empire, the United States, & the Philippines* (Chapel Hill: University of North Carolina Press, 2006), 84–85 asserts that the Philippine-American war was "one in which imperial soldiers came to understand indigenous combatants and noncombatants in racial terms, one in which race played a key role in bounding and unbounding the means of colonial violence, and in which those means were justified along racial lines," but also that "rather than featuring the 'projection' or 'export' of preexisting formations, the war prompted, and was in turn fundamentally structured by, a process of racialization in which race-making and war-making were intimately connected." The material realities of empire-building in terms of the military resources

spent \$800 million on military actions against indigenous people since independence. ... The army sent overseas in 1898 was preeminently an Indian-fighting army, in other words.”³⁶ Kansas military forts like Fort Riley, Fort Hays, and Fort Leavenworth served as outposts for plains warfare against Indigenous communities in the post-Civil War era. When soldiers from Kansas volunteered to fight in the Spanish-American and Philippine-American Wars, they carried understandings of “natives” as a racialized enemy into these overseas colonial endeavors.

Property Ownership

Property ownership as a central tenet of liberal individualism forms the basis of this study. Each chapter looks at relations to, and exclusion from, categories of ownership in the mid-nineteenth through the mid-twentieth centuries. Beyond the accumulation of wealth, property is a set of ideologies that transcends the mere act of owning land, goods, people, and one’s self (and therefore ability to sell their own labor). John Locke asserted that property ownership was a naturally occurring phenomenon, and that when one combined their labor with the products of nature, that “that labour [sic] put a distinction between them and common: that added something to them more than nature, the common mother of all, had done; and so they became his private right.”³⁷ While this notion undergirded Westward colonial expansion in the mid-nineteenth century, by the time the Kansas territory “opened” for settlement in 1854, the US was poised at a political moment in which white settlers’ access to free or cheap land was under attack by the Pierce and Buchanan administrations.

dedicated to killing and “managing” Native populations in the US certainly informed the guerilla warfare as well as the US’s approach to colonialism in the Philippines, but as Kramer argues, new racialized understandings of colonialism were born out of the US’s colonization of the Philippines.

³⁶ Katharine Bjork, *Prairie Imperialists: The Indian Country Origins of American Empire* (Philadelphia: University of Pennsylvania Press, 2019), 10, Kindle.

³⁷ John Locke, “Chapter V.: Of Property,” *Second Treatise of Government: Two Treatises of Government* (Indianapolis and Cambridge: Hackett Publishing Company, 1980), 48, EPUB file.

Prior to these administrations “there seemed to be a good prospect for the adoption of a free-grant measure to provide donations of 160 acres to anyone who would develop them.”³⁸ Kansas territory “opened” in 1854 on the heels of a relatively new government policy in which settlers were able to stake claims more rapidly upon unsurveyed lands rather than having to wait for the slow process of federal surveying to occur before staking a claim.³⁹ But under Pierce and Buchanan, the US began to prioritize interests of railroad companies and large land speculators, and enacted policies that allowed capitalists to obtain large tracts of land before settlers were able to purchase them. Squatters’ rights were disregarded as “large acreages of land on which squatters had resided from one to three years were pushed into market, thus forcing the claimants to borrow at extortionate interest.”⁴⁰

Early Kansas land struggles were thus sometimes discussed in terms of this injustice: the fact that average white settlers, some of whom had mixed their labor with the land and made “improvements,” were subordinated against the interests of the federal government and/or capital. For both the proslavery and antislavery factions, early Kansas settlement offered a promise of a sort of radical democracy. The Kansas-Nebraska act determined that the territories would determine whether or not to allow slavery through popular sovereignty. Some settlers mobilized under the banner of “squatter sovereignty” to advocate for their right to settle upon land for next to nothing and build a political system that reflected the will of the people rather than the will of the powerful. In this configuration, land bore immense significance, as it was, as David Chang describes, “the physical manifestation of the nation, the earth in which races took

³⁸ Paul Wallace Gates, *Fifty Million Acres: Conflicts Over Kansas Land Policy, 1854–1890* (Norman: University of Oklahoma Press, 1997), 4. Originally published in 1954.

³⁹ *Ibid.*, 74 notes that the ability to settle upon unsurveyed lands was “a privilege first extended for two years in 1853 California and made permanent in 1854 throughout the territories of Oregon, Washington, Kansas, Nebraska, and Minnesota.”

⁴⁰ *Ibid.*, 5.

root, and the capital over which the landless and the landed struggled.”⁴¹ The promise of squatter sovereignty in Kansas appeared to provide a direct, tangible political outcome through land accumulation, settlement, and eventually ownership: settlers could establish the state in their image through the act of settlement.

This viewpoint is evident in early accounts of Kansas territorial history during the pre-Civil War “border wars” years. Historical accounts of this period have discussed the various motivations driving settlement. While the fight hinged upon the expansion of slavery, Nicole Etcheson argues that it is important to understand “the political liberties of whites, as crucial to understanding the meaning of Bleeding Kansas.”⁴² With leaders like Eli Thayer, the founder of the New England Emigrant Aid Company, likening the potential introduction of slavery into the territory as equivalent to producing slavery-like conditions for whites, this is certainly evident: the fight over Kansas’s adoption of slavery was viewed as a struggle for the ultimate political liberties of “average” white settlers.⁴³ Central to these struggles was the notion that “nineteenth-century Americans shared a belief in republicanism, with its emphasis on representative government as the bulwark of people’s rights and liberties, and its fears of potential subversion of those liberties.”⁴⁴ But beyond the liberal principles that bolstered these political arguments was the reality the establishing Kansas residence via settlement was the means through which any political gains could be realized.

Kansas colonialism demonstrates struggles over property rights at multiple levels: white squatters’ rights versus the interests of capital, and at other times white settlers’ assertion of their

⁴¹ David A. Chang, *The Color of the Land: Race, Nation, and the Politics of Landownership in Oklahoma, 1832–1929* (Chapel Hill: University of North Carolina Press, 2010), 7.

⁴² Nicole Etcheson, *Bleeding Kansas: Contested Liberty in the Civil War Era* (Lawrence: University Press of Kansas, 2004), 1

⁴³ See Roediger, *How Race Survived US History*, 79–81 for an analysis of nineteenth century labor activism and “white slavery” rhetoric.

⁴⁴ Etcheson, *Bleeding Kansas*, 1–2.

rights against Native tribes, who were painted as a threat to white communities and whose federally reserved lands were construed as “unjust” to white settlers. This can be seen in the struggle over the Kaw lands in Council Grove, Kansas in the early 1870s. As Chapter One will detail, the Kanza or Kaw tribe, Kansas’s namesake, were forced out of their reservation in northeastern Kansas in 1846 to a smaller reservation further south in the Neosho River valley near Council Grove, Kansas. As Council Grove became a thoroughfare along the Santa Fe Trail, Council Grove developed as a town and nearby settlers were irate that the Kanza resided upon desirable lands. An 1871 newspaper article in the *Council Grove Republican* situated Native lands as the solution to settlers’ plight in their fight against the interests of capital. Speaking about the recent Kansas settler victory over their right to settle the “Cherokee neutral lands,” the author asserts:

keeping with the policy of the present administration and of the republican party, which forcibly gives the lie to their old cry of “Land for the landless, and homes for the homeless.” We hope the courts will give those settlers their homes, and will vindicate the rights of the people to their share of the public domain. We are interested in a little spot of real estate up this way called the “Kaw Lands,” and propose to fight monopolies and rings to the best of our abilities, in aid of the settlers who are struggling to rescue homes from the avarice and grinding greed of capital.⁴⁵

In this case, Native reservations were offered as evidence of the US’s unfair disregard for the rights of the downtrodden “real settlers.” In this formulation, the federal government and capital worked hand in hand to prioritize Native interests as a way to dispossess those white settlers, for whom land was a natural right.

This struggle was more than a fight over land as a material commodity—it was a fight over the right to white personhood via property ownership. The ongoing effect of this struggle is evident in legal scholar Brenna Bhandar’s claim that

⁴⁵ “The Neutral Lands,” *Council Grove Republican* (Council Grove, Kansas), December 14, 1871, 2, accessed via www.newspapers.com.

property ownership was not just contingent on race and notions of white supremacy; race too, in the settler colonial context, was and remains subtended by property logics that cast certain groups of people, ways of living, producing, and relating to land as having value worthy of legal protection and force.⁴⁶

Kansas lands, and the ability for white settlers to own them, were critical not only in establishing wealth and material gain. In subsequent decades, the legal dismantling of Native treaty rights strengthened the white subject whose liberal racial identity gained power through property law.

Previously negotiated federal treaties were nullified and invalidated through legal means that prioritized the interests of individual white ownership at some points, and capital at others. In the case of Council Grove, the federal government removed the Kanza not through a treaty, but through a Congressional act called the “Kaw Land Bill,” passed in 1872. The act removed the tribe to “Indian territory” and granted to anyone “who is a citizen of the United States, or who has declared his intention to become such” the right to buy 160-acre tracts of the reservation after squatting upon and making improvements to the lands.⁴⁷ Per the Constitution, the US engaged in treaty-making as a nation-to-nation endeavor that, in theory, acknowledged tribal sovereignty (although many treaties reflected tribes being strong-armed into accepting conditions that suited the State’s interests).⁴⁸ In 1871, the US effectively ended the practice of treaty-making, formalizing the racialized property rights of white liberalism through the prioritization of railroad capital, squatters, and landowners.⁴⁹

⁴⁶ Brenna Bhandar, *Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership* (Durham and London: Duke University Press, 2018), 9.

⁴⁷ Act quoted in “The Kaw Land Bill,” *Council Grove Republican* (Council Grove, Kansas), September 5, 1872, 4, accessed via www.newspapers.com.

⁴⁸ Suzan Shown Harjo, “Introduction,” in *Nation to Nation Treaties Between the United States and American Indian Nations*, ed. Suzan Shown Harjo, (Washington, D.C.: Smithsonian Books), 22–36, Kindle, describes how the power of treaty-making was undermined by the paternalistic “civilization” provisions they contained.

⁴⁹ Robert N. Clinton, “Treaties with Native Nations Iconic Historical Relics or Modern Necessity?,” in *Nation to Nation: Treaties Between the United States and American Indian Nations*, ed. Harjo, Suzan Shown (Washington, D.C.: Smithsonian Books), 64–71, Kindle, details US’s history of treaty-making with Indigenous tribes and its attempts to end the process in the 1870s.

Kansas is now one of the most privately owned states in the US. As of 2020, Kansas ranked 49th in its percentage of federally owned lands, with just 0.5% owned by the federal government.⁵⁰ A 2020 report by the Congressional Research Service acknowledges fraught histories of land ownership in the “west,” writing that “federal land laws have sought to dispose of some federal lands while keeping others in federal ownership. During the 19th century, many laws encouraged western settlement through federal land disposal. Mostly in the 20th century, emphasis shifted to retention of federal lands.”⁵¹ Although Kansas is in “the west,” unlike its neighbor Colorado (36.2% federally owned land), the state’s current hyper-privatization reflects not necessarily the libertarian and far-right policies promoted by the Koch brothers and Sam Brownback, but the mismanagement of lands in Kansas’s territorial and early statehood period.⁵²

Settlement was contingent upon the sale of “public lands,” and conflicts developed over whose rights should be prioritized in this process—large land speculators or those of “actual settlers.”⁵³ After territorial opening, the federal government took several years to advertise the sale of federal lands, and squatters initially viewed this positively—they had longer to stake a claim and “improve” the land before they were required to purchase it. But following the Panic of 1857, federal land policy shifted, and

the enlightened and relatively liberal land policy that had led to the benevolent treatment of squatters on the public domain ... was abandoned. In its place was substituted a policy of attempting to exact from the public lands and from the squatters upon them as much revenue as possible to aid in balancing the budget and thereby avoid the necessity of raising the tariff.⁵⁴

⁵⁰ US Library of Congress, Congressional Research Service, *Federal Land Ownership: Overview and Data*, R42346 Version 16, Updated (2020), 8. Accessed at Federation of American Scientists, <https://fas.org/sgp/crs/misc/>. Accessed February 24, 2020.

⁵¹ *Ibid.*

⁵² *Ibid.*

⁵³ Gates, *Fifty Million Acres*, 77.

⁵⁴ *Ibid.*, 78.

While early territorial settlers may have thought that they were being incentivized to flock to Kansas to enact politics through “squatter sovereignty,” political and economic circumstances created uncertain conditions through which these squatters could purchase lands at tenable prices. Depopulation in Kansas began even before Kansas was established as a state, as land Historian Paul Wallace Gates claims that an estimated 30,000 settlers left Kansas in 1860, and that subsequent waves of settlement were undertaken by “other migratory people who, lacking in stability and the desire to make farms for themselves, sought only to conform to the minimum requirements of pre-emption.”⁵⁵

I elaborate this history not to advocate for the rights of settler squatters against the interests of capital, but to emphasize the deeply politicized nature of federal lands. While today federal lands encompass military bases, federal prisons, tribally held lands, and national parks, federal lands are regarded by many as somewhat neutral spaces—lands held in common for taxpaying citizens and wildlife preservation. Gates’s above history reveals the extent to which “public” acquisition of lands was the means through which privatization could occur. The liberal state’s investment in white ownership was the channel through which citizens came to be landowners. In the colonial context, “neutral” lands were always political—the “public” acquisition of lands came through the forced removal of Indigenous people. In Kansas, there was actually a protracted battle over a strip of section of land termed the Cherokee neutral tract—a piece of land that reveals the fictive and bizarre language of liberal statecraft.

This portion of land was designated in an 1825 treaty with the Osage as “a neutral ground, on which neither whites nor Indians should settle or remain.”⁵⁶ However, as the state

⁵⁵ Ibid., 100–101.

⁵⁶ US Congress, House, *Cherokee neutral lands in Kansas*, to accompany HR 1074, 41st cong, 3rd sess., recommitted to Committee on Indian Affairs, January 13, 1871. Accessed at University of Oklahoma College of Law Digital Commons, 1, https://digitalcommons.law.ou.edu/indianserialset/index.31.html#year_1871.

prepared to violently remove the Cherokee tribe from their Georgia homelands, an 1835 treaty acknowledged that the new reservation might be insufficient to accommodate the whole tribe, and it allowed the Cherokees to purchase the Osage “neutral” tract, which thereafter came to be known as the “Cherokee neutral lands.”⁵⁷ After territorial “opening,” the Cherokee neutral lands became a highly desirable location for settlers, with an estimated 2,025 white squatters living there by 1860.⁵⁸ The purportedly undetermined nature of lands termed “neutral” made this battle all the more contentious. The media portrayed white squatters as innocent victims in this fight, such as in an 1860 *New York Times* article account that reported that “slavery is warring against free territory on every side. Kansas has conquered a peace, still the South now seeks to wrench from us a strip of our consecrated soil, under the subterfuge of an Indian treaty.”⁵⁹

Against historical representations of these lands as a vacated landholding of the Cherokee tribe, was the reality that “a viable population of Cherokees” lived on the Neutral lands—by some estimates at least 140 individuals by the 1850s.⁶⁰ The erasure of Native histories on a section of lands deemed *both* “Cherokee” and “neutral” demonstrates the failures of a free state liberalism that was equated with the expansion of squatter sovereignty. The lands eventually became synonymous with the fight for squatters’ rights against the interests of capital, and the Cherokees were often obscured from this narrative. In 1859, at the urging of the Cherokees, a law was passed allowing for tribal law enforcement to work with federal agents to eject squatters from the Neutral Lands.⁶¹ The land tract became a contentious zone in the broader Civil War.

⁵⁷ *Ibid.*, 3.

⁵⁸ Gates, *Fifty Million Acres*, 154.

⁵⁹ “Kansas,” *New York Times* (New York), November 7, 1860, 3, accessed via www.newspapers.com.

⁶⁰ Gates, *Fifty Million Acres*, 154 perpetuates the myth of Cherokee vacancy by saying of the squatter settlement on the lands that “this occupation was made easier by the fact that the Cherokees had never established themselves on it.” Gary L. Cheatham, “If the Union Wins, We Won’t Have Anything Left: The Rise and Fall of the Southern Cherokees of Kansas,” *Kansas History: A Journal of the Central Plains* 30 (Autumn, 2007): 154 and 161.

⁶¹ *Ibid.*, 165.

In 1861, amidst the War, a Confederate soldier and former Indian Agent named John Matthews purportedly led “a band of some 500 secessionists and Cherokees” and raided the neutral tract, destroying the homes of sixty squatters.⁶² A year later, the Union Army retaliated and set up a post in nearby Baxter Springs, Kansas. They “forced the removal of the remaining Indian settlers in the area. After having already lost much of their livestock and property to marauders, this removal was the final blow that spelled the end of the once thriving Cherokee settlements on the southeastern Neutral Lands.”⁶³ Regional politics led to some Cherokees joining the Confederates during the War, and even signing a Confederate treaty in 1861, but this alliance did not last long in Kansas and by 1865 the Cherokees suffered immense economic devastation and death as a result of the Civil War.⁶⁴

With much of their population in Kansas diminished, the Cherokee tribe ceded the Neutral Tract to the federal government in 1866. It is at this point, somehow, that the lands became embroiled in even more conflict, as railroads attempted to acquire the tract against the insistence of the many squatters present there. The Cherokee neutral lands became synonymous with the fight for squatters’ rights against the interests of capital. While the American emigrant society attempted to buy the lands, the courts rendered the purchase void, claiming the sale was not made in cash as specified by a treaty, and the lands were then to a railroad speculator named James Joy.⁶⁵ After purchasing the lands, Joy sold them to the Missouri River, Fort Scott and Gulf Railroad Company.⁶⁶ Vigilante chaos ensued.

⁶² “Startling News from Southern Kansas,” *Chicago Tribune* (Chicago, Il), August 13, 1861, 1, accessed via www.newspapers.com.

⁶³ Cheatham, “If the Union Wins, We Won’t Have Anything Left,” 174.

⁶⁴ *Ibid.*, 175.

⁶⁵ Lula Lemmon Brown, “Cherokee Neutral Lands Controversy.” MA Thesis (Kansas State Teachers College of Pittsburg, 1923), Published by (Girard, KS: Girard Press, 1931), 46, <https://hdl.handle.net/2027/uva.x001244252>.

⁶⁶ Brown, “Cherokee Neutral Lands Controversy,” 19.

In May 1869, a squatter-aligned “body of outlaws” captured the railroad’s chief engineer, and railroad staff were “taken prisoners [sic], their wagons, tents, and instruments, set fire to and destroyed.”⁶⁷ Rhetoric heated up in the press, with settlers threatening increased violence to newspapers, and US troops were even brought in to protect the lands. The squatters claimed that the Cherokees’ hold on the land was rendered null as a result of their 1861 Confederate Treaty, but courts ruled Joy’s favor. The case eventually worked its way up to the US Supreme Court in 1872, who also ruled in Joy’s favor.⁶⁸ Settlers thereafter had to purchase the “Cherokee neutral lands” from the railroad company, at much higher rates than public, federal lands.⁶⁹ National accounts represented the squatters’ plight sympathetically, with a newspaper report in the *Chicago Tribune* in 1873 reporting that there was a bill before Senate to provide each family “deprived of their homesteads ... 325 acres of public land.”⁷⁰

This story emphasizes how the language of property ownership and land ownership contributed to naturalized understandings of white right to property—even when those parties “lost” against the interests of capital. These public struggles over whether “neutral” lands allocated to Native people should be purchased by white squatters who were commonly referred to as “actual settlers” reveal the fundamental failure of public lands to ensure freedom. While the Cherokee Neutral Lands struggle was historicized as a band of emigrants fighting against a common capitalist enemy, this land was never meant to be “public” and never meant to be held in common—it was always a struggle over individualized white ownership.

⁶⁷ “A Shameful and Criminal Outrage,” *The Fort Scott Weekly Press* (Fort Scott, Kansas,) May 7, 1869, 2, accessed via www.newspapers.com.

⁶⁸ Cheatham, “If the Union Wins, We Won’t Have Anything Left,” 177.

⁶⁹ Gates, *Fifty Million Acres*, 191.

⁷⁰ “Cherokee Neutral Lands,” *Chicago Tribune*, Chicago, Illinois, February 6, 1873, 1.

Alyosha Goldstein describes the longstanding effects of this continuum of violence that underpins white logics of ownership that are

underwritten by long-standing affective settler attachments to an imagined agrarian republic and the heteropatriarchal ‘family farm,’ the massively subsidized corporate food regime today relies on land taken, imperial economies of scale and scope, and the differently racialized devaluation of people, places and labor.⁷¹

This is the limitation of squatter sovereignty: it was a battle over liberal individualism and not a class struggle to determine the fate of lands held in common. Because land acquisition was always a racial project in which land would come to be owned by either individual white families or white capitalist interests, Kansas squatters’ rights movements and subsequent populist movements were not radical unless they challenged the project of individualized land ownership as a whole.

This is evident in Kyle Williams’s recent interrogation of the role that populist ideologies played in the 1904–1905 Kansas Oil Wars. He argues that local producers challenged Standard Oil’s monopoly in significant ways that eventually contributed to the company’s 1911 dissolution by the US Supreme Court. This saga reveals that in Kansas “Populism’s relation to corporate capitalism was neither tragic opposition nor unfortunate capitulation but rather a dynamic and persistent force that sought to bring democratic ideals to bear on American economic institutions.”⁷² This is not to say that all Populist movements in Kansas shared this relationship to corporate capitalism, but rather highlighted to underscore the reality that anti-establishment movements that were predicated upon land ownership or the principles of capital

⁷¹ Alyosha Goldstein, “The Ground Not Given: Colonial Dispositions of Land, Race, and Hunger,” *Social Text* 36, no. 2 (June 2018): 83–84.

⁷² Kyle Williams, “Roosevelt’s Populism: The Kansas Oil War of 1905 and the Making of Corporate Capitalism,” *The Journal of the Gilded Age and Progressive Era* 19, no. 1 (Jan 2020): 98.

were inherently anti-radical if they necessitated that lands be owned individually or plundered for profit.⁷³

As with the case of squatter sovereignty, movements against railroad monopolies and large corporations can get narrated as a struggle of “the people” against the establishment. But as with the Cherokee “neutral” lands, public space is often neither public nor neutral. The failure of the commons in Kansas departs from the tragedy of the commons in Britain, because by the time Kansas “opened” for colonization, the commons had already been established in relation to commercialism rather than subsistence. This does not diminish the violence enacted by corporate exploitation and “railroad colonialism,” which Karuka writes was characterized by “territorial expansion through financial logics and corporate organization, using unfree imported laborers, blending the economic and military functions of the state, materializing in construction projects across the colonized world.”⁷⁴

My dissertation explores how the project of colonialism was taken up by white settlers, politicians, institution builders, and other agents of the state through logics of ownership. Property ownership is tied to biological reproduction through processes of land inheritance. In this colonial moment, white ownership was strengthened through claims to the right to own *against* the interests of capital—through squatter sovereignty. In the decades that followed after Kansas statehood, the state began to grant and manage access to liberal individualism to groups previously deemed ineligible—white women, Black men and women, Indigenous populations. This meant that groups became eligible for literal land and property ownership, or that groups

⁷³ Historians and scholars have chronicled socialist movements in Kansas in the late nineteenth and early twentieth centuries. See Fred Whitehead, “The Kansas Response to the Haymarket Affair,” *Kansas History* 86, no. 2 (summer 1986); R. Alton Lee and Steven Cox, *When the Sunflowers Bloomed red: Kansas and the Rise of Socialism in America* (Lincoln: University of Nebraska Press, 2020), though Lee and Cox do describe a facet of Kansas socialists they call “capitalist socialists” like Christian Balzac Hoffman who the authors say “lived a better life than the many struggling wage slaves of the mining and farming communities and might have easily passed for capitalists” (43).

⁷⁴ Karuka, *Empire’s Tracks*, xiv

became regarded as capable of some form of self-ownership if they submitted to certain conditions such as institutionalization or “reform” schooling.

While free state liberalism in Kansas’s territorial and early statehood period was rhetorically concerned with expanding whites’ access to property ownership, subsequent political movements and institution-building projects were concerned with curtailing property ownership by regulating reproduction among those deemed unworthy of liberal individualism, such as Indigenous boarding school residents, women who engaged in “promiscuous” sexual practices, and people with disabilities.⁷⁵ In the early twentieth century, the state found new ways to regulate and intervene in reproductive capacities of individuals who were institutionalized due to criminality or disability. In state institutions, the imperatives of social reproduction aligned with state-run efforts at biological reproductive control, as institutions like girls’ reformatories, state hospitals, and prisons practiced reproductive interventions informally by segregating and incarcerating populations whose reproduction was viewed a threat to society, and then proactively through a sterilization campaign in the 1920s and 1930s against institutionalized individuals.⁷⁶

⁷⁵ K. Tsianina Lomawaima, “Domesticity in the Federal Indian Schools: The Power of Authority Over Mind and Body,” *American Ethnologist* 20, no. 2 (May 1993): 231–233 describes how American Indian boarding schools in the US enforced gender norms and bodily surveillance to the point of tracking women’s menstrual cycles and monitoring the distribution of sanitary supplies.

⁷⁶ On social reproduction theory see Tithi Bhattacharya, “Introduction: Mapping Social Reproduction Theory,” in *Social Reproduction Theory: Remapping Class, Recentering Oppression*, ed. Tithi Bhattacharya, (London: Pluto Press, 2017) which explains that “the fundamental insight of [social reproduction theory] is, simply put, that human labor is at the heart of creating or reproducing society as a whole. . . . social reproduction theorists perceive the relation between labor dispensed to produce commodities and labor dispensed to produce people as part of the systemic totality of capitalism” (2). I find this framework useful for thinking about the forms of regulation that emerged out of state institutions, while also disagreeing edited volume’s goal of providing an alternative to intersectionality theory (discussed on 16–17). Chapter four of this dissertation will detail histories of biological and social control in state institutions, including Kansas sterilization law. See Nicole Perry, “Diseased Bodies and Ruined Reputations: Venereal Disease and the Constructions of Women’s Respectability in Early 20th Century Kansas” (PhD Dissertation, University of Kansas, 2015) for a discussion of how women’s incarceration in Kansas was a means of social control used to police perceived oversexuality in Kansas. For a history of institutionalization as it is linked to sexuality and gender, see Ruth M. Alexander, *The ‘Girl Problem’: “Female Sexual Delinquency in New York, 1900–1930* (Ithaca, NY: Cornell University Press, 1995). For more about the history of girls’ reform schools and women’s incarceration in the US see also Barbara M. Brenzel, *Daughters of the State: A Social Portrait*

Chapters

The first and second chapters lay the groundwork for understanding the foundations of how liberal personhood came to be understood, defined, and strengthened through Kansas colonialism and the “free state” cause before and during the Civil War. Chapter one analyzes several US treaties with American Indians in the lands that became Kansas to interrogate how the state’s betrayal of the treaties was a foregone conclusion—from the federal perspective, treaty negotiation in the colonial period from the 1820s until treaty-making ended in the 1870s was not only a means of securing “desirable” lands, but was further a means of protecting and securing white access to landownership. This is evident not only in the racialized provisions laid out in the treaties, such as “half breed allotments,” but also in the afterlives of treaties in the white colonial imaginary. The Medicine Lodge peace treaties, for example, negotiated in Kansas in 1867, are still celebrated and reenacted today in a pageant held in Medicine Lodge, Kansas. While the treaties resulted in devastating consequences for the Cheyenne, Arapaho, Kiowa, Comanche, and Apache tribes, they are commemorated in a manner that equates “peace” with settler conquest over the land.

The second chapter looks at the liberal ideologies underpinning the movement to settle Kansas as a free state. I focus on the New England Emigrant Aid Company, the organized effort from Massachusetts that worked to settle Kansas as a free labor colony—one in which white workers no longer had to compete with “unfree” labor, and could thus earn more and work

of the First Reform School for Girls in North America, 1856–1905 (Cambridge: The Massachusetts Institute of Technology, 1983); Estelle B. Freedman, *Their Sisters’ Keepers: Women’s Prison Reform in America, 1830–1930* (Ann Arbor: The University of Michigan Press, 1981). For a history of race and youth incarceration see Annette Louise Bickford, *Southern Mercy: Empire and American Civilization in Juvenile Reform, 1890–1944* (Toronto: University of Toronto Press, 2016). For histories of how categories of disability were overapplied to women of working-class backgrounds or women incarcerated for sex work see ⁷⁶ Michael A. Rembis, *Defining Deviance: Sex, Science, and Delinquent Girls, 1890–1960* (Urbana: University of Illinois Press, 2011); Scott W. Stern, *The Trials of Nina McCall: Sex, Surveillance, and the Decades-Long Government Plan to Imprison “Promiscuous Women”* (Boston: Beacon Press, 2018).

toward land ownership. I contextualize Kansas settlement within the broader colonialist imaginary, as New England Emigrant Aid Company founder Eli Thayer was an avowed colonialist who advocated for colonization campaigns in Central America, Oregon, and West Virginia—a project he actually implemented and developed. This chapter looks at the inherent contradictions of a “free state” project premised on Indigenous dispossession and colonialism, interrogating how the negation of Native personhood was an integral part of bolstering the white liberal male subject in the mid-nineteenth century.

In the early and mid-twentieth centuries, categories of ownership expanded as a result of both law and reform movements. The Reconstruction Amendments, in theory, provided civil rights to Black Americans, which resulted in white supremacist efforts to curb Black ownership and social and economic progress. My third chapter situates Kansas’s relationship to US military’s racial imperial projects during the Spanish-American and Philippine-American wars. As a landlocked Midwestern state, Kansas was connected to US imperialist efforts to construct normative white personhood through racialized international contact, even while Black soldiers were part of the military endeavors. This chapter looks at two of the volunteer Regiments of the Kansas State Guard that fought in Cuba and the Philippines. The celebrated all-white Twentieth Regiment fought under Frederick Funston, who later gained notoriety for his capture of General Emilio Aguinaldo. At the turn of the twentieth century, white volunteer soldiers found the immense value of whiteness as property through their ability to loot and indiscriminately kill racialized enemies in the Philippines. At the same time, the all-black Twenty-Third Kansas Regiment was sent to Cuba to do garrison duty, where the soldiers anticipated a rise in social status as a result of military esteem. Unlike the Twentieth Regiment, soldiers in the Twenty-

Third were seen as *more* diseased and foreign upon their return to the US, indicating liberalism's more sophisticated legal and social exclusions of racialized others at the turn of the century.

In the late nineteenth and early twentieth centuries, white Progressive activists in Kansas campaigned for reform and industrial schooling for Black Americans, as well as other groups deemed too immoral or socially ineligible to participate fully in society. Upper-class white women gained social power in the late nineteenth and early twentieth centuries, and Progressive women's groups championed social uplift causes such as temperance, suffrage, and the construction of separate carceral facilities for women and girls. These were all successful social movements, and women gained the right to vote in Kansas in 1912. My fourth chapter looks at the history of the Girls' Industrial School in Beloit, Kansas, a girls' reformatory that operated as a youth carceral facility from 1888 until its 2009 closure. In 1937 the school became the subject of national news when a member of US Congress discovered that the school performed sterilizations. I discuss how the discovery garnered outrage despite the fact that these procedures occurred within the bounds of Kansas law. I interrogate how media representations of white girlhood differed from eugenicist and Progressive reformers' representations of degraded white womanhood as a threat to society, and, as I argue, a threat to the sanctity of upper and middle-class white women's increased access to self-ownership and property ownership. I further analyze racial hierarchies and Black criminalization within the Girls' Industrial School to discuss the ways that notions of white reformability were predicated upon constructions of the inherent criminality of Black students and girls of color.

Another industrial school opened in Kansas in the late nineteenth century. In 1884 the United States Indian Industrial Training School was built to provide American Indians off-reservation education and civilization training through agricultural and industrial labor.

Eventually renamed Haskell Institute, the school survived many iterations as a militaristic industrial training school, a vocational school, a junior college, and as of 1994 an accredited four-year university, Haskell Indian Nations University. My fifth chapter takes up liberalism at the federal level to analyze how the US state's reforms at the school in the mid-twentieth century were a continuation of the initial liberal project that inspired the creation of Haskell in the first place. While in the 1970s, many Haskell students demanded education that valued and reflected their cultural experiences, knowledges, and backgrounds, white administrators at the school often treated the students in an infantilizing manner. I situate the school's transition to a junior college in the early 1970s alongside broader demands that the American Indian Movement (AIM) made for decolonial education and increased Native sovereignty. I further contextualize Haskell within the Lawrence, Kansas landscape to discuss how police violence, criminalization, and the continued dispossession of Native lands reveal the ongoing violence inherent in the disavowal of Native personhood that resulted from Lawrence from the city's founding as a "free state" capital that was undergirded by colonial dispossession.

Chapter One: Dispossession through Treaty Making and Kansas Lands

From the perspective of Indigenous rights and treaty violations, there was often little difference between proslavery border ruffians and free-state settlers: both sides squatted with impunity and were concerned with acquiring lands that had, mere decades prior, been permanently reserved for Native people. By the time lands were established as the Kansas territory in 1854, the US had engaged in treaty making as a means of dispossession. Since the early nineteenth century the eastern portion of Kansas had been carved up for removed tribes like the Shawnee, Kanza,¹ Osage, Lenape, Sauk and Fox, and Miami tribes, among others. While Kansas's settlement narrative is often equated with the struggle over whether or not the eventual state would allow slavery, historian Paul Wallace Gates wrote in 1954 that Kansas settlement is marked by "the most complex and confusing array of policies affecting the distribution of public lands and the transfer to white ownership of Indian land-rights that has ever emerged in the continental United States, save perhaps in Oklahoma."²

In this chapter I borrow from Lisa Ford's brilliant analysis in *Settler Sovereignty:*

Jurisdiction and Indigenous People in America and Australia, 1877–1836. Ford argues:

settler sovereignty is a paradox of federalism: peripheral states and colonies asserted sovereignty in their own, federal and/or imperial right. The real content of their claims, however, was local, territorial control over the process of indigenous dispossession. As such, it rested on even more local histories.³

¹ The official name of the Kanza tribe is the Kaw Nation. The Kanza Museum refers to the tribe as the Kanza people, and while Kaw and Kanza are often used interchangeably, this paper will refer to the tribe as the Kanza or Kaw Nation unless quoting a source. See Kaw Nation, "About the Kanza People: The Kanza Museum," Accessed April 12, 2021, <http://www.kawnation.com/museum/about.html>.

² Paul Wallace Gates, *Fifty Million Acres: Conflicts Over Kansas Land Policy, 1854–1890* (Norman: University of Oklahoma Press, 1997 [originally published 1954]), 3.

³ Lisa Ford, *Settler Sovereignty: Jurisdiction and Indigenous People in American and Australia, 1788–1836* (Cambridge, MA: Harvard University Press, 2010), 4.

In Kansas, treaties were made at the federal level, but as settlement unfolded the violence of colonial politics happened locally. Individual settlers and communities carried out bodily violence and enacted land dispossession through singular acts of squatting and settling. The US's exploitative and bad faith approach to treaty-making lent credence to these acts of violence, as settlers or the interests of capital almost always prevailed in struggles over Native lands. The foundational violence of treaty-making created the conditions for the capitalist underdevelopment that has shaped all subsequent history in Kansas. In this chapter I analyze several treaties with Indigenous tribes who lived in Kansas and who were removed to the territory that became Kansas and argue that it is from within this set of juridical, violent, and immoral actions that we must view subsequent fights about slavery in the newly opened territory.

Kansas land policy originated at the precise moment when white liberalism was strengthened through the "democratization" of property ownership for white men. It is significant that treaties affecting lands that became Kansas were negotiated soon after the 1823 *Johnson v. M'Intosh* US Supreme Court case upheld the Euro-Christian principle of the "doctrine of discovery." Through a critical reading of a number of specific treaties that were negotiated with tribes sent to Kansas in its preterritorial and territorial history, I will show how treaty-making in Kansas was guaranteed to ensure dispossession rather than sovereign engagement between nations. As standing Rock Sioux scholar-activist Vine Deloria explained, "Treaties are made to be broken; this is the accepted practice of the nations of the world. But property rights are holy writs, at least among the nations subscribing to Western European concepts of property rights."⁴ This principle is reflected in an 1825 treaty negotiated in St. Louis with the Kanza that made provisions for so called "half breeds," prefiguring much of what was to come in the 1887

⁴ Vine Deloria Jr., *Behind the Trail of Broken Treaties: An Indian Declaration of Independence* (Austin: University of Texas Press, 1974), 110.

Dawes General Allotment Act; the 1846 treaty with the Kanza that removed the tribe to southern Kansas near the trading post of Council Grove; and, finally, the 1867 Medicine Lodge treaties with the Cheyenne, Arapaho, Kiowa, Comanche, and Apache tribes. In these treaties, white property rights prefigured treaty-making, and treaties paved the way for increased ownership of the same lands over which they were enacted.

Treaties between the US and Native tribes provide a marker of the state's recognition of tribal sovereignty, as Article 6 of the US Constitution designates treaties to be "the supreme Law of the Land,"⁵ equaling negotiation among nations. The US's willingness to disavow treaty rights, and therefore the Constitution, reveals that under nineteenth-century liberal doctrine, sovereignty did not necessarily equate with autonomy and individual self-determination.

Cheyenne and Hodulgee Muscogee activist and poet Suzan Shown Harjo explains that "The main thing that went wrong with the treaty relationships of mutual respect was 'civilization,' an ever-changing policy imposed by the United States."⁶ Nineteenth-century treaties contained paternalistic and white supremacist provisions to implement "civilization," such as agricultural development and school construction. These measures tied the distribution of state resources to settler standards of land ownership.

For example, the 1846 treaty that removed the Kanza tribe from their previously reserved homelands near Topeka to a smaller reservation to the south near Council Grove, Kansas paid out

one thousand dollars annually for agricultural assistance, implements, &c.; but should the Kansas Indians at any time be so far advanced in agriculture as to render the expenditure

⁵ US Constitution, art. 6, cl. 2.

⁶ Suzan Shown Harjo, "Introduction," in *Nation to Nation Treaties Between the United States and American Indian Nations*, ed. Suzan Shown Harjo, (Washington, D.C.: Smithsonian Books), 22, Kindle.

for agricultural assistance unnecessary, then the one thousand dollars ... shall be paid them in money with the balance of their annuity.⁷

The treaties created vague parameters of enforcement—who was to say what “so far advanced in agriculture” actually meant? While many treaties guaranteed annuities, or payments made to tribes to compensate for the reality that their livelihoods and means of subsistence were devastated by the move to a reservation, many of the funds, such as the above mentioned agricultural clause, had strings attached.

“Civilization” measures were an organizing principle of property theft among nations where the deciding feature was power. As colonial expansion infringed upon Native lands and resources, therefore making traditional Native life increasingly impossible in the west, treaties attempted to instill greater surveillance and control upon tribes by requiring them adhere to white settlement practices. These nineteenth-century treaties created terms in which Native people were subject to conditions of concentration. Rather than allowing for freedom over reserved areas “it was a crime to leave without the Indian agent’s permission ... Treaty references to the so-called arts of civilization, or to similar phrases, were used to justify these measures.”⁸ This emphasis on civilization foretold shifts in liberal thought that reflected the US’s “progressive” assimilationist policies in the 1870s and 1880s such as off-reservation boarding schools and the Dawes General Allotment Act. But this emphasis on civilization was always materially beneficial to settler society, as the surveillance it entailed ensured increased predictability and access to Native land.

⁷ “Treaty Between the United States of America and the Kansa Tribe of Indians,” concluded January 14, 1846, art. 2. Accessed at National Archives Catalog, “Ratified Indian Treaty 245: Kansa - Methodist Mission, Kansas Country, January 14, 1846,” 9, <https://catalog.archives.gov/id/174679999>.

⁸ Harjo, “Introduction,” 22.

Despite the US's bad faith approach to treaty-making, today treaties with Indigenous tribes are an important force not only for the assertion of Native sovereignty, but also for tribal efforts to protect land, water, and natural resources. Even as the US state used treaties as a means to acquire Native lands, tribes used the treaty-negotiation process to assert their right to fish, hunt, and live according to tribal principles. Today, tribes organize politically to assert these treaty rights. Tina Kuckkahn of the Lac Du Flambeau Band of Chippewa, explains, for example, how in the 1990s the Makah in Washington State fought for their treaty right to hunt whale, against white racist claims that such tribes were being given preferential state treatment.⁹ Kuckkahn counters such claims, asserting that treaties "are not special rights that were given to tribal people, ever. These are rights that we always had. These are rights that our people were strong enough and had enough foresight to retain in the Treaties."¹⁰ This activism continues today, as evidenced by the first point of Indigenous activist group Red Nation's 10-point program:

We demand the reinstatement of treaty making and the acknowledgement of Native independence. We demand Native Nations assume their rightful place as independent Nations guaranteed the fundamental right to self-determination for their people, communities, land bases, and political and economic systems.¹¹

Because the US Constitution specified that treaty-making was a process undertaken by sovereign nations, Red Nation demands settler states to engage with tribes in a manner that honors this sovereignty. Doing so would not only respect the authority of Indigenous nations, but could also counter the environmental degradation of capitalism and colonial violence

⁹ Tina Kuckkahn, "Rights We Always Had: An Interview with Tina Kuckkahn," in *Nation to Nation Treaties Between the United States and American Indian Nations*, ed. Suzan Shown Harjo, (Washington, D.C.: Smithsonian Books, 2015), 357, Kindle.

¹⁰ *Ibid.*, 358.

¹¹ The Red Nation, "10 Point Program," *The Red Nation*, Accessed Oct 19, 2020, <https://therednation.org/10-point-program/>.

***Johnson v. M'Intosh* and the 1825 Kanza Treaty**

Many forcible and coercive tribal removals to Kansas occurred in the aftermath of the 1823 US Supreme Court case *Johnson v. M'Intosh*, which boldly reaffirmed white settler supremacy through the “doctrine of discovery.” While the Court had been stripping away Native land rights for decades under Chief Justice John Marshall, the *Johnson* decision ensured that “the American political descendants of the discovering sovereigns overnight became owners of lands that had previously belonged to Native Americans, while Native Americans became their tenants.”¹² In his opinion, Marshall specified that because different European nations were competing for title over the lands in what became the United States, a principle was established in which “discovery gave title to the government by whose subjects, or by whose authority, it was made, against all other European governments, which title might be consummated by possession.”¹³ In this formulation, because of the nature of Indigenous relationships to land, only European settlers were capable of establishing ownership through title. Whatever measure of sovereignty the US had previously granted to Indigenous nations through treaty-making, by this nineteenth-century decision the Court established that the US was solely concerned with competition among European colonial powers and expansion.

While Marshall decided in *Johnson* that Indigenous people were incapable of ownership, the fact that the US state had ever engaged in treaty-making processes nullified the doctrine of discovery. If Indigenous land practices did not constitute ownership, why did the US need to

¹² Lindsay G. Robertson, “Unintended Consequences: *Johnson v. M'Intosh* and Indian Removal,” in *Nation to Nation: Treaties Between the United States and American Indian Nations*, ed. Suzan Shown Harjo, (Washington, D.C.: Smithsonian Books), 133, Kindle.

¹³ *Johnson & Graham's Lessee v. McIntosh*, 21 US 543, 573 (1823), accessed at *Justia US Supreme Court* “Johnson & Graham's Lessee v. McIntosh, 21 U.S. 543 (1823),” <https://supreme.justia.com/cases/federal/us/21/543/#tab-opinion-1922743>.

honor tribal sovereignty by negotiating with tribes for the purchase of these lands?¹⁴ The “doctrine of discovery” did not undergird the US’s initial approach to treaty making, but was rather used to “justif[y] retrospective treaty breaches, which became increasingly prevalent after the conclusion of European expansion in the second half of the nineteenth century.”¹⁵ Regardless of the underlying logical contradictions, *Johnson v. M’Intosh* gave a legal sheen to increased dispossession. In order for settlers or capitalists to acquire Native lands, the lands were first transferred to the state to become legitimized through title, after which they could then be sold to individuals. The doctrine set forth in *Johnson* ultimately forced private property as the framework of exchange and power.

The 1825 treaty negotiated with the Kanza tribe in the wake of the *Johnson* ruling reflects the state’s growing intervention in property relationships. The Kaw Nation, for whom the state of Kansas is named, now reside in Kaw City, Oklahoma after decades of being pushed onto increasingly smaller landholdings in the nineteenth century. The Kaw have historically been referred to as the Kansa, Kanza, Kansas, or Kaw tribe by settlers; the last is said to have been a designation given by French traders. The name translates to the wind people, and they are one of five branches of the Dhegia Siouan peoples, which had originally existed as one larger tribe in Northern portion of the Mississippi river valley in the sixteenth century, along with the Quapaw, Omaha, Ponca, and Osage tribes.¹⁶ The Kanza Clan book, assembled by the Kanza in 2002, explains that “following the river, these tribes migrated toward the Great Plains probably sometime between the sixteenth and eighteenth centuries.”¹⁷ The Kanza’s designation as the

¹⁴ Dieter Dörr, “The Background of the Theory of Discovery,” *American Indian Law Review* 30, no. 2 (2013–2014): 493, makes this argument, noting that “All the colonial treaties, which provide an argument in favor of classification under international law in both their form and substance, contradict the doctrine of free right of occupation.”

¹⁵ *Ibid.*

¹⁶ From Kaw Nation, “Webkanza: The Online Home of the Kanza Language,” accessed September 20, 2017, <http://www.kawnation.com/WebKanza/LangPages/langkanza.html>.

¹⁷ The Kaw Nation of Oklahoma, “The Kanza Clan Book” (Kaw City, OK: Kanza Language Project, 2002).

wind people is said to have resulted from them being the last of the five Dhegian tribes to split off from the original larger group.¹⁸

Chiefs from the Kanza tribe negotiated the 1825 treaty with then-Superintendent of Indian Affairs William Clark in St. Louis. The treaty ceded all Kanza lands along the Missouri river in exchange for lands in eastern Kansas.¹⁹ Ultimately, both proslavery and antislavery settlers benefitted from the sort of dignified dispossession ensured by the treaties. Because “*Johnson v. M’Intosh* hinges on a real estate transaction,” as Manu Karuka explains, “Marshall theorized what he called ‘the original fundamental principle:’ the exclusionary, exclusive underpinnings of property in land and sovereignty alike. In North America, the two constitute each other.”²⁰ Settlers and land speculators benefitted from the US’s assertion of its supremacy over property relations, even when treaties were supposedly negotiated for the benefit of the tribes. While the Kanza treaty was negotiated several decades prior to Kansas territorial “opening,” it paved the way for the colonial dispossession that unfolded in the subsequent decades. It “wrecked the traditional and social leadership of the Kansas [*sic*] and provided the principal mechanism whereby white land jobbers, government agents, and the many other champions of tribal dispossession could manipulate the Kansas almost at will.”²¹

Throughout the eighteenth and early nineteenth centuries, when the Kanza still lived on the lands that eventually became the eastern portion of Kansas, federal policy toward Indian tribes, and the Kanza specifically, changed fairly frequently as a result of the State’s shifting needs to maximize economic benefit from both the tribes themselves and the lands on which they

¹⁸ Kaw Nation, “The Kanza Clan Book), 1–2.

¹⁹ “Treaty with the Kansa, 1825,” in *Indian Affairs: Laws and Treaties, Volume 2*, ed. Charles J. Kappler (Washington, D.C.: Government Printing Office, 1904), 222.

²⁰ Manu Karuka, *Empire’s Tracks: Indigenous Nations, Chinese Workers, and the Transcontinental Railroad*. (Berkeley: University of California Press, 2019), 154.

²¹ William E. Unrau, *The Kansa Indians: A History of the Wind People 1673–1873* (Norman: University of Oklahoma Press, 1971), xix.

lived. In the late eighteenth century, the US government had sought to exert more explicit control over the fur trade by introducing the factory system. That system created government-owned forts called “factories” where Native people could trade freely with foreign and US agents alike. While the factories may have been beneficial to tribes from a trading perspective, they also operated to bring Native commerce and economic engagement under US surveillance.²²

When, for a number of reasons, the factory system proved to be a failure, the US government was then able to re-work its economic and territorial control over the Kanza’s lands via the treaty negotiated in St. Louis and enacted into law on December 30, 1825.²³ The St. Louis treaty was negotiated between Kanza tribal leaders including White Plume and Full Chief and US Indian agents including William Clark and George Sibley, who had headed the Fort Osage factory in Missouri through which the Kanza had traded. While the 1825 treaty prioritized land cession, it also contained other stipulations that were meant to subdue the Kanza people. Historian William E. Unrau described the supposed need for such regulations by regularly turning to racist depictions of the Kanza as being more difficult to control through treaties or religious missionary work. He wrote that the need for the treaty emerged from the fact that

the obstinate Kansas represented a troublesome bottleneck, indeed an obstruction, to frontier expansion. This situation, plus the repeated complaints of the traders and the apparent inability of the Kanza to leave peacefully with their Indian neighbors, seemed to require decisive action on the part of the territorial government.²⁴

One of the ways that the treaty attempted to rectify this supposed “inability” to comply with the aims of white settlerhood was to set out terms that “clearly established the government’s

²² Ibid., 87.

²³ Ibid., 96, explains that “the factory system was officially abandoned in 1822” after the practice was deemed ineffective. Missouri senator and proponent of Indian removal Thomas Hart Benton noted, for example, that “yearly commerce at Fort Osage—like that of most government factories—was less than the factor’s annual salary alone.” Unrau also cites a general unwillingness to comply with the somewhat arbitrary trading demands that the factory system laid out also contributed to the failure of the system.

²⁴ Ibid., 102.

intention of forcing an economic revolution upon the Kansas.”²⁵ The state pursued this goal by providing livestock to the tribe’s village, bringing in an agriculture expert and a blacksmith to teach skills that were more conducive to a settler and commerce-oriented lifestyle, and building a school. The state aimed to provide education in trades that assured that “with proper guidance and instruction [the Kansa] would gradually shift to a more sedentary culture.”²⁶ US policy toward the Kanza in the pre-territorial period attempted to keep the “unpredictable” tribe at a distance from white settlers while also loosely enforcing assimilationist measures and policies meant to enforce more predictability, and control, upon the tribe.

Notably, the 1825 Kanza treaty created “half-breed tracts” of one square mile each for tribal members who were of both Kanza and white ancestry.²⁷ The 1887 Dawes Act was notable for its scope and for the fact that it conferred citizenship to Indigenous individuals in the US, but also for the conferral of “allotments” that dissolved land held in common on reservations. But the Dawes Act was not as innovative as historians have tended to treat it, as private property had been used as a means of surveillance in treaties since the mid-nineteenth century. These “half breed” tracts not only attempted to force Eurocentric conceptions of land-ownership onto Indigenous people as a means of ensuring predictability—and perhaps guaranteeing that those lands were already surveyed and could thus be eventually be sold back to white settlers or capitalists more easily—but it also signified the state’s participation in the process of racial categorization and stratification through the designation of “half breed.”

Article 6 of the 1825 treaty wrote that “from the above lands ceded to the United States, there shall be made the following reservations, of one square mile, for each of the half breeds of

²⁵ Ibid., 107.

²⁶ Ibid., 110.

²⁷ Ibid.

the Kansas nation,” and it then lists the twenty-three individuals that the state considered to be “half breeds.”²⁸ This was not the only treaty to employ such language, as a number of treaties negotiated under William Clark also had “half breed” provisions. An 1824 treaty with the Sac and Fox tribes allotted 119,000 acres for a “half breed tract.” The lands in the tract were initially ineligible for sale, but an 1834 Congressional act granted the “half breeds” fee simple title over the land, which allowed them to sell at their discretion. An 1856 historical account of the problems raised by such treaties noted that “it was the manner of this relinquishment that gave rise to the troubles about titles, inasmuch as the right to sell was not given to individuals *by name*), but to the half breeds as a *class* (emphases in original), which opened a wide door for innumerable frauds.”²⁹ The treaty did not specify what exactly constituted a “half breed,” and white speculators and settlers took advantage of these uncertain terms to cheaply acquire the tribe’s lands in Keokuk, Iowa. Perhaps understanding the confusion caused by the blanket “half breed tract,” an 1825 treaty negotiated with the Osage tribe set aside 640-acre land tracts for specifically designated “half breeds.”³⁰

The most extreme racial experiment occurred after an 1830 treaty negotiated at Prairie du Chien Indian Agency established the so-called “Nemaha Half-Breed Reservation” in Nebraska for members of the Omaha, Iowa, Oto, and Yankton and Santee bands of the Sioux tribe with recognized white ancestry.³¹ As the treaty specified, the reservation was a roughly thirty-two square mile tract of land in which individuals had the option to acquire individual 640-acre

²⁸ Ibid., 223.

²⁹ Orion Clemens, *City of Keokuk in 1856* (Keokuk, IA: Book and Job Printer, 1856), 33, accessed at <https://digital.lib.niu.edu/islandora/object/niu-twain%3A10901>.

³⁰ “Treaty with the Osage, 1825,” art. 5, in *Indian Affairs: Laws and Treaties, Volume 2*, ed. Charles J. Kappler (Washington, D.C.: Government Printing Office, 1904), 217.

³¹ Berlin B. Chapman, “The Nemaha Half-Breed Reservation,” *Nebraska History* 38 (1957), 3.

tracts.³² Whatever the state's imagination was for the reservation, it never fully came to fruition. While some self-proclaimed mixed-race members of the tribes settled on the reservation lands, it took eight years for the US to attempt to survey the reservation lands, and only in 1857—twenty-seven years after the reservation was established—did the state attempt to establish who, precisely, had claims to these lands.³³ Uncertainty existed about the boundaries of the reservation itself, but also what the cutoff dates were for allotting portions of the reservations to designees.

State agents even acknowledged the problems that inevitably result from such a racial project, as an 1854 Congressional report by an agent of the Committee on Indian Affairs noted that “the term ‘half-breed,’ as applied by some of them, is a misnomer, for it was intended to include all those having an admixture of *white* (emphasis in original) and Indian blood in their veins, in whatsoever degree.”³⁴ Here, treaties invoked one-drop doctrines to ensure that Black individuals did not find their way to property ownership through “half breed” provisions. Despite the dehumanizing nature of the term, the state's designation of mixed or half breed in was not intended to provide lands to mixed-race Black and Indigenous members of tribes.³⁵ Patrick Wolfe explains how in colonial contexts “the two societies, Native and enslaved, were of antithetical but complementary value to White society. Whereas Black people were valuable

³² US Congress, House, *Sioux Lands or Reservation In Minnesota Territory*, to accompany HR 338, 33rd cong, 1st sess., April 28, 1854, 1. Accessed at University of Oklahoma College of Law Digital Commons, <https://digitalcommons.law.ou.edu/indianserialset/index.18.html>.

³³ Chapman, “The Nemaha Half-Breed Reservation,” 5 and 10.

³⁴ US Congress, House, *Sioux Lands or Reservation In Minnesota Territory*, 2.

³⁵ Celia Naylor, *African Cherokees in Indian Territory: From Chattel to Citizens* (Chapel Hill: University of North Carolina Press, 2008), 28–29, describes “one-drop” principles specifically as they related to Cherokee and Black familial relationships, writing that “although blackness certainly shaped one’s enslaved and free status in the Cherokee Nation, ‘Cherokee blood’ in conjunction with free status guaranteed limited rights to biracial African Cherokees—rights not granted to those free people of African descent with no “Cherokee blood” lineage. In the antebellum Cherokee Nation, clan association no longer dictated one’s position and rights; instead, race, status, and “blood,” often intersecting concepts, defined one’s respective place and privileges; For the complexities of Cherokee and Black racialization, see also Tiya Miles, *Ties that Bind: The Story of an Afro-Cherokee Family in Slavery and Freedom* (Berkeley: University of California Press, 2015); Kim TallBear, *Native DNA: Tribal Belonging and the False Promise of Genetic Science* (Minneapolis: University of Minnesota Press, 2013) discusses the resonances of blood-quantum rhetoric, particularly amidst contemporary efforts to isolate and determine Native DNA.

commodities, Indians obstructed the expansion of settlement.”³⁶ If Black individuals acquired land through treaty provisions, this racial order would be upset. On the other hand, “half-breed tracts” as a racial project had accepted, and even rewarded, Native and white settler offspring because their existence provided settlers with more legible pathways to land acquisition.

The half-breed provisions also foretold the early twentieth century eugenic fixation on the possibilities of racial “improvability.” While racial mixing was often fearfully associated with the decline of the white race, in the 1920s global colonialist projects such as Ford’s rubber plant in Brazil relied upon white supremacist labor hierarchies in which mixed-race individuals were portrayed as more proximal to whiteness and thus “were salvageable precisely because of their ‘mixed-race’ status.”³⁷ Similarly, half-breed allotments were rooted in racist logics in which the state “rewarded” mixed-race members of Native tribes with land, while also using this land to tie these individuals more firmly to state surveillance through land ownership. But as with later eugenic fixation, the state further revealed both the fictive nature of this process as well as its deep racial anxieties by clarifying that “half breed” admixture only applied to white and Indigenous racial mixing.

