

Understanding Reservations

A Basic Study Guide

Prepared by the Sierra Service Project

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Introduction

Many of you will be spending time this summer in reservation communities. Reservations are uniquely American and Canadian communities, and they are widely misunderstood. This guide is intended to give you a little bit of background on how reservations came to exist and to help you understand what makes a reservation different from a non-reservation community. Finally, we will provide a bit of information about current social conditions on reservations.

Much of the information presented here is taken from an excellent book by David Truer, entitled “Rez Life: An Indian’s Journey Through Reservation Life,” published by Grove/Atlantic. David Truer is an Ojibwe Indian who splits his time between an Ojibwe reservation in Minnesota and a teaching position at the University of Southern California. I highly recommend his book to you.

Today, there are over five hundred federally recognized tribes in the U.S. and over three hundred reservations. These reservations are located, generally, in the last and least desirable places that were settled by Europeans. Some are very rich, but most are poor. Although all reservations share some common history, each is unique in terms of its geography, size, and history. As David Truer writes in “Rez Life,” “to understand American Indians is to understand America. This is the story of the paradoxically least and most American place in the twenty-first century.”

A Review of North American History

People have lived on the North American continent for at least 10,000 years. At the time the Pilgrims arrived at Plymouth Rock in 1620, North America was widely, although sparsely settled, by hundreds of distinct tribal groups. Estimates of how many people lived in North America at that time vary widely from 1 million to 18 million.

What is clearly known is that indigenous Americans were powerful and prosperous in relation to early European settlers, who struggled to survive in the New World. As European settlements did establish themselves as the thirteen colonies and, later, as the United States, it soon became clear that Indians were a physical and political force standing in the way of the aspirations of the early United States and its citizens. At its simplest, Indians were living on land and natural resources that were coveted by settlers: things like prime timber land, lakes and rivers with fish, and land for farming.

The European population in North America, fed by massive immigration from Europe, grew rapidly, while Indian populations, decimated by European diseases, shrank. This dynamic led many tribes to enter into voluntary agreements, called ‘Treaties’ with the United States government. It is important to note that the United States negotiated with Indian tribes as sovereign governments, in a sense, as equal, autonomous and independent nations. This is an important point that remains relevant today.

David Truer writes that “there is probably no aspect of Indian life more misunderstood by Indians and non-Indians alike than sovereignty. Sovereignty in the Western sense— the supreme independent authority over a land or territory vested in a people or a government— predated the conquest of America. So when tribes began making treaties with colonial powers and later with the U.S. government, sovereignty, as a concept, was well in place. It was out of this concept that reservations were, in large part, born.”

David Truer uses the case of a Delaware tribe, after whom the state is named: “The Treaty of Fort Pitt, signed on September 17, 1778, was to set the tone for future formal treaties between Indian nations and the U.S. government. In it, the United States recognized that the Delaware were a sovereign nation, not beholden to any rule other than their own; the treaty guaranteed their rights to administer their own affairs and to protect their territories, and recognized the ‘usefructory’ rights of the Delaware, that is, the right to hunt, fish, gather, log, build, and otherwise dispose of the resources

within the limits of their territory mentioned in the treaty. The Continental Congress also promised to build a fort for the tribe, most likely to protect the Delaware against retaliation by the Wyandot - enemies of the Delaware who sided with the British. In return, the Delaware promised to allow Continental troops to pass through Delaware land, and to provide warriors to fight alongside the colonists. The United States was so keen to enlist the support of the Delaware that it made an unprecedented and never-repeated gesture: term of the treaty it offered the Delaware the opportunity to become the fourteenth state of the union.”

Reservations

Generally, during a treaty negotiation, what was each party seeking? The U.S. government generally was seeking access to land for settlement and for exploitation of the resources that the land held. The Indian tribe, generally, was seeking protection from the encroachment (often with violence) of settlers and guarantees that they would be able to live in peace. The bargain that tribes often agreed to was to trade off land for two things:

- The right to live unmolested on a portion of their traditional territory, this portion being “reserved” for permanent use by the tribe. It is from this concept of a chunk of land that is reserved for the tribe that we get the term “reservation.”
- The right to the **use** of the ceded land for customary purposes like hunting and fishing. This is what is known as “treaty rights.” As an example of this, certain Indian tribes in Oregon and Washington have continued to fish with nets in the Colombia River, something that is not allowed for U.S. citizens under U.S. law. This is not because a “special right” has been granted by the U.S. government to Native Americans. Instead, it is because the U.S. government agreed, in a treaty between itself and another sovereign nation, to allow this to happen. In exchange for these fishing rights, in this case, Oregon tribes gave away most of the eastern part of that state.

Tribal sovereignty is what has allowed tribes to build casinos, something that has made a few tribes in the U.S. fabulously wealthy. Although gambling is not legal in most states, tribal sovereignty means that states are not able to “make the rules” about commercial activities like gambling that take place on tribal land.

Of course, there are limits to tribal sovereignty. For example, tribes are not able to raise armies or enter into treaties with foreign governments the way a traditional nation would be able to. However, tribes are able to do the following:

- Pass their own laws, run their own police forces and administer their own justice systems.
- Tax their citizens. The Navajo Nation, for example, has a sales tax.

Tribal members are also U.S. citizens (although most were not until 1930.) This means that tribal members are subject to U.S. income tax and are able to vote and run for office in U.S. and state elections.

The fact that treaties were more often than not honored by the United States does not change the concept and fact of tribal sovereignty. Truer explains, “U.S. government made treaties with Indians for two main reasons. First, the United States had to make treaties, because Indian tribes were powerful. They had command of routes of travel, many warriors, and plenty of resources when the United States had very little of any of these. The second reason was cynical: paper was cheaper than bullets. Despite the power of Indian tribes, it was often the case that the United States had no intention of honoring the treaties it made.”

A final quote from David Truer is worth pondering: “One of the most serious misconceptions about reservations is that they were a kind of moral payment: that the U.S. government, motivated by pity and guilt, “gave” reservations to Indians along with treaty rights, which functioned as a kind of proto-welfare program. This is not the case. Reservations and treaty rights were concessions negotiated for the right to settle and develop new land.”

Reservations Today

As mentioned above, there are more than three hundred reservations in the United States and a number of “reserves” in Canada. They make up 2.3 percent of the U.S. land mass and are some of the poorest and least healthy places in the U.S. Today, the life expectancy of a Native American male is sixty years, less than the retirement age of many of us. Many reservations have median incomes that are half of the national average of \$51,000. (In the Dakotas, many reservations have average household incomes of less than \$10,000.) Rates of crime, drug use, alcoholism, and suicide are high on many reservations.

On the other hand, reservations are places where the cultural heritage of pre-European America has, to varying extents, survived. They are places where many people embrace a notion of independence and distinctness from the rest of America. Reservations are a mechanism for maintaining cultural identity apart from mainstream American life.

Conclusion

As you visit and live on a reservation this summer, please be mindful of the history and the events that have led up to the creation of this place. Be aware of its uniqueness. As a non-tribal member, you are, in fact, a guest - a tourist - in this place. Go with a spirit of openness and humility. Be thankful for the opportunity to be a guest and conduct yourself accordingly.