

Week 5 – OUTLINE

Readings:

[SNN] Harvard Project on American Indian Economic Development. *The State of Native Nations. Conditions Under U.S. Policies of Self-Determination*. New York: Oxford University Press. 2008.

Readings:

SNN Ch. 6, 9, 10.

Chapter 6 SNN– Native Lands

1. Indian Country is premised on a history of US usurpation of land through treaty, laws and congressional Acts that have taken Native Land and have given them to settlers and interest groups (minors/train/etc.)
 - a. Please review history in week one. Note that, history is important as it discusses how:
 - i. Natives are under Federal Jurisdiction on Land
 - ii. Dawes Act: Makes Native Land open to settlers under the guise of giving lands to Native people to understand property rights. Land is parceled up on reservations then given to tribal members who in turn sell to non-natives in effort to pay for food. Reservations are then “Checker Boarded” (historical term where reservations are part reservations and part non-native lands. (pg. 96)
 1. This makes governing these lands extremely difficult if you have holes in your reservation where you do not have authority.
 - iii. 1934, IRA ended the Allotment but only after a strong portion of reservations are checkerboarded.
 - iv. Dawes Act (Allotment) creates havoc in understanding rights on jurisdiction, development and governance based on the checkerboard status. Not to mention Federal jurisdiction.
2. Land in Indian Country
 - a. Dawes Act creates great issues for Tribal Governance, some reservations manage to escape this.
 - b. Treaties also have issues
 - i. According to some treaties, land use outside of their reservations is granted but the terms of many treaties have often been ignored.
 1. Good News: Some Tribes have been successful in having these rights restored for fishing and hunting. (pg 101)
3. Land Challenges
 - a. As you can see Treaties (that have been ignored), Dawes Act (allotment act), Federal governance, and poverty have made it extremely difficult for land management.
 - i. Can’t get loans to start business because land is not wholly owned by Tribe. Can’t develop lands because you need BIA approvals to accomplish this and there is so much bureaucracy it makes it difficult.
 - ii. Tribal Management is difficult prior to Indian Rights of the 1970’s
 1. Indian Land Consolidation Act of 1983: Inheritance of Tribal Lands, Tribes given more control of these lands where literally hundreds are in control of lands that have been “fractionalized”
 - a. Under Allotment, lands were given to Tribal members who then left it to offspring who left it to more and more. This results in hundreds having some ownership in small lands. Tribes who govern these fractionalized lands must deal with hundreds including non-natives who have a stake in the land.
 - b. 1983 Act: sort of removes the difficulties of this and allows greater control by the Tribe.
 - b. Greater allowance for Tribes to pursue development funding in 1991
 - i. Allows development (greater) for Tribal business
 - ii. Allows for buying back lands that were once part of Tribal traditional territory
 1. Many gaming tribes have accomplished this.
 2. Although this really isn’t fair, it was their land to begin with, it now is an option that lends itself to Tribal economic independence.
 - a. Lands can now be used for new business (pg. 105)
 - b. Or keep as cultural locational areas. (pg. 107, see Sandia)

Chapter 9 SNN– Natural resources

1. Managing tribal resources (Natural) is tough but can be lucrative
 - a. Forestry and Management (pg. 166):

- i. Most Tribes can accomplish this but this is tough
 - 1. Having to control wilderness fires requires trained firefighters
 - 2. Disease to Forest request knowledge on what to look for and science based training for solutions
 - b. Farming and management offers similar instances of knowledge based training
 - i. Leasing land to farm to non-natives is only marginally successful as there is no investment into Tribal members other than labor.
- 2. De-regulation (mostly a Republican ideal) has helped tribes in that it frees up some oversight by the federal government (BIA mostly) and allows the tribe to take more control of resources. (pg. 164)
- 3. Tribes can learn from one another but training of Tribal members is important.

Chapter 10 SNN– Environment

- 1. It seems like this chapter is outdated, while the historical seems to state previous chapters.
- 2. Historical you can review week 1 reading outline
- 3. Feds (through the BIA) had management of Tribal resources and environment has let many things become a source of damage to Tribes
 - a. Overgrazing has been allowed and continues well after the problem as stopped. On Navajo unmanaged overgrazing has left some areas depleted of vegetation and therefore uninhabitable
 - b. Uranium tailings have been seeped into the water supply and left many reservations without water.
 - c. Superfund sites have not been cleaned with Federal monies
- 4. The book suggests that a government to Tribe working group be formed (pg181) but with the current administration it seems extremely unlikely,
 - a. In fact, the EPA has had their budget cut
 - b. The current administration has allowed the North Dakota Pipeline