The half-breed tracts then, unsurprisingly, proved problematic not only by virtue of their racism, but also logistically, creating uncertainty both in terms of racial categorization and literal conditions of ownership. Unsurprisingly, capital and white settlers ultimately benefited from this ambiguity. As with the later Dawes Act, parceling up the Kanza lands only made their later transfer to whites easier. Indeed, wealthy land-savvy settlers seemed to benefit the most from such policies, as in Kansas “territorial officials (including Governor Andrew H. Reeder, Judges

³⁶ Patrick Wolfe, *Traces of History: Elementary Structures of Race* (London: Verso, 2016), 3.

³⁷ Elizabeth Esch, *The Color Line and the Assembly Line: Managing Race in the Ford Empire* (Berkeley: University of California Press, 2018), 139.

Rush Elmore and Saunder W. Johnston, District Attorney Andrew J. Isaacs and antislavery leaders Charles Robinson, Thomas Ewing, and Samuel C. Pomeroy) sought to buy one or more of these half-breed tracts.”³⁸ Because title claims over these tracts were viewed as more secure than squatter claims, free-state and proslavery settlers alike clamored to acquire the tracts to ensure their land wealth.³⁹ While Kansas’s settlement gets discussed in terms of the Free State struggle, the treaties negotiated decades before the struggle was ever envisioned created circumstances in which white settlers ultimately benefited regardless of their political affiliation.

Council Grove Treaty with Kanza

A separate treaty with the Kanza tribe demonstrates how Kansas colonialism emerged at a moment when expanding access to white landownership took an even greater precedence. Kansas territory “opened” in 1854. After the Kansas-Nebraska Act, both proslavery and antislavery forces encouraged settlement in Kansas as a means of establishing the state in their interests. Prior to the Civil War, official US policy reflected a desire for the expansion of settlement, and in his 1857 address to Congress President James Buchanan “seemed to countenance and indeed support the policy of favoring settlers in the acquisition of public lands. He spoke of the importance of the public lands in ‘furnishing homes for a hardy and independent race of honest and industrious citizens who desire to subdue and cultivate the soil.’ ... The cardinal principle should be ‘to reserve the public lands as much as possible for actual settlers, and this at moderate prices.’”⁴⁰ By the time of territorial opening, Kansas was relying more heavily on the US military to manage both settler and Native populations. In 1854 there were

³⁸ Gates, *Fifty-Million Acres*, 40.

³⁹ *Ibid.*, 41, describes the paradoxical nature of this situation, saying “Manypenny and the Indian Office tried to protect the rights of the Indians by keeping off squatters and refusing to recognize any sales of the tracts. Territorial officials and the United States Attorney General, on the other hand, maintained that the title in the half-breeds was absolute and alienable.”

⁴⁰ *Ibid.*, 77.

three military forts in Kansas, Fort Leavenworth (established in 1832), Fort Scott (established in 1842), Fort Riley (established in 1853). A fourth—Fort Larned—was established shortly after territorial “opening” in 1859, and therefore coincided exactly with the Civil War era transition to westward expansion.⁴¹

After the lands in eastern Kansas became more desirable to settlers, an 1846 treaty established the Neosho reservation for the Kanza tribe, near what became Council Grove, Kansas, undoing the 1825 agreement. The story of the Kanza’s time in Council Grove is one marked by extreme violence by the white settlers and the US state alike. The 1846 treaty allowed the Kanza to select a smaller reservation in southern Kansas that resembled the lands they were being ejected from. But it was a mere decade later that the Kanza’s lands were once again stolen. The region’s commercial success due to its location along the Santa Fe Trail led to white settlers’ forceful, and eventually successful, efforts to take the Kanza lands for themselves.

A number of factors combined to force the Kanza to move to the 400 square mile Neosho Reservation in 1847.⁴² While the state claimed that the move was for sympathetic purposes—to move the tribe further away from their Pawnee enemies—historian Ron Parks argues that the treaty “was a result of the federal government’s policy of constricting the land holdings of native tribes of Kansas, the impoverished tribe’s dependence on the U.S. government, and the availability of natural resources in the upper Neosho valley.”⁴³ While it became evident that the Kanza occupied desirable lands in northeastern Kansas that would eventually be transferred to white ownership, the tribe’s relocation to the Neosho reservation also put the tribe into close

⁴¹ From “Frontier Forts,” Kansaspedia, Kansas Historical Society, modified November 2018. <https://www.kshs.org/kansapedia/frontier-forts/14568>.

⁴² Ron Parks, *The Darkest Period: The Kanza Indians and their Last Homeland, 1846–1873* (Norman: University of Oklahoma Press, 2014), 20.

⁴³ *Ibid.*, 34.

contact with entitled settlers. The reservation contained the small settlement of Council Grove that would eventually become a hub for travelers as the last trading stop before starting the Santa Fe Trail.⁴⁴ Despite the fact that Article 6 of the 1846 treaty referenced the “the great distance which the Kansas Indians will be removed from the white settlements,” the tribe unfortunately had to contend with white entitlement and encroachment upon their lands, as white squatters appeared to believe that all desirable lands were for the taking.⁴⁵

From the state’s perspective, the basic function of the 1846 treaty was to remove the Kanza from their land. The tribe was facing significant hunger as a result of white settlement, their forced relocation, and environmental circumstances such as flooding.⁴⁶ The treaty ceded the tribe’s two-million acres in eastern Kansas in exchange for twenty square miles near present day Council Grove.⁴⁷ The scope of dispossession demonstrates the state’s willingness to use treaty-making to their own ends. The treaty was negotiated on January 14, 1846 between nineteen Kanza chiefs and leaders and two Indian agents. One of the witnesses to the treaty, Seth Hays, settled Council Grove and would eventually build the trading post that made the location a desirable stop for southward settlers.⁴⁸ In addition to the then-common treaty provisions of so-called “civilization” measures—funds set aside for education, agricultural equipment, and the establishment of a mill⁴⁹—the treaty addressed the tribe’s concern that the lands did not contain enough timber by allowing for the possibility of acquiring a nearby tract of land that was more heavily forested. Article 5 of the treaty specified that if “there is not a sufficiency of timber, he

⁴⁴ Ibid., 34.

⁴⁵ art. 6, “Treaty Between the United States of America and the Kansa Tribe of Indians,” 10.

⁴⁶ Parks, *The Darkest Period*, 14.

⁴⁷ Ibid., 78.

⁴⁸ Ibid.

⁴⁹ art. 2, “Treaty Between the United States of America and the Kansa Tribe of Indians,” 9.

shall cause to be selected and laid off for the Kansas a suitable country, near the western boundary of the land ceded by this treaty, which shall remain for their use forever.”⁵⁰

But the popularity of Council Grove as a settlement and as thoroughfare marked the Kanza’s experience there as violent in the face of expanded colonial access of white property rights. In keeping with commissioner of Indian Affairs Albert Greenwood’s endorsement of the policy of “‘concentration,’ whereby the reservations would be made significantly smaller ‘for a limited period until they [the Indians] can be fitted to sustain themselves,’” in 1859 the Kanza were coerced into accepting a much smaller reservation than the one they had agreed to just thirteen years prior.⁵¹ The word “concentration” draws a parallel between concentration camps, and Greenwood’s contention that the Kanza must earn their way to increased land ownership reveals the inherently carceral nature of the policy, as well as the likely impossibility of ever achieving a “larger” reservation. The state set the terms in which tribes were deemed “fitted to sustain themselves.” In addition to funneling Native lands to settlers, such treaty provisions succeeded in exerting greater surveillance over tribes, as “the resulting diminished reserves were another way the government tried to encourage the Indians to give up the chase, because their hunting grounds would be reduced.”⁵² That this measure coincided with the intervening years between the opening of the Kansas-Nebraska territory and Kansas’s 1861 statehood reveals the extent to which dispossession structured white possibilities for land ownership in Kansas. These processes did not result from the creation of the state, but allowed for Kansas’s establishment.

As another measure of state surveillance, the 1859 treaty allotted each family a 40-acre farm with a house to be constructed on it. The tribe’s land agent Robert Stevens awarded himself

⁵⁰ art. 4, “Treaty Between the United States of America and the Kansa Tribe of Indians,” 9.

⁵¹ Parks, *The Darkest Period*, 78.

⁵² Tim Fry, “Stone Houses for the Kansa Indians,” *Kanhistique* 13, no. 6 (October 1987): 2, accessed at “Dr. Tim Fry,” <https://www.washburn.edu/faculty/tfry/>.

the contract to build the tribe's homes, and the government paid him upwards of \$79,000 to build 150 wooden homes. Many alleged that he employed shortcuts to profit more from the agreement. For instance, "the Indians charged that green lumber was used and the stairs in the house were nothing but ladders." Upon later inspection, federal agents concluded that "Stevens had overcharged for the houses."⁵³ Stevens's payment was partially made in Kanza scrip, and he eventually purchased "several thousand acres of land" in Kansas with the profits he made from swindling the tribe.⁵⁴ In addition to Stevens's profiteering, the 1859 treaty paved the way for increased white settlement in the area, as "the 'Diminished Kaw Reservation' was a nine-by-fourteen mile tract ... the 175,380 acres of 'surplus lands' were to be held in trust by the U.S. government. This land was to be sold at fair market price in 160-acre parcels to the highest bidder."⁵⁵ Whites claimed that the Kanza would benefit from the money they acquired through land sales, but given that traffic along the Santa Fe trail had picked up heavily by 1859 it is clear the renegotiation of the treaty favored the colonial interests in white settlement.

Treaty-making, and therefore federal law, did little to curb extralegal racist violence toward Native people. Increased settlement to the area resulted in racial policing and white settler violence toward the Kanza. In June 1859 two Kanza men were lynched near Council Grove after being accused of wounding a white settler in an attempted robbery.⁵⁶ On June 17, 1859, ninety-six Kanza men "armed and in full war regalia" attempted to rob a Council Grove store.⁵⁷ The incident resulted in a hostile exchange in which two white settlers ended up wounded, one by an arrow and one by a bullet. White Council Grove residents were enraged by

⁵³ Ibid., 4.

⁵⁴ Ibid., 5.

⁵⁵ Parks, *The Darkest Period*, 78.

⁵⁶ Ibid., 107.

⁵⁷ Ibid.

the incident and demanded justice. After several days of back and forth and attempts to figure out what had happened, the Kanza agreed to hand over two young men (who were unnamed) that they claimed were responsible for the shooting. A June 27, 1859 newspaper account of the lynching describes

after a few minutes the question was asked by some one [*sic*] “what disposition shall be made with these Indians?” Shouts of “hang them” were heard from a number and the result was the two Indians were hung and left hanging till yesterday morning. One of them was a young chief, he had shot the arrow at Mr. Gilky and wished Mr. Gilky to shoot him, he said he preferred being shot to being hung. Mr. Gilky, however was not able on account of his wound, so the chief was hung.⁵⁸

It may be unsurprising to note that this retributive act of racial terror occurred in a town settled by slaveowner Seth Hays, who came to the region in 1847, a year after the initial Kanza treaty.⁵⁹ To give a sense of the racial climate of Council Grove and the surrounding county, “in the presidential election of 1864, Morris was the only county in Kansas favoring Democrat George McClellan (98 votes) over incumbent Abraham Lincoln.”⁶⁰ The town’s racist attitudes were no secret, as “almost every extant edition of the *Democrat* [Council Grove’s newspaper] carried articles vilifying African Americans, sometimes in the most racist terms imaginable.”⁶¹ So the lynch mob made the decision to lynch and make an example out of the young Kanza chief rather than honor his wishes of allowing Gilky, his alleged victim, to shoot him. The fact that the bodies were left on display “till yesterday morning” further communicates the intention of the

⁵⁸ “Letter from Council Grove. Two White Men Shot—Two Kaw Indians Hung—The Kaws Entreat for Peace,” *The Kansas Press* (Cottonwood Falls, KS), June 27, 1859, accessed at www.newspapers.com.

⁵⁹ In Lalla Maloy Brigham, *The Story of Council Grove on the Santa Fe Trail, Fourth Edition* (Morris County Historical Society, 1921), 8. This account notes that Hays only held one enslaved person, writing that: “He never married, but his home was kept by his slave, Aunt Sallie, as she was known to everyone in Council Grove. She was the only slave ever brought to Council Grove. When Kansas was admitted as a free state she received her freedom, but continued to care for Hays until her death in 1872” (12).

⁶⁰ Parks, *The Darkest Period*, 70.

⁶¹ *Ibid.*, 174.

lynch mob to enforce racist terror as a means of communicating the rule of white supremacy to the tribe.⁶²

White settler fears were hypocritical for a number of reasons—namely that they had chosen to settle on lands used by, lived on, and reserved for Native peoples. Interestingly, however, white settler fears of retaliation grew in part out of the fact that a number of Kanza men were veterans of the US military—ninety Kanza men had fought with the Kansas Cavalry during the Civil War.⁶³ While military service was perhaps seen by the Kanza as economic opportunity and a potential pathway to legibility in the eyes of white settlers, Kanza participation in the war effort did not result in more respect or better tribal relations with settlers. When the soldiers returned to the reservation after the war “in May 1865 [then Indian agent] Farnsworth recommended that the Indian Office impose selective gun control. According to the agent, several Kansas, including three chiefs, were carrying revolvers, causing anxiety among both whites and Indians.”⁶⁴ So, the Kanza were pressured to assimilate into white settler society, but when a large number of men from the tribe’s diminished population pledged their allegiance to the state by formally enlisting during the Civil War, they were met with hostility upon return because of their military training. While landownership was a pathway to legibility and personhood for the tribe, any freedom that suggested the possibility of unpredictability, like military training, was viewed as suspect and closely regulated by the state.

⁶² Interestingly, despite Council Grove and Morris County’s proslavery leanings, in 1879 amidst the Exoduster movement out of the South, leader Benjamin “Pap” Singleton selected the county for the site of his “Singleton Colony.” In Nell Irvin Painter, *Exodusters: Black Migration to Kansas after Reconstruction* (New York: W.W. Norton, 1976), 116.

⁶³ He explicitly says that “eighty-seven Kanza warriors had service in Company L, Ninth Kansas Cavalry, and three mixed-bloods saw action with Company F, Fifteenth Kansas Volunteer Cavalry,” in Parks, *The Darkest Period*, 154.

⁶⁴ *Ibid.*, 158.

Eventually the white settlers triumphed in their quest to obtain all of the Kanza lands, and in 1873 the tribe moved to the location of their current reservation in present-day Oklahoma.⁶⁵

Kanza Chief Allegawaho condemned the US removal efforts in a speech, famously stating that

You treat my people like a flock of turkeys. You come into our dwelling place and scare us out. We fly over and alight on another stream, but no sooner do we get settled then again you come along and drive us farther and farther. In time we shall find ourselves across the great mountains and landing in the bottomless ocean.⁶⁶

Removal was achieved not by treaty, but through a Congressional act called the “Kaw Land Bill,” passed on May 8, 1872. The act removed the tribe to “Indian territory” and granted white squatters—anyone “who is a citizen of the United States, or who has declared his intention to become such”—who had occupied and made improvements upon their squatted Kanza land the right to buy 160-acre tracts of the reservation.⁶⁷ A Council Grove article about the Act from June 13, 1873 celebrates Kaw removal for multifaceted white supremacist reasons—greater racial purity in the community as well as the acquisition of Native lands:

To Morris County their removal has long been a looked for blessing. They occupied one of the finest bodies of land in the State, mostly in our county limits. The land is now in market, will soon be settled up, and instead of a few hundred lazy, filthy Indians, we will ere have a dense community of farmers, living upon land that will add to the taxable wealth of our county.⁶⁸

The settlers in Council Grove and near the Neosho settlement had finally succeeded in expelling the Kanza from their own treaty lands. They also painted the Kanza as freeloaders for not adding

⁶⁵ The lands in Oklahoma too have been diminished. The Kaw Nation of Oklahoma, “The Kanza Clan Book,” 3, notes that after removal, “nearly 60 years later, the U.S. Army Corps of Engineers flooded a portion of the Oklahoma lands to make a new reservoir and recreational area. The flooded area housed the Kaw tribal council house, the old town of Washunga, and the tribal cemetery.”

⁶⁶ Quoted in Crystal Douglas “A Timeline History of the Kaw Nation” (2011), <http://www.kawnation.com/wp-content/uploads/2012/03/Timeline.pdf>.

⁶⁷ Act quoted in “The Kaw Land Bill,” *Council Grove Republican* (Council Grove, KS), September 5, 1872, 4, accessed at www.newspapers.com.

⁶⁸ “Exodus of the Kaws,” *The Osage County Chronicle* (Burlingame, KS) June 13, 1873, accessed at www.newspapers.com.

to the taxable wealth of the country, ignoring the fact that white squatters built their farms without payments or taxes for the first several years of their settlement.⁶⁹

It should be mentioned that before their forced removal to “Indian Territory,” the Kanza faced a number of horrific circumstances that greatly diminished the population of their already dwindling tribe. Malnutrition and living conditions among the Kanza made the tribe more susceptible to diseases.⁷⁰ Further, Parks details a deadly incident in 1867 that he calls the Kanza’s death walk, in which the Kanza suffered a loss of 119 people, which he calculated was 18 percent of their total population.⁷¹ While the Kanza were on their yearly bison hunt in November 1867, an incident occurred that led the tribe to believe that the Cheyenne were planning a large-scale attack, so the tribe walked 110 miles back to their reservation and suffered enormous loss of life along the way.⁷² By the time the tribe agreed to move to “Indian Country,” they had been subjected to decades of demoralizing and deadly contact with settlers, facing unimaginable conditions while living alongside a thriving white settler community.

On top of this literal death and destruction, the treaty provisions and adherence to settler property conventions changed the tribe’s entire realm of existence. While the name “Indian Country” might invoke a sense of freedom and roaming—that the Kanza and other tribes would be able to live upon their lands as they wished—by the time of Kanza removal the US had fine-tuned the land measures that the state employed to ensure predictability and control upon tribes. The “Kanza Clan Book” laments the fact that

The tribe was moved *en mass* to a roughly 100,000-acre site in Indian Territory, which the Kaws had to purchase from the Osages with funds from the sale of their former

⁶⁹ Parks, *The Darkest Period*, 202, explains this, saying “all the while, these settlers sustained livelihoods free of the burdens of land payments and taxes. When it finally came time to purchase the land, they banked on the collective clout of their peers as organized in the claims association to protect their interests.”

⁷⁰ *Ibid.*, 160.

⁷¹ *Ibid.*, 185 and 183.

⁷² *Ibid.*, 181.

Kansas holdings. This new land was then split up and allotted to individual families. The allotments were of no benefit to the Kanza. This was a tactic devised to break up the tribe into smaller and more easily manageable units, thus silencing the unified voice of the tribe.⁷³

For a tribe whose tradition and history were embedded in practices of shared land usage, allotments were a way to force assimilation and also monitor control the Kanza more closely.

Kanza's time in Council Grove, beginning with the 1846 treaty that relocated the tribe South and ending with the 1872 Congressional act that ensured squatter acquisition of the tribe's homelands, is marked by the strengthening of white liberal ownership in Kansas's territorial through post-Civil War eras. This history reveals that the initial treaty was never envisioned as a good faith negotiation among nations, but instead was a means to land acquisition. Despite this violent history of racial terror in Council Grove, Indigenous geographer Natchee Blu Barnd explains how over a century after their removal to Oklahoma, the Kanza returned to the town to reclaim and build a new relationships to the lands that had once been their home. In 2000 the tribe purchased 168 acres near their previous homelands in Council Grove.⁷⁴ Doing so was a radical act that allowed the tribe to "reestablish a Kanza spatiality on the site of their removal."⁷⁵ The Kanza's reclamation of this space reveals the ongoing and communal nature of Indigenous relationships with lands.

This reclamation can also be seen in recent efforts in Lawrence, Kansas to return the Iⁿ 'zhúje 'waxóbe (the Big Red Rock) to the Kaw Nation. In 1929, a Lawrence resident used a crane to extract a large red boulder from Topeka, and it was moved to Lawrence and christened

⁷³ "The Kanza Clan Book," 3.

⁷⁴ Natchee Blu Barnd, *Native Space: Geographic Strategies to Unsettle Settler Colonialism* (Corvallis: Oregon State University Press, 2017), 101.

⁷⁵ *Ibid.*, 119.

“Founder’s Rock” to commemorate the town’s 75th anniversary. The name is preposterous, given that the

The importance of Iⁿ ‘zhúje ‘waxóbe (the Big Red Rock) to the Kanza People has been confirmed in articles, books and by Kaw citizens. It is not a secret. Kaw citizens have been interviewed, in some cases demanding its return, in others asking that its history be acknowledged. But this has never happened. Iⁿ ‘zhúje ‘waxóbe sits there today exactly as it has, with the same bronze plaque and with no mention of the Kanza People.⁷⁶

In Lawrence, Kaw Nation citizen Pauline Sharp and local activist and artist Dave Loewenstein have undertaken a project to both accurately highlight the boulder’s history and to work with the Kaw Nation to relocate Iⁿ ‘zhúje ‘waxóbe. In November 2020, the chair of the Kaw Nation, Lynn Williams sent a letter to the Lawrence City Council asking to return the rock to Council Grove, and to appoint a committee of Kaw citizens to collaborate with Lawrence officials to carry out the project.⁷⁷ In early 2021, the Lawrence City Council approved this request, and actions are currently under way to implement the relocation project. White mechanisms of property ownership and land acquisition have prioritized settler narratives and ownership above Indigenous culture and the promises made in treaties. These recent instances show how the Kaw Nation has subverted these same processes of ownership to assert the reality that “history shows the Kanza never fully left. Culture tells us they cannot. Today is proof that they never will.”⁷⁸

Medicine Lodge Treaty

Scholar-activist Nick Estes, a member of the Lower Brule Sioux tribe, describes He Sapa or the Black Hills as “the beating heart of the Lakota cosmos, where we emerged from red earth.”⁷⁹ It is for that reason that many Indigenous activists advocated for the name of the highest

⁷⁶ “Reimagining Robinson Park,” *Between the Rock and Hard Place*, accessed April 18, 2021, <https://www.robinsonpark1929.com/>.

⁷⁷ “Kaw Nation Request,” *Between the Rock and Hard Place*, accessed April 18, 2021, <https://www.robinsonpark1929.com/kaw-nation-request>.

⁷⁸ Barnd, *Native Space*, 101.

⁷⁹ Nick Estes, *Our History is the Future: Standing Rock Versus the Dakota Access Pipeline, and the Long Tradition of Indigenous Resistance*, (London: Verso Books, 2019), 26, Kindle.

point in the Black Hills—long called Harney Peak—to be renamed “Black Elk Peak,” an effort that succeeded in 2016. Harney Peak had been named after General William Harney, a military figure who made a long career out of fighting Native people on their homelands. In 1855 he earned himself the Lakota nickname “Woman Killer” after he raided a Sicangu Lakota camp that was mostly comprised of women and children and killed eighty-six people. His soldiers “took another seventy women and children as prisoners ... According to one account the soldiers seized an infant from her wounded mother and used the child as target practice.”⁸⁰

While this story is important in its own right, its relevance here is shocking. A little over a decade after the 1855 massacre in 1867, President Andrew Johnson appointed “Woman Killer” Harney to the United States Peace Commission to Kansas to negotiate a series of “peace treaties” with the Kiowas and Comanches, the Plains Apaches, and the Cheyenne and Arapaho tribes.⁸¹ Much like the violent misnomer “Harney’s Peak,” white settler communities memorialize the Medicine Lodge treaties differently than the Indigenous tribes whom the treaties expelled from their homelands. Since 1927, white settlers in the town of Medicine Lodge, Kansas have held a pageant that reenacts the treaty negotiation process: “In the first pageant, Barber County farmers and ranchers brought their teams and wagons to town to reenact the event.”⁸² The town now holds the pageant every three years, and “with the exception of Council Grove, no other Kansas community stewards its Native American history like Medicine Lodge.”⁸³ The next pageant is scheduled for 2021.

⁸⁰ Ibid., 145.

⁸¹ Colin G. Calloway, *Pen and Ink Witchcraft: Treaties and Treaty Making in American Indian History* (Oxford: Oxford University Press, 2013), 186.

⁸² “About Peace Treaty,” Medicine Lodge Peace Treaty Association, accessed on April 12, 2021, <https://peacetreaty.org/about/>.

⁸³ George Frazier, *The Last Wild Places of Kansas: Journeys Into Hidden Landscapes* (Lawrence: University Press of Kansas, 2016), 125.

The pageant is now an important aspect of Medicine Lodge's memory and celebration of itself, and while the focal point of the pageant itself is a reenactment of the settler acquisition of the lands that became Medicine Lodge, Kansas, the event also includes a three-day intertribal powwow that "gives spectators the opportunity to glance into the history of Native Americans, a glimpse of a centuries-old tradition and a chance to gaze upon the beauty of their regalia while listening to the rhythmic beat of their drums and their voices lifted in song."⁸⁴ That it actually uses the word "gaze" to describe the event, the event's website makes clear that the Powwow is intended for white consumption—to get a fuller "Indigenous experience" by spectating upon Native ritual. Of course tribes who participate in the Medicine Lodge Powwow do so on their own terms and for their own reasons. But the event's website explicitly clarifies that Indigenous and white people participate separately in the events. It contains instructions for how non-native attendees should behave around participants in relation to Native participants, such as specifically instructing them not to take pictures. It further instructs: "Do not touch the clothing of any dancer. A good rule of thumb is to wait for the reaction of the Native onlookers. If they clap, then everyone claps."⁸⁵ Recognizing that white behavior must be policed in order to ensure respect, the language constantly draws firm distinctions between "Native onlookers" and Powwow participants and the "spectators" of the pageant.

The decision to create an event commemorating the 1867 peace treaties negotiated at Medicine Lodge is perplexing, given that the treaty-negotiation process itself appeared to be an act of pageantry. While the negotiations at Medicine Lodge are remembered as the singular

⁸⁴ "Medicine Lodge International Powwow," Medicine Lodge Peace Treaty Association, accessed on April 12, 2021, https://peacetreaty.org/events/powwow/?utm_source=Twitter&utm_medium=Video&utm_campaign=2019&utm_term=Powwow&utm_content=Powwow%20video.

⁸⁵ Ibid.

“Medicine Lodge Peace Treaty,” they certainly did not guarantee peace from the perspective of the tribes. As one example, the portion of the negotiation with the Cheyenne tribe “apparently agreed to surrender lands they said they would not give up, agreed to move to a reservation they did not want ... and agreed to be trained to live as sedentary farmers.”⁸⁶ A frequent refrain from members of the Cheyenne, Arapaho, Apache, Kiowa, and Comanche tribes was that they simply wanted to remain on their homelands, and that they were not interested in the material and property rights afforded by the treaties. In the words of Comanche chief Ten Bears, “There is one thing which is not good in your speeches: that is, building us medicine houses. We don’t want any I want to live and die as I was brought up. I love the open prairie.”⁸⁷ The treaty and “peace commission” were enacted under the guise of ending warfare on the plains, but in actuality they were a means of strong-arming tribes into giving up their way of life and moving out of the way of settler expansion and railroad growth.⁸⁸

During the proceedings with the Kiowas, famed leader Satank gave what was by many accounts a very moving address, with one reporter claiming that “never have I known true eloquence before this day.”⁸⁹ But despite a proclamation of friendship with white settlers, Satank not only held the US accountable for its constant backtracking on treaty negotiations, he also subverted the conventions of property ownership while using the rhetoric of accumulation, noting of a medal that he wore that had been gifted from President Grant: “Look at this medal I

⁸⁶ Calloway, *Pen and Ink Witchcraft*, 211–212.

⁸⁷ Quoted in *Ibid.*, 201.

⁸⁸ Manu Karuka, *Empire’s Tracks: Indigenous Nations, Chinese Workers, and the Transcontinental Railroad* (Oakland: University of California Press, 2019), 143–144 quotes the Medicine Lodge treaty with the Cheyenne noting that “The treaty contained a clause stating that ‘tribes party to the agreement ... withdraw all pretense of opposition to the construction of the railroad now being built along the Platte River, and westward to the Pacific Ocean; and they will not in future object to the construction of railroads.’” Karuka explains that “The Treaty of Medicine Lodge Creek asserted U.S. jurisdiction over Cheyenne places, and also over Cheyenne futures. This preemption was continental in scope.”

⁸⁹ Quoted in Calloway, *Pen and Ink Witchcraft*, 209.

wear. By wearing this I have been made poor. Formerly, I was rich in horses and lodges—today I am the poorest of all. When you put this silver medal on my neck you made me poor.”⁹⁰ While the treaty negotiations may have given a sense of authority to subsequent land domination efforts, those in the negotiating tribes knew that the treaty provisions were heavily skewed in the favor of the US settler state.

The treaties ensured that the negotiating tribes were moved south into Oklahoma onto drastically diminished reservations. They contained provisions for annuities, food, clothing, mills, the building of schools and homes, and as a concession, for tribes to continue to hunt in a diminished region until their extinction. This was an empty gesture. When the US was negotiating this provision with the Kiowas and Comanches, they “had no intention of leaving them to roam the plains, and the commissioners knew that the buffalo herds on which the tribes based their existence and their future would soon be destroyed.”⁹¹ The treaty attempted to incentivize members of the tribes to farm, but specified that if a family took the option of selecting a 320 acre farm, that land would then be subtracted from the sum total of land held in the tribal reservation.⁹²

Despite lofty goals of implementing peace on the plains, the treaties were enacted in bad faith by the settler state and was therefore doomed to fail from the outset. The treaties’ drafters failed to include important concessions that had been negotiated, and the Cheyenne and Arapaho delegates present

believed that, in addition to establishing the reservation in Indian Territory, they also had secured the freedom to hunt, fish, and travel in their original territory. Contemporaneous

⁹⁰ Quoted in *Ibid.*, 207.

⁹¹ *Ibid.*, 200.

⁹² *Ibid.*, 204.

news reports documented the same agreement, but that information does not appear in the written Treaty.⁹³

Despite the fact that the tribes were coerced into signing treaties that directly contradicted the desires that the tribal leaders expressed in their negotiation speeches, it was the tribes who were punished and blamed for the violence that ensued after individuals refused to stay enclosed upon their reservations.⁹⁴ In addition to the initial bad faith measures taken to coerce the tribes to sign, the US failed to deliver on the lofty promises they had made in the negotiations. As is the case with all other treaties, the US failed to keep settler encroachment upon the territory lands at bay.⁹⁵ The treaties had promised rations and food provisions if the tribes agreed to give up their hunting practices and move onto reservations, but the state “gave them nothing but cornmeal.”⁹⁶ The US failed to uphold its end of the negotiation, but when the tribes continued to live their lives as they had before, the US reacted swiftly and violently.

When warfare broke out between settler communities and the tribes who had signed the Medicine Lodge treaties, the US military sought to specifically make an example out of the individual delegates who had signed the treaties. Satank, the Kiowa leader whose declaration of peace had moved Peace Commission attendees, declared war on the US state after his son was killed in a raid. After a subsequent raid into Texas, Satank was captured and sent to Texas for trial.⁹⁷ Rather than facing captivity or state execution, the leader opted for death by cop—he was killed after grabbing for an officer’s weapon.⁹⁸ His suicide unfortunately foreshadowed similar

⁹³ Suzan Shown Harjo, “Treaties My Ancestors Made for Me: A Family Treaty History,” in *Nation to Nation: Treaties Between the United States and American Indian Nations*, ed. Harjo, Suzan Shown (Washington, D.C.: Smithsonian Books), 269, Kindle.

⁹⁴ See Calloway, *Pen and Ink Witchcraft*, 210 which notes that when negotiating with the Cheyennes, despite disagreement among the tribe, one of the US negotiators, John Henderson “was determined to get the treaty signed that day.”

⁹⁵ *Ibid.*, 214.

⁹⁶ *Ibid.*, 215.

⁹⁷ *Ibid.*, 230.

⁹⁸ *Ibid.*, 221.

events that occurred after Comanche, Kiowa, Apache, Cheyenne, and Arapaho leaders were either forced onto reservations or captured by the state. In the late 1870s, the US began the policy of capturing tribal leaders as prisoners of war and sending them to Fort Marion prison in Florida. Kiowa leader Satanta and Cheyenne leader Grey Beard chose death over captivity.⁹⁹ The Peace Commission had only ensured “peace” under the exact terms dictated by the US state, and leaders were forced into a situation of slow violence—one in which any adherence to a non-Eurocentric way of life merited captivity and death. This occurred despite the US state’s failure to uphold the treaty’s promise of continued hunting rights and any semblance of tribes’ previous ways of living.

In addition to the state violence that ensued after the Medicine Lodge treaty negotiations in 1867, the treaty was the subject of subsequent legal battles, such as in 1903 when Kiowa chief “Lone Wolf sued to resist allotment of his reservation, arguing that it violated the Medicine Lodge Creek Treaty of 1867.” The case made its way to the Supreme Court, which ruled that “Congress had the power to abrogate Indian treaties without tribal consent.”¹⁰⁰ In essence, the Court was upholding Congress’s right to blatantly violate the treaties negotiated decades before. This violent legacy of the Medicine Lodge treaty begs the question: when the community of Medicine Lodge, Kansas celebrates the treaty’s history, what exactly are they commemorating?

The pageant commemorates not only the negotiation of the “peace treaty,” but also depicts a settler narrative that begins with Spanish exploration of the Colorado region, and eventually evolves to tell the story of how “The community of Medicine Lodge transforms into a

⁹⁹ Ibid., 223.

¹⁰⁰ This and quote in previous sentence from Robert N. Clinton, “Treaties with Native Nations Iconic Historical Relics or Modern Necessity?,” in *Nation to Nation: Treaties Between the United States and American Indian Nations*, ed. Harjo, Suzan Shown (Washington, D.C.: Smithsonian Books), 69, Kindle.

frontier town.”¹⁰¹ The events that led to the *need* for the peace treaty are glossed over, as the pageant euphemistically claims that “The natives become unsure of their place in their homelands.” The pageant’s original script was written in 1927 by F.L. Gilson, a professor at Emporia State Teachers College, with the narration written by a local resident named Rachel Nixon.¹⁰² The pageant was held every five years, and in 1956 the Medicine Lodge Indian Peace Treaty Committee contacted the University of Kansas to commission the theater department to rewrite the script and direct the pageant in 1957. Glenn Q. Pierce, Jr. wrote his 1958 Speech and Drama MA thesis on his role as the director of the pageant, which had been rewritten by a KU professor.¹⁰³ The revised script was site-specific, focusing on “unique” elements of the town’s history, such as its ties with infamous prohibitionist Carrie Nation, and of course the treaty negotiations. But it was also designed to convey the general history of the “development of the white man’s civilization in a typical western-Kansas area.”¹⁰⁴

Many early portions of the pageant are visual with little dialogue, but the treaty negotiation scene features narration and a long speech by Comanche Chief Ten Bears. What unfolds is a long replacement narrative, in which Ten Bears selflessly sacrificed the tribe’s lands so that white settlement may unfold.¹⁰⁵ The speech, much like the real speeches given at the

¹⁰¹ “Peace Treaty Pageant,” Medicine Lodge Peace Treaty Association, accessed on April 12, 2021, <https://peacetreaty.org/events/pageant/>.

¹⁰² Glenn Q. Pierce, Jr., “Producing a Pageant: The Medicine Lodge Indian Peace Treaty Pageant—1957,” MA thesis (University of Kansas, 1958), 4.

¹⁰³ *Ibid.*, 9.

¹⁰⁴ *Ibid.*

¹⁰⁵ Jean O’Brien, *Firsting and Lasting: Writing Indians Out of Existence in New England* (Minneapolis: University of Minnesota Press, 2010) details “replacement narratives” in colonial New England, in which “Local narrators ... formulated a history that negated previous Indian history as a “dead end” (literally), supplanting it with a glorious New England history of just relations and property transactions rooted in American diplomacy that legitimated their claims to the land and the institutions they grounded there. In the process, they rationalized their history of settler colonialism and claimed New England as their own” (55).

actual negotiations, reiterates that the tribes would rather live as they always had rather than have homes built. But then the fictionalized Ten Bears says that

The white man has the country which we loved and we only wish to wander on the prairie until we die. ... I want no blood upon my land to stain the grass ... I wish it so that all who go through among my people may find peace when they come in and leave it when they go out.¹⁰⁶

The Narrator then proclaims that “Finally it was done! The treaty was signed! The peace was made! Ninety years ago, on that historic October day in 1867, redman and white were agreed. The treaty has remained unbroken to this day.”¹⁰⁷

Given that the treaty was subject to a US Supreme Court case that justified the state’s right to “abrogate” treaties, the pageant is deeply ahistorical. The continued act of commemorating and reenacting the Medicine Lodge pageant solely occurs to give the settler community to a constantly renewed sense of pride in its history. This occurs whether or not that history accurately depicts the violence that occurred to make way for white settlement. Natchee Blu Barnd describes that this memorialization reflects the process through which Kansas lands were “unmade as Kiowa (and other tribes’) lands before they could be remade as American lands, or as a re-racialized, White space.”¹⁰⁸ Barnd discusses colonialism as a process that is continually remade through geographic space. The continual reenactment of white settler history through the regularly-held pageant is the affirmation and reaffirmation of the dispossession that was initially enacted by the Medicine Lodge treaty in 1867.¹⁰⁹

¹⁰⁶ Pierce, “Producing a Pageant,” 43.

¹⁰⁷ Ibid.

¹⁰⁸ Barnd, *Native Space*, 78–79.

¹⁰⁹ Ibid., 76–100 discusses a similar reenactment in Kansas, Satanta Days which is held in Satanta, Kansas, presumes to celebrate the Kiowa leader Set-tainte who figured prominently in the Medicine Lodge treaty negotiations. Barnd discusses how in the Satanta Days reenactments “in our temporal and spatial imagining, and as we are ‘hailed’ into inhabiting Set-tainte’s and other Kiowa bodies, we are asked to construct a patriarchal, masculine, and White racialized space” (87). But Barnd also concludes that “Despite Satanta’s illustration that colonialism can deploy Indianness toward the maintenance of White and settler colonial geographies, this town offers promising opportunities for collaboration and reconciliation” (100).

Conclusion

The 1825 treaty with the Kaw, the 1846 treaty that removed the Kanza to Council Grove, and the 1867 treaties negotiated in Medicine Lodge evidence how white settlement projects influenced the process of treaty making and treaty breaking in nineteenth century Kansas. While these projects were often carried out by individual settlers and squatters, ironically the legal mechanisms that allowed for settler acquisition of Native lands were often exploited to prioritize land speculation and capitalist development. While the celebratory newspaper articles in Council Grove after the Kanza's violent removal might suggest that former reservation lands would easily be transferred to settlers, in reality "A fourth of the area of Kansas, and by all odds the best fourth, passed by the treaty process from Indian ownership to individuals, land-speculating companies, and railroads without becoming a part of the public domain or becoming subject to Congressional control."¹¹⁰ While popular portrayals of Kansas depict the state as an aberrant bastion of backwards conservatism, the state's frenzied Indigenous dispossession and land-grabbing created the conditions for the state's subsequent political problems. The next chapter will discuss how the efforts to settle Kansas as a free state also furthered this colonial project by promoting a sense of "freedom" that negated Indigenous and Black personhood in its promotion of white property ownership.

¹¹⁰ Gates, *Fifty Million Acres*, 6–7.

Chapter Two: “The Irresistible Power of Free Labor:” Free State Liberalism and Kansas Settlement as an Imperial Project

In the preface to the 1883 *The History of Kansas*—which was apparently at the time “the most complete and exhaustive history of a single State ever published”—William G. Cutler painted an exceptional picture of Kansas’s settlement.¹ He boldly claimed that:

It can be said of the soil of Kansas what can be said of none other on the surface of the globe: It is in possession of its rightful owners by virtue of every franchise known to civilized nations; by right of discovery; by right of conquest; by virtue of treaty; by right of purchase; by virtue of successful revolution; by right of occupancy; by right of brave and unconquerable defense against invasion. Thus it is emblematic of all the high and manly virtues involved in the acquisition so complete a title.²

As the last chapter discussed, Kansas’s settlement reflected mismanaged federal land policy that led to a number of conflicts between Indigenous communities who lived according to their treaty rights and white squatters determined to occupy Indigenous lands. Despite this history, the contentious settlement conflicts and eventual warfare that ensued as a result of the 1854 Kansas-Nebraska Act ensured that Kansas’s history often gets narrated through a lens in which the free state cause triumphed as a moral endeavor. This is evident in Cutler’s claim that Kansas was the *most* righteously settled state. Cutler further glossed over Native genocide and dispossession, arguing that Indigenous people “were swept from the field, to clear it for a momentous conflict between the two opposing systems of American civilization, then struggling for mastery and supremacy over the Republic.”³ In this narrative, Cutler places Indigenous people at the center of

¹ William G. Cutler, “Preface” in *The History of Kansas* (Chicago, IL: A.T. Andreas, 1883), accessed at <http://www.kancoll.org/books/cutler/main/preface.html>.

² William G. Cutler, “Early Explorations and Expeditions: Title to the Soil,” in *The History of Kansas* (Chicago, IL: A.T. Andreas, 1883), accessed at <http://www.kancoll.org/books/cutler/deschist/earlyexp-p1.html>

³ *Ibid.*

Kansas's settlement story while at the same time disappearing them by moralizing their removal. It is also noteworthy that Cutler describes proslavery and antislavery parties as two opposing approaches to civilization. For these two political movements, who ultimately debated through the use of violence, the centrality of white access to private land ownership was never in question. The factions may have disagreed about the future of the spread of slavery, but they were united in their approach to other matters like colonial expansion, private property ownership, and Indigenous dispossession.

In this chapter I jump scales from this much problematized but still resonant origin story of Kansas's history—that of abolitionist free staters against proslavery forces—to consider the settlement of Kansas as an imperialist project.⁴ I argue that Kansas's settlement evidences the US's commitment to colonialist expansion, which strengthened white liberal entitlement to property ownership regardless of proslavery or antislavery association. Popular historical accounts characterize Kansas settlement as an ideological battle.⁵ Not only does this characterization neglect to account for the centrality of land speculation and commercial

⁴ See Neil Smith, "Chapter Five: "Toward a Theory of Uneven Development II: Spatial Scale and the Seesaw of Capital," in *Uneven Development: Nature, Capital, and the Production of Space, Third Edition* (Athens: University of Georgia Press, 2008), 175–205 for a discussion of the "spatial scales of capital."

⁵ Much of the historiography emphasizes that economic forces drove Kansas settlement. David Potter, *The Impending Crisis, 1848–1861* (New York: Harper and Row, 1976), 202 wrote that amidst the border wars "the majority of inhabitants apparently did not care very much one way or the other about slavery. The evidence is clear that an overwhelming proportion of settlers were far more concerned about land titles than they were about any other public question." Nicole Etcheson, *Bleeding Kansas: Contested Liberty in the Civil War Era* (Lawrence: University Press of Kansas, 2004), 5, also writes that "Most settlers, southern and northern, viewed the territories as a good place for economic advancement," and goes on to argue that "popular sovereignty privileged white liberty by subjecting the morality of slavery and the choice of an economic system to a vote at the ballot box." Ideological portrayals of Kansas settlement still prevail, however. Thomas Frank, *What's the Matter with Kansas: How Conservatives Won the Heart of America* (New York: Henry Holt and Company, 2004), 188–189 ties contemporary political liberalism in Lawrence to the New England Emigrant Aid Company's founding. Some historians also celebrate Lawrence's free-state history, such as William Tuttle who in "Separate But Not Equal: African Americans and the 100-year Struggle for Equality," in *Embattled Lawrence: Conflict and Community*, eds. Dennis Domer and Barbara Watkins (Lawrence: The University of Kansas, 2001), 145, discussed an upsurge in racial segregation in Lawrence in the twentieth century by speculating that "it is unclear why this happened, but one reason was the decline of KU's, and Lawrence's, proud abolitionist heritage. Most of the abolitionists from the days of 'Bleeding Kansas' were dead; and the public memory of that tumultuous time was fading."

investment, it also obscures how “racial regimes of ownership” predicated upon Indigenous land theft and Black social exclusion structured political outcomes in Kansas.⁶ This colonialist project was deeply liberal in that it relied on and strengthened white entitlement to property, regardless of ideology. I focus particularly on the coordinated and well-funded settlement effort organized by the New England Emigrant Aid Company. The endeavor played a prominent role in Kansas’s settlement history, but contrary to widespread belief the New England Emigrant Aid Company was largely unsuccessful in its stated goals of developing robust town infrastructures and amassing profits for its investors. Regardless of the company’s material gains, the New England Emigrant Aid Company’s rhetorical and political power strengthened white liberalism’s hold on Kansas’s imagined future.

The New England Emigrant Aid Company began its settlement efforts after the 1854 passage of the Kansas-Nebraska Act. This act repealed the 1820 Missouri Compromise and established Kansas and Nebraska as territories whose settler populations would vote to determine whether or not to allow slavery. The bill brought about a wave of pessimism among antislavery northerners, who thought the act signaled the death-knell to abolitionist causes. It also drove frenzied efforts among both proslavery and antislavery contingencies to send settlers into the Kansas territory to establish it according to their respective interests regarding slavery. Scholars have noted that although Kansas history gets narrated in these terms, many early settlers to Kansas were in fact not motivated by political causes, but rather just wanted to capitalize on new

⁶ The concept of “racial regimes of ownership” comes from Brenna Bhandar, *Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership* (Durham: Duke University Press, 2018), which describes “what distinguishes the emergence of a modern racial regime of ownership in settler colonies . . . is the articulation of a commodity form of real property in conjunction with a globalized ‘economy of difference.’ The racialism that had thoroughly infused social relations in feudal Europe was globalized with the advent of modern colonialism. The transatlantic slave trade, and the appropriation of indigenous land that characterized the emergence of colonial capitalism on a worldwide scale, produced and relied upon economic and juridical forms for which property law and a racial concept of the human were central tenets” (6).

land opportunities.⁷ This resulted in a situation in which Kansas settlement reflected not a moral battleground, but “the most complex and confusing array of policies affecting the distribution of public lands and the transfer to white ownership of Indian land-rights that has ever emerged in the continental United States, save perhaps in Oklahoma.”⁸ Despite this, the free state legacy continues to occupy a mythic space in Kansas, particularly in Lawrence, the New England Emigrant Aid Society’s primary townsite upon settlement. This abolitionist history informs Lawrence’s contemporary reputation as one of the few politically liberal “blue” enclaves in a heavily Republican state. This is evident in Thomas Frank’s claim that “today as the state’s politics shift farther and farther to the right, [Lawrence] remains one of the only truly liberal places in Kansas” in his 2004 best seller *What’s the Matter with Kansas: How Conservatives Won the Heart of America*.⁹

While the “free state” narrative celebrates Kansas as a successful antislavery project, this particular free-state endeavor was a colonization campaign that ultimately refused to fully incorporate Black and Indigenous people into the fold of liberal personhood. As this chapter will discuss, free-state settlers manipulated treaties to acquire Indigenous lands in ways that strengthened their hold on property claims. Politically-minded free state settlers created stratified forms of racialized citizenship in which Indigenous people were used for their land and the rights of enslaved Black and freedpersons did not actually figure into the debate about the spread of slavery. The political arm of the free-state effort ultimately agreed that it was not a commitment

⁷ See, for instance, Horace Andrews Jr., “Kansas Crusade: Eli Thayer and the New England Emigrant Aid Company,” *The New England Quarterly* 35 no. 4 (December 1962): 501, which explains that “the border men had come primarily to establish property rights for land speculation, and the issue of slavery slipped into the background.”

⁸ Paul Wallace Gates, *Fifty Million Acres: Conflicts Over Kansas Land Policy, 1854–1890* (Norman: University of Oklahoma Press, 1997 [Originally published in 1954]), 3.

⁹ Thomas Frank, *What’s the Matter with Kansas: How Conservatives Won the Heart of America* (New York: Henry Holt and Company, 2004), 189.

to antislavery that unified the party, but that “only the cry of self-government could build the free-state factions into a cohesive party ... Loss of self-government was in fact what most Kansas settlers feared.”¹⁰ For many of these settlers, the enticement of freedom in Kansas lay in the territory’s promise to increase opportunities for individual white landowners and laborers, not in its potential for any sense of racial inclusion. This makes it all the more tragic to know that at the free-state constitutional convention in 1855 the decision to exclude Black freedpersons from the territory “passed by 1,287 to 453.”¹¹ And of course it was virtually uncontested among whites in the territorial period that Indigenous people had no role to play in the political future of the state.

“Freedom” in Kansas was thus inherently exclusionary because it was always contingent upon settlement, which was only possible through the negation of Indigenous personhood and treaty rights.¹² The possibility of radical freedom was precluded by the reality that “justifications for private property ownership were articulated through the attribution of value to the lives of those having the capacity, will, and technology to appropriate, which in turn was contingent upon prevailing concepts of race and racial difference.”¹³ In the case of Kansas, such “prevailing concepts” justifying white entitlement to Indigenous lands were created through federal land policy, but also through the act of settlement—through the importation of white bodies on the ground. “Freedom” was therefore tied to dispossession. If enough antislavery settlers could speculate, stake claims, and squat, then the territory could be settled according to free state principles, and the spread of slavery might be thwarted for future territories.

¹⁰ Etcheson, *Bleeding Kansas*, 75.

¹¹ *Ibid.*

¹² See Chandan Reddy, *Freedom with Violence: Race, Sexuality, and the US State* (Durham: Duke University Press, 2011) for an excellent interrogation of the ways the US has always used the promotion of “freedom” in a manner that exposes racialized and othered populations to *more* violence.

¹³ Brenna Bhandar, *Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership* (Durham: Duke University Press, 2018), 4.

The Kansas-Nebraska Act

Because the 1854 Kansas-Nebraska Act determined that popular sovereignty would determine slavery's legality in future territories, the bill signaled that it was settlement that would determine the fate of slavery in the US. As a colonialist endeavor, popular sovereignty entailed the localized, individualized enactment of the "doctrine of discovery" principle. Because Kansas settlement began "when there was not within it an acre of land that was available for public sale [and] when along the eastern border was a formidable array Indian reserves remained, to which the owners clung tenaciously though unsuccessfully," popular sovereignty often meant engaging in individual acts of colonial dispossession.¹⁴ Popular sovereignty therefore presented expanded possibilities for the power of white liberal individualism.

The Kansas-Nebraska Act famously repealed the 1820 Missouri Compromise, which had allowed Missouri's admission as a slave state on the condition that slavery would be "forever prohibited" in the rest of the lands north of the 36°30 parallel.¹⁵ As the previous chapter discussed, the US state's promises of "forever" were often readily abandoned when doing so suited political or capitalist ends. In the 1850s, political efforts to establish territories in the "west" were stalled due to proslavery resistance in Congress to measures that would establish territories in lands that the Missouri Compromise ensured would be "free." Southerners were further concerned that newly established states and territories would prohibit slaveholders from bringing enslaved persons.¹⁶ In late 1853 members of the US Senate like Democrat Stephen Douglas, and proslavery Democratic Missouri senator David Atchison were in disagreement about Democrat Henry Dodge's bill proposal to admit Nebraska as a territory. Douglas's solution

¹⁴ Gates, *Fifty Million Acres*, 3.

¹⁵ "Transcript of Missouri Compromise, 1820," *Ourdocuments.gov*, accessed April 12, 2021, <https://www.ourdocuments.gov/index.php?flash=false&>.

¹⁶ Etcheson, *Bleeding Kansas*, 11.

in early 1854 was the Kansas-Nebraska act. The bill established both the Kansas and Nebraska territories, and determined that popular sovereignty would determine whether or not slavery would be legal in newly admitted states.

To justify the negation of the Missouri compromise, Senators argued that it was “superseded by the Compromise measures of 1850” regarding the status of slavery in the California, Utah, and New Mexico territories acquired as a result of the Mexican-American War.¹⁷ The Kansas-Nebraska bill was highly contentious, with many antislavery advocates and northerners in opposition.¹⁸ The Kansas-Nebraska bill reopened the possibility of expanding slavery into the West, and it therefore drove frenzied settlement efforts by both proslavery and antislavery contingencies. The bill passed in the Senate 37 to 14 in March of 1854, and after much debate and political quibbling it eventually passed in the House in May by 113 to 100.¹⁹ Antislavery movements in New England had not waited for the bill to be finalized to begin coordinating settlement plans—Eli Thayer had drawn up the charter for what would become the New England Emigrant Aid Company by April 1854.

Missourians in particular felt that Kansas was particularly opportune for proslavery settlement. “Squatter sovereignty” became a rallying cry for those whites who felt oppressed by US prohibitions on slavery’s expansion, and the proslavery newspaper in the Kansas territory

¹⁷ Ibid., 14.

¹⁸ Ibid., 16 explains that “Southerners who held that the territories were the ‘common property’ of the states resented the discrimination against slavery in the Missouri Compromise and felt that popular sovereignty alleviated that discrimination. Other Southerners merely held that the Missouri Compromise restriction was a ‘stigma’ upon the South, indicating the nation’s disapproval of their institutions.”

¹⁹ Ibid., 19–20. The free state movement was related to but distinct from the Free Soil party movement that fomented in preceding years. Etcheson, *Bleeding Kansas*, 27 explains how popular sovereignty often contradicted free-soil beliefs “in its assumption that the people could best govern themselves. On its face it widened liberty in the United States by overruling both the free-soil assertion that Congress decided the fate of the territories and should exclude the moral taint of slavery.” For a history of the free-soil movement see Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War* (Oxford, England: Oxford University Press, 1995).

published from 1855–1857 by Robert S. Kelly and John H. Stringfellow was called *The Squatter Sovereign*.²⁰ In a February 1855 article called “The Squatter,” the paper detailed squatters’ perceived sense of victimization, writing that “An idea has prevailed hitherto, that the Squatter was a kind of demi-savage ... that he was only a kind of half civilized hunter, or trapper, who recognized no law, and only desired to be left alone.”²¹ The article went on to clarify that squatters in Kansas were in fact politically engaged, empowering readers with the message that “the Squatter is the *Sovereign* and the officers only the *servants*.”²² For these proslavery settlers, the doctrine of popular sovereignty strengthened their sense of individualism—their entitlement to cheap land and economic opportunity. As the previous chapter discussed, this emboldened sense of squatters’ rights extended beyond the territorial period, as squatter movements mobilized to assert their rights to Native treaty lands in the post-Civil War era.

It is unknown precisely how many proslavery and antislavery settlers flocked to Kansas in the pre-Civil War era. The 1860 census listed residents’ states of origin, and the highest proportion were actually from Ohio, numbering 11,617. Missouri was a close second, with 11,356. Large proportions also came from Indiana, Illinois, Kentucky, Pennsylvania, and New York.²³ There were some coordinated proslavery settlement efforts, but none that were as politically organized and well-funded as the New England Emigrant Aid Company. In 1855 an Alabama lawyer named Jefferson Buford brought a party of four hundred Southern settlers into the territory.²⁴ But overall, “although Southerners felt that their interests were at stake and that

²⁰ The history of the *Squatter Sovereign* can be found at “Squatter Sovereign (Atchison, Kan. Terr.) 1855–1858,” *Chronicle America*, Library of Congress, accessed on April 2, 2021, <https://www.loc.gov/item/sn82015827/>.

²¹ “The Squatter,” *The Squatter Sovereign* (Atchison, Kansas), February 15, 1855, 1, accessed at www.newspapers.com.

²² *Ibid.*

²³ Information available at “Bleeding Kansas,” *Kansaspedia*, Kansas State Historical Society, modified September 2016, <https://www.kshs.org/kansapedia/bleeding-kansas/15145>.

²⁴ Etcheson, *Bleeding Kansas*, 42.

economic opportunity awaited in Kansas, they were unable to send large numbers of migrants.”²⁵ Alternately, although the New England Emigrant Aid Company drew a lot of press for their settlement campaigns, the largest proportion of Kansas settlers came individually, and many were not motivated by deep political convictions.²⁶

In any case, political divisions were heated in the Kansas territory, as proslavery and free state factions claimed legitimacy in state politics. By 1855, Topeka had been established as the free state capitol and Lecompton, a small town nine miles from Lawrence, was the proslavery capitol.²⁷ The lack of consistent political oversight made for chaotic elections in the Kansas territory. The first territorial election in 1855, which was subsequently determined by a US House of Representatives investigation to have evidenced voter fraud, established what free state sympathizers called the “bogus legislature.”²⁸ The so-called bogus legislature elected a spate of Democratic candidates to the territorial legislature and “was in session fewer than 50 days but adopted laws filling more than one thousand pages by the simple device of adopting the Missouri code nearly wholesale.”²⁹ Proslavery and antislavery factions drew up a number of separate territorial constitutions, and there were political disagreements over which versions were legitimate and which Constitution the state would adopt. In 1858 then-president James Buchanan took steps to push the proslavery “Lecompton Constitution” through Congress for approval, despite the fact that a majority of Kansas settlers had voted it down.³⁰ The violence associated

²⁵ Ibid., 43.

