



RevolutionNJ

ENGAGE THE PAST. SHAPE THE FUTURE.

**“A Bundle of Silences: Reimagining Interpretive Approaches to the Past”
FAQ and Additional Resources**

Interpretive Theme: Property and Sovereignty

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

Scholar: Dr. Jimmy Sweet, Rutgers University, Department of American Studies

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 affect 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>

J. Kēhaulani Kauanui, "'A Structure, Not an Event': Colonialism and Enduring Indigeneity" <http://csalateral.org/issue/5-1/forum-alt-humanities-settler-colonialism-enduring-indigeneity-kauanui/>

Patrick Wolfe, "Settler Colonialism and the Elimination of the Native." *Journal of Genocide Research* 8, no. 4 (2006): 387-409.

Property:

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

John R. Wunder, ed., *Native American Sovereignty*. New York: Garland Publishing, 1999.

Robert Nichols, *Theft is Property!: Dispossession & Critical Theory*. Durham, NC: Duke University Press, 2020.

Cheryl I. Harris, "Whiteness as Property." *Harvard Law Review* 106, no. 8 (June 1993): 1707-91.

Jessica R. Cattelino, *High Stakes: Florida Seminole Gaming and Sovereignty*. Durham, NC: Duke University Press, 2008.

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.

Amanda J. Cobb, "Understanding Tribal Sovereignty: Definitions, Conceptualizations, and Interpretations." *American Studies* 46, nos. 3-4 (Fall-Winter 2005): 115-32.

Joanne Barker, ed., *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination*. Lincoln: University of Nebraska Press, 2005.

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.

Robert Lee and Tristan Ahtone, "Land-grab Universities" <https://www.hcn.org/issues/52.4/indigenous-affairs-education-land-grab-universities>

Robert Lee, "The True Cost of the Louisiana Purchase" http://www.slate.com/articles/news_and_politics/history/2017/03/how_much_did_the_louisiana_purchase_actually_cost.html

Claudio Saunt, *Unworthy Republic: The Dispossession of Native Americans and the Road to Indian Territory*. New York: W.W. Norton & Company, 2020.

Paula Mitchell Marks, *In a Barren Land: American Indian Dispossession and Survival*. New York: William Morrow and Company, 1998.

Allan Greer, *Property and Dispossession: Natives, Empires and Land in Early Modern North America*. New York: Cambridge University Press, 2018.

John P. Bowes, *Exiles and Pioneers: Eastern Indians in the Trans-Mississippi West*. New York: Cambridge University Press, 2007.

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.

Tony Castanha, "The Doctrine of Discovery: The Legacy and Continuing Impact of Christian 'Discovery' on American Indian Populations." *American Indian Culture and Research Journal* 39, no. 3 (2015): 41-64.

Robert J. Miller, Jacinta Ruru, Larissa Behrendt, and Tracey Lindberg, *Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies*. New York: Oxford University Press, 2010.

Lindsay G. Robertson, *Conquest by Law: How the Discovery of America Disposessed Indigenous Peoples of Their Lands*. New York: Oxford University Press, 2005.

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.

Gwen N. Westerman, "Treaties are More than a Piece of Paper: Why Words Matter." *Albany Government Law Review* 10 (2017): 293-317.

Martin Case, *The Relentless Business of Treaties: How Indigenous Land Became U.S. Property*. St. Paul: Minnesota Historical Society Press, 2018.

Vine Deloria, Jr. and David E. Wilkins, *Tribes, Treaties, and Constitutional Tribulations*. Austin: University of Texas Press, 1999.

Donald L. Fixico, ed., *Indian Treaties in the United States: An Encyclopedia and Documents Collection*. Santa Barbara, CA: ABC-CLIO, 2018.

Indian Removal:

In its history, the United States has implemented numerous policies 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"

<http://thepanorama.shear.org/2021/12/20/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

John P. Bowes, *Land Too Good for Indians: Northern Indian Removal*. Norman: University of Oklahoma Press, 2016.

David W. Miller, *The Forced Removal of American Indians from the Northeast: A History of Territorial Cessions and Relocations, 1620-1854*. Jefferson, NC: McFarland & Company, 2011.

John P. Bowes, *The Trail of Tears: Removal in the South*. New York: Chelsea House, 2007.

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.

Rose Stremmler, *Sustaining the Cherokee Family: Kinship and Allotment of an Indigenous Nation*. Chapel Hill: University of North Carolina Press, 2011.

