"WHEREAS WE RESPOND": LAYLI LONG SOLDIER'S ACTS OF SOVEREIGN POETICS AND INDIGENOUS JUSTICE"[1]

ELVIRA PULITANO
CALIFORNIA POLYTECHNIC STATE UNIVERSITY

Abstract – In 2009, the United States voted on a Congressional Joint Resolution of Apology to Native Americans. President Barack Obama signed the Apology, which, however, was never delivered to the public nor to representatives of Tribal Nations. The Apology text was later folded into a larger piece of legislation known as the 2010 Defense Appropriations Act. In her 2017 collection of poems *WHEREAS*, Oglala Lakota poet Layli Long Soldier presents a direct intertextual response to the Congressional Apology. Part II of the collection, also titled "WHEREAS", adapts the tripartite structure of the Congressional Resolution by including "Whereas Statements", "Resolutions", and a "Disclaimer". Writing as a dual citizen – an enrolled member of the Oglala Lakota Nation and a U.S. citizen – Long Soldier exposes the U.S. history of settler colonialism that continues to operate, embedded in the language of the Apology. This essay analyzes Long Soldier's poetic enunciation as an act of defiance against the empty statements of the Congressional Apology. By excavating and exposing the Apology's language, Long Soldier makes a decolonial intervention in "the language, crafting, and arrangement of the written document" (*Whereas* 57) and affirms the enduring presence and resistance of Indigenous Peoples in the United States and beyond. Placing language and storytelling at the center of her poetic enunciation, Long Soldier frames resistance and resurgence within the everyday existence of Indigenous communities and their never-ending struggle to defend and reclaim their lands. Poem after poem, Long Soldier exposes the empty ritualistic rhetoric of the Congressional Apology that, despite its well-presented message of reconciliation, is void of any gesture amounting to reparations for the hundreds of Indigenous nations living within the borders of the United States. As we enter the second decade since the adoption of the *United Nations Declaration on the Rights of Indigenous Peoples* by the General Assembly in 2007, a landmark document in international law and Indigenous rights, yet still reluctantly accepted by the United States government, which continues to treat it as a non-legally binding text, this essay will also discuss how Long Soldier's acts of "sovereign poetics" (Mishuana Goeman) can function as an empowering educational tool in the battle to decolonize international human rights law and affirm Indigenous self-determination.

Keywords: Decolonial intervention; Indigenous Justice; Sovereign Poetics; Indigenous Self-determination; Poetry as Resistance.

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> Indigenous poetry disrupts the settler vernacular of place and belonging. Indigenous bodies and embodied words haunt the present moment. Poets speak to the harm caused by the onslaught of everyday settler life *in the present.*
> (Goeman 2021)

1. Introduction

In a 2012 report published by the Center for Peace and Conflict Studies, a national apology is described as "a phenomenon which can loosely be defined as a collective, political, intra-state apology, issued from one group to another through the use of appropriate representation". The main goal of national apologies, the report further explains, is to achieve "reconciliation", "mutual confidence building", and "nation and identity-building" (Sanz and Tomlinson 2012, pp. 12-13). While acknowledging the relative novelty of the field at the time the report was published, and the challenges of exploring the complex dynamics of national apologies, the report, conceived as a "mapping exercise", hoped to inspire dialogue among academics and practitioners so that "we may hope to one day reach consensus on best practice of national apologies" (ivi, p. 4). As the research on national apologies has expanded over the years, so have the debates.

In 2009, the United States voted on a Congressional Joint Resolution of Apology to Native Americans. President Barack Obama signed the Apology, which, however, was never delivered to the public or to representatives of the Tribal Nations. The Apology text was later folded into a larger piece of legislation known as the 2010 Defense Appropriations Act, which, according to Lakota historian Nick Estes, totaled approximately 685 billion dollars, the largest Defense Appropriations bill in U.S. history (Long Soldier 2018). A non-delivered Apology silently folded into a military Defense Appropriation Bill, a rather inappropriate procedure for a national apology, should cause reflection on the ironic twists within which the contemporary Native American experience continues to exist[2]. Given the long and complex history of the United States government and its Indigenous Peoples, one could ask how this same government can offer an effective Apology to the survivors and descendants of millions of peoples whose lands the government appropriated and claimed as its own, often with the use of military force, and whose cultures and languages were nearly wiped out. More significantly, perhaps, we must also ask how a national Apology to Native Americans can revise a history that continues to celebrate a narrative of a nation of immigrants and successful multiculturalism while failing to acknowledge the legacy of settler colonialism and the way it continues to impact the political and cultural sovereignty of over 570 Indigenous nations within the United States borders[3].

