

2004

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Marr, Charles, "NATIVE AMERICAN SURVIVAL IN A COLONIAL UNITED STATES" (2004). *Nebraska Anthropologist*. 66.
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NATIVE AMERICAN SURVIVAL IN A COLONIAL UNITED STATES

Charles Marr

The persecution of Native Americans in the United States has not yet come to an end. There are many policies still in place that lead to the reduction of the unique culture of the Native Americans. This can have disastrous impacts for their own survival and well being. These policies reduce their language, culture, self-determination, their knowledge of the environment, and increases their poverty. The United States government can help to solve these problems by eliminating the Bureau of Indian Affairs and forming a think-tank that would be composed of Tribal leaders, lawyers who specialize in Native American Law, and a few trusted government officials.

The Native peoples of North America have been persecuted by the United States government since this country's Forefathers arrived here. This is evident all the way from the Trail of Tears to modern atrocities and examples of genocide and ethnocide inflicted upon the native peoples. Key to the Natives well being and identity is their heritage and culture. Marge Anderson best captures this in the *Minneapolis Star Tribune*, "Without our culture, language and traditions, we are not Ojibwe people – we are only the descendents of Ojibwe people...Protecting and preserving our sovereignty allows us to protect and preserve the things that make us Indian" (Haga 1999:1B). A key point of this quote is the concept of sovereignty. Natives believe that the government's control over them is harming their very existence. Due to the harmful nature of the government, a non-government think tank should be developed including tribal leaders, Native law lawyers, and government officials to determine what should be repealed and what needs to be done. The government harms the Native peoples through colonization, cultural degradation, and environmental damages.

The lack of self-determination that the Native peoples face today did not start out that way. When the framers of the Constitution wrote that important document,

they set the Native tribes in the same grouping as foreign nations in the first Article of the Constitution (Deer 1997:23). They were meant to be treated as separate, distinct nations. It did not take long to start down the slippery slope from independent to dependent nations. "The earliest pronouncements of the U.S. Supreme Court...characterized them as 'domestic dependent nations'" (Reno 1995:113). From that reinterpretation of the framers' intent to the current situation has been a slow process of incremental changes until the Native Americans were again colonies. For some reason, the United States government has continually tried to needlessly assimilate Native Americans into the "melting pot" of America. Maybe it is the inability to tolerate differences, or perhaps just some form of manifest destiny that strives to control everything within its borders. "One of the legacies of the colonization process is the fact that Indian tribes, which began their interaction with the federal government as largely sovereign entities outside the republic, were increasingly absorbed in the republic, eventually becoming internal sovereign nations of a limited kind" (Pommersheim 1992:417). This divide continues to be upheld in the court system of today, and the Federal Government is

wholly responsible for the destruction of these people.

Principally, the root of the Native tribes' destruction is the Federal Government's Bureau of Indian Affairs (BIA). The BIA has stolen money from the Native groups, undermined their autonomy, and ruined their ability to self-govern. "The BIA (is) an agency that is supposed to defend Indian rights but that persuades tribes to sign contracts exploiting tribal raw materials in return for a fraction of their real value." (Huff 1997:xvi). The BIA seeks only to benefit itself; "Congress allots funds to the BIA... which then passes along whatever is left after its employees are finished spending, taking, or losing huge chunks" (Atkinson 1998:428). Even after stealing a majority of the money, the BIA does not even allow the tribes to spend the money as they choose. "The remainder of the funds are not for the tribe to spend or invest as it wishes, but are earmarked for particular programs, which the BIA has already chosen. The BIA receives the money, keeps much of it, and decides how the rest will be spent" (Atkinson 1998:428). As a result of this preference of programs, the power is removed from the tribal councils. Without that key decision-making power, "the BIA virtually usurped the tribal self-governing powers" (Clinton 1993:n.p.) This colonialist policy is destroying the Native tribes.

The colonialist policies of the Federal Government are reflected through their entire approach to Native American policy making. This stems from a flawed sense of colonialism; the idea that the Native Americans need to be controlled. They are viewed as wild and war-hungry, in desperate need of the law and order and culture of the United States (Shanley 1997:60). This has led to horrible policy-making. When both sides do not view each other as equal stakeholders, then that lopsidedness is going to be evident in the policy itself. "So long as

the United States preserves the colonial foundation of its Indian law, it will be unable to formulate an effective and mutually beneficial policy for dealing with the Indian nations" (Porter 1998:939). This action violates the rights of indigenous groups. "The right of self-determination has long been recognized as an indisputable prerequisite to any genuine appreciation and enjoyment of human rights. It is a positive legal obligation" (Morris 1997:n.p.). The right to self-determination is key to their survival. "Native America is at a crossroads. If the present hegemony of... governance is maintained... the outlook is bleak indeed. The future would consist of a permanent reduction of American Indian sovereignty and self-governance... absorption directly into the 'melting pot' seems like the most likely outcome" (Churchill 1993:507). This policy not only affects the Indigenous peoples of North America, it affects all Natives worldwide. "The policy of the United States towards indigenous nations has frequently been emulated by other (nations)" (Morris 1992:n.p.). It is evident how the subjugation and colonization of Native Americans has dire implications for the entire world.

