

‘The Final Promise’ Fulfilled: Polycentricity and the Liberal Colonization of Indian Country

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Defining Liberalism: The Final Promise

In May of 1808, Thomas Jefferson made a final promise to the Upper Cherokees. "My children," he told them:

I shall rejoice to see the day when the red men, our neighbors, become truly one people with us, enjoying all the rights and privileges we do, and living in peace and plenty as we do, without anyone to make them afraid, to injure their persons, or to take their property without being punished for it according to fixed laws.¹⁴

¹⁴ Thomas Jefferson, "To the Chiefs of the Upper Cherokees." May 4, 1808. 8 *Thomas Jefferson The Writings of Thomas Jefferson His Autobiography Correspondence Reports Messages and Other Writings Official and Private* H. A., ed. 172 1854, p. 214. HeinOnline (<http://heinonline.org>)

The promise of full integration and assimilation into the US was Jefferson's solution, ultimately the final solution, to America's "perennial Indian Problem."¹⁵ In short, "the presence of Indians and their claims to territory represented an obstacle...." Both British and American governments envisioned North America as "a colony of settlement that would harbor religious exiles, relieve population pressures, and turn a handy profit."¹⁶ Thus, in exchange for their land, which, according to Jefferson, the Indian tribes were bound to lose, Jefferson offered them the protection of individual property rights under a liberal government and full equality under the rule of law. In a letter to Captain Hendrick, penned in December of 1808, Jefferson counseled the Delawares, the "Mohiccons," and the Munies that, "When once you have property,"

you will want laws and magistrates
to protect your property and persons,

¹⁵ Mikal Brotnov Eckstrom and Margaret D. Jacobs, "Teaching American History as Settler Colonialism" in Susan Sleeper-Smith, Juliana Barr, Jean M. O'Brien, Nancy Shoemaker, and Scott Manning Stevens eds. *Why You Can't Teach American History without American Indians*. Chapel Hill, NC: University of North Carolina Press; 2015, p. 269.

¹⁶ Eckstrom and Jacobs, P. 260. Bernard W. Sheehan, *Seeds of Extinction: Jeffersonian Philanthropy and the American Indian*. NY: W. W. Norton and Company; 1973, p. 3.

and to punish those among you who commit crimes. You will find that our laws are good for this purpose; you will wish to live under them, you will unite yourselves with us, join in our great councils and form one people with us, and we shall all be Americans; you will mix with us by marriage, your blood will run in our veins, and will spread with us over this great island.¹⁷

Jefferson's final promise is the primary goal of liberal colonialism: to find a morally just, final solution to America's "Indian problem" by fully integrating Indigenous peoples into the institutional structures of American liberalism.¹⁸

Modern day purveyors of Jefferson's final promise argue that the final solution to the Indian problem is still the extension of liberal institutions beyond the

¹⁷ Thomas Jefferson, "To Captain Hendrick, the Delawares, Mohiccons, and the Munrises." December 21, 1808. 8 *Thomas Jefferson The Writings of Thomas Jefferson His Autobiography Correspondence Reports Messages and Other Writings Official and Private* H. A., ed. 172 1854, pp. 226-227. HeinOnline (<http://heinonline.org>)

¹⁸ Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920*. Lincoln, NE: University of Nebraska Press; 2001 [1984], p. xvii.

level of US interstate federalism into the international and global level sphere.¹⁹ Because the natural law rights of individuals to life and property that undergirded liberal governments were universal, "self-evident," and "endowed by" a Creator, it could never be morally reprehensible to force all people and nations to accept the institutional structures that, in a liberal world order, existed only for the morally meritorious and limited purpose of guaranteeing equal and impartial protection of individual property rights.