In her 2017 collection of poems *WHEREAS*, Oglala Lakota poet Layli Long Soldier offers a direct intertextual response to the Congressional Apology. Divided into two parts, Part I, "These Being the Concerns," comprises 17 poems. It starts with "Ȟe Sápa" ("Black Mountain" in Lakota but often translated as "Black Hills" in English), a poem where the poetic persona situates herself at the sacred center of Lakota life, a land that remains contested, forcibly taken by the U.S.

[2] For a national apology to be considered formally appropriate, the Center for Peace and Conflict Studies Report states, "it should fulfill three criteria regarding form: publicity, the official nature of the state, and ceremony" (Sanz and Tomlinson 2012, p. 31).
[3] For a recent critique of the United States' ideology of multiculturalism, see Roxanne Dumbar-Ortiz 2021.

government in violation of the second Fort Laramie Treaty of 1868. This section ends with the poem "38" referring to the execution of 38 Dakota men on December 26, 1862, ordered by President A. Lincoln after the so-called "Dakota Uprisings" and days before he signed the Emancipation Proclamation[4].

Part II of the collection, self-titled "WHEREAS", adapts the tripartite structure of the Congressional Resolution by including twenty "Whereas Statements," the same number included in the Congressional Apology, seven "Resolutions" poems, and a "Disclaimer" in which Long Soldier, responding in humorous tones to the language of the government document, states: "Nothing in this book (1) authorizes or supports any claim against Layli Long Soldier by the United States; or (2) serves as a settlement of any claim against Layli Long Soldier by the United States, here in / the grassesgrassesgrasses" (Long Soldier 2017, p. 101)[5]. Writing as a dual citizen – an enrolled member of the Oglala Lakota Nation and a U.S. citizen and often exposing the tension of moving in and out of such complex positionality – Long Soldier in *Whereas* exposes the U.S. history of settler colonialism that continues to be perpetuated in the language of the Apology while simultaneously enacting what Lakota critic and poet Mishuana Goeman calls "sovereign poetics" by showing us new possibilities for enacting justice and affirming Indigenous self-determination (Goeman 2021).

For this contribution, I will focus on Part II of the collection to reflect on Long Soldier's intertextual response to the Congressional Apology. I argue that Long Soldier's poetic enunciation is a linguistic, decolonial act of defiance against the empty statements of the Congressional Apology. As various scholars have pointed out, in its non-delivery, the Apology remains a futile rhetorical gesture, even more insincere given its lack of any concrete action for reparations, such as, for instance, land restitution and/or recognition of tribal sovereignty. By excavating and exposing the Apology's language, Long Soldier makes a powerful intervention in "the language, crafting, and arrangement of the written document" (Long Soldier 2017, p. 57) and affirms the enduring presence and resistance of Indigenous Peoples in the United States and beyond. I also argue that Long Soldier's poem, in its quintessential affirmation of Indigenous Peoples' human rights, provides the experiential evidence necessary to advance the implementation of the UN Declaration on the Rights of Indigenous Peoples, a landmark text adopted by the General Assembly in 2007, and still reluctantly embraced by the U.S. government which continues to refer to it as an "aspirational document," following the limited endorsement given by President Obama in 2010 (Announcement 2009). Long Soldier's poems serve as a literal counterpoint to the language of international human rights law and substantiate the message articulated in the UN Declaration. In affirming the rights of Indigenous Peoples to exist as Peoples, Long Soldier's poetic enunciations bring to life Indigenous Peoples' right to self-determination, as stated in Art. 3 of the UN Declaration. In *Whereas*, poetry and human rights merge as part of an on-going educational process to advance the rights of Indigenous Peoples under international law[6].

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[4] The Dakota Uprisings followed a series of broken treaties, removal from lands, money promised in exchange for ceding vast portion of Dakota territories, and the ensuing starvation of the Dakota people (US-Dakota War of 1862).

[5] Throughout this essay, I often conflate, following other scholars, Long Soldier and the speaker of the poems based on the fact that Long Soldier herself, in an interview with Krista Tippet, explains that most of the poems in the book speak to her own personal experience with specific references to family members (Layli Long Solder, "The Freedom," 2018). See also Griffis, note 1.

[6] The discourse of Indigenous Peoples' rights is also at the center of the stunning collection *Lifting Hearts Off the Ground: Declaring Indigenous Rights in Poetry*, published the same year as Long Soldier's book, by Lyla June Jonston (Diné and Tsétsêhéstâhese) and Joy De Vito. Two poets (one Indigenous, one Settler) respond directly to the 46 articles

2. Whereas Native Artists Respond

There is something to be said about Native writers responding to the language of official government documents–whether Acts, Congressional Resolutions, Treaties, or related forms of state discourse and thereby engaging the language that has defined Indigenous Peoples and cultures with no other purpose than to "legalize them out of existence", as Thomas King reminds us in *The Truth About Stories* (Massey Lectures, Part 5, 2003). The imaginative possibilities offered by the literary, be it a poem, a play, a novel, or another form,provide Native authors with opportunities "to unsettle settler space" (Goeman 2013, p. 2) and define Native futures. In her essay "Sovereign Poetics and Possibilities in Indigenous Poetry", from which my opening quote is extracted, Mishuana Goeman situates Long Soldier's poetry along the work of other contemporary North American Indigenous poets such as Janet Rogers, Qwo-Li Driskill, Heid Erdrich, Leanne Betasamosake Simpson, and Billy-Ray Belcourt. These artists, she argues, who emerge from a previous generation of Native poets whose influence continues to resonate across diverse Indigenous identities and experiences, are crafting new ways of thinking in the aftermath of colonialism, their powerful words charting a road map for the future, a future serving as a a reminder of the on-going existence and resistance of Native Indigenous nations[7].

