

American Indian Land Recovery - Ojibwe and Dakota of Minnesota

I. Curricular Area:

Social Studies/History
Language Arts

II. Learner Goal:

Students will learn the many ways Tribal Nations in Minnesota are attempting to regain their land base buying back land and putting it in Trust with the Federal government.

III. Learner Outcomes:

1. Students will list the ways American Indians lost their land to the Federal government, corporate timber and mining companies, and individuals.
2. Students will define the word Tribal Sovereignty as it applies to American Indians.
3. Students will use research skills to identify what methods Minnesota Tribal Nations are using to regain their land base.
4. Students will discuss the different perspectives of putting land into a Federal Land trust.

IV. Student Activity:

Read the Student Information Packet
Research the seven Ojibwe Reservations and four Dakota communities of Minnesota.

Leading Questions:

1. Does your tribe have a land recovery program?
2. If so, who is in charge of the program? Is it your tribal government or a non-profit organization working with your government?
3. How do you raise money to buy back land?
4. Do you buy land from the State, private individuals, or corporations?
5. What is the process of putting land in a trust?
6. What use do you have planned for the land you reclaim for your tribe?
7. What are your long term goals for your land recovery program?

There are different perspectives or points of view concerning Tribes regaining their land base through Trust Land Transfers.

List the positive and negative positions on American Indian Trust Land Transfers.

Conduct a classroom discussion on the positive and negative points of American Indian Trust Land Transfers.

Teacher/Student Information

The following information is from The Indian Land Tenure publication "Message Runner" volume #4 and article by Laura J. Smith an assistant professor of geography at Macalester College in St. Paul, Minnesota titled "Native American Trust Land Transfer in Minnesota, dated Spring 2004. Both articles are included in your packet.

Before European people came to North America Indian people did not view themselves as land *owners* in the sense of having a defined piece of property that they could trade or sell like any other asset. Most Indian nations occupied specific land areas which they considered their homelands. They would share resources among tribal members according to traditional practices and customs. It was a respectful practice for neighboring tribes not to use resources on another tribes homeland.

American Indian homelands were lost through treaties, statues or executive orders.

The first official treaty was negotiated in 1778 between the Delaware Nation and the U.S. government, affirming "perpetual peace and friendship" between the two. Early treaties were negotiated on a nation-to-nation basis, but it was not long before the newly formed U.S. government started to aggressively pursue the acquisition and control over Indian lands. This period of treaty making continued for the next 100 years with profound consequences for Indian land ownership.

In the 1830's treaties turned to removal.

The Indian Removal act of 1830 facilitated a wave of treaty-making that focused on the exchange of tribal lands in the east for "comparable" land west of the Mississippi River. A dramatic reduction in land base and a relocation to largely barren regions greatly minimized opportunity for a traditional way of life. Many tribes felt forced to comply with treaties, as trade and delivery of food and supplies, part of the treaty agreement, hinges on their cooperation. Confronted with the military, many tribes felt there was no way to resist. During the forced relocation of the Cherokee, Choctaw, Creek and Chickasaw nations thousands died due to disease, exposure and starvation.

By the 1850's, federal Indian policy was focused on creating reservations.

For some Indian nations this meant reducing their land base to areas in their original homelands they had "reserved" through treaty when they ceded other lands. This was true for the Dakota and Ojibwe of Minnesota. The reservations were not land set aside for Indian people but what lands were left over after the treaties were made. These reservations were held communally under tribal ownership. The large tracts of land allowed many people to continue with many of their traditional ways.

The Allotment Era/ Assimilation Policy 1887-1934

Support for a federal policy to promote individual Indian ownership of land gained momentum through the 1870's and 80's. Those behind the movement wanted Indian people to take up agriculture and break away from their tightly-knit tribal families and adopt a "civilized" lifestyle of white settlers. Many believed Indian nations occupied too much land; they were eager to see those lands opened up for settlement, railroads, mining or forestry. The result was the passage by Congress of the General Allotment Act, also called the Dawes Act in 1887.

The Allotment Act expanded and formalized the policy of individual Indian land ownership by dividing up the reservation lands into 40 to 160 acre parcels that were allotted to individual Indians to pursue their own livelihoods. Additional lands that were not allotted, and in some cases this amounted to three quarters or more of the reservation acreage, were declared surplus to Indian needs. Tribes were forced to cede those excess lands to the federal government for nominal payment. The government opened up much of the land to non-Indian homesteaders, railroads corporations and converted some to national forest, parks and military facilities.

The allotted land was held in trust by the federal government. The Act held that all Indian people and tribes were incompetent to handle their land ownership. Therefore the federal government held the title to the land in trust for the Indians, who were given beneficial use of the property. The Indian allottee was prohibited from selling or leasing the property without government approval.

For the Ojibwe, the Dawes Act created a checker board affect on all Reservations (except for the Red Lake Nation, who through skillful and determined negotiations, resisted the allotment legislation), with some land owned by Indians but most owned by non-natives and corporations. For example, less than 10% of the land on the White Earth reservation remains in American Indian ownership.

The allotment of land ended with the passage of the **Indian Reorganization Act (IRA) in 1934**, which recognized Indian nations' sovereign status and encouraged them to form tribal governments, reclaim their land bases and manage their lands independently. Tribes whose land bases had been heavily allotted faced significant challenges related to poverty, education and healthcare on their reservations.

.During the 1940's there was a growing sentiment among lawmakers that the federal system of dealing with Indians was not working and that tribes no longer needed the government's protection. In 1953, Congress passed a resolution HR 108, which was designed to end federal responsibility toward tribes and assimilate them into mainstream society. What termination meant for tribes was the loss of tribal nation status, liquidation of tribal assets, including land and distribution of proceeds to tribal members. Members were forced to withdraw from the tribe and received monetary payments for their land.

In 1975, Congress passed the Indian Self-Determination and Educational Assistance Act, signaling a dramatic shift in federal policy from one of terminating tribes to one of supporting

tribes in their efforts to have greater control over management of their resources and the the determination of their future as sovereign nations.

The above is an abbreviated part of the publication, *Message Runner* by Indian Land Tenure Foundation . To find out how American Indian tribes have struggled to regain there land base continue reading starting at page 11.

The following points are taken from Native American Trust Land Transfers in Minnesota by Laura J. Smith. Think about the different view points on American Indian tribes regaining their land and placing it in a Land Trust.

1. Both tribal and individual trust lands are exempt from property tax
2. Trust lands can not be sold without federal government approval.
3. Tribes agree that placing lands in trust will help them restore and maintain their land base and provide more opportunity for tribal members to return to live on reservations
4. The Constitution vests authority over American Indian affairs in the federal government, the regulatory powers of state and local governments are restricted on "Indian Land".
For example, laws such as zoning, land-use ordinances, or gaming regulation do not apply.
5. Placing newly acquired lands in trust ensures that the lands are under tribal jurisdiction.
6. Some County and local governments resent loss of control over lands within their jurisdiction
7. The County and Local governments may be concerned about increasing demand for service, fire and police protection, infrastructure/roads/ traffic signal, when trust lands are developed, especially if plans include casino related development.
8. County and local governments can not collect property taxes on trust land..