It is no secret that, despite its constant, reverential invocations of individual property rights under natural law, Lockean liberalism, via the consent implied in the "social contract," nevertheless treats individual property rights as conditional, always subject to arbitrary will of the "legislative," enforced by a hegemonic monopoly on violence. Yet, as will be evident in the following analysis, the proliferation of American liberalism to every corner of the global, and at every level of government, is not the result of an organic, "spontaneous order" emerging out of individual human actions, as implied in the social contract model of a liberal,

¹⁹ Jason Sorens, "Against Global Federalism." *Isonomia Quarterly* 2 (2024) pp. 104-105.

polycentric world order. In fact, when considered over the *longue durée*, it is evident that American colonization is an intergenerational strategy--a conscious, premeditated process--for the inexorable expansion of American Empire. This conscious and premeditated strategy is best described as liberal colonization. The American strategy is colonial in that it consists of an identifiable set of strategic tools for subversion; it is liberal in its narrative structure of American independence and revolution, both justified by appealing to "self evident" property rights under natural law. In short, the consciously orchestrated narrative and structural patterns of liberal colonization necessarily belie the normative assumptions of a polycentric, liberal world order--assumptions which, although unwarranted, still drive modern-day efforts to fulfill Jefferson's final promise to the Indians.

The Narrative Structure of Liberal Colonialism: American Independence and Revolution

The master narrative of liberal colonialism, and source of liberalism's normative force, was first enacted in the American Revolution. Lifted almost whole cloth from Locke, Thomas Jefferson justified the resort to revolutionary violence on the grounds

of a "long train of abuses" against the "self-evident," natural law property rights to life and liberty. The sequence of events, carefully orchestrated to conform to Locke's "right to rebel," quickly became not only a boilerplate strategy for the infiltration and subversion of territories targeted for colonization. Likewise, the Revolution established a normative narrative structure to justify American imperialism by cloaking its aggression against other nations in a mantle of inviolable individual property rights.

Historical Evidence: Liberal Colonization in Mexico and the Cherokee Nation

On November 4, 1829, in response to Andrew Jackson's offer to buy Northern Mexico, the commander of the eastern internal provinces, Manuel Mier y Terán, writing to the Minister of War, neatly summarized the basic strategy of liberal colonization. "The most avid nation in the world," he explained,

had employed a variety of subtle means to "dispossess the powers of Europe of vast territories" in North America. Instead of force, "these men lay hands on means that, if

considered one by one, would be rejected as slow, ineffective, and at times palpably absurd.” First, they appeal to history to make spurious territorial claims, as they did with La Salle’s “absurd fiasco” in Texas. Obscure writers recommend these claims to their countrymen, and the territory in question “begins to be visited by adventurers and *empresarios*.” Before long these newcomers express dissatisfaction and begin complaining to the legitimate settlers, “discrediting the efficiency of the existing authority and administration.” Then “diplomatic maneuvers begin.” US authorities incite uprisings and “manifest a deep concern for the rights of the inhabitants,” all the while masking their aims with “equitable and moderate” communication to the other power. Then, “with the aid of other incidents, which are never lacking in the course of diplomatic relations, finally comes the desired conclusion

of a transaction as onerous for one side as advantageous for the other.”²⁰

Mier y Terán's account of US colonial conquest can be reduced to discrete stages: 1) “spurious” history, 2) “adventurers and *empresarios*,” 3) settler complaints, 4) incitement and deep concern, 5) “diplomatic maneuvers,” and 6) a final conclusion as “onerous to one side” as it is beneficial to the other. This strategic pattern of liberal colonization, first devised against the British in the late eighteenth century, has been, and is still, the model and justification for all US intervention in the affairs of foreign nations. When stripped of the false normative assumptions and rhetoric appropriated from natural law, the strategic pattern of liberal colonization is evident in all of America's interventionist (mis)adventures, from the Colonies to Iraq. Two examples drawn from the nineteenth century can serve to demonstrate the general principle.

As every school-aged Texan knows by heart, the Texas Revolution against Mexico followed both a

²⁰ Manuel Mier y Terán to the Minister of War [Moctezuma], November 4, 1829. Cited in Brian Delay, *War of a Thousand Deserts: Indian Raids and the U.S.-Mexican War*. New Haven, CT: Yale University Press; 2008.

sequence of events that closely mirrored the American Revolution and a narrative framework of defending natural law property rights. The narrative structure of both the American and Texas Revolutions reinforced the Lockean principle of the right to rebel against illegitimate authority. Once "the people" had patiently suffered a long train of abuses, the resort to violence was morally justified in the defense of life and property. Considered in isolation, these two historical occurrences of revolution could be seen as spontaneous responses to tyrannical government, springing from a common-sense understanding of the inherent justice of an individual's self-evident rights to life, liberty and property. In which case, they would be morally meritorious. On the other hand, when the structural similarities of liberal revolutions are observed across time, space and a potentially infinite variety of historical contexts, it is painfully obvious that the normative force of liberalism, to the extent it derives from the principle of consent, is entirely unjustified.