At the heart of the American settler colonial enterprise is the violent erasure and remapping of not only Indigenous lands and landscapes, but also alternative modes of thinking and epistemologies. By centering language as a place of power, Long Soldier reclaims Native discourse by re-imagining relationships to land, community, and memory and refusing to be contained by the empty, unspoken language of the Congressional Apology. Both a poet and a visual artist, she stretches the ways in which words present themselves on the page by inserting boxes, creating columns, using word images, and even spreading some poems over multiple pages. She infuses new meaning into legalese, powerfully suggesting that the subordinating conjunction "Whereas" can serve as a gateway for envisioning a different worldview. She performs, in Walter Mignolo's and Catherine Walsh's terms, the "liberation of knowledge" indispensable for engaging in decolonial options and "delink" from the colonial matrix of power (Mignolo and Walsh 2018, p. 125).

In a poetry reading and discussion about the book held at Harvard Radcliffe Institute in 2018, Long Soldier mentions her frustration upon hearing of the Apology Resolution. Unable to do anything else but write, she started with a piece in which she responded to the Oxford definition of "American Indian" (a term she tries to avoid preferring to use her tribal nation affiliation) and ended up writing a total of 28 poems. She started researching other government spologies, including the one the U.S. offered to Native Hawaiians in 1993 for the illegal overthrow of the Hawaiian Kingdom, the Canada Apology to its Indigenous Peoples for the residential schools, among others. She also thought of personal apologies. At the heart of *Whereas* is, in fact, an apology that Long Soldier's father offered when she was an adult, saying how sorry he was for all the years he had been absent from her life. She writes: "I turned to him when I heard him say *I'm sorry / I wasn't there sorry for many things* / like that / curative voicing / an opened bundle / or

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of the Declaration reminding us of the power of poetry to forge new relationships with each other beyond cultural differences and experiences.

[7] For a recent project exploring the depth and breadth of contemporary Native poetry, see Joy's Harjo *Living Nations, Living Words*, her Poet Laureate's signature project (also in book format) featuring "a sampling of work by 47 Native Nations poets through an interactive ArcGIS Story Map and a newly developed Library of Congress audio collection".

medicine / or birthday wishing / my hand to his shoulder / *it's ok* I said *it's over now* I meant it" (Long Soldier 2017, p. 65). Long Soldier's response to her father's apology follows the first of the "Whereas Statements," in which the poetic persona discusses the importance of the required body language when delivering an Apology. She reflects on the invisibility of a textual Apology, one printed but not spoken, and the value of embodying Native experience: "If I'm transformed by language, I am often / crouched in footnote or blazing in title. Where in the body do I begin" (ivi, p. 61). To the impersonal, third-person perspective of the language of the Congressional Resolution, Long Soldier responds by producing an intimate first-person account that weaves personal, historical and political layers into a hybrid poetic register that turns the language of the Resolution against itself. The importance of embodied presence in offering a state Apology resonates with Leanne Betasamosake Simpson's message of Indigenous freedom through radical resistance. "Our presence is our weapon", the Michi Saagiig Nishnaabeg author writes in *As We Have Always Done*, adding that every time Indigenous Peoples embody Indigenous life it constitutes an act of existence and resistance. "It is our Ancestors working to ensure we exist as Indigenous Peoples, as they have always done" (Simpson 2017, p. 6). Long Soldier's act of resistance to the withheld State Apology comes from her voice, through speaking the truth, a truth that carries the voices of generations of Oglala Lakota ancestors before her. United States Poet Laureate Joy Harjo (Mvskoke) has called this creative process a form of "poetry ancestor tree" suggesting that "a poetry ancestor map of America" cannot ignore the poetry of Indigenous Nations. Talking specifically about Long Soldier's poems, Harjo sees them "emerg[ing] from fields of Lakota history where centuries stack and bleed through making new songs" (Harjo 2019).