²⁶ Ibid., 43–44.

²⁷ Craig Miner, *Kansas: A History of the Sunflower State, 1854–2000* (Lawrence: University Press of Kansas, 2002), 63.

²⁸ US Congress, House, *Kansas Affairs: Report of the Special Committee Appointment to Investigate the Troubles in the Territory of Kansas*, 34th cong., 1st sess., 1856, accessed at <https://hdl.handle.net/2027/hvd.32044019572189>, determined that “every election has been controlled not by the actual settlers, but by citizens of Missouri” (2).

²⁹ Miner, *Kansas*, 63.

³⁰ Ibid., 74–75.

with “bleeding Kansas” accelerated during this period. pre-Civil War “skirmishes” occurred along the Kansas-Missouri border, killing a total of 56 people between 1856–1861.³¹

Amidst this tension, Kansas eventually approved a state constitution in 1859. The free-state Wyandotte Constitution outlawed slavery, but did not grant Black suffrage. Contrary to the exclusionary provisions in the earlier free-state constitution, “by a narrow vote the Wyandotte document allowed blacks and mulattos to reside in the state.”³² Even after the Constitution’s ratification, Kansas statehood was stalled for several years due to Democratic resistance in Congress. Kansas was finally admitted as a state after Abraham Lincoln’s inauguration, on January 29th, 1861.³³ While “Bleeding Kansas” is the descriptor for the state’s tumultuous territorial period, Quantrill’s infamous raid was carried out in Lawrence in 1863, destroying Lawrence and killing 150 men and boys.³⁴ The raid, while very gruesome, was a retaliatory act—antislavery “Jayhawkers” had engaged in violence in Missouri, such as the 1861 “sacking” of Osceola, in which soldiers fighting under James Lane looted the Missouri town and caused thousands of dollars of property damage.³⁵

These histories of political and guerilla violence were certainly formative in Kansas’s development. But as historian David Potter explained,

the great anomaly of ‘Bleeding Kansas’ is that the slavery issue reached a condition of intolerable tension and violence for the first time in an area where the majority of inhabitants apparently did not care very much one way or the other about slavery. The evidence is clear that an overwhelming proportion of settlers were far more concerned about land titles than they were about any other public question.³⁶

³¹ Ibid., 57. For a history of the Kansas “Border Wars” see David Potter, *The Impending Crisis*, 199–224; Etcheson, *Bleeding Kansas*.

³² Miner, *Kansas*, 77.

³³ Ibid., 79–81.

³⁴ Ibid., 52.

³⁵ Etcheson, *Bleeding Kansas*, 227.

³⁶ David Potter, *The Impending Crisis*, 202.

The New England Emigrant Aid Company's project was successful because it capitalized on settlers' land hunger while also tapping into East Coast antislavery sentiments to garner corporate investment and political support. While the company's claims about its national influence, profits, and overall success were overblown, the New England Emigrant Aid Company undoubtedly influenced both subsequent political development and historical memory in Kansas. Kansas's first state governor Charles Robinson, for example, came to Kansas with the company. The New England Emigrant Aid Company's founder Eli Thayer was elected to the Massachusetts state legislature, and later to the US House of Representatives. His political platform gave his colonialist rhetoric a wide forum, and his views about white liberalism, labor, and colonization were circulated in print media and in his memoir. An analysis of Thayer and the New England Emigrant Aid Company reveals how an expansion of the concept of "freedom" amidst the antislavery struggle expanded white liberalism and US colonial power.

Free White Labor and The New England Emigrant Aid Company

The New England Emigrant Aid Company was a wealthy and influential capitalist enterprise that organized a coordinated effort to settle Kansas as a free state amidst Congressional debate about the Kansas-Nebraska act. Modeling itself after the Massachusetts Bay Company, the New England Emigrant Aid Company wanted to infuse something of a neo-New England Protestant capitalism into the western "frontier." Founder Eli Thayer was interested in what he called "business anti-slavery," and his driving force for colonizing Kansas was to develop a society that resembled the South in terms of economic production and cost of living, but that replaced slave labor with wage labor.³⁷ "Freedom" via land ownership was central to the New England Emigrant Aid Company's settlement mission. The infusion of liberal

³⁷ For a description of business anti-slavery see Wallace Elden Miller, *The Peopling of Kansas* (Columbus, OH: Press of F.J. Heer, 1906), 55.

ideology into a colonial project democratized the possibility of white self-ownership through the promise of access to free labor and property ownership. Thayer brought about a dignified east coast air to the settlement project, and thus fine-tuned the justifications for dispossession through ownership in the lands then regarded as “Indian country.”

Thayer was a Massachusetts state representative in Worcester and claimed that he was moved to create the Emigrant Aid Company in 1854 by the public outrage against the impending Kansas-Nebraska act. Thayer attended a public meeting protesting the bill at Worcester City Hall, and when he received a positive response to a speech that proposed to send settlers to Kansas to combat slavery, he claimed he “knew that whatever a New England audience would applaud in that manner, I could find men to perform.”³⁸ He drew up a charter for the New England Emigrant Company in April 1854, and the plan was popular in the Massachusetts state legislature—the company charter was signed by over half of the body, with 62 signatures.³⁹ According to Randall Butler “the list of incorporators read like a state who’s who including such prominent businessmen and citizens as Isaac Livermore, Amos A. Lawrence, and Samuel G. Howe.” Other incorporators included members of both the Massachusetts state legislature and US Congress.⁴⁰ While many prominent Massachusettsans backed the effort, not all of the incorporators were compelled by Thayer’s business model. Lawrence, for whom the city in Kansas was eventually named, “disliked the commercial aspects of the Company ... [and] preferred to carry the venture on as a cooperative society with investment features.”⁴¹

³⁸ Thayer, *A History of the Kansas Crusade*, 25.

³⁹ Randal, R. Butler, II, “The New England Emigrant Aid Company and the Response in Massachusetts to its Goals and Efforts to create a free Kansas, 1854–1856,” MA Thesis, (Loma Linda University, 1973), 16.

⁴⁰ Ibid.

⁴¹ Ibid., 19–20.

In a May 1854 meeting, the company's incorporators laid out its operational plan at a meeting at the Massachusetts statehouse. The company would work with travel lines that would allow the "emigrants" to pay half-price travel rates for their passage to Kansas. The company directors would build boarding houses for incoming settlers, and would work toward building saw-mills and printing presses, recommending that

the company's agents locate and take up for the company's benefit sections of land in which the boarding houses and mills are located and ... whenever the Territory shall be organized as a free State, the Directors shall dispose of all interests, then replace, by the sale, the money laid out, declare a dividend to the stockholders.⁴²

After this occurred, the company planned to coordinate another settlement effort in a new location.⁴³ Thayer bluntly stated that his motivations for creating the company "were the commercial industrial, and economic disadvantages with the Northern people." He concluded that "such interests, in the Civil War, more than any pity for the African, impelled the West to fight for the outlet of the Mississippi River."⁴⁴ With this plan in place, Thayer's group began sending groups of "emigrants" to the newly established Kansas territory by July 1854.⁴⁵

In his 1889 memoir about his role in Kansas's settlement, Thayer described his motivation for creating the New England Emigrant Aid society. In the lead-up to the repeal of the Missouri Compromise, many free-state advocates were discouraged because they assumed that a repeal would inevitably result in Kansas and Nebraska being admitted as slave states. Thayer felt called to bring about an end to slavery, and he envisioned a path forward for doing so:

if this work could be done at all, it must be done by an entirely new organization, depending for success upon methods never before applied. This was an organized emigration, guided

⁴² Thayer, *A History of the Kansas Crusade*, 28–29.

⁴³ *Ibid.*

⁴⁴ *Ibid.*, 32.

⁴⁵ James McPherson, *Battle Cry of Freedom: The Civil War Era* (Oxford, England: Oxford University Press, 1988), 7–8.

and guarded by a responsible business company, whose capital should precede the emigrants and prepare the way for them by such investments as should be best calculated to secure their comfort and protection.⁴⁶

Seeing capitalism as the solution to quelling proslavery movements as well as the best way to provide for settlers establishing themselves on the plains, Thayer envisioned a future for the west that resembled the past of New England. If a northeastern company could use its capital and influence to plan settlements, then these organized forces could more easily defeat proslavery settlers.

Thayer was openly disdainful of ethics or morality-based arguments against slavery. His memoir was titled *A History of the Kansas Crusade: Its Friends and Its Foes*, and it is clear that Thayer counted William Lloyd Garrison among his foes, as he dedicated many pages to attacking the abolitionist. Emotion had no place in Thayer's so-called crusade, and he was driven primarily by a hyper-capitalistic drive to create a society better suited to accumulation. When clarifying his political arguments for Kansas colonization, he in fact contended of slavery that its harm emanated from the fact that "it made the poor whites of the South more abject and degraded than the slaves themselves."⁴⁷ While radical abolitionists like John Brown were drawn to Kansas to combat racist violence, Thayer's organized effort behind the free state movement had always intended that freedom meant "free white labor" and unfettered access to Indigenous land.⁴⁸

⁴⁶ Thayer, *A History of the Kansas Crusade*, 23–24.

⁴⁷ *Ibid.*, 31.

⁴⁸ Thayer's beliefs were consistent with the Republican sentiments that viewed slavery as a threat to "free white labor." Foner, *Free Soil, Free Labor, Free Men*, 61 describes how "during the 1850's the free labor argument with its racist tinge was utilized by many Republican spokesmen," and quotes one 1856 *New York Tribune* article stating that while some Republicans were motivated by antislavery sentiments, that "there are many more [Republicans] whose main impulse is a desire to secure the new territories for Free White Labor with little or no regard for the interests of negroes, free or slave."

The New England Emigrant Aid Society was perhaps an early advocate of “compassionate capitalism,” though this compassion extended to middle-class white settlers and not to enslaved people. This is not to say that Thayer was sentimental in his approach to the free state cause. In language that could be mistaken for a neoliberal celebration of entrepreneurialism, his chapter “The Work Begun: Charity vs. Business in Missionary Enterprise,” firmly established that “I had by then, and have not now, the slightest respect for that pride in charity which excludes from great philanthropic enterprises the strength and effectiveness of money-making.”⁴⁹ After a fanatical passage extolling the beauty of creating wealth against the pathetic nature of charitable handouts, Thayer clarified that his true disdain for slavery resulted from the fact that it forced people to live on donations and did not allow for free labor to prevail in slave economies. Thayer’s belief in his mission inspired his settlement imperative, making him something of a free labor evangelist. He explained this, saying:

if it was true, as the census proved, and as all the people of the free states maintained and believed, that our civilization was superior to that of the slave States, then we were at liberty at any time to go into the inferior states and establish free labor there. We were not only at liberty to do this, but we had a very great inducement to do it.⁵⁰

His commitment to spreading free-labor values drove him to colonize not only Kansas, but the rest of “uncivilized” lands more broadly.

Thayer’s free labor evangelism was always rooted in his capitalist values, as he openly despised moral abolitionist arguments against slavery. He blamed William Lloyd Garrison for driving moderates away from abolitionist movements, and claimed that passionate antislavery writings actually contributed to the spread of slavery, writing that “after Garrison began to issue his vituperative fulminations ... the South became imbittered against all antislavery men,

⁴⁹ Thayer, *A History of the Kansas Crusade*, 60.

⁵⁰ *Ibid.*, 61–62.

however moderate.”⁵¹ Thayer’s disgust for Garrison and other abolitionists was manifold, he found them too radical, too disorganized, and worst of all, weakened by their commitment to morality. Thayer lamented the fact that

a boy or girl who weeps over the misery described in a dime novel is very much weakened for all really charitable work. Hence hundreds of writers, both of prose and poetry, weakened the effective antislavery work of the country and destroyed to a great extent vigorous manhood by stimulating feelings which had nothing to do but to corrode and destroy their own tenements.⁵²

In this formulation, morality was not politically useful to Thayer. And beyond that, antiracism was detrimental to political movements because anything that drew upon “feelings” was weak and feminine.

Thayer instead praised his own business-minded approach to the free state cause as more rational and thus ultimately more conducive to success. People were drawn to his movement because “it was my custom in all my addresses to dwell upon the inherent and irresistible power of free labor, and to predict its speedy triumph.”⁵³ He proclaimed that his speeches “begat enthusiasm, and the people responded in large and eager audiences. They were much more interested in the physical advantages of freedom than the moral deformity of slavery.”⁵⁴ Thayer took great pains to dismantle abolitionist arguments against slavery, and offered his self-proclaimed popularity as evidence that his anti-antiracist beliefs were widely shared. His sentiments about philanthropy and moral-based antislavery were not, however, shared by all of his fellow New England settlers. While Amos Lawrence was not entirely compelled by morality, as his “Southern business connections tempered his dislike of slavery,” his antipathy toward

⁵¹ Ibid., 79.

⁵² Ibid., 91–92.

⁵³ Ibid.

⁵⁴ Ibid., 92.

slavery also did not mean that he shared Thayer's utopic colonial vision of a free labor Kansas.⁵⁵ Lawrence viewed the New England Emigrant Aid Company "not as a business venture, but as a rather expensive charity."⁵⁶

Thayer's plan for developing industry in the colony was grand in its scope while largely lacking the specificity to execute his vision. The New England Emigrant Aid Company selected what became Lawrence as its first townsite.⁵⁷ When the first band of settlers arrived in 1854, the town consisted solely of scattered tents and a single boarding house.⁵⁸ In his 1895 history of Lawrence, reverend Richard Cordley wrote that upon settlement there was a notable lack of lumber in the colony and that "a sawmill had been promised, but had not arrived."⁵⁹ The New England Emigrant Aid Company's charter had indeed "recommended" that the company directors send sawmills and other provisions of industry, such as printing presses, to the Kansas territory.⁶⁰ By 1855 the company sent materials to build sawmills to Lawrence, as well as to other "points promising to be business centers" such as Atchison, Topeka, Manhattan, and Quindaro.⁶¹ Thayer depicted the industrial capabilities of the Kansas project in utopic terms. In an 1859 speech before Congress, he claimed that

The difference between a free State market and a slave State market is almost beyond calculation. It is a difference based both on the quantity and the quality of goods which we manufacture as well as on the security for pay. Who, then, can condemn us for having enlisted in this crusade for freedom in Kansas with so much zeal, when we understood that her freedom would inure to the benefit of New England industry hereafter forever?⁶²

⁵⁵ Etcheson, *Bleeding Kansas*, 36.

⁵⁶ *Ibid.*

⁵⁷ Thayer, *A History of the Kansas Crusade*, 71–72.

⁵⁸ Richard Cordley, *A History of Lawrence, Kansas: From the Earliest Settlement to the Close of the Rebellion* (Lawrence: E.F. Caldwell, 1895), 12.

⁵⁹ *Ibid.*

⁶⁰ Charter quoted in Thayer, *A History of the Kansas Crusade*, 17.

⁶¹ Leslie A. Fitz, "The Development of the Milling Industry in Kansas," in *Collections of the Kansas State Historical Society Volume XII, 1911–1912*, ed. George W. Martin, (Topeka: Kansas State Printing Press, 1912), 56. Accessed at <https://www.kansasmemory.org/item/221606/page/6478>.

⁶² Eli Thayer, *Six Speeches With a Sketch of the Life of Hon. Eli Thayer* (Boston: Brown and Taggard, 1860), 38. Accessed at

As of 1859, the benefits that Kansas's industry brought to New England were debatable. Agriculture was the territory's primary industry, though cities like Lawrence undertook efforts to industrialize to some success.

Lawrence, the first free state settlement, was located along the Kaw River in the hopes that the city would become a shipping hub. In 1855 one local newspaper hopefully observed that "we are acquainted with no place which holds out advantages for the investment of capital equal to those in this city."⁶³ It noted that because St. Louis was the nearest metropolitan area, Lawrence held promise as the potential industrial capital of the West. But 1854, the year of settlement, had seen more rainfall than was typical and droughts in subsequent years made river travel difficult to impossible.⁶⁴ With hopes of Lawrence as a river thoroughfare dashed, the city focused its efforts on becoming a stop along the transpacific railroad. This plan was "partly successful," and by the early 1860s the Union Pacific railway had sanctioned a rail line along the Kaw, though it was located along the North side of the river and not the South as town leaders had hoped.⁶⁵ Over the coming decades, manufacturing developed in the town, though no particular industry dominated. Later, in the 1880s after the Kaw river was dammed, industrialist Justin DeWitt Bowersock helped build an "empire" of water-powered enterprises along the river, including a foundry, a paper company, a mill and a barbed wire company.⁶⁶

https://books.google.com/books?id=gK3fAAAAMAAJ&dq=eli+thayer+kansas+manufacturing&source=gbs_navlinks_s.

⁶³ Newspaper article quoted in Kenneth A. Middleton, "Manufacturing in Lawrence, Kansas, 1854–1900," MA Thesis, (University of Kansas, 1937), 6–7.

⁶⁴ James R. Shortridge and Barbara G. Shortridge, "Yankee Town on the Kaw: A Geographical and Historical Perspective on Lawrence and its Environs," in *Embattled Lawrence: Conflict and Community*, eds. Dennis Domer and Barbara Watkins (Lawrence: University of Kansas Continuing Education, 2001), 12 and Dale Nimz, "The Lawrence Waterfront," *Friends of the Kaw*, accessed on January 6, 2021, <https://kansasriver.org/learn/life-on-the-kaw/the-historic-kaw/the-lawrence-waterfront/>.

⁶⁵ Shortridge and Shortridge, "Yankee Town on the Kaw," 12.

⁶⁶ Paul O. Caviness, "Building History: The Consolidated Barb Wire Company Drawing Mill and the Industrial Riverfront of Lawrence, Kansas," Lawrence Preservation Alliance, 1988, 17. Accessed at the Lawrence Public Library, Helen Osma Local History Room, KC 725.21 CAV.

Despite this empire “around the turn of the century, Lawrence declined as a manufacturing center, as industries closed or moved to larger cities to consolidate scattered operations, secure favorable shipping rates or cheaper labor or for other reasons.”⁶⁷ Thayer’s vision of Lawrence as a manufacturing center that rivaled the South never manifested, and the New England Emigrant Aid Company’s selection of Lawrence as the industrial capital proved to be less conducive to large-scale industry than anticipated. Additionally, in its initial formulation the company was designed to sell off one million dollars in stock and eventually operate at a profit that would be invested in colonial endeavors in other regions of the country.⁶⁸ This never occurred, and by as early as 1857 Thayer and Amos Lawrence, the company treasurer, had essentially abandoned the effort.⁶⁹ Randal Butler summarized this effort:

the Company never achieved its capitalization goal of five million dollars. ... It barely managed to collect approximately \$190,000. No dividends were ever paid to its stockholders. Thus, in spite of what it did accomplish, it was a financial failure, due largely to the lack of public support.⁷⁰

Thayer’s efforts did not succeed in creating the manufacturing empire that he promised, nor did it succeed in bringing droves of settlers into the territory. While Thayer envisioned building a free labor colony in the territory, New England Emigrant Aid Company settlers did not comprise the majority of population by a long shot. In 1855 the company was estimated to have brought around 1,000 settlers, and “by 1860, although the New England population in Kansas had increased more than tenfold, New Englanders still accounted for only 4 percent of the population.”⁷¹ In an assessment of the company’s settlement efforts, Randall Butler

⁶⁷ *Ibid.*, 3.

⁶⁸ Thayer, *A History of the Kansas Crusade*, 28–29.

⁶⁹ Butler, “The New England Emigrant Aid Company,” 54.

⁷⁰ *Ibid.*, 56.

⁷¹ Etcheson, *Bleeding Kansas*, 37.

concludes that “numerically, the work of the Company was insignificant. The hopes of sending 30,000 to 50,000 people a season to Kansas, were clearly unfulfilled.”⁷²

New England Emigrant Aid Company and Colonization Beyond Kansas

Despite the relatively average economic development of Lawrence and other towns in Kansas, Eli Thayer’s overblown depictions of the Kansas colonization effort painted the project as enormously successful. Thayer celebrated the fact that while Kansas was almost “lost” to slavery, “the strong arms of free labor rescued her and proved their power to protect all the rights and all the interests of free men.”⁷³ While Thayer credited antislavery momentum as driving the initial formation of the New England Emigrant Aid Company, he was clear in his conviction that it was an adherence to business principles and the promotion of free labor that made the colonization effort successful.

Thayer’s limited business success did not seem to diminish his popularity: he was elected to the US House of Representatives in 1857. While in Congress, he gave a number of speeches advocating for Congress to make territorial settlement less restrictive. In one 1860 speech, he argued for giving white settlers unfettered sovereignty over the lands that they settled, unencumbered by territorial governments. He laid out a five-point plan for small-government territorial policy, the fifth step of which was an almost total popular sovereignty: if enacted, white settlers would have full control over the lands that they occupied, and the state would have very little control.⁷⁴ Thayer was instrumental in colonizing the Pacific Northwest and Florida, and even gave a speech to Congress in 1858 calling for the US to colonize Central America—or

⁷² Butler, “The New England Emigrant Aid Company,” 109.

⁷³ Thayer, *A History of the Kansas Crusade*, 222.

⁷⁴ US Congress, House, *The Territorial Policy: Speech of Eli Thayer, of Mass., in reply to Hon. Mr. Curtis and Hon. Mr. Gooch*, 36th cong., sess. 1, May 11, 1860, <https://archive.org/details/territorialpolic00lcthay/page/n5/mode/2up>, 6.

what he called the effort to “Americanize” Central America. Another of the New England Emigrant Aid Company’s colonization schemes, undertaken in 1864, was to transport the “surplus” women of Massachusetts to the Oregon territory—“girls of good character” were incentivized to move to the territory to rectify the large gender gap, and the company sent at least two groups of women.⁷⁵

But one of Thayer’s most elaborate colonization efforts after the New England Emigrant Aid Company was his attempt to re-colonize the US South through the establishment of the Virginia (now West Virginia) town Ceredo. After his self-declared success of the Kansas project, Thayer envisioned rebuilding the entirety of the US South in the same vein. An 1856 editorial in the *Cambridge Chronicle* summarized Thayer’s position, saying Kansas’s settlement

shows clearly enough that freedom will not only triumph, but it will triumph with an insignificant cost of blood, and an actual augmentation of treasure. He proposes to make a profitable business of colonizing Kansas; and indicates the way in which even the old slaveholding states may be also colonized by freedom.⁷⁶

The notion that a territory can be “colonized by freedom” reveals the precise limitations of free-state liberalism. Rather than being an antiracist endeavor, the ideological underpinnings of Kansas settlement embodied the settler fantasy taken to the extreme—Thayer imagined his “business antislavery” would be *so* successful that such practices would be able to rebuild the slave economy. Considering Thayer’s open disdain for Black equality, it is clear that his colonial vision was concerned with spreading capitalist “freedom” through the establishment of white free labor communities. This is the philosophy that underpinned his Kansas settlement effort.

In 1856 after Kansas settlement was under way, Thayer began to implement his plan of a “friendly invasion” of Virginia—of coordinating a capitalist venture that would build a free-labor

⁷⁵ Russel Hickman, “Speculative Activities of the Emigrant Aid Company,” *The Kansas Historical Quarterly* 4, no. 3 (August 1935): 264 and see also endnote 147.

⁷⁶ Thayer, *A History of the Kansas Crusade*, 224.

colony in the long-established slave state.⁷⁷ Thayer's enterprise purchased the lands for Ceredo in what is now West Virginia in 1857. He secured investments from a number of New York business owners to develop "a company like the Kansas one, but with larger capital."⁷⁸ With these funds, Thayer got to work securing sites for steam engines, several mills, "a carriage factory, a lucifer match factory, glass and salt works, a blacksmith shop and the like."⁷⁹ Accounts estimate that he induced 500 settlers to colonize Ceredo.⁸⁰ Unsurprisingly, the plan was met with local resistance. A September 11, 1857 article in the *Richmond Enquirer* reported on the proceedings of an "Anti-Eli Thayer Meeting" in nearby Guyandotte, Virginia.⁸¹ In the meeting, members of the anti-Thayer organization drafted a series of resolutions, the first of which stated that

should the said Eli Thayer or his confederates, or any other person or persons, coming among us with the purpose, either direct or contingent, immediate or eventual, of raising any anti-slavery agitation, in any manner, shape or form ... we shall take such decisive and positive correction of the evil into our own hands and will prove a salutary lesson to such men for the future.⁸²

Despite the opposition, Thayer's colony went forward, likely aided by Thayer's virulent racism in the media. In an 1857 article *New York Herald* article, Thayer described the Ceredo project in both obscenely racist and highly overblown terms, promising a colony of "at least two hundred thousand emigrants, without n*****s."⁸³ Thayer made it known in no uncertain terms

⁷⁷ Otis K. Rice, "Eli Thayer and the Friendly Invasion of Virginia," *The Journal of Southern History* 37, no 4 (Nov. 1971).

⁷⁸ Elizabeth Knight McClintic, "Ceredo: An Experiment in Colonization," MA Thesis, (Harvard-Radcliffe, 1937), 11. Kindly scanned and emailed during Covid-19 pandemic by Jessica Eichlin from Roy Bird Cook (1886-1961) Collector, Papers, Series 8. Bound Notebooks, 1679-1984, Box 25, p. 61-87, West Virginia and Regional History Center.

⁷⁹ *Ibid.*, 20.

⁸⁰ *Ibid.*

⁸¹ "Anti-Eli Thayer Meeting," *Richmond Enquirer* (Richmond, VA), Sept. 11, 1857, 4. Accessed at www.newspapers.com.

⁸² "Anti-Eli Thayer Meeting," 4.

⁸³ "A Northern Virginia Emigrant Aid Society," *New York Herald* (New York, NY), February 28, 1857, 4. Accessed at <https://www.loc.gov/resource/sn83030313/1857-02-28/ed-1/?sp=4&r=0.194,0.216,0.603,0.267,0>.

that his colonial vision was a white supremacist free labor colony. Several newspapers ran a July 21, 1857 speech in which Thayer appealed to the racist sentiments of his detractors by likening his steam engines to “slaves.” He told listeners that

the company is called an ‘abolition company.’ Let me quiet your apprehensions in that regard. The company already holds four slaves, which will soon be in active service. And such slaves they are! They have the power of seven hundred horses, which is the power of forty-nine hundred Negroes.⁸⁴

His racist pandering continued when he claimed of his machine “slaves:” “Besides, they never runaway [*sic*]. They do not steal hams and chickens and rob clothes lines.”⁸⁵ His reliance upon familiar anti-Black tropes clarified to potential detractors that racism would be alive and well in Ceredo, even without slavery.

Thayer’s description of his Ceredo project revealed the extent to which antiracism had no place in his abolitionist vision. The free state liberalism that his business enterprise undertook in Kansas may have attracted philanthropists and individuals who were genuinely disdainful of slavery, but his colonization projects were motivated not only by a desire for profit, but also by his white supremacist beliefs about African Americans. Despite his overt racism, he promised his colony could potentially enlighten Southerners. In a November 1857 article in the *Wheeling Daily Intelligencer* Thayer told potential “emigrants” that

your sons and daughters, on the soil of their birth, will soon enjoy the finest advantages of education, and the refining influences of cultivated society. Who objects to this? The defenders of *the* institution? They have not enough charcoal to hinder us *much*. CEREDO is a fixed fact—a manifest destiny.⁸⁶

⁸⁴ “The Free Labor Movement in Virginia,” *New York Daily Herald* (New York, NY), August 1, 1857, 2. Accessed at www.newspapers.com.

⁸⁵ *Ibid.*

⁸⁶ “Eli Thayer and his Colony” in *The Wheeling Daily Intelligencer* (Wheeling, WV), November 3, 1857, 2, Accessed at www.newspapers.com.

Despite these lofty promises, migration to Ceredo never amounted to much and the town saw little economic development.⁸⁷ Thayer later claimed that if his free labor enterprise had been established in Virginia in 1855 (rather than 1857), that “two years of such work, by such a company, in Virginia, would have made her as secure for the Union in 1861 as Massachusetts was.”⁸⁸ Apparently his colony was not unsuccessful, but was simply too late. Interestingly, Elizabeth Knight McClintic’s 1937 Master’s Thesis claimed that Thayer met with John Brown in Worcester, Massachusetts in 1857 and unknowingly provided Brown with the guns used in the Harper’s Ferry raid.⁸⁹ McClintic wrote that the 1859 raid was the death-knell of the Ceredo project, as “the region felt that a colony of abolitionists was a danger in its midst, the attitude became hostile, threats were made, and a body bearing marks of violence was found in the woods. Emigration to the colony soon ceased, and settlers began to cease.”⁹⁰ Despite Thayer’s racist assurances to his southern neighbors, the mere association with antislavery was too contentious in the lead-up to the Civil War.

When reconciling Thayer’s understanding of his colonial project as highly successful with both the reality of Indigenous displacement in Kansas, as well as his violent anti-Black rhetoric, Kansas’s settlement can be understood as an origin point for a notion of white liberal personhood that was empowered by a growing commitment to whiteness as property. In Thayer’s vision, without the competition of unpaid slave labor, white people had *more* ownership over the right to sell their labor, and thanks to widening colonization efforts they also had more territorial venues to encroach upon. While radical abolitionism was about empowering

⁸⁷ McClintoc, “Ceredo,” 24.

⁸⁸ Thayer, *A History of the Kansas Crusade*, 59.

⁸⁹ McClintoc, “Ceredo,” 22. See also F.B. Sanborn, ed., *The Life and Letters of John Brown: Liberator of Kansas and Martyr of Virginia* (Boston: Roberts Brothers, 1885), 382, which prints an 1857 letter in which Thayer agrees to send Brown weapons.

⁹⁰ *Ibid.*

Black personhood, liberal free state antislavery was always about expanding white power. This, coupled with the reality of the on-the-ground colonialism that popular sovereignty made possible in Kansas, materially and symbolically strengthened white access to property ownership even when the New England Emigrant Aid Company failed to achieve commercial success.

Radical Abolitionism and Black Communities in Kansas

Despite the anti-Black sentiments of the political free state movement, Kansas's association with freedom provided opportunities for radical abolitionism, Black resistance, and Black community building in the territorial through post-Civil War eras. Lawrence was not settled by radical abolitionists, but was long rumored to be a stop along the Underground Railroad due to its deep association with the free state cause. But this association also ensured that the town was subject to more scrutiny from proslavery forces, and it is believed that it did not become a destination for freedom seekers until after 1857.⁹¹ Several locations and individuals in Lawrence were rumored to provide sanctuary for those escaping slavery.⁹² Abolitionist minister Richard Cordley described an account in which a man from Vermont, "Mr. Monteith," approached him in 1859 for assistance in housing a woman in Lawrence named Lizzie who had escaped enslavement.⁹³ Cordley explained that after the passage of the 1850 Fugitive Slave Act, "I had declared that if a poor wanderer ever came to my house, I should take him in and never ask whether he were a slave or not."⁹⁴ Cordley housed Lizzie for a time, and he, along with several associates, even assisted Lizzie with a dangerous getaway when she was identified in

⁹¹ Richard Sheridan, "Introduction," *Freedom's Crucible: The Underground Railroad in Lawrence and Douglas County Kansas, 1854–1865: A Reader*, ed. Richard B. Sheridan (Lawrence: University of Kansas Continuing Education, 1998), xxxv.

⁹² See Nancy Smith, "The 'Liberty Line' in Lawrence, Kansas Territory," in *Freedom's Crucible: The Underground Railroad in Lawrence and Douglas County Kansas, 1854–1865: A Reader*, ed. Richard B. Sheridan (Lawrence: University of Kansas Continuing Education, 1998), 1–10.

⁹³ Richard Cordley, *Pioneer Days in Kansas* (Boston: The Pilgrim Press, 1903), 123.

⁹⁴ *Ibid.*

Lawrence by her captors.⁹⁵ Despite his abolitionist principles, Cordley wrote that the incident with Lizzie “was the first and only time I ever came in personal contact with the Underground Railroad.” He evaluates the abolitionist sentiments of his neighbors, concluding that “So far as I know very few Kansas people ever enticed slaves away or incited them to escape. But when one did escape there were not many who would refuse him a meal or a helping hand.”⁹⁶ While Cordley may not have been aware about such efforts, sites like the still-standing Grover Barn in Lawrence are a testament to radical abolitionist efforts in Lawrence. In one account, John Brown was said to have assisted a group of individuals escaping slavery in 1859, and before escaping toward freedom they spent several days in Joel Grover’s barn, who was an abolitionist who had come to Lawrence with the New England Emigrant Aid Company.⁹⁷

Despite Thayer’s formulation of Kansas as a free state equated with free white labor, Cordley wrote that individuals escaping slavery during the Civil War had “three points fixed in their mind—Lawrence, Canada, and the north pole. As Lawrence was the nearest of the three, they came here first.”⁹⁸ In his memoir about Lawrence settlement he referred to “the Contrabands”—individuals who had escaped slavery—and the growing community of freedpersons in Lawrence. Some Lawrence residents worked to provide resources for the growing community of freedpersons, such as assisting in building a church and the creation of an evening school.⁹⁹ When questions arose about how Lawrence should deal with the freed

⁹⁵ Ibid., 128–134.

⁹⁶ Ibid., 135.

⁹⁷ Account provided at “History,” Guardians of Grover Barn, accessed on January 14, 2021, <https://guardiansofgroverbarn.com/history/>. For more accounts of Underground Railroad histories of Lawrence and Douglas County see Richard B. Sheridan, ed., *Freedom’s Crucible: The Underground Railroad in Lawrence and Douglas County Kansas, 1854–1865: A Reader*, ed. Richard B. Sheridan (Lawrence: University of Kansas Continuing Education, 1998).

⁹⁸ Cordley, *Pioneer Days in Kansas*, 138. Cordley also explains that during the Civil War the community were referred to as “contrabands of war” but that “After the proclamation of freedom they were very properly called ‘freedmen’” (149–150).

⁹⁹ Ibid., 137–151.

community, Cordley progressively proclaimed that “The negroes are not coming. They are here. They will stay here. They are American born. They have been here for more than two hundred and fifty years.”¹⁰⁰

The 1865 census indicates that in Lawrence’s home county, Douglas County, 13.2% of the population was Black, with 933 African Americans living in Lawrence and 1,145 living in other parts of county, and “all but a fraction of these people had been chattel slaves in Missouri and to a lesser extent Arkansas.”¹⁰¹ One community in Douglas County was the unincorporated town of Bloomington, which “by the end of the 1870s had one of the largest African American farming populations in the state.”¹⁰² Bloomington still remained a predominantly Black community decades later. Thomas Hill, whose grandfather and mother had escaped slavery to Kansas, was born in Bloomington in the early twentieth century. In a 1977 oral history he described that in his early life Bloomington was a predominantly Black agricultural settlement with a school, a blacksmith shop, stores, and a church.¹⁰³ Despite this rich African American history, in the 1960s the Army Corps of Engineers selected Bloomington to be flooded for the construction of the Clinton Reservoir.

While Kansas settlement was largely bolstered by a desire for land, some abolitionists envisioned Kansas as a potential site for a radical change. The most well-known of these movements was led by John Brown, who followed four of his sons to Kansas in 1855 after the passage of the Kansas-Nebraska Act.¹⁰⁴ Brown was an avid abolitionist who traveled the country

¹⁰⁰ Ibid., 150–151.

¹⁰¹ Richard B. Sheridan, “The Contrabands in Lawrence and Douglas County,” in *Freedom's Crucible: The Underground Railroad in Lawrence and Douglas County Kansas, 1854–1865: A Reader*, ed. Richard B. Sheridan (Lawrence: University of Kansas Continuing Education, 1998), 105.

¹⁰² George Frazier, *The Last Wild Places of Kansas: Journeys Into Hidden Landscapes* (Lawrence: University Press of Kansas, 2016), 1.

¹⁰³ See “Thomas Hill,” Lawrence/Douglas County African American Oral History Interviews, conducted June 24, 1977, accessed April 12, 2021, http://oralhistory.lplks.org/4thomas_hill.html#.

¹⁰⁴ W.E.B. Du Bois, *John Brown* (New York: International Publishers, 1972), 100–101.

to aid in fights against slavery in the pre-Civil War years. In 1856 Brown led several military actions against proslavery forces in Kansas, the most historicized of which was the “Pottawatomie Massacre” in which Brown, four of his sons, and two other fighters entered the homes of proslavery men and killed five on the night of May 24, 1856.¹⁰⁵ Brown famously went on to lead the Harpers Ferry raid in Virginia, an act for which he and several of his followers were executed.

Brown has become legendary in Kansas, and Lawrence in particular has embraced the image of John Brown as an association with Kansas’s early “free state” history. But Brown’s abolition was the antithesis of the free state settlement efforts like that undertaken by the New England Emigrant Aid Company. This discrepancy between free labor settlement and antiracist abolition was well documented by Brown’s early biographers. In his 1860 *The Public Life of Capt. John Brown*, abolitionist James Redpath wrote that at an antislavery caucus meeting in Osawatimie in the Kansas territory, Brown was in attendance while

the politicians of the neighborhood were carefully pruning resolutions so as to suit every variety of anti-slavery extensionist; and more especially that class of persons whose opposition to slavery was founded on expediency—the selfishness of race, and caste, and interest: men who were desirous that Kansas should be consecrated to free *white* [in original] labor only, not to FREEDOM [in original] for all and above all.¹⁰⁶

Redpath explained that Brown passionately voiced his opposition to this rhetoric, and that he affirmed the “manhood” of African Americans, writing that “this was John Brown’s first and last appearance in a public meeting in Kansas.”¹⁰⁷ While radical abolitionists like John Brown were certainly drawn to Kansas to combat racist violence, the organized effort behind the free state

¹⁰⁵ See Kara L. Gridley, “John Brown and Lawrence, Kansas Territory, 1856–1859,” in *Embattled Lawrence: Conflict and Community*, eds. Dennis Domer and Barbara Watkins (Lawrence: The University of Kansas Continuing Education, 2001), 26.

¹⁰⁶ James Redpath, *The Public Life of Cap. John Brown* (Boston: Thayer and Eldridge, 1860), 103.

¹⁰⁷ *Ibid.*, 104.

movement had always intended that freedom meant “free white labor” and unfettered access to Indigenous land. While the sustained abolition effort was motivated by colonialism and displacement, W.E.B Du Bois described John Brown’s alternative vision of freedom as one that rejected slavery and land ownership. He explained that Brown

thought that society ought to be organized on a less selfish basis; for while material interests gained something by the deification of pure selfishness, men and women lost much by it. He said that all great reforms, like the Christian religion, were based on broad, generous, self-sacrificing principles. He condemned the sale of land as chattel, and thought there was an indefinite number of wrongs to right before society would ever be what it should be, but that in our country slavery was the ‘sum of all villainies,’ and its abolition the first essential work.¹⁰⁸

While Kansas’s free-state history might inspire contemporary conversations about the state’s unique origins, the colonialist equation of freedom with land ownership did not create radical potentialities for Kansas. Only alternative visions of freedom—visions not predicated upon liberal ownership—carried true potential for a truly “free” society.

Such radical potentialities were evident in other abolitionist communities in Kansas.

Quindaro township was situated near both the Missouri border and the Kaw River and is located today in present-day Kansas City, Kansas. The town was founded in 1856 on lands that had been previously held by the Wyandot tribe and was named for one Wyandot woman, Quindaro Nancy Brown Guthrie, the wife of the abolitionist town founder Abelard Guthrie.¹⁰⁹ Quindaro became a destination for African Americans escaping slavery, and the Guthries used their farm to assist in these efforts.¹¹⁰ Settlers involved with the New England Aid Company, including Thayer, saw Quindaro as an investment opportunity due to its proximity to the river.¹¹¹ Because the free-

¹⁰⁸ Du Bois, *John Brown*, 129.

¹⁰⁹ See Perl Wilbur Morgan, “Chapter X: Old Quindaro,” in *History of Wyandotte County and its People, Volume I* (Chicago: The Lewis Publishing Company, 1911): 102–105.

¹¹⁰ Sheridan, “Introduction,” xvi; and Mary Ellen Snodgrass, *The Underground Railroad: An Encyclopedia of People, Places, and Operations, Volumes I–II* (New York: Routledge, 2008), 238–239.

¹¹¹ Nicole Etcheson, “The Homestead of the Free: Freedom and Prosperity in Quindaro, Kansas,” *Kansas History: A Journal of the Central Plains* 42 (Summer 2019): 93.

state movement was premised on logics of ownership, it was a colonial project and thus inherently based on extractive principles. This did not mean, however, that all abolitionist endeavors to establish settlements in Kansas adhered to the same logics. Contemporary portrayals of Quindaro's history note that it because of the city's Wyandotte and Black histories, it "stands as an example of multi-ethnic collaboration that fought social injustice in Territorial Kansas."¹¹² The former Quindaro township town was home to a thriving free Black community and developed important institutions, including a school for formerly enslaved people that became the first African American college west of the Mississippi, Western University.¹¹³ This history made Quindaro an early destination for Exodusters fleeing the South in 1879.¹¹⁴ Given Quindaro's significance for African American history in Kansas, many efforts have been taken over the last several decades preserve important historical sites in the old Quindaro township.¹¹⁵

While Kansas settlement was bolstered by emigration efforts that were funded and sustained by white capitalists from the east coast, a second "emigration" into Kansas decades later evidences the reality that personhood via land ownership was not a universally applied concept. Amidst the burgeoning Jim Crow order in the south, the Exodusters were Black southerners who created a movement that led around fifteen-thousand people to flee states like Louisiana, Tennessee, Texas, and Mississippi for Kansas in 1879–1880.¹¹⁶ The Exodus's leaders

¹¹² Steve Collins and Dorothy Collins, "Quindaro Underground Railroad: A Unique Ethnic Unity in America's Past," *Kansas City Community College E-Journal* 1 (October 2007), <https://www.kckcc.edu/files/docs/ejournal/volume-one/number-one-oct-2007/quindaro-underground-railroad-a-unique-ethnic-unity-in-americas-past.pdf>

¹¹³ Etcheson, "The Homestead of the Free," 99.

¹¹⁴ Glen Schwendemann, "Wyandotte and the First Exodusters of 1879," *Kansas Historical Quarterly* 26, no. 3 (Autumn 1960), accessed at <https://www.kshs.org/p/kansas-historical-quarterly-wyandotte-and-the-first-exodusters-of-1879/17484>.

¹¹⁵ For accounts of these preservation efforts see two articles in the special issue on Quindaro in *Kansas History: A Journal of the Central Plains* 42, no 2 (Summer 2019), of Rev. Stacy R. Evans, "The More Things Change...", 77–79 and Fred Whitehead, with the assistance of Marvin Robinson, "The Struggle to Save the Quindaro Site, 1982–1989"

¹¹⁶ Nell Irvin Painter, *Exodusters: Black Migration to Kansas After Reconstruction* (New York: Alfred A. Knopf, 1976), 256

selected Kansas as a site for migration in part because of its free-state legacy and the space it occupied in the imaginaries of those hoping to escape the violent and oppressive conditions of the south. Offering formerly enslaved individuals a chance at land ownership and liberal equality, “in the Kansas Fever Exodus, Kansas was often termed the ‘Negro Canaan,’ or the ‘Promised Land.’”¹¹⁷ It was land itself that created the possibilities of this “promised land.” For white “emigrants,” free-state lands provided possibilities for accumulation and capital. For Black southerners, the free state potentially afforded true freedom: as Nell Irvin Painter wrote, “farming one’s own land on one’s own account meant being one’s own master.”¹¹⁸

In 1880 after the coordinated Exodus movement had begun, the Black population in Kansas was numbered at just over 43,000.¹¹⁹ The most well-known Black community in Kansas was Nicodemus, in rural northwestern Kansas. Nicodemus was founded by Black Kentuckians in 1877, and by 1880 the town was predominantly African American, with 452 Black residents and 58 white residents.¹²⁰ Early promotional material for the town touted Nicodemus as “the ‘Promise Land,’” and promised to build “‘Largest Colored Colony in America.’”¹²¹ But upon arrival in Nicodemus and other regions in Kansas, many Black residents and Exodusters learned that Kansas was not necessarily the sanctuary they had imagined. In Nicodemus in particular,

¹¹⁷ Ibid., 195.

¹¹⁸ Ibid., 6; While Black Nicodemus residents experienced political and community violence, Brent Campney, *This Is Not Dixie: Racist Violence in Kansas, 1861–1927* (Urbana: University of Illinois Press, 2015), 65–66, discusses how Black migrants to Kansas experienced overt racial terror. Campney describes how in 1879 amidst anti-Exodus sentiment an Olathe, Kansas newspaper published an article suggesting that African American migrants to the area would be lynched. In other places, these threats came to fruition, such as in March 1879 when a lynch mob killed a Black man named Bill Howard in Fort Scott, Kansas. Racist newspapers accounts across the state ranged from mocking Black emigrants to Kansas to threatening to enact racist violence upon newcomers.

¹¹⁹ Painter, *Exodusters*, 146.

¹²⁰ Claire O’Brien, “One Mighty Pull: Interracial Town Boosting in Nicodemus, Kansas,” *Great Plains Quarterly* 16, no. 2 (Spring 1996): 119.

¹²¹ Quoted in National Park Service, US Department of the Interior, Rocky Mountain Region, *Promised Land on the Solomon: Black Settlement at Nicodemus, Kansas* (Washington, DC: U.S. Government Printing Office, 1986), 5.

nearby white farmers attempted to subvert Black political power by excluding African Americans from population counts so that Graham County would not be established until “there were not merely fifteen hundred people in the territory (as stipulated by state law), but fifteen hundred *white* people (emphasis in original).”¹²² The town is remembered today for its important role in Black history in early Kansas. But post-Exoduster settlement in Nicodemus declined out as a result of national economic depression in the 1880s as well as the town’s failure to acquire a railroad stop. Despite this, Kansas experienced some population growth into the early twentieth century.¹²³

Despite exclusionary white liberal formulations of a free state defined by whites’ increased access to land and self-ownership, the Free State occupied an important place for African Americans fleeing the economic conditions and the deeply entrenched white supremacy of the South. Black communities in Nicodemus, Quindaro, and Bloomington developed in spite of early political attempts to block Black settlement in Kansas. They demonstrated that competing notions of freedom were at play in the free state. While Thayer explicitly excluded Black equality from his conception of liberal possibilities in Kansas, Painter explained the symbolic power of Kansas: “To make Kansas a Free State, blood flowed freely during the 1850s. It was the quintessential free state, the land of John Brown, a ‘free state in which a colored man can enjoy his freedom.’”¹²⁴

Freedom through Indigenous Dispossession: Legal Mechanisms and Acquiring Indigenous Lands

Between Thayer’s open anti-Black racism to the Free State Constitution’s exclusion of Black Kansans from full social inclusion, the political arm of the free state movement established

¹²² Painter, *Exodusters*, 152.

¹²³ *Ibid.*, 259.

¹²⁴ *Ibid.*, 159.

that its vision of liberal freedom in Kansas was reserved for white inhabitants. Anti-slavery was a political issue, and the “free state” only narrowly voted to allow African Americans to live in Kansas. In this way, the “property” of whiteness was strengthened in its selective relationship to Black freedom—the movement could use an antislavery platform solely as a means to promote the interests of free white labor.¹²⁵ Free state settlers also expanded the scope of liberal ownership, exploiting Indigenous treaty provisions to strengthen their claims on their own settlements. Rather than engaging in outright squatting, these settlers used sophisticated methods of land acquisition to obscure Native landholdings. These processes again reveal the individualized and on-the-ground manifestations of colonial dispossession.

This can be seen in the case of Robert Robitaille, a member of the Wyandotte tribe. In 1910 a Lawrence, Kansas newspaper article purported to tell the story of the “First Inhabitant of Lawrence,” describing how “Robert Robitaille of Indian distinction” came to possess the lands that became Lawrence.¹²⁶ According to the article, upon being removed to Kansas, Robitaille selected lands “where a great portion of the city of Lawrence now stands; and this by all rights became perhaps the city’s oldest landowner and inhabitant.”¹²⁷ The article lamented the fact that there were no public memorials commemorating Robitaille, as “an Indian of such distinguished ancestry ought to be remembered by at least naming a building in his honor.”¹²⁸ The author is making an appeal for a physical representation of what Jean O’Brien terms a “replacement narrative,” wherein settlers

formulated a history that negated previous Indian history as a “dead end” (literally), supplanting it with a glorious ... history of just relations and property transactions rooted

¹²⁵ From Cheryl I. Harris, “Whiteness as Property,” *Harvard Law Review* 106, no. 8 (June 1993).

¹²⁶ “First Inhabitant of Lawrence,” *Lawrence Journal World* (Lawrence, KS), December 8, 1910, 1. Accessed at www.newspapers.com.

¹²⁷ *Ibid.*

¹²⁸ *Ibid.*

in American diplomacy that legitimated their claims to the land and the institutions they grounded there.¹²⁹

In this newspaper account, Robitaille was notable for his Native background as well as his landowner status. How the lands that were once, apparently, Robitaille's became the city of Lawrence is not a part of the story, and his role in Lawrence's founding merited a symbol of commemoration like a statue or a building, but did not warrant a conversation about how Indigenous lands came to be predominantly white spaces. Aside from this erasure of the process through which these lands became the city of Lawrence, the article incorrectly interpreted Robitaille's relationship to the land.

In reality, Robitaille's story, and the story of land in Lawrence, was much more complicated. Robitaille was not a resident of Lawrence, but the lands that the federal government granted to him and two other members of the Wyandotte tribe were used by white settlers in Lawrence to strengthen their hold on land claims. The federal government granted 35 members of the Wyandotte tribe "donation grants," also called floating reserves or floats, in an 1842 treaty that removed the tribe from Ohio and Michigan to Kansas.¹³⁰ The lands were "floating" because they allowed for 640-acre tracts that could be located "on any Government land west of the States of Missouri and Iowa, subject to pre-emption and settlement."¹³¹ The three floats that make up much of the land that Lawrence was settled upon were not selected by its original

¹²⁹ Jean O'Brien, *Firsting and Lasting: Writing Indians Out of Existence in New England* (Minneapolis: University of Minnesota Press, 2010), 55. O'Brien wrote specifically about how this process unfolded in New England, but theory is very applicable to this narrative.

¹³⁰ For a lengthy history of the Wyandotte floats, see Homer E. Socolofsky, "Wyandot Floats," *The Kansas Historical Quarterly* 36 no. 3 (Autumn 1970): 241–304. Throughout the article Socolofsky commonly refers to the land grants as "donation grants." It is an interesting word choice given that he writes that "these government donations, or gifts—no doubt carefully made to guarantee the acceptance of the remainder of the treaty—were 'floating' grants because they were not tied to a particular piece of land, as was the case with earlier Wyandot donations" (244).

¹³¹ *Ibid.*, 244.

Wyandotte grantees, but were rather located and purchased by white free-state settlers to establish more secure claims upon the lands to protect from squatter encroachment.

In 1855 Indian Commissioner George Manypenny clarified that titles held to float lands were more legitimate than lands that were merely squatted or settled upon by saying that “in view of the lapse of time since 1842 when the right of the Indian was secured by the treaty, his claim will be regarded as justly entitled to precedence over that of the white settler in cases where his location either preceded or is of equal date with that of the white settler.”¹³² Because the federal government had granted these lands over a decade prior, those who held a floating grant did not have to “improve” lands, but could rather register their float with the Commissioner of the General Land Office to establish legal ownership over the lands.¹³³ As of 1857, 34 of these floats remained, and 17 of them were occupied by Wyandotte people. The rest had been purchased by white settlers.¹³⁴ Because of Manypenny’s declaration that Wyandotte grantees would be prioritized in land disputes, white settlers clamored to obtain the floats to have more secure land rights than other white squatters. The grants were manipulated to favor white settlers even though they supposedly existed to do the opposite.

Dramatically, questions of possession under the floats eventually led to an infamous murder. In 1858, James Lane, a fanatic free-stater and “Jayhawker” military leader in the Civil War, killed another free state settler, Gaius Jenkins, over a contested land claim involving one of the Wyandotte Floats.¹³⁵ Lane and Jenkins both claimed overlapping portions of their properties,

¹³² Ibid., 251.

¹³³ Ibid., 246–247.

¹³⁴ Ibid., 248.

¹³⁵ More about James Lane’s political sentiments can be found in Etcheson, *Bleeding Kansas*, 71–72. Etcheson describes Lane’s military career in *Bleeding Kansas*, 230–232. In Kansas’s territorial period Lane led efforts to prevent Black migration to Kansas, but as a military leader he recruited and led Black soldiers who fought alongside white troops. Though Etcheson notes that “Lane’s motivations were pragmatic and not yet devoid of the racism that had earlier marked his pronouncements on slavery” (230). Lane also had controversial and extreme views related to Indigenous dispossession, as Annie Heloise Abel, *The American Indian as Participant in the Civil War* (Cleveland,

and Lane had attempted to use float lands he had acquired from a Wyandotte man named Joel Walker to cover the disputed portion. When this did not work as easily as he had hoped, Lane was incensed that his mechanisms of land acquisition, coupled with his self-identification as a “squatter,” did not entitle him to the land he desired. At a point of frustration, Lane wrote to Indian Commissioner Manypenny,

I trust you will not permit the right of the Squatter to be trampled underfoot-for the benefit of the men [of] speculation. . . . I came to Kansas to become a permanent citizen, purchased a claim for which I paid a high price, built me a house, broke up, fenced & planted my land & now without remuneration or thanks a large portion will be taken from me unless you or those having the matter in charge will interfere [*sic*]. I appeal to you to arrest the wrong & vindicate the law passed by Congress for the Encouragement of the actual Settler.¹³⁶

Lane’s appeals were not successful, and in 1858 Lane shot and murdered Jenkins after an alleged trespassing. He was acquitted of the murder after witnesses testified that they saw Jenkins attempting to attack Lane.¹³⁷ The murder charge did not dampen Lane’s political motivations, and he went on to become a US Senator for Kansas in 1865.¹³⁸ Jenkin’s family was awarded his lands after his murder, but Lane actually successfully sued Jenkins’s family for possession of the lands acquired through the float in 1860.¹³⁹

Lane was not the only prominent free-stater to use Wyandotte float lands to secure landholdings. Former territorial governor Charles Robinson also attempted to use float lands to secure lands in Lawrence after discovering that the areas the New England Emigrant Aid

OH: The Arthur H. Clark Company, 1919), 223 writes that in 1862 Lane proposed expanding Kansas to include what was then “Indian Country” (now Oklahoma). Lane wrote to US Senate “proposing an inquiry into the propriety and expediency of extending the southern boundary of Kansas to be the northern boundary of Texas, so as to include within the boundaries of Kansas the territory known as the Indian territory.”

¹³⁶ Socolofsky, “Wyandot Floats,” 263.

¹³⁷ Etcheson, *Bleeding Kansas*, 182.

¹³⁸ Socolofsky, “Wyandot Floats,” 264.

¹³⁹ *Ibid.*

Company coveted for town development had already been claimed by farmers.¹⁴⁰ Against the interests of “squatter sovereignty,”

Charles Robinson’s general attitude was to offer no compromise to settlers outside the auspices of the New England Emigrant Aid Company, by claiming the preeminence of town locations, particularly where a trading post existed, over farming locations. To enhance the chances of more quickly gaining title to their lands, Wyandot floats were laid on various tracts in the area.¹⁴¹

Despite his efforts, however, bureaucratic error prevented Robinson from using the float lands in Lawrence.¹⁴² His insistence reveals the legal mechanisms Free State settlers attempted to use to protect their own property interests. The Wyandotte floats demonstrate just one example of the ways that white settlers manipulated Native treaties to suit the interests of white property ownership. While the 1842 “donation grants” had been a federal provision for members of the Wyandotte tribe who were deemed “civilized” enough for private property ownership, the lands became one more way that white ownership was strengthened at the expense of Indigenous displacement.

The free-state settler negation of Indigenous personhood was evident not only through the initial land acquisition practices upon settlement, but also through subsequent settler efforts to “manage” Indigenous populations in Kansas. For instance, free-state settler Dudley C. Haskell, who came to Lawrence with the New England Emigrant Aid Company in 1855, was pivotal in establishing the United States Indian Industrial Training School in Lawrence in 1884.¹⁴³ Haskell was a US representative in the House, and as chair of the Committee on Indian Affairs he campaigned to have the school located in Lawrence. The school was renamed to commemorate

¹⁴⁰ Ibid., 261.

¹⁴¹ Ibid., 262.

¹⁴² Ibid.

