

NATIONAL AMERICAN INDIAN HERITAGE MONTH

Understanding the Past, Shaping the Future

National American Indian Heritage Month provides an important opportunity for education and recognition of the rich cultures, traditions, triumphs and struggles of American Indian, Alaska Native, and Native Hawaiian peoples. But in exploring this heritage, it is important to remember that Native Americans are not just the stuff of legend in history books and movies. Far from frozen in history, more than 561 thriving federally recognized Indian Nations exist in the United States today.

By cultivating a greater understanding of how history has shaped contemporary Tribal sovereignty and self-government, each and every one of us can play a role in ensuring that Native American cultures continue to thrive and develop as a unique and integral part of this land, its culture, its economy, and its character.

Tribal Sovereignty and Self-Government in the United States

The United States Constitution recognizes that Indian Nations are sovereign governments. Hundreds of treaties, the Supreme Court, the President, and the U.S. Congress have repeatedly affirmed that Indian Nations retain their inherent sovereignty. These treaties and laws recognize a fundamental contract between Indian Nations and the United States: Indian Nations ceded

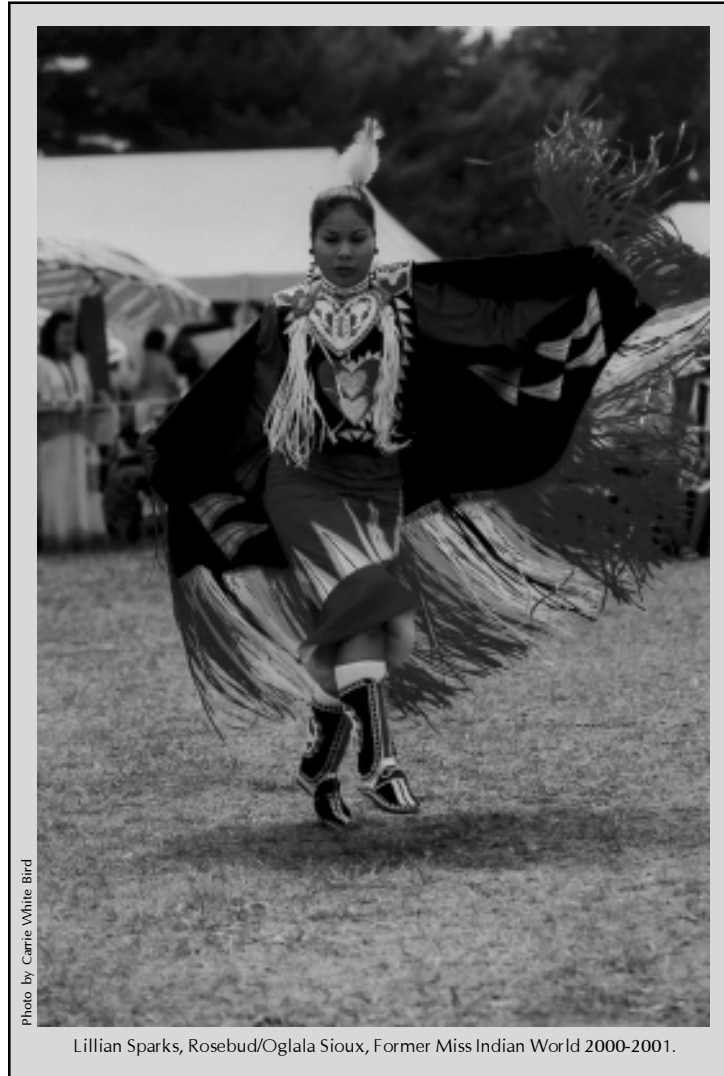
millions of acres of land that made the United States what it is today, and in return received the guarantee of self-government on their own lands.

future such as roads, bridges, and public buildings. Self-government is essential if Tribal communities are to continue to maintain their unique cultures and identities. Yet ignorance of the history and purpose of Tribal self-government has caused some to advocate policies that would diminish or destroy Tribal governments.

Tribes are separate and distinct peoples with unique histories that predate the United States as a political entity. Just as the United States deals with states as governments, it also deals with Indian Tribes as governments, not as special interest groups, individuals, or non-governmental organizations. The inherent rights of Tribes are not “special rights” or based on racial or ethnic classifications, but are derived from their long-established political status.