Long Soldier's creative process is also shaped by contemporary collaborations – with other poets and artists, with members of her own community, and with previously published work. She mentions her curiosity, upon learning about Congressional Apology, to find out how exactly her own Lakota community would respond to such a text. Following a conversation with a friend, who at the time was working at the Heritage Center of the Red Cloud Indian School on Pine Ridge Reservation, Long Soldier proposed the idea of projecting some of the sections of the Apology and inviting the Lakota community to come and interact with the text. Titled "Whereas We Respond", the installation was performed in 2012 over a three-month period. Most of the responses written on the walls came from students enrolled at Red Cloud. Discussing this specific episode at The Poetry Room Spring 2018 Provocation Series at Harvard University, Long Soldier details that by the end of the exhibition, the walls were packed with written responses. It was a powerful moment of community building. Even though the material of the installation did not find its way into her book, the energy and community's response are very much present in the poems (Long Soldier 2018).

3. The Poems as a Multimodal Production of Resurgence

Although most of the "Whereas Statements" in the collection are grounded in the present tense with reflections, among others, on Long Soldier's experience of living as a dual citizen and the implications of such an identity for her daughter and future generations of Native youth, the narrator also evokes historical trauma through re-telling key historical events that are only marginally mentioned in the Congressional Apology (the Indian Removal and the Navajo Long Walk, among others). The policy of Indian Boarding Schools, described in the Congressional Resolution as a program to assimilate Native Peoples via "the forcible removal of Native children from their families to faraway boarding schools where their Native practices and languages were

degraded and forbidden" (S. J. Res 14 2009, p. 3), is addressed through a moving prose poem in which a mother wonders how she can pass on to her daughter a language she herself does not master fluently. The poetic persona states:

> WHEREAS her birth signaled the responsibility as mother to teach what it is to be Lakota, /therein the question: what did I know about being Lakota? Signaled panic, blood rush my em / barrassment. What did I know about or language but pieces? Would I teach her to be pieces. (Long Soldier 2017, p. 75)

Comforted by a friend who reassures the speaker that she and her daughter "will learn together" (ivi, p. 75), as well as by references to Jacques Derrida's reflections on the meaning of *différance as* it relates to the mother-child relationship and to notions of origins and identity, the speaker's tone gradually moves from one of uncertainty and doubt to self-assertion and awareness that in speaking there is "defiance", the closest, she "can come to *différance*" (*ibidem*). Whereas social science reports and statistics continue to focus on the dying of Native languages as a result of the passing of the last elders/speakers, Long Soldier hopes that her daughter, born in a country "of so many languages" and whose own father speaks to her in his native Diné, can understand wholeness from all these pieces that make up her identity. The poem affirms identity not as a linguistic impossibility but as a reality of constant motion and change, as Native Peoples and cultures, throughout history, have always been.

There is no mention of genocide in the Congressional Apology instead uses phrases such as "official depredations" and "ill-conceived policies" (S. J. Res 14, p. 1) to describe the long and complex history of Indigenous Peoples since first contact with European settlers. An additional statement in the Apology posits that "Native Peoples are endowed by *their* creator with certain unalienable rights, and among those are life, liberty and the pursuit of happiness" (ivi, p. 4; my emphasis), "abstractions", as the poet puts it "that rarely serve a poem" (Long Soldier 2017, p. 70). In conveying the emotional toll of crafting a coherent response to such carefully chosen government rhetoric, a settler colonial nation whose epistemological orientation has been used to destroy lives and erase Indigenous knowledges, Long Soldier is taken aback by the differentiation of one Creator from another and attempts to rationalize such "Creator-split" in poetic terms: "Whereas this alters my concern entirely – how do / I language a collision arrived at through separation? (*ibidem*).

A few sections in the "Whereas Statements" present language-based reflections on diction and connotation from the perspective of a bilingual poet who asserts her presence and reveals the violence of colonial language. In the tenth "Whereas Statement", for instance, the poetic persona reflects on the term *pigeonhole*, a term, the dictionary says, referring to "the white space between / words set too far apart in letterpress…" (ivi, p. 71). The whiteness on the page, which functions as an extended metaphor for the constructed whiteness of the nation, is an uncomfortable position to be in; it is also the position from which Long Soldier must respond to the Apology, a text that "pigeonholes" her within the language and abstract ideas of the Government document. A direct quote from the Congressional Resolution references the Northwest Ordinance enacted by Congress in 1787, whose opening states that "The utmost good faith shall always be observed toward the Indians" (S.J. Res 14, p. 2). Unconvinced by such phrasing, the poetic persona connects a summer memory of physically cleaning out the excrements of a pigeon nest to the linguistic gesture of scrubbing and bleaching that "utmost good faith" with words that space out on the page in the attempt to clean out the hypocritical nature of colonial language and reveal the violence that lies underneath.