¹⁴³ Information about Haskell’s family and the New England Emigrant Aid Company is here “John G. Haskell,” Kansaspedia, Kansas Memory, modified December 2013, <https://www.kshs.org/kansapedia/john-g-haskell/16761>.

Haskell after his death.¹⁴⁴ Chapter five will discuss the history of liberal understandings of race and reform at Haskell Institute, but at the time of its 1884 opening it was rooted deeply in “liberal” assimilationist logics that asserted that Native people could only survive if they adopted white cultural norms and labor practices. That Dudley Haskell fought to bring the school to Lawrence demonstrates his commitment to this project.

Another free state settler who undertook such “liberal” missions was James Stanley Emery who came to Kansas from Massachusetts in 1854 with the second party of the New England Aid Company.¹⁴⁵ Emery was a judge and the former US District Attorney of Kansas, and a street in his hometown of Lawrence bears his name to this day. In line with free-state liberalism’s views on land, Emery played a role in shaping the outcomes of the “public” lands of Kansas. His 1899 obituary describes his ongoing colonial efforts after the Kansas settlement period ended, claiming that he “used to say that our public lands were about exhausted, and the only outlet for surplus population was to make our semiarid lands habitable.”¹⁴⁶ To counter the supposed threat of overpopulation in Kansas, Emery also advocated for the violent displacement of Indigenous people in Kansas. While Emery is associated with liberalism by virtue of his free state association, the speeches he gave about Indigenous lands and peoples reveal his belief that violent extermination and subsequent rhetorical erasure of Indigenous personhood was necessary to make way for increased white settlement.

On December 18, 1888, Emery was one of many attendees who convened to speak at a convention in Baxter Springs, Kansas. The purpose of the convention was to “tak[e] active steps

¹⁴⁴ Kim Cary Warren, *The Quest for Citizenship : African American and Native American Education in Kansas, 1880–1935* (Chapel Hill: University of North Carolina Press, 2010), 21.

¹⁴⁵ Richard Cordley, *A History of Lawrence, Kansas: From the First Settlement to the Close of Rebellion* (Lawrence, KS: E.F. Caldwell, 1895), 8.

¹⁴⁶ “Judge J.S. Emery Dead,” *Lawrence Daily Journal* (Lawrence, KS), June 10, 1899, 12. Accessed at www.newspapers.com.

toward securing the early opening of the Indian territory to white settlers, and the allotment of lands to Indians.”¹⁴⁷ An article in the *Topeka Daily Capital* about the convention laid out the convention’s goals extremely racist terms, claiming that “it is a well known fact that the one dark spot upon our maps is that semi-barbarous section of the country known as the Indian country.”¹⁴⁸ In the late nineteenth century the same colonialist impulses that drove initial waves of Kansas settlement advocated for the acquisition of still more lands. The newspaper claims that “lying directly in the center of civilization and enlightenment, surrounded on all sides by a people, energetic and prosperous and progressive” were apparently highly desirable lands that were “abandoned to the half civilized Indians, outlaws and renegades from the border states.”¹⁴⁹ At the Baxter convention, enthusiastic settlers from across Kansas and Missouri, but also expected from as far as Chicago, convened to collectively demand increased access to “Indian lands.”

Emery’s speech at the convention was in keeping with this theme. His supposedly moralistic plea advocated for the US to develop policy that he believed would better suit both Indigenous populations and the downtrodden white settlers who had been targeted by the US’s misguided Indian policy. Emery, like Thayer and other advocates of squatter sovereignty, painted white men as the victims of federal policy. He explained that the moment had arrived for the convention to ask that “from now on the white man shall be treated as liberally as the Indian, so far as public lands are concerned.”¹⁵⁰ White settlers were the true targets of state violence in Emery’s view. As the beneficiaries of this supposedly liberal policy of land allotment, Emery

¹⁴⁷ “An Important Meeting,” *The Topeka Daily Capital* (Topeka, KS), December 18, 1888, 3. Accessed at www.newspapers.com.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

¹⁵⁰ “Baxter Springs Commencement Remarks,” December 18, 1888,” James Stanley Emery Coll. #339, Box 2 Folders 20–25. Available online at Kansas State Historical Society, *Kansas Memory*, <https://www.kansasmemory.org/item/440206/page/559>, 21.

saw that the time had come for Indians to “be treated hereafter as an individual just like any individual white [*underlined in text*] man—no worse & no better.”¹⁵¹ The sense of victimhood that underlies anti-affirmative action rhetoric today pervades Emery’s free-state liberalism. As an ardent champion of “freedom” and equality, Emery pleaded with politicians to grant *more* ownership rights to white settlers.

In case there was any doubt about the implications of Emery’s argument, he was sure to note later in his speech that

I put the same proposition in another form. We are here to ask the government to supplant, for the rule of the Indians, the rule of the white man all over the Indian territory. However wise or sincere the past policy of the government may have been, we think the time has now come for Indian civilization—if there be such a product—to pass away and give a place to a superior civilization.¹⁵²

Emery’s speech blatantly revealed his overt white supremacist values. He discussed how white settlers had not only been wronged by the US’s previous policy of granting “public” land ownership to Indigenous Americans, but he also believed that Indigenous people stood in the way to the spread of superior civilization. He said that

Anglo Saxon blood is not to abdicate supreme dominion in the Mississippi Valley nor is to become greatly corrupted [*sic*]. It is to assimilate rather than annihilate an other [*sic*] homogenous bloods among us; all else goes to the bottom of the social cup. As culls ever do. Whatever can not [*sic*] assimilate must under the backings of our manifest destiny, be eliminated.¹⁵³

Emery’s conception of freedom was clear: racialized others who stood in the way of white access to freedom through land ownership must be killed for their refusal to acquiesce their government-granted lands.

In contrast to his remarks to a presumably all-white audience at Baxter Springs, the inherently violent nature of Emery’s white supremacist liberalism was made starkly more

¹⁵¹ Ibid., 22.

¹⁵² Ibid., 24.

¹⁵³ Ibid., 35–36.

apparent by his 1888 commencement speech at Haskell Institute. In this speech, Emery took a celebratory tone as he commended Haskell students for breaking away from the supposed savagery and backwardness of their cultural backgrounds. He praised the students' apparent embrace of the "American" values of individualism and a strong work ethic over the supposedly inherently less-civilized nature of collectivized communities, proclaiming that graduates "are now to go out as single individuals to earn your living" in contrast to "your own people who have not been as fortunate as you because they have not received the training you have."¹⁵⁴ Time and time again in this speech, Emery took the opportunity to remind the students how lucky they were to have been given the opportunity to transcend the living conditions of their people, and also to remind the students that individuality should always triumph over communal ways of knowing and being. After rhetorically asking students if they knew why the government brought them to the school and gave them a chance for self-improvement that had been historically denied to so many American Indians, Emery said, "I answer this object is to make out of each one of you an independent American citizen—to destroy the tribal feature of your former life and to substitute for it free citizenship."¹⁵⁵

Emery's speech is not notable for its abhorrent sentiments—he cited famed proponent of assimilationist American Indian policy Richard Henry Pratt in both speeches and was thus echoing the supposedly "progressive" liberal Indian policy of his time. But his position exemplified how free-state liberalism was always a project to secure more property for white settlers. When read alongside Emery's Baxter Hills speech, Emery's Haskell speech reflected his goal of acquiring Native lands, but cloaked the violence in the language liberal self-ownership.

¹⁵⁴ "Address to the Indian School on the Occurrence of its First Commencement, June 27 '88," James Stanley Emery Coll. #339, Box 2 Folders 20–25. Available online at Kansas State Historical Society, *Kansas Memory*, <https://www.kansasmemory.org/item/440206/page/540>.

¹⁵⁵ *Ibid.*, 5.

In the Baxter Springs speech, Emery painted land allotment policies as an unfair advantage that had been given to American Indians, and thus championed for “equality” by arguing that the state take (more) lands from Native people to give to whites settlers. In his Haskell speech, actually given to Indigenous graduates, Emery shifted his tone to sympathetically lament the fact that Indians had been denied the right to work as hard as white settlers.

I highlight the Baxter Springs and Haskell speeches to illustrate the ways that free-state liberalism was always contingent upon white property ownership. In the early stages of Kansas colonial efforts, the need to acquire lands transcended the mere act of displacing Native people, but rather required continually re-worked liberal rhetoric to strengthen the power of white access to these lands. When telling the history of the “free state,” liberalism is rarely offered up as the cause of, rather than the solution to, the historical and the ongoing racial violence that is entrenched in the state’s institutions. Free-state liberalism was, and could never be, an endeavor of equality because at its core was the ideological and practical maintenance of white supremacy. The contradictory and competing extensions of personhood, belonging, and citizenship that settlers offered to different groups at different times operated as a mechanism of colonialism.

Patrick Wolfe describes how this differential categorization was not a coincidence, and that in settler societies “for every articulation—relations of slavery, of indenture, of dispossession, of compradorship, of (inter)mediation, of commercial exchange—a corresponding racial category could be nominated.”¹⁵⁶ Emery’s late-nineteenth century attitudes toward genocidal assimilationist policies reveal the ongoing nature of free-state liberalism’s property imperative, and how new narrations of Native enemies and white victimhood were continually being manufactured and offered as a means of acquiring more lands. The following chapter

¹⁵⁶ Patrick Wolfe, *Traces of History: Elementary Structures of Race* (London: Verso, 2016), 10.

discusses how Kansas's participation in the Spanish-American and Philippine-American Wars repurposed colonialist understandings of race and carried these ideas into overseas colonial settings to justify "Native" dispossession. At the same time that white liberal personhood was reworked in these overseas military contexts, Black Kansas soldiers were faced with increased state violence as a result of their pursuit of liberal social inclusion.

Chapter Three: Conquest Through Accumulation: Militarism, Race, and Personhood in the Spanish American and Philippine American Wars

In spring 1898 as the US was preparing to send troops to Cuba ahead of the Spanish-American War, Kansas governor John Leedy answered President McKinley's call for volunteer regiments to join the war effort. Leedy, a Populist, controversially bypassed the National Guard when assembling the regiments because they were regarded as a “militant arm of the Republican party,” choosing instead to send only volunteer regiments.¹ The first three regiments, the Twentieth, Twenty-First, and Twenty-Second, each comprised roughly one-thousand white men from across Kansas. After these units were assembled to exclude Black soldiers, a number of prominent Black Kansans petitioned Leedy to form a Black regiment as well. Facing pressure from outside supporters, Leedy officially made the decision to create the all-Black Twenty-Third Kansas Regiment after McKinley made a second call for volunteer soldiers in May 1898. Some speculate that Leedy’s decision to form the Twenty-Third was a political move—“the black community enthusiastically endorsed Leedy’s decision, which the governor hoped to turn into votes in the upcoming November election.”² Whatever his motivation, Leedy’s eventual decision to have Black commanders lead the regiment was immensely significant to Black communities in Kansas.³

While African American communities across not only Kansas, but the entire US, celebrated the Twenty-Third, the all-white Kansas Twentieth became a point of pride for white Kansans. The soldiers were shipped to the Philippines where they fought under the well-known General

¹ Christopher C. Lovett, “To Serve Faithfully: The Twenty-Third Kansas Volunteer Infantry and the Spanish-American War,” *Kansas History* 21 (Winter 1998): 261.

² *Ibid.*, 264.

³ *Ibid.*

Frederick Funston. The Twenty-First and Twenty-Second never left the United States, but spent several months in military camps in the eastern US. Although the Twenty-First and Twenty-Second were never sent abroad, their time in military camps was far from easy. The Twenty-First, for example, lost 21 soldiers to disease while at military camps in Kentucky and Georgia.⁴ The all-Black Twenty-Third Kansas was shipped to Cuba after the fighting had ceased, where they performed labor tasks as garrison duty.

The experience and reception of the Twenty-Third regiment reveals the many contradictions that emanate from the usage of soldiers of color in a military conflict for US imperial conquest. In the opening of the twentieth century, the decline of the Spanish empire provided opportunities for the US state to expand its racial capitalist colonial empire into new territories. In the case of the Philippine-American War specifically, despite soldiers' usage of familiar anti-Black and anti-Indigenous racist tropes and slurs, new racial formations emerged from this racialized colonial warfare.⁵ These violent, racist depictions reflected the implementation of what Brenna Bhandar describes as "the multitude of rationales for the colonial appropriation of Indigenous lands ... and the concomitant development of liberal democracy in the settler colony [which] required legal and political narratives that equated English common-law concepts of property with civilized life."⁶ As colonialist endeavors, the US carried out the Spanish-American and Philippine-American wars in pursuit of land and property acquisition.⁷ To justify this

⁴ Kansas Adjutant General, *13th Biennial Report—Kansas Troops in the Volunteer Service in the Spanish and Philippine Wars, 1898–1899* (Topeka: W.Y. Morgan State Printer, 1900), 69, SP/353.6/K13/12th, Kansas Adjutant General Records, Kansas State Historical Society, Topeka, Kansas.

⁵ Paul A. Kramer, *The Blood of Government: Race, Empire, the United States, & the Philippines* (Chapel Hill: University of North Carolina Press, 2006), 128.

⁶ Brenna Bhandar, *The Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership* (Durham, NC: Duke University Press, 2018), 7.

⁷ Kramer, *The Blood of Government*, 90 describes how the war in the Philippines was a pursuit of property accumulation, writing that after "the first U.S. declaration of sovereignty in the Philippines ... U.S. commanders were charged with guaranteeing the security of persons and property in the Philippines. They were to be given rights to all public property and were to enforce existing Spanish laws until revoked by the occupying power." This was a

dispossession, the US extended logics about racialized incapacities of ownership to justify the systematic accumulation of new lands and properties. Throughout the conflict it was apparent that the US was developing its justificatory rhetoric for transforming the settler colonial state into one that engaged in imperialistic efforts through what Amy Kaplan has called “limited sovereignty.”⁸

By deploying Black soldiers to fight in these overseas colonialist projects, the US was forced, as it had so often been in the past, to differentially mediate racialized forms of personhood in terms of what it needed to extract from certain populations. Different justifications were given for the treatment of “Natives” in the Philippines, who were deemed uncivilized as a means of expropriating their land, than for the treatment of Black Americans who the State wanted to use for labor and military purposes while simultaneously denying them full access to liberal personhood and self-ownership.⁹ In Kansas it is possible to analyze the US’s transforming relationship to race and property ownership at the turn of the twentieth century through the starkly different experiences of the all-white Twentieth Regiment and the all-Black Twenty-Third regiment.

While in many ways the state's exclusion of Black people from full liberal personhood resembled the historical forms of racism that had been in place since Kansas’s territorial era, anti-Black racism in Kansas also reflected the US’s racist entrenchment of Jim Crow

merely a first step in the US’s long occupation of the Philippines, an endeavor that ensured access to land and resources. For instance, in the 1930s as the US appeared to make moves toward decolonization, the provisions required that “the U.S. president exercised veto power over the islands’ legislation ‘affecting currency, coinage, imports, exports, and immigration.’ As U.S. producers had hoped, Philippine exports were placed under a far more restrictive tariff. The U.S. Supreme Court would review all decisions by the commonwealth’s courts. The Philippines’ foreign affairs would be under the United States’ ‘direct supervision and control,’ and the president reserved the right to seize Philippine property, to maintain military facilities in the Philippines, and to deploy the Philippines’ armed forces” (356).

⁸ Amy Kaplan, “Where is Guantanamo?,” *American Quarterly* 57, no. 3 (September 2005): 834.

⁹ For a discussion of these different mechanisms of settler colonial racial expropriation toward Black and Indigenous people, see Patrick Wolfe, *Traces of History: Elementary Structures of Race* (London: Verso, 2016).

segregationist doctrine in law and institutional practices. The Spanish-American and Philippine-American wars occurred in the decade following the Exoduster influx of Black Southerners into Kansas. While some Kansans, such as Governor John St. John, supported the migration, many white settler Kansans reacted incredibly violently to the idea of more Black people settling in Kansas.¹⁰ There were over 150 events of what Brent Campney termed “racist violence”—anti-Black violence that included police killings, lynchings, race riots, murders, and attempted lynchings—in Kansas between 1861 (when Kansas became a state), and 1898 when the Spanish-American War began.¹¹ Despite this, in the 1870s and 1880s in Kansas “white boosters continued to promote the Free State narrative, excusing this violence as anomalous in Kansas or as far less egregious than in the South.”¹² White Kansans exploited the state’s free state history in service of a mythicized association with antiracism, allowing the state to disavow the fact that racism was foundational in crafting free state liberalism.

In detailing the differential experiences and representations of the Kansas Twentieth and Twenty-Third Regiments I will demonstrate how, at the turn of the century, white liberal personhood was being transformed through this disavowal of racism. White Kansas soldiers were engaging in, and celebrating, the violent conquest of land property at the same time that Black populations were being exposed to increased amounts of racist violence and denied access to full liberal personhood through US Supreme Court decisions like those in *Civil Rights Cases* (1883) and *Plessy v. Ferguson* (1896). The experiences of the Twenty-Third Kansas Regiment underline the contradictory and conflicting realities that Black soldiers faced in the US military.

¹⁰ For the history of the Exoduster movement, see Nell Irvin Painter, *Exodusters: Black Migration to Kansas After Reconstruction* (New York: Alfred A. Knopf, 1976).

¹¹ Documented in Brent Campney, “Appendix 1: Incidents of Racist Violence in Kansas, 1861–1927,” in *This is Not Dixie: Racist Violence in Kansas, 1861–1927* (Urbana: University of Illinois Press, 2015), 220–238.

¹² *Ibid.*, 71.

The contradictions of liberalism are evident in the tensions that emerged from the state's efforts to incorporate Black soldiers in imperial warfare while also simultaneously limiting Black inclusion into the fold of full social, civil, and economic society.¹³ As in previous eras, the state managed the tensions that emerged from the process of including racialized "others" in liberal categories of ownership that were premised upon an expansion of whiteness as property by attempting measures of "inclusion" that were structured by racism rather than premised on actual equality—such as allowing Black soldiers to enlist in the military. The state's continued adherence to white supremacy was bolstered by its promotion of white colonialist accumulation abroad. While Black soldiers were incorporated to participate in colonial war efforts, their inclusion could not resolve the realities that emerged from a US state project that was predicated upon these white supremacist capitalist values. These contradictions were abundantly clear when Black veterans returned home to experiences of increased racist violence in their home communities. Despite the inclusion of Black soldiers, the war effort and its genocidal conquest of racialized populations abroad aligned with the Jim Crow state's goals of expanding white liberalism.

Twentieth Regiment

While the Twenty-Third regiment received little fanfare for their participation in the Spanish-American War, the Twentieth Kansas received national attention throughout their time in the Philippines. The regiment was even the subject of one of Thomas Edison's early films, called "Advance of Kansas Volunteers at Caloocan." The silent film shows a line of darker-skinned

¹³ This process is consistent with the depiction of liberalism that Lisa Lowe, *The Intimacies of Four Continents* (Durham, NC: Duke University Press, 2015), 16 lays out by saying that "it is the pronounced asymmetry of the colonial divisions of humanity that is the signature feature of liberal modes of distinctions that privilege particular subjects and societies as rational, civilized, and human, and treat others as laboring, replaceable, or disposable contexts that constitute humanity." Liberalism allowed for exploitation by creating forms of categorization in which certain populations could be used for their labor or bodies while simultaneously being treated as disposable in that they were not afforded full social inclusion or access to liberal equality.

soldiers wearing all white as they advance through a heavily forested area. The soldiers are shooting rifles and waving an indistinguishable flag. Their faces are featureless and unintelligible, and some are wearing large floppy hats. Suddenly the group is shrouded in a large cloud of smoke, and then American soldiers file onto the screen from the right. While the Filipino soldiers slowly ambled toward the camera, the American soldiers enter more quickly and with purpose. One waves a large American flag. Suddenly gunfire breaks out on all sides and some of the American soldiers fall to the ground. The US soldiers begin running and the Filipino soldiers retreat entirely—the Americans apparently having chased them out. One US soldier waving a large American flag stayed behind the group, and the last sight in the frame is the flag waving back and forth. The entire thing lasts just over a minute.

Nick Deocampo has read “Advance of Kansas Volunteers of Caloocan” through the lens of the imperial gaze, analyzing how the racialized enemy soldier was constructed through this short film. Deocampo contextualized these films within the broader landscape of the Spanish-American and Philippine-American wars, noting that “while they contained history in their narrative, they also contained the language of war.”¹⁴ The US's wars with Spain and the Philippines marked one of the first moments in history in which propaganda was set to film, and “faked newsreels,” as Deocampo calls them, provided a means for US civilians to imagine racialized conquest through their own eyes. Kansas soldiers thus played a role in the construction of this imagination, as people across the nation were able to celebrate these soldiers’ conquest of racialized foreign “others.” The flattened, almost faceless enemies whose death and destruction US moviegoers were encouraged to celebrate “actually ends up ‘absent’ from history.”¹⁵ Edison's

¹⁴ Nick Deocampo, “Imperialist Fictions, the Filipino in the Imperialist Imaginary,” in *Vestiges of War: The Philippine–American War and the Aftermath of an Imperial Dream, 1899–1999* Valasco Shaw, Angel and Luis. H. Francia, eds. (New York: New York University Press, 2002), 227.

¹⁵ *Ibid.*, 231.

films were shot in New Jersey, and he actually used Black Americans to play the role of the Filipino soldiers. Edison recruited Black actors to literally perform colonialist white supremacy, and through this white Americans were encouraged to celebrate the violent destruction of these blurred, ambiguously raced bodies. Edison's film depiction of racialized warfare showed that "in the eyes of the black-and-white camera in the hands of white people, all colored people have the color of the enemy."¹⁶

The continuity between the association of Black Americans and the racialized foreign enemy transcends the realm of film. In their letters, the Twentieth Kansas frequently used familiar, violent racial slurs to describe the soldiers they were fighting. While the terms "natives" or "insurgents" were frequently used to describe the Filipinos, anti-Black racial slurs were also very common, particularly when discussing warfare itself. For example, one soldier in the Kansas Twentieth, Wilbur Miller, wrote home to his family that "the n*****s are very superstitious. They do not understand nor comprehend the size and military strength of the U.S. no more than you or I can comprehend the distance to the sun."¹⁷ While the white soldiers' reliance upon familiar racial slurs was certainly an indication of the prevalence of anti-Black racism at home in post Exoduster-era Kansas, Paul Kramer finds that the usage of such terms did not mean that white soldiers were merely transposing an African American racial identity onto their foreign enemies. He contends that because soldiers detailed the specific facets of Filipino racialization—their mannerisms, wardrobe, habits—that despite a clear disdain for all racialized others, they still distinguished the racialized colonial object of conquest from Black Americans.¹⁸

¹⁶ Ibid., 232.

¹⁷ Slur written in the text; I am not reproducing the racial slur in full. Quote from correspondence from Wilbur Miller to Family, April 4, 1899, MC115, Wilbur F. and Joseph A. Miller Correspondence, Kansas State Historical Society, Topeka, Kansas.

¹⁸ Kramer, *The Blood of Government*, 128.

But, despite perhaps knowing that the people they were encountering in the Philippines were different from the Black or Native people they encountered in Kansas, soldiers' letters reveal an impulse to flatten all racialized others into the same unsophisticated container stereotype of childlike savage. Before being deployed to the Philippines, the Twentieth Regiment spent time in San Francisco for military training. While there, some of the soldiers took glee in traveling to Chinatown for what appeared to be the sole purpose of deriding Chinese people and their lifestyles, remarking on the horrors of Chinatown despite having voluntarily opted to visit.¹⁹ When arriving in Hawai'i and in Manila for the first time, soldiers ogled the locals going about their everyday tasks, commenting upon how little the "Native" people seemed to understand—despite the fact that these people were going about their everyday lives in their own homelands. While in the Philippines, one Kansas soldier, Homer Limbird, also lumped the Spanish into the same racialized "other" category along with Filipinos and "Chinamen," writing home that

the principal guard duty (except outposts) is keeping the natives from bringing in or sending out goods without paying duty on them. I have been on that duty three times. ... Imagine yourselves trying to make a native or Spaniard (just the same) understand what you want. ... Oftentimes when they don't want to understand they will say "no suave" (don't understand.) Especially the Chinamen.²⁰

Limbird uses "they" interchangeably here, indicating that, apparently, "Chinamen" use a Spanish term (written incorrectly) to avoid paying a duty imposed by their new American occupiers.

¹⁹ July 8, 1898, Homer Limbird Collection, Kansas State Historical Society, Kansas Memory, available at <https://www.kansasmemory.org/item/228938/text>, 22–23. This appears to have been a white pastime in San Francisco. Abigail Markwyn, "Economic Partner and Exotic Other: China and Japan at San Francisco's Panama-Pacific International Exposition," *The Western Historical Quarterly* 39, no. 4 (Dec. 2008): 460–463 writes about the sensationalist accounts depicting whites' fixation on the supposed crime and degeneracy in San Francisco's Chinatown in the early twentieth century. This led to an exhibit at the 1915 Panama-Pacific International Exposition being renamed "Underground Slumming" after Chinese communities protested an exhibit called "Underground Chinatown" that depicted racist portrayals of "drugs, sex, and violence to create an experience that plunged visitors into a recreation of the underground warrens of San Francisco's Chinatown where prostitutes and opium addicts conducted immoral activities."

²⁰ Correspondence from Homer Limbird to Family, July 8, 1899, Homer M. Limbird Collection, Kansas Memory, Kansas State Historical Society, Topeka, Kansas, <https://www.kansasmemory.org/item/228938/text>, 22.

While Limbird attempted to paint a picture of an array of confused and unintelligent foreigners, it is in fact he who was the most confused and uninformed. With his unwillingness—or inability—to distinguish between different people and languages, everybody else blurred into a category that was both unfamiliar and subordinate. Limbird’s belief in his own white liberal superiority allowed him to enter a new country and determine that all parties that he found were racially suspect and could occupy the space of “colonized other,” even when Spanish and Chinese individuals were not the objects of colonial occupation.

Despite Kansans’ general confusion about how to categorize the various “foreign” others that they encountered in the Philippines, colonial confusion was most reserved for the “Natives.” Because colonizers observed an array of languages and skin tones among Filipinos, many American occupiers who were inspired by burgeoning ideas of US racist pseudoscience fixated on the question of how to classify the Filipinos along tribal and racial lines. David Roediger and Elizabeth Esch describe how this categorization employed race management as a form of labor exploitation.²¹ As US capitalists profited through infrastructure development during the war and in the postwar Philippines, it became evident that Filipino laborers would have to supplement US military labor in these projects. But if Filipino laborers were regarded as self-sufficient and capable, the argument for the necessity of US governance might be weakened. The solution was to exploit the differences among the “civilized” and supposedly uncivilized Filipino peoples. Colonial bureaucracy designated three “racial” categories among Native Filipinos—Negrito, Indonesian, and Malays.²² So-called Negritos were depicted as lower in civilizational

²¹ David R. Roediger and Elizabeth Esch, *The Production of Difference: Race and the Management of Labor in U.S. History* (Oxford: Oxford University Press, 2012), 124 explains that this process unfolded when “thus unable to imagine white settlers displacing native people, the architects of the occupation of the Philippines faced a broad problem of modern colonialism: how to make the differences between colonized and colonizer sufficiently great to justify white rule without making the costs of contact with the conquered and of living in unfavorable climates so high as to call the whole enterprise into question.”

²² *Ibid.*, 125.

development, while Malays were regarded as racially superior. One “ethnologist” living in the Philippines, Dean C. Worcester, advanced a racial schema in which “even the ‘civilized’ and Christianized majority of Filipinos seemed to be tribes, not national or ethnic groups. ... ‘Individual’ differences, which Worcester posited as important among the Christianized Tagalogs, Ilocanos, Cagayans, and Visayans, turned out to be racial as well.”²³ By categorizing Filipinos as “tribal people” and then drawing upon familiarized tropes about the difficulty of managing and governing tribal entities, colonial powers could portray the people in the Philippines as differently assimilated to tasks of empire in ways that ultimately always suited US ends.²⁴

At the time that the Kansas Twentieth was sent to the Philippines, more modern understandings of the full legal and social power of white male personhood were being solidified within the US. Whiteness had certainly always been a condition of liberal personhood in the US. The 1790 Naturalization Act, for instance, had long before established that whiteness was a requisite for inclusion through naturalized citizenship. Jim Crow understandings of whiteness as a condition for full inclusion in civil society were solidified at the turn of the twentieth century through racist court cases like the 1896 decision in *Plessy v. Ferguson*, in which the US Supreme Court

²³ Ibid.

²⁴ Mary Talusan, *Instruments of Empire: Filipino Musicians, Black Soldiers, and Military Band Music during US Colonization of the Philippines* (Jackson: University of Mississippi Press, 2021), 88, describes how these “tribal” representations further reveal the limitations of liberal projects of racial categorization. At the 1904 World’s Fair, anthropologists depicted Filipina/o peoples and “tribes” according at various stages along a racial hierarchy. Talusan writes, however, that such representations ran counter to the goals of US Empire’s justification for colonial engagement “because it threatened to prove that Filipinos, especially tribal people, could never be assimilated. The Philippine military men ... were crucial for American imperialists and elite Filipinos promoting a positive image of Filipino assimilation and allaying the controversy over continued US investment in the islands. The fair, as an amalgam of these contending agendas, ultimately sent mixed messages for the public to sort out.”

protected the property interest in whiteness for all whites by subsuming even those like Plessy, who phenotypically appeared to be white, within categories that were predicated on white supremacy and race subordination.²⁵

While *Plessy v. Ferguson* is cited as a turning point for white supremacy in US law, an even earlier US Supreme Court decision in 1883 with specific ties to Kansas also served those ends. One of the five cases that comprised the 1883 Supreme Court *Civil Rights Cases* came out of Hiawatha, Kansas after an African American man named Bird Gee was “ejected” from the restaurant in the town’s City Hotel.²⁶ The Court upheld the hotel’s right to ban Black guests, thus negating the 1875 Civil Rights Act in its determination that privately owned businesses could legally discriminate based on race.²⁷ Such Court decisions assured that at turn of the century, amidst the Spanish-American and Philippine-American wars, white people in the US had access to legal mechanisms that implicitly validated white legal personhood by denying Black access to legal protection, thus bolstering whiteness as “status property.”²⁸

This strengthening of liberal individualism for whites against the negation of Black self-ownership at the turn of the century meant that that the soldiers in the Kansas Twentieth felt immediately entitled to the lands, properties, and bodies over those they deemed “natives” in the Philippines. The soldiers used violently dehumanizing slurs with the felt knowledge that their full liberal personhood was protected by the law. The confidence associated with this knowledge allowed even the most inexperienced soldier to confidently dispense diplomatic advice to the government of the Philippines, presumably under the assumption that the status afforded to him

²⁵ Cheryl I. Harris, “Whiteness as Property,” *Harvard Law Review* 106, no. 8 (June 1993): 44.

²⁶ “The Civil Rights Cases,” *Brown County World* (Hiawatha, Kansas), October 25, 1883, 2, accessed at www.newspapers.com.

²⁷ “The Civil Rights Cases,” Oyez, accessed December 15, 2020, <https://www.oyez.org/cases/1850-1900/109us31>.

²⁸ Harris, “Whiteness as Property,” 1736, calls whiteness a form of “status property” in which “private identity based on racial hierarchy was legitimated as public identity in law, even after the end of slavery and the formal end of legal race segregation. Whiteness as interpersonal hierarchy was recognized externally as race reputation. Thus, whiteness as public reputation and personal property was affirmed.”

by his own white American identity made him an authority on the war. In a letter home, soldier Joseph Miller wrote to his family that

war is a terrible thing and a nation that starts a war without a just cause should be punished. The natives started the war and are getting their reward. When the rainy season is over they will get punished more than they ever have before. As a race they are treacherous and cruel.²⁹

Miller was one of many who carried out the US's duty in the Philippines with a vengeance—the soldiers understood themselves arbiters of justice, who could thus conclude that the Filipinos had no legitimate reason to undertake the anticolonial war effort that they have been engaged in for years at that point. Miller's entitlement to Filipino properties, lands, and bodies by virtue of his white Americanness, precluded him from considering that a racialized colonial subject might be fighting to protect their own interests over those same things. For Miller, born and raised in a colonial state where the ability to own property was an impossibility for Native people, it did not register that perhaps the enemies he was fighting were doing so as a means of regaining their right to their lands, and thus to liberal ownership.

Amidst the wars, white liberalism was also fused with conceptions of masculinity in new ways, as understandings of white masculinity were being worked out on the ground in the Philippines as a response to imagined crises at home. Over the course of the Spanish-American and Philippine-American wars “the tropics opened up a terrain for the testing and validation of white masculinity at a moment of fantasized crisis stemming from the proximity of ‘contaminating’ nonwhite and nonmale others.”³⁰ Racialized conceptions of disease, sanitation, and the body were a part of the US's imperial project in the Philippines, and early in the conflict,

²⁹ Correspondence from Joseph Miller to Family, July 29, 1899, MC115, Wilbur F. and Joseph A. Miller Correspondence, Kansas State Historical Society, Topeka, Kansas.

³⁰ Warwick Anderson, *Colonial Pathologies: American Tropical Medicine, Race, and Hygiene in the Philippines* (Durham, NC: Duke University Press, 2006), 55.

white bodies were seen as fragile in the foreign environment—easily able to succumb to tropical disease. Black soldiers in so-called “immune regiments” were assembled to fight in these foreign locales, but this implied that white soldiers were fragile and that Black men had to pick up the slack for what white men could not accomplish.³¹ Although the state was engaged in the disenfranchisement of Black people through legal dispossession like Jim Crow laws and extralegal terrorism, such as lynching, white male dominance was still fraught and fragile in the decades following the Civil War—a fact that the need for immune regiments may have seemingly confirmed to some. With the fear that white women and Black men were gaining rights in the public realm, the indiscriminate domination of racialized others in the Philippines provided a pathway to dominance for white men who could affirm their self-ownership through genocidal violence and the accumulation of property.

One Kansas soldier, Guy Alfred Coover, regaled in telling his parents about his military exploits in great descriptive detail. It was clear that he was excited by the prospect of killing Filipino fighters, as he explained after the Kansas Twentieth's first battle in Caloocan, “I have not had the pleasure of knowing that I shot any of them yet but I have done a good deal of shooting.”³² Over the months, however, Coover became increasingly familiar with warfare, and he did not spare his family many details about the battles. On June 22, 1899, Coover wrote home, depicting violence in his narration as well as the language he used to describe his “enemies:”

I guess you have heard all about the attack the n*****s made on the town about a week ago. They got up to within 100 yds of our own outpost. Co. H happened to be on outpost at the time so we had all we wanted. I fired over a hundred times that morning. When the rest of the regiment got out there to reinforce us, we made them scatter part of them flanked the n*****s and we killed about fifty and didn't have a man hit on our side. On

³¹ Ibid., 87.

³² Letter to Mrs. M.T. Coover, February 12, 1899, Guy Alfred Coover Collection, Kansas Memory, Kansas State Historical Society, Topeka, Kansas, 1, accessed at <https://www.kansasmemory.org/item/442356/page/198>.

the whole line there were about 300 n*****s killed and only about a dozen Americans wounded and killed together.

Like many accounts of soldiers in the Philippine-American War, Coover likened shooting Filipinos to hunting for sport. That they “had all they wanted” means they did indeed desire the opportunity to kill. Paul Kramer has noted the proliferation of references to hunting in white soldiers’ accounts of warfare in the Philippines, calling it one of the “most banal and brutal manifestations of racialization” in the conflict.³³ He contends that such extreme manifestations of violence were a result of soldiers’ fraught sense of masculinity, and that “the Manila occupation and ‘friendly policy’ had frustrated martial masculinity; the metaphor of the hunt made war, at last, into masculine self-fulfillment.”³⁴ Considering this language, tied to tangible genocidal actions, it is clear that a sense of “ownership” over bodies deemed expendable seemed to strengthen the impenetrability of white male Americanness. After all, there were three hundred Filipino fighters killed and apparently only 12 Americans either killed or wounded. In retelling these stories to themselves and to their families, the belief in the indestructability of whiteness perhaps felt truer.

The Kansas Twentieth’s celebrations of violence featured prominently in the Anti Imperialist League’s publication, *Soldiers Letters’: Being Materials for the History of a War of Criminal Aggression*. The publication contained a compilation of excerpts that detailed the brutality of the US attack on the Filipinos. Some of the letters condemned the actions that occurred in the Philippines, while others conveyed the brutality of the campaign through soldiers’ celebration of the slaughter. Arthur Minkler of the Kansas Regiment wrote that the troops

saw twenty-five dead insurgents in one place and twenty-seven in another, besides a whole lot of them scattered along that I did not count. ... It was like hunting rabbits ... I

³³ Kramer, *The Blood of Government*, 144.

³⁴ *Ibid.*

suppose you are interested in the way we do the job. We do not take prisoners. At least the twentieth Kansas do not.³⁵

On February 27th, 1899, a letter attributed only to “Captain Elliott of the Kansas Regiment,” expressed what is perhaps regret at having entered the conflict:

Talk about war being ‘hell,’ this war beats the hottest estimate ever made of that locality. Caloocan was supposed to contain seventeen thousand inhabitants. The Twentieth Kansas swept through it and now Caloocan contains not one living native. Of the buildings, the battered walls of the great church and dismal prison alone remain. The village of Maypaja, where our first fight occurred on the night of the fourth, had five thousand people in it that day,—now not one stone remains upon top of the other. You can only faintly imagine this horrible scene of desolation. War is worse than hell.³⁶

The day following this account of the hellish nature of the war, on February 28, 1899, a captain David Stewart Elliott died of a gunshot wound that he sustained during battle.³⁷ These letters vary in their depiction of war as sport, of war as glorious, or of war as horrific. Elliott’s letter was perhaps rare in that it hinted at some level of sympathy for the lives being brutally taken. In the same compilation there was a letter from a sergeant Elliott, who was, according to newspaper accounts, David Elliott’s son. The younger Elliott celebrated the sentiment of dying for the US flag while simultaneously asserting the supposed inferiority of his enemy when he explained that “it isn’t pleasant to think about dying at the hands of a foe little better than a savage, and so far away from home.”³⁸

While these depictions were particularly brutal, this style of fighting was not unfamiliar to the US’s recent past. Amidst the conflict, some drew parallels between war in US “Indian

³⁵ Anti-Imperialist League, *Soldiers’ Letters: Being Materials for the History of a War of Criminal Aggression* (Boston, MA: Rockwell and Churchill Press, 1899), 6–7.

³⁶ *Ibid.*, 6.

³⁷ “He Rests in Peace,” *The Coffeyville Daily Journal* (Coffeyville, KS), April 15, 1899, 1, accessed on www.newspapers.com. While I could not locate the original letter, according to Kansas Adjutant General, *13th Biennial Report—Kansas Troops in the Volunteer Service in the Spanish and Philippine Wars, 1898–1899* there was only one Captain Elliott who fought in the Twentieth Regiment. The other soldier named Elliott, John B., was Captain Elliott’s son. I am deducing, then, that the letter writer was the same soldier who was killed in battle the following day.

³⁸ Anti-Imperialist League, *Soldiers’ Letters*, 5.

country” and the Philippines, and also between the supposed nature of these “native” enemies themselves.³⁹ For tactical reasons, the US state depicted some segments of the population in the Philippines as backwards and tribalistic. While those who lived in cities had a long history with their Spanish colonizers and could be represented as capable of both self-governance and acquiescence to US occupation, the US could blame the “uncivilized” non-Christian Filipinos for the drawn-out nature of the conflict. As with Indigenous people in the Americas, the US could also argue that because some segments of the population in the Philippines did not adhere to Eurocentric norms of property ownership and statecraft, the US was doing them a favor by colonizing them. As within in the US, colonization proliferated through racial categorization, as “the ‘tribalization’ of the republic would rhetorically eradicate the Philippine Republic as a legitimate state whose rights the United States might have to recognize under international law.”⁴⁰

While it is evident that these racialized rationalizations for colonization impacted the ways that both sets of so-called “natives” were treated at home and abroad, it is also interesting to consider instead the ways that the relationships to land as property dictated the nature in which the US would kill its self-proclaimed enemies. In the US, the process of indiscriminately massacring Native Americans and corralling them onto reservations served as a functional means of surveillance and control for the state. But in the Philippines, different mechanisms of control were employed, and “hygiene and civic discipline emerged as part of a specific military strategy” in which “the army and emergent colonial state thus attempted an intensive reform and disciplining of Filipinos *in situ*, to render them more docile and amenable to distant American

³⁹ Anderson, *Colonial Pathologies*, 57–58.

⁴⁰ Kramer, *The Blood of Government*, 122.

control.”⁴¹ The US, therefore, had to take some measures to preserve its foreign enemy.

Although they wanted to expropriate land from the Filipinos, they needed to use bureaucratized means of surveillance to ensure that enough Filipinos remained loyal to the US.⁴² But while the US may have had different end-goals for the racialized populations it wanted to control at its home settler colonial state and its colonial state abroad, the “uncivilized” Filipinos—non-Christians—were described as subhuman and were deprived of life and property accordingly.

But while the US may have worked to preserve its relationship with the ruling elite of the Philippines, soldiers in the Twentieth Kansas were not above widespread property theft that targeted the wealthy elites and beyond. When the soldiers entered towns, it appeared that everything was for the taking. In May 1899, Guy Alfred Coover wrote home about entering the city of San Fernando, saying that

this is about the best town we have been in yet, there seems to be a richer class of people here, almost all of them sugar raisers. There is all kinds of sugar stored in warehouses around town. . . . Some of the n*****s left without even taking their money with them. Some fellows in Co. E found about \$2300 in Mexican money and a Montana man found about \$6,000.⁴³

The white masculine identity that formed as a result of volunteering in the war was in part, then, a result of the unfettered access to others’ property. Given that the soldiers were not secretive about the looting they engaged in while fighting, the Kansas Twentieth did sometimes come under fire in the press for their warfare practices.

In October 1899 the *Topeka Plaindealer*, a Black newspaper in Kansas, dedicated much of an entire page to the “shameful treatment” that white soldiers engaged in while in the

⁴¹ Ibid.

⁴² In early twentieth centuries, the US did exercise more bodily control over Indigenous boarding school students. K. Tsianina Lomawaima, “Domesticity in the Federal Indian Schools: The Power of Authority Over Mind and Body,” *American Ethnologist* 20, no. 2 (May 1993): 227–240 writes that behavioral control transcended the monitoring of students’ actions, but extended to bodily control and surveillance over girls’ menstrual cycles.

⁴³ Letter to Mrs. M.T. Coover, May 19, 1899, Guy Alfred Coover Collection, Kansas Memory, Kansas State Historical Society, Topeka, Kansas, 1, accessed at <https://www.kansasmemory.org/item/442356/page/238>.

Philippines.⁴⁴ Drawing a comparison between the Twentieth's heroic reputation and the lukewarm reception of the Twenty-Third, the newspaper noted that the Philippine question is "especially interesting in view of the return of the gallant Twentieth Kansas, which has done so much to establish firmly the supremacy of American rule in the Philippine islands."⁴⁵ But, without condemning the Twentieth Kansas outright, the paper went on to include a damning account that the *Irish World* had published the previous week. It noted for instance that, "One of the Kansas boys told me, 'Funston is dead nuts on monkeying with the dead.' The boys burned the wooden Christs and stole brass Jesus of the crucifixes."⁴⁶ Although it appeared that Funston attempted to stop the behavior, this account alleged that Kansas soldiers were engaged in racist, and perhaps anti-Catholic, looting. The behavior did not stop there, however, as the article went on to report that "Gen. Funston was severe in his treatment of the human ghouls who broke open graves and rummaged among the bones of the dead for in the search of gold rings and other valuable trinkets."⁴⁷ Some Kansas soldiers apparently did not heed the dictums of traditional warfare and had no qualms about desecrating the bodies of the dead.

While Kansas soldiers' behavior drew warranted criticism in some media outlets, they also performed acts of property theft that were cloaked in respectability—that of preserving history. An entire collection in the Kansas State Historical Society archives is largely composed of documents like letters, business documents, and pamphlets in Spanish and Tagalog that were stolen by a soldier from various homes and public buildings at the site of the Twentieth's first battle, Caloocan. The documents that comprise the "Philippine Manuscripts History Collection,"

⁴⁴ "Shameful Treatment," *The Topeka Plaindealer* (Topeka, KS), October 27, 1899, 2. Accessed at www.newspapers.com.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

were sent directly to the Kansas State Historical Society, making Kansas history quite literally a product of white property theft, as well as the manipulation of memory.

The collection begins with a letter that soldier J.W. Ozias sent to the Kansas State Historical Society directly from the Philippines on March 6, 1899. Ozias took it upon himself to serve as a regimental historian, “believing that the history of the state of Kansas cannot be complete without incorporating the performances of the 20th Kansas U.S.V.I in the Philippines.” He then implored the historical society to pay his postage fees in exchange for the invaluable Filipino newspapers and letters “that were found on the battlefields.”⁴⁸ Another typed letter, sent in 1900 from Lawrence, presumably accompanied the donation of some more “found” files. In this letter Ozias, as if anticipating allegations of looting or theft, explained that

these manuscripts and documents are from the 'Tribunal de Caloocan' or Kalookan, as it is spelled in the Tagalo [sic] language, taken therefrom and from the church and convent and Caloocan immediately after the American occupation in February 1899, a few of them from other houses, all of which was common property. The 'Tribunal' is the building or courthouse for all public business.⁴⁹

Because the files were found in communal Filipino spaces, they were apparently for the taking for the US soldiers as well.

But what follows in the archive are not all official state documents. There are writing assignments that look like they could be a doctor's language studies—words like “mouth,” “cheek,” and “temple,” are translated into English, Spanish, and “Filipino.”⁵⁰ One file contains a paper checkered with rows of small, patterned drawings.⁵¹ While Ozias did collect copies of found revolutionary newspapers and pamphlets, it is also clear that he grabbed what he could

⁴⁸ Joseph W. Ozias Letter to Kansas State Historical Society, March 6, 1899, Manuscripts Collection 628, Philippine Manuscripts History Collection, Kansas State Historical Society, Topeka, Kansas.

⁴⁹ Joseph W. Ozias Letter to Kansas State Historical Society, February 5, 1900, Manuscripts Collection 628, Philippine Manuscripts History Collection, Kansas State Historical Society, Topeka, Kansas, 25.

⁵⁰ *Ibid.*

⁵¹ Miscellaneous Collections, Manuscripts Collection 628, Philippine Manuscripts History Collection, Kansas State Historical Society, Topeka, Kansas.

take, giving the theft an air of credibility as he detailed the great historical significance of these stolen items to the Kansas State Historical Society.

Caloocan was the site of the Twentieth Kansas's first battle—the scene of genocidal violence that one soldier from the Kansas regiment triumphantly described in *Soldiers' Letters* as having “supposed to contain seventeen thousand inhabitants. The Twentieth Kansas swept through it and now Caloocan contains not one living native.”⁵² Another Kansas soldier, Henry Ruppenthal, wrote home gloating after the “battle” at Caloocan to say that “everything burnable burned.”⁵³ Ozias's “finds” read much more eerie given this reality—that the triumphant memorialization of Kansas history was built upon the ephemera that was plucked from the residents' homes after they were killed or driven out. The soldiers thus developed their sense of white masculine identity through the recognition that whiteness was a tangible proprietary benefit both at home and abroad. Through the indiscriminate taking of Filipino bodies, property, as well as memory, the US positioned itself as the hero of the story. It began to set the terms for engagement in which the US alone was the arbiter of justice, and all instances of killing and violence were justified as a noble cause. This reveals the representational links between liberal ideals of patriarchy that were rooted in property, the violence of conquest and accumulation, and how race was both shaped by and shaped ideas and actions of US soldiers.

Whiteness, Masculinity, and Frederick Funston

White liberal masculinity was not only bolstered by the Twentieth Kansas's outright property conquest, but also from their association with Brigadier-General Frederick Funston, the man responsible for capturing infamous Filipino General Emilio Aguinaldo. Funston represented an

⁵² Anti-Imperialist League, *Soldiers' Letters*, 6–7.

⁵³ Henry Ruppenthal Correspondence to Family, Feb 14, 1899, Manuscripts Collection 836, Henry C. Ruppenthal Papers, Kansas State Historical Society, Topeka, Kansas.

embodied form of white male personhood that relied upon an assertive and self-assured form of masculinity. White Kansas soldiers who fought under Funston were particularly inspired by his hyper-masculine, anti-authority persona. Funston had initially made his name in the military as a soldier fighting in the war for Cuban independence in 1896. Many accounts of Funston's life—his own included—celebrate him as something of a legend. Raised near Iola, Kansas, Funston traveled to Alaska and Death Valley as a botanist after attending the University of Kansas for several years without graduating.

A 1956 speech that his grandson gave at the Kansas State Historical Society, nearly forty years after Funston's death, celebrated his heroism by emphasizing his adventurism, noting that apparently in 1892 "Funston recorded both the lowest and highest temperatures at that time."⁵⁴ Standing at just 5'4, Funston was perhaps an unlikely war hero. But by all legendary accounts, his exploits in Cuba, the Philippines, and even during the 1906 San Francisco earthquake epitomized the masculinist notions of strength through brute force that pervaded depictions of the Spanish-American War in the early twentieth century. In his grandson Frank Eckdall's account, Funston's entrance into the military occurred when he happened upon former ambassador to Spain and Military General Daniel E. Sickles in Times Square "pleading the cause of independence for Cuba. That decided it. He offered his services to help liberate Cuba from her Spanish masters, fully realizing the perils ahead."⁵⁵ Funston was thus initially compelled to militarism to assist the Cubans in liberty from Spain. While he painted the Cuban insurgents as noble and determined, he described the Spanish soldiers in a scathing manner, for instance decrying them as cowards for their willingness to attack hospitals.⁵⁶ This condemnation provides

⁵⁴ Frank F. Eckdall, "Fighting Fred Funston of Kansas," *Kansas Historical Quarterly* 22, no. 1 (Spring, 1956): 80.

⁵⁵ *Ibid.*, 81.

⁵⁶ "Col. Funston's Graphic History of Cuban Warfare," *The Leavenworth Times* (Leavenworth, Kansas), March 12, 1898, 4, accessed on www.newspapers.com.

an ironic contrast to his later military exploits in the Philippines, wherein he helped quash the Filipino freedom movement and led the volunteer troops whose letters alleged that they unwaveringly attacked civilian targets.

While descriptions of his pre-military exploits painted Funston as something of a restless adventurer, he was also represented as a patriotic moralist who accepted the call to duty without a second thought. A biographical newspaper article from December 1896, when Funston was fighting in Cuba, concluded that

Funston is built for an adventurous career. He is 5 feet 3 inches tall and has a chest girth of 38 inches—plenty of room for lungs and other necessities. His expeditions into the extremes of temperatures have injured [*sic*] him to climactic changes, and he is fertile in expedient and the master of savage man. . . . If he does not do something worth hearing about in Cuba, it will be because the opportunity does not present itself and there is no chance to force it.⁵⁷

According to his own accounts, Funston lived up to these expectations during his time in Cuba. His exploits took on mythical proportions, largely due to his own accounts of his heroism. In one lecture he gave upon his return to the United States he claimed that “he said he had tossed and moaned for three months in a hospital with a bullet ball in his lungs, and his left arm shattered.”⁵⁸ In addition to these wounds, Funston was also shot through the thigh during a separate incident in Cuba.⁵⁹ Funston’s reputation as a thrill seeker almost glorified his injuries during warfare—he used words like “exciting” to discuss being captured by Spanish soldiers and regaled in describing his various wounds throughout his accounts of his time in Cuba.⁶⁰

⁵⁷ “A Kansas Cuban Soldier,” *Iola Weekly News*, (Iola, Kansas), December 18, 1896, 4, accessed on www.newspapers.com.

⁵⁸ “Col. Funston’s Graphic History of Cuban Warfare,” *The Leavenworth Times*, 4.

⁵⁹ “Crippled in Cuba’s Cause,” *Wilkes Barre Record* (Wilkes Barre, Pennsylvania), January 11, 1898, 1, accessed on www.newspapers.com.

⁶⁰ *Ibid.*

Funston was most celebrated, however, for his later “capture” of Emilio Aguinaldo. Soldiers from the Kansas Twentieth did not participate in the event, as they had been discharged several months prior.⁶¹ But Funston’s role in Aguinaldo’s capture certainly added to the prestige of the regiment. Funston narrated the capture in his 1911 memoir, *Memories of Two Wars: Cuban and Philippine Experiences*. His account detailed his excitement for the capture, but not in an overtly self-celebratory manner. He actually credited an Ilocano defector from Aguinaldo's army, Cecilio Segismundo, as “very necessary, and in fact ... invaluable” member of the excursion.⁶² But while Funston praised his Ilocano aide, he regretted his need to rely upon Tagalog-speaking people in the capture, noting:

the selection of these men was a very delicate matter, as they would have it in their power to ruin us by disclosing our real character. As will be seen, they were absolutely faithful. But I would never again take such a risk, as I believe we would have succeeded without them.⁶³

Here Funston reiterated the power of his, and by extension US, independence while also conveying that “foreign” enemies were inherently untrustworthy.

In a lengthy chapter, Funston regaled the entire story of Aguinaldo’s capture, which consisted of leading a band of over eighty Filipino scouts, called Macabebe soldiers, who posed as members of Aguinaldo’s army. Funston and several other US soldiers posed as American prisoners of war, and the troops used intelligence gathered from Filipino army leaders’ decoded letters to trick townspeople and soldiers into believing that the men were a band of Filipino loyalists. The men traveled by foot deep into Isabela island in the Philippines to the remote town of Palanan to capture Aguinaldo.⁶⁴ While Funston headed the expedition, he did not actually

⁶¹ Frederick Funston, *Memories of Two Wars: Cuban and Philippine Experiences* (New York: Charles Scribner's Sons, 1914), 311.

⁶² *Ibid.*, 395.

⁶³ *Ibid.*, 395–396.

⁶⁴ *Ibid.*, 415.

participate directly in Aguinaldo's capture. Upon their arrival in Palanan, the Macabebe scouts completed the capture relatively easily—though two of Aguinaldo's soldiers were killed after the revelation that the visitors were actually American loyalists.⁶⁵ Aguinaldo was taken after Hilario Tal Placido “had grasped him about the waist and thrown him under a table, where he literally sat on him, and Hilario was a fat man.”⁶⁶ Despite having been Funston's foe for the preceding years, Aguinaldo still seemed to captivate the US soldier, as he wrote that Aguinaldo “is a man of many excellent qualities, far and away the best Filipino I was ever brought in contact with.”⁶⁷

In Funston's telling, the US's capture and subsequent treatment of Aguinaldo depicted US imperialism in terms of racist rationalism. He consistently justified the US's military actions as necessary for the purposes of governing the supposedly ungovernable. He also made constant reference to the humane fairness with which Aguinaldo was treated, as if reiterating the fact that Aguinaldo was a respectable enemy made the US more justified in its decision to declare war on a former ally. Funston's paternalistic praise of Aguinaldo was particularly evident after his capture, when he commented that

while his ideas on the subject and ability of his countrymen to maintain a stable and responsible government seemed rather vague and inchoate, his dignity of manner and his attractive personality made a most favorable impression on all who came in contact with him.⁶⁸

If Aguinaldo was apparently a distinguished and admirable Filipino, one major fault that Funston could find in him was in his belief that other Filipinos were capable of self-governance. This showcased liberal exceptionalism in the imperial era, in which dignitaries and heads of state were discussed as worthy of diplomatic relations, but the racialized masses of the country were

⁶⁵ Ibid., 421.

⁶⁶ Ibid., 420.

⁶⁷ Ibid., 421.

⁶⁸ Ibid., 427.

depicted as needing the United States for governance. Funston also conferred upon Aguinaldo a quality that most Filipinos were portrayed as lacking—masculinity, when

finally, entirely on his own volition, and not under pressure of any kind, he issued a manly and well-written proclamation advising his subordinates to give up the struggle that had wrought such harm to the country, and to accept the sovereignty of the United States.⁶⁹

Ironically, Aguinaldo's masculinity was ultimately tied to his submission to US order. While the weak and apparently effeminate Filipinos were too unintelligent for self-rule, Aguinaldo was portrayed as masculine and thus fit for leadership because he easily conceded rule to the US upon capture.

Funston's particular brand of white masculinity was grafted onto the Twentieth regiment. When they were sent to San Francisco to await deployment, they were, much like Funston, often depicted as hyper-masculine despite their lack of traditional military attributes. The bureaucratic mismanagement of the regiment was a great cause for concern for the Kansas soldiers themselves, but in the subsequent historical narratives about the heroism of the Kansas regiment that were compiled after the war, these great inconveniences were celebrated as evidence of the soldiers' embodiment of masculine individuality. This was particularly evident when contextualized alongside the Regiment's later military "successes" in battle. The regiment's ragged start mirrored Funston's own rise from Kansas farm boy to adventurer and military hero. One major setback that the Twentieth Regiment faced was their lack of uniforms upon enlistment.

