

Week 1 – OUTLINE

INTRODUCTION: Indian Country (Week 1 reading, Introduction from SNN/aka: State of Native Nations)

Indian Country is a legal term, so when discussing Tribal Communities, it is legally correct to say “Indian Country”.

1. Indian Country is vast and diverse and all Tribes differ, as they should, based upon culture, environment, and more.
2. Historically:
 - a. 1700’s: Indians are the only race mentioned in the US Constitution
 - b. 1830’s: Cherokee Cases (aka: Marshall trilogy), the US Supreme Court interprets law stating
 - i. Only Feds have jurisdiction over Tribal Lands (that means Congress) (pg. 38)
 - ii. Federal Government has a duty to watch over Tribes (a Trust Responsibility) and Natives are considered Domestic Dependents.
 - iii. Federal Government owns land but Tribes have title to the lands, of course Tribes can extinguish their rights after non-use.
 - c. 1830’s: Indian Removal Act, US forces Tribes to be removed from areas in which settlers want (pg 3), since the Federal Government can control policy over Tribes the President (Jackson) authorizes Cherokee removal (aka Trail of Tears)
 - d. 1887: Dawes Act (aka: General Allotment Act) (SNN pg. 4) US passes Dawes Act to modernize Indians by partition reservations and having native people assigned to that track (individual property owners). Lands that are extra are ceded back to US. Clever way to extinguish Indian Lands and rights. At this time Natives are beyond poor and sell off land causing more extinguishment of Tribal Lands. This was authorized based on clever arguments found in the Cherokee cases.
 - e. 1928: Meriam Report: First report to analyze Indian Policy and blamed allotment for the impoverishment of Indian peoples and deplorable living conditions. Urged more understanding of the Indian point of view.
 - f. 1934: Indian Reorganization Act: Sought to utilize Meriam Report and make Indian Reservations Manageable. But they wanted Reservations to adopt US style governments. Thus, the IRA still were not looking at Tribes in a fair way.
 - g. 1950’s: Termination Period: faced with not understanding the failures fo the IRA, the Federal Government sought to end Tribal Status of a political group. Since, Indians are mentioned in the US Constitution and the US negotiates in Treaty with Tribes it means they are a political group and not based on Race. This now takes away sovereignty as they are just US citizens without their own power to have jurisdiction within their own boundaries. (SNN pg 4)
 - h. 1970’s: Self Determination and Educational Assistance: created from protests of the 60s and the civil rights era. Ends the Termination Period and policies and recognizes Tribes for greater self-rule.
3. Policies of Self Determination are poorly understood by most Americans (Federal and State) and it is under constants attack (pg. 9)
4. Today Tribes are trying to:
 - a. Strengthen tribal governances:
 - i. so as to protect their communities. Tribal Police/Health Care/Social Services
 - b. Diversifying economic development
 - i. Helping to find employment within the Tribal Government and private enterprise based on Tribal Codes
 - c. Crafting policies to assist their Tribal membership
 - i. Social Services and TANF to help those impoverished
 - d. Developing their Cultural resources
 - i. Utilizing culture and understanding to develop what is appropriate for the Tribe.

Chapter 2 (Week 1 reading, Introduction from SNN/aka: State of Native Nations)

Tribal Jurisdiction: Indian Country Defined (pg. 38) / Tribes must follow Federal Law but where there is no law defined by the Feds. Then the Tribes have the right to create them to answer the need to have a law where there is none.

1. Major Crimes Act of 1885: no law to address murder on Tribal Lands so the tribe answers this by using Tribal Law. US Feds don’t like this and create Major Crimes Act to address violent crime in Indian Reservation. THIS TAKES AWAY rights that were once adjudicated through custom and tradition by the Tribes.

2. PL280 States (CALIFORNIA)-Feds want to reduce efforts to be responsible for Tribes. California accepts being a PL280 state so that now:
 - a. State has policing powers over tribes for the safety of their citizenry but not civil regulatory.
 - i. Policing is crimes or danger to society
 - ii. Civil regulatory are more statutes that are business regulations and taxation.
3. Numerous regulations have occurred since, based on PL 280 and the conflict of Feds vs State vs. Tribal Jurisdiction.
 - a. Cabazon (Gaming): feds can regulate but not State
 - b. "Merrion" (1982) (pg. 43)-tribes can only tax natives not non-natives.
 - i. WHY IS THIS IMPORTANT: because if people stay at a hotel on the reservation who pays when the fire department or police are called upon? THE TRIBE. How does the Tribe pay for the police and fire, through taxation? NON-Natives don't pay the tax and then are freeloading on the system.

Chapter 3 Week 1 reading, Introduction from SNN/aka: State of Native Nations)

Feds have a trust responsibility (as mentioned above in the notes) and Federal Responsibility has changed from period to period. The 1970's brought more development and monies to assist the Tribes with developing a strategy for their Tribal Communities.