In the twelfth "Whereas Statement", Long Soldier responds to the Apology section stating that "Whereas Native Peoples and non-Native settlers engaged in numerous armed conflicts in which unfortunately, both took innocent lives, including those of women and children" (*ibidem*) with the words "I tire" (Long Soldier 2017, p. 74). The poetic persona looks for the equivalent Lakota term in a dictionary, but not being a fluent Lakota speaker, she turns to her father asking how to translate that feeling of exhaustion and convey the weight of living with a dominant narrative that continues to disseminate a sanitized version of history. "It's 'Lila bluğo'", her father confirms, to signify "really tired" (*ibidem*). When meaning fails in English, Long Soldier turns to Lakota to assert her presence and strengthen her role as meaning-maker. Despite the colonial project's attempt to erase Indigenous languages, via the horrendous policy of removing generations of Native children and placing them in Boarding Schools with the main goal "to kill" the Indian in them, the Lakota in Long Soldier's text erupts from memory and from generational knowledge that takes new form in words, sounds, and shapes. She writes: "This is my family way – the Oglala way – to say tired, and who / knows better what tired is than *the people*. How much must I labor/to signify what's real" (*ibidem*), a reference to the power of language to excavate layers of meaning.

3.1. White Spaces and Embodied Words: De-Occupying Language

Various scholars have written on Long Soldier's use of form as a decolonial poetic tool to articulate hidden histories and help us see history in the present. For Jill Darling, the end of the book is much more visual on the page with an abundant use of white space and experimentation with the layout of the page (Darling 2021, p. 190). Such experimentation, Mishuana Goeman argues, is part of a larger strategy to (re)map Native narratives and to move toward "a specific form of spatial justice" (Goeman 2013, p. 4). In the final "Whereas Statements", Long Soldier announces her strategy to place specific words extracted from the language of the Apology Resolution in black brackets. The poet claims to "cordon [them] / to safety away / from […] the threat / of re- /ductive [thinking]:" of the government text (Long Soldier 2017, p. 82). In a powerful re-writing of the meaning of "re-solution" described as "an act / of analyzing and re / structuring complex / ideas into simpler / ones", Long Soldier "cordons" (e.g. removes) to safety terms such as "spiritual", "belief", Creator, and "customs" (ivi, p. 85), terms used in the third of the Whereas Statements in the Congressional text, which reads: "Whereas Native Peoples are *spiritual* people with a deep and abiding *belief* in the *Creator*, and for millennia Native Peoples have maintained a powerful *spiritual* connection to this land, as evidenced by their *customs* and legends" (S.J. Res 14, pp. 1-2; my emphasis). This same text from the Apology is first re-structured in poetry form with brackets and empty spaces in lieu of the removed words on the page (Long Soldier 2017, p. 83) followed by an entire page in which only the "cordoned" words are reinserted in brackets and skillfully spaced out (ivi, p. 85). In Long Soldier's view, a complex idea such as "re-solution" carries indeed the "threat of reductive thinking" as long it remains a static, lifeless word on paper: a re-solution that resolves nothing. Her restructuring, defying gesture shows instead the power of words when re-contextualized within a storytelling tradition where the sacrality of language brings forth life and is connected to a deep belief in the sanctity of land and love for Indigenous ways of life.

In the short section "(2) Resolutions", the text erupts in all its force, with the poet "pull[ing] apart the government's own words and phrases" (Darling 2021, p. 190) and forcefully dismantling the rhetorical edifice of colonial argumentation. We also see the process of writing as a visual act in its full manifestation. In section (2), Long Soldier repeats "this land" across an entire page by reminding readers, through a vertical arrangement of words on the left, of the unique relationship

Native Peoples have to the land, a relationship based on thousands of years of stewardship and care (Long Soldier 2017, p. 90). Such immemorial connection was also emphasized when, at the above-mentioned Radcliffe Institute reading, Long Soldier read aloud this specific section of the poem. She read the text from left to right, duly pausing to respect the spaces between words in a sort of meditative gesture. In (4) she reflects on the fact that in many Native languages, there is no word for "apologize" and wonders how the text of the Apology "translates as a gesture" without this word, which is strategically redacted on her page (ivi, p. 92). In (5) she creates a word image in the shape of a hammer to convey "the pounding" of some of the terms used in the Congressional Apology: express regret for the past wrongs and move toward a brighter future of reconciliation. The word image is preceded by the italicized statement, "*I express commitment to reveal in a text the shape of its pounding*" (ivi, p. 93). Her commitment goes beyond mere form on the page. The sonic effect on the audience is that of a hammer, the words inserted in its shape soundly pounding to expose the sterility of the Congressional Apology and convey the emotional exhaustion of Indigenous Peoples who continue to hear empty promises and false euphemisms on the part of a government that has often failed to uphold the nation-to-nation relationship established in the Treaties. But it's in the last section (7) that Long Soldier's linguistic defiance achieves the most powerful effect. She changes the language of the Congressional Apology, "The United States […] commends the State governments that have begun reconciliation efforts with recognized Indian tribes located in their boundaries […]" (S.J. Res 14, p. 6) to "I commend the inventive crafting of a national resolution so mindful of --" (Long Soldier 2017, p. 97). The government language is rearranged across the page and the word "boundaries" is repeated line after line, each line adding a slight modification to the image of tribes confined in the physical space of reservations, an ironic response to the notion that reservations were "given" to the tribes by the federal government, when instead they were often the results of negotiated treaties involving large exchanges of land. The term boundaries, and its variations, continue in a vertical, rectangular box on the right side of the page by inserting one word or phrase at a time all the way down to the last line, "with recognized Indian tribes located in their boundaries", with no spaces and in visibly smaller font to appear almost invisible to the reader's eyes. For Darling, the ending of this poem is "a kind of technical knockout" (Darling 2021, p. 191), one that reveals the quintessential farce of an Apology never delivered and never actually resulting in a process of reconciliation or healing.

