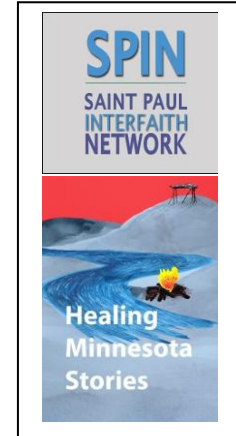


Preserving Indian Land and Sacred Spaces

Part II of Healing Minnesota Stories Native Voices Series

Native American communities and individuals have lost significant amounts of land to broken treaties and unscrupulous federal government policies. The [Indian Land Tenure Foundation](#) is working to educate the community about the painful history of Indian land policies. The Foundation's mission is to return to Indian ownership and management all lands within the original boundaries of every reservation, as well as buying and protecting other sacred spaces. The following summarizes a presentation by Foundation president Cris Stainbrook to the St. Paul Interfaith Network (SPIN) on March 9, 2015. *Video excerpts of this talk should be available soon on SPIN's website, www.spinterfaith.org. SPIN's Native Voices Series highlights the healing work being done by local Native American leaders. This is the second of a four-part series.*



A Brief Overview: When Columbus arrived in 1492, nearly 800 tribes occupied 2.3 billion acres of what is now the Continental United States. The treaty making period began in 1744—well before the United States won independence from Britain—and ended in 1871. By 1887, there were 138 million acres of land reserved for Indian ownership and use. That year, Congress passed the [Dawes Act](#), breaking reservations into individual allotments. It gave family heads present at the time individual parcels, either 80 acres, 160 acres or 320 acres. Once the allotment was done, any remaining reservation land was declared “in excess” of Indian needs and removed from Indian ownership. The Indian Reorganization Act of 1934 stopped the allotment of Indian lands, but did not reverse it. (The Act actually authorized \$1 million to reestablish tribal lands, but it was never allocated.) By 1934, only 48 million acres remained in Indian ownership.

The one end result is what is called the “Checker boarding” of reservation lands. The broad outline of the reservation map appears large, but inside, many of the parcels of land are not under Indian ownership or control. Indian people and communities lost 90 million acres due to the Dawes Act:

- 38 million acres were ceded to the federal government for such things as federal forests
- 22 million acres were opened to homesteading.
- 30 million acres lost through other means. This included sale by Indian people. (This was not uncommon on the poorer Indian reservations. Families would get in debt at the trading post and then turn over their land to pay off their debt. Also, as towns grew around the reservation, municipalities would just take over the land that they wanted.

[President Teddy Roosevelt's 1901 annual message](#) summarized the Dawes Act's intent: “In my judgment, the time has arrived when we should make up our mind to recognize the Indian as an individual and not as a member of a tribe. The General Allotment [Dawes] Act is a mighty pulverizing engine to break up the tribal mass. It acts directly upon the family and the individual.”

Minnesota Indian Lands: Indians—the Dakota and Ojibwe—occupied the 51 million acres of what is now Minnesota prior to the arrival of settlers. After the treaties of the 1800s, Indians had 2.1 million acres for Indian ownership and use. After the passage of the [Nelson Act](#) (Minnesota’s version of the Dawes Act), Indian land ownership dropped to 1.4 million acres. Today, Indian lands are less than 1 million acres, or 2 percent of the state. The largest piece of reservation land is Red Lake, which avoided the allotment process through a strategic move by its chiefs at the time. The Red Lake Reservation has 564,000 acres.

- The Leech Lake Reservation is one of the worst examples of the effects of allotment of any reservation in the country—and I mean any. The Leech Lake Band and individual allottees own 4 percent of the reservation. In terms of economic development, Leech Lake is the poorest tribe in Minnesota. If you look at this reservation and the natural resources on it, you can see that this just shouldn’t be.
- The White Earth Reservation is in a unique situation. Initially, they took all of the Chippewa and moved them to White Earth and said here is where you are going to be. The other bands didn’t care for that—Nett Lake, Leech Lake, Fond du Lac, and Grand Portage. They wanted their own reservation. Today, the Minnesota Chippewa Tribe owns land on White Earth separate from the White Earth Band itself. They are working on an appraisal. It is a unique situation and it will take a substantial settlement.

