

May 18, 2002 - Issue 61



California Tribes and Sovereignty

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credits: art: *When Colors Bleed II* by David Behrens



Many of us have not had an opportunity to learn the facts about the unique relationship between the United States and the American Indian tribes. Sovereignty is the foundation upon which this relationship is built. The purpose of this document is to provide the reader with a basic understanding about the sovereign status of American Indian tribes.

American Indian Tribes and reservations are synonymous with each other in most of the United States. In California it is a different story. Between 1851 and 1852, 18 treaties were negotiated between the United States Government and more than 100 California Indian Tribes and Bands. The treaties called for reservations of more than eight million acres for the tribes. However, on July 8, 1952, the

U.S. Senate secretly rejected the treaties and from 1852 to 1854 Indian Tribes were forcibly removed to temporary reservations.

In the early 1900s a researcher discovered the unratified treaties and reformers petitioned Congress to appropriate money to provide land for the homeless Native Americans of California. Congress appropriated the money to purchase 9,000 acres of land that became 50 separate Rancherias. Originally the small pieces of land or ranches were intended to provide housing for homeless and landless adult Indians. It was not intended to be reservations for separate tribal governments. Instead of getting their own reservations, some Indian Nations were splintered into tiny postage stamp bands that lumped together Indians from different tribes. Despite the obvious obstacles, many of the Rancherias, as they came to be known, petitioned for federal recognition.

In 1953, the California Rancheria Act called for the termination of federal trusteeship for Indians in California. During this period, 38 tribes were terminated in California and tribal members were encouraged to sign away their official status in efforts to assimilate Indians into "mainstream" society.

The Indian Self Determination and Education Act of 1973 allowed tribes and rancherias to regain federal recognition and today 104 tribes are recognized in California with over 50% being Rancherias. Self Governance, along with economic and gaming opportunities, have helped the California Native Americans regain their sovereignty

American Indian Tribal Sovereignty Primer

WHAT IS SOVEREIGNTY—

Sovereignty is an internationally recognized concept. A basic tenant of sovereignty is the power of a people to govern themselves.

TRIBAL SOVEREIGNTY—

American Indian tribal powers originate with the history of tribes managing their own affairs. Case law has established that tribes reserve the rights they had never given away. American Indian Tribes possess a "Nation-within-a-Nation" Status

TREATIES—

Treaties formalize a nation-to-nation relationship between the federal government and the tribes.

TRUST RESPONSIBILITY—

In treaties, Indians relinquished certain rights in exchange for promises from the federal government. Trust responsibility is the government's obligation to honor the trust inherent to these promises and to represent the best interests of the tribes and their members.

THE U.S. CONSTITUTION—

The U.S. Constitution recognizes Indian tribes as distinct governments. It authorizes Congress to regulate commerce with "foreign nations, among the several state, and with the Indian tribes."

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