Nearly seventy years after Mexican authorities first identified and articulated America's liberal colonization strategy, Senator Henry L. Dawes delivered a remarkable speech describing how the

US had used, and was using, that very same strategy against the Five Civilized Tribes, in particular, the Cherokee Nation. By 1900, when Dawes presented this speech to the annual gathering of the Lake Mohonk Conference, the Cherokee Nation was the only tribe of the Five that had still successfully resisted the allotment of their lands. Thus, the first objective of the speech was to manufacture consent by recasting the naked aggression of Cherokee allotment into a righteous defense of natural law property rights. The second objective was to establish a "spurious" history that not only recast the unique and contingent events of Cherokee history into a liberal narrative framework of self determination and revolution, but also, whether wittingly or unwittingly, demonstrated the process of liberal colonialism identified by Mier y Terán in 1829.

As Senator Dawes would have it, "Seventy years ago, they [the Five Civilized Tribes] were living on their own lands in Georgia, North Carolina, and Mississippi, and to induce them to surrender these lands to the white men of the states where they were situated, the United States gave them in exchange

the Indian Territory.”²¹ Although approximately one third of the Cherokees had removed to the West voluntarily by 1819, the remaining two thirds of the Cherokee population steadfastly refused to leave their ancestral homelands in the East. Because the Cherokee Council and Principal Chief, John Ross, never ratified the 1835 Treaty of New Echota, the Cherokee government never "surrendered" their land.²² Rather, the US military rounded up the Cherokee people, placed them in concentration camps, and then force-marched them, against their will, to the Western lands already occupied by the "Old Settlers," as the 1819 emigrants came to be called. In recasting this egregious violation of the natural law principles as an "inducement" to "surrender " their lands, Dawes implied that this notorious episode in US-Cherokee relations was a voluntary exchange, when clearly, it was nothing of the sort. Thus, did Dawes exhibit step one of the liberal colonial strategy--spurious territorial claims.

Next Dawes set the stage for the narrative structure that undergirded the liberal colonization of the

²¹ Dawes, "The Indian Territory," p. 2561.

²² Treaty of New Echota (1835)

<https://cherokee.org/About-The-Nation/History/Trail-of-Tears/Treaty-of-New-Echota>

Cherokee Nation. Dawes argued that, once removed and guaranteed sovereignty and self-determination in their new lands, the Tribes should have instituted an American-style, liberal political-economy based on private property rights and the rule of law. Instead, left “to do as they pleased for forty years,” these tribes “had become slave holders and thereby made all labor of the master disreputable.” According to Dawes, the Tribes had established a quasi-feudal, *rentier* state in which “a few grew rich while the less intelligent in consequence grew poor.”²³ Although Dawes admitted that US Indian policy was largely responsible for the fact that the Cherokee people “had made but little, if any, progress” and that their “condition was less hopeful than in the beginning,” he nevertheless implied that Indians were “wretchedly hopeless,” and “well nigh beggars” because they had failed to make what he considered appropriate use of the opportunities afforded by self-determination under American liberal federalism.²⁴

²³ Dawes, “Indian Territory,” pp. 2561; 2562.

²⁴ Dawes, “Indian Territory,” p. 2562. Samuel Houston Mayes, “Letter to E. A. Hitchcock, Secretary of the Interior.” February 28, 1899. Otis, *The Dawes Act*, pp. 10-11. Angie Debo, *And Still the Waters Run: the Betrayal of the Five Civilized Tribes*. Norman, OK: University of Oklahoma Press; 1984 [1940], pp. 13-14.