On May 16, 1898, the troops left Topeka by train to go to San Francisco for training and to await deployment. Preparing for summer, the troops did not have adequate uniforms, tents, or

⁶⁹ Ibid., 427.

blankets. A souvenir book that was made about the Twentieth regiment shortly after their return from the war wrote that

the soldiers were wretchedly equipped in tents, blankets, clothing, provisions, and other essentials to camp comfort. When they enlisted most of the young men came in their poorest clothing, for they expected a grateful government to furnish them with uniforms forthwith. When they reached San Francisco the red tape of the War Department had not been sufficiently untangled to vouchsafe uniforms to the regiment. It is fortunate that the coat does not make the man.⁷⁰

In this account, the individual wherewithal of the Kansas soldiers as individuals was juxtaposed against the uncaring and mechanistic bureaucracy of the state, and of the US military in particular, to highlight the fact that the regiment's achievements were the soldiers' alone. While military heroism was certainly an important facet of white masculinity from the beginning of US history, Funston and the Twentieth regiment were touted as even *more* heroic due to their volunteerism. Harkening back to the regiments that were mustered in Kansas during the Civil War, the Twentieth regiment's prior lack of knowledge about the military was laid out as an asset for this particular military conflict.⁷¹ Because the soldiers were outside of the bureaucratic structures of power, they were able to apply their own individualism to succeed beyond what the military had imagined for them.

Accounts of the Twentieth regiment further affirmed the power of the soldiers' individuality by detailing the negative opinions of "outsiders." The Souvenir Book quoted a long *Kansas City Star* article that claimed that

the Kansans were a rich find for the newspaper men. ... [San Francisco reporters] welcomed the Kansas men as fit subjects for burlesque, and treated them accordingly.

⁷⁰ *The Fighting Twentieth: History and Official Souvenir* (Topeka, KS: W.Y. Morgan, 1899), 17, accessed at "The Fighting Twentieth: History and official souvenir of the Twentieth Kansas Regiment," Kansas Government Information (KGI) Online Library, Kansas State Library, accessed April 12, 2021, <https://cdm16884.contentdm.oclc.org/digital/collection/p16884coll9/id/82>.

⁷¹ *Ibid.*, 21, which drew a parallel between the military heroism during the Civil War and the Spanish–American War when it explained the reason behind the Twentieth Regiment's naming: "the old soldiers of the state asked that the first regiment be numbered the Twentieth, because Kansas had mustered nineteen regiments during the Civil War."

They called them the “dudes from the plains,” but withal recognized them as men who would not flinch in the face of danger.⁷²

While it is impossible to know precisely how Snow knew the reporters’ thoughts about the Kansans’ war readiness, the narrative fell in line with that of Funston’s: Kansans as rag-tag adventurers who were more committed to the bravery of the cause than the showmanship of the military hierarchy. As the souvenir book claimed, “There has never been anything of the tin soldier about the Twentieth. It has never been arrayed in gaudy togs with gilt, braid, tinsel, and plumes.”⁷³ By feminizing the pomp of the old-school military regalia, Kansas soldiers in their ragged clothes were upheld as even more heroic than traditional military heroes.

Because of their life on the frontier, their lack of concern for their appearance, their down-to-earth demeanor, and even their alien lack of social graces, Kansans apparently made the best soldiers. When describing the Twentieth Kansas’s time in San Francisco, the same article described Kansas men as almost inhumanly different from the other soldiers, though this distinctive difference only contributed to the eventual mythical heroism of the soldiers. In one bizarre account

the public learned of all the queer points in which the Jayhawkers excelled. The Kansas camp came to be visited by the idle and curious as if it were a menagerie of unique specimens. ... One Kansan attracted great attention by the curious manner in which he ate broth with his fingers.⁷⁴

At a time when Black soldiers were narrating their readiness for inclusion into the fold of liberal personhood, white Kansas soldiers were being depicted as embodying white liberal personhood *more* fully through their extreme difference and unique masculine individuality.

⁷² Ibid., 23.

⁷³ Ibid., 17.

⁷⁴ Ibid., 25.

Histories of Black Soldiers in Kansas

When the Twenty-Third regiment was assembled to fight in the Spanish-American War, the unit was celebrated by Black Kansans in part because it was headed by Black captains—this was not the case for all volunteer regiments in the war. The populist governor John Leedy was alleged to have assembled the Twenty-Third regiment tactically as a means of shoring up the Black vote. This tactic apparently worked for some as “Negroes [sic] who had remained loyal to the Populist party interpreted the governor’s action as a vindication of their allegiance. For them the acceptance of a black regiment was the ‘crowning act’ of his ‘brilliant administration.’”⁷⁵ After being mustered into service, the Twenty-Third regiment was sent to Cuba to do garrison duty—fighting had stopped by the time they were mustered out. The question of whether or not Black Americans should actively participate in the Cuban independence movement was a much debated subject in the Black-owned press, even before the US had formally entered the conflict.⁷⁶ Black Kansans questioned whether or not they should support oppressed Black Cubans abroad and if they should refrain from participating in the imperialistic efforts of a country that rendered them socially subordinate. For many, however, Black soldiers’ participation in the US military endeavor was an act of heroism, and an indication that Black citizens were entitled to full liberal inclusion in the US social order.⁷⁷

⁷⁵ Willard B. Gatewood, “Kansas Negroes and the Spanish American War,” *Kansas State Historical Quarterly* 3 (Autumn 1971): 306.

⁷⁶ *Ibid.*, 302.

⁷⁷ One example of the connection that Black residents drew between military service in the Spanish-American war and Black citizens’ deserved liberal freedoms appeared in the Black-owned newspaper *The Plaindealer* (Topeka, KS, August 4, 1899), 2, accessed at www.newspapers.com. The untitled article’s author noted that “under the constitution the colored people of the South are entitled to the same political rights, guaranteed by the same document, as the whites. It is an issue that must be met, and the colored people of the South, when denied their rights through the laws and customs of the Southern states, have the right to appeal to the federal government for protection. One-hundred-thousand colored men wore the blue and fought for the preservation of the Union in the Civil War, and in the Spanish war in Cuba there were no braver troops than the colored troops.”

The Spanish-American War was not Black soldiers' first foray into militarism in Kansas, as Black regiments in the US army were frequently stationed at military outposts in western Kansas to protect the interests of capital and white settlement. After the Civil War, the US recommitted its military efforts to protecting settler property interests and managing Indigenous populations on the plains. Both the Ninth and Tenth cavalries, African American units formed after the Civil War, spent time stationed at Fort Riley in Kansas in the 1860s through 1880s as a part of these efforts. The US built the military base at Fort Riley along the Santa Fe Trail, near present-day Manhattan, in 1852 before the Kansas territory was even established. The base was "the westernmost fort on the central route to Colorado during the gold rush of 1849, [and] by the mid-1860 it no longer was an isolated frontier post."⁷⁸

After US treaties with Indigenous tribes, such as the Medicine Lodge treaty in 1867, granted tribal access to hunting grounds in the west, soldiers were called to protect the railroads in these regions from the "threat" of Native hunters. The US military's commitment to protecting railroads was more than a commitment to capitalist interests, it was done in service of what Manu Karuka called "railroad colonialism." This was part of a global colonial project, and in the US this process was connected to Native death and dispossession, as

post-Civil War railroads extended U.S. jurisdiction on a continental scale through military occupation, remaking Indigenous prairie lands through an economy revolving around meat and grain exports, providing the caloric basis for imperialism.⁷⁹

⁷⁸ William A. Dobak, "Fort Riley's Black Soldiers and the Army's Changing Role in the West, 1867–85," *Buffalo Soldiers in the West: A Black Soldiers Anthology* (College Station: Texas A&M University Press, 2007), eds. Bruce A. Glasrud and Michael N. Searles, 35–36.

⁷⁹ Manu Karuka, *Empire's Tracks: Indigenous Nations, Chinese Workers, and the Transcontinental Railroad* (Berkeley, University of California Press, 2019), 45.

Because railroad expansion was integral to the colonial project, soldiers could easily be used for the twinned purposes of guarding railroad expansion and undertaking acts of Indigenous genocide in the west.

Fort Riley was an outpost for the protection of both capital and white settler interests, and Black soldiers were brought in to perform these duties despite the white supremacist colonialist aims of the military efforts. Both the Ninth and Tenth cavalries spent time at Fort Riley throughout the 1860s through 1880s, and over the course of these decades the US military increasingly participated in efforts to track down and kill small bands of Native people in the west. Documents show that the Ninth Cavalry “in the years from 1879 to 1881 ... exchanged shots with Indians on thirty-seven occasions.”⁸⁰ The troops stationed at Fort Riley protected newly-stolen white lands in the west from Native incursion, traveling by rail to Colorado for infractions as small as in 1883 “when Navajo herdsmen were reported to be grazing sheep off their reservation.”⁸¹ But the military was also called in when white settlers attempted to invade public lands or Native lands, such as the “Boomer” movement in the lands that are now Oklahoma, when settlers coordinated efforts to squat upon unceded “Indian Territory.” For years in the 1880s, soldiers in the Ninth were tasked with patrolling Oklahoma lands to prevent “Boomer” squatting, until the regiment was sent further West to quell Native activist uprisings like the 1891 Ghost Dance movement at the Pine Ridge reservation.⁸²

The US’s usage of Black soldiers in these colonial military efforts posed a pathway to liberal inclusion for soldiers, but it also produced the further paradoxical condition under which Black soldiers, not fully incorporated into liberal society, were simultaneously understood by white

⁸⁰ Dobak, “Fort Riley’s Black Soldiers and the Army’s Changing Role in the West, 1867–85,” 39.

⁸¹ *Ibid.*, 42.

⁸² *Ibid.*, 46.

settlers to be both a racialized threat as well as extension of the US state. These tensions have produced historical representations that fail to adequately grapple with the complexities of colonial violence, and its protection of white settler interests and capital, as the underlying cause of racist violence on the plains. One historian argued, somewhat rosily, of the Black soldiers stationed in Fort Riley that prior to the entrenchment of Jim Crow segregation: “throughout the post–Civil War era black soldiers, despite having to serve in segregated regiments, enjoyed a more equal footing with white soldiers than they would see again for decades.”⁸³

Historian James Leiker provides a historical account of Black soldiers in the Thirty-Eighth Infantry and Tenth Cavalry who were stationed in Kansas at Fort Hays in the late 1860s in the years following the Civil War. He argues that “though engaged in several Indian battles, the average black soldier had more reason to fear civilians or even comrades than Indians; more injuries and killings resulted from altercations in camp or nearby Hays City than from combat.”⁸⁴ Fort Hays was a hostile western outpost at which Black soldiers were seemingly exiled in a bleak, disease-ridden environment to perform difficult labor and garrison duty among an expressly white supremacist settler population. Leiker offers a version of Fort Hays’s military history in which, despite the abundance of racist violence in the town in this era, Black soldiers are depicted as culpable for racial turmoil. He writes of Black soldiers that “prejudice always remained a factor in their lives but as the Hays City experience indicates, their active involvement in a local cycle of hatred obscured whatever achievements whites might have recognized and intensified racist paranoia.”⁸⁵

⁸³ Ibid., 47.

⁸⁴ James N. Leiker, “Black Soldiers at Fort Hays, Kansas 1867–69,” *Buffalo Soldiers in the West: A Black Soldiers Anthology* (College Station: Texas A&M University Press, 2007), eds. Bruce A. Glasrud and Michael N. Searles, 159.

⁸⁵ Ibid., 171.

In 1869 three Black soldiers in Hays City were lynched after a white barber accused them of shooting him and robbing his store.⁸⁶ The event led to subsequent outbreaks of violence in the town, including a white man being shot by Black soldiers with “the complicity of white military authorities.”⁸⁷ The tensions boiled over in May 1869 when, after local townspeople accused Black soldiers of attempting to break into a brothel, “several residents embarked on a rampage against Hays City’s few black civilians. Vigilante ruffians ordered all black families out of town and murdered two African American barbers.”⁸⁸ Leiker contends that although the event “shared many features with modern race riots,” that “while the events of May 1 definitely had racial motivations, classifying them as a ‘race riot’ is not quite accurate, occurring as they did during a period of vigilante activity.”⁸⁹ Beyond this, Leiker actually implicitly blames Black soldiers—two years after they left Fort Hays—for the subsequent gang rape of an elderly Black woman, when he describes the event *after* asserting that “the buffalo soldiers’ presence did produce long-lasting hostility toward the black population.”⁹⁰ Rather than understanding racist violence in Fort Hays within the context of white supremacist colonialism on the plains, Leiker argues that Black soldiers, and the general anti-military sentiment their presence exacerbated, contributed to the presence of racism in the city. It is important to acknowledge the tensions that emerge from the state’s exploitation of racial difference via the usage of Black soldiers in the US Military’s colonialist project of Indigenous death and displacement in the late nineteenth century. But complicating multiracialist pro-militarism narratives should not entail saddling Black soldiers with blame for resisting white supremacist violence in isolated plains towns such as Fort Hays.

⁸⁶ Ibid., 166–169.

⁸⁷ Ibid., 169.

⁸⁸ Ibid., 170.

⁸⁹ Ibid., 171.

⁹⁰ Ibid.

A more nuanced understanding of these tensions emerges from Chandan Reddy's *Freedom With Violence: Race, Sexuality, and the US State*, which describes the contradictory realities that resulted from liberalism's attempts to incorporate Black subjects after Reconstruction. In a reading of W.E.B. Du Bois's *The Souls of Black Folk*, Reddy explains that

Du Bois demonstrated ... that posing the African American as a problem to be solved was an attempt to escape the deeper contradictions of the nation form and the egalitarian state: on the one hand, the nation-state proposed cultural (and racial) uniformity within political and cultural spheres. On the other hand, it remained dependent upon an internally complex social and political economy of racial stratification and colonial violence.⁹¹

The inclusion of Black individuals in the US military after the Civil War appeared to invite formerly excluded African American men into the fold of egalitarianism. But as Leiker's historical account of Black soldiers in Fort Hays depicts, the mere invitation into the fold of liberalism obviously did not produce a situation in which Black soldiers' enforcement of the aims of the US state would create egalitarian outcomes—particularly when those duties entailed carrying out colonial violence. As the case of the Twenty-Third regiment demonstrated several decades later, the inclusion of Black soldiers in racialized imperial warfare could not rectify the inherent violence underpinning the white supremacist colonial project and could not undo the racial stratifications created by such military efforts.

Representations of Black Kansas Soldiers in the Spanish-American War

The Twenty-Third Kansas Regiment is notably absent from the Kansas State Historical Society archives, but the troops were celebrated across Black communities in Kansas and beyond. They received their own chapter in Myles Lynks's 1899 account of the war: *The Black*

⁹¹ Chandan Reddy, *Freedom With Violence: Race, Sexuality, and the US State* (Durham, NC: Duke University Press, 2011), 71.

*Troopers: Or the Daring Heroism of the Negro Soldiers in the Spanish–American War.*⁹² Of the Twenty-Third, Lynk celebrated that “this regiment has the proud distinction of being one of the only two regiments, officered by Negro officers, that did garrison duty in Cuba.”⁹³ Reports about Twenty-Third regiment appeared much more frequently in African American newspapers than in the mainstream media. For Black communities, the volunteer soldiers reflected a particular form of heroism in which local men answered the call to assist a nation in crisis rather than opting for a career in the military.⁹⁴ While the Black units of the regular Army were certainly held in high regard for their participation in famed battles in Cuba, volunteer soldiers were depicted as renegades or patriots who answered the call to duty in a time of crisis.

Despite this, the fact that soldiers were required to perform grueling, inglorious labor was a point of frustration for many. On November 15, 1898 the *Pittsburg Daily Headlight* detailed a petition that members of the Twenty-Third had circulated in which a large number of soldiers demanded better working conditions:

We, the 23rd Kansas volunteers have a petition with 500 signers, asking to be sent home, and we ask you to help us. We were sent here to fight, and as there is no fighting to be done, we want to get off this island as soon as possible, for the climate is too hot for us.⁹⁵

The feeling of inaction or a lack of purpose was a point of contention among some all-white troops as well, so such a petition was not unusual. But, while the difficult circumstances may have been worthwhile to white soldiers, for whom veteran status potentially posed a pathway to

⁹² Miles V. Lynk, *The Black Troopers: Or the Daring Heroism of the Negro Soldiers in the Spanish–American War* (New York: AMS Press, 1971 [originally 1898]).

⁹³ *Ibid.*, 120.

⁹⁴ See Paul Foos, *A Short, Offhand Killing Affair: Soldiers and Social Conflict During the Mexican–American War* (Chapel Hill: University of North Carolina Press, 2002) for a discussion of how representations of volunteer soldiers in the Mexican-American War contrasted with representations of soldiers in the regular Army. Foos explains that many regarded the US Army with some degree of disdain during the mid-nineteenth century, noting that “republican tradition saw regular army soldiers as excessively servile, an institutional anomaly in a democratic society” (13).

⁹⁵ “23rd Kansas Tired of War,” *The Pittsburg Daily Headlight* (Pittsburg, Kansas), November 15, 1898, 3, accessed at www.newspapers.com.

legitimate self-ownership, for Black Kansans participation in the Spanish-American War did not offer the same promise of masculine heroism. The Twenty-Third performed difficult labor and received little recognition upon their return home.

While some found the labor that they were made to perform in Cuba to be demoralizing, for others the victories of Black soldiers of the Ninth and Tenth Cavalries—the Buffalo soldiers—during the Battle of San Juan Hill gave the deployment a sense of prestige due to its proximity to this important lineage of Black military heroism. In a letter to the Black newspaper *The Parsons Weekly Blade*, Captain W.B. Roberts described encountering another soldier from Parsons, Kansas named Bart Brown. Roberts said that Brown “gave [him] several relics from the battlefield of San Juan hill. ... That is where the 9th and 10th Cavalry and 24th and 25th Infantry did such great fighting and proved to the world that the Negro is the [greatest] fighter in the world.”⁹⁶

While Black soldiers were a source of pride for Black communities, the political decisions that initially sent the troops to Cuba were driven by pseudoscientific ideas about race and disease. The all-Black Twenty-Fifth Infantry was among the first troops that McKinley sent to Cuba as he believed the soldiers could withstand the climate, and the Ninth and Tenth cavalries were eventually called to fight in Cuba as well.⁹⁷ In addition to Black troops in the regular army, the US military began assembling other all-Black regiments—though these units were headed by white captains.⁹⁸ The Battle of San Juan Hill was historically depicted as a feat accomplished solely by Teddy Roosevelt and his “Rough Riders.” But in actuality

⁹⁶ Willard B. Gatewood Jr., *“Smoked Yankees” and the Struggle for Empire* (Urbana: University of Chicago Press, 1971), 201.

⁹⁷ Jerome Tuccille, *The Roughest Riders: The Untold Story of Black Soldiers in the Spanish-American War* (Chicago: Chicago Review Press, 2015), 31.

⁹⁸ *Ibid.*, 33.

the record shows that about 15,000 American troops of Maj. Gen. William R. Shafter's Fifth Army Corps participated in the battles on the high ground near Santiago, Cuba, on 1 July 1898. About 13,000 of them were white; 2,000 or so were black. Of the twenty-six regiments in this force, three were volunteer organizations; the vast majority were regulars.⁹⁹

It is easy to see why the Black troops' proximity to these high-profile military engagements was a source of encouragement for other Black regiments. The US's decision to send Black soldiers to Cuba early, however, also demonstrated the state's willingness to exploit Black individuals' perceived immunity to "tropical" diseases.

The few glimpses that exist into the Twenty-Third Kansas's tenure in Cuba also evidence liberal society's unwillingness to honor Black soldiers' civil and social freedoms, despite their decision to volunteer for military service. In letters and other narrative accounts about their treatment in Cuba, Black soldiers demonstrate the state's failed inclusion of Black people into the fold of liberalism, echoing what Grace Kyungwon Hong calls the "impossibility" of such narratives.¹⁰⁰ This impossibility reflects the reality of liberal violence—that categories of liberal inclusion were initially founded upon Black, Indigenous, and racialized exclusion. At the turn of the twentieth century, this produced a reality in which African American and groups of color participated in the same liberal and civil institutions as white citizens, such as the military. But the state upheld white citizens' investment in "whiteness as property" and therefore ultimately ensured the white supremacist foundation of liberal categories of ownership.

Because much was made of the comparison between oppressed colonized Cubans and the status of subordinate Black Americans, many soldiers envisioned that they would receive more respectable treatment while in Cuba. For instance, one Kansas newspaper wrote in August 1898

⁹⁹ Frank N. Schubert, "Buffalo Soldiers at San Juan Hill." Paper at the Conference of Army Historians, Bethesda, Maryland, 1998, accessed March 17, 2021, <https://history.army.mil/documents/spanam/BSSJH/Shbrt-BSSJH.htm>.

¹⁰⁰ Grace Kyungwon Hong, *The Ruptures of American Capital*: (Minneapolis: University of Minnesota Press, 2006), 23.

that “the Negroes of America can better understand the conditions of the Cubans and can better treat with them and make everlasting friends.”¹⁰¹ In using the military to establish more respectability, Black soldiers were not always necessarily hoping for pomp and heroism, but did want to establish Black individualism and social inclusion through the call to duty. One soldier from the Twenty-Third, Simon Brown, explained that he “did not volunteer to come here to be called a brave kid; but because I thought it my duty to defend the stars and stripes of my country, although it might cost me my life.”¹⁰² But, despite these proclamations of patriotism, the existence of white supremacist racial hierarchies within the military did not guarantee that even Black officers would be treated with respect. In one account, a soldier named Captain Roberts wrote to his parents, detailing what he called a “dramatic incident” of racism.¹⁰³ Roberts explained that when he was in Santiago he went to eat a meal at a hotel run by a white man from St. Louis. Roberts was with another Black Kansas officer, Captain Hawkins, who was “very light in color.”¹⁰⁴ After Hawkins was allowed into the restaurant, Roberts attempted to follow and the owner

said his boarders and white customers objected to eating with colored men and that he could not afford to ruin his business by accommodating me. And I an American army officer in full uniform; and you should have heard me go after him. I told him I was an American officer and had associated with gentlemen all my life and did not now propose to disgrace myself or my shoulder straps by eating at a side table or in a side room to please a few second class white officers who never had money enough to take a meal at a first class hotel until they became officers in the volunteer army in the United States during this present war.¹⁰⁵

After describing the role that Black soldiers had played in the war effort thus far, Roberts asked the hotel owner if he would serve him. Before the owner could answer, a previously unknown

¹⁰¹ Quoted in Gatewood, “Kansas Negroes in the Spanish American War,” 307.

¹⁰² Gatewood, *“Smoked Yankees” and the Struggle for Empire*, 193.

¹⁰³ Quoted in Lynk, *The Black Troopers*, 120.

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*, 123.

white officer intervened and said, “come Captain, take my seat; and you, Mr. Hotel Proprietor, get it quick; and I don’t want to hear any more of this d—n foolishness with these officers of mine.”¹⁰⁶

In this encounter, despite being confidently self-possessed as a result of his officer status, Roberts’s role in the military did not grant him the right to move freely and enjoy full liberal inclusion, even in another country. He even wrote in his letter that “they try to draw the color line here in Cuba.”¹⁰⁷ With Black units not only participating in the military effort, but further being led by other Black officers, this imperial moment revealed how liberalism’s inability to justify its continued racial subordination while simultaneously promoting a doctrine of equality could lead to what Hong calls “crises around national identity.”¹⁰⁸ While Captain Roberts was able to assert his credentials and contributions to US militarism, the category of liberal personhood would not easily expand to encompass these Black soldiers. Although the hotel owner's hesitation to allow Captain Roberts into the establishment was voiced in terms of the other customers being bothered, it was only after a white officer vouched for Roberts that he was allowed in the restaurant. While the experience of Black soldiers in the Twenty-Third regiment evidences the structural violence of liberalism, white Kansans were able to demonstrate their masculinity and sense of personhood through an articulation of their extreme individuality as well as through indiscriminate killing of racialized others.

When the Twenty-Third Regiment was mustered out of Cuba, they were received with much less fanfare than the Twentieth Kansas would return home to later that year. Ahead of the Twentieth's return, a headline in *The Topeka State Journal* read “Kansas Heroes.” The smaller

¹⁰⁶ Ibid., 124.

¹⁰⁷ Ibid., 120.

¹⁰⁸ Hong, *The Ruptures of American Capital*, 12.

headings below in different font sizes exclaimed: “soldiers will have a royal welcome when they return—plans for a magnificent reception are approved—people are ready—two million men and women waiting to shout hosannas—when the brave warriors come marching home.”¹⁰⁹ When the Twentieth Regiment soldiers did return in November 1899 there were parades, and entire front pages of newspapers dedicated to the occasion. The Twenty-Third, however, returned to a comparably small, all-Black celebration with very little newspaper coverage. In fact, the Twenty-Third's return home garnered negative press, with a number of newspapers across the state running the same racist article that claimed that when the soldiers returned to Leavenworth

as soon as the men received their pay they made their way for town. Many fakirs swarmed about headquarters. One suspected pickpocket was put off the reservation. A crap game for big stakes was instituted in the band building and at least one man went broke.¹¹⁰

One newspaper, the *Leavenworth Times*, did provide a journalistic account of the soldiers' return home in a somewhat lengthy article about the local African American community's long preparation for the Twenty-Third's arrival. It even noted that “it is safe to say that when the regiment arrives it will meet with a reception which will be equally as great as was tendered to the members of the twenty-first and twenty-second regiments here.”¹¹¹ Despite constantly referring to the fact that “colored” people were making the preparations for the reception, the article did emphasize that “the twenty-third deserves the praise of the people of Kansas.”¹¹²

A decidedly more scathing account, however, appeared in *The Benedict Courier*. In detailing the soldiers' return to Kansas on March 17, it first explained that “the regiment is colored—officers and men—and was raised in Kansas with little encouragement from white people, and

¹⁰⁹ “Kansas Heroes,” *The Topeka State Journal* (Topeka, KS), April 27, 1899, 1, accessed at www.newspapers.com.

¹¹⁰ “23rd Kansas Out,” *The Barnes Chief* (Barnes, KS), April 13, 1899, 1, accessed at www.newspapers.com.

¹¹¹ “To Be Welcomed,” *The Leavenworth Times* (Leavenworth, KS), March 9, 1899, 5, accessed at www.newspapers.com.

¹¹² *Ibid.*

many expressions of doubt from the Kansas press, without regard to party.”¹¹³ After listing pseudoscientific reasons *why* Black soldiers were unfit for the military, the article begrudgingly reported that: “the regiment on its arrival at Leavenworth, was met by the colored people with a brass band and refreshments. If any officer of the state, civil or military, was present to welcome the regiment, that fact was not noted.”¹¹⁴ While the military provided a pathway to full citizenship and respectability for white Kansans, when Black soldiers volunteered it produced outrage in white supremacist media outlets to see Black men participating in the realm of liberal citizenship.

Those accounts that did not express outright anger toward Black soldiers for daring to participate as citizens still conveyed a sense of how liberalism was unwilling to encompass those deemed racially outside the fold of protection. Seemingly sympathetic accounts about Black inclusion expressed a sense of paternalism that echoed colonialist tropes about Indigenous assimilation and citizenship. In 1902 the *Topeka Plaindealer*, an African American newspaper, published a story about a soldiers’ reunion for veterans of the Twenty-Third regiment that took place at an Emancipation celebration. Republican candidate for governor, W.J. Bailey, gave a speech that

traced the history of the Negro race and of their bravery as soldiers. He pointed out the responsibilities and duties of citizenship, paid a glowing tribute to the record of the Negro soldiers in the civil and Spanish-American wars and the part taken by the 23rd Kansas regiment, and urged and advised the colored parents while indulging in the praise of deeds done in war, not to forget the graver and equally necessary deeds to be accomplished in peace, and send their boys and girls to the industrial schools of the state, where they can be trained to be productive citizens in the highest sense of the word.¹¹⁵

¹¹³ *The Benedict Courier* (Benedict, KS), March 17, 1899, 2, accessed at www.newspapers.com.

¹¹⁴ *Ibid.*

¹¹⁵ “Our Boys Meet!,” *The Topeka Plaindealer* (Topeka, KS), August 8, 1902, 1, accessed at www.newspapers.com.

Bailey used the veterans' event to remind African Americans that labor training via industrial education was their highest duty. In this instance, military service was rendered an exceptionalized pathway to citizen status. In Bailey's conception, it was through labor that Black citizens were most useful to the state. By casting the imperative in terms of gravity, Bailey conveyed the notion that Black Kansans' inability to submit to the social order, to learn their subordinate role from an early age, could have deadly consequences.

This was apparent in the lynching of Fred Alexander. Alexander was a Black Spanish-American War veteran who was lynched in Leavenworth, Kansas, an event that is commonly cited as a particularly brutal and violent occurrence of racist terror in the state. On January 13, 1901, a mob accused Alexander of being the perpetrator of a failed attack on a white woman in Leavenworth, as well as the perpetrator of a well-publicized murder of a white woman the previous November.¹¹⁶ Long before Alexander was accused of both crimes, local newspapers had drummed up both the assumed racial dimensions of the attack and a desire for a lynch mob as a resolution to the crime. On November 7, shortly after the murdered woman was found, the local newspaper *The Leavenworth Times* reported that "lynching would be too good for such a fiend" and advocated for "burning him at the stake where the murder occurred."¹¹⁷

Two months later, when a lynch mob captured Alexander from the Leavenworth county jail, that is precisely what they did. Despite then-Governor William Stanley's threats of calling in the National Guard and a halfhearted attempt by the county sheriff to keep Alexander from the mob, eventually a crowd of an estimated six thousand people took hold of Alexander, mutilated him while he was still alive for "souvenirs," doused him in kerosene, and publicly immolated

¹¹⁶ Accounts of the lynching are in Christopher C. Lovett, "A Public Burning: Race, Sex, and the Lynching of Fred Alexander," *Kansas History* 33 (Summer, 2010): 103.

¹¹⁷ *Ibid.*, 102.

him.¹¹⁸ The horrific act of mob violence subjected Leavenworth to statewide and national condemnation—from the Governor, Black communities across Kansas, and some white commentators. Governor Stanley mentioned the fact that the event occurred in close proximity to a US military base, reasonably asserting that “there is no reason in the world that the negro should not have been protected to the last. The whole military power of the state would have been devoted to the effort and the sheriff knew it at the time.”¹¹⁹ Leavenworth, the site of a large military base and a federal prison, apparently could not muster the forces needed to contain the violent mob. A month later, on February 23, 1901, Governor Stanley offered up a five hundred dollar reward to find the organizers of the lynch mob. One Black leader, W.B. Townsend, offered to name Alexander’s murderers. He was subsequently chased out of town and had his house burnt down.¹²⁰ Nobody in Leavenworth faced consequences for Alexander’s murder or for the arson, and both acts were likely carried out with the full knowledge that there would be no repercussions.¹²¹

Alexander’s case demonstrated the extent to which participation in the military afforded a pathway to a greater sense of liberal personhood and self-ownership for white veterans of the Spanish-American and Philippine-American wars, whereas Black veterans were not afforded these same traditional pathways toward personhood. In some instances, Black soldiers’ decision

¹¹⁸ Ibid., 108–109.

¹¹⁹ Ibid, 110. Brent Campney, “Lynching and Mob Violence in Topeka, Kansas,” *Great Plains Quarterly* 33, no. 2 (2013): 83, describes the long-term effects of the event, writing that “In the aftermath of the burning, the best citizens across the state turned sharply against mob violence.”

¹²⁰ Lovett, “A Public Burning,” 112.

¹²¹ Thanks to the efforts of local historians and activists in collaboration with the Equal Justice Initiative, the Lawrence, Kansas City Commission voted in September 2020 to create a historical marker in the city to memorialize the lynchings of Pete Vinegar, Isaac King, and George Robertson in Lawrence in 1882. See Rochelle Valverde, “Lawrence City Commission approves agreement to create historical marker at site where three Black men were lynched in 1882,” *Lawrence Journal World* (Lawrence, KS), September 1, 2020, <https://www2.ljworld.com/news/city-government/2020/sep/01/lawrence-city-commission-approves-agreement-to-create-historical-marker-at-site-where-three-black-men-were-lynched-in-1882/>.

to volunteer for military duty actually rendered them *more* suspect in the eyes of the white media. Black Kansas soldiers in the Twenty-Third Regiment, who were deployed to Cuba, were consistently met with violence when they pursued the same goals of liberal self-ownership undertaken by white Kansans.

Despite this, Black Spanish-American War veterans led efforts to resist white supremacist violence. Black veterans led jailhouse defense efforts to prevent lynch mobs from capturing would-be victims, and in one instance ““In 1904, fifteen uniformed Spanish American War veterans’ participated in the jailhouse defense in Kansas City.” Brent Campney contextualizes Black veterans’ activism within a wider historical scope, arguing that ““the critical role of veterans in such defenses undermines the pervasive assumption in the historiography that a similar role played later by World War I veterans constituted a new development in race relations.”¹²² Participation in liberal institutions like the military may have resulted in white supremacist backlash, but it also created opportunities for resistance and community-building among Black veterans. The sense of self-empowerment that resulted from military participation caught the ire of the white supremacist social order. In another event in 1904, Spanish-American War veteran Tom Tyler narrowly escaped a lynch mob after being accused of killing a white man. *The Garnett Plaindealer* reported Tyler

was considered an average colored citizen and a very good worker up to the time of the Spanish War when he was sent to Cuba with the notorious colored regiment which has made such an unenviable reputation for itself ... Since coming home he has passed as rather a ‘bad’ man.¹²³

In this account, Tyler’s “badness” occurred through mere association with the supposedly notorious Twenty-Third regiment.

¹²² Brent Campney, *This Is Not Dixie: Racist Violence in Kansas, 1861–1927* (Urbana: University of Illinois Press, 2015), 121.

¹²³ Quoted in *Ibid.*, 126.

These conflicts demonstrate how self-ownership and liberal inclusion would not be easily extended to Black Americans in the post-Exoduster decades. In *Freedom With Violence*, Reddy reads W.E.B. Du Bois's depiction of the racialized violence of colonial warfare abroad along a continuum that extends from entrenched hierarchies of racism and colonial violence within the US. Reddy calls this continuum "the space of 1898," and describes that in this space

Du Bois connects legal Jim Crow racism in the South to American colonialism, articulating black, Caribbean, and Filipino racializations. He eschews black identifications with the imperial state, and instead suggests that black debt is sustained, not relieved, by American imperialism.¹²⁴

As the US exported racist colonial violence into new venues amidst the Spanish-American and Philippine-American wars, liberalism predicated upon white supremacy was strengthened, regardless of whether or not Black soldiers assisted the US military effort. The assumed inherent criminality of Black soldiers and veterans was emphasized in a way that precluded the possibility of heroism. Historical justifications for settler colonial dispossession and pervasive anti-Black racism coalesced in unique ways in the Spanish-American War. The bodily threat of disease that lurked in supposedly foreign "savages" provided not only a justification for the indiscriminate killing of people in the Philippines, but also a fear of "otherness" that infected the already-othered Black soldiers. Black soldiers likely volunteered for the war effort for the same reasons that white soldiers did—increased job prospects, financial gain, elevated social status, and patriotism. While some white soldiers achieved these benefits, many Black veterans saw themselves socially degraded even further in mainstream white society through association with disease and criminality.

¹²⁴ Reddy, *Freedom With Violence*, 88.

Black Civil Rights in Kansas and Medical Violence

While there were varying opinions about the extent to which military service could confer some semblance of citizenship status onto Black veterans, Black soldiers were also faced with the reality that, particularly in an era in which proto-eugenics logics were gaining prominence, their very bodies were found to be even more suspect upon their return to the United States through the association of racialization with disease. The medical field in the United States was rooted in anti-Blackness, with medical racism having been used as a means to justify the enslavement and post-Emancipation social subordination of Black people in the US. By 1890, the declining Black birth rate and African Americans' supposed susceptibility to "imaginary diseases, such as as hebetude, drapetomania, and Struma Africana" were argued to result from an innate racial quality of Black Americans rather than a result of structural racism.¹²⁵

While these racist ideas about Blackness and disease were used to justify broader Black social subordination, they also influenced ideas about Black soldiers' role in the military during the Spanish-American and Philippine-American wars. In the war, Black soldiers were assembled to form several regiments sent to fight in foreign locales because beliefs about medicine held that they were "immune" to tropical diseases.¹²⁶ While the Twenty-Third Kansas was not one of the so-called "Immune Regiments," the association of Blackness with immunity may have influenced the state's decision to send that particular regiment to do garrison duty in Cuba.

Whatever the state's motivation was for sending Black Kansas volunteers to Cuba, the Twenty-Third drew a distinction between itself and the immune regiments because they were

¹²⁵ Harriet A. Washington, *Medical Apartheid: The Dark History of Medical Experimentation on Black Americans from Colonial Times to the Present* (New York, NY: Anchor Books, 2008), 152, Kindle .

¹²⁶ See Anderson, *Colonial Pathologies*, 101–102 which describes how in 1900, some scientists like Harvard geographer Nathaniel Southgate Shaler believed that African American soldiers, as so-called "children of the tropics" would make excellent troops—"at least as infantry men—because the African American constitution, unlike the white, was preadapted to the tropical climate."

headed by Black captains. According to historian Willard Gatewood, Kansas soldiers “considered their outfits far superior to the black immunes whose officers were white Southerners. Obviously, the immunes possessed little sense of ‘being on trial’ which characterized the units with complete rosters of black officers.”¹²⁷ Black regiments were not the first so-called “immunes” to be mustered to fight in Cuba. The First and Second “Immunes” were all-white regiments from Texas and Louisiana, where it was believed that climate and prior epidemics had made large portions of the population immune to infectious diseases like Yellow Fever.¹²⁸ Eventually a number of other states assembled both white and Black so-called immune regiments, creating a total of four Black immune regiments and six white immune regiments.¹²⁹

Black immunity to tropical disease was a subject of much debate during the years surrounding the Spanish-American War.¹³⁰ Scientific ideas about the nature of disease was evolving as a result of the gradual acceptance of germ theory, but at times eugenicist thinking about racial progress excluded Black people from the scope of scientific progress.¹³¹ An 1897 article in *The Pittsburgh Time*—in which the subtitle read “colored population not included in the advance of science—described that in a recent yellow fever epidemic “the deaths in the afflicted cities among the colored race has increased while the mortality of the white race has

¹²⁷ See Gatewood, “*Smoked Yankees*” and the *Struggle for Empire*, 183.

¹²⁸ “The Immune Regiments,” *Asberry Park Press*, July 26, 1898, 3.

¹²⁹ Willard B. Gatewood Jr., “Alabama’s ‘Negro Soldier Experiment,’ 1989–1899,” *The Journal of Negro History* 57 no. 4 (October 1972): 334n5.

¹³⁰ In fact, the subject of Black resistance to Yellow Fever has remained the subject of academic debate into contemporary times, with Mariola Espinosa publishing an article in 2014 that dispelled assertions that African Americans possessed a natural immunity to the disease. She writes “the belief that black people, at least those of West and Central African descent, enjoy—or ‘almost certainly’ enjoy—an innate immunity or resistance to yellow fever remains dominant among historians of the topic. This belief is almost certainly wrong,” in Mariola Espinosa, “The Question of Racial Immunity to Yellow Fever in History and Historiography,” *Social Science History* 38, no. 3–4 (2014): 439.

¹³¹ Alfred J. Bollet, “Military Medicine in the Spanish American War,” *Perspectives in Biology and Medicine* 48, no. 2 (Spring 2005): 293.

decreased.”¹³² The article went on to assert that “it is claimed in the present instance that the race is largely responsible for transporting the germs from the epidemic area in their clothing.”¹³³

This account reveals the pseudoscientific logics that connected Black and racialized populations to the import of disease.

Beyond the violence of portraying certain races as vectors of disease, medical racism was encoded into public health policy in ways that reflected broader mechanisms of civil and social exclusion. As

health and hygiene norms increasingly became standards for ‘Americanness,’ and health officers helped determine who was considered part of the body politic. They had the power to restrict people’s sense of social membership and shape their relationship to the nation-state.¹³⁴

Through the prism of public health, it is possible to see how Black soldiers could be exploited through the usage of their bodies for military labor, while also being denied full citizenship rights and social inclusion as a result of their veteran status. The boundaries created by medical racism rendered Black soldiers inherently criminalized by virtue of association with disease. By simply existing in certain spaces and purportedly carrying disease in their bodies or on their clothing, Black soldiers could be viewed as suspect and subsequently treated accordingly.

Convolved misunderstandings about the racialized origins disease pervaded the Spanish-American and Philippine-American wars on multiple fronts. The Philippines served as a testing ground where shifting imperial conceptions of white masculinity were informed by the enforcement of hygiene measures upon the Filipino population. In addition to understandings of inferiority that were imposed upon Filipinos through the development of a bureaucratic hygiene

¹³² “The Fever Scourge,” *The Pittsburg Press* (Pittsburg, KS), September 22, 1897, 5, accessed at www.newspapers.com.

¹³³ Ibid.

¹³⁴ Natalia Molina, *Fit to be Citizens?: Public Health and Race in Los Angeles, 1879–1939* (Berkeley: University of California Press, 2006), 15.

infrastructure, such racial projects impacted the changing understandings of Black personhood in the military conflict. Because Black soldiers were viewed as more similar to the “Natives” in the Philippines, they became regarded as vectors of the tropical diseases that were endemic to the tropical locale.¹³⁵ While medicine and scientific advances in sanitation helped bolster the notion that white masculine imperialism could conquer disease and triumph in such climates, throughout the wars, “African-American troops within a few years had gone from being preadapted immune or acclimated children of the tropics to representing augmentations of the vast native reservoir of disease.”¹³⁶ Black soldiers were intrinsically linked to the importation of disease, and seemed to represent the threat not only of contracting diseases abroad, but also of spreading diseases in US cities.

These racialized associations with disease coalesced in powerful ways in Kansas after the Twenty-Third regiment returned from Cuba. In 1898, newspapers reported occurrences of what was being termed “Cuban chicken pox.” The public health infrastructure was complicit in creating this association, as even the secretary of the State Board of Health, W.B. Swan, suggested that the soldiers might be responsible for bringing “Cuban chicken pox” to Kansas after 250 cases of a mysterious disease were reported across the state by November 1898.¹³⁷ Upon reading about Cuban chicken pox in the newspaper, *C.S. Sunday*, a soldier who had served as a physician in the Twenty-Third, wrote to the Black newspaper the *Topeka Plaindealer* to dispel the absurd rumor:

having served in the Twenty-Third Kansas regiment, and having treated not only the bulk of the sick in the Twenty-Third Kansas and Eighth Illinois regiments, but many natives as well, I have not seen a single case in Cuba. I remember four years ago an epidemic identical to the rash in our midst prevailed throughout the South. It was thought at first to

¹³⁵ Anderson, *Colonial Pathologies*, 101–103.

¹³⁶ *Ibid.*, 103.

¹³⁷ “Doctors Puzzled,” *Weekly Republican-Traveler* (Arkansas City, KS), November 16, 1899, 5, accessed at www.newspapers.com.

have been small-pox, but upon further investigation they claimed it must be a kind of chicken-pox.¹³⁸

Despite such scientifically-informed attempts to distance Black soldiers from the importation of disease, some newspapers referred to outbreaks of “Cuban chicken pox” well into 1900.¹³⁹ Black soldiers were not only viewed as inherently diseased, but they were also blamed for introducing a foreign and “other” affliction onto (presumably white) Kansans. Sunday’s effort to dispel false ideas about the disease reveal how Black physicians and scientists were faced with the burden of creating alternate institutions and knowledges to counter prevailing racist stereotypes.¹⁴⁰ While public health officials and media reports used medical racism as a means of denying Black personhood, Black activists and healthcare professionals resisted such characterizations and provided the basis for a broader critique of the supposed objectivity of the medical field as a whole.

As understandings of Black disease and criminality seeped into the mainstream media, medical and carceral institutions had long been developing racialized hierarchies of personhood based on ideas about heritable defects. The following chapter takes up histories of eugenics “reforms” and sterilization in Kansas in the early twentieth century, exploring how the expansion of voting rights to white women inspired women’s social movements to advocate for state laws that would allow institutions to practice sterilization. These institutional understandings about race and reformability further contributed to racialized constructions of criminality of Black girls

¹³⁸ “Defends the Twenty-Third,” *The Topeka Plaindealer* (Topeka, KS), November 24, 1899, 3, accessed at www.newspapers.com.

¹³⁹ For example, a May 1900 account describes that “Stockton has several cases of the disease prevalent in many parts of the state known as Cuban chicken pox. Most physicians consider it an exceedingly mild form of small pox,” in *The Stockton Review and County Record* (Stockton, KS), May 25, 1900, 5, accessed at www.newspapers.com.

¹⁴⁰ Alondra Nelson, *Body and Soul: The Black Panther Party and the Fight against Medical Discrimination* (Minneapolis: University of Minnesota Press, 2011), 25 describes how African American “health advocates ... in varying degrees challenged medical authority and disrupted biomedical racialization ... to demonstrate that racism, not rationality, was at the root of scientific claims about the alleged inherent inferiority of African Americans.”

and women in single-sex carceral institutions. These processes illustrate how the white supremacist denial of liberal personhood described in this chapter created stratified access to liberal protections to white women while excluding Black girls and racialized girls from the sphere of reform.

Chapter Four: “Saturated with Vice”: Angelic White Children, Incurable Youth, and Reformable Subjects

In 1937, Kansas’s first female state representative to US Congress Kathryn O’Loughlin McCarthy learned that the Girls’ Industrial School in Beloit, Kansas, the state’s youth reformatory for girls, had sterilized over sixty school residents, sometimes against the wishes of the students’ parents or guardians. The Girls’ Industrial School was one of several state institutions where such procedures had been legally allowed since 1913, but newspaper accounts drew widespread condemnation of the school. Sensationalist paper the *New York Daily News* published several stories in October 1937 about the sterilization campaign, detailing parents’ protests as well as an account by the doctor who performed the sterilizations.¹ Despite the fact that sterilizations were legally sanctioned, McCarthy expressed horror over the fact that “sterilization was done for punishment rather than for any special good for society.”² While the media drew much-deserved attention to the unjust nature of institutional abuse and the sterilization of young girls, newspaper accounts also normalized the practice at other institutions across the state, where victims were portrayed as wholly deserving of state interference in their reproductive processes.

In 1937, cultural anxieties surrounding criminality and white girlhood fueled these media representations of sterilization. Kansas state documents reveal how femininity was simultaneously feared and protected at state institutions. The 1915–1916 biennial report of the Board of Control of the State Charitable Institutions of Kansas claimed that “statistics show that

¹ “Sterilization of 62 Girls In Home Upheld,” *New York Daily News* (New York, NY), October 30, 1927, 150, accessed on www.newspapers.com.

² “Sterilizing Girls Scored,” *Los Angeles Times* (Los Angeles, CA), Oct 24, 1937, accessed at www.newspapers.com.

a feeble-minded woman is three times as likely to find a mate as a feeble-minded man, and also that feeble-minded women are ruthlessly pursued by evil-minded men.”³ I argue that state deprivations of reproductive rights through allegations of mental inferiority or designations such as “feeble-mindedness” were, in part, a reaction to societal fears about women’s increased access to self-ownership and property ownership through formal voting rights.

In the US, liberal categories of personhood were rooted in material conditions of ownership. As C.B. MacPherson argues of the origins of liberal theory, the foundation of individualism “lay in its possessive quality. ... The individual, it was thought, is free inasmuch as he is proprietor of his person in capacities. The human essence is freedom from dependence on the wills of others, and freedom is a function of possession.”⁴ While enslaved Africans and African Americans were precluded from self-ownership and individuality by virtue of their condition of enslavement and social exclusion, white women remained a part of civil society even while being denied access to full liberal individuality. Cheryl Harris argues that regimes of property ownership were managed through the patriarchal family structure, meaning that

property, which was the impetus to enter the social contract, was not then a right attained and controlled by individuals; it was right accrued by males or potential heads of families. This means a married women had no individual rights to property or to her labor, as she was naturally under the authority of the male who headed her household.⁵

This began to change in the nineteenth century as white women’s access to liberal categories of ownership and individuality were expanded via increased social inclusion, and eventually to voting rights.

³ Board of Control of the State Charitable Institutions of Kansas, *Sixth Biennial Report of the Board of Control of the State Charitable Institutions of Kansas*, (Topeka, 1916), 7, <https://cdm16884.contentdm.oclc.org/digital/collection/p16884coll111/id/279/rec/1>.

⁴ C.B. Macpherson, *The Political Theory of Possessive Individualism* (Oxford: Oxford University Press, 1962), 3.

⁵ Cheryl I. Harris, “Finding Sojourner's Truth: Race, Gender, and the Institution of Property,” *Cardozo Law Review* 18, no. 2 (November 1996): 349.

In the 1830s, white women had gained expanded access to previously inaccessible forms of literal property ownership as southern states like Arkansas and Mississippi began to pass “married women’s property acts” as reform statutes to coverture laws, which were laws barring women from the right to own property or enter into legal agreements.⁶ But these statutes expanding women’s ownership rights did not automatically translate to the acquisition of liberal individualism, as tangible property rights alone were not sufficient to confer self-ownership to women in liberal society. The limitations of liberalism, Katherine Sullivan explains, prevented such measures from equating full citizenship rights, as:

in declaring the married women’s property acts to be coverture’s death blow, women suffragists presented the acts as the agents of the abolition of coverture. They placed property rights at odds with status and (their version of) liberalism at odds with the common-law doctrine of coverture. ... The woman suffragists defined both status and hierarchy as out of keeping with American principles. In doing so, they masked the role that stature and its obligations have played in American law and American liberalism.⁷

This points to white women’s continued exclusion from the category of whiteness as “status property,” in which “the reputation of being white was treated as a species of property, or something in which property interest could be asserted.”⁸ White women gained increased access to liberal individualism when middle and upper-class women began to participate in political campaigns and public social movements, and then when women gained access to formal voting rights. In Kansas, women gained the right to vote in 1912. The same upper-class white society women who campaigned for their right to vote also advocated for more stringent laws governing

⁶ Kathleen S. Sullivan, *Constitutional Context: Women and Rights Discourse in Nineteenth Century America* (Baltimore: Johns Hopkins University Press, 2007), 69, describes that “married women’s property acts provided that a married woman’s property would be exempt from a creditor’s recovery of property should her husband be in debt. These initial acts, limited to southern states, were similar to exemption laws in that they prevented creditors from taking all of a family’s property when recovering.”

⁷ *Ibid.*, 15.

⁸ Cheryl I. Harris, “Whiteness as Property,” *Harvard Law Review* 106, no. 8 (June 1993): 1734.

institutionalization of “mentally inferior” people and sterilization.⁹ Such laws appeared to protect the status property of upper-class whiteness by ensuring that while “sexually deviant” women may have been granted the right to vote, the liberal eugenic state could see to it that they could not produce offspring who would as well.

The 1937 media scandal in Kansas, focusing on sterilization that occurred within the bounds of the law, reflects the contradictory understandings of white womanhood that were at play in the early to mid-twentieth century. Wendy Kline argues that amidst declining birth rates during the Great Depression, eugenicist movements shifted their rhetoric from their early emphases on thwarting degeneracy and preserving the white race to that of serving society by protecting children.¹⁰ Newspaper accounts reflect how thoroughly many members of the public believed that sterilization laws were a mechanism to protect the institution of innocent white girlhood, while institutions and state officials made it clear that it saw the laws as a way to protect white motherhood from degradation. State documents further provide evidence for the claim that femininity was simultaneously feared and in need of protection.

In this chapter I provide the historical background of the Girls’ Industrial School in Beloit to contextualize how representations of girlhood in reform institutions impacted later portrayals of sterilization amidst the 1937 media scandal. I then provide a brief history of sterilization law

⁹ See Nicole Perry, “Diseased Bodies and Ruined Reputations: Venereal Disease and the Constructions of Women’s Respectability in Early 20th Century Kansas,” PhD Dissertation, (University of Kansas, 2015) for a history of white women’s activism in both voting rights movements and eugenic movements in Kansas.

¹⁰ Wendy Kline, *Building a Better Race: Gender, Sexuality, and Eugenics from the Turn of the Century to the Baby Boom* (Berkeley: University of California Press, 2001), 110 says that social shifts in eugenic thinking began to prioritize “the relevance and legitimacy of environmental factors in determining who should be sterilized and the importance of protecting the child and preserving the family.” Kline also discusses how while early twentieth-century understandings of eugenics focused on inherited deficiency, that in the 1930s eugenicists’ focus shifted to environmental factors which “further popularized their goal to improve civilization by making reproduction a social and medical responsibility rather than an individual right” (106).

in Kansas before discussing the sterilized subject in Kansas's legal and cultural imaginary.¹¹ I show how anxieties surrounding criminality and white girlhood fueled a conversation about sterilization that became the subject of widespread state and national attention after the abuses at the Girls' Industrial School were uncovered. Finally, I return to the Girls' Industrial School to discuss how the racist portrayals of inherent criminality of Black girls and girls of color within the school reveal the institution's understanding of white girlhood as ultimately reformable against racialized populations in the school. As Sarah Haley describes in *No Mercy Here* "the carceral system exposed and enforced the radical otherness of the black female subject, thereby solidifying white women's particular gender formation."¹² It is for that reason that a discussion of the sterilization scandal at the Girls' Industrial School also necessitates an interrogation of *how* white girlhood was constructed against the racialized criminality of Black students and students of color at the institution.

The Kansas Girls' Industrial School

By the time the Girls' Industrial School made national headlines in 1937, it had already endured a long and fraught history. The institution in Beloit, Kansas was established in 1888 with funds collected by the Women's Christian Temperance Union of Kansas for "girls who are in danger of being led into paths of vice and whose natural guardians are unworthy the trust

¹¹ My understanding of the "legal imaginary" is inspired by Colin Dayan, in *The Law is a White Dog: How Legal Rituals Make and Unmake Persons* (Princeton, NJ: University of Princeton Press, 2011), which explains that "In its manipulation of categories such as the spirit and the flesh, the law perpetuates its claims to mastery and comprehension, all the while investing the juridical order with the power to redefine persons. Legal culture has carved up human differences into hierarchies capacious enough to accommodate subordination. The law's artificial entities—whether disabled as slaves or degraded as felons—are made 'vulnerable,' in the scholar and activist Ruthie Gilmore's words, to 'premature death.'" (62).

¹² Sarah Haley, *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity* (Chapel Hill: University of North Carolina Press, 2017), 5.

given to them.”¹³ Its time as a private institution was short-lived; the school was taken over by the state of Kansas a year later in 1889. The Girls’ Industrial School then became one of ten “benevolent institutions” that housed criminalized youth populations or people with disabilities.¹⁴ The school, which served the entire state of Kansas, operated as a single-sex carceral institution for well over a century, with the Beloit Juvenile Correctional Facility finally closing in August 2009.

At the time of the school’s establishment, Beloit, in the northwestern region of Kansas, had a population of 2,455.¹⁵ The site was chosen for the Girls’ Industrial School due to its proximity to the railroad, but also because of its relative isolation from urban areas.¹⁶ Historically, Beloit and surrounding Mitchell County had always been overwhelmingly white. The 1940 census, taken just three years after the sterilization scandal broke, listed Mitchell County, Kansas as having only twenty people living in the county categorized as “negro,” four categorized as “other races,” and 11,315 people categorized as “white.”¹⁷ Beloit’s response to the influx of Black Exodusters into Kansas in the late 1870s provides insight into the mechanisms of white supremacy of the small town. The *Beloit Gazette* reported, in graphically racist language, that the Beloit City Council took the extreme step of passing an ordinance in May 1879 that banned

¹³ Quoted in Harriet C. Frazier, “The State Industrial School for girls at Beloit, Kansas: The first 50 Years, 1889–1939,” Presented at the November, 1988 Chicago Meeting of the American Society of Criminology,” 7, Unit ID 222996, Kansas State Historical Society, Topeka, Kansas.

¹⁴ *Ibid.*

¹⁵ Department of the Interior, Census Office, “Table 5. Population of States and Territories by Minor Civil Divisions, 1880–1890” *Report of the Population of the United States at the Eleventh Census, 1890*, ([Washington, DC, 1890](https://www.census.gov/prod/www/decennial.html)), 150. <https://www.census.gov/prod/www/decennial.html>.

¹⁶ Frazier, “The State Industrial School for Girls at Beloit, Kansas,” 8–10.

¹⁷ United States Department of Commerce, “Part 3: Kansas,” *Volume II: Characteristics of the Population, Sixteenth Census of the United States, 1940* (Washington, DC 1940), 41. <https://www.census.gov/prod/www/decennial.html>.

