

## **Native Nations (June 11, 2016)**

The Friends of Twin Lakes, a 501(c)3 organization, is sponsoring five seminars on Native Nations during the summer of 2016. Judy Leaming (Catawba/Cherokee), an Indian law attorney and educator, will be your guide during these seminars which are free and open to the public. Please join us from 9-10 a.m. in the Twin Lakes school house on the 2nd Saturday morning of each month, June through October: June 11, July 9, August 13, September 10 and October 8.

Here's a glimpse at what we'll discuss during the first session on June 11, 2016:

The earliest paleo-Indian settlements were established as much as 50,000 years ago. Archaeologists keep pushing back the date as new disciplines and technologies create new ways of examining the past.

"Olmec" was the first technologically complex culture in this hemisphere (located in the narrow "waist" of Mexico) about 1800 B.C. There were a dozen different systems of writing and widespread trade networks. They tracked the orbits of planets and created a 365-day calendar.

In North America, the Clovis culture has been established as dating back 12,900 - 13,500 years ago. By 1100 A.D., "Cahokia" mounds (some bigger than the Great Pyramid of Giza) were located in the Midwest and the Southeast. Based around the Mississippi and its associated rivers, these societies scattered tens of thousands of mounds from southern Canada and the Great Plains to the Atlantic coast and the Gulf of Mexico. About 1400 years ago, in the Mesa Verde region, ancestral pueblo people created elaborate villages out of stone in the sheltered alcoves of the canyon walls.

Across the Americas, Indians spoke some 1,200 separate languages that have been classified into as many as 180 linguistic families. By contrast all of Europe has just four language families.

A loose military alliance among the Seneca, Cayuga, Onondaga, Oneida, Mohawk, and later, the Tuscarora (the Haudenosaunee or "Six Nations") was probably the greatest indigenous polity north of the Rio Grande in the two centuries before Columbus. All decisions had to be unanimous. Heads of clans (all female) chose the 50 sachems (all male), who represented member nations in the Council where jurisdiction was limited to relations among the nations and relations with outside groups.

Following explorations in the "new world" by the Vikings, Spaniards, English and French, among others, there was an intense debate in Europe about whether Natives were human beings. Bartolome de Las Casas, who wrote Apologetica Historia Sumeria in the 1530s, successfully argued that Indians have souls ("the Noble Savage"). And thus began the development of European policies, including the "Doctrine of discovery" (to determine which European nation had the first right to negotiate agreements with Native people in the "new"

land). This policy was designed to minimize disputes among European explorers and expensive wars far from home.

The first treaties with Native Nations focused on peace and friendship, but it wasn't long before there were treaties to form military alliances and to negotiate land cessions. Military alliances were especially critical as colonists from various European countries, including France, England and Spain, fought over land in the "new world."

When the English colonists rebelled and formed a new government, Native Nations continued to live as independent sovereigns. The U.S. Constitution referred to Indians in a few places, but the primary purpose was to establish the federal government and the states with separate powers. Thus, there were three sovereigns established within the boundaries of the United States: Native Nations, the U.S. government and the separate states.

Inside the newly formed federal government, the Department of War (in the executive branch) was charged with oversight of Native Nations. With the creation of the Department of the Interior in 1849, responsibility for Native oversight was established in the Bureau of Indian Affairs.

The U.S. Constitution assigned responsibility for trade and commerce with Native Nations to Congress while the Senate had authority to approve treaties negotiated by the executive branch. One of the first laws passed by Congress delegated *exclusive* authority to the federal government to negotiate land transactions with Indian Tribes, an attempt to minimize disputes involving unscrupulous individuals and land-hungry states.

As greater numbers of colonists arrived, the call for more land intensified. Treaties were entered into, federal laws were passed and federal court decisions made. The discovery of gold in California in 1848 triggered massive migrations across the continent and many more Native Nations were impacted. The Louisiana Purchase from France in 1803, the Treaty of Guadalupe Hidalgo (with Mexico) in 1848 and other major land acquisitions enabled explorations and settlements. The claim to "Manifest Destiny" was used to justify a divine duty to expand throughout the continent and "civilize" its people.

In 1871 Congress (at the insistence of the House of Representatives) ended treaty-making with Indian Tribes. The House was decidedly unhappy with being excluded from the treaty approval process (constitutionally assigned to the Senate). After that, there were agreements and executive orders which carried the same legal weight as earlier treaties had.

There are currently 566 federally recognized Tribal Nations plus 66 state-recognized Tribes. Each Nation has its own government, including a justice system which often incorporates traditional values. The U.S. continues to provide services promised in treaties and other agreements in exchange for massive Indian land cessions. Federal policies have fluctuated between powerfully destructive attempts to assimilate Native people and restorative attempts to recognize Tribal self-determination. Current federal policy recognizes the historic rights of Native Nations to govern in accordance with their laws, customs and traditions.