In fact, what the nominally liberal Cherokee government had done over the course of the nineteenth century was to create an actual natural law society governed by an inviolable principle of non-aggression. Like the Lockean account of the acquisition of private property, Cherokee law defined private property as an "admixture of one's labor," in that improvements on unowned land transformed that land into *bona fide* private property. However, unlike the Lockean liberal state that saw (and still sees) self-evident, individual property rights as conditional, in the sovereign territory of the Cherokee Nation, an individual's natural law property rights were absolute because they were exercised and enforced by the individuals themselves. The Cherokee government had preserved a *de facto* state of nature in their territory, which, under the guise of a nominally liberal government, did actually guarantee the property rights of individuals.²⁵ In weaving this "spurious" history of the Cherokee, Dawes set the narrative

²⁵ Misty Peñuelas, "The Shadows of Nature: A Property Rights Analysis of Cherokee Sovereignty at the Turn of the Twentieth Century." *Isonomia Quarterly* 2:1 (2024).

<https://isonomiaquarterly.com/archive/volume-2-issue-1/the-shadows-of-nature-a-property-rights-analysis-of-chokeee-sovereignty-at-the-turn-of-the-twentieth-century/>

backdrop of injustice that would then justify the next stages of liberal colonization against this last, genuine *imperium in imperio* in the continental US, the Cherokee Nation.

Mirroring Mier y Terán's outline of US colonial strategy, Dawes testified to the influx of "*empresarios* and adventurers" into the Cherokee Nation. Unlike Mexico, which had invited Americans *en masse* into Texas as settlers, the Anglo American "*empresarios* and adventurers" that initially entered the Cherokee Nation came as individuals--spouses, lessees, itinerant merchants, and laborers. Over the course of the nineteenth century, the Cherokee National Council carefully regulated the use of foreign labor in the Nation, primarily as an exercise in rent seeking and revenue generation. Yet, as documented by Nancy Hope Sober in 1991, US immigrants, as well as some Cherokees, were increasingly ignoring these regulations and refusing to pay the licensing fees. Once these immigrants or their sponsors failed to maintain their licenses according to law, these people became illegal aliens, or "intruders," in the

Nation.²⁶ Thus, like the colonists in Texas who eventually demanded "independence" from Mexico, the Intruders openly flouted international law which restricted their settlement, as well as the local laws of their host nation.

Dawes portrayed the scenario differently, however. Even though Anglo immigrants knew when they relocated that, as non-citizens to a foreign nation, they would have "no legal status or right among them," these *empresarios* and adventurers simply decided they had "come to stay" anyway. If there had been any real force behind the liberal principle of the "rule of law," the US would have respected the jurisdiction of the Cherokee courts to prosecute these law breakers or removed them from the Nation.²⁷ Instead, Dawes claimed that the allegedly

²⁶ Nancy Hope Sober, *The Intruders: The Illegal Residents of the Cherokee Nation, 1866-1907*. Ponca City, OK: Cherokee Books; 1991.

²⁷ Letter from J. F. Thomson, Cherokee delegate, to Hoke Smith, Secretary of Interior, regarding intruders on Cherokee lands, from the *Fairland News*, May 17, 1895. *S. H. Mayes Collection* (Box M-50, FF 8) Western History Collection; University of Oklahoma, Norman, Oklahoma. Sober, *The Intruders*. William McLoughlin, *After the Trail of Tears*. Hagan, *Taking Indian Lands*. Carter, *The Dawes Commission*. Katherine Ellinghaus, *Blood Will Tell: Native Americans and Assimilation Policy*. Lincoln, NE: University of Nebraska Press; 2017.

spontaneous, grassroots onslaught of Anglo illegal immigration into the Cherokee Nation dissolved US treaties with the Cherokees into a “dead letter,” thus absolving the US of its fiduciary “obligation of the treaty to keep [the Intruders] out.”²⁸ Dawes openly implied that the US orchestrated the mass migration by financing and providing the immigrants with “all necessary supplies.” In order to conform them to the boiler plate narrative structure of liberal colonization, adventurers and *empresarios* had been recast as rights bearing "settlers," according to the second stage of the Americans' liberal colonization strategy.

