

Achievement Goal:
Study Indian reservation maps to understand that there are different types of landowners and types of land ownership within reservations boundaries.

Time:
Three class periods

Core:
Civics/Government



For Grades 4-5

Standard Three – Lesson Three

Indian Land Education

Contemporary American Indian Land Issues



Background:

There is a common misconception that tribes own all the land within reservation boundaries. In reality, pieces of land within reservation boundaries are owned by many different people and groups. In some cases, tribes actually own very little land within their own reservation boundaries. For example, the Crow Tribe in Montana owns only 27% of land inside reservation boundaries. The Quinault Tribe in Washington state owns only 5.7%.

This is a result of the General Allotment Act, also known as the Dawes Act. When Congress enacted the General Allotment Act in 1887, tribal lands were divided into parcels known as “allotments” and given to individual Indians. Thus, the land was no longer owned by the tribe, but by individual people. In doing this, the US government hoped that individual ownership of land would “civilize” Indians, give Indians a reason to stay in one place, cultivate land, disregard the cohesiveness of the tribe, and adopt the habits, practices, and interests of the new settler population.

The General Allotment Act failed to assimilate Indians. The Act was nevertheless one of the single most important events in modern Indian land tenure history because of its destructive impact on the Indian land base. Simply explained, as the land became the property of individuals, it was possible for this land to become fee land, or land that was not “in-trust” and thus no responsibility of the federal government to protect. When it became fee land, it became taxable. Many Indian allottees were unaware of this and, as a result, they had to sell the land when they found that they owed large sums of money to the US government. This land often went to non-tribal members.

Furthermore, tribal land that was not given to tribal members was often declared as “surplus” and sold to non-Indians or held by the federal government. Thus, land was sold to

non-tribal members and companies, which created the complex patterns of land ownership on Indian reservations.

In this lesson, students will be introduced to the allotment of Indian lands, different types of land ownership on reservations, and the affect it has on tribal communities and the ability of tribal governments to govern.

Preparation:

- Examine Imre Sutton's map "Samples of Reservation Tenure" appended to the end of this lesson. If possible, project this map onto a wall or replicate it on a larger poster board.
- For the activity in this lesson, you will need a white or black board, colored chalk (or whiteboard markers), index cards, or construction paper and tape. On the board, draw the borders of an imaginary Indian reservation. Within this reservation, draw several geographical features such rivers, lakes, an ocean coast, watersheds, mountains, rich agricultural areas, towns, roads, unproductive or arid lands, forests, sacred sites, etc.
- Next, draw a 6 x 6 grid over the map, creating 36 possible "allotments" on the reservation (of course, you can enlarge the grid to more than 6 squares on a side if you wish and depending on the number of students in your classroom.) Number each square on the map.
- For however many squares there are on the map, write the numbers on small piece of paper and place in a hat or bowl. Students will draw their land parcel number from the hat or bowl.
- Take the index cards and count out off enough to give to each student. On 20% of these cards, write "Tribe - Tribal Trust", on 25% write "Tribal member – Trust Allotment", on 25% write "Tribal member – fee land", on 20% write "Non-Tribal member – fee land", and on the remaining 10% write "Federal Government – federally owned land". Shuffle the cards.
- If possible, invite staff person from the tribe's land office to the classroom to speak to the children about ownership of land within reservation boundaries.

Student Activity:

- Begin the lesson by asking the children about the land on which they live – whether their parents own the land, if it is tribally owned but assigned to the family, or if there is some other circumstance. Ask them about the land on which important places like the school, hospital, or parks are located. Do individuals own these lands or are they owned by the tribe?
- Discuss with the students the different types of owners of land within reservation boundaries. Land can be owned by the tribe, by tribal members, by the federal government, by the church, or by non-tribal members.
- Discuss with the students the different types of land ownership, such as "trust" land and "fee" land. Explain to the students that trust land is land which cannot be sold without permission from the federal government, because it is protected by the federal government for the tribes and tribal individuals to use. Trust lands are also not taxed and fall under the authority of the tribe for government. Explain that this is a result of the treaties. Explain to them that fee land is land that can be bought and sold without permission from the federal government. Explain that this fee land is found on reservations because of the Dawes Act, although this conflicts with the treaties.
- Pass out the index cards to the students. Explain to them the first term on the card is the type of landowner they will role play. The second term is the type of land they own.
- Have the students with the tribe cards group together. Instruct them that they will have to work together for the remainder of the activity and that they cannot sell tribal land but they may exchange it for trust land owned by tribal members. Tell the tribe group that they will also want to discourage individual trust land to be sold out of trust because then they could not govern over the land.
- Do the same thing with the students with the Federal Government index cards but instruct them that they will have to work with you during the activity.