One of the basic parts of sovereignty is the language and culture of a group. The United States colonization is directly responsible for the loss of cultural ties within the indigenous community. "When governments and courts impose Western conceptions of liberty on Native Peoples... Native Peoples sustain a loss of cultural and political identity as a result" (Trakman 1997:6). This goes back to the melting pot theory, in which the majority wants the minority to learn their language and is not satisfied until they have, and in the process forgotten their deep, rich heritage. So many languages (90%) are spoken by the few Indigenous peoples of the world. That presents a problem because they

comprise only ten percent of the world's population (Bernard 1992:82). This reminds me of the old adage; *don't put all your eggs in one basket*. To leave such an important resource as the some of the worlds oldest languages in only ten percent of the world's population, and then to persecute that same ten percent is ridiculous. Our current policies are counter effective if we continue to try to preserve something, but destroy the best trained guardians that we have.

"Take (language) away from the culture, and you take away its greetings, its curses, its praises, its laws, its literature, its songs, its riddles, its proverbs, its cures, its wisdom, its prayers. The culture could not be expressed and handed out in any other way" (Fishman 1996:81). Language is important to the Native Americans, "the loss of language is viewed by many Native Americans as one of the most critical dilemmas facing them today" (Inglebret 1993:147), and rightly so. Language is home to so many important things in every culture. Culture and language have "the ability to speak and learn from their elders, the music and art forms, the historical and practical knowledge, the traditional social and cultural practices" (Indian Nations at Risk Task Force 1991:5). Without their language, Native tribes are lost. "In language is life, in language is death. When an indigenous language is lost... (it) accelerates the destructive process of assimilation, ethnocide, and genocide" (Almeida 1998:7).

Also included with the Native Americans' language and culture is their knowledge of the environment, "specialized ways of talking about them, to convey this vital knowledge and ways of acting upon it for individual and group survival" (Maffi 1998:2). The Native Americans have empirically been good protectors of the environment. "The evidence for this can be found in the rapid ecological deterioration that usually follows an invasion of

indigenous peoples' territory by settlers" (Barsh 1994:260). They were thought of as the original stewards of the environment, with one of their main goals to live in harmony with their surroundings instead of controlling it. The Native Americans have a consistent habit of protecting the environment, and not only the environment of their reservations. The "indigenous peoples and their way of life are essential to the future of the planet...(the) ecologically conscious...the indigenous traditions of maintaining a balance between conservation and development should be at the foundation of every decision affecting world interest" (Guzman 1996:n.p.). Their dedication to environmental stewardship is unmatched in today's societies.

Even with Native Americans' commitment to the environment, their cause is still suffering because they do not have self-determination. "(The) indigenous peoples are doing their best to fulfill their sacred duties to care for the earth. The states of the earth...can help by respecting...the right of self-determination" (Suagee 1992:721). All of the decisions could be handled at the tribal level, without the BIA or other governmental programs interfering. "Tribal policy decisions tend to reflect tribal cultural values...Tribal officials tend to have a wide range of reasons for developing environmental regulatory programs, the survival of tribal culture is usually one of the main reasons" (Suagee 1998:234). But these decisions need to be made at the tribal level. "Governmental action to protect the environment does not work well...The further removed government decision...the harder it is to motivate the allegiance on the part of citizens" (Suagee 1998:245). Without the Native Americans' environmental knowledge, we are doomed to environmental ruin.

In order to solve these problems and restore sovereignty to the Native Americans,

I propose that a team of people solve the problem. This think-tank should be composed of Tribal leaders, lawyers who specialize in Native American Law, and a few trusted, non-voting, government officials, such as Senators, or Department of the Interior representatives. "Instead of administrators trying to symbolically include Indian voice on a committee by adding one Native American, the committee needs to reconsider how it might constitute itself so that Indian people are fully represented and participate" (Tierney 1992:150). This think-tank would have a set date to reach a decision within five years.

The think-tank would work towards guiding the Native Americans away from the colonization which they currently endure and towards self-determination. This would be advantageous for Native Americans to gain more control over their policies. "Key to the survival of all Indigenous peoples is self-determination, the freedom to control our own lives...Prior to colonization, Indigenous nations had their own laws and legal systems" (Almeida 1998:8). By gaining self-determination, tribes would be able to greatly increase their policy effectiveness. "Ideally, under self-determination there would be neither a middle man nor a bureaucratic body interfering with the tribes and their effort to fulfill their needs. Further, there would be no government agencies telling the tribes what they need or how they should meet those needs" (Timmermans 1993:n.p.).