1. 477 Plans: The 477 Program provides tribal governments with the flexibility to design employment, training, and economic development plans that utilize funding from several federal programs to best meet the needs of their local communities.
 - a. This means the template of programs that Feds have is no longer a one size fits all, Tribes can contract and tailor programs based on needs of the tribes.

Chapter 4 Week 1 reading, Introduction from SNN/aka: State of Native Nations)

State Rights have been defined in Cherokee Cases (See Above) and they have no regulatory power over Tribes. However, PL280 states have somewhat of a differing action with the State.

1. States Complain: States who have reservations within their state complain they do not have taxing powers over natives on Tribal lands. Therefore, Tribes freeload on their services (police, fire, etc.).
 - a. Gaming is a problem as it utilizes police and fire at Tribal Casinos.
2. Cooperation: Tribes negotiate with States for these services in cases of Casino.
3. Cooperation: Tribes negotiate with States for cultural preservation to protect sacred areas.

WRITING ASSIGNMENT #1

Writing Assignments: Each paper should be at least a full page in length, no longer than two pages, single space, using a font size of 11 or 12 with one (1") inch margins all around. A central goal of this class is to develop an in-depth study of one indigenous community's economic challenges and to explore solutions to those challenges. Each of our weekly writing assignments is intended to address a component of the final study. As you think about your writing, please view it in the long term and how each subject integrates with previous written assignments. Students can earn up to 10 points on each paper.

Topic:

Select an indigenous community / tribe / reservation / Rancheria on which to focus for this course. Briefly explain why you were motivated to select this community. Identify the economic engines (what drives the economy) of your chosen community. Include lapses (economic breakdowns). How do the existing engines contribute to a future envisioned by the community. Please give careful consideration to your selection as each week your writing assignments will build upon the various challenges faced by the community you selected.

Writing Week 1					
Criteria	Ratings				Pts
This criterion is linked to a Learning Outcome Selection & Description of Community	Selection & Description 3.0 pts	Selection, Unclear Description 1.0 pts		Not addressed 0.0 pts	3.0 pts
This criterion is linked to a Learning Outcome Rationale for Selection	Three solid reasons 6.0 pts	Two solid reasons 4.0 pts	One solid reason 2.0 pts	No rationale 0.0 pts	6.0 pts
This criterion is linked to a Learning Outcome Format & Grammar	Acceptable 1.0 pts		Unacceptable 0.0 pts		1.0 pts
Total Points: 10.0					

Sidebar: Please be reminded that an "economic engine" is what drives the economic activity in a certain area. For example, perhaps the economic engine of a mountain town could be logging or tourism (ski resorts, mountain biking, river rafting). Another example is the economic engine of a coastal town could be commercial (or sport) fishing, or activities of the navy, or tourism (whale watching, snorkeling and scuba, kayaking, etc.). Maybe a town is a bedroom community for a nearby town in which case proximity to large manufacturing could be the engine. It could be mining or agriculture or a concentration of industry (finance, manufacturing, shipping, construction).

On tribal lands, tribal employment may be a driver. Or the federal bureaucracy. It could be resource extraction or a gaming operation. Or any of the things described in the paragraph above. That's what I want you to think about.

"Economic lapse" or breakdown is when the activity in which a community depends for economic stability fails. An example from my tribe is that 100 years ago every family was engaged in sustainable agriculture. Every family produced enough food to eat comfortably and a minimal surplus to gain other things they might need. 70 years ago wage labor through uranium mining began on our land. Sustainable agriculture diminished...so that is a lapse. Then 30 years ago the price of uranium dropped and the mines closed. That is a lapse. At the time, a great number of people were put out of work...and they were now extremely limited in their farming and stock raising abilities.

DISCUSSION ON CANVAS

This is a graded discussion: 5 points possible

What economic future does my community envision?

In your written assignment, each of you has selected a community to consider for the quarter. From the perspective of your chosen community, comment on the future you believe your community would want to achieve. Don't limit your vision by current day activities. If you believe your community is on the right track, what steps would you suggest to remain on that track. If not, what steps could be taken to set your community on the right path. What challenges exist that need to be corrected immediately? What resources does your community possess that could be considered a market advantage?

The duration of each discussion is ten days, from Wednesday to the following Saturday. The purpose of this discussion is to allow learners to learn from each other. In order to encourage this, each learner should post an initial comment based on the prompt "What economic future does my community envision?" Each learner can post responses on as many initial comments as desired but to receive participation credit, each learner must post responses to a minimum of two other posts. I will also join in the discussion. **IN ALL OUR INTERACTIONS PLEASE CONDUCT YOURSELF WITH DIGNITY AND TREAT EVERYONE ASSOCIATED WITH THIS ENDEAVOR WITH RESPECT AND EMPATHY.**