The final disclaimer, while mimicking the empty language of the Apology Resolution serves as an affirmation of the poetic persona and voice, one that refuses to be silenced by the legalese of the Government that continues to ignore the sovereignty of Indigenous nations and refuses to honor their claim to self-determination. In physically locating herself "in the grasses grasses grasses" (Long Soldier 2017, p. 101), Long Soldier affirms her identity in the land, in the Ȟe Sápa landscape that is the essence of Lakota life. The reference to grasses also carries overtones of settler colonial violence. As the poetic persona writes in "38", "One trader named Andrew Myrick is famous for his refusal to provide credit to Dakota people / by saying, 'If they are hungry, let them eat grass'" (ivi, p. 53). The same Andrew Myrnick, the poet goes on to narrate, was later executed by the Dakota people, during the Sioux Uprising. His body would be found "stuffed with grass" (ivi, p. 53). When commenting on the ironic ending of this story, Long Soldier writes: "I am inclined to call this act by the Dakota warriors a poem" (*ibidem*). As both an act and *a poem*, the grass functions as a powerful symbol of reclaiming the land through the power of language while erasing the settler colonial presence.

As a multimodal form of production, Long Soldier's poems serve as a dynamic example of Indigenous resurgence. Grounded in community, land, people, and language, her stories, though

looking at the past, are not only about trauma and violence, nor are they about mere survival. They continuously (re)create an Indigenous present at the same time as they re-imagine Native futures inspiring generations of Indigenous youth to continue practicing an ethos of care for the land and to embrace that reciprocal relationship with the universe that is at the core of Indigenous thinking in the Americas and beyond. Although Long Soldier, as a dual citizen, hopes that the Government ultimately does acknowledge the wrongs of the past against Indigenous Peoples so that a process of healing can begin, she also reminds readers, in direct response to Resolution (6) of the Congressional Apology that "healing this land is not dependent never has been upon this President meaning tribal nations and the people themselves are healing this land its waters with or without Presidential acknowledgement they act upon this with or without apology" (ivi, p. 94). If the non-delivered Apology cannot start the process of reconciliation, Long Soldier offers her powerful poem as both a form of political action and healing.

4. *Whereas* and the Language of International Indigenous Human Rights

In conversation with Long Soldier, following the reading at the Radcliffe Institute, Nick Estes notices the interesting coincidence of President Obama signing into law the Apology Bill nearly at the same time as he reversed the United States vote on the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2010, with an official note stating that the government would "lend its support" to this landmark international document on the condition that it be considered "non-binding" (Announcement 2010). Similarly, Estes argues, the language of the non-delivered Apology affirms its non-binding nature in the Disclaimer where the United States government is once again absolved of any legal responsibility, and no mention of land restitution is made.

One of the most fruitful aspects of the post-Declaration debates has been the work done among various actors – from States to UN agencies to Indigenous nations themselves – on how to implement the content of the Declaration domestically, thus making this document real in Indigenous Peoples' lives. The 2010 Announcement with which the Obama administration reversed the original oppositional vote to UNDRIP states: "The United States supports the Declaration, which – while not legally binding or a statement of current international law – has both moral and political force" (Announcement). Notwithstanding the position taken by various international law scholars on the fact that so-called soft law documents such as Declarations can become, through state practice, examples of "customary international law" therefore creating legal obligations for States, the United States has continued to reaffirm the position that the Declaration is not legally binding[8]. In a 2021 meeting session of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), one of the three UN bodies established to assist Member States in achieving the goals of the Declaration, a U.S. representative stated that "The Declaration is an aspirational document", a statement that provoked a significant critical response from the

[8] Both Indigenous and non-Indigenous legal scholars have also pointed out that the legally binding nature of the Declaration verges on the fact that its text is grounded on and in most cases draws verbatim from previous human rights instruments of the UN Charter and UN Conventions (which are legally binding). More significantly, the International Law Association (ILA) in 2012 ruled that fundamental rights provided for in the Declaration – most notably the right of Indigenous Peoples to self-determination, the right to their traditional lands, territories, and resources, and their right to redress – have now risen to the status of rules of customary international law (Resolution No. 5). For a recent discussion of the outcome of the ILA committee and the implications for UNDRIP implementation, see Lenzerini.

