Interpretive Theme: Property and Sovereignty

Webinar Title: Property and Sovereignty: Native Americans and the United States

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FAQ:

“Why should I care about something that happened so long ago?”

Colonialism and dispossession are ongoing processes. Native American land is still under attack today and Indigenous people persist in their fight to protect their land. Also, non-Native people still benefit from the historical dispossession of Native Americans and continue to perpetuate systems of inequality that effect Indigenous people today.

“What are treaty rights?”

The U.S. government ratified hundreds of treaties between the federal government and Native American nations. According to the U.S. Constitution, treaties are “the supreme law of the land” and many of these treaties are still in effect. Many of these agreements promised hunting and fishing rights, land usage rights, access to medical care, and other rights in perpetuity in exchange for Native American land. Native Americans still have the legal rights specified in these treaties, although they often have to sue the federal government in court to exercise them.

“Why are Native American tribes still considered sovereign nations?”

Native American nations existed long before the founding of the United States. They have been deeply affected by European and American colonialism, but they have maintained their governments and their identities as nations. The U.S. government has repeatedly upheld the sovereignty of Native American nations through treaties and U.S. Supreme Court cases, albeit as “domestic, dependent nations.” Native American nations continue to hold status as governments, although they refute the government’s characterization of their “dependent” status.

“Why doesn’t the U.S. government do more to protect Native American lands?”

The federal government has a large bureaucracy called the Bureau of Indian Affairs that administers the relationship with tribal governments and the federal government. American officials look to reduce the
ongoing costs to fulfill their obligations to Indigenous nations and therefore do not spend more than they are required. In addition, because tribal lands often have fewer legal restrictions than state-owned or federally-owned lands, extractive industries find it cheaper and easier to pollute Native-owned lands. This often comes with the permission of federal authorities because they can avoid the headaches of dealing with state and local governments.

“With this history of dispossession, do all Native Americans today live on reservations in the far West?”

No. Despite centuries of forced removal, dispossession, and other forms of oppression, Native Americans have maintained their identities, cultures, and continue to persist in the eastern United States. Today, the vast majority of Native Americans live off-reservation, in cities and suburbs like other Americans.

Additional Resources:
A syllabus and list of resources for further information related to the presentation.

INTRODUCTION:

Until 1492, all of North and South America had belonged to Indigenous people for tens of thousands of years. Native Americans view North America as their place of creation and their cultures and identities are rooted in the land. These lands were invaded by European colonial powers and they and their descendants have used various tactics, such as coercive treaties and laws, theft, violence, even genocide, to wrest ownership of the continent from Indigenous people.

“Invasion of America,” https://www.arcgis.com/apps/webappviewer/index.html?id=eb6ca76e008543a89349ff2517db47e6 An interactive map showing when the United States dispossessed specific pieces of land from Native Americans.

“Native Land,” https://native-land.ca/ An interactive map of Indigenous land around the globe.

Colonialism:

Colonialism is the process by which European powers took control of Native American land and continue to control Indigenous people. These readings define colonialism.
What is Settler Colonialism?: [https://www.foodjustice.org/settlercolonialism](https://www.foodjustice.org/settlercolonialism)


**Property:**

These sources provide introductory and theoretical understandings of property, as well as property’s connection to colonialism and race.


**Sovereignty:**

Native Americans are not simply ethnic minorities, they belong to sovereign nations that have rights. These readings provide a deeper understanding of Indigenous sovereignty.


**Dispossession:**

Dispossession is the processes by which European powers and the United States took Native American land. These resources provide examples of dispossession and the consequences of dispossession on Indigenous people, historically and today.


**PART 1: Overview of Native American Property and Sovereignty and Native American Interactions with the United States**

**Doctrine of Discovery:**

A legal concept, the Doctrine of Discovery has been used in the laws European powers and settler colonial nations around the globe to justify the theft of Indigenous land.


**Treaties:**

The United States negotiated hundreds of treaties with Native American nations, most of which included coercive land cessions. Treaties demonstrate the inherent sovereignty of Native American nations, but the U.S. has rarely upheld their treaty obligations to Native Americans.


Indian Removal:
In its history, the United States has implemented numerous polices meant to take Native American property and limit the sovereignty of Indigenous nations. Indian Removal was official U.S. policy from 1830 to 1887, which was intended to forcibly remove Native Americans from their land and move them to another piece of land.

Christina Snyder, “Teaching Removal with an Expanding Archive”

“The Trail of Tears National Historic Trail,”
https://www.youtube.com/watch?v=7LSkfmCj8Jg&list=PLwja2deje7mcYczPvs8IDIGc_e3uFzLrz&index=11


Allotment:
Allotment policy followed Indian Removal and was official U.S. policy from 1887 to 1934, resulting in the dispossession of tens of millions of acres of Native American land.


Termination:
Termination, intended to end the existence of Native American sovereignty, was also a form of dispossession. The policy also included assimilating Native Americans by moving them into cities. This was official U.S. policy in the 1950s and 1960s.

Max Nesterak, “Uprooted: The 1950s plan to erase Indian Country”
PART 2: Case Study of the Lenape Nation from the New Jersey Region

Lenape History, Dispossession, and Diaspora:

New Jersey is home to the Nanticoke and Lenape people, sometimes called the Delaware people. Using violence, fraudulent land deals, and forced assimilation, among other tactics, the settlers of New Jersey pressured the Indigenous people of the region to leave their homelands. These readings examine the conditions of those disposessions, the diaspora of the Lenape people, and the ongoing presence of Lenape and Nanticoke people who still live in New Jersey today.


PART 3: Ongoing Fights over Native American Land and Sovereignty Today

Native Americans continued to experience dispossession throughout the 20th century and this continues today. These resources illuminate experiences of modern Native Americans through forced assimilation, environmental issues, and other events.

Environmental Devastation:

Our impending climate crisis hurts everyone, but in the United States, Indigenous people especially have borne the brunt of climate change and the nation’s poor environmental policies. The few remaining Native American lands have been subject to environmental degradation by the U.S. government and corporations.


Assimilation:

The forced assimilation of Native Americans remains as a major source of trauma for Indigenous people in the United States. These resources examine some of the tactics and legacies of forced assimilation.

Mary Annette Pember, “Death by Civilization”

Alexia Fernández Campbell, “How America’s Past Shapes Native American’s Present”


Law and Jurisdiction:

The American legal system continues to dispossess Native Americans and limit the sovereignty of Indigenous nations. These resources examine some of the legal and jurisdictional issues faced by Native Americans.


CONCLUSION:
Indigenous people have never been passive victims of oppression. Native Americans continue to resist colonialism and fight for their rights. These resources illuminate the ongoing fights of Native Americans to restore their lands, rights, and sovereignty, as well as the revitalization of their cultures and languages.

“Urban Rez,”
https://www.youtube.com/watch?v=Gh3gs3eRYTs&list=PLwja2deje7mcYczPvs8IDIGc_e3uFzLrz&index=1

“First Language: The Race to Save Cherokee,”
https://www.youtube.com/watch?v=e9y8fDOLsO4&list=PLwja2deje7mcYczPvs8IDIGc_e3uFzLrz&index=10

“Kanehsatake: 270 Years of Resistance,”
https://www.youtube.com/watch?v=7yP3srFvhKs&list=PLwja2deje7mcYczPvs8IDIGc_e3uFzLrz&index=36

“We Still Live Here: Black Indians of Wampanoag and African Heritage,”
https://www.youtube.com/watch?v=tkJ6p8G0V2Q&list=PLwja2deje7mcYczPvs8IDIGc_e3uFzLrz&index=60