Black “refugees” from the south.¹⁸ It is not clear how long this law stayed on the books, but its mere mention is indicative of entrenched white supremacy and racist policing in the town.¹⁹

Despite the racism of the surrounding area, there is evidence of racial integration at the Girls’ Industrial School as early as 1896—that year’s biennial report stated that 11.7 percent of girls at the school were “colored.”²⁰ Several decades later the percentage of inmates of color rose; the 1902–04 biennial report stated that 32 of the 160 girls at the school were designated “colored.”²¹ At the time of the sterilization scandal the school was predominantly white, with ten “Negro” and two “Indian” students out of 98 listed.²² Although the school was historically a predominantly white institution situated in a predominantly white region of Kansas, racialized logics haunted the notion of criminality from its earliest days.²³ While the school was integrated, Black students and other students of color experienced segregation within the school, and archival records provide glimpses into what that experience may have been like for Black students.

The 1926–1928 biennial report includes a series of photos from the “America, the Beautiful Pageant.” Large groups of girls in elaborate matching costumes happily depicted

¹⁸ Reported in “Beloit City Council,” *Beloit Gazette* (Beloit, KS), 10 May, 1879, 3, accessed on www.newspapers.com. For more on the history of the Exoduster movement see Nell Irvin Painter, *Exodusters: Black Migration to Kansas after Reconstruction* (New York: W.W. Norton, 1976).

¹⁹ Brent Campney, “*This is Not Dixie’: Racist Violence in Kansas, 1861–1927*” (Urbana: University of Illinois Press, 2015), 79, which describes the law’s passage as evidence of a “de jure sundown policy.”

²⁰ State Board of Charities, *Fourth Biennial Report of the State Industrial School for Girls, Beloit* (Topeka, 1896), 150, <https://cdm16884.contentdm.oclc.org/digital/collection/p16884coll111/id/1/rec/1>.

²¹ Girls’ Industrial School, *Eighth Biennial Report of the State Industrial School for Girls at Beloit* (Topeka, 1904), 17, <https://cdm16884.contentdm.oclc.org/digital/collection/p16884coll111/id/1/rec/1>.

²² State Board of Administration, *Twenty-Fifth Biennial Report of the Girls’ Industrial School, Beloit* (Topeka, 1938), 27, <https://cdm16884.contentdm.oclc.org/digital/collection/p16884coll111/id/1/rec/1>. Aside from the 1896 report, the earliest available racial demographic data I could locate was from the school’s 1898–1900 biennial report, which lists seventeen residents as “black.” In Girls’ Industrial School. *Sixth Biennial Report of the State Industrial School for Girls at Beloit* (Topeka, 1900), 14–15. <https://cdm16884.contentdm.oclc.org/digital/collection/p16884coll111/id/1/rec/1>.

²³ For discussions of how Black girls were read as inherently criminal in state carceral institutions, see Sarah, *No Mercy Here*; and Karin L. Zipf, *Bad Girls at Samarcand: Sexuality and Sterilization in a Southern Juvenile Reformatory* (Baton Rouge: Louisiana State University Press, 2016), 170–172.

scenes such as “Colonial Days,” “Kansas Sunflowers,” and the surprisingly glamorous “Corn.” Black children were absent from these photos until the very last page of the report, where one photo showed a group of apparently Black children as well as other children of color, most in plain dresses and head scarves, with two wearing pants and bowties. One child sits holding a banjo on her lap. The photograph is captioned “Plantation Scene.”²⁴ The sections below will detail more fully how white supremacist understandings of girlhood influenced segregation and reform programs within the school, but this photograph reveals that while girls of color may have been present at the school, they were not afforded the same opportunities as white students.

Societal understandings of sexuality, disability, and criminality comingled to create a unique experience of oppression for girls at single-sex reform institutions in the twentieth century. Like other such schools across the nation, the existence of the Kansas Girls’ Industrial School was justified as a sympathetic effort to help “fallen” women, but always existed as a carceral space where girls were sent against their will. The selection of an isolated location for the girls’ reformatory was influenced by eighteenth-century prison reform movements led by individuals such as Benjamin Rush who espoused the belief that “isolation from the evils of the city, separation from the influence of their family and vice-ridden associates, and long term treatment in a secure setting were all thought indispensable to root out the offending deviancy, whatever its form.”²⁵ But while these institutions hoped to reform deviant behavior, they simultaneously existed to segregate those whose criminality was believed to be rooted in their inherited cognitive disability.²⁶

²⁴ State Board of Administration. *Twentieth Biennial Report of the Girls’ Industrial School, Beloit, Kansas* (Topeka, 1928), <https://cdm16884.contentdm.oclc.org/digital/collection/p16884coll111/id/1/rec/1>.

²⁵ Ruth M. Alexander, *The ‘Girl Problem’: “Female Sexual Delinquency in New York, 1900–1930* (Ithaca, NY: Cornell University Press, 1995), 10.

²⁶ Michael A. Rembis, *Defining Deviance: Sex, Science, and Delinquent Girls, 1890–1960* (Urbana: University of Illinois Press, 2011), 32, explains how such institutions reflected “the biologization of social deviance” which in turn

Contradictory societal understandings about “fallen” working-class girls led reformers to advocate for the establishment of separate reform institutions for young women. There simultaneously existed a fear that oversexualized girls tempted and corrupted young men and a sympathetic understanding that these women were victims of their biology and poor upbringings. Though eugenicist ideas about inherited degeneracy might seem to suggest that criminalized girls were beyond saving, there was still hope in the notion that proper education might allow for these girls to learn the skills necessary for marriage or low-level labor. Progressive-era movements sought to control the sexual behaviors of working-class women, and “urged Americans to resist the sexualization of female adolescence and thus to save disadvantaged young women and their communities from the ‘living death’ of prostitution.”²⁷ Female sexuality needed to be segregated and isolated from society, as males who had premarital sex were portrayed as victims of irresistible forces. The state’s anxieties about motherhood and femininity drove the decision to institutionalize and sterilize many “feeble-minded” women. The then-popular category of supposed degeneracy was quite often associated with girls’ perceived oversexualization—meaning that any evidence of girls’ sexual drive before marriage could be grounds for commitment or sterilization. This association between perceived hypersexuality and mental inferiority in girls was largely reserved for non-white girls and/or poor girls.²⁸

“created a lasting impression within American society of the socially ‘dangerous’ and morally ‘corrupting’ mentally ‘ill.’”

²⁷ Alexander, “*The ‘Girl Problem,’*” 34. For more about the history of girls’ reform schools and women’s incarceration in the US see also Barbara M. Brenzel, *Daughters of the State: A Social Portrait of the First Reform School for Girls in North America, 1856–1905* (Cambridge: The Massachusetts Institute of Technology, 1983); Estelle B. Freedman, *Their Sisters’ Keepers: Women’s Prison Reform in America, 1830–1930* (Ann Arbor: The University of Michigan Press, 1981). For a history of race and youth incarceration see Annette Louise Bickford, *Southern Mercy: Empire and American Civilization in Juvenile Reform, 1890–1944* (Toronto: University of Toronto Press, 2016).

²⁸ For discussions about how eugenic categories of mental inferiority were overapplied to people of color specifically in the case of Mexicans and Mexican Americans see Natalie Lira, “Mexican Americans and Eugenic Sterilization: Resisting Reproductive Injustice in California, 1920–1950,” *Atlan: A Journal of Chicano Studies* 34, no 2. (Fall 2014): 9–34; Miroslava Chavez-Garcia, “Chapter 3: Mildred S. Covert: Eugenics Fieldworker, Racial Pathologist,” *States of Delinquency : Race and Science in the Making of California’s Juvenile Justice System*

The designation of the girls' reformatory as an "industrial school" was in keeping with the nineteenth and early-twentieth century belief that wayward youth could only be reformed through labor. Black students at places like Hampton Agricultural and Industrial School in Virginia and Indigenous students at places like the Carlisle Industrial Indian School in Pennsylvania and Haskell Institute in Lawrence, Kansas all adhered to the belief that racialized and/or criminalized populations could be reformed through labor.²⁹ Industrial schools were a part of the US's liberalizing racial project, as Roderick Ferguson explains how industrial education "would play a crucial part in reforming the black subject from degenerate and immoral primitive to the normative citizen-subject of the United States."³⁰ Designating reform institutions as "industrial" across the US and beyond, reveals the extent to which a belief in the regulatory role

(Berkeley: University of California Press, 2012): 71–95; Alexandra Minna Stern, "Quarantine and Eugenic Gatekeeping on the US-Mexico Border," in *Eugenic Nation: Faults and Frontiers of Better Breeding in Modern America* (Berkeley: University of California Press, 2005): 53–71. For a historical account of "feeble-mindedness" as a social and medical category see Molly Ladd-Taylor, "Chapter Three: Who Was Feeble-minded?" in *Fixing the Poor: Eugenic Sterilization and Child Welfare in the Twentieth Century* (Baltimore, MD: Johns Hopkins University Press, 2017): 84–116. While some scholars have discussed feeble-mindedness as a catch-all term that allowed women to be incarcerated for defying sexual norms, Ladd-Taylor argues that "Although some women designated feeble-minded may have been resisting the norms of a repressive society, many others were victims of rape, incest, or domestic violence, or came from troubled families unable or unwilling to support their adolescent daughters" (100–101). For a discussion of how the designation of "feeble-mindedness" was overapplied to women of working-class backgrounds or women incarcerated for sex work see Rembis, *Defining Deviance*, 22–23; Scott W. Stern, *The Trials of Nina McCall: Sex, Surveillance, and the Decades-Long Government Plan to Imprison 'Promiscuous' Women*, (Boston: Beacon Press, 2018), 89–90. See Adam Cohen, *Imbeciles: The Supreme Court, American Eugenics, and the Sterilization of Carrie Buck* (New York: Penguin Press, 2016) for a detailed account of how the plaintiff in the US Supreme Court case *Buck v. Bell*, Carrie Buck, was categorized as mentally inferior in part due to socioeconomic factors.

²⁹ Haskell will be taken up in the next chapter of this dissertation, but for a history of the use of labor in American Indian boarding schools see Brenda J. Child, "Working for the School," in *Boarding School Seasons: American Indian Families, 1900–1940* (Lincoln: University of Nebraska Press, 1998), 69–86; and Kevin Whalen and Matthew Sakiestewa Gilbert, *Native Students at Work: American Indian Labor and Sherman Institute's Outing Program, 1900–1945* (Seattle: University of Washington Press, 2016). For a comparative look at Black and American Indian education in the nineteenth and twentieth centuries in Kansas, see Kim Cary Warren, *The Quest for Citizenship: African American and Native American Education in Kansas, 1880–1935* (Lawrence: University of Kansas Press, 2010). For a critical discussion of the modes of extraction and accumulation employed at Hampton and Haskell, read Sarah E.K. Fong, "Racial-Settler Capitalism: Character Building and the Accumulation of Land and Labor in the Late Nineteenth Century" *American Indian Culture and Research Journal* 43, no. 2 (Spring 2019): 25–48.

³⁰ Roderick Ferguson, "Of Our Normative Stirrings: African American Studies and the Histories of Sexuality," *Social Text* 23 no. 3–4 (Fall–Winter 2005): 92

of work discipline worked in tandem with bodily and mental harm in these institutions that supposedly existed to help children.³¹

For girls' schools, industrial labor was thought to be necessary to divert students' energies away from sexual activities. If girls could be kept busy learning practical work skills then they would not have any spare time for immoral activities.³² Practically speaking, this model also meant that the students could perform the work necessary for maintaining the institution, such as gardening and mending clothes. The Girls' Industrial School's third biennial report in the late 1880s illustrates this point while also justifying the school's austere surroundings:

as idleness and a love for luxurious surroundings are at the root of much of the vice and crime in our American girls, the first and essential factor in reclaiming them is the proper assignment of industrial employment.³³

The belief that girls' sexual behavior could be diverted through work was present at the school at least as late as 1945. In an interview conducted by a state citizen's commission investigating abuse at the Girls' Industrial School that year, Tracy Mitchell Thompson, the "house manager" of the school's only racially segregated resident cottage, explained how she kept the girls busy for the express purpose of diverting their sexual energies:

my children don't go to bed until 9 o'clock because I want them to be well worn out when they go to bed. ... because if that energy is not worked off it certainly goes into sexual vice, and I don't have that and won't have [*sic*].³⁴

³¹ For an account of the way that the regulatory technologies of labor management in industrial settings developed alongside and in collusion with theories and practices of race management, see David Roediger and Elizabeth Esch, *The Production of Difference: Race and The Management of Labor in U.S. History* (New York: Oxford University Press), 2012.

³² Alexander, *The "Girl Problem,"* 40, writes that "reports and tracts issued by urban vice commissions ... stress[ed] disadvantaged young women's selfish individualism, their disregard for hard work, and their enthusiastic participation in immoral relations."

³³ Frazier, "The State Industrial School for Girls at Beloit, Kansas," 14.

³⁴ Meeting of Citizens Committee at State Industrial School for Girls at Beloit, Kansas: Official Transcript, August 24, 1945, Department of Social and Rehabilitation Services Historical Files, Locator 59-08-04-11, 72. Kansas State Historical Society, Topeka, KS.

While the first child labor law in Kansas was passed in 1905 to restrict the age under which children could work in meatpacking factories, forced labor was one of the only avenues that girls had to access reformability and some semblance of self-ownership beyond the institution. A 1933 commission that Kansas Governor Harry H. Woodring convened to investigate the conditions and practices of the state public welfare institutions found that upon parole—in the rare cases that it did happen, as the report deemed that parole practices were inconsistently managed—former Girls' Industrial School residents were often used as domestic servants in nearby homes. The report tells of one case where a student

was paroled to a home where she was apparently employed solely as a means of providing her foster-home with a cheap servant. No evidence could be found of her being given either adequate supervision or provided with suitable recreational amusements.³⁵

Oftentimes, girls could not leave the institution unless they accepted conditions of servitude and some semblance of being “owned” by a local family. The same phenomenon occurred in Virginia, as the plaintiff in the US Supreme Court case *Buck v. Bell*, Carrie Buck, was not able to leave the Colony for Epileptics and Feeble-Minded—even after being sterilized—until a local family agreed to take her in as a domestic servant.³⁶

Sterilization in Kansas

When the story broke about the sterilization scandal at the reformatory in Beloit, a *Los Angeles Times* article revealed McCarthy's horror at discovering what she believed to be a misapplication of the practice. The same article, however, also detailed a state sterilization board member's assertion that they “had followed a state sterilization law in effect for many years.”³⁷

³⁵ Public Welfare Temporary Commission, *Report of the Public Welfare Temporary Commission, State of Kansas, Appointed by Governor Harry H. Woodring, 1931–1933*, (Topeka, January 15, 1933), 102, <https://babel.hathitrust.org/cgi/pt?id=mdp.39015028059684&view=1up&seq=5>.

³⁶ Cohen, *Imbeciles*, 284–285.

³⁷ “Sterilizing Girls Scored,” 16.

This is true—eugenicist laws legalizing sterilization at state institutions were initially passed in Kansas in 1913 and updated in 1917 and 1923. Beloit’s 1934–1936 biennial report, the one preceding the scandal, quotes the updated 1923 sterilization statute in full, including the provision that performing sterilizations “shall not render the board of examiners, its members or any person participating in the operation liable either civilly or criminally.”³⁸ The same biennial report took an almost self-congratulatory tone when it noted that only a few residents did not fully consent to sterilization, saying that: “very few protests [were] made at the three hearings of the board of examiners.”³⁹ While this report seemed to celebrate the success of the procedures at the school, the following 1936–38 biennial report—after the sterilization scandal broke—made no mention of sterilization.

Kansas’s history of coerced sexual sterilization predated statutes regulating such procedures. In an unprecedented case of institutional misconduct that Mark A. Largent calls “the most widely criticized use of sexual surgery in the late nineteenth century,”⁴⁰ the superintendent of the Institute for Idiotic and Imbecile Youth in Winfield, Kansas, F. Hoyt Pilcher, took it upon himself to perform “asexualization” surgeries on at least 11 residents of the school.⁴¹ A scathing newspaper article in the *Wichita Star* on September 1, 1894 indicated opposition to Pilcher’s sterilization campaign on both moral and political terms. It alleged that Pilcher was enacting a populist agenda upon the members of society most in need of protection. Indicating public opinion toward sterilization by at least some Republicans at the turn of the century, the article

³⁸ State Board of Administration. *Twenty-fourth Biennial Report for the Girls’ Industrial School, Beloit, Kansas* (Topeka, 1936), 5–6, <https://cdm16884.contentdm.oclc.org/digital/collection/p16884coll1111/id/1/rec/1>.

³⁹ State Board of Administration. *Twenty-fourth Biennial Report for the Girls’ Industrial School*, 5–6.

⁴⁰ Mark A. Largent, *Breeding Contempt: The History of Coerced Sterilization in the United States* (New Brunswick, New Jersey: Rutgers University Press, 2011), 22

⁴¹ Julius Paul, “Three Generations of Imbeciles Are Enough...”: *Eugenic Sterilization in American Thought and Practice* (Washington, DC: Walter Reed Army Institute of Research, 1965), 617. <https://readingroom.law.gsu.edu/cgi/viewcontent.cgi?article=1097&context=buckvbell>.

stated that “Dr. Pilcher has committed the most atrocious mutilations upon eleven of the inmates of the asylum. A mutilation which is regarded in law and public conscience as the most horrible that can befall a human being.”⁴² In the years following Pilcher’s surgeries, a subsequent Winfield Superintendent named F.C. Cave published a short study of the sterilization victims who remained at the institution in 1914—14 girls and 44 boys. Although many members of the public had reacted negatively when learning about sterilization at the school, Cave maintained that the surgeries were beneficial for society. His report emphasized the extent to which the surgeries would both prevent future offspring as well as remove sexual desire, even if that came at the cost of mutilation.⁴³

The first sterilization statute in Kansas, chapter 305, was passed by the state legislature in 1913 as “an act to prevent the procreation of habitual criminals, idiots, epileptics, imbeciles, and insane.”⁴⁴ In order to prevent procreation, the statute ordered state mental institutions to examine all residents to determine their fitness for procreation, and then to send those recommendations to “the district court or any court of competent jurisdiction in and for the district from which such inmate or inmates has been committed to such institution or institutions.”⁴⁵ The clunky language and unclear criteria for determining who could be sterilized prevented institutions from using the law. The sixth biennial report of the Combined Kansas Reports says that the law was “inoperative on account of the costs and the legal machinery attached to it.”⁴⁶

⁴² “Mutilation: By the Wholesale Practiced at the Asylum,” *The Wichita Star*: Wichita, KS, September 1, 1894, 9.

⁴³ F.C. Cave, “Report of Sterilization in the Kansas State Home for Feeble Minded,” *Journal of Psycho-Asthenics* XV, nos. 3 and 4 (March and June, 1914), 2. Accessed in the Papers of Karl August Menninger, Menninger Foundation Archives, Kansas State Historical Society, Topeka, KS.

⁴⁴ Harry H. Laughlin, Psychopathic Laboratory of the Municipal Court of Chicago, *Eugenical Sterilization in the United States*, (Chicago, 1922), 29.

<https://repository.library.georgetown.edu/bitstream/handle/10822/556984/EugenicalSterilizationInTheUS.pdf>.

⁴⁵ *Ibid.*, 30.

⁴⁶ *Sixth Biennial Report of the Board of Control of the State Charitable Institutions of Kansas*, 7. See also Paul, “*Three Generations of Imbeciles are Enough*,” 618, where the author describes the reasons that heads of institutions did not use the 1913 statute.

In the 1922 *Eugenical Sterilization in the United States*, prominent US eugenicist Harry Laughlin compiled all known information about sterilization laws across the United States. The book included passages from correspondences with the heads many state institutions in Kansas, some of whom critiqued “red tape” surrounding such laws, as well as the fact that superintendents did not have enough autonomy in carrying out the procedures. Dr. L.R. Sellers, the superintendent of Larned State Hospital in Kansas, wrote candidly in a 1918 letter about his disdain for the fact that courts had to be involved in the process of sterilization. Applying eugenics logics to the process of jury selection itself, Sellers complained that to carry out the law “the superintendent would appear before a jury (often summoned from the livery stables and court house loafers). This jury of incompetents would hear the evidence that the superintendent gave, then pass upon it.”⁴⁷ Because institutional administrators claimed to have the deepest insight into who needed procedures and why, any intrusion or oversight into sterilization by average, and supposedly less than intelligent, citizens prevented the state from carrying out its eugenics program fully. For this reason, Sellers sarcastically concluded “you can readily see how enthusiastic the superintendents would be in complying with the law.”⁴⁸

The revised 1917 Kansas statute mandated that rather than send the sterilization cases to the court, they would be heard before an “examining board” consisting of the “chief medical officer of any subject institution, governing board of institutions, and secretary of the state board of health.”⁴⁹ The updated law did not immediately lead to the widespread usage of the procedures. In an unpublished manuscript about sterilization in the US, Julius Paul explained that before 1921 there had been 54 sterilizations in Kansas, and then from 1925–1928 alone there

⁴⁷ Laughlin, *Eugenical Sterilization in the United States*, 72.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*, 12.

were over 300 sterilizations across Kansas institutions.⁵⁰ He called the 1927 US Supreme Court decision in *Buck v. Bell* a “turning point” for sterilization law in Kansas, as it was only a year later that the issue made its way to the Kansas Supreme Court in the 1928 *State v. Schaffer* case. In his decision, Judge Rousseau Angelus Burch contended that the well-being of society ultimately trumped individual rights when it came to potentially “defective” people procreating. He argued that “reproduction turns adversary and thwarts the ultimate end and purpose of reproduction. The race may ensure its own perpetuation and such progeny may be prevented in the interest of higher general welfare.”⁵¹ The state then sought to expand its power to control reproduction because when used in an “adversarial” manner it could harm society as a whole. In the years following *Smith v. Schaffer*, sterilizations increased exponentially in Kansas—between 1932 and 1942 there were nearly 2,000 sterilizations in Kansas.⁵²

In reading Kathryn O’Loughlin McCarthy’s papers and correspondence regarding the sterilization scandal at the Girls’ Industrial School, it is evident that she—and many who corresponded with her—regarded the abuses perpetrated against the girls at Beloit as more egregious than those committed against any of the other thousands of victims of sterilization at the other Kansas State hospitals. Inspired by McCarthy’s crusade against the sterilizations in Beloit, the Franklin D. Roosevelt Club in Kansas City, Kansas passed a resolution in November 1937 condemning the procedures on the grounds that the Girls’ Industrial School “is not a penal institution, but a correctional institution of the state.”⁵³ Mr. John A. Johnson of Seattle,

⁵⁰ Paul, “Three Generations of Imbeciles are Enough,” 619.

⁵¹ Judge Burch’s decision is quoted in Norman St. John-Stevan, *Life, Death, and the Law: Law and Christian Morals in England and the United States* (Washington, D.C.: Beard Books, 1961), 168.

⁵² Paul, “Three Generations of Imbeciles are Enough,” 620.

⁵³ Franklin D. Roosevelt Club Resolution, Nov. 3, 1938, MS 1752, section 12, *Kathryn (O’Loughlin) McCarthy Papers, 1900–1948*, microfilm, Kansas State Historical Society, Topeka, KS.

Washington echoed this outrage in a letter to McCarthy. Equating the ability to procreate with sexuality in general, Johnson wrote that

with proper training the majority of girls in these institutions eventually marry and become useful citizens. This operation not only deprives girls of the steady influence of marriage but even acts as a very effective barrier to any married life at all.⁵⁴

Johnson's implication that sterilization would prevent women from the possibility of a sexual marriage either spoke to the reality that procreation was crucial to marriage in the twentieth century, or to his lack of knowledge about how sterilization procedures worked.

While these reactions to the sterilization scandal were critical of the ways that sterilization procedures were used punitively at Beloit to deprive girls of the benefits of motherhood, many still held that there *were* some individuals who may have been deserving of the procedure. Although the superintendent who approved the sterilizations, Lula Coyner, received widespread condemnation for her role in the sterilization campaign, as well as for her treatment of students in general, Coyner's approach to sterilizations may not have differed from previous superintendents at the school who may have used the procedures if there were not bureaucratic difficulties involved in the process. In Laughlin's correspondence with the superintendents of institutions that could practice sterilization according to the 1913 law, a former superintendent of the Girls' Industrial School, Lillian M. Mitchner, wrote of sterilization that "it seems to me that if it were enforced in our institutions for feeble-minded and subnormal men and women, boys and girls, it would be of incalculable value along eugenical lines."⁵⁵

The scandal at the Girls' Industrial School demonstrates how conceptions of sexuality were always linked to understandings of race and criminality. As Laughlin wrote when

⁵⁴ "Letter from Mr. John A. Johnson," Oct. 24, 1937, MS 1752, section 11, *Kathryn (O'Loughlin) McCarthy Papers, 1900–1948*, microfilm, Kansas State Historical Society, Topeka, KS.

⁵⁴ Laughlin, *Eugenical Sterilization in the United States*, 73.

⁵⁵ *Ibid.*

discussing venereal disease laws, “the great majority of women who marry are pure, while a considerable amount of men have had illicit sexual relations before marriage.”⁵⁶ Because men were thought to have more “natural” inclinations toward sexual behavior, their premarital sexual relations did not induce the same level of societal anxiety as did women who deviated from their “purity.” Those women who did show evidence of sexual behavior before marriage, particularly those from poorer backgrounds, were largely blamed for producing criminal offspring.⁵⁷ This speaks to the inconsistency between the public’s outrage toward sterilization being used punitively to deprive white girls of the opportunity to become mothers and eugenicists’ views of unwieldy female sexuality as the ultimate downfall of the white race: white girlhood was often represented as the antithesis of criminality and white girls were the subjects *most* in need of protection. Yet when women had sex, particularly premarital sex, they became the opposite of the feminine ideal that was in need of protecting—they were transformed through behavior into the figures society most needed to be protected from.⁵⁸ If the ideal embodiment of liberal personhood in the US was the white, landowning, father and husband, it is possible to see how poor women who had sex or men whose perceived disabilities rendered them incapable of capitalist productivity or land ownership were portrayed as legitimate targets for the justifiable nullification of their own reproductive capacities.⁵⁹

There is a material reason for this fear-mongering against women’s promiscuity. As Marxist feminist scholars have extended Frederick Engels argument in *The Origin of Family*,

⁵⁶ Ibid., 344.

⁵⁷ See Kline, *Building a Better Race*, 114–115, which states that “as eugenicists were beginning to argue in the 1930s, and inadequate environment—not just a pathological defect—could and did damage a child.”

⁵⁸ Louise Michele Newman, *White Women’s Rights: The Racial Origins of Feminism in the United States* (New York: Oxford University Press, 1999), which discusses the social evolutionary theories in the 1870s that spawned the eugenics movement, saying that “many male theorists in this period argued that (white) women’s biological conservatism ... held her responsible for retarding the evolutionary development of the white race” (50).

⁵⁹ Harris, “Whiteness as Property,” 1725–1728 discusses the centrality of whiteness and property ownership to the establishment of the US state.

Private Property, and the State, monogamy existed solely to preserve property and to ensure that land could be inherited.⁶⁰ Women's primary function in patriarchal capitalist families was to reproduce inheritors and serve the family with domestic labor. In an intensely privatized state like Kansas, reproductive control of poor women could serve as a form of enclosure that might prevent the possibility of too many potential inheritors. While white women may not have had access to formal citizenship rights like voting prior to 1920 (in Kansas, as early as 1912), they still were under the protection of the law and were thus extended a measure of legal protection although they were denied the full access to liberal self-ownership that white males enjoyed.

For middle and upper-class "society women," many of whom championed both the right to vote and for harsher laws governing sterilization, suffrage appeared to be a pathway to the fullest benefit of citizenship through self-ownership.⁶¹ Amidst eugenicists' concerns about the degradation of the white race, white supposedly feeble-minded women not only threatened the sanctity of the status of property ownership and the right to vote, but they could also produce more feeble-minded and "degenerate" white citizens. Society women who wanted to establish their liberal personhood through and against racialized people, criminals, and individuals with disabilities, did so by advocating for measures like sterilization, revealing that suffragists could advocate for state violence against those they deemed inferior to gain a greater sense of self-ownership.⁶²

⁶⁰ See Friedrich Engels, "The Monogamous Family," *The Origin of Family, Private Property, and the State* (Chicago: Charles H. Kerr & Company, 1908), 75–101. Accessed at https://www.gutenberg.org/files/33111/33111-h/33111-h.htm#Page_35. For an example of feminists' extension of Engels's argument, see Janet Sayers, Mary Evans, and Nanneke Redclift, eds., *Engels Revisited: New Feminist Essays* (London: Tavistock, 1987).

⁶¹ See Rembis, *Defining Deviance*, for a discussion of how white women as "maternalist reformers" were socially empowered through their participation in eugenics campaigns, and how "throughout the nineteenth century, middle-class white women increasingly extended their role as wife and mother—a role that the dominant Anglo-American culture imbued with reformatory capacities—beyond their own homes" (14).

⁶² Aileen S. Kraditor, *The Ideas of the Woman Suffrage Movement, 1890–1920* (New York: Columbia University Press, 1965) says that "when [the suffragists] demanded the vote on the basis of justice and the consent of the governed, they could not intend absolutely universal suffrage, which would have given the vote to every human

Considering the ways that racialized populations have historically been deemed ineligible for personhood and treated accordingly, eugenic sterilization laws as they were imagined to function for the purposes of improving the white race accommodated for the reality that universal suffrage also meant that lower-class women gained access to liberal self-ownership and the status property conferred through whiteness. The aims of the state more broadly were perhaps not always perfectly aligned with the stratified categories of citizenship that eugenicists imagined, although sterilization laws evidence the reality that eugenic thinking certainly did become mainstream in the liberal state.⁶³ This stratification of personhood is why sterilization laws could be applied wholesale to Black, native, and Latinx populations across the US well into the twentieth century without widespread public condemnation, but assaults upon white youth were condemned by the media.⁶⁴ A liberal eugenic state project then involved opening up categories of personhood to women via suffrage, while also creating conditional eligibility for full personhood—personhood could be granted to loose women and supposedly lower-stock whites if they accepted institutionalization or sterilization as the price.⁶⁵

The fight for women's suffrage and eugenic arguments have always been interrelated. Historians and disability studies scholars have discussed how middle- and upper-class women advocating for their right to vote used dehumanizing propaganda to highlight the supposed

being. Having conceded that women, lunatics, and felons must be excluded, they had to define those categories. Such definitions, necessarily containing an element of arbitrariness, would have to be justified as serving the 'good of society,' and other limitations of the franchise for the same reason would appear logical enough" (253–254).

⁶³ While many scholars connect sterilization laws to the popularity of eugenics in the early to mid-twentieth century, Ladd-Taylor, *Fixing the Poor*, 2, looks at sterilization from a social welfare perspective in and argues that "the policy's actual design and administration over the years were equally shaped by a longer-term concern with limiting the state's responsibility for the poor."

⁶⁴ Susan K. Cahn, *Sexual Reckonings: Southern Girls in a Troubling Age* (Cambridge, MA: Harvard University Press, 2007), 158–159 says "the racial practice and discourse of sterilization formed first and most explicitly around young white women, whose victimization on the basis of race and class formed a precedent for later sterilizations of young black women."

⁶⁵ For context about this argument, see Newman, *White Women's Rights*, 58, that states "By situating the debates over woman suffrage in the context of evolution and racial progress, it becomes clear that the prosuffrage arguments were not simply about the right of woman to vote, but about ... the future progress of Anglo-Saxons as a race."

hypocrisy of the fact that “lower class” men were able to vote, while refined and educated women were not.⁶⁶ In this way, upper-class women carried out the project of liberal expansion in an exclusionary manner: by using their burgeoning political influence to limit social inclusion for those they deemed “other.” Women were granted the right to vote in Kansas in 1912, the year before the first sterilization act was passed. What feminists might celebrate as an early victory in the fight for women’s right to equal political participation is sullied by the very terms in which women chose to argue their cause. Nicole Perry has documented the specific role that “society women” in Kansas played in both the suffrage movement and eugenics-informed reform projects in state institutions, which linked the two movements, even if only tactically.

The same eugenicist arguments for why women of “good stock” should gain the right to vote against those deemed inferior were used by upper-class white women who championed for the rights of supposedly helpless people who could not care for themselves. Upper- and middle-class women were able to assert their political agency, and bolster their case for liberal citizenship, by sympathetically emphasizing the inferiority of others. As Perry argues, this was always a racialized project for white women, as “the language of racial progress and inherent capacity for self-governance among whites informed women’s understandings of themselves in Kansas.”⁶⁷

Kansas society women can be credited with bringing about the changes to state sterilization laws that would eventually lead to the more widespread use of the practice, efforts that increased following the rape and murder of nine-year-old Topeka resident Edna Dinsmore

⁶⁶ See Douglas Baynton, “Disability and the Justification for Inequality in America,” in *The New Disability History*, P.K. Longmore & L. Umansky, eds. (New York: New York University Press, 2001), 44, where he describes for instance that “A popular theme in both British and American suffrage posters was to depict a thoughtful-looking woman, perhaps wearing the gown of a college graduate, surrounded by slope-browed, wild-eyed, or ‘degenerate’ men identified implicitly or explicitly as ‘idiots’ and ‘lunatics.’ The caption might read ‘Women and her political peers’ or ‘It’s time I got out of this place. Where shall I find the key?’”

⁶⁷ Perry, “Diseased Bodies and Ruined Reputations,” 130.

by repeat offender Fred Bissell in 1916. Just days after the crime the *Topeka Daily Capital*, in a story titled “Prevention of Crimes like Bissell’s,” identified a question already on many people’s mind: how could such a crime occur while sterilization laws existed and Bissell had been previously incarcerated for sex crimes? The article stated:

In the last few days, many have been heard to denounce the law and censured lawmakers because of the deed of Bissell, the degenerate, was not made impossible. Many have clamored for a sterilization law as a cure-all and censured Legislators because of the lack of such a law.⁶⁸

Dinsmore’s murder did eventually lead to “reformed” sterilization laws. 1917 revisions to the sterilization statute were celebrated in the *Chanute Daily Tribune* as “one of the most progressive laws passed in Kansas in years.” The same article explained that in the year following Dinsmore’s murder, club women “resolved to carry out the motto, ‘Avenge the death of Edna Dinsmore,’” saying that “the sterilization bill was their weapon. They waged a long difficult fight—and they won. Their efforts will be of benefit to oncoming generations.”⁶⁹ Society women thus may not have been the only people in the state advocating for harsher sterilization laws, but they took the cause up in the hopes of preventing future crimes against white girls.

It was just two decades later that the public reacted quite differently to the law after discovering it was being used *against* students in the Girls’ Industrial School. The way that white girlhood was deployed in the media amidst these two events reveals the contradictions between how the liberal eugenic state viewed sterilization as a means of protecting motherhood from degradation whereas many members of the public believed that sterilization laws were a

⁶⁸ “Preventions of Crimes like Bissell’s,” *The Topeka Daily Capital* (Topeka, KS), May 2, 1916, 4. Accessed at www.newspapers.com; While activists advocated for Bissell’s sterilization on the grounds that he had raped and murdered a child, other eugenic movements across the US targeted men for sterilization via castration for same-sex relations. See Peter Boag, *Same-Sex Affairs: Constructing and Controlling Homosexuality in the Pacific Northwest* (Berkeley: University of California Press, 2003), 209–216 for an account of Oregon’s 1913 campaign to castrate homosexual men.

⁶⁹ “The Sterilization Bill,” *Chanute Daily Tribune* (Chanute, KS), March 16, 1917, 2. Accessed at www.newspapers.com.

mechanism to protect innocent white girls from criminality. Molly Ladd-Taylor very effectively gets at these contradictory aims of sterilization laws, by highlighting how “the symbolic power of the innocent child depended on the opposing image of the wicked or ‘defective’ child, often represented as a darkened, sexualized throwback to a primitive past.”⁷⁰ It is no surprise that these representations conflicted at times in the media, creating confusion about *who* precisely these laws existed to protect. The national attention that the 1937 sterilization scandal at Beloit garnered is inherently racialized even when race is not named—the supposed innocence of what Robin Bernstein calls “angelic white children” was deployed for sympathetic purposes even if school officials simultaneously viewed the “incorrigible,” and “feeble-minded” girls at the Girls’ Industrial School as unreformable.

Racialization and Reformable Subjects

Constructions of criminality and personhood within the Girls’ Industrial School reveal that residents of color were cast as inherently deviant whereas white residents could potentially be brought into the fold of reformability if they consented to negotiated forms of liberal personhood via sterilization or forced labor. Because white girlhood was often represented as the antithesis of criminality, the public expressed horror and outrage when white girls were treated in the same ways that those “deserving” of sterilization, like people of color and/or people with cognitive disabilities—were treated. I do not say this to diminish the magnitude of the violence that forced sterilization had for the Girls’ Industrial School victims and their families, but rather to emphasize the violence that emerges from reality that the sterilization and institutional abuse of the many hundreds of individuals who were regarded as “deserving” of such procedures went largely unnoticed or uncriticized. The campaign at the Girls’ Industrial School at Beloit garnered

⁷⁰ Ladd-Taylor, *Fixing the Poor*, 25.

local and national outrage because the victims of this particular campaign were the imagined white reformable female child subject. It is clear that institutional records and state records alike evidence administrative scorn toward the so-called incorrigible youth housed at the facility. But in the press, the public was reacting to abuses inflicted on what Robin Bernstein describes as “angelic white children.”⁷¹ Racialized representations of sexuality and deviance among students of color at the Girls’ Industrial School were crucial in creating the white imagined reformable subject.

Though Beloit was a predominantly white institution in a predominantly white region of the state, the assumed inherent criminality of racialized students provided a justification for the further abuse of students in general. Although internal institutional documents described general problems related to the pathologized, supposedly socially deviant and feebleminded criminal youths at Beloit, and although the residents at the school were at times discussed according to such representations, the “angelic white child” could be deployed rhetorically as a means of further stripping rights from the so-called “colored” residents of Beloit. Further, the occurrence of, as well as the fear of, interracial sexual relationships at the school served to both further penalize the students of color in the facility and also to mark those white students who participated in such interracial same-sex relationships as more deviant than their other white peers.

Constructions of criminality are premised on the differential access to legal and social personhood offered to differently racialized populations. Black women’s racialized criminality was inherently tied to their gender and sexuality, as constructions of Black hypersexuality amplified the gender-based violence that these women and girls faced in state institutions.

⁷¹ Robin Bernstein, *Racial Innocence: Performing American Childhood from Slavery to Civil Rights*, (New York: New York University Press, 2011), 16.

Historically as well as in the contemporary carceral moment, “mythologies about black female lasciviousness, dishonesty, and purported predisposition toward criminally violent behavior worked in tandem with biased justice.”⁷² In an institution where Black students were present but segregated from white students, assumptions about inherent criminality and racialized sexual deviancy were applied to the girls of color, and this created circumstances of increased policing for these students specifically as well as for the student population in general.⁷³

While the school was integrated at the turn of the twentieth century, until the 1914–1916 biennial report there existed only statistical evidence of Black girls and students of color at the school. This changed in 1916, when the superintendent Rebecca Wilson’s report for the preceding two years explained that among the student body “very few of the white girls who have needed much correction. I wish I could say the same of the colored girls. We have had a few very serious problems among our colored girls.”⁷⁴ These racist claims emphasizing the ways that the “colored” students negatively influenced the supposedly less deviant white students seemed to be, in part, a tactical means of securing funds to build a segregated cottage. Wilson wrote that the “problems” among the girls of color would persist “as long as the colored girls are permitted to live with the white girls,” and asked for \$25,000 in funds from the state to build a separate cottage for “colored” students.⁷⁵ But the notion that “very few of the white girls ...

⁷² Kali N. Gross, and Cheryl Hicks, “Introduction—Gendering the Carceral State: African American Women, History, and the Criminal Justice System,” *Journal of African American History* 100, no. 3 (July 2015), 359.

⁷³ For further discussions of the ways that racialized notions of criminality work to further carceral logics and state power more broadly, see Lisa Marie Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (New York: New York University Press, 2012); Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*, (Berkeley: University of California Press, 2007); Dylan Rodríguez, *Forced Passages: Imprisoned Radical Intellectuals and the U.S. Prison Regime*, Minneapolis: University of Minnesota Press, 2006; and Kelly Lytle-Hernández, *City of Inmates: Conquest, Rebellion, and the Rise of Human caging in Los Angeles, 1771–1965* (Chapel Hill: University of North Carolina Press, 2017).

⁷⁴ Board of Corrections, *Fourteenth Biennial Report of the state Industrial School for Girls*, (Topeka, 1916), 4. <https://cdm16884.contentdm.oclc.org/digital/collection/p16884coll111/id/1/rec/1>.

⁷⁵ *Ibid.*

needed much correction” is worth interrogating. This tone was not in keeping with the language that previous administrations had used to describe the types of the girls who were sent to the school. Just two years earlier, for instance, the same superintendent had noted that

some girls are sent to us without a stain or blemish, society having condemned their parents as unfit to raise them. Other girls, through neglectful, vicious, or incompetent parents come to us almost saturated with vice.⁷⁶

Superintendent Wilson stoked public fears about racial mixing, drawing upon the rhetoric of the “angelic white child” to acquire additional funds for the school. But the 1916–1918 biennial report provided a detailed account of the types of punishments that were used for “incorrigible” girls—punishments that ranged from corporal to solitary confinement, to “hair clipping”—and state investigations into abuse at the school in the 1930s and 1940s noted that punishments were applied widely (and thus not confined to one racial category).⁷⁷ Wilson’s reliance upon the trope of Black students’ inherent deviance was thus not only a means of garnering financial support from the state to build segregated housing, but was also operative in reaffirming the humanity and thus reformability of white students at the school. Superintendent Wilson condemned the corrupting influence of “colored students,” claiming that they were the primary source of criminal behavior at the school. But Wilson wrote elsewhere that “the spirit of the school is not that of a prison, but of a home.”⁷⁸ Under Wilson’s control of the institution it appeared that it was the presence of the inherently-criminalized, “colored” girls that made Beloit a penal institution rather than a “home.”

⁷⁶ Board of Corrections, *Thirteenth Biennial Report of State Industrial School for Girls*. (Topeka, 1914), 3. <https://cdm16884.contentdm.oclc.org/digital/collection/p16884coll111/id/1/rec/1>.

⁷⁷ State Board of Administration. *Fifteenth Biennial Report for the girl’s School at Beloit* (Topeka, 1918), 4. <https://cdm16884.contentdm.oclc.org/digital/collection/p16884coll111/id/1/rec/1>.

⁷⁸ Board of Corrections, *Thirteenth Biennial Report*, 3.

In later decades, the allegation of sexual contact with a person of color was apparently grounds enough for commitment or sterilization. When McCarthy uncovered the sterilization campaign at the Girls' Industrial School in 1937, she retained in her records a roster with information for forty of the 62 Beloit girls who were sterilized between 1935 and 1936. In the small sample available, there is no evidence that the sterilization campaign at the Girls' Industrial School was enacted as a means of population control for girls of color—only three on the list have the word “colored” printed below their names.⁷⁹ What was evident, however, was the reality that sexual or familial contact with men of color was grounds enough for sterilization. While a majority of the girls' offenses were listed as behavioral issues: incorrigible, immoral, or lazy, one girl's offense was listed as “incorr., asso. with Mex. men runs away.”⁸⁰ There is undoubtedly a long history of white supremacist moral panic about white women and interracial sexual relationships, and this sterilization record reveals how these operations were used not only as punitive measures to police appropriate gender behaviors, but also as a means of policing perceived sexual racial transgressions.⁸¹ That such practices could be given as justification for sterilization were unsurprising, as “from the 1860s through the 1960s, the American legal system

⁷⁹ Kansas Girls' Industrial School sterilization records, 1935–1936, MS 1752, section 12, *Kathryn (O'Loughlin) McCarthy Papers, 1900–1948*, microfilm, Kansas State Historical Society, Topeka, KS. I could unfortunately not locate a statistical overview of the race or ethnicities of Kansas sterilization victims in the archives, so I do not have a broad view of the extent to which the procedure was disproportionately used against people of color in Kansas. For a cumulative total of the number of sterilizations in Kansas and a breakdown by gender see Paul, “*Three Generations of Imbeciles are Enough*,” 627. For critical histories of the usage of sterilization against women of color throughout the twentieth and twenty-first centuries see Angela Y. Davis, “Racism, Birth Control and Reproductive Rights” in *Women, Race, and Class* (New York: Vintage Books, 1981), 172–200; Harriet A. Washington, *Medical Apartheid: The Dark History of Medical Experimentation on Black Americans from Colonial Times to the Present* (New York, NY: Anchor Books, 2008); Laura Briggs, *Reproducing Empire: Race, Sex, Science, and US Imperialism in Puerto Rico* (Berkeley: University of California Press, 2002); and *No Más Bebés*, directed and produced by Renee Tajima-Peña, produced by Virginia Espino (San Francisco: ITVS, 2015).

⁸⁰ Kansas Girls' Industrial School sterilization records, 1935–1936, MS 1752, section 12, *Kathryn (O'Loughlin) McCarthy Papers, 1900–1948*, microfilm, Kansas State Historical Society, Topeka, KS.

⁸¹ Peggy Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America* (New York: Oxford University Press, 2009) for a discussion of how interracial sexual relationships were deemed inherently illicit. Pascoe explains how “miscegenation law ... [drew] a sharp line between legitimate marriage on the one hand and illicit sex on the other, then defining all interracial relationships as illicit sex” (106).

⁸¹ *Ibid.*, 3.

elevated the notion that interracial marriage was unnatural to commonsense status.”⁸² While evidence of female sexuality provided grounds for students to be committed to reformatories, any suggestion of sexual racial transgression was evidence enough, in this account, to warrant sterilization.

Another way that racialized individuals at the Girls’ Industrial School were viewed as inherently criminal came in the ways that the school policed sexual relationships across racial lines. This understanding was not confined to the Girls’ Industrial School, as Mary Zaboriskis explains how “black girls were seen as having an innate capacity for sexual deviance, and they had to be prevented from acting on their perceived nature.”⁸³ At the Girls’ Industrial school, fears of Black sexuality were heightened by the fact that girls of different races lived in close proximity to one another. In a 1945 state investigation into abuse at the school, Superintendent Grace Miles stoked this fearmongering by attesting to the strange but apparently widespread phenomenon of girls cutting their lovers’ initials into their skin. The house manager of the racially segregated West Cottage —whose introduction to her testimony was labeled “Statement by Mrs. Tracy Mitchell Thompson (colored)”⁸⁴— provided a bit more context into the outcry over the phenomenon, highlighting how the practice occurred between white and Black girls. When asked by the interviewer “have you experienced any difficulty between the colored and the white girls here?” Thompson answered:

no, not unless you would call being too much in love with each other trouble. They do have that tendency, and it is not unusual. . . . The white children are the aggressors. I think it is due to the fact that sometimes they think the negro child is mistreated.⁸⁵

⁸² Ibid.

⁸³ Mary Zaboriskis, “Queering Black Girlhood at the Virginia Industrial School,” *Signs: A Journal of Women in Culture and Society* 45, no. 2 (January 2020): 382.

⁸⁴ Meeting of Citizens Committee at State Industrial School for Girls at Beloit, 66. Rembis, *Defining Deviance*, 106–107 also describes reports of similar self-harming behavior at the Illinois State Training School for girls in Geneva.

⁸⁵ Ibid., 73–74. Rembis, *Defining Deviance*, 103–105 describes anxieties about the nature of relationships between Black and white students at the Illinois State Training School for girls in Geneva.

Subversively, Thompson flipped the script regarding racialized assumptions of Black hypersexuality—she made sure to note that the white students were the sexual aggressors.⁸⁶ She also downplayed the seriousness of these sexual relationships with her answer “no, not unless you would call being too much in love with each other trouble.” Thompson protected her students by resisting the dominant assumption that Black girls were sexually aggressive and sexually deviant.

Thompson’s interview also described the ways that students of color were further penalized by being prevented from accessing the core of the reform that the “industrial” school supposedly had to offer: industriousness.⁸⁷ Of the segregated unit, Thompson explained how

I really don’t think our work program is intensive enough. ... You folks understand that we are in an isolated community and that there are no negroes around in a radius of perhaps seventy or a hundred miles, and our help is often drawn from people who are not used to living with the negro children, and of course that element comes in, and right now I don’t have very many girls out on detail.⁸⁸

Because Black students were apparently unwelcome in the larger Beloit community, the students of color were prevented from having work detail. The exclusion from work may not have been wholly negative—a 1933 state-sanctioned investigation into conditions at social welfare institutions in Kansas noted that “the industrial activities, instead of being chiefly instructional to

⁸⁶ Thompson’s discussion of white girls as sexual aggressors contradicted conclusions drawn by early-twentieth century researchers who were preoccupied by interracial relationships at all-girls institutions and assigned the more aggressive “male” role in such relationships to Black girls and women. Siobhan Somerville, *Queering the Color Line: Race and the Invention of Homosexuality in American Culture* (Durham, NC: Duke University Press, 2000), 34 describes how in 1913 psychologist Margaret Otis published an article that discussed “widespread ‘love-making between the white and colored girls.’ ... She noted that the girls incorporated racial difference into courtship rituals self-consciously patterned on traditional gender roles: ‘One white girl ... admitted that the colored girl she loved seemed the man, and thought it was so in the case of the others.’”

⁸⁷ For a wonderful account of the way that labor was used as a facet of regulating heterosexuality in an African American girls’ industrial school in Virginia, see Mary Zaboriskis, “Clean, Queer, and Under Control: Contaminated Sexualities in African American Boarding Schools,” in “Erotics of Education: Queering Children in Nineteenth and Twentieth Century Boarding Schools,” PhD Dissertation (University of Pennsylvania, 2017). Zaboriskis explains, for instance, “the manual labor for which industrial schools had trained students required a commitment to sexual propriety; to be a laborer was to embody and enact respectability, which was coded as heterosexual” (230–231).

⁸⁸ Meeting of Citizens Committee at State Industrial School for Girls at Beloit, 72.

serve the welfare of the girls, are conducted to serve the institution with cheap labor.”⁸⁹ The issue, however, was not that the students of color did not have access to the same opportunities for labor exploitation that the white students had. The core of the issue was *who* was deemed reformable and granted access to stratified liberal personhood via labor. The white students were, at the end of the day, subjects who *could* be reformed through hard labor, while the students of color were merely tucked away from society and kept segregated from the rest of the student body. In a failed attempt at sympathy, the same 1933 report confirmed the notion that students of color were not reformable when it noted that “the colored girls are housed in a separate cottage. Their vocational training is criminally neglected, although it must be remembered that the plurality of these girls can only hope to earn an honest living as servants.”⁹⁰ The report simultaneously acknowledged the plight of Black students, while also reaffirming the notion that the school would not provide them with meaningful career training or social opportunity.

While a general sense of hopelessness about the futures of the feebleminded and oversexed youth at the school pervaded this 1933 report as well as a number official and unofficial investigations into the school, the reports also demonstrated how students of color were shown to be inherently deviant. All girls in the institution were subject to carceral abuse, but there still remained a hierarchy in determining who was capable of being reformed through labor after their term at Beloit, and whose inherent racialized criminality deemed them unworthy of reform. The following chapter discusses how the logics underpinning reform-through-labor at the Girl’s Industrial School were at work at the intertribal Indigenous boarding school Haskell Institute, now known as Haskell Indian Nations University. Even as liberalism expanded in the twentieth century to extend more legal and civil rights to previously excluded racialized groups, the

⁸⁹ *Report of the Public Welfare Temporary Commission*, 102.

⁹⁰ *Ibid.*

Bureau of Indian Affairs's (BIA) approach to education continued to emphasize labor training as the primary goal of Native education into the 1970s, even as the school transitioned to a junior college and activists demanded anticolonial education. These colonialist approaches to education and Indigenous personhood extended from the liberal erasure of Native people from foundational "free state" narratives, and the chapter also therefore discusses how state, environmental, and white supremacist violence unfolded in Lawrence, Kansas as a result of these foundational erasures.

Chapter Five: Learning to Earn in the Twentieth Century: Haskell Institute's Junior College Transition

In October 1972, American Indian Movement (AIM) activists passed through Kansas as part of the month-long “Trail of Broken Treaties” caravan. Beginning in October 1972, over 700 AIM activists met in cities on the West Coast and traversed the US to “fulfill a prophecy destined to end the ‘Trail of Broken Treaties.’” Developing a list of demands called the Twenty points, the activists expressed a “hope we will change the course of history for this country’s first citizens in the Pan American Native Quest for Justice.”¹ The caravan ended in Washington, DC at the Bureau of Indian Affairs (BIA) a week ahead of the 1972 presidential election, and it ultimately resulted in a weeklong impromptu takeover of the BIA building. While in Washington, the activists had intended to read their Twenty points to draw attention to the many social injustices facing Indigenous communities in the US. After officials refused to hear their demands, the group began protesting, which led to AIM’s eventual takeover of the BIA building.² The occupation ended the day before Nixon’s reelection, and in post-occupation negotiations with White House aides, the US government agreed to “create a task force to study the Trail’s grievance and proposals,” among other promises, and also paid funds to protesters to end the occupation.³

One of the AIM demands in the Twenty points was an increase in Native representation at the level of federal bureaucracy. The white BIA-appointed administration at Haskell Junior College, the intertribal postgraduate institution located in Lawrence, Kansas, was a point of protest. When the caravan stopped in Kansas, AIM activist Carter Camp gave a speech at

¹ Quoted in Paul Chaat Smith and Robert Warrior, *Like a Hurricane: The Indian Movement from Alcatraz to Wounded Knee* (New York: The New Press, 1996), 142–144.

² *Ibid.* 155.

³ *Ibid.*, 163–165.

Haskell in which he called for the removal of white administrators like superintendent Wallace Galluzzi. Camp was quoted as saying “We have to have an Indian man run this school ... we have strong leaders at Haskell who can take the job from any white person.”⁴ Haskell drew similar criticism in September 1973 when activist Russell Means spoke at the school and said its administration reflected “the treatment of Indian men and women as third-grade pupils.”⁵ He was further critical of the “fumbling bumbling treatment of young Indians at that institution.”⁶

That Haskell officially began its transition to an accredited junior college in 1970 amidst this broader national moment of Indigenous activism is important for understanding the mechanisms of liberalism in the US more broadly. The school’s transition to a junior college was important for the institution’s survival, but this period also demonstrates how the liberal state’s goals for Haskell conflicted with the aims of Indigenous activists. This period also coincided with a broader shift in liberal understandings of race. The Civil Rights era evidenced, according to Grace Kyungwon Hong, “the development of white liberalism as an official state policy.”⁷ In this era state institutions fine-tuned their rhetorical disavowal of racism while also upholding the structures that preserve the interests of white liberal capitalism. Such processes were detrimental to justice movements, as “state-recognized nominal antiracism has the effect of eliding and thus exacerbating, rather than mitigating, state violence against racialized populations, becoming the foundational part of neoliberal disavowal.”⁸ The liberal state under Richard Nixon voiced more

⁴ Rita Rousseau, “Indian Leader Pledges to Help HJC,” *Lawrence Daily Journal World* (Lawrence, KS), October 19, 1972, 3. Accessed at www.newspapers.com.

⁵ Quoted in Donna Martin, “Community Colleges: Haskell Indian Junior College,” *Change: The Magazine of Higher Learning* (May 1974) in “Change Magazine, 1974,” 56. Box 1, Folder 15, RH MS 807, Wallace Galluzzi Papers, Kenneth Spencer Research Library, University of Kansas, Lawrence, KS.

⁶ Quoted in “Aim Leader, Means, Speaks at Haskell,” *The Parsons Sun* (Parsons, Kansas), Sept 20, 1973, 2. Accessed at www.newspapers.com.

⁷ Grace Kyungwon Hong, *Death Beyond Disavowal: The Impossible Politics of Difference* (Minneapolis: University of Minnesota Press, 2015), 22.

⁸ *Ibid.*

overt support for Indigenous self-determination, but when activists asserted and demanded actual structural change to achieve gains toward Native sovereignty, they were met with responses that ranged from paternalism to overt state violence. At Haskell, the school adhered to longstanding understandings of student individuality that emphasized the school's early to mid-twentieth century motto: "learn to earn."

Originally founded in Lawrence, Kansas as the United States Indian Industrial Training School, Haskell was one of a number of off-reservation assimilative boarding schools opened across the United States in the late nineteenth century. Eventually the school became known as Haskell Institute, named after Dudley Chase Haskell, the US representative and chair of the House Committee on US Indian Affairs who succeeded in securing Lawrence as the location for the school.⁹ The institution grew to teach hundreds of students from tribes across the plains region in its first decade of existence.¹⁰ The school's early history has the grim elements commonly associated with Native boarding school experiences. In addition to boarding schools' mission of cultural assimilation at all costs, Haskell also operated as a military-inspired institution where students were incarcerated for disobedience. There is a graveyard at the school marking the large number of students who died due to disease and unfit living conditions in Haskell's early years. Despite immense improvements at Haskell in terms of living conditions and vocational outcomes, in many ways the school's purpose in the mid-twentieth century closely adhered to the early reformers' visions for industrial institutions, evidenced by the "learn to earn" doctrine.