Indigenous Peoples present at the meeting (Carpenter 2023, p. 52). They specifically demanded for clarity as to what exactly the term "aspirational" means in a document protecting and affirming the quintessential human rights, starting with the right to self-determination, rights long denied to Indigenous Peoples everywhere[9]. While countries around the world have been increasingly seeking the assistance of the Expert Mechanism on how to implement the provisions of the Declaration, and various Indigenous Nations in the U.S. and beyond have taken the lead to chart strategies for implementation, the United States continues to elude the international community with its recalcitrance to move toward implementation[10]. Despite some small but notable successes achieved with the Biden administration, starting with the historical nomination Deb Haaland (Laguna Pueblo) to Secretary of the Department of the Interior and ending with President Biden's own Apology to Native Peoples, in October 2024, for the role played by the US government in running the Boarding Schools, the road to upholding the rights affirmed in the Declaration remains long and difficult[11].

One of the most celebrated achievements of UNDRP has been the attempt to decolonize both international law and the United Nations and transform the role of Indigenous Peoples from objects to subjects of international law (Gomez-Isa 2019). In the conceptualization, crafting, and negotiation of the provisions contained in UNDRIP, Indigenous Peoples took a significant step in advancing basic human rights guaranteed by international law to all *peoples*, yet denied to their communities until this landmark document was agreed on and formally adopted in 2007. At the same time, UNDRIP critics remain skeptical on the effectiveness of this document in conveying meaningful changes in the lives of Indigenous Peoples since most of its provisions, they argue, are still enmeshed in the Eurocentric framework of international law discourse. This is evidenced, for instance, by the ambiguity surrounding the right to self-determination. While ART. 3 unambiguously states that Indigenous Peoples have the right, not just as individual citizens but as a collective, to exercise self-determination, ART. 46 indicates that this right must be exercised with respect to the territorial integrity and political unity of independent states (Cambou 2019, p. 36). In other words, under ART 46, Indigenous Peoples cannot claim the right to secession. Such linguistic opacity within the Declaration betrays an understanding of self-determination as strictly linked to Western notions of statehood, a consition that is extremely important to an understanding of how Indigenous People's self-determination applies to the management of land and natural

[9] Mohawk representative Kenneth Deer called this term "misleading" and "racist" by arguing that "if states mean that Indigenous Peoples are not peoples but only 'aspiring' to be peoples […] it sets back the whole campaign of Indigenous Peoples searching for equality" (Carpenter 2023, p. 53).

[10] Besides Bolivia, the first country in the world to adopt the Declaration as domestic law as early as 2007, other States in Latin America, including Ecuador, Costa Rica, El Salvador, Nicaragua, and Mexico, have revised their constitutions to reflect some of the provisions of the Declaration. In United States, several Indigenous nations have adopted tribal resolutions endorsing UNDRIP as a reflection of their own self-determination. See Lenzerini.

[11] Under the leadership of Secretary Haaland, a Federal Indian Boarding School Initiative was launched to a comprehensive effort to investigate the troubled legacy of federal boarding school policies. The initiative produced a two-volume investigative report, the second one released in July 2024, with recommendations for consideration by Congress and the Executive Branch for redress for Indigenous communities and the nation. On October 25, 2024, President Biden delivered a formal Apology on behalf of the United States in front of tribal leaders at the Gila River Indian Reservation, near Phoenix (AZ). In December 2025, at the final White House Tribal Nations Summit of his administration, Biden proclaimed the Carlisle Indian Boarding School site in Pennsylvania a national monument. The Biden administration has also achieved results in formalizing co-management and co-stewardship with the tribes of U.S. federal public lands that were once Indigenous territory such as the Bears Ears National Monument, in Utah, and, most recently, two new national monuments: Avi Kwa Ame National Monument in Nevada, and Baaj Nwaavjo I'tah Kukveni – Ancestral Footprints of the Grand Canyon National Monument in Arizona (Axel 2024).

resources. James Anaya, former UN Rapporteur on the Rights of Indigenous Peoples and leading voice in the field of international Indigenous human rights has eloquently explained the need, in our global, interdependent world, to expand the concept of self-determination into other governance spheres. He writes:

> Any model of self-determination that does not take into account the larger context of multiple patterns of human association and interdependency is at best incomplete (and is more likely distorted. […] Appropriately understood, therefore, self-determination benefits individuals and groups throughout the spectrum of humanity's complex web of interrelationships and loyalties, and not just groups defined by existing or perceived sovereign boundaries[12]; (Anaya 1993, p. 143)

Not only are land and natural resources an important aspect of Indigenous Peoples' right to self-determination, but their livelihoods, as Indigenous Peoples, depend on them. This principle, affirmed in various provisions of the Declaration and articulated within a framework that cannot, understandably, fully convey the complexity of Indigenous thinking and epistemologies, is the most significant aspect of this landmark document. It remains the biggest challenge in advancing UNDRIP implementation. For Indigenous writers, such a concept is unambiguously clear. Simpson writes:

> Our nationhood is based on the idea that the earth gives and sustains all life, that "natural resources" are not "natural resources" at all, but gifts from Aki, the land. Our nationhood is based on the foundational concept that we should give up what we can to support the integrity of our homelands for the coming generations. We should give more than we take.
> It is nationhood based on a series of radiating responsibilities (Simpson 2017, pp. 8-9).

