Tribal Sovereignty

Federal Agency Relations with Indian Tribal Governments
Pre-Colonial Times

- 1527 – DeSoto took slaves and land
- 1630 – Dutch West India Co. negotiated w/ tribes for lands to establish trade
- 1753 – King George II calls for a Union of colonies to retain power balance with Indians as allies against France
New Policies For New Eras

- 1871 – Congress ends treaty making
- 1887 – General Allotment Act
- 1895 Bill of Rights applies only to federal government, not Tribal Govts.
- 1903 – “trust relationship” is a source of federal power; Congress may abrogate treaties with subsequent laws
Policy Continues to Evolve

- 1905 – Treaty rights are a grant FROM Indians to the U.S., with specific reservations of existing rights
- 1924 – Indian Citizenship
- 1935 – Indian Reorganization Act
- 1969 & 1974 – NW Fishing rights decided
A Turn Toward Tribal Voices

- 1970 – President Nixon: letter to Congress
- 1976 – Self-determination Act
- 1978 – Indian Claims C’m final report/map
Political Status of Tribal Governments, Constitution

- Congress Legislative
- President Executive
- Courts Judicial

- Cabinet members
- Departments
- Agencies
- Governors
- States
- Tribal Leaders
- Reservations
- Indian Property
Treaty Tribes

- Treaties negotiated in foreign or trade languages, via interpreters, for President
- Ratified by 2/3 Senate majority
- 1871 – Congress ends treaty making
- Of 389 Treaties, 60 reserved rights off-res.
Executive Order Tribes

- Some tribes have signed treaties not ratified by Senate
- Presidential Proclamations = law for Indian property
  - (25 USC Sec. 9)
- Some reservations created later
Indian Groups Without Federal Acknowledgment

- No Governmental relationship
- May petition Secretary of the Interior
- Still should consult for cultural resources

(Shasta, Stillacum, Tu-tutenay)
Multi-tribal Organizations

- May represent tribal positions or specific resources
- Are considered technical arm of tribal government
- Relationships with agencies remains on the technical level, not governmental
United States American Indian Policy

✓ PRESIDENTIAL relationship
✓ Trustee who directs executive branches
   ✓ E.O.’s shape agency actions
✓ Administration policies in place until removed
✓ Washington, Jackson, Hoover, Eisenhower, Nixon, Reagan, Bush, Clinton, GWBush
Correspondence Course
http://dlp.gmu.edu

PRLS 648 - American Indian Rights and Claims

Teaching Unit #1: Overview

Teaching Unit #2: Treaties, Rights, and Resource Interests on National Forest System Lands

Teaching Unit #3: Cultural Resources and Forest Service Tribal Relations

Teaching Unit #4: Consultation and Coordination

Courses Main Page
Additional Sources

- CD Rom: The Indian Question, Obj. Comp.
- Indians, American Heritage, 1961
- The World of the American Indian, Nat. Geographic