⁹ Myriam Vučković, *Voices from Haskell: Indian Studies Between Two Worlds, 1884–1928* (Lawrence: University Press of Kansas, 2008), 19, notes that the school was called Haskell Institute after Dudley Haskell's unexpected death in 1883, but exactly "when this name was officially adopted is not clear, but by 1884 it had become the school's official title."

¹⁰ Kim Cary Warren, *The Quest for Citizenship: African American and Native American Education in Kansas, 1880–1935* (Chapel Hill: University of North Carolina Press, 2010), 21.

In this chapter I assess the US state's liberal reforms at Haskell during the mid-twentieth century as the school transitioned from a vocational school into a junior college. The 1960s and 1970s marked a period of transition not only for Haskell, but for the US's approach to American Indian education more broadly. A 1973 BIA pamphlet claimed that its goal was "to help Indian people make this decade of the 1970's the greatest period of progress and achievement in the history of Indian education. This goal is not a pipedream. It is realistic."¹¹ Haskell came to exemplify this goal through its renaming and rebranding. While the BIA incorporated multiculturalist and self-determination rhetoric in the 1970s, in many ways the administration merely repackaged the language that informed the school's early mission. These liberal reforms were at odds with the advocacy and activism undertaken by Indigenous students, staff, and faculty at the school in the same period.

Despite this, liberal education reform efforts had bipartisan political support. In 1970 then-president Richard Nixon denounced the wildly unpopular tribal termination policies of the preceding decades by advocating for federal Indian policy that enabled "self-determination without termination." In the 1950s, in an effort to cut federal spending on reservations, Congress proposed terminating tribal sovereignty as a means of absolving the state's treaty-sanctioned financial responsibilities. Such termination policies were widely condemned for their detrimental effects on reservations. While not all tribes were terminated during this time, the consequences proved disastrous for those that were. For example, the Menominees' hospital was closed, eventually leading to a rise in infant mortality rates among the tribe.¹² Reflecting on termination policies in 1969, Vine Deloria said that "termination is the single most important problem of the

¹¹ Ibid., 3.

¹² Vine Deloria Jr., *Custer Died for Your Sins: An Indian Manifesto* (Norman: University of Oklahoma Press, 1969), 70.

American Indian people at the present time.”¹³ The structural inequality on some reservations was magnified by state indifference, and such policies revealed that the US valued its own bottom line over protecting Indigenous lives. The state’s approach to Indigenous sovereignty and personhood had shifted frequently according to different administrative approaches. Termination policies demonstrate how even in the twentieth century liberalism continued to enact colonial violence through processes of disappearance and erasure.

Indigenous rights movements coalesced in the 1960s and 1970s as a direct result of these termination policies in the 1950s. In the words of Lower Brule Sioux scholar-activist Nick Estes, termination policies led to

a new generation of young people, thrown from their reservation homelands and shipped off to the city, [who] took up the mantle of Red Power in the spirit of their ancestors and demanded freedom and justice in the face of this history of dispossession.¹⁴

AIM was one radical arm of the Red Power movement, which sought to counter colonialist violence by actively advocating for Indigenous rights against the state structures that kept many Native people in conditions of poverty and exposed to violence at greater levels. AIM was initially born out of on-the-ground activist movements in Minneapolis that worked to counter community mistreatment of Indigenous people but “in less than a decade from its founding in 1968, AIM would go from being a neighborhood patrol in the streets of Minneapolis, stopping police violence against Natives ... to a far grander stage: the United Nations.”¹⁵ AIM was part of a global decolonial justice movement, that worked to promote Indigenous Nations’ sovereignty in the face of globalized structural dispossession.¹⁶

¹³ Ibid., 75.

¹⁴ Nick Estes, *Our History is the Future* (London: Verso, 2019), 167.

¹⁵ Ibid., 169–199; See also Smith and Warrior, *Like a Hurricane* for histories of AIM and the Red Power movement. Quote from Estes, *Our History is the Future*, 171.

¹⁶ Estes, *Our History is the Future*, 202–203 explains for example how in 1974 AIM founded the “International Indian Treaty Council ... tasked with gaining international recognition at the UN for Indigenous peoples of the Western Hemisphere. ... the Treaty Council appealed to ‘conscionable nations’ to join in ‘charging and prosecuting

It is important to highlight the reality that AIM activists did not represent the totality of opinions about the types of education that Haskell should provide—while some demanded a new type of institution, others were satisfied with the educational outcomes and career opportunities that vocational training provided. Haskell professor Daniel Wildcat wrote that Haskell’s eventual decision to eliminate vocational programs in the 1990s was one that

many alumni took personally. What is wrong with being a welder, auto mechanic, or carpenter, many questioned. Of course there is nothing wrong with having these skills, just as there is nothing wrong with having doctors, lawyers, engineers, and scientists. Haskell just simply lacked the resources to do it all.¹⁷

Rather than providing a critique of how Haskell supported students in their career outcomes in the mid-twentieth century, this is a history of liberal reforms at both the federal level and the local level in Lawrence, Kansas.

Indigenous scholars have written about the need for building institutions that not only include Native people in leadership and teaching roles, but that also meaningfully incorporate Indigenous knowledge in ways that lead to institutional transformation. This is applicable not only to Native-serving institutions like Haskell, but beyond that Wildcat argues

higher education in America is one of the most conservative Western cultural institutions in America. The fact that obtaining a higher education is a widely accepted goal in America suggests that elementary, middle, and secondary schools are critical in preparing students to succeed in an institution more representative of Western metaphysics than any other. Therefore, the hope for American Indian education lies first in the explicit identification of features of the Western tradition or worldview that produce many of the problems we are immersed in today.¹⁸

the United States of America for its practices against the sovereign Native Nations.” For a history of how the US state targeted AIM activists through FBI surveillance and policing, see Ward Churchill and Jim Vander Wall, *Agents of Repression: The FBI’s Secret Wars Against the Black Panther Party and the American Indian Movement* (Cambridge, MA: South End Classics, 1988).

¹⁷ Daniel Wildcat, “Haskell Indian Nations University: The Story of a Contested Terrain,” in *Embattled Lawrence: Conflict and Community*, Dennis Domer and Barbara Watkins, eds. (Lawrence, KS: The University of Kansas Continuing Education, 2001), 358.

¹⁸ Daniel Wildcat, “Indigenizing Education: Playing to our Strengths,” in *Power and Place: Indian Education in America*, Vine Deloria, Jr., and Daniel Wildcat, eds. (Golden, CO: Fulcrum Publishing, Inc., 2001), 10.

This critique encapsulates the shortcomings of liberal approaches to educational institution-building as a whole, and further demonstrates how white administrators missed the mark when imposing individualist notions of accumulation and ownership onto students in the mid-twentieth century. As contemporary higher education now struggles to provide even *that* outcome to students—the promise of a career path at the end of the degree—the need for more responsive and dynamic institutions is perhaps now even more urgent than it was in the mid-twentieth century.

Regardless of federal and white administrators' efforts, Haskell students found ways to engage with dominant hierarchies on their own terms and in doing so created transformative practices of cultural exchange.¹⁹ From their earliest origins, residential boarding schools existed as both institutions of violence *and* as subversive spaces where Indigenous people resisted and negotiated state power in spite of the institutional violence that white administrators enacted.²⁰ Many histories of Indigenous survival and sovereignty at Haskell and American Indian boarding schools have chronicled the cultural transformations that have emerged from such institutions, as well as the physical and cultural violence that students who were sent to these schools

¹⁹ See Warren, *The Quest for Citizenship*, 73–96 for a history of the ways Haskell students resisted and negotiated dominant liberal ideologies. Warren describes an example in which a former student “Esther Burnett Horne remembered that during her Haskell days she secretly shared customs and traditions with other students. Such cultural exchanges, according to Horne, helped students develop a sense of community with each other and provided an important sense of autonomy that enabled them to resist complete assimilation: ‘Traditional values, such as sharing and cooperation, helped us to survive culturally at Haskell, even though the schools were designed to erase our Indian culture, values, and identities’” (75).

²⁰ Brenda Child, “The Boarding School as Metaphor,” *Journal of American Indian Education* 57, no. 1 (Spring 2018): 53 argues against a flattened portrayal of Indian boarding schools in which assimilative policies were merely forced onto passive Native communities. Child writes that in learning about boarding schools “I continue to be inspired by all forms of rebellion—the students in boarding school who would not bend to the will of administrators and the scores of resilient parents who insisted on remaining parents, staying in touch with their children who lived hundreds of miles from home. ... Most Indian people, like the villagers at Ponemah, eventually sent their children to boarding schools or public schools, or allowed for schools in their communities, and often did so on their own terms.”

experienced.²¹ In showing how nineteenth-century conceptions of liberal personhood in Kansas informed the later shifts at Haskell in the mid-twentieth century as it transitioned to a junior college, I argue that it is important to interrogate the promise of “free-statism” from a mid-twentieth century point of view.

The school’s violent past haunts the institution that developed out of the boarding school. Although Haskell ceased to implement incarceration and military regimentation over the course of the twentieth century, the presence of the cemetery on campus is a physical reminder of the institutional violence that pervaded the school’s early days. In the literal sense, the state’s racist impulse to “civilize” Indigenous others has seeped into white Lawrence’s continued relationship to Haskell. While Kansas celebrates its association with Haskell, some former students and affiliated Indigenous community members describe experiences of violence and discrimination while attending the school.

Oral histories with former Haskell students detail the segregation and forced separation that Native people faced in Lawrence.²² In the 1970s, radical student newspapers from Haskell detailed how Native students were denied service in local establishments by Lawrence

²¹ Some important works on the histories of American Indian boarding schools include Brenda J. Child, *Boarding School Seasons: American Indian Families, 1900–1940* (Lincoln: University of Nebraska Press, 1998); K. Tsianina Lomawaima, *They Called it Prairie Light: The Story of Chilocco Indian School* (Lincoln: University of Nebraska Press, 1994); Margaret Archuleta, Brenda Child, and K. Tsianina Lomawaima, eds., *Away From Home: American Indian Boarding School Experiences, 1879–2000* (Phoenix: Heard Museum, 2000); Adam Fortunate Eagle, *Pipestone: My Life In An Indian Boarding School* (Norman: University of Oklahoma Press, 2012); and Denise K. Lajimodiere, *Stringing Rosaries: The History, the Unforgivable, and the Healing of Northern Plains American Indian Boarding School Survivors* (Fargo: North Dakota State University Press, 2019).

²² See Mike Tosee and Carmalatta Williams, eds., “Of Two Spirits: American Indian and African American Oral Histories,” (University of Kansas, Hall Center for the Humanities, 2007), http://www.shiftingborders.ku.edu/Hall_Center_CD/All-in-one-books/Spirits/Spirits_binder.pdf. This is an oral history project completed with the help of a Ford Foundation fellowship, and it compiles oral histories given by American Indian and Black residents of Lawrence, KS. Some of these accounts detail experiences of racism as well as belonging in Lawrence and beyond.

residents.²³ Beyond this, Native people in Lawrence were, and continue to be, disproportionately exposed to white supremacist and police violence—for example, two Native people were shot by police in the 1970s and 1980s. While Haskell itself operates according to entirely different logics than it did in the past, the reality exists that Native people in Lawrence are exposed to violence as a result of the forces of white supremacy that operate in the city. I also therefore interrogate the wider effects of reforms and Indigenous activism by analyzing Haskell within the racist landscape of the school and city of Lawrence more broadly. I contextualize twentieth-century histories of violence surrounding the Haskell community within the context of the school’s early iteration as an industrial school with carcerality built into the architectural landscape.

Learn to Earn

The decision to make Haskell a junior college came on the heels of the 1969 Kennedy Report for the Special Subcommittee on Indian Education, which sought to rectify disparities in Indigenous education at all levels—early childhood through adult—via liberal reforms.²⁴ Standing Rock Sioux scholar-activist Vine Deloria Jr. argued that such “self-determination” policies from the 1960s onward “were meant to train a generation of people who could function as low-level bureaucrats in drastically underfunded programs—programs intended only to keep Indians active and fearful of losing their extra federal funding.”²⁵ Regardless of the ineffective nature of bureaucracy, federal policy led to the creation of a host of new US government bureaucracies responsible for Native education in the 1970s. The National Indian Education Association (NEIA) was established in 1970, Congress passed the Indian Education Assistance

²³ One 1971 issue of the “The Red Horizon” newspaper that details Native students being ejected from a local bar under the justification that they could not visit the establishment without KU student IDs. Accessed in Unit ID 222803, Box 10 Menninger Foundation Archives, Kansas State Historical Society, Topeka, KS.

²⁴ Donald Lee Fixico, *Bureau of Indian Affairs* (Santa Barbara, CA: Greenwood Publishing Group, 2012), 80.

²⁵ Vine Deloria, Jr., “Higher Education and Self-Determination,” in *Power and Place: Indian Education in America*, Vine Deloria, Jr., and Daniel Wildcat, eds. (Golden, CO: Fulcrum Publishing, Inc., 2001), 124.

Act in 1972, and the American Indian Higher Education Consortium (AIHEC) was founded in 1973.²⁶

In July 1970 Nixon addressed Congress about his goals for federal Native policy amidst activist occupation of Alcatraz Island by the group Indians of All Tribes, which lasted from November 1969–June 1971.²⁷ While the federal government did not ultimately acquiesce to Native activist demands, it refrained from overt military force to quell the occupation.²⁸ Nixon’s statement may have been an attempt to pacify activists. In it he acknowledged that “the story of the Indian in America is something more than the record of the white man’s frequent aggression, broken agreements, intermittent remorse and prolonged failure.”²⁹ Nixon stated that Native survival and “strength and spirit” had allowed for survival and continuity amidst these white state failures.³⁰ He ultimately advocated that “in place of policies which oscillate between the deadly extremes of forced termination and constant paternalism” that instead “the federal government and the Indian community play complementary roles.”³¹

While Nixon’s condemnatory language and allegations of paternalism appear to provide a radical acknowledgment of white supremacy, Native activists were skeptical of his grand proclamations. Activist and AIM leader Russell Means said that Nixon’s shift in policy “was

²⁶ Fixico, *Bureau of Indian Affairs*, 80–82.

²⁷ For a history of the Alcatraz occupation, read the excellent biography of one of the movement’s leaders, Richard Oakes see Kent Blansett, *A Journey to Freedom: Richard Oakes, Alcatraz, and the Red Power Movement* (New Haven, CT: Yale University Press, 2018).

²⁸ Dean J. Kotlowski, “Alcatraz, Wounded Knee, and Beyond: The Nixon and Ford Administrations Respond to Native American Protest,” *Pacific Historical Review* 72, no. 2 (2003): 207–208 explains that the Nixon administration avoided violence. For a comprehensive history of the Alcatraz Occupation see Smith and Warrior, *Like a Hurricane*, 1–83.

²⁹ Richard Nixon, “Special Message on Indian Affairs,” July 8, 1970. Downloaded from “President Nixon, Special Message on Indian Affairs July 8, 1970,” Environmental Protection Agency, accessed on February 1, 2021, <https://www.epa.gov/tribal/president-nixon-special-message-indian-affairs-july-8-1970>.

³⁰ *Ibid.*

³¹ *Ibid.* While this statement sounds somewhat progressive coming from a Republican president, Smith and Warrior, *Like a Hurricane*, 69, argues that Nixon’s Quaker background and past experience with an American Indian football coach gave him a “soft spot for Indians.” Additionally Nixon “was open to changes in Indian policy” because of “a relative indifference to domestic affairs.”

designed and intended to bolster rather than dismantle the whole structure of BIA colonialism.”³² The BIA was a target of AIM protest in the 1970s as the culmination of the Trail of Broken Treaties caravan, and on November 2, 1972 the group protested and occupied BIA headquarters.³³ Historian Dean Kotlowski argues that the incident ultimately led to Nixon “seeing Native Americans, like African Americans, as ungrateful.”³⁴ The catastrophic militarized federal response to the 1973 Wounded Knee occupation expressly signaled the extent to which Nixon’s lofty 1970 rhetoric would fail to provide any larger structural changes to curb systemic violence or to promote Indigenous sovereignty.³⁵

This provided the federal landscape out of which Haskell’s transition emerged. AIM activists were asserting their right to an anticolonial education, but the BIA hierarchy that governed the school was still rooted in paternalistic understandings of Native educational achievement. Wallace Galluzzi, the administrator that oversaw the transition to a junior college in the early 1970s, was a white administrator and the son of Italian immigrants.³⁶ He was appointed as the school’s superintendent in 1968 after serving as the principal for the preceding five years. He was fully enmeshed in the BIA hierarchy, having initially joined the organization in 1949 as a teacher at the Standing Rock Agency in South Dakota.³⁷ Galluzzi served as a

³² Quoted in Dean J. Kotlowski, “Alcatraz, Wounded Knee, and Beyond: The Nixon and Ford Administrations Respond to Native American Protest,” *Pacific Historical Review* 72, no. 2 (2003): 203.

³³ *Ibid.*, 211. For a full history of the Trail of Broken Treaties caravan and the occupation of the BIA building, see Smith and Warrior, *Like a Hurricane*, 139–168.

³⁴ Kotlowski, “Alcatraz, Wounded Knee, and Beyond,” 211–212.

³⁵ For a detailed history of the 1973 Wounded Knee occupation, see Smith and Warrior, *Like a Hurricane*, 190–268. This history details the federal response, noting that well into the over two-month campaign that Washington officials requested troops from the Department of Defense who assessed the possibility of using chemical weapons against warriors. Additionally, “on the federal side there were . . . BIA police from reservations around the country, Pine Ridge BIA police, U.S. marshals, FBI agents, Justice Department aides, the peacekeepers and mediators from the Community Relations Service (CRS), and officers from the Sixth Army” (252–253); See also Estes, *Our History is the Future*, 192–194.

³⁶ Don Reeder, “Interest in Indian Education Lags at Haskell Institute,” *The Emporia Gazette* (Emporia, KS), March 27, 1969, 2. Accessed at www.newspapers.com.

³⁷ “Wallace Galluzzi Named to Head Haskell,” BIA Press Releases, Bureau of Indian Affairs, October 31, 1968, <https://www.bia.gov/as-ia/opa/online-press-release/wallace-galluzzi-named-head-haskell-institute>.

Haskell administrator until 1980, and after his retirement he worked as the vice president of a bank in Lawrence, Kansas.³⁸

Universities in general were undergoing significant changes in the post–World War II era. Haskell, not yet a university, was unique in that it only served Indigenous students. But across the US universities were responding to increased demands for cultural and ethnic curricular diversity. On campuses across the US, antiracist student activism and anticolonial movements levied new critiques against the role that universities played in excluding students of color and perpetuating racialized hierarchies of knowledge.³⁹ In the late 1960s and early 1970s AIM and antiracist student groups at KU were demanding that institutions of power shift to recognize that Black and Indigenous people were creators of their own knowledges and should therefore occupy leadership roles regarding the decisions that impacted their lives.⁴⁰ While many institutions responded to student demands by creating ethnic studies programs and antiracist spaces on campuses like Black student unions, institutions like universities became places where

minoritized subjects and practices would enter on the condition that they be regulated, making state and academy within the years after civil rights contradictory sites that claimed democratic representation at the same time that they disciplined minoritized subjects as local, parochial, and undeveloped constituencies or as the fragile embodiments of canonical and state ideals.⁴¹

While activists and radical instructors envisioned universities as spaces where anticolonial and antiracist knowledge production and community work could be shared, liberal state institutions

³⁸ “Ex-College President Dies,” *The Star Press*, (Muncie, Indiana), July 3, 1984, 7. Accessed at www.newspapers.com.

³⁹ For a history of these movements as well as the ways administrations responded to student protests, see Roderick Ferguson, *We Demand: The University and Student Protests* (Minneapolis: University of Minnesota Press, 2017).

⁴⁰ For histories of Black freedom struggles at the University of Kansas and in Lawrence in the 1960s and 1970s see Rusty Monhollon, “This Town Will Blow Away,” in *This Is America?: The Sixties in Lawrence, Kansas* (New York: Palgrave, 2002), 165–186.

⁴¹ Roderick Ferguson, *The Reorder of Things: The University and Its Pedagogies of Minority Difference* (Minneapolis: University of Minnesota Press, 2012), 190.

and white supremacist governing logics perpetuated portrayals of racialized students as populations to be pacified and managed.

Haskell is a radical space that survived its early decades of violence to ultimately become a Native-led institution, but under the tenure of white BIA administrators in the 1960s and 1970s, students were not regarded as sovereign actors. Such representations occurred amidst a national movement of campus protests against the Vietnam War and US racism.⁴² While students and activists across the US were represented as threats along a spectrum that ranged from troublemaker to violent criminal, white BIA administrators at Haskell undermined the truly radical potential of institutional reorganization by ignoring student demands for anticolonial education while also adhering to infantilized logics about Native personhood.

In order to contextualize these BIA reforms at Haskell in the twentieth century, it is important to understand histories of labor and education at the school. While coursework was provided in the school's early years, labor training was the school's primary focus.⁴³ In 1894, a formal elementary education program was implemented.⁴⁴ More than simply providing labor skills to Indigenous youth, industrial schooling was understood as a moral imperative—as Sarah Fong writes, at Haskell “school authorities constructed good character as a sign that students had internalized a moral orientation toward labor.”⁴⁵ For Black and Indigenous populations, industrial training schools were a liberal reform project that attempted to instill students with a sense of self-ownership as a means of providing them with a pathway to social and political

⁴² Ferguson, *We Demand*, 12 writes that such movements had the effect of “reducing student protests that call for the disruption of the status quo to collective tantrums is not a trivial action. Indeed, it is part of a long history of strategies used to suppress redistributive efforts and progressive attempts to connect various forms of struggle.”

⁴³ Nanette Rabidoux, “A Kindly Cruel Surgery: A History of the Beginning of Haskell Institute, 1884–1894,” unpublished, May 1977, 29. In Menninger Foundation Archives, Unit ID 276908, Box 8, Kansas State Historical Society Archives, Topeka, KS.

⁴⁴ Fixico, *Bureau of Indian Affairs*, 77.

⁴⁵ Sarah E.K. Fong, “Racial-Settler Capitalism: Character Building and the Accumulation of Land and Labor in the Late Nineteenth Century” *American Indian Culture and Research Journal* 43, no. 2 (Spring 2019): 35.

legitimacy. Beyond merely educating students about the importance of property ownership, liberal education taught students to view themselves, and by extension their labor, as a property that could be sold in the marketplace. In the late nineteenth century, the US state did not provide Haskell students with a liberal education in order to advance Native equality; instead this was a tactical move that endeavored to “detrribalize Indian individuals and integrate them into the lower economic strata of the U.S. economy ... as domestic servants, manual laborers, agricultural workers, or low-skilled tradesmen.”⁴⁶ This was a process that K. Tsianina Lomawaima writes was “fueled by a desire to alienate tribal people from large communal land bases.”⁴⁷ For the US, the acquisition of larger swaths of Native land through either genocide or integration into white society was not merely a consequence of the boarding school mission, but was always the ultimate goal of the endeavor.

In the school’s early years students were divided into grades based not on age, but on their English language skills and prior formal educational training.⁴⁸ Women and girls’ education emphasized character-building through the “performance of settler domesticity,” as coursework focused on training in domestic tasks such as sewing, cleaning, and hygiene.⁴⁹ Education for men and boys centered around agricultural training and manual labor. In his 1890 annual report, Haskell Superintendent Charles Francis Meserve wrote:

until ... conditions [on reservations] are greatly improved, all possible influences ought to be brought to bear upon the pupils in these schools to prolong their stay until they have mastered a trade, and then, like young white people, go out into the world to get a living. ... Is it a great matter of surprise that returned Indian pupils do not always profit by the instruction received when educated white people in the Government service, sent out to

⁴⁶ K. Tsianina Lomawaima, “The Unnatural History of American Indian Education,” *Next Steps: Research and Practice to Advance American Indian Education*, eds. Karen Gayton Swisher and John Tippeconic (Charleston, WV: ERIC Clearinghouse on Rural Education and Small Schools, 1999), 12.

⁴⁷ *Ibid.*

⁴⁸ Rabidoux, “A Kindly Cruel Surgery.”

⁴⁹ Fong, “Racial-Settler Capitalism,” 38.

exert elevating and civilizing influences, are so affected by their surroundings as to practically adopt the Indians' garb and in other respects live like a savage?⁵⁰

In Meserve's conception, the sway of "barbarous" life was so strong that it sucked even white workers into its fold.⁵¹ The school was working to counter such influences by providing "industrial" training—reform through labor. Meserve believed the school was successful in its mission, as he wrote that as of 1890 "what has been accomplished will be but a beginning of the great work in education, civilizing, and making American citizens of these dusky wards of the nation."⁵² Despite the perceived success of this racial project, just fifty years after the first Native boarding school, Carlisle, was opened, enthusiasm for such projects waned as the state had "succeeded" in subduing Indigenous populations.⁵³ As a liberal mission, reformers had initially argued that the purpose of such schools was humanitarianism—of creating citizens out of the racialized student population. But once Indigenous populations were no longer deemed to be a threat to white settlement, many reformers lost their zeal for the endeavor.

Spectacularly and against many odds, Haskell outlived many other such institutions, becoming the four-year intertribal university that exists today. Despite the violent origins of its history, Haskell changed immensely over the course of its existence. While most other such schools had closed their doors by the mid-twentieth century, the efforts of Native reformers

⁵⁰ United States Commissioner of Indian Affairs, "Annual report of the Commissioner of Indian Affairs to the Secretary of the Interior," 1855, Washington, DC, 481. Downloaded from Tribal Documents Archive, Department of the Interior, July 25, 2006, https://www.doi.gov/ost/tribal_doc_archive?page=29.

⁵¹ This anxiety about the pull of white workers into "Native" society is reflected in global colonial projects. See Elizabeth Esch, *The Color Line and the Assembly Line: Managing Race in the Ford Empire* (Berkeley: University of California Press, 2018) for a discussion of how Ford's operation in South Africa adhered to state-sanctioned logics that policed the color in a manner that entailed the surveillance of both "Native" Black populations as well as poor whites. Esch writes that South African laws regulating labor and movement "related to the state's desire to limit the interaction of white and Black workers ... the Native Land Act, specifically legislated white movement too, by forbidding the purchase of land in "native" areas by whites" (157).

⁵² United States Commissioner of Indian Affairs, "Annual report of the Commissioner of Indian Affairs," 481.

⁵³ Child, "The Boarding School as Metaphor," 41 writes that by this time "the impoverishment and dispossession of American Indians was complete, and was as no longer necessary to maintain Indians in separate and segregated government boarding schools."

allowed Haskell to remain open through several transformations of its mission. In 1933 the first Indigenous superintendent, a member of the Ho-Chunk tribe named Henry Roe Cloud, began to offer vocational and post-high school training for students.⁵⁴ While the school's early history was rooted in violence, scholars have advocated for more nuanced portrayals of American Indian boarding schools. For example, Brenda Child emphasizes how in this era many Native families turned to off-reservation boarding schools in the Great Depression to provide food, shelter, and education for children who were facing heightened economic hardship due to structural inequalities on reservations.⁵⁵

While early reform endeavors were motivated by white supremacist logics of citizen-making, subsequent reforms at Haskell undertaken by Native administrators were driven by more subversive constructions of students and Indigenous personhood. These transformations emerged from Native students' dedication to making something useful out of the school's punitive structures. By the time Henry Roe Cloud assumed the Superintendent role at Haskell in 1933, he had already had a long career in American Indian education, boarding school administration, and Indigenous advocacy. He championed full citizenship for American Indians, and he was concerned with "removing the prescriptions of nineteenth-century Native American education, advancing cultural and legal Native American citizenship, and reaching out to whites to improve their perceptions of Indians."⁵⁶ In this sense, it was not Native students who needed to strive for citizenship, but white supremacist society that needed to transform to include those previously deemed ineligible for full inclusion. Much changed under Cloud's tenure at Haskell. According to Kim Warren,

⁵⁴ Soren C. Larsen and Jay T. Johnson, *Being Together in Place: Indigenous Coexistence in a More than Human World* (Minneapolis: University of Minnesota Press, 2017), 85.

⁵⁵ Child, "The Boarding School as Metaphor," 43.

⁵⁶ Warren, *The Quest for Citizenship*, 160.

Roe Cloud encouraged practices that had been forbidden in the first fifty years of Haskell Institute's existence, including sharing native languages, Indian dances, pageants, and legends. As a symbolic endorsement of pan-Indian pride, he also replaced the names of the school's recreation halls with traditional Indian names. Roe Cloud embraced a policy of Indian preferences in hiring, and he orchestrated intertribal powwows as part of the annual school activities.⁵⁷

With an Indigenous administrator, Haskell very swiftly shifted to an institution that used cultural difference to its advantage—one that encouraged students to celebrate and share their backgrounds. Under Cloud the school still taught vocational and labor training, but the administrative conception of Indigenous students had shifted from early emphases on assimilation into white society. Further, Cloud's granddaughter, anthropologist Renya K. Ramirez, explains how his Ho-Chunk background informed his intellectual development, and that this allowed him to subvert colonialism even while participating in colonialist institutions. Ramirez wrote, “as a Ho-Chunk warrior and Christian, Cloud's appropriation of the popular rhetoric of white masculinity, of the ‘self-made’ man, was yet another strategy of indigenous resilience, helping him to intensify his masculine power in white society.”⁵⁸ Ramirez further argues that in his writings, Cloud appropriated the liberal narrative of individuality and self-ownership, and infused them with empowering messages about community.⁵⁹ Cloud was superintendent at Haskell for a short time—from 1933 until 1935⁶⁰—but even in this period he is credited with bringing about administrative changes that laid the basis for the school's development into its contemporary iteration.⁶¹

⁵⁷ Ibid., 166–167.

⁵⁸ Renya K. Ramirez, “Henry Roe Cloud to Henry Cloud: Ho-Chunk Strategies and Colonialism,” *Settler Colonial Studies* 2, no. 2 (2012), 129.

⁵⁹ Ibid., 130.

⁶⁰ Joel Pfister, *The Yale Indian: The Education of Henry Roe Cloud* (Durham, NC: Duke University Press, 2009), 159.

⁶¹ The Haskell Cultural Center and Museum website says that “Dr. Henry Roe Cloud was hired in 1933 as the first Native superintendent at Haskell, and he changed the curriculum to reorganization and emphasizing Native culture,” at “Honoring Our Children Through Seasons of Sacrifice, Survival, Change, and Celebration,” Haskell Museum and

In the early twentieth century, Haskell underwent other important changes that allowed the institution to better meet student needs. In 1927 the school began offering accredited high school courses.⁶² These changes occurred amidst broader national shifts in federal American Indian policy. Under John Collier, the Bureau of Indian Affairs implemented the Indian Reorganization Act of 1934. The Act marked a shift in federal policy from the allotment era to one that now placed higher priority on self-determination. Under the “Indian New Deal” tribes were able to create constitutions, establish their own membership criteria, and were given more support for business development.⁶³ The wording of the congressional bill also specified that it was an “Act to ... provide for vocational education for Indians.”⁶⁴

By 1935 Haskell also had an accredited vocational program for postsecondary students.⁶⁵ Haskell remained a boarding school during this time, maintaining tight surveillance over students. For example, the school handbook for the 1943–1944 academic year provides detailed behavior guidelines by gender. The rules state that “there are no Saturday night town privileges for girls,” but that boys were free to be out until 10:30 on Saturdays.⁶⁶ The school regulated what it called “Boy and Girl Relations” and had specific guidelines about where and when “boys and girls” could fraternize: “boys may escort girls to games and paid entertainment on the campus ... boys may not accompany girls home from rehearsals, religious instruction, glee club, or other regular meetings.”⁶⁷ The school taught high-school aged youth in a coeducational setting, and

Cultural Center, Haskell University, accessed on January 28, 2021, <https://www.haskell.edu/cultural-center/exhibitions/honoring-our-children/>.

⁶² Fixico, *Bureau of Indian Affairs*, 77.

⁶³ *Ibid.*, 115.

⁶⁴ *Ibid.*, 114.

⁶⁵ Daniel Wildcat, “Haskell Indian Nations University: The Story of a Contested Terrain,” in *Embattled Lawrence: Conflict and Community*, eds. Dennis Domer and Barbara Watkins (Lawrence, KS: The University of Kansas Continuing Education, 2001), 356.

⁶⁶ “Haskell Institute Handbook, 1943–1944,” pp. 20–22, RH MS 807, Box 2, Folder 8, Wallace Galluzzi Papers, Kenneth Spencer Research Library, University of Kansas, Lawrence, KS.

⁶⁷ *Ibid.*, 22.

gender policing was in keeping with the societal fears about “loose” female sexuality discussed in the previous chapter. But the level of regimentation, sexual and otherwise, demonstrates how the institution retained its initial commitment on moral education even as it modernized in other ways.⁶⁸

In the 1950s and 1960s, Haskell began to place more emphasis on the possibilities of post-graduate vocational training. On October 25, 1959, when the school held its 75th anniversary celebration, one of the focal points of the weekend’s celebrations was a pageant called “From Bow and Arrow to Payroll.” The pageant’s “learn to earn” scene showcased the school’s vocational offerings alongside an overview of the 76 tribes then represented there, providing a more updated representation of the initial emphasis on reform through labor.⁶⁹ In 1959 the school still operated as both a high school and a vocational training school, but Haskell was poised at a moment that straddled both the past and present in terms of the US’s longstanding educative mission for Native-serving institutions. While the pageant signaled a celebration of the history of civilizational rhetoric at Haskell in 1959, globally this moment marked a period of revolutionary decolonial change. The Cuban revolution began in July 1959, and Ghana had declared independence in 1957.⁷⁰ Amidst this broader context of the assertion of decolonial self-sovereignty, the school still relied upon the old racialized stereotypes of Indigenous students as “primitive” while also looking toward a modernized depiction about the promises that vocational training held. As decolonial movements asserted that Indigenous people

⁶⁸ For a history of the Indian Reorganization Act see Vine Deloria Jr., “Introduction: Self-Government and the Indian Congresses,” *The Indian Reorganization Act: Congresses and Bills*, Vine Deloria Jr., ed. (Norman: University of Oklahoma Press, 2002), vii–xvii.

⁶⁹ “Haskell Pageant booklet: From Bow and Arrow to Payroll,” October 24, 1959, RH MS 807, Box 2, Folder 7, Wallace Galluzzi Papers, Kenneth Spencer Research Library, University of Kansas, Lawrence, KS.

⁷⁰ For historical accounts documenting decolonial revolution in Ghana and its effects, see Kwasi Konadu, “V.: Independence, Coups, and the Republic, 1957–Present,” *The Ghana Reader: History, Culture, and Politics*, ed. Clifford C. Campbell, (Durham, NC: Duke University Press, 2016), 299–359; For a history of the Cuban Revolution in 1959 see Aviva Chomsky, *A History of the Cuban Revolution* (Hoboken, NJ: John Wiley & Sons, Inc., 2015).

were modern by virtue of their autonomy, Haskell clung to the rhetoric that modernity could be achieved through adherence to liberal capitalist norms.

“If the Plan was Not Radical, the Results Were:” Self-Determination and Colonial Education

By 1965 the school’s last high school class had graduated, and in 1972 Haskell was officially an accredited junior college that continued to offer vocational training.⁷¹ Haskell’s decision to offer college curriculum and liberal arts courses might have signaled the institution’s prioritization of self-determination rather than an adherence to administrative paternalism or a sole focus on labor training. Newspaper accounts heralded Haskell’s official transition to a junior college as a “dramatic change,” describing how the institution was now able to provide higher education while also maintaining a dedication to vocational training programs.⁷² While the transition was in keeping with federal policy that placed greater emphasis on education at all levels, institutional surveys taken in 1968, just two years before the transition, reveal that administrators had little faith in students’ college readiness. In one April 15, 1968 memorandum, then-principal Galluzzi wrote that “at the present time, we are sure that a very small percentage (2% to 5%) of the Haskell enrollment could possibly handle a college or university curriculum.”⁷³ The picture that Galluzzi’s reports painted was that students were to blame for apparent issues at Haskell like retention and dropout rates. In the same report he explained that while Haskell aimed to provide students with an initial survey of vocational outcomes, that “many times students are unwilling to go through a semester of vocational exploration and have

⁷¹ Daniel Wildcat, “Haskell Indian Nations University,” 357.

⁷² Lew Ferguson, “New Name Signals Dramatic Change in Co-Educational Institution’s Role,” *The Manhattan Mercury* (Manhattan, KS), September 23, 1970, 17B. Accessed at www.newspapers.com.

⁷³ “Statistical Data and Information Meeting,” October 14–16, 1968, RH MS 807, Box 1, Folder 13, Wallace Galluzzi Papers, Kenneth Spencer Research Library, University of Kansas, Lawrence, KS.

become dropouts.”⁷⁴ In the 1960s, public-facing administrative rhetoric may have been evolving to celebrate student aptitude and their possibilities of career acquisition, but colonial education under white administrators painted students as lagging, or unable to know what was best for them. Rather than acknowledge the limitations of bureaucratic colonial education, administrators held students responsible for “failure” to engage with inadequate and stifling vocational training programs.

Galluzzi’s tenure at Haskell evidences the contradictory representations of student achievement in the school’s transition from a high school, to a vocational school, and eventually to a junior college that offered both college coursework and vocational programs. A 1969 feature in the *Emporia Gazette*, published on the brink of the school’s junior college transition, highlighted the heavy emphasis that the school placed on career placement: “the school puts out a calendar carrying small photographs of last year’s graduates along with listings of their jobs and starting salaries ranging up to more than \$10,000.”⁷⁵ Although career possibilities for Indigenous students had greatly expanded since the school’s early sole emphasis on agricultural, domestic, and manual labor training, Haskell’s educational focus was ultimately still on the acquisition of labor skills and obtaining a high salary.

The *Emporia Gazette* article by Don Reeder is steeped in overt racism, as it began by claiming that “the young people at Haskell are more concerned with computers and air conditioners than with tomahawks and buffalo robes.”⁷⁶ A central concern of Reeder’s article, entitled “Interest in Indian History Lags at Haskell Institute,” was the notion that students were more drawn to technical and vocational training than Indigenous history courses. But the article

⁷⁴ Ibid.

⁷⁵ Don Reeder, “Interest in Indian Education Lags at Haskell Institute,” *The Emporia Gazette* (Emporia, KS), March 27, 1969, 2. Accessed at www.newspapers.com.

⁷⁶ Ibid.

also noted that “The class on Indian history is taught by J.L. Rogers, a crewcut 34-year-old white expert in business law who acquired a thirst for Indian lore while growing up along the Osage tribe in Oklahoma.”⁷⁷ Reeder lamented the fact that there were only thirty students enrolled in this Indian History course, and Rogers was quoted as saying of students that “As a general rule ... they don’t know much about the history of their own tribes. They may know some legends, but the stories often are not supported by historical fact.”⁷⁸ While students’ apparent lack of interest in Native history was a point of contention in the article, Rogers’s statement shows how those tasked with teaching “Indian history” to Native students were enmeshed in colonial understandings of Native students as ignorant of their own histories and cultures. This logic extended directly out of the school’s early boarding-school era mission to disrupt the continuity and existence of historical knowledge among Native students.

In one example, one of Rogers’s students apparently

refused to concede that his Navajo tribe might not always have lived in the Southwest—despite the fact linguists have established that Navajo and Apache tongues stem from the Athapascan language group spoke [*sic*] by tribes in the interior of Alaska.⁷⁹

This anecdote, which Rogers offered as evidence of his students’ supposed ignorance, is instead revelatory of colonial education’s ignorance of Indigenous knowledges, cultures, and understandings of place. Diné (Navajo) scholar Farina King has written that

Navajos of the twentieth century ... learned that they could only grow by traversing through the Four Directions—East, South, West, and North. They possessed what I translate as an ‘earth memory compass’ embedded in the lands and waters—the earth memories—to guide them home toward one another as a people.⁸⁰

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Farina King, *The Earth Memory Compass: Diné Landscapes and Education in the Twentieth Century* (Lawrence: University Press of Kansas, 2018), 1.

It was Rogers who was fundamentally ignorant of his students' contestation of his "authoritative" historical narrative. He could not understand Navajo people without grasping that Navajo culture prioritized "a system of knowledge and epistemologies based on collective memories, values of the earth, and ties between peoplehood and the land."⁸¹ Rogers exemplifies how deeply colonial bureaucracies failed to fully grasp the imperatives of Indigenous higher education even at this moment of change for Haskell.

In May 1974, *Change: The Magazine of Higher Learning* featured an article on Haskell's 1970 transition to a junior college. Author Donna Martin wrote that prior to 1970, the school retained its "learn to earn" motto, and it functioned as a postsecondary vocational school with three "tracks:" business, trades, and technical study.⁸² While the school's junior college status appeared to signal an institutional transition

according to Superintendent Wallace Galluzzi, Haskell's assumption of junior college status in 1970 was not intended as a radical change of focus, but rather as an opportunity for students to have the additional option of a general education course and to increase their ability to cross tracks.⁸³

From an administrative perspective, the school's "learn to earn" mission was still a priority, and its official status as junior college rather than trade or vocational school was framed as a somewhat minor bureaucratic shift. But "if the plan was not radical, the results were." Martin went on to explain that "Clearly neither Haskell nor BIA officials anticipated" that students would flock to the general education track, "leaving vocational facilities high and dry."⁸⁴ This moment in Haskell's history demonstrated the tension between administrative and federal aims for Haskell students, and Haskell students' own goals for their education. The tension between

⁸¹ *Ibid.*, 5.

⁸² Martin, "Community Colleges: Haskell Indian Junior College," 55.

⁸³ *Ibid.*

⁸⁴ *Ibid.*

the state's continued emphasis on vocational training and students' desire for actual self-determination was perfectly encapsulated by former Haskell student Waylon Gary White Deer's account in his memoir *Touched By Thunder*:

I enrolled in 1970 when Haskell started offering a two-year college degree but still taught trade courses. "Your father took baking here," the dean said briskly while riffling through a pile of old records. 'Would you like to be a baker?' he asked. "I want to go to college," I said. Dean Bowman frowned.⁸⁵

After the junior college transition, labor issues arose between the longstanding vocational faculty and newer instructors and faculty with PhDs whose educational backgrounds led to higher pay. While this posed problems from a labor standpoint, it spoke to the broader issues with the BIA's approach to Native education, and subsequently with the way it regarded Indigenous students. Martin's article emphasized that the general education faculty

calls the BIA the prototypical colonial office, describing it as white dominated and utterly inept at guiding educational policy. Characterizing old-timers as 'BIA lifers,' rather than educators, he sees Haskell as a typical BIA-administered institution, hopelessly mired in bureaucracy.⁸⁶

Administrators and BIA officials underestimated that Native students at Haskell might desire the same sort of college education offered at other junior colleges. The prevailing image of American Indian students as in need of integration into "mainstream" society guided the school's educational mission even as it declared itself a junior college.⁸⁷

Liberal Violence in Lawrence

While Haskell is a federal space whose policies have been managed according to shifting bureaucratic understandings of Indigenous personhood for nearly a century and a half, Haskell

⁸⁵ Waylon Gary White Deer, *Touched by Thunder* (Walnut Creek, CA: Left Coast Press, 2013), 27.

⁸⁶ Martin, "Community Colleges: Haskell Indian Junior College," 55.

⁸⁷ The imperative for universities to produce workers existed across universities in the twentieth century, and the tensions that emerge have been amplified in the late twentieth and early twenty-first centuries. For discussions of higher education and labor see Marc Bousquet, *How the University Works: Higher Education and the Low-Wage Nation* (New York: New York University Press, 2008); and Christopher Newfield, *Unmaking the Public University: The Forty-Year Assault on the Middle Class* (Cambridge: Harvard University Press, 2008).

also exists as a space in the Lawrence, Kansas community. In earlier chapters, I showed how leading free state settlers like James Stanley Emery envisioned a white liberal personhood that was predicated upon Indigenous dehumanization and disappearance through forced removal. In order to understand the legacies of criminality that informed liberal understandings of Native personhood in Lawrence in the late twentieth century, it is important to understand how logics of carcerality were built into the environment at Haskell itself. American Indian boarding schools are reflective of this history. In “The Boarding School as Metaphor,” Child wrote:

If boarding school is the best way Indian people have to sum up the complexities of colonial encounters, surely the architecture of boarding school is also our best monument to the history of colonial cruelty and dispossession, but one with the power to educate us about Indian survival, both past and present.

Child’s brilliant proposal offers an opening through which the continuities of colonial and liberal violence at Haskell, and in Kansas more broadly, can be understood.

While the school is named for state representative Dudley Chase Haskell, Dudley’s brother, John, was an architect who designed the first buildings on the Haskell campus. John G. Haskell also designed other carceral institutions in the region, including the Chilocco Indian School in Oklahoma, the Osawatomie State Hospital (once known as the Kansas Insane Asylum), the Lawrence-based Douglas County Jail, the Kansas boy’s reform school in Topeka, the Industrial Reformatory in Hutchinson, and the Cherokee Orphans’ Asylum in Grand Saline, Oklahoma.⁸⁸ Haskell built these institutions in a manner that was consistent with understandings of criminality and reform at the time. Though the institutions dedicated to education, such as Haskell and Chilocco, were designed differently than those built strictly to house those deemed a “threat” to society, they shared with explicitly carceral spaces the disciplinary function of

⁸⁸ “Appendix 2: Subsequent History and Current Status buildings by Haskell or Haskell and Wood,” in John M. Peterson, *John G. Haskell: Pioneer Kansas Architect* (Lawrence, KS: Douglas County Historical Society, 1984), 245–250.

instilling in youth a sense of internal discipline and regulation.⁸⁹ While this was true of education in general, industrial schools in particular were designed according to their mission as “reform” projects undertaken to create liberal subjects out of those previously deemed ineligible for full social inclusion by virtue of their Blackness, Indigeneity, and/or criminality.

As an architect, John Haskell’s job was not simply to design these physical spaces, but to use his authority to infuse his understandings of liberal personhood into the design of each institutional space. When asked to design the state boys’ reformatory in Topeka in 1885, rather than solely creating it as a space for industrial reform it was conceived as an “intermediary prison” for male offenders aged 16–25.⁹⁰ Haskell and his partner Louis M.H. Wood’s plan “was described ... as providing a prison of the best class, while meeting the reformatory requirements and avoiding unnecessary expense.”⁹¹ This reform institution was a hybrid space that was primarily dedicated to incarcerating the young offenders, but one that also incorporated some educational facilities. John Haskell’s biography explains that:

The buildings containing all other prison activities would be inside the fence and so arranged that the school program would be carried on in the evening after the outside doors had been locked and part of the guard force had gone home. Haskell and Wood felt that “...while the building is in every sense a prison, it is also much more, it provides accommodations for carrying out the most advanced ideas in reformatory discipline and education.”⁹²

While the reformatory was patrolled by prison guards during the day, the “education” portion of the day was also punitive, as it could only unfold once the students had been locked into the facility for the night.

⁸⁹ See Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Second Vintage Books, 1995), 182, which explains that in educational spaces “hierarchizing penalty had ... a double effect: it distributed pupils according to their aptitudes and their conduct, that is, according to the use that could be made of them when they left school, it exercised over them a constant pressure to conform to the same model, so that they might be all subjected to “subordination, docility, attention in studies ... and to the correct practice of duties.”

⁹⁰ Peterson, *John G. Haskell*, 169.

⁹¹ *Ibid.*

⁹² *Ibid.*, 169–170.

Contemporary understandings of criminality and reformability, celebrated as “modern,” were built into the institution. It was spatially designed to segregate young male offenders from older boys and other criminalized men who were deemed not yet hardened enough criminals to enter the state prison. It is clear from the “reform school” design that although a school in name, it was primarily a carceral institution in which boys were housed in cells and schoolwork was an integral yet still minimal focus of the broader purpose. The decision to build educational facilities into carceral spaces was a part of the moral endeavor of these institutions, as Foucault explains that they were designed to produce outcomes in which

it [was] not ... an external respect of the law or fear of punishment alone that [would] act upon the convict, but the workings of the conscience itself. A profound submission, rather than a superficial training; a change of ‘morality’, rather than of attitude.⁹³

The educational aspect of these schools was not solely a socially mandated imperative, but an integral part of the reform-through-punishment process.

The American Indian boarding schools Haskell and Chilocco were built within the same timeframe as the Topeka reformatory: plans were begun for Chilocco in 1882 and for the institution that became Haskell in 1882–1883.⁹⁴ While Haskell was not designed as a prison,

the style was utilitarian; window and door openings were plain and there was not even a decorative cornice. It seems clear that the architects were asked to design austere but serviceable buildings which would provide the maximum in accommodations for the money spent.⁹⁵

Although some students spent years of their lives at boarding schools, the state prioritized cost-cutting and utilitarian function above creating a homelike environment. Designing cold, “austere” spaces was not of concern to administrators, even as students were homesick after being thrust into a culturally isolating institutional space. The school was designed to house

⁹³ Foucault, *Discipline and Punish*, 238–239.

⁹⁴ Peterson, *John G. Haskell*, 265n46.

⁹⁵ *Ibid.*, 148.

many students, yet it still became overcrowded soon after its opening, and another girls' dorm was built to accommodate more students.⁹⁶ This desire to reform many Native students in a cost-effective manner apparently precipitated the “utilitarian” design of Haskell. In subsequent buildings, “purely decorative features were used sparingly, probably because the Office of Indian Affairs insisted on a maximum of useful space for its money.”⁹⁷

Although designed as a school, the early Haskell campus also housed a facility known as the “guardhouse” that was explicitly used to punish students.⁹⁸ Haskell’s biographer expressly noted that the building’s function was to “imprison” students, writing that when the Hiawatha Hall auditorium building was completed in 1900, according to the school’s superintendent H.B. Peairs, it was “so popular with the boys that he was able to stop using the ‘guardhouse’ to imprison boys who broke the rules, as had been the practice since the early days of the Institute.”⁹⁹ While the 1900 construction of Hiawatha Hall might have potentially signaled the end of isolated incarceration at Haskell, a new jail building was constructed at the school in 1910, resulting in the demolition of the old guardhouse.¹⁰⁰ The school newspaper *The Indian Leader* commemorated the event, saying:

another landmark is gone! The stone guard-house which has sheltered disobedient boys for a quarter century has been torn down. Jokes about ‘the stone hotel’ are out of date. The new brick guardhouse, just completed is more sanitary and much stronger.¹⁰¹

The “modern” conditions of the new jail facility apparently made it more efficient at incarcerating students, as it was built to be much harder to escape.

⁹⁶ Ibid.

⁹⁷ Ibid., 212.

⁹⁸ Ibid., 213.

⁹⁹ Ibid., 213.

¹⁰⁰ Eric P. Anderson, “Reformers Revealed: American Indian Progressives at Haskell Institute, Lawrence, Kansas, 1884-1909,” PhD Dissertation (University of Kansas, 2009). Also *The Indian Leader* (Lawrence, KS), May 27, 1910, 2, accessed at www.newspapers.com, writes that “a new guard-house is under construction behind the large boys’ quarters. It will be fire-proof.”

¹⁰¹ *The Indian Leader* (Lawrence, KS), September 23, 1910, 4, accessed at www.newspapers.com.

A Lawrence newspaper account reported on the guardhouse's demolition, making light of the sentences that students endured over the years:

the old tumble-down stone shack which for years has served as the place for punishment for the red skins, now stands with its heavy wooden doors and formerly barred windows yawning wide open. It is deserted, but on the inside it is the most interesting place on the Haskell campus. here the reds have spent days and nights [*sic*] in every mood imaginable to the Indian mind.¹⁰²

The walls of the old jail carried the memories of students condemned to serve time there. Wall carvings detailed escape attempts and used humor to cope with incarceration. For instance

complete information is there as to the running away of Pete and Delpho. How Mr. Milligan chased them and how they jumping [*sic*] from the same train he was on, showed him a clean pair of heels but were caught trying to hide in 'some doggone farmer's haystack.' Enough material for a book is roughly scratched upon the heavy plans of the famed little building.¹⁰³

While this writer mocked students' pain, it is clear from the article that incarcerated students were often placed in cells for attempting to flee the school. When caught, students practiced acts of resistance by communicating through the walls.

While the guardhouse conveyed a particular message about the nature of punishment at Haskell, other logics were built into the institutional workings of the school that evidenced the institution's attempts at totalistic control over students' lives. From 1898 to 1931—over four decades—H.B. Peairs served several terms as Haskell Superintendent.¹⁰⁴ His beliefs about Indigenous education were crucial in shaping the school's attitude toward students during its formative years. Peairs was concerned with regulating students' bodies, and under his administration the school emphasized education in everything from "physical health, home

¹⁰² "Dormant Now," *The Daily Gazette* (Lawrence, KS), 11 August 1910, 1, accessed at www.newspapers.com.

¹⁰³ *Ibid.*

¹⁰⁴ From 1910 to 1920 he worked as the BIA's supervisor of Indian schools, and then from 1927 to 1930 he was the BIA's commissioner of Indian Schools, and he otherwise worked as Haskell Superintendent. In Warren, *The Quest for Citizenship*, 29–30.

building, and citizenship training.¹⁰⁵ In keeping with the white supremacist assimilationist liberalism that drove the initial formation of Indian boarding schools, “Peairs believed that proper citizenship training would eventually make his students disappear into white society.”¹⁰⁶ Although Peairs in theory elevated the school academically through the creation of literary societies and libraries, his white supremacist belief in the superiority of Eurocentric ways of knowing also infused a sort of carceral thinking into the infrastructures of the buildings dedicated to learning as well as to the explicitly punitive spaces.¹⁰⁷ Students were disciplined to abandon their languages and cultural backgrounds, and Haskell’s liberalizing mission entailed punishing students for adhering to Native knowledge practices. Whether enforcing rules through physical incarceration or forced cultural assimilation, Haskell under Peairs was dedicated to discipline through white supremacist logics of liberal education and reform.

Resonances of Institutional Violence

In spite of these histories of carcerality and discipline, Haskell transitioned into a powerful site of collective memory, education, and resistance. But the carceral violence that pervaded the school from its earliest iterations extended long into the future, as Indigenous members of the community were exposed to increased state violence and were offered no protection in the face of racist violence in Lawrence in the late 1980s and early 1990s. While the institution itself likely did not bear any responsibility for the violence that was perpetrated against Native people in Lawrence, Haskell’s relationship to the Lawrence community reveals the longstanding structural indifference to Native life and well-being.

¹⁰⁵ Ibid., 30.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

One such account of this violence comes from Haskell alumnus Nathan Phillips, a member of the Omaha tribe. Phillips, a Vietnam veteran, became the subject of national conversation in January 2019 when an onlooker filmed a group of white high school students wearing “Make America Great Again” hats shouting insults at Phillips while they attended a pro-life rally in Washington DC.¹⁰⁸ Julian Brave NoiseCat wrote a *Guardian* feature on Phillips that describes how in 1989 while a student at Haskell, five members of the Haskell community were found dead in Lawrence over the course of several months: Christopher Bread, John Sandoval, Cecil Dawes Jr, Harry Oliver and Nilsa Sanchez. NoiseCat’s article explains how amidst these disappearances “rumors about skinheads and serial killers swirled. Native parents wrote to the school to ask if their children would be safe.”¹⁰⁹ Phillips was transformed by these incidents, saying that “We walked the swamps, and the riverbeds, and the prairies, and the roadsides for them ... and when we found them, it broke our heart.”¹¹⁰ The police declared all but one of these deaths to be accidental, and they remain unsolved to this day. If the boarding school has served as a metaphor for the violence of colonialism, then this powerful experience from Phillips’s time at Haskell forcefully reinforces the extent to which Indigenous life was violently disregarded even in a community whose historical legacy involves a freedom narrative.

In this instance, the boarding school—or rather the institution that emerged from one—reflected Lawrence’s disregard for the safety of a community that had been a part of Lawrence for more than a century at that point. As an institution, Haskell’s maintenance and operation has

¹⁰⁸ Phillips was in DC as a part of the concurring Indigenous People’s March, and attempted to intervene in a conflict between the high schoolers and Black Israelites who were preaching. Many were shocked and disgusted to see the level of disrespect that the young Trump supporters showed this 65-year old veteran. His story appeared in Julian Brave NoiseCat, “His Side of the Story: Nathan Phillips Wants to Talk about Covington,” *The Guardian* (London, England), February 4, 2019, <https://www.theguardian.com/us-news/2019/feb/04/nathan-phillips-his-story-hate-division-covington>.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

always fallen under the purview of federal BIA bureaucracy, and this reality perhaps enables a disregard for the safety and wellbeing of Native people in Lawrence that results in part from the assumed federal “responsibility” for this role. This, coupled with the legacies of white supremacy that extend from the foundational colonial violence of Lawrence’s settlement, reveal Lawrence’s role in the continued failure to address racist terrorism and state violence in the late twentieth century.