These responsibilities are clearly articulated in Long Soldier's poetry collection. As a poet, she responds to a government document that continues to erase Native Peoples and cultures through its inability to recognize its settler colonial history. As a Lakota woman, both daughter and mother, she grounds her voice in her community, showcasing the resistance of her people through their daily lives and passing on this knowledge to the next generation. As a dual citizen poet, she exposes the ambivalence of living in these two worlds and the challenge of holding on to Lakota history and traditions while breaking free from the constrains of colonial language and thinking. As a Lakota, she reiterates repeatedly how her identity is firmly grounded in the land, in the grasses of Lakota territory that, although often visualized on the page through boxes and empty spaces, a reminder of the loss of land and culture, still forms the backbone of her identity. Through language and voice, boxes and empty spaces are transformed into the fields of her poems in a decolonial gesture of (re)mapping Indigenous geographies and discourses.

5. Conclusions: When the Language of Human Rights Meet Indigenous Poets & Artists

[12] Building on Anaya's arguments, Dorothée Cambou envisions a "relational model of self-determination", which, she argues, "is also in agreement with the principle of global democracy, 'where the demos is not limited to a conception of a people resident in a given territory (although it applies there) but pertains to all institutional contexts of decision-making'" (Cambou 2019, p. 44).

All over the world, Indigenous Peoples continue to call for change and policy reform in alignment with the provisions of the Declaration. The impact of such a landmark document, as we enter the second decade since adoption, has continued to grow significantly, but the degree of effective implementation will be the test for the Declaration's full realization in the future. As evinced by the outcome of the work of the ILA Committee on the Implementation of the Rights of Indigenous Peoples, in its Final Report following the 2020 Kyoto Conference, the global reality regarding levels of implementation on the rights of Indigenous Peoples, "may be legitimately perceived as disappointing" (p. 16)[13]. What is at stake, in most cases, is the refusal on the part of States and even courts, to fully recognize the rights of Indigenous Peoples through the lens of their cultural specificities and needs. Engaging with Indigenous worldviews and approaches to UNDRIP, the authors of the report maintain, is the most effective way to reduce the so-called implementation gap if we intend to *truly* affirm the rights of Indigenous Peoples under international law.

In the current debates surrounding Indigenous rights, both Indigenous and non-Indigenous scholars and activists continue to stress the role that education and awareness-raising can play, not only among State officials and members of the judiciary, but also among the general public and all sectors of civil society. International law practitioners specifically working to provide support to the struggles of Indigenous Peoples might also consider turning to Indigenous artists and writers to promote worldwide education about Indigenous cultures and epistemologies. Indigenous artists such as Long Soldier, along with an emerging generation of Native North American poets, use their voice to respond to centuries of injustice and rebalance history. They continue to reinvent the enemy's language, to use the words of a well-known anthology of contemporary writing by Native women, by offering a poetics of resistance by means of a language grounded in truth, reality, and in the everyday presence of Indigenous Peoples whose quintessential human rights are anything but aspirational.

Bionote: Elvira Pulitano is a professor of Ethnic Studies at California Polytechnic State University, San Luis Obispo campus, where she teaches courses in Indigenous and Caribbean Studies with interdisciplinary research interests in contemporary migrations and human rights. She is the author of *Mediterranean ARTivism: Art, Activism, and Migration in Europe* (Palgrave 2022), *Transnational Narratives from the Caribbean: Diasporic Literature and the Human Experience* (Routledge 2016), and editor of the volume *Indigenous Rights in the Age of the UN Declaration* (Cambridge 2012). A Fulbright from Italy, she received her Ph.D. from the University of New Mexico specializing in Native American and Postcolonial studies.

Author's contact: epulitan@calpoly.edu

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[13] In the years of activity, between its start in 2013 and its end in 2020, the Committee on the Implementation of the Rights of Indigenous Peoples produced 36 case-studies, aimed at answering a series of key questions related to the situation of specific Indigenous communities, living in all continents. As stated in the report, "taken together, these studies offer a complex portrait which, while not totally comprehensive, draws a snapshot of the level of implementation of the rights of Indigenous peoples in the world" (p. 12).

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