A Brief History of Federal Indian Policy

To understand the relationship that exists today between the United States and Indian Nations, it is helpful to understand the complex and sometimes drastic shifts that have taken place in federal attitudes and policies toward Indian Nations.



Tribal governments, like state and national governments, provide a broad range of governmental services on Tribal lands, including education, law enforcement, justice systems, and environmental protection, and provide basic infrastruc-



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Tribal Independence (Pre-1492 to 1787)

North America was inhabited by over four hundred independent nations when Columbus arrived in 1492. Many helped to support and protect early European settlements. As these settlements grew in number and conflicts arose between settlements occupied by different European countries, invariably each attempted to enlist the support of nearby Indian Tribes.

Agreements Between Equals (1787 to 1828)

In the years following the Revolutionary War, the U.S. government regarded Indian Tribes as having the same status as foreign nations, and every effort was made to obtain their allegiance. The Northwest Ordinance of 1787, ratified by Congress in 1789, declared, "The utmost good faith shall always be observed toward Indians, their land and property shall never be taken from them without their consent." Unfortunately, few of the laws passed to protect Indians from non-Indians were actually enforced, and the government consistently overlooked the forcible and illegal taking of Indian land.

Indian Removal and Relocation (1828 to 1887)

As the U.S. population and military strength grew, so did pressure by the U.S. government on eastern Tribes to move west, resulting in forced migration efforts such as the Trail of Tears. Seeking to obtain more Indian land, the U.S. government embarked on an aggressive military policy throughout the west, relocating Tribes to Indian reservations. In general, reservations were established through treaties, trading large tracts of land for the continued right of Tribal self-governance and federal guarantees to ensure Tribal safety and well-being in perpetuity. In 1871, Congress eliminated the practice of making treaties with Indian Tribes, and began dealing with Indians by passing statutes, which, unlike treaties, did not require Tribal consent.

Allotment and Assimilation (1887 to 1934)

Settlers' increasing desire for the land within reservations and the push to assimilate Indians into mainstream society led Congress to pass the General Allotment Act, also known as the Dawes Act, in 1887. This Act dictated the forced conversion of communally held Tribal lands into small parcels for individual Indian ownership. "Surplus" parcels were then sold to non-Indians, most often without compensation to the Tribe. The effects of this policy were catastrophic, with Tribal governance and relationships fractured and more than 90 million acres of land lost.

This advertisement from the Department of the Interior, circa 1911, offers "surplus" Indian land for sale. Under the federal policy of allotment, more than 90 million acres—over two-thirds of the Tribes' remaining reservation lands—were taken from Tribes and given to settlers, most often without compensation to the Tribes.

A historical advertisement titled "INDIAN LAND FOR SALE". The ad features a central photograph of a Native American man in traditional dress. Text on the left side includes "GET A HOME OF YOUR OWN" and "EASY PAYMENTS". Text on the right side includes "PERFECT TITLE" and "POSSESSION WITHIN THIRTY DAYS". Below the photo, it says "FINE LANDS IN THE WEST" and lists "IRRIGATED", "GRAZING", and "AGRICULTURAL DRY FARMING". At the bottom, it states "IN 1910 THE DEPARTMENT OF THE INTERIOR SOLD UNDER SEALED BIDS ALLOTTED INDIAN LAND AS FOLLOWS:" followed by a table with columns for Section, Acre, and other details.

Section	Acre	Value	Location	App.	Warrant

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Indian Reorganization (1934 to 1953)

With the Indian Reorganization Act of 1934, the federal government ended the discredited policy of allotment, and attempted to restore Indian lands to Tribes and help Tribes re-form their governments. The IRA and related programs and projects were critical in re-establishing Tribal economies and forming a basis for renewed Tribal autonomy. But too often these well-meaning efforts forced European values and government structures upon Tribes, thereby damaging traditional values and governance.

Termination (1945 to 1968)

In another abrupt policy shift, Congress decided during the 1950s that federal recognition and assistance to more than 100 Tribes should be terminated, and their governments and reservations were forcibly dissolved. In addition, Congress passed PL-280, which gave certain states full criminal and civil jurisdiction over Indian reservations. These policies resulted in economic disaster for many Tribes, and millions of additional acres of valuable natural resource land were lost through tax forfeiture sales. Federal policy emphasized the physical relocation of Indians from reservations to urban areas.