In addition to the state’s unwillingness to investigate these acts of violence, Native people in Lawrence have long experienced disproportionate policing and surveillance. While Haskell no longer maintains a prison, carceral logics haunt the community, as Native people are more likely to be regarded as criminal. In 2017 Native people made up 2.7% of the population of Douglas County, Kansas, but with 349 Indigenous people in jail, American Indians made up 6.5% of the county jail’s population. This was down very slightly from 7.5% the previous year.¹¹¹ In the past fifty years there have been at least two police shootings of young unarmed Native men in Lawrence. While Lawrence memorializes the legacies of liberalism that result from the city’s free state origins, neither shooting is commemorated in the city’s mainstream public memorialization of past civil rights injustices, despite the fact that Native activists highlight these legacies of violence.

On March 5, 1977, 22-year old Haskell student Lawrence Picotte, Yankton-Sioux from South Dakota, was shot by Lawrence police in a downtown bar after officers stopped him for questioning about an alleged armed robbery.¹¹² Picotte’s shooting occurred under Wallace

¹¹¹ Elvyn Jones, “Average daily population at Douglas County Jail fell slightly in 2017, reversing 5-year trend,” *Lawrence Journal World* (Lawrence, KS), April 18, 2018, <https://www2.ljworld.com/news/2018/apr/18/average-daily-population-douglas-county-jail-fell-s/>.

¹¹² Blaine Wise, “A Decade of Change: Haskell Activism in the 1970’s,” in Joseph Claunch, Shelia Crawford, Aaron Edenshaw, Richard Lary, Samantha Pete, and Blaine Wise, *A Deep Map of Haskell Indian Nations University* (Lawrence, KS: Haskell Indian Nations University, Navarre Hall Printing Center, 2006), 44. Downloaded from “A

Galluzzi's administrative tenure, and Galluzzi's response to the shooting demonstrated indifference at best. To honor the death of their classmate, the Haskell Student Senate called for a day of mourning in Picotte's memory the week after his murder. According to the Lawrence newspaper, Galluzzi's response was "that Wednesday has been designated a day of mourning, but classes would be held on schedule. Students, he said, 'may meditate or whatever on a voluntary basis.'¹¹³ Despite Galluzzi's apathy, Picotte's murder inspired local activists to speak out openly about the treatment of Native students in Lawrence. Local AIM members tied Picotte's shooting to the ongoing violence against Native students at Haskell and in Lawrence more broadly. Dorothy Chiefstick, a student and AIM organizer, was quoted in the *Lawrence Journal World* saying that if Galluzzi "doesn't do something he's going to be facing a demonstration and I don't mean a peaceful one."¹¹⁴ AIM had long critiqued white administrators' ineffectiveness in running an institution for Native students. Beyond merely neglecting to provide adequate resources to students in a time of crisis, Galluzzi's response to a student's death indicates a broader administrative failure to regard Native life as valuable and important.

Rather than portraying Picotte as a college student, newspaper accounts constructed him as criminal by virtue of police statements and rumors that he carried a weapon on campus. Police officers shot Picotte four times in the chest, and witnesses reported they kept shooting after he had fallen.¹¹⁵ A coroner's jury declined to prosecute the officers, and they had returned to work

Deep Map of Haskell Indian Nations University," Digital Douglas County History, accessed on April 13, 2021, <http://history.lplks.org/items/show/1162>.

¹¹³ "HJC Group Organized to Follow Death Probe," *Lawrence Journal World* (Lawrence, KS), March 8, 1977, 1. Accessed at <https://news.google.com/newspapers>.

¹¹⁴ "Local AIM Leaders Plan Protest," *Lawrence Journal World* (Lawrence, KS), March 9, 1977, 2. Accessed at <https://news.google.com/newspapers>.

¹¹⁵ "Haskell Students Set Mourning Day in Death," *The Sedalia Democrat* (Sedalia, MO), March 9, 1977, 16, accessed at www.newspapers.com.

by March 20, 1977.¹¹⁶ AIM activists protested the manner in which Picotte was killed, and drew parallels between his death and the high profile police shooting of Black KU student Rick “Tiger” Dowdell in 1970.¹¹⁷ While Dowdell’s murder has been written about by a number of historians and is now a part of Lawrence’s historical narrative about racism, student activism, and civil rights issues in Lawrence more broadly, Picotte’s shooting is not a part of the mainstream public memory legacy of racist violence in Lawrence. After a coroner’s jury found the officers responsible for Picotte’s death to be not criminally responsible, the *Lawrence Journal World* ceased to report on Picotte’s death or on AIM activism at Haskell.

Fourteen years later, in April 1991, 22-year-old Gregg Sevier, Creek and Choctaw, was shot six times by Lawrence Police Department officers in his own home after his mother called for a welfare check. Sevier was threatening self-harm and was in his room with a butcher knife. Out of concern for his safety, his mother Orene Sevier called 911 in hopes of getting her son help and avoiding an emergency situation. On the 911 call, “the dispatcher asked if there was a disturbance, and Orene calmly said ‘no,’ she ‘just wanted someone to talk him down.’”¹¹⁸ Orene explained to the dispatcher that Gregg was experiencing depression that may have been exacerbated by a recent breakup.¹¹⁹ However, “within minutes” of the police’s arrival at the Sevier home, Gregg was dead.¹²⁰ Rather than treating Sevier’s threats of self-harm as a mental health crisis, officers viewed Sevier as a threat to their safety and claimed that his murder—in his

¹¹⁶ “Officers Reinstated,” *The Manhattan Mercury* (Manhattan, KS), March 20 1977, 27, accessed at www.newspapers.com.

¹¹⁷ For a historical account of Dowdell’s murder see Monhollon, *This Is America?*, 166–168

¹¹⁸ *Ibid.*, 215.

¹¹⁹ United States Court of Appeals, Tenth Circuit. “Sevier v. George T. Wheeler, Defendant,” No. 94–3214, July 21, 1995, accessed at <https://caselaw.findlaw.com/us-10th-circuit/1573268.html>.

¹²⁰ Monhollon, *This Is America?*, 215.

own home—was a necessary act of self-defense as Sevier had supposedly charged them with a knife.¹²¹

Activists and community members have kept the injustice of Sevier’s murder alive in Lawrence. In summer 2020 amidst the protests of the police murders of George Floyd and Breonna Taylor, posters appeared in Lawrence with a drawn portrait of Sevier with the text “Killed by Lawrence Police April 21, 1991.” Sevier’s poster appeared alongside those of police shooting victims Rick Tiger Dowdell and Nick Rice, who were murdered by Lawrence police in 1970. Sevier’s murder was the first in the city since Picotte’s in 1977, meaning that the city’s only two police shootings in a span of fourteen years were of young Native men. Sevier’s death also received a lot of newspaper press, as it came on the heels of the murders of Sandoval, Sanchez, Dawes, Oliver, and Bread in 1989–1990.



Figure 1: Image 1. Photo by Author, Jun 19, 2020.

For the Indigenous community, the injustice of Sevier’s death was compounded by an understanding that racism against Native people included how police imagined them as possessing inherent criminality. That Sevier and Picotte had been the only targets of police violence in the span of little over a decade strengthened this view, but so did the Lawrence Police

¹²¹ “Inquest Call in Fatal Shooting,” *Lawrence Journal World* April 22, 1991, 11A. Accessed at <https://news.google.com/newspapers>.

Department's inaction on disappearances of Indigenous people in Lawrence that very much appeared to be related. The deaths of Sandoval, Sanchez, Dawes, Oliver, and Bread that Phillips discussed had even led to a 1990 front-page article in the *Wall Street Journal* suggesting that the disappearances were the act of a serial killer.¹²² The article explained how 19-year-old John Sandoval, Navajo, and 22-year-old Cecil Dawes Jr., Cheyenne, Arapaho, Creek and Seminole, were both found in the Kaw river in 1989. In December of that year, 72-year-old Harry Oliver, Kickapoo, was found dead at 13th and Massachusetts street, the city's central thoroughfare. Oliver had been killed after attending a powwow at Haskell.¹²³ Although a newspaper article about Oliver's death calls it a hit-and-run, it does note that "no skid marks were found to indicate the person who hit Oliver tried to stop."¹²⁴

If Oliver's death appeared accidental to some, it became more suspicious when 19-year-old Christopher Bread, Kiowa and Cherokee, was found dead under similar circumstances on East 15th street, a rural road just east of town on March 2, 1990. Bread's death was initially investigated as a homicide, as he was found parallel to the road and the coroner determined his death was caused by a skull fracture.¹²⁵ But in the *Wall Street Journal* article, Lawrence Police Chief Ron Olin was quoted as saying that

there is absolutely no indication of a homicide ... Jeans, black jacket, long black hair, walking in the middle of the road in the middle of the night and on a county road and beyond the legal level of intoxication. . . . There has never been a hit-and-run case [before] where we've had 20 investigators working on it and ordered three autopsies. I am at a loss to explain the skepticism.¹²⁶

¹²² Anne Hagedorn, "Plains Mystery: Some Fear Serial Killer Of Indians Is at Large In Lawrence, Kansas," *Wall Street Journal* (New York, NY), August 16, 1991, 1.

¹²³ *Ibid.*

¹²⁴ "Horton Man Dies Sunday in Hit-and-Run," *Lawrence Journal World* (Lawrence, KS), December 4, 1989, 1, Accessed at <https://news.google.com/newspapers>.

¹²⁵ Michael Dekker, "Homicide Still Has No Suspects," *Lawrence Journal World* (Lawrence, KS), March 4, 1990, 3A, Accessed at <https://news.google.com/newspapers>.

¹²⁶ Hagedorn, "Plains Mystery."

Olin seemed indignant that so many resources had been expended investigating Bread's death, despite the events of the previous several months. Hagedorn's article illustrated how some suspected Nazi skinheads to be responsible for Bread's death, as Bread had attended a punk show at the famed music venue-turned-strip club, the Outhouse, on the night of his death. Documentarians and local musicians have chronicled the Outhouse's history as a music venue that saw the likes of now-renowned bands like Fugazi, Descendents, Sonic Youth, the Melvins, and Nirvana.¹²⁷

While the venue had indeed been a famed punk venue, Hagedorn's article explained that the venue was a Nazi skinhead "haunt," and in addition to a large swastika on the door, that the venue featured graffiti depicting "a skull and bones [and] the words 'Hard Core Hate Trip.' Near the words 'Death Squad' are big letters S that look like the lightning-bolt insignias on the collars of Nazi uniforms."¹²⁸ According to Hagedorn there was a "scuffle" between Indigenous people and Nazi skinheads the night Bread died, and that "two skinheads manning the front gate have told police they saw the young man leave, walking alone down a deserted county road."¹²⁹ Bread's mother, Marilyn, however, said that her son disliked walking and would not have taken off alone in the cold. Police ruled Bread's death a hit-and-run, the perpetrator of which was never determined.

Another suspicious death just prior to Bread's, was viewed by some, including Nathan Phillips, as linked to this string of other deaths. In August 1989 Nilsa Sanchez, a Puerto Rican woman, was found dead of strangulation on east 1400 Road, just west of town near Stull,

¹²⁷ Lisa Gutierrez, "Remember the Outhouse? Filmmaker Takes us Inside Lawrence Area Venue Even Ice-T 'wouldn't shut up about,'" *Kansascity.com* (Kansas City, MO), October 13, 2017, <https://www.kansascity.com/news/nation-world/article178735891.html>. The documentary about the venue is *Outhouse: The Film, 1985–1987*, Brad Norman, dir. (2017), film.

¹²⁸ Hagedorn, "Plains Mystery."

¹²⁹ *Ibid.*

Kansas.¹³⁰ While there are differences from the other cases, including the victim's gender and cause of death, some believed that Sanchez was mistaken for a Native person and consequently targeted.¹³¹ Sanchez's was the only death officially ruled a homicide, yet it remains unsolved. Lawrence Police Chief Olin and other officers were indignant about suggestions that any of the deaths were connected in any way. After the August 1991 publication of *Wall Street Journal Article*, Lawrence spokesperson for the Fraternal Order of Police Chris Mulvenon published an article in *the Journal of the Fraternal Order of Police* denying the presence of a serial killer in Lawrence, countering with the racist assertion that "the only 'serial' is a 'cereal' malt beverage."¹³² With the police's overt racism and disavowal of broader structural violence, Haskell students and the Indigenous community in Lawrence more broadly were left afraid and disillusioned.

This was the political and social climate in Lawrence at the time of Gregory Sevier's murder by the Lawrence police. It is evident that Indigenous people were not only read as inherently criminal and thus prone to "justifiable" police violence, but also that the community did not deem Indigenous lives to be worth protecting. Mvskoke Geography scholar Laura Harjo was a student at Haskell at the time the murders occurred in Lawrence, and she describes the fear that pervaded the community, writing that

for students on campus, these were frightening times. We were scared for our friends' welfare and our own, and we publicly wondered if a serial killer was targeting young Indigenous men. ... There was an inquest into the officers who shot Gregg Sevier, and the local Indigenous community and students attended it. We organized, made signs saying "Cecil, John, Christopher, Gregg, who is next? Me?" and marched from Haskell to the Douglas County courthouse—we needed answers. We deployed collective oppositional

¹³⁰ Shaun Hittle, "Decades Later Son Discovers How His Mother Actually Died," *Lawrence Journal World* (Lawrence, KS), April 18, 2012, <https://www2.ljworld.com/news/2012/apr/18/decades-later-son-discovers-how-his-mother-actuall/>.

¹³¹ Hagedorn, "Plains Mystery."

¹³² Jerry Thomas, "Part I: Hichita!," 1997, <http://www.cybold.com/cybold/hitchita/part1.html>.

power it was a small bit for the moment, though it was not enough, for further incidents of white male violence against Haskell students continued.¹³³

While liberal efforts in the city paid lip service to Native concerns about the spate of violence; ultimately Lawrence did nothing to alleviate the community's fears or investigate the crimes as related. At a May 12, 1991 City Commission meeting following Sevier's murder, Haskell Professor Dan Wildcat outlined the broader issues signified by the liberal response to Sevier's murder, criticizing the city commission for the fact that

even the discussion here seems to almost automatically digress into a discussion of services, rendering of services, and whether we are meeting consumers' needs. For a very important segment of our community the Native American community to discuss specifically this concern in that form of discourse is one that is insulting. I mean that. With all sincerity I make it as a positive statement. What we're talking about is a grieving that has occurred a sense of loss within our community, and I think you need to be very aware of how deep that is.¹³⁴

Wildcat powerfully highlighted the limitations of liberal approaches to violence and harm against the Indigenous community. Lawrence invited Indigenous people to voice their concerns about the incidents, but ultimately took a defensive and indifferent posture that failed to rectify the violence or create any structural change.

Environmental Violence

Beyond the logics of personhood that were built into Haskell's structural institutions themselves, Haskell's landscape—both built and natural—relays the full scope of colonial violence as well as Indigenous resistance to environmental injustice. The lands that became Haskell were built upon a portion of the Wakarusa wetlands known as the “Haskell bottoms.”¹³⁵

¹³³ Laura Harjo, *Spiral to the Stars: Mvskoke Tools of Futurity* (Tucson: University of Arizona Press, 2019), 16.

¹³⁴ Quoted in Lawrence, KS City Council. “Transcript of a City Council Meeting,” May 12, 1991. Downloaded from “Hichita! In Memory of Gregg Sevier,” 1997, <http://www.cybold.com/cybold/hitchita/text/appxb.pdf>.

¹³⁵ The origin of the word “Wakarusa” is not precisely known, but bears significance for a number of tribes who found meaning in these lands. Larsen and Johnson, *Being Together in Place*, 81, describes that “The word could be *Kaw*, *Potawatomi*, *Osage*, or from an earlier Upper Mississippian people, the *Oneota*. No one knows.”

The wetlands formed in Lawrence, the result of flooding where the Wakarusa River meets the Kaw River.¹³⁶ Soren Larsen and Jay Johnson describe the Wakarusa as a “wet ecology of cordgrass, sedges, aster, and gama grass [that] attract[s] a tremendous diversity of birds, reptiles, amphibians, mammals, and medicinal plants.”¹³⁷ Because the wetlands provide resources not available in the other regional landscapes, it has historically always been a place that sustained a number of Indigenous tribes such as the Kaw, Pawnee, Wazhazhe, Neshnabé, Lenni Lenape, and Shaawanwaki.¹³⁸ Thus the lands of Haskell not only bear significance by virtue of their mere existence as Indigenous lands that were taken and repurposed for use in boarding school education, but also because of the ecological variance sustained by the unique natural landscape. This ecology was built into both the curriculum and the colonial mission of the school, as draining the wetlands and maintaining the crops they sustained was an integral part of the “industrial” labor that students undertook in their military regimented work schedules.¹³⁹ Ironically, placing the school atop the unruly path of floodplains also created a sort of natural resistance to the imposed control and order that the institution set out to establish upon Native peoples. Larsen and Johnson describe how “some identified with the Wakarusa—the water’s power to undo the institute’s efforts to tame and farm the wetlands provided students with a concrete vision of their own resistance against being ‘tamed.’”¹⁴⁰ The land itself then provided the conditions for resistance, and for a sense of knowing beyond the colonial structures and curriculum of the school. The wetlands continued to provide conditions for resistance for

¹³⁶ Ibid.

¹³⁷ Ibid.

¹³⁸ Ibid., 82.

¹³⁹ Ibid., 83.

¹⁴⁰ Ibid.

students, as their preservation became the focus of a seventy-year long battle against the efforts to build a highway, the South Lawrence Trafficway, through the wetlands.

The battle over the construction of the South Lawrence Trafficway revealed the ways that the Haskell community strengthened and found activism in its resolve against white settler logics of possession and ownership. Although the institution had long attempted to enforce these logics on Indigenous people, when the battles over the construction of the highway came to a head in the 1990s it became clear that students and members of the Haskell community were fighting to preserve a value and connection to the land that resisted settler logics of ownership. In response to a 1992 celebration of the 500th anniversary of Columbus’s arrival in the Americas, Haskell dedicated a medicine wheel on a portion of the campus. Critics alleged that Haskell was attempting to construct a “sacred site” as a means of preventing the construction of the South Lawrence.

In response, Wildcat said:

well you guys are ignorant in the first place because we don’t make sites sacred. They are sacred in and of their own being. That really explains the collision of cultures. Because the students were saying hey, we just put something here that we’re acknowledging that this is sacred ground—its historical significance for the children who were here; the fact that this is a place that was viewed as an important medicine collection site by the Osage, by the Kaw. We’re not talking about buildings; we’re not talking about property lines. We’re talking about the wetlands and what they represent.¹⁴¹

While Haskell students and other activists in the Lawrence community spent decades battling with government agencies about the highway project, the state eventually succeeded in its fight to build the South Lawrence Trafficway. Activists had fought the construction of the highway in general, and then fought the city’s decision to run the highway through the wetlands, but finally

¹⁴¹ Quoted in *Ibid.*, 92.

in 2010 a circuit court judge upheld the decision to construct the South Lawrence Trafficway through the wetlands.¹⁴² While the highway does not run through Haskell's land,

the road still crosses Indian land that was first taken by treaty, later transferred to federal trust, and finally 'surplused' to another owner, Baker University, who ultimately agreed to the [South Lawrence Trafficway's (SLT)] construction. And the SLT crosses land that Native people still consider sacred, and that many non-natives consider to be spiritually significant.¹⁴³

Conclusion

In 1980, Wallace Galluzzi retired from his long role as Haskell president, and was replaced by Dr. Gerald Gipp, a member of the Standing Rock Sioux tribe who had been involved in BIA administration since 1973.¹⁴⁴ The BIA's press release about Gipp's assumption of the school presidency wrote that "He will be the first ever Indian to head the junior college."¹⁴⁵ This is true, but Gipp was not the first Native person to lead Haskell as an institution, as Henry Roe Cloud served as the school's superintendent in the late boarding-school era of the 1930s. Gipp's tenure marked a new era in Haskell's history, in which the school was led by Native administrators. Even in the junior college days, the school's early history influenced life for students in perhaps unusual ways. In 1990, under the presidency of Bob Martin of the Oklahoma Cherokee Nation, the *Kansas City Star* published the article "Haskell to End Most Bed Checks." It reported that "surprise bed checks, a holdover from the days when Haskell junior college was a boarding school for high school students, will cease as the school re-examines several policies that are unpopular with students."¹⁴⁶ The article highlighted how Haskell students were frustrated at discrepancies between how University of Kansas students were treated, noting that they

¹⁴² Ibid., 101.

¹⁴³ Ibid.

¹⁴⁴ US Department of the Interior: Indian Affairs, "Gipp Appointed Haskell President," November 25, 1980, <https://www.bia.gov/as-ia/opa/online-press-release/gipp-appointed-haskell-president>.

¹⁴⁵ "Gipp Appointed Haskell President."

¹⁴⁶ Michael Martinez, "Haskell To End Most Bed Checks," *Kansas City Star* (Kansas City, MO), June 5, 1990, B-5. Accessed at www.newspapers.com.

wanted “the same kind of freedoms as students ... across town.”¹⁴⁷ When interviewed, President Martin acknowledged that there might not be any good reason for such rules, saying that “they’ve been in place for a long time and I guess they’re a carryover and just haven’t been changed.”¹⁴⁸

As evidenced above, Haskell’s long historical trajectory from boarding school to, eventually in 1994, Haskell Indian Nations University, was not always seamless and not without critique. The “bed check” rules were expressly in place to police sexual relationships among students, and under these 1990 changes men and women were allowed to enter each other’s dorm rooms for the first time in the school’s history, but still only during specified visiting hours. 24-year-old student Harvey Ross—who was by most all estimations a fully grown adult—expressed frustration at the “bureaucratic” nature of the rules, saying “you got a cold, heartless bureaucratic machine out here trying to dictate people’s lives. The domination and manipulation of students out there, that’s been refined to a fine art.”¹⁴⁹ Still, under President Martin, the Haskell Board of Regents officially designated the school Haskell Indian Nations University in 1994.

As an institution headed by Indigenous leaders and students, the school stands as a testament to Indigenous education and knowledge production. This chapter has sought to explain how Haskell’s long history as a federal space within Kansas reveals the workings of liberalism on multiple levels. Bureaucratic understandings of Indigenous personhood long informed the treatment of Native students as potential earners. While students at the nearby University of Kansas received a liberal arts education in the late nineteenth and early twentieth centuries, Haskell students were incarcerated in the on-campus jail and were subject to militaristic

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid., B-8.

regimentation. Even as the experienced reform in the mid-twentieth century, and the BIA began to expand both educational and vocational opportunities, many Haskell students fought for their right to receive anticolonial education in an environment that respected their actual needs as learners and as a community.

In 1992, Vine Deloria summed up the shortcomings of the education system as a whole in its efforts to serve American Indian students, writing that:

Instead of boring us with another tedious recital of the failure of the federal government to educate Indians— which is embarrassingly obvious— the secretary of education would do well to find some way to confront the reality of Indian culture, community, and history and devise an educational program to meet this specific challenge. If traditional institutions, programs, and teaching have to be changed, so be it. After five centuries of contact, it does not seem too much to ask non-Indian educators and institutions to come to grips with the reality that is the American Indian.¹⁵⁰

As an institution headed by Native people and comprised of American Indian faculty and students, Haskell has reflected the adaptability that Deloria describes above. The institution changed to reflect Native culture, and survives as a result of that fact. As higher education as a whole faces enormous crises in terms of state funding and budgetary issues, student debt, faculty and staff layoffs, and the inability to provide legitimate career outcomes for students, contemporary universities demonstrate the broader failure of liberal capitalist institutions to reflect the actual needs of students, faculty, and community members rather than the increasingly corporatized demands of university administrators.

Amidst the mid-twentieth century struggles over Haskell's education at the federal level, the Native community in Lawrence fought racist and environmental violence in a town whose history is associated with abolition and freedom. The police shootings and targeted violence in the 1970s–1990s were compounded by the state's long fight to build the South Lawrence

¹⁵⁰ Vine Deloria, Jr., "The Perpetual Education Report," in *Power and Place: Indian Education in America*, Vine Deloria, Jr., and Daniel Wildcat, eds., (Golden, CO: Fulcrum Publishing, Inc., 2001), 161.

Trafficway against the resistance of the Haskell community. These more contemporary injustices reveal that Kansas, and the US more broadly, have failed to recognize the consequences of a “free state” that is predicated upon Indigenous dispossession. These forms of institutional violence at the federal, state, and local levels are resonances of this foundational colonial violence.

Conclusion: Free State Liberalism in the Contemporary Moment

If Kansas's territorial "border war" history gets mythicized through its association with abolitionist free state ideologies, more contemporary portrayals of Kansas as ultra conservative can also take on mythic proportions. In the popular 2004 bestseller *What's the Matter With Kansas?*, Thomas Frank asserted that conservatism in Kansas lay in contrast to "the abolitionists" who "were the kind of folks who, were they alive today, would set the *Wall Street Journal* to howling about political correctness, threats to the Constitution, and elitist, know-it-all meddling in the affairs of others."¹ Lamenting the state's conservative backwardness, Frank concluded that the radical libertarianism that came to dominate the state's politics in the late twentieth century was a move away from the progressive values upon which the state was founded. While libertarianism might appear antithetical to free state liberalism, in many ways they are of the same trajectory. Given this, it is unsurprising that Kansas ultimately transitioned from Thayer's "business anti-slavery" to Koch Brother libertarianism: both were characterized by an equation of radical capitalism with ultimate freedom.

Koch Industries, headquartered in Wichita, Kansas, is one of the most profitable privately-owned companies in the United States. Charles and David Koch, the billionaires who headed the company for many years, were two of the wealthiest people in the United States until

¹ Thomas Frank, *What's the Matter With Kansas?: How Conservatism Won the Heart of America* (New York: Henry Holt, 2004), 187. While many believe Frank to have coined the phrase "what's the matter with Kansas," he got his book title from an 1896 essay penned by journalist William Allen White. See William Allen White, "What's the Matter with Kansas?" *Emporia Gazette* (Emporia, Kansas), Sept 25, 1896, 2. White was concerned with the state's population decline and lack of economic growth amidst national prosperity. He saw the growing popularity of the populist party in Kansas to be a result of a naïve and backwards anti-intellectualism that was ruining the state's opportunity for capitalist investment. See also Robert Mitchell, "'What's the Matter with Kansas?' The words still resonate 124 years later," *Washington Post* (Washington, DC), August 23, 2020, <https://www.washingtonpost.com/history/2020/08/23/whats-matter-with-kansas-words-still-resonate-124-years-later/>, which writes that White eventually came to regret the essay and quotes White's biography as apologetically noting of his elitism that those he was criticizing "were struggling with poverty and I was rather spick-and-span."

David Koch's death in 2019. As of April 2021, Charles Koch was the 27th wealthiest person in the world.² Having grown up in Wichita, the Koch Brothers kept their commodities company privately owned and headquartered in their hometown, even after it grew into the enormously successful enterprise that it is today. Charles in particular adheres to extreme libertarian ideologies and has poured millions of dollars into research and education efforts to spread these ideas into the mainstream.

Charles Koch is also credited with having helped propel far-right candidates like Sam Brownback into Kansas state politics, and with fomenting the ultra-right "Tea Party" movement in the broader US political arena. It is certainly true that Kansas politics became a playground for extremely conservative candidates, as over the years the Kochs have poured millions of dollars into state elections that otherwise would have remained unnoticed and underfunded in the past. This political strategy resulted in

a shock-and-awe campaign in towns like Larned, Kanapolis, and Great Bend. Koch industries was expert at coordinating with other conservative groups ... such as the National Rifle Association, the pro-life group Kansans for Life, the state Chamber of Commerce, and, of course, Americans for Prosperity.³

While Kansas's capitalist-motivated rightward turn is often offered as grounds for the state's depiction as aberrant or politically backwards, the Koch equation of free-market capitalism with "freedom" is surprisingly aligned with Eli Thayer and the New England Emigrant Aid Company's conception of "business anti-slavery." These business-owners pursued different industries, but both were motivated by extremist capitalist principles. The New England Emigrant Aid Company, in Thayer's estimation, was in the business of land speculation. Money

² Kerry A. Dolan, Jennifer Wang and Chase Peterson-Withorn, eds., "Forbes World Billionaire List," *Forbes*, accessed April 10, 2021, <https://www.forbes.com/billionaires/>.

³ Christopher Leonard, *Kochland: The Secret History of Koch Industries and Corporate Power in America* (New York: Simon and Schuster, 2019), 480.

invested in the company was allotted to purchase “reservations” of land on which towns would be developed and businesses like sawmills and hotels would be built. After Kansas became a free state, Thayer argued, the towns would be self-sustaining and shareholders would see a return on investments.⁴ Amidst drought and the Panic of 1857, however, The New Emigrant Aid Company essentially folded, as it was “totally unprepared to pass through any extended period of hard times, and was in the class of ‘frozen’ corporations which are ordinarily expected to fail in such circumstances.”⁵

It would be a vast understatement to say that the Koch family fared better in its enterprise. In the 1920s, Fred Koch built his initial fortune in the oil business by developing both a technology and a business model for gasoline cracking—the process through which previously-unusable parts of crude oil could be refined into gasoline.⁶ Koch eventually engaged in a protracted legal battle over cracking patents with Universal Oil, which “is a central part of the identity of Koch Industries and of the Koch family. ... it features in nearly every news account describing the clan’s history and the origins of their wealth.”⁷ The Koch enterprise of today has grown far beyond the Koch of the 1920s. The “what we do” section of their website lists twelve industrial sectors, including “polymers and fibers,” “process and pollution control systems,” and “ranching.”⁸ The website lists thirteen affiliated companies, and today “the company is embedded in the hidden infrastructure of everyday life. Millions of people use Koch’s products without ever seeing Koch’s name attached.”⁹

⁴ Russel K. Hickman, “Speculative Activities of the Emigrant Aid Company,” *The Kansas Historical Quarterly* 4, no. 3 (August 1935): 242.

⁵ *Ibid.*, 257.

⁶ Daniel Schulman, *Sons of Wichita: How the Koch Brothers Became America’s Most Powerful and Private Dynasty* (New York: Hachette, 2014), 27–28.

⁷ *Ibid.*, 30.

⁸ Listed on “What We’re About,” Koch, accessed July 20, 2020, <https://www.kochind.com/about>.

⁹ Leonard, *Kochland*, 3.

Looking at the political visions of these two capitalist enterprises, it is easy to see how Kansas's conservatism is not a deviation from the state's free state ideals, but it is indicative of the free state liberalism that Thayer promised—that of a colonial conception of freedom that equated land ownership and property accumulation with democracy at the expense of racialized others. While Thayer's business may have floundered, his rhetoric prevailed through his political campaigns. He was a free labor zealot, claiming in his memoir that prior to the state's establishment as “free” Kansas was lost. The strong arms of free labor rescued her and proved their power to protect all the rights and interests of free men.”¹⁰ He discussed the impact of his mission in grand terms, noting that “I have called this decisive moment a ‘crusade.’ Very likely historians will call it a ‘campaign.’ But under whatever name, its majestic power, moral grandeur, and far-reaching results have strongly marked a new epoch in history.”¹¹

Charles Koch's understanding of his own political project can be described in similar terms. While the specifics of their philosophical approach to capitalism may have varied, both movements used Kansas as a testing ground for their radical approaches to freedom via unrestricted capitalism. While Thayer was a politician and therefore not an antistatist like Koch, he believed that a private business endeavor was more conducive to establishing a free-labor colony in Kansas than the workings of politics.¹²

The more contemporary iteration of Kansas's ultra-conservatism is not a fiction, as is evidenced by Republican ex-governor Sam Brownback's tenure from 2011 to 2018. In his time

¹⁰ Eli Thayer, *A History of the Kansas Crusade: Its Friends and its Foes* (New York: Harper and Brothers, Franklin Square, 1889), 222.

¹¹ *Ibid.*, 222.

¹² For a description of Charles Koch's antistatist principles see Nancy MacLean, *Democracy in Chains: The Deep History of the Radical Right's Stealth Plan For America* (New York: Penguin Random House, 2017), 140. Although Thayer was a member of the US House of Representatives, he did promote a limited government ideology. For this see US Congress, House, *The Territorial Policy: Speech of Eli Thayer, of Mass., in reply to Hon. Mr. Curtis and Hon. Mr. Gooch*, 36th cong., sess. 1, May 11, 1860, <https://archive.org/details/territorialpolic00lcthay/page/n5/mode/2up>, 6.

in office, Brownback implemented extreme income tax cuts and policies that he termed a “real live experiment.”¹³ Brownback advocated for what he called a “march to zero”—he envisioned a state with no income tax, and paid for the difference by increasing taxes on things like cigarettes, alcohol, and sales tax.¹⁴ Brownback’s extremist tax policies gutted public spending in Kansas, as he essentially eliminated income taxes for the wealthiest tax brackets while countering these cuts with measures that disproportionately negatively impacted communities of color and/or poor communities like increased sales taxes.¹⁵ His policies are now widely believed to have been a failure, and many point to Brownback’s public commitment to cut spending in every area possible as the reason that Kansas schools were deemed underfunded to the point of being unconstitutional by the US Supreme Court in *Gannon v. Kansas* in 2017. He claimed that these tax policies would lead to increased competition and job growth, but they actually led to job loss, and after Brownback’s policies had time to take full effect “in 2016, Kansas ranked forty-sixth among all states in private sector job growth.”¹⁶ Kansas obviously suffered as a result of these tax cuts—Jonathan Metzl reports how infrastructure cuts led to highway degradation and dam and bridge disrepair.¹⁷ The largest issue, however, came with Brownback’s education policies. Not only did he gut K–12 funding, but he also scaled back the measures that were in place to promote equity in lower-income school districts, many of which largely serve students of color.¹⁸

¹³ Max Ehrenfreund, “Republicans ‘Real Live Experiment’ With Kansas’s Economy Survives a Revolt from their Own Party,” *Washington Post* (Washington, DC), February 22, 2017, <https://www.washingtonpost.com/news/wonk/wp/2017/02/22/republicans-real-live-experiment-with-kansas-economy-survives-a-revolt-from-their-own-party/>.

¹⁴ Chris Suellentrop, “The Kansas Experiment,” *The New York Times Magazine* (New York, NY), August 5, 2015, <https://www.nytimes.com/2015/08/09/magazine/the-kansas-experiment.html>.

¹⁵ Jonathan M. Metzl, *Dying of Whiteness: How the Politics of Racial Resentment is Killing America’s Heartland* (New York: Basic Books, 2019), 212.

¹⁶ *Ibid.*, 204.

¹⁷ *Ibid.*, 202.

¹⁸ *Ibid.*, 213 describes how “The Brownback regime upended this emphasis on fair distribution through a block-grant system that froze funding levels and rewarded investment in private schools. Aid dropped by over \$600 per pupil statewide, and the shift hit poorer school systems the hardest. Budget cuts further devastated programs that helped minority, immigrant, and low-income children catch up.”

While Brownback's policies were depicted as extremist or fringe conservatism during his time in office, upon Donald Trump's 2016 election many argued that Brownback foretold what was to come. The "Kansas experiment," however, was not necessarily *of* Kansas, but was the product of the decades-long rightward shift of the Republican party. Brownback's policies were designed by economist Arthur Laffer who *The Week* called "the godfather of Reaganomics," and who Trump awarded the Presidential Medal of Freedom in 2019.¹⁹ As an example of Laffer's political platform, in April 2020 amidst the Covid-19 pandemic, Laffer voiced opposition to the US stimulus package and instead advocated for measures that would tax nonprofits and arts organizations, mandate a 15% salary cut for professors and government officials, and implement a tax holiday for businesses and employees for several months.²⁰ Though his policies were extreme in their rhetoric and implementation, Brownback appealed to Kansas voters through familiar Republican Party talking points related to Christian values and economic conservatism. The extreme measures he implemented were informed not necessarily by the ultra-conservatism of Kansas voters, but by neoconservative principles that had long been fomenting in the broader Republican party in terms of their connection to Reaganomics.²¹

¹⁹ James Pethokoukis, "What the Godfather of Reaganomics Got Wrong," *The Week* (New York, NY), May 13, 2015, <https://theweek.com/articles/554679/what-godfather-reaganomics-gets-wrong>.

²⁰ Joseph Zeballos-Roig, "A former Reagan economist wants to slash the salaries of professors and public officials," *Business Insider* (New York, NY), April 9, 2020, <https://www.businessinsider.com/reagan-economist-arthur-laffer-tax-cuts-stimulate-coronavirus-trump-economy-2020-4>.

²¹ Metzl, *Dying of Whiteness*, 200 notes that during his time in US Congress, Brownback was actually known for his bipartisanship and that "in 2005, Brownback co-sponsored a bill authored by Senators Ted Kennedy and John McCain that aimed to create a path to citizenship for illegal immigrants already living in the US." While he campaigned for Kansas governor on extreme conservative rhetoric, by 2016 "Brownback was the single most unpopular governor in the entire United States" (204). Because of the effects his policies had on schools, Metzl interviewed Kansas conservatives who condemned Brownback despite going on to support Donald Trump in the 2016 election. One such Trump supporter in Kansas described Brownback as "an absolute disaster on all levels. [He] raided money from old people and the pensions. Worst of all, he destroyed our public schools. They used to be so great" (263).

A 2015 *New York Times Magazine* profile of Brownback's "Kansas experiment"

summarized the devastation that Brownback's policies had on districts, saying that a 2015

Kansas tax bill

cut roughly \$50 million from schools, a figure that conservatives asserted could be made up by consolidating administration and back-end operations like payroll, especially in smaller districts. Critics of the cuts described them in apocalyptic language as the dismantling of public education in Kansas.²²

While Brownback's extreme rhetoric and open devotion to dismantling measures of equality had unique and particularly catastrophic impacts on school equity, attributing Kansas's school funding problems solely to conservative budget cuts adds to the mythicized representations of Kansas conservatism. While Brownback's tax cuts, as well as his insistence that it is possible to increase education spending while slashing taxes, exacerbated Kansas's education spending issues, schools had been underfunded in Kansas since before Brownback's reign. The 2017 US Supreme Court case *Gannon v. State* coincided with Brownback's tenure as governor, but the case that deemed Kansas school underfunding to be unconstitutional had actually been filed in 2010 in response to cuts to education funding that occurred under Democratic governors Kathleen Sebelius and Mark Parkinson.²³ Kansas enjoyed several decades of equitable school funding as a result of a 1972 case filed in Johnson County, Kansas that deemed the state's school funding structure to be unconstitutional.²⁴ But in the last decade, Kansas education has been underfunded regardless of political party. In January 2021, Democratic governor Laura Kelly

²² Suellentrop, "The Kansas Experiment."

²³ Stephen Koranda and Celia Llopis-Jepsen, "Can We End the School Litigation Now? That and More Questions From the Kansas Supreme Court," *KCUR 89.3* (Kansas City, MO), May 9, 2019. <https://www.kcur.org/post/can-we-end-school-litigation-now-and-more-questions-kansas-supreme-court#stream/0>.

²⁴ Sam Zeff, "A Primer on the School Funding Case Before the Kansas Supreme Court," *KCUR 89.3* (Kansas City, MO), November 5, 2015, <https://www.kcur.org/post/primer-school-funding-case-kansas-supreme-court#stream/0>.

proposed a 5.5% budget cut to Kansas universities—the largest cut to higher education spending in the state since 2009 amidst the great recession.²⁵

Despite the bipartisan nature of underfunding public goods in Kansas, the state is deeply associated with a brand of conservative populism that preceded the national shift in that direction with Trump’s election. In an August 2015 *New York Times Magazine* article, Chris Suellentrop reinvigorated the “what’s the matter with Kansas” trope, reflecting that

In keeping with the state motto —*ad astra per aspera*, or “to the stars through difficulties”—Kansas politics have always been touched with a spirit of the avant-garde and the unorthodox, from popular sovereignty to prohibition and beyond. Today, thanks in large part to Brownback, the state is a petri dish for movement conservatism, a window into how the national Republican Party might govern if the opposition vanished.²⁶

But the opposition didn’t vanish, and despite Kansas’s consistent “red state” status in presidential elections, the state has alternated between Republican and Democratic governors fairly consistently since the late 1950s.

Political conservatism is depicted as the source of contemporary hardships in Kansas, and as Brownback’s tax cuts evidence, Republican policies have widened economic inequality for many poor and working-class Kansans. It would be shortsighted, however, to say that economic woes in Kansas are solely the product of home-grown conservatism. Global economic policies and the imperatives of capitalism have also exacerbated the economic difficulties for Kansans living outside of the state’s few small cities. According to journalist Corie Brown’s 2018 investigative feature on rural Kansas, “most years, Kansas is the top U.S. wheat producer as well as exporter, contributing as much as 20 percent of the country’s overall crop—enough to pack a

²⁵ Colleen Flaherty, “Suspending the Rules for Faculty Layoffs,” *Insidehighered.com* (Washington, DC), January 22, 2021, <https://www.insidehighered.com/news/2021/01/22/firing-professors-kansas-just-got-lot-easier>.

²⁶ Suellentrop, “The Kansas Experiment.”

freight train stretching from the state’s western border all the way to the Atlantic Ocean.”²⁷

Despite this, individual farmers are struggling financially despite an increase in production. Farms on average have increased in acreage over the past four decades, but farmers are paid significantly less for their crops. They suffer from an overabundance—Kansas State University agricultural economist Mykel Taylor said that ““We’ve grown so much wheat we’ve dug ourselves into a hole after a run of good years,”” leading Brown to conclude that “The state is a victim of its own agricultural success.”²⁸

These problems are amplified for Black farmers, who face land loss at higher rates than white Kansas farmers. As of 2017, the United States Department of Agriculture counted only 210 Black farmers in the state.²⁹ While Nicodemus is remembered in history books for its significance as a predominantly Black town that developed after the Exoduster movement of the 1870s, contemporary Black farmers near Nicodemus struggle to hold onto their lands. As of 2019 “more than 2,000 farming acres in Nicodemus alone have been lost in the last five years.”³⁰

Across Kansas and the US as a whole, Black land loss is exacerbated by the reality that these farmers receive even less government aid than white farmers.³¹ These disparities have devastating consequences, and journalist Roxana Hegeman reports that

²⁷ Corie Brown, “Rural Kansas is Dying. I Drove 1,800 Miles to Find out Why,” *The Counter*, April 26, 2018, <https://thecounter.org/rural-kansas-depopulation-commodity-agriculture/>.

²⁸ Ibid.

²⁹ Carla Eckels, “Black Farmers In Kansas Hope New State Office Can Help Reverse Trend Of Land Loss,” *KCUR* 89.3 (Kansas City, MO), November 21, 2019, <https://www.kcur.org/2019-11-21/black-farmers-in-kansas-hope-new-state-office-can-help-reverse-trend-of-land-loss>.

³⁰ Ibid.

³¹ Roxana Hegeman, ““We are Facing Extinction: Black Farmers in Steep Decline,” *APNews.com* (New York, NY), February 1, 2021, <https://apnews.com/article/race-and-ethnicity-discrimination-kansas-cultures-agriculture-871f463bcf1e1e4fac8aa3492f7c8264>. Hegeman notes that “Black farmers say racial bias at all levels of government has effectively pushed them off their land. They say they have less access to credit and technical support than their white counterparts, keeping them from obtaining funds to operate their farms, modernize equipment or buy more land. Even some minority farmers who received USDA loans say the money arrived too late or came with unusual conditions about how they could spend it.” For an investigative look at the broader problem of Black land loss in the US see Vann R. Newkirk, II, “The Great Land Robbery,” *The Atlantic* (New York, NY), September 29, 2019, <https://www.theatlantic.com/magazine/archive/2019/09/this-land-was-our-land/594742/>.

the descendants of Nicodemus settlers who still own farmland have mostly leased their land out to white farmers, unable or unwilling to obtain farm operating loans or purchase farm equipment. Many other farmers who passed away could not leave their land to their families because of the debt.³²

The mythic association of Kansas with free state ideals has meant Black Exodusters are remembered in public memory and history, while the communities that Exodusters built are struggling to get the state support needed to maintain access to land ownership in places like Nicodemus. This relates to the larger problem that this project has demonstrated: land ownership, when predicated upon capitalist interests and unpredictable markets, may indicate the liberal freedom of ownership, but ownership often fails to secure a true sense of radical democracy or community wellbeing.

Commercial agricultural industries create conditions of misery not only for individual landowners, but also for the underpaid laborers who work in sectors like meatpacking. Meatpacking industries in places like Dodge City, Kansas are heavily made up of Latinx and immigrant labor forces. In 2019 the US Census Bureau reported that the population of Dodge City was 62% Hispanic, and is home city to two large meatpacking plants owned by Cargill and National Beef.³³ As of 2020 the Center for Economic and Policy Research reported that in the US over 44% of workers in meatpacking facilities were Hispanic, and that almost 52% of meatpacking workers are immigrants. The report also notes that 25% of US meatpacking workers are Black.³⁴ Even before the Covid-19 pandemic, work in meatpacking plants was dangerous. At these facilities, the Occupational Safety and Health Administration (OSHA)

³² Hegeman, “We are Facing Extinction.”

³³ US Census Bureau, “Quick Facts: Dodge City, Kansas: Population Estimates July 1, 2019,” <https://www.census.gov/quickfacts/dodgecitycitykansas>.

³⁴ Shawn Fremstad, Hye Jin Rho, and Hayley Brown, “Meatpacking Workers are a Diverse Group Who Need Better Protections,” *Center for Economic and Policy Research* (Washington, DC), April 29, 2020, <https://cepr.net/meatpacking-workers-are-a-diverse-group-who-need-better-protections/>.

reported the pervasiveness of serious injuries like amputations, and also high rates of job-related health issues like carpal tunnel syndrome.³⁵

Amidst the pandemic in April 2020, Donald Trump signed an executive order deeming meatpacking plants to be “essential” businesses. Leaked documents show that the state of Kansas relaxed Covid-19 safety guidelines in meatpacking plants at the height of the pandemic after companies like Tyson and National Beef appealed to the state to allow workers to continue working after potential exposure as long as they remained asymptomatic.³⁶ As many industries slowed down or reduced their workforce for the duration of the pandemic, meatpacking plants remained open and crowded, leading to their place as the third likeliest source of large-scale Covid-19 outbreaks in Kansas after nursing homes and prisons.³⁷ Despite repeated employee exposures and a lack of safety precautions in the early pandemic, when vaccines became widely available in early 2021, many workers in Kansas meatpacking plants were not initially eligible to receive the vaccine. This further exacerbated racial health inequities in the state, as these factories rely heavily on Latinx immigrant labor and “the state’s figures on known COVID cases already show Hispanic people significantly more likely to catch the virus than non-Hispanic people.”³⁸

There are a host of other health issues related to the underdevelopment of rural communities. For example, there has been media coverage about Covid-19 vaccine hesitancy in

³⁵ Grant Gerlock, “New Safety Efforts Underway, But Injuries Still Part Of The Job For Meat Workers,” *Harvest Public Media* (Kansas City, MO), June 17, 2016, <https://www.harvestpublicmedia.org/post/new-safety-efforts-underway-injuries-still-part-job-meat-workers>.

³⁶ Jonathan Shorman and Kevin Hardy, “Kansas Altered Meatpacking Guidance to Let Possibly Exposed Workers Stay on the Job,” *Wichita Eagle* (Wichita, KS), May 20, 2020, <https://www.kansas.com/news/politics-government/article242852011.html>.

³⁷ Celia Llopis-Jepsen, “Kansas Meatpacking Workers Faced Outbreak After Outbreak, But Still Can’t Get A COVID Vaccine,” *KCUR 89.3* (Kansas City, MO), <https://www.kcur.org/news/2021-02-18/kansas-meatpacking-workers-faced-outbreak-after-outbreak-but-still-cant-get-a-covid-vaccine>.

³⁸ *Ibid.*

rural areas, but hospital closures are another major health issue facing depopulated rural communities.³⁹ Because southern and western Kansas are vast agricultural areas with few urban communities, hospital closures mean that individuals have to drive longer distances for everything from preventative care to cancer treatment. Journalist Sarah Jane Tribble discussed the devastating effects that resulted from the 2019 closure of Mercy Hospital in Fort Scott, Kansa, a place that already suffers from the fact that

people die much younger here than the rest of the state, and rates for teen births, adult smoking, unemployment and violent crime are all higher in Bourbon County than the state average ... Ten percent of Bourbon County's more than 14,000 residents, about half of whom live in Fort Scott, lack health insurance.⁴⁰

The current crisis facing rural Kansans is historically unique in terms of the specific economic conditions that have emerged since the 1980s, such as greater agricultural commercialization, increasing farm debt, and declining incomes.⁴¹ But very soon after Kansas settlement, the tenuousness of property ownership and capitalist expansion revealed itself. The Panic of 1857 resulted in part from East Coast banks' overestimation of the potential for profits in land and railroad speculation in Kansas and other lands in the "west."⁴² When public lands in Kansas finally became available for sale, the prices were much lower than anticipated. This overvaluation led to immediate economic consequences for settlers, as "the rapid decline in Kansas land values in 1857 brought foreclosure on mortgaged land and general commercial

³⁹ This phenomenon is described in Sarah Jane Tribble, "It Didn't Really Stick With Me': Understanding the Rural Shrug Over Covid and Vaccines," *KHN.org* (San Francisco, CA), April 1, 2021, <https://khn.org/news/article/rural-shrug-over-covid-and-vaccines-fort-scott-kansas/>.

⁴⁰ Sarah Tane Tribble, "No Mercy: How A Kansas Town Is Grappling With Its Hospital's Closure," *NPR* (Washington, DC), May 14, 2019. <https://www.npr.org/sections/health-shots/2019/05/14/722199393/no-mercy-how-a-kansas-town-is-grappling-with-its-hospitals-closure>.

⁴¹ Detailed in Suzanne Jenkins and Nathan Kauffman, "A Tale of Two Economies: Farmers Struggle despite Strong U.S. Economy," *Regional Economist: Federal Reserve Bank of St. Louis* (St. Louis, MO), September 28, 2018. <https://www.stlouisfed.org/publications/regional-economist/third-quarter-2018/two-economies-farmers-struggle>.

⁴² Charles W. Calomiris and Larry Schweikart, "The Panic of 1857: Origins, Transmission, and Containment," *Journal of Economic History* 54, no. 4 (1991): 809–810.

distress, and these “persistent declines in western land values and commercial distress in the Northwest coincided with a rapid reversal in the rate of immigration to the West.”⁴³ While banks recovered relatively quickly, individual settlers bore the long-term brunt of the crisis.⁴⁴

While land ownership and homesteading are nostalgically sentimentalized as pioneer settlement, the Panic of 1857 demonstrated that even in the heyday of westward expansion the state was primarily concerned with protecting the interests of capital. Paul Wallace Gates explained the state’s response to the crisis, writing that

the end of the benevolent treatment of squatters coincided with the panic of 1857 and the sharp business contraction that followed. ... In [the place of liberal land policy] was substituted a policy of attempting to exact from the public lands and from the squatters upon them as much revenue as possible to aid in balancing the budget and thereby to avoid the necessity of raising the tariff.⁴⁵

Individual settlers and landowners suffered from these policies. Many who settled in Kansas with the New England Emigrant Aid Company under the assumption that the “charitable organization” would provide for them were left unable to pay the rent on the infrastructural buildings like schools that the organization had promised in its incorporation. The company effectively folded within a decade.⁴⁶

Kansas failed to deliver on the promises of land ownership in another capacity as well: ecologically much of Kansas was not suited to agricultural development. Kansas was one of several lower plains states where farming caused the “Dustbowl” crisis amidst the Great Depression in the 1930s. After the state’s native landscape was subject to years of environmental degradation to make way for farmlands, severe drought in the 1930s led to catastrophic dust

⁴³ Ibid., 812–813.

⁴⁴ Ibid. describes that “Recovery from the panic was rapid in New York. By the end of 1858, banks had more than regained their pre-panic asset levels. In 1859 asset growth was flat. Long-run effects include more conservative capital and reserve ratios” (824).

⁴⁵ Paul Wallace Gates, *Fifty Million Acres: Conflicts Over Kansas Land Policy, 1854–1890* (Norman: University of Oklahoma Press, 1997), 78.

⁴⁶ Hickman, “Speculative Activities of the Emigrant Aid Company,” 259.

storms that made life in the region deadly and unbearable for many.⁴⁷ Reviel Netz explains of the Dust Bowl that

here in the mid-southern part of the Great Plains, American colonization ensued in a terrible ecological blunder that in a sense never healed. Kansas ... was a harbinger not of future development but of future underdevelopment. Throughout the Third World [sic], through the twentieth century, modernism would bring the illusion of rapid development. The temptation would be to go down the path of an environmentally irresponsible monoculture, designed for the consumption of distant, rich lands. Early successes would typically lead to ecological and economic disasters.⁴⁸

Seen in this context, Kansas's economic misfortunes are deeply modern and can be understood within larger global realities of colonial economic devastation.⁴⁹ While popular representations and tropes about Kansas today represent the state as deeply anti-modern, the conditions that created Kansas's current depopulation and economic decline were set into motion by US colonialism and its emphasis on liberal values of property ownership. The state was indeed founded on principles of "depopulation," as Indigenous people were removed, relocated, and killed to make way for the imperatives of white settlement. Despite this, the US state readily abandoned its commitment to individual liberal ownership when it suited capitalist aims to do so.

As my dissertation has argued, Kansas's settlement narrative fully evidences the contradictions of liberalism. One way that liberal violence perpetuates itself is through the fiction

⁴⁷ Reviel Netz, *Barbed Wire: An Ecology of Modernity* (Middletown, CT: Wesleyan University Press, 2004), 45. For a detailed history of the dust bowl, see Timothy Egan, *The Worst Hard Time: The Untold History of Those Who Survived the Great American Dust Bowl* (Boston: Houghton Mifflin Company, 2006).

⁴⁸ *Ibid.*, 55.

⁴⁹ In 1848 Friedrich Engels and Karl Marx describe this process when they wrote that that "the need of a constantly expanding market for its products chases the bourgeoisie over the entire surface of the globe. It must nestle everywhere, settle everywhere, establish connexions [sic] everywhere. The bourgeoisie has through its exploitation of the world market given a cosmopolitan character to production and consumption in every country. To the great chagrin of Reactionists, it has drawn from under the feet of industry the national ground on which it stood. All old-established national industries have been destroyed or are daily being destroyed. They are dislodged by new industries, whose introduction becomes a life and death question for all civilised [sic] nations, by industries that no longer work up indigenous raw material, but raw material drawn from the remotest zones; industries whose products are consumed, not only at home, but in every quarter of the globe" in Friedrich Engels and Karl Marx, *Manifesto of the Communist Party* (Pacifica, CA: Marxists Internet Archive, 2010, originally published 1848), 31, <https://www.marxists.org/archive/marx/works/1848/communist-manifesto/>.

of free choice. The freedom ensured by liberalism—freedom to possess—is predicated upon the literal and symbolic enclosure of groups that were precluded from categories of ownership.⁵⁰ Liberalism allowed for previously unimagined possibilities of “freedom” that would not have been possible without the captivity of enslaved Black workers who created wealth from the lands stolen from Indigenous peoples. By identifying settlement with freedom, the reality of Indigenous dispossession was either elided or negated—it was portrayed as an unintended consequence that has since been forgiven.

While individual whites’ access to land and property ownership has shifted over the course of the twentieth century, the initial possessive freedoms promised by colonization and settlement were contingent upon the dispossession and dehumanization of Indigenous people. In many of these rural colonized areas, the result of dispossession through private ownership not only resulted in the violence of Native death and displacement, but beyond that this process also failed to deliver freedom as promised to those who squatted and settled in the hope of increased wealth and ownership. The results of this can be seen in the lived realities for many who reside in these rural lands. Kansas settlement demonstrates how even “progressive” political projects developed according to liberal capitalist values of ownership, such as free-state settlement, precluded future possibilities of freedom and equality in subsequent institutional development. The contemporary issues that Kansas faces directly descend from the initial violence of liberal ownership that was only made possible through Kansas colonialism.

⁵⁰ Raymond Williams, *Keywords: A Vocabulary of Culture and Society* (Oxford, England: Oxford University Press, 1985), 128, says “liberalism is . . . a doctrine of certain necessary kinds of freedom but also, and essentially, a doctrine of possessive individualism.” Liberalism’s predication on the concept of possessive individualism comes from C.B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford, England: Oxford University Press, 1962).

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