- For the students with tribal member cards with trust land, remind them that tribal land cannot be sold without permission from the federal government, but the land can be exchanged for tribal trust land. They may work individually in this activity.
- For the students who are tribal members who own fee land, remind them they can sell the land to anyone, but they also have to pay taxes. They will work individually in this activity.
- Tell the students with non-tribal member cards that they can only attempt to buy or exchange their land for fee land, not trust land. They may, however, lease trust land. You may want to write all of these restrictions on the board for the students in case they forget.
- Have each student in the room draw a number from the hat. Have them find the square with they number they drew out of the hat. (If there are any squares left over, let the tribal members who have allotments draw again.) Using a particular color representing the tribal land, tribal member allotment, tribal member fee, non-tribal member fee, and government owned land, have them write their initials in the square. Have the students in the tribal government group go first.
- As students are drawing their number and initialing their square, have them think about the reservation's geographic features. Ask the tribal group to discuss what sort of things they can do with the land they have (schools, housing, forestry, fisheries, bison ranges, etc.) and if they should strategically attempt to acquire different pieces of land in order to improve the lives of tribal members. Ask the rest of the students to think about similar things – what kind land is theirs, what natural resources it contains and what natural resources are near it, what access does the land give to other natural resources, what they can do on the land they have, if they would like to try to trade for another piece of land, and who they may be able to trade with.
- After the students have given some thought to their land holdings, tell them that they are allowed to attempt to exchange their land in accordance with the rules above. If an exchange is made, change the initials and colors on the board to reflect the change. If students go to the federal government for permission to convert their trust land into fee, ask the buyer and seller questions such as what they will do with land. You may make the process as easy or difficult as you please and you may make decisions that are not consistent with each other. You and the students you are working with may also give land to the tribe and take land away.
- You may make this activity as simple or as complex as you like. You may add money to the simulation by giving each student 5 blank index cards representing money or fake monopoly money. You may have several rounds of trading and buying and in each round, have a member of the federal government collect taxes from the fee land owners and give money to the fee land owners if they claim to use the land for a business, a farm, or ranch. You may hold elections and have the tribal members to vote people out of the tribal government. All the while, encourage students to negotiate respectfully and with patience, emphasizing that this is an extremely important skill.
- After the activity, ask the students to share their thoughts about this activity. Give them hypothetical situations using the map, such as what would happen if there were a crime on a piece of fee land. Who would govern this? What if there was a non-tribal polluter on a river or lake that is also adjacent to tribal lands? How does the tribe prioritize what lands it wants to acquire within reservation boundaries?
- Ask a land officer from your own reservation or a reservation nearby to visit the class. It would be particularly helpful if he or she is able to bring a map illustrating how land ownership is distributed on the reservation. Stories of real transactions (without using real names or other identifying factors) are important to help children this age understand land issues. Older students may have information about the location and status of lands that belong to their own families. Ask the land officer to speak on the following issues pertaining to the reservation pertinent:
 - The history of land allotment
 - Examples of land fractionation
 - Trust land
 - Fee land
 - Examples of land exchange
 - Examples of land consolidation

- Ways to handle heirship of land
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Evaluation:

- Assess the student's strategic thinking about their parcel of land. Observe the student's understanding of their role as a particular type of land owner and the restrictions placed on their possible land transactions. Assess the way in which the students cooperate and negotiate with each other.
 - While you are asking the students hypothetical questions, observe their understanding of how different types of ownership within reservation boundaries either helps or hinders the tribe and tribal members.
 - Assess the student's understanding of the complexities of land ownership on Indian reservations as reflected in their questions to the tribal land office staff person.
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Resources:

1. Sutton, Imre. Sample Tenures on Reservations [map]. In: Imre Sutton. Indian Land Tenure. 2nd Edition. New York: Clearwater Publishing Company, 1979, 83. Also found at: <http://thorpe.ou.edu/treatises/AITchptr%20pdfs/Preface2.pdf> (page 5)
2. <http://www.indianlandtenure.org/ILTFallotment/allotindex/index.htm>. The Indian Land Tenure Foundation's Allotment pages provides a introduction to the history of allotment, a list of frequently asked questions, and other information that may help you understand the General Allotment Act and its impact on Indian Country.

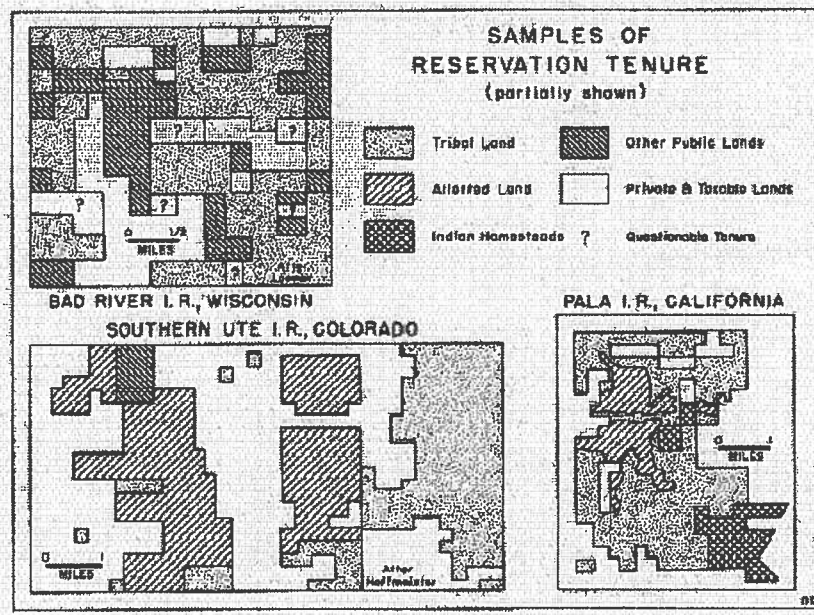


FIG. P. 4. Sample Tenures on Reservations, circa 1960s. It is patent that many of the tenures identified on these sample maps would have changed after more than forty years, but they do exemplify the tenurial situation on trust lands. For many reservations, because of allotment, a high percentage of holdings are in non-Indian hands. *Source of map:* I. Sutton, (1975), *Indian Land Tenure*, 1975, map p. 85; see also Francis P. Prucha, (1990), *Atlas of American Indian Affairs* (Lincoln: University of Nebraska Press).. Another map of tenure patterns, for the Rosebud Sioux I. R., is figure 4.4. Map copyrighted by Imre Sutton.

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