Tribal Self-Determination (1968 to the Present)

In 1968, President Johnson declared, "We must affirm the rights of the first Americans to remain Indians while exercising their rights as Americans. We must affirm their rights to freedom of choice and self-determination." President Nixon expressly denounced the termination policy in 1970. Congress began to pass statutes that foster Indian self-determination and economic development. Perhaps the most important of these was the Indian Self-Determination and Education Assistance Act of 1975, which enables Indian Tribes to directly operate Tribal programs that had previously been federally controlled. With a degree of control over their lands and resources finally restored to them, Tribes have made great strides toward reversing the economic and social destruction that resulted from previous federal policies, and have focused significant energy on reviving their unique cultures and societies.

The Future of Federal Indian Policy

During the past 40 years alone, Congress has radically altered its Indian policies three times. Although current policy is aimed at strengthening Tribal government, this can change at any time. As Indian Tribes become increasingly visible as governments, some non-Indians have sought federal laws abolishing Tribal rights. But by educating ourselves and others on the history, purpose, and benefits to society at large of healthy, self-governing Tribal Nations, all of us can help to ensure that the future of federal Indian policy will be more positive than this checkered history.

DID YOU KNOW...

The 2000 Census reports an American Indian/Alaska Native population of 2,475,956—0.9 percent of the total U.S. population. Where respondents were allowed to report multiple racial backgrounds, the census indicates a total American Indian/Alaska Native population reported at 4,119,301, or 1.5 percent of the general population.

The participatory democracy of the Haudenosaunee (Iroquois) served to inspire U.S. founders such as Benjamin Franklin and Thomas Jefferson toward the development of the representative democracy that is the basis of the U.S. Constitution.



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The NCAI was founded in 1944 in response to termination and assimilation policies that the United States forced upon the Tribal governments in contradiction of their treaty rights and status as sovereigns. NCAI stressed the need for unity and cooperation among Tribal governments for the protection of their treaty and sovereign rights. Since 1944, the National Congress of American Indians has been working to inform the public and Congress on the governmental rights of American Indians and Alaska Natives.

Over a half a century later, our goals remain unchanged. NCAI has grown over the years from its modest beginnings of 100 people to include 250 member Tribes from throughout the United States. Now serving as the major national Tribal government organization, NCAI is positioned to monitor federal policy and coordinated efforts to inform federal decisions that affect Tribal government interests.

Now as in the past, NCAI serves to secure for ourselves and our descendants the rights and benefits to which we are entitled: to enlighten the public toward the better understanding of the Indian people; to preserve rights under Indian treaties or agreements with the United States; and to promote the common welfare of the American Indians and Alaska Natives.

Current Issues and activities of the NCAI include:

- Protection of treaty rights and tribal self-determination and recovery of tribal lands
- Protection of programs and services to benefit Indian families, specifically targeting Indian Youth and elders
- Promotion and support of Indian education, including Head Start, elementary, post-secondary and adult education
- Enhancement of Indian health care, including prevention of juvenile substance abuse, HIV-AIDS prevention and other major diseases
- Support of environmental protection and natural resources management
- Protection of Indian cultural resources and religious freedom rights
- Promotion of the rights of Indian economic opportunity both on and off reservations, including securing programs to provide incentives for economic development and the attraction of private capital to Indian Country
- Protection of the Rights of all Indian people to decent, safe and affordable housing

CONTRIBUTION FORM



YES, I would like to support the National Congress of American Indians in their efforts to protect Tribal sovereignty and self-determination and to ensure the well being of American Indians and Alaska Natives.

\$50 _____ \$100 _____ \$250 _____ \$500 _____ Other _____

Name _____

Tribe/Organization _____

Address _____

City _____ State _____ Zip _____

Telephone No. _____ Office _____

E-Mail Address _____

• Make Contribution Checks Payable to: **NCAI Fund, Inc.** • Mailing to: **NCAI**, 1301 Connecticut Ave., NW, Suite 200, Washington, DC 20036 • For more information, please call our office at 202.466.7767 or fax to 202.466.7797