Next, Dawes described the details of stage three, the alleged uproar of "settler complaints" against the existing authority. Dawes mourned the plight of “more than three hundred thousand white non-citizens," who had "under various conditions taken up permanent residence in the Territory.” As with any liberal nation, "non-citizens" residing in the Cherokee Nation illegally were not entitled to the same rights as *bona fide* citizens. Nevertheless, Dawes insisted that "white non-citizens" residing in the Cherokee Nation contrary to law should be

²⁸ Dawes, “Indian Territory,” p. 2562.

afforded the full rights and privileges of Cherokee citizenship. Because they "had no title to a foot of land...no voice in the government under which they lived, and no protection from its officials or laws," these non-citizens labored under an unbearable yoke of tyranny. Rather than flee their alleged oppressors, which they were free to do, the illegal immigrants instead doubled down, building "towns on land to which they had no other title than a permit of no legal value, for which they paid tribute to some irresponsible holder," while their children wallowed in ignorance, "left without any other provision for education than such as could be afforded from the scanty earnings of the pioneer."²⁹

Ignoring the obvious, Dawes presented these settler complaints with a feigned, "deep concern," for the imaginary rights of these beleaguered "white non-citizens." When understood as a conscious strategy for liberal colonization, Dawes speech was an expression of the Americans' "slow and inefficient" imperial strategy—documenting both the strategic pattern of liberal colonization and reinforcing that process with a liberal narrative of dissatisfaction and complaints, which would

²⁹ Dawes, "Indian Territory," p. 2562.

ultimately serve to “discredit the efficiency of the existing authority” and justify its "revolutionary" overthrow.³⁰

The crescendo of settler complaints intensified during the 1870s and 1880s, as Dawes related an ominous story of criminality and lawlessness. Illegal immigration, supported by the US government you will recall, brought "a worse evil into their midst," as the Cherokee Nation “became a refuge for fugitives,” presaging a complete break down of law and order in the Nation. Dawes blamed this "deplorable condition" on Cherokee law. “Warrants of arrest,” he explained, "could not follow [the fugitives] across the line,” and no laws existed for extradition of fugitives captured by Cherokee authorities.³¹ Claiming that serving warrants on illegal immigrants in the Cherokee Nation, as stipulated by treaty under international law, would somehow constitute an unconscionable violation of tribal sovereignty, American officials solemnly “bound” themselves "to stay aloof and not interfere, whatever might take place.” In fact, what the US actually did was stand by and watch as the conditions, which it had itself created, allegedly

³⁰ Dawes, “Indian Territory,” p. 2562.

³¹ Dawes, “Indian Territory,” p. 2562.

plunged the Cherokee Nation into insecurity and chaos.³²

By the late 1880's, with stages three and four of the US strategy for liberal colonization, the US launched into stage five of its liberal colonization strategy, when "diplomatic maneuvers" to allot Cherokee began in earnest. When Congress passed the General Allotment Act in 1887, also known as the Dawes Act, US officials already knew that, with few exceptions, previous, isolated allotment experiments with select tribes had failed.³³ Even so, allotment became the official US policy response to its intractable Indian problem. However, despite Dawes' attempt to undermine the competence and authority of tribal governments, the Cherokee Nation, along with the other Civilized Tribes, fully engaged the US in its "diplomatic maneuvers" and successfully secured their exemption from the Dawes Act.

³² Dawes, "Indian Territory," p. 2562.

³³ D. S. Otis, *The Dawes Act and the Allotment of Indian Lands*. Francis Paul Prucha, ed. and intro. Norman, OK: University of Oklahoma Press; 1973 [1934], pp. 47; 137-139. Leonard A. Carlson, *Indians, Bureaucrats, and Land: The Dawes Act and the Decline of Indian Farming*. Westport, CT: Greenwood Press; 1981, pp. 23; 130.

Exemplary of the "slow and inefficient" means that characterize liberal colonization, the US response to continued resistance to US demands in the Indian Territory was to establish a commission. The Jerome Commission (1889-1893) was the longest lasting Indian Commission to date, and finally secured allotment agreements with all the Civilized Tribes, except the Cherokee. Faced with Cherokee intransigence, Congress created yet another Commission, led by Senator Dawes, in 1894. Yet, despite running roughshod over the liberal principles of consent and self-determination, his dogged persistence, and even threats of violence, the Dawes Commission, after six long years, had still failed to secure a voluntary allotment agreement from the Cherokees.³⁴

Following the strategic pattern observed by Mier y Terán in 1828, these diplomatic maneuvers culminated in the sixth and final stage--a "desired conclusion...as onerous to one side as advantageous for the other." Angie Debo, fully documented the "orgy of corruption" visited upon the Cherokees' natural law property rights under the liberal