The centuries of colonization have left an immeasurable scar on the face of Native America. What is important now is that we move forward and try to overcome the past. Even though colonization denied self-determination to Native Americans and ruined their culture, language, and environment. We must look forward and move step by step to heal the wounds that so many before us have produced.

Since 1960, the Native American population has tripled. The United States Bureau of Census has tried to pinpoint the reason, but has ruled out immigration and births, and focused on ethnic switching (Gonzales 1998:200). This means that a number of Americans have realized their cultural heritage and decided to step forward and proudly proclaim who they are. There must be something that entices them to switch, and that something is a worthy cause in which they believe. These people and many others are living by a very pertinent quote with which I would like to conclude. "I would suggest the best help non-Indians could render would be to support the...Indian organizations. If we could be assured...strong support for our work, then it would be up to us to provide our own solutions" (Deoloria Jr. 1969:271).

References Cited

- Atkinson, Matthew
1998 Part Three: "Traditional" Legal Perspective: Red Tape. *Oklahoma City University Law Review* 379(23).
- Barsh, Russel L.
1994 Indigenous Peoples' Perspectives on Population and Development: The 1993 National Conference on Sustainable Solutions – Population, Consumption and Culture. *Boston College Environmental Affairs Law Review* 257(21).
- Bernard, M.
1992 Preserving Language Diversity. *Human Organization* 51.
- Churchill, Ward
1993 *The Struggle for the Land*. City Lights Press, San Francisco.

- Clinton, Robert
1993 Redressing the Legacy of Conquest: A Vision Quest for a Decolonized Federal Indian Law. *Arkansas Law Review* 46(77).
- Deer, Ada
1997 *Indigenous Renaissance: Law, Culture, & Society in the 21st Century: Tribal Sovereignty in the 21st Century*. *St. Thomas Law Review* 10(17).
- Deloria Jr., Vine
1969 *Custer Died for Your Sins: An Indian Manifesto*. Macmillan Press, New York.
- Gonzales, Angela
1998 The (Re)Articulation of American Indian Identity: Maintaining Boundaries and Regulating Access to Ethnically Tied Resources. *American Indian Culture & Research Journal* 22(4).
- Guzman, Mireya Martiza Pena
1996 The Emerging System of International Protection of Indigenous Peoples' Rights. *St. Thomas Law Review* 251(9).
- Fishman, Joshua
1996 *What Do You Lose When You Lose Your Languages? Stabilizing Indigenous Languages*. Flagstaff, AZ: Northern Arizona University.
- Haga, Chuck
1999 Art is the Door of Discovery into Chippewa History. *Star Tribune* 14 April:1B. Minneapolis MN.
- Huff, Delores J.
1997 To Live Heroically: Institutional Racism and American Indian Education. State University of New York Press, Albany NY.
- Indian Nations at Risk Task Force
1991 *Final Report of the Indian Nations at Risk Task Force*. U.S. Department of Education.
- Inglebret, Ella
1993 *Faculty and Student Challenges in Facing Cultural & Linguistic Diversity*. Charles C. Thomas Publishing, Springfield, IL.
- Limas, Vicki
1994 Application of Federal Labor and Employment Statutes to Native American Tribes: Respecting Sovereignty and Achieving Consistency. *Arizona State Law Journal* 26(681).
- Maffi, Luisa
1998 Terralingua Discussion Paper #3, Linguistic and Biological Diversity: The Inextricable Link. Electronic Document, <http://cougar.ucdavis.edu/nas/terralin/resources.html>, accessed March 33, 2003. Terralingua.
- Morris, Glenn
1992 *State of Native America: Genocide, Colonization, and Resistance*. South End Press, Boston MA.
- Morris, Harlem
1997 Native American Self-Determination. *ILSA Journal of International and Comparative Law*.
- Porter, Robert B.
1998 A Proposal to the Hanodaganyas to Decolonize Federal Indian Control Law. *University of Michigan Journal of Law Reform* 31(899).

Reno, Janet

1995 A Federal Commitment to Tribal
Justice Systems. *Judicature*.

Shanley, Kathryn

1997 The Indian America Loves to Love
and Read. *American Indian Quarterly* 21.

Suagee, Dean

1992 Self-Determination for Indigenous
Peoples at the Dawn of the Solar Age.
*University of Michigan Journal of Law
Reform* 25(671).

1998 Legal Structure and Sustainable
Development: Tribal Self-Determination
and Environmental Federalism: Cultural
Values as a Force for Sustainability.
Widener Law Symposium 3(229).

Tierney, William

1992 Official Encouragement, Institutional
Discouragement. Greenwood Publishing
Group, Westport, CT.

Timmermans, Isabella

1993 Native American Self-Determination
as Affected by Educational Funding at Its
Sources. *Idaho Law Review* 29.

Trakman, Leon E.

1997 Native Cultures in a Rights Empire
Ending the Dominion. *Buffalo Law
Review* 45(189).