Kristin T. Ruppel, *Unearthing Indian Land: Living with the Legacies of Allotment*. Tucson: University of Arizona Press, 2008.

C. Joseph Genetin-Pilawa, *Crooked Paths to Allotment: The Fight over Federal Indian Policy after the Civil War*. Chapel Hill: University of North Carolina Press, 2012.

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"

<https://www.mprnews.org/story/2019/11/04/uprooted-the-1950s-plan-to-erase-indian-country>

Roberta Ulrich, *American Indian Nations from Termination to Restoration, 1953-2006*. Lincoln: University of Nebraska Press, 2010.

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 dispossessions, the diaspora of the Lenape people, and the ongoing presence of Lenape and Nanticoke people who still live in New Jersey today.

John R. Norwood, *We Are Still Here!: The Tribal Saga of New Jersey's Nanticoke and Lenape Indians*. Moorestown: Native New Jersey Publications, 2007.

Steven Craig Harper, *Promised Land: Penn's Holy Experiment, The Walking Purchase, and the Dispossession of Delawares, 1600-1763*. Bethlehem, PA: Lehigh University Press, 2006.

Gregory Evans Dowd, *The Indians of New Jersey*. Trenton: New Jersey Historical Commission, 1992.

Marisa J. Fuentes and Deborah Gray White, eds., *Scarlet and Black: Volume I: Slavery and Dispossession in Rutgers History*. New Brunswick: Rutgers University Press, 2016.

C.A. Weslager, *The Delaware Indian Westward Migration*. Wallingford, PA: Middle Atlantic Press, 1978.

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.

Winona LaDuke, *All Our Relations: Native Struggles for Land and Life*. Cambridge, MA: South End Press, 1999.

Traci Brynne Voyles, *Wastelanding: Legacies of Uranium Mining in Navajo Country*. Minneapolis: University of Minnesota Press, 2015.

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"

<https://www.theatlantic.com/education/archive/2019/03/traumatic-legacy-indian-boarding-schools/584293/>

Alexia Fernández Campbell, "How America's Past Shapes Native American's Present"

<https://www.theatlantic.com/business/archive/2016/10/native-americans-minneapolis/503441/>

Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920*. Lincoln: University of Nebraska Press, 2001.

Katherine Ellinghaus, *Blood Will Tell: Native Americans and Assimilation Policy*. Lincoln: University of Nebraska Press, 2017.

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.

Amy E. Den Ouden and Jean M. O'Brien, eds., *Recognition, Sovereignty Struggles, & Indigenous Rights in the United States: A Sourcebook*. Chapel Hill: University of North Carolina Press, 2013.

Matthew L.M. Fletcher, Wenona T. Singel, and Kathryn E. Fort, eds., *Facing the Future: The Indian Child Welfare Act at 30*. East Lansing: Michigan State University Press, 2009.

Jennifer A. Hamilton, *Indigeneity in the Courtroom: Law, Culture, and the Production of Difference in North American Courts*. New York: Routledge, 2009.

Daniel McCool, Susan M. Olson, and Jennifer L. Robinson, *Native Vote: American Indians, the Voting Rights Act, and the Right to Vote*. New York: Cambridge University Press, 2007.

David E. Wilkins, *Hollow Justice: A History of Indigenous Claims in the United States*. New Haven, CT: Yale University Press, 2013.

David E. Wilkins and K. Tsianina Lomawaima, *Uneven Ground: American Indian Sovereignty and Federal Law*. Norman: University of Oklahoma Press, 2001.

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

Paul Chaat Smith and Robert Allen Warrior, *Like a Hurricane: The Indian Movement from Alcatraz to Wounded Knee*. New York: New Press, 1996.

Daniel M. Cobb, *Native Activism in Cold War America: The Struggle for Sovereignty*. Lawrence: University Press of Kansas, 2008.

Daniel M. Cobb, *Say We Are Nations: Documents of Politics and Protest in Indigenous American Since 1887*. Chapel Hill: University of North Carolina Press, 2015.

Margaret D. Jacobs, *After One Hundred Winters: In Search of Reconciliation on America's Stolen Lands*. Princeton, NJ: Princeton University Press, 2021.

Eric D. Lemont, ed., *American Indian Constitutional Reform and the Rebuilding of Native Nations*. Austin: University of Texas Press, 2006.