³⁴ William T. Hagan, *Taking Indian Lands: The Cherokee (Jerome) Commission, 1889-1893*. Norman, OK: University of Oklahoma Press; 2003. Carter, *The Dawes Commission*.

institutional frameworks erected to implement Cherokee allotment.³⁵ However, when viewed as a conscious strategy for liberal colonization, the allotment policy was a resounding success. The Cherokee government remained intact, forming a new colonial "center" that would reproduce the institutional framework of American liberalism in the targeted nation. In this way, the Cherokee government was fully integrated into a coercive, interstate federalist system, based on the liberal principle that individual, as well as national or states rights, were conditional rather than absolute, and fulfilling at last Jefferson's final promise to the Cherokees.

In his speech to the Lake Mohonk Conference in 1900, Dawes confirmed the observations of Mier y Terán in 1828, that the US repeatedly deployed a set colonial strategy for imperial expansion. However, there is one final and permanent stage in this process which Mier y Terán could not have seen, yet must be included here. Economic liberalization, or "economic development" as it is called in reference to the Indian problem, is consistent proof

³⁵ Angie Debo, *And Still the Waters Run: The Betrayal of the Five Civilized Tribes*. Norman, OK: University of Oklahoma Press; 1984 [1940].

that the US is still, after nearly two centuries, actively engaged in the liberal colonization of foreign nations.

Economic data to support this assertion. In 2023, economists Donn L. Feir and Maggie E. C. Jones the differences in wealth differential between racial groups in the 1920s. Although not the focus of their study, their data nevertheless revealed an interesting economic dynamic between and among Indian tribes. According to their data, the wealthiest Indian superintendencies held "total per capita wealth levels above \$600,000 in 2019 real terms," while in the poorest superintendency, the total per capita wealth was only \$90.³⁶ When considered in the historical context of the Progressive Era and the deep interest of Progressive Reformers in social engineering, this dramatic wealth gap should come as no surprise. Money flowed into tribal economies in order to fund these schemes and pay bureaucrats to administer them. The result was inflation, defined simply as an increase in the money supply. Applying Murray Rothbard's account of the economic effects of inflation on an economy, it is

³⁶ Donn L. Feir, Maggie E. C. Jones, and Angela Redish, "American Indian Wealth in the Early 20th Century." n.p.; 2023, p. 3.

clear what was happening in Indian Country between 1920 and 1930. Those superintendencies with the highest per capita wealth were those that embraced liberal institutional structures and as such, became the "first receivers" of the new money, while those that remained "poor," were the least liberalized and so constituted the last or non-receivers of those funds.³⁷ In short, this wealth gap can be read as a snapshot, taken between 1920 and 1930, documenting the progress, at a specific moment in history, of America's long-standing, strategic efforts to fulfill Jefferson's final promise to the Indians.

Epilogue: The Final Promise Fulfilled

Despite the plain fact that the tribal governments are today fully integrated into the institutional framework of American liberalism, there remains a widespread consensus in the Academy that US Federal Indian policy has failed to deliver on Thomas Jefferson's "final promise" to the Indians.³⁸

³⁷ Murray N. Rothbard, *Man, Economy, and State with Power and Market*. Auburn, AL: Ludwig von Mises Institute; 2009 [1962, 1970], pp. 991-993.

³⁸ Loring Benson Priest, *Uncle Sam's Stepchildren: The Reformation of United States Indian Policy, 1865-1887*. Lincoln, NE: University of Nebraska Press; 1942 [1975], pp.

They cite poverty and poor living standards as evidence of this fact. Robert J. Miller, for example, claimed that capitalist enterprise and entrepreneurship, free from the intervention and regulations of the US, would at last bring "economic development" and tribal self-sufficiency to the long-suffering Indian tribes.³⁹ Crepelle and Murtazashvili, on the other hand, have more recently argued that the critical issue for tribes was not whether they have been or should be socialist or capitalist, but rather, that they should be extended self-determination, again, without the interference of US government regulations, to decide for

