

# Native Americans With and Without Reservations

by Michael Curtis



**Summer, you old Indian summer.** You're the tear that comes after June times' laughter. You see so many dreams that don't come true. Dreams we fashioned when campaigning for the Presidency was new.

One of those dreams is by Sen. Elizabeth Warren (D-Mass), craving for the U.S. Presidency, but who purported to be an ancestor of a minority group or a Native American or American Indian. About the veracity and significance of her past statements about her family having high cheekbones and family lore about the Cherokee, there remains controversy. However,

DNA analysis in October 2018 indicated that her tribal ancestry was in the range of 6-10 generations ago, and she was

1/1,024 or .09% Native. On February 6, 2019 she explained, "I am not a tribal citizen. Only tribes determine tribal citizenship."

Warren had raised a historically complex issue, since the question of and development of tribal citizenship has varied throughout American history. American Indians were here first, they had reservations. The native tribes struggled to survive during countless conflicts, the seizure of their land, and policies of assimilation. Native Americans, American Indians, are the indigenous peoples of the United States. The U.S. in its expansion waged war and massacres against them, removed them from ancestral land, and subjected them to discrimination.

Between March 1622, the date of the Jamestown Massacre, and the late 19<sup>th</sup> century, a series of wars took place, mainly over land control. Among the most bitter was the massacre on November 29, 1864 in Sand Creek of Cheyenne and Arapaho Indians under Chief Black Kettle by Colorado forces. It was a conflict for control of the Great Plains of eastern Colorado. Another was the Battle of Little Big Horn, Custer's last stand, on June 25, 1876, when the U.S. forces suffered more than 260 losses by the Sioux. In spite of this defeat, the U.S. forced the Sioux to sell the Black Hill, considered sacred and a place where gold was discovered. The event that has attracted most public and literary attention is the massacre by soldiers of 150 Lakota Sioux at Wounded Knee in South Dakota on December 29, 1890. By then, Indians, once numbering twenty million, amounted to about only 200,000. A century later in 1990 both houses of Congress passed a resolution expressing "deep regret" for the massacre.

This reduction of Native American, NA, population has led a few extreme critics such as the Muslim Congresswoman Ilhan Omar (D-Minn), who refused to recognize Turkish genocide against Armenians in 1915, to contend that the U.S. had

conducted a policy of genocide, but the tragedy of the wars and the removal of tribes from their ancestral lands was not an attempt to exterminate a whole people, but a struggle over land. Though the massacres and hunger took a high toll, the NAs also were diminished by the spread of contagious diseases, many brought by the Europeans, such as small pox, leptospirosis, measles, influenza, chlamydia and syphilis, against which they had no immunity.

The NAs were not without resources. For example, the Lakota, one of the tribes of the Great Sioux nation, were important actors in North America. They pursued beaver and buffalo, they became warlords of the Great Plains and the Black Hills, South Dakota and Wyoming, which they seized from other tribes. They did not claim the seized land, but merely its resources, primarily buffalo, water, food, and people. Besides these Sioux fighters, probably the best known Native American warrior is Geronimo, leader of a part of the Apache tribe, a fearless warrior, who carried out numerous raids. He lives on in the stereotypes of indigenous people promulgated in TV shows, *The Lone Ranger*, and films, and was used as a code name for the raid that killed Osama bin Laden on May 2, 2011.

In May 1830, President Andrew Jackson authorized relocation of Indians from the land east of the Mississippi river to the west to promote white settlement of their lands. The Supreme Court ruled his act was unlawful. Nevertheless, in twenty years more than 125,000 Indians were forcibly removed to areas west of the Mississippi, many dying on the route or from starvation.

The Cherokee who opposed this relocation were removed in a march that became known as the Trail of Tears.

Today more than 570 recognized tribes live in the U.S., about half associated with Indian Reservations, land managed by a federally recognized NA tribe rather than by the state government in which they are physically located. About 5

million live in the U.S. of whom 78% live outside reservations.

At first, tribes were considered semi-independent nations and treaties were made with them. They lived apart from European settlers. Legal changes were introduced over the years. In 1924 the Indian Citizenship Act granted U.S. citizenship to all NAs born in the U.S. who did not have it. It allowed NAs to vote in state and federal elections, and extended 14<sup>th</sup> Amendment protections to them. But the reality was that some states, such as Arizona and New Mexico, continued to deny NAs voting rights for a time.

In 1934 the Indian Reorganization Act recognized tribal government in response to the demands of tribes for sovereignty, cultural distinctiveness, and control of their own economic and social programs. The Act restored to NAs managements of their assets. Federal control of Indian affairs was thus reduced with the increase of tribal self-governance, creation of constitutions, and support of counsel, but again it was limited in effect.

A further step to self-determination was the Indian Self-Determination Act of January 1975 that stated that the U.S. government could make contracts with and give grants to federally recognized tribes that could then administer the funds. The tribes had to meet federal guidelines to receive funding and support.

In 1871 the Indian Appropriations Act ended recognition of tribes as independent native nations, and treated them as domestic dependent peoples subject to federal law and government protection. This act preserved the NA rights and privileges, including considerable tribal sovereignty. Many NA reservations are still independent of state law, and actions of their tribal citizens are subject only to tribal courts and federal law.

Gradually changed were made. In 1924, all non-citizen Indians born within the U.S. were declared to be citizens of the U.S., provided that this citizenship did not impair or otherwise affect the right of any NA to tribal or other property. Thus 300,000 became citizens. In a unique formula, NAs could vote and own property, and yet at the same time tribal sovereignty remained. However, some states hesitated to allow the suffrage to NAs: Arizona and New Mexico only did so in 1948. Native Americans also began running for public office, local and national.

NA men and women have been elected to the U.S. Senate and the House since 1870. In the present Congress there are four Native Americans, two Republican men, and, for the first time, two women, both Democrats. The women Deb Haaland, Laguna Pueblo, New Mexico, and Sharice Davids, Ho-Chunk, Kansas are positive role models. The highest position in the executive for NAs has been that held by Sen. Charles Curtis, Kansas, who was Vice President, 1929-33, under Herbert Hoover.

The NA educational process has been controversial. Do NAs suffer discrimination in admission policy to universities? The NAs constitute 1.2% of the U.S. population. Today, the Ivy League colleges are 0.5% NA. Dartmouth has the largest proportion with 175 or 4% of students, and conspicuously has recruited by visiting schools and tribal communities. Harvard, whose charter of 1650 pledged the college to "education of English and Indian youth," has 1.5% in its 2019 class. Columbia has 3%, Princeton 4 NAs, a decline from larger numbers 25-34 in 2007-2010 and a Cochiti Pueblo who became a university trustee. Cornell (based on land originally of Cayuga Indians) has a number of course in Indian tribal language and culture.

NA make up 1% of the school population, and less than 1% of those who graduate, and also 2% of all school arrests, 90% attend public schools, and the rest attend schools administered by the Federal Bureau of Indian Education. Only

10% of NAs get bachelor's degrees and only 17% associate degrees. There are a variety of reasons for this. Troubled by the high level of poverty and social problems in the reservations as well as by the problem of race, NA students are less likely to graduate in four years than any other racial group.

In spite of the difficulties and hurdles the NAs have had to face, and the prejudice they still encounter, they have entered the mainstream of American life. Senator Warren might have been proud of being a tribal citizen.