Competency Commissions: Historically, the federal government held Indian lands in trust, believing Indians were not competent to manage their own lands. The [Burke Act](#) of 1903 created a way for Indians to be declared competent, to meet the growing demand of settlers who wanted to buy Indian land. The government sent out competency commissions to various reservations. There were only certain ways to become competent:

- One of the ways Indians would get declared competent is by joining the military. In Minnesota, Indian men signed up for military service in World War I at a high rate. Without knowing it, they would be declared competent to own the land. Instead of the land being held in tax-free trust status, it would go on the property tax rolls—and then become tax delinquent. They would come home from the war and their land had been forfeited and sold on the county courthouse steps. Big chunks of land would be lost to tax forfeiture.
- Indian women who married white men were declared competent. (It didn’t work the other way for Indian men marrying white women.) This had dire consequences. Oil had been discovered in Oklahoma and they started pumping in the early 1900s. Indian women would marry a white man and they would meet with an untimely death. The white men would inherit the property. It is amazing the number of stories of Indian women in their 20s dying of accidents.

Problems for passing on inheriting land to the next generation: This is the real insidious part of the allotment act. None of the land gets divided in probate. The land stays intact and the title divides. You go through a few generations and you can have as many as 5,000 owners of a 160-acre tract of land. They are asked to come to agreement about how the land is to be managed. You have to have 50 percent of the ownership agree to it. Imagine you will have this conversation at the dinner table.

Someone says, "Let's harvest the timber" and someone else says, "No, I go up there to camp." Then you take a vote among the 5,000.

Court Cases Challenging the Loss of Land: Most of the court decisions have gone against the tribes. And a lot of this isn't ancient history, this is happening yet today. The Western Shoshone had 1.5 million acres taken just six years ago. They were forced to take payment for land that was supposed to be theirs because, they were told, there had been too much encroachment. But if the federal government was supposed to be the trustee for the Indian lands all that time, why weren't they protecting that land from encroachment?

Indian Land Tenure Foundation's Work: The Indian Land Tenure Foundation functions as a community foundation. It supports education, economic opportunities, cultural awareness and legal reforms. It started in 2002. It sees itself on a 150-year mission, and that most of the work is going to come through purchase, willing seller to the tribes. That is where you start. It is important because it means access to homelands: The land, the water, the resources. People don't take these things lightly. It connects us to our culture, our ceremonies, our sustenance. About 80 percent of the foundation's time, energy and resources are spent on education, largely educating Indian people about their land. In addition, the Foundation does land owner training. For instance, it helps Indian land owners and the tribes think about how they convert their land to an economic purpose. It has developed school curricula to increase education on these issues in the K-12 system.

Q: Do you work on preserving sacred lands not on reservation sites?

A: We help the tribes map out their cultural and religious sites. That way, they have a record going forward. If they see a development project coming forward, they can stop or slow it. The Foundation does not want access to those maps. We encourage them not to give us the maps. One of the dangers of identifying sacred sites is if they get on a map somewhere and it gets out in public, those sites can be pillaged. That has happened in Minnesota, such as the Grand Mounds in the Boundary Waters area.

Q: Are things better for Indian Country now?

A: Starting with Richard Nixon, he set a course. He got the [Self Determination Act](#) passed. He put the tribes back in a governing seat, more or less. It was surprising, but he was a Quaker. That had a lot to do with how he saw Indian people. That Act has put Indian Country on a much more positive course than it would have been otherwise.

Q: Has anyone ever looked at the economic loss to Indian peoples due to Dawes Allotment Act taking land that was supposed to be guaranteed to the exclusive use and occupation by Indian people?

A: That is the quintessential economic study that we have been trying to get done for 13 years. We wanted that study done for all the reservations. We can't get any economics professor at any university to take it on. I have asked people from Rutgers, three different Ivy League institutions, the University of Minnesota, the University of Montana, the University of Oregon, the University of Washington, St. Louis University. "The list is a mile long. We can't get anyone to take it on. We are willing to pay for it. You would think that would be enough."