251-252. Benay Blend, "The Indian Rights Association, the Allotment Policy, and the Five Civilized Tribes, 1923-1936," *American Indian Quarterly* 7 (1983) pp. 67-71. Kent Carter, *The Dawes Commission and the Allotment of the Five Civilized Tribes, 1893-1914*. Orem, UT: Ancestry.Com; 1999. William McLoughlin, *After the Trail of Tears: The Cherokee Struggle for Sovereignty, 1839-1880*. Chapel Hill, NC: University of North Carolina Press; 1993. Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920*. Lincoln, NE: University of Nebraska Press; 2001 [1984], pp. xii-xiii; 43; 201. C. Joseph Genetin-Pilawa, *Crooked Paths to Allotment: The Fight over Federal Indian Policy after the Civil War*. Chapel Hill, NC: University of North Carolina Press; 2012, pp. 5; 116. Carlson, *Indians, Bureaucrats, and Land*, pp. 10; 19; 44; 172.

³⁹ Robert J. Miller, *Reservation "Capitalism": Economic Development in Indian Country*. Lincoln, NE: University of Nebraska Press; 2013 [2012], pp.113-114.

themselves how to best achieve "economic development."

Thus, Crepelle, et al., argued that the Indian problem could be easily solved by a simple rule for Indian Country--polycentricity-- which, as they explained, "refers to the autonomy of governing institutions to assert authority in a realm without being encumbered by higher levels of government." Like the "federalist" system created by the American colonies, Crepelle, et al., believe polycentricity would create a "libertarian interstate federalism--a vision of an international level playing field that will overcome the restraints of Westphalian sovereignty."⁴⁰ The normative assumption here, just as it always has been, was that this supposedly novel formulation of liberal governance will give the tribes freedom and liberty. Indeed, quoting Boettke, Crepelle, et al., boldly declare that "liberalism is an emancipatory project."⁴¹

However, drilling deeper into the concept, it is evident that polycentricity is no more

⁴⁰ Adam Crepelle and Ilia Murtazashvili, "Polycentricity: A Simple Rule for Governing Indian Country." *Cosmos and Taxis* 10 9+10 (2022) p. 70.

⁴¹ Crepelle, et al., p. 69.

"emancipatory" than any other liberal scheme of government. According to Peter J. Boettke and Roselino A. Candela, citing P. Aligica, polycentricity has three basic features--a multiplicity of decision centers, an "institutional and cultural framework that provides the overarching system of rules," and "the spontaneous order generated by evolutionary competition between different decision centers." The "fundamental aspect" that these three elements of polycentricity all share is a "built in mechanism for self-correction, calibration, and adjustment of institutions through the rivalry of competing and overlapping decision nodes within the institutional framework."⁴² But alas, it is precisely this "institutional framework" that undermines the normative assumptions of liberalism. When liberal governments are created by conscious design, across numerous generations, according to a recognizable pattern, then, by definition, they are not a "spontaneous order," nor can there be any real possibility for individual consent. Indeed, it was precisely this type of inexorable institutional

⁴² Peter J. Boettke and Rosolino A. Candela, "Rivalry, Polycentrism and Institutional Evolution." *New Thinking in Austrian Political Economy*. Published online: 04 Aug 2015; p. 7.

framework that the "slow and inefficient means" of liberal colonization has always aimed to establish, and, as I have argued in this essay, has in fact already established in Indian Country.

In closing, the persistent poverty and destitution that plagues the reservation is a direct result of unilaterally imposing liberal institutional frameworks on tribal jurisdictions, not their absence. Jefferson's final promise, after all, was never to give Indians actual freedom, but rather to give them "laws"--a liberal government. Promised integration into the American system, with the same rights and responsibilities as any other US citizen, tribal jurisdictions were also gifted the same economic repression as any other state or local jurisdiction in the US federal system. Or, to put it in reverse, American citizens were not free, are not free, so extending American liberal governments to Indian tribes will not make them free either. In short, liberalism will never make *anyone* free because it is a promise to erect the hegemonic, institutional structures of coercive liberal government on people and nations. Indeed, even the "last knight of liberalism" well-understood the principle. Real liberty, as Ludwig von Mises

defined it, "is always freedom from the government."⁴³

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⁴³ Ludwig Von Mises, *Liberty and Property*. Auburn, AL: Ludwig von Mises Institute; 2009 [1958], p. 35.