

# Sovereign Status

VERN LAMBERT, SPIRIT LAKE TRIBAL ELDER

# Allied Nations Status

## Treaties 1851 and 1867 – Int'l Law

U.S.  
Nation

Indian Agent - Foreign Ambassador  
Indian Agency – Foreign Embassy

S & W  
Nation

1867 Peace Commission

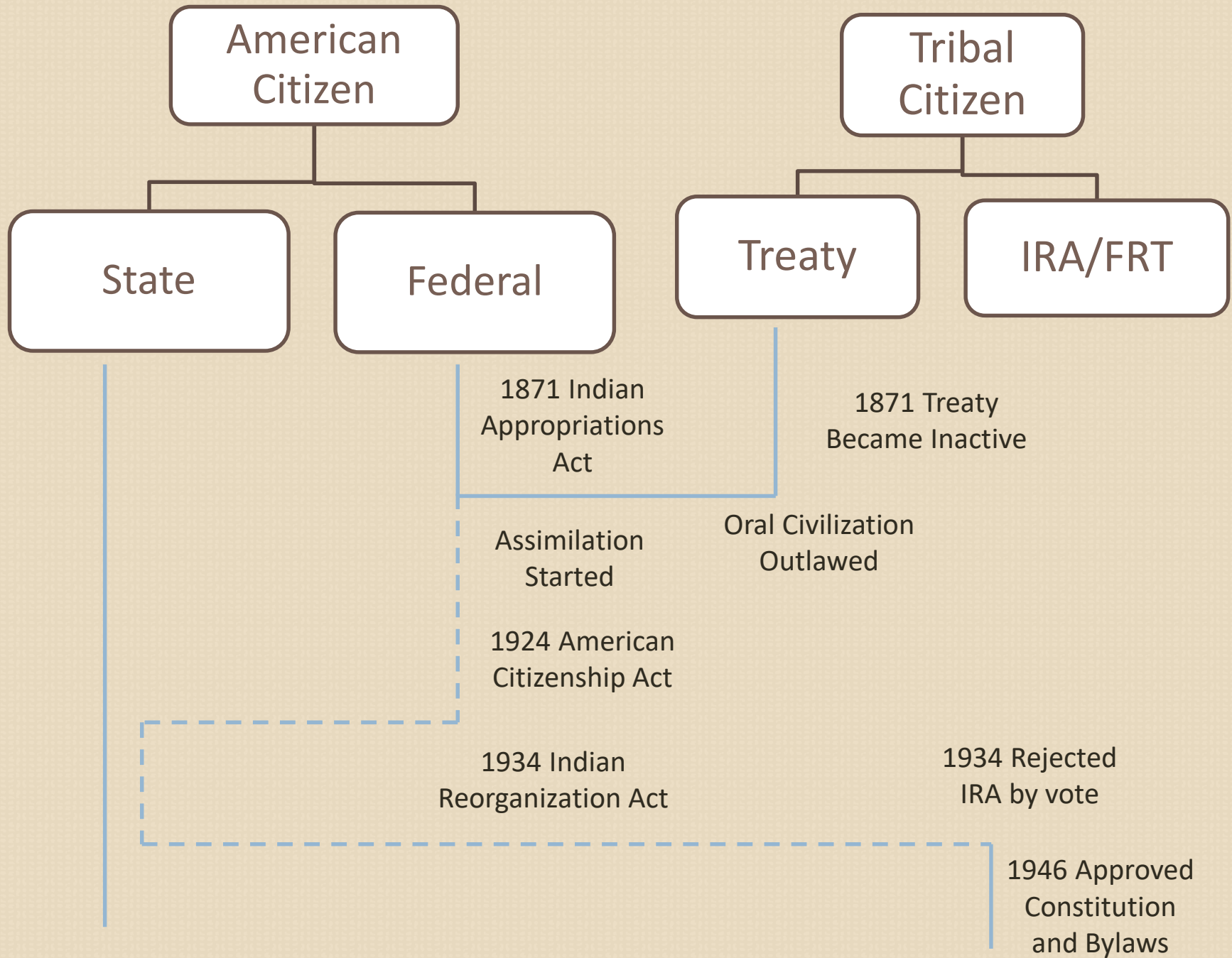
1871 Indian Appropriation Act

# U.S. Constitution Regarding Treaties with Indian Tribes

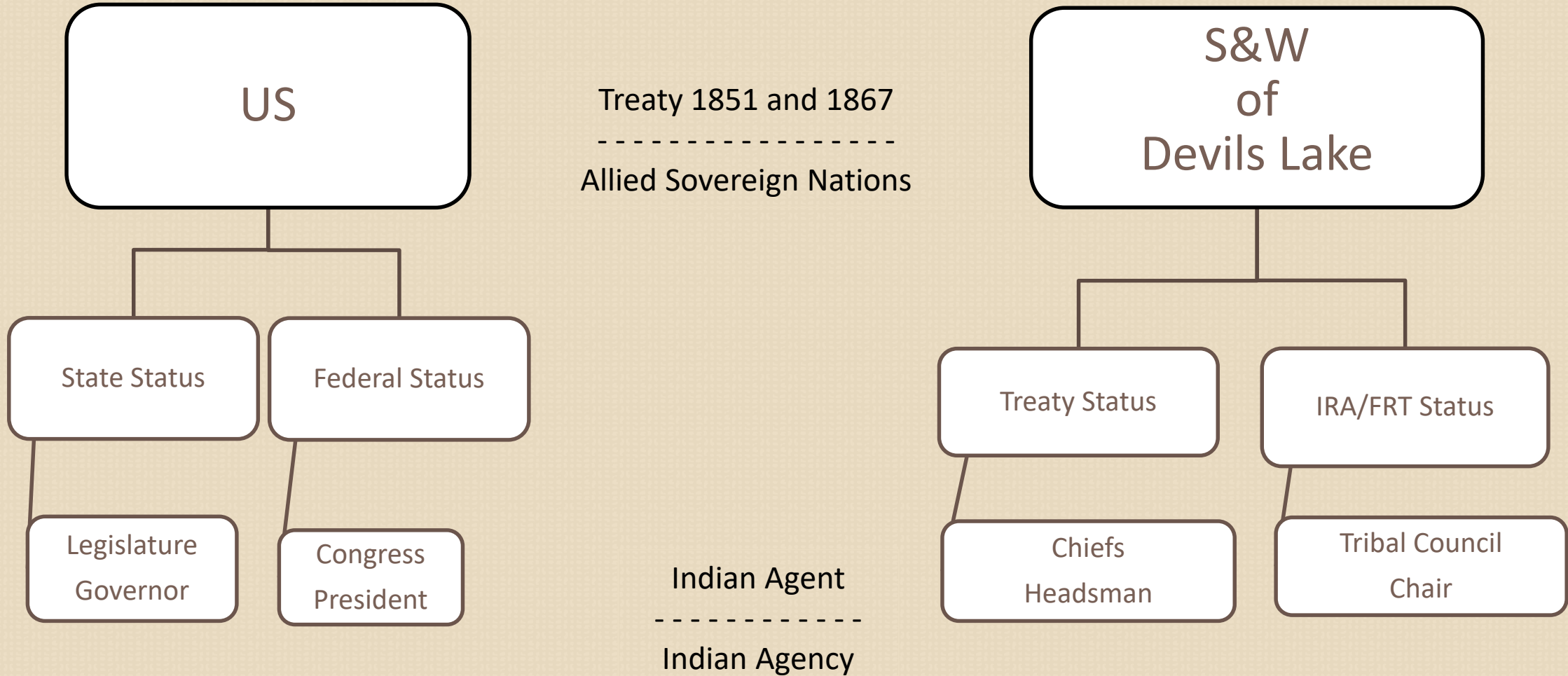
Treaties shall be the supreme law of the land and the judges in every state shall be bound thereby (Article VI, 2<sup>nd</sup> paragraph)

The US has authority to regulate commerce with Foreign Nations, and among the several States, and with the Indian Tribes. (Article I, Section 8, 3<sup>rd</sup> paragraph).

Indians excluded from paying taxes. (Article I, Section 2, 3<sup>rd</sup> paragraph).



# Sovereign Status (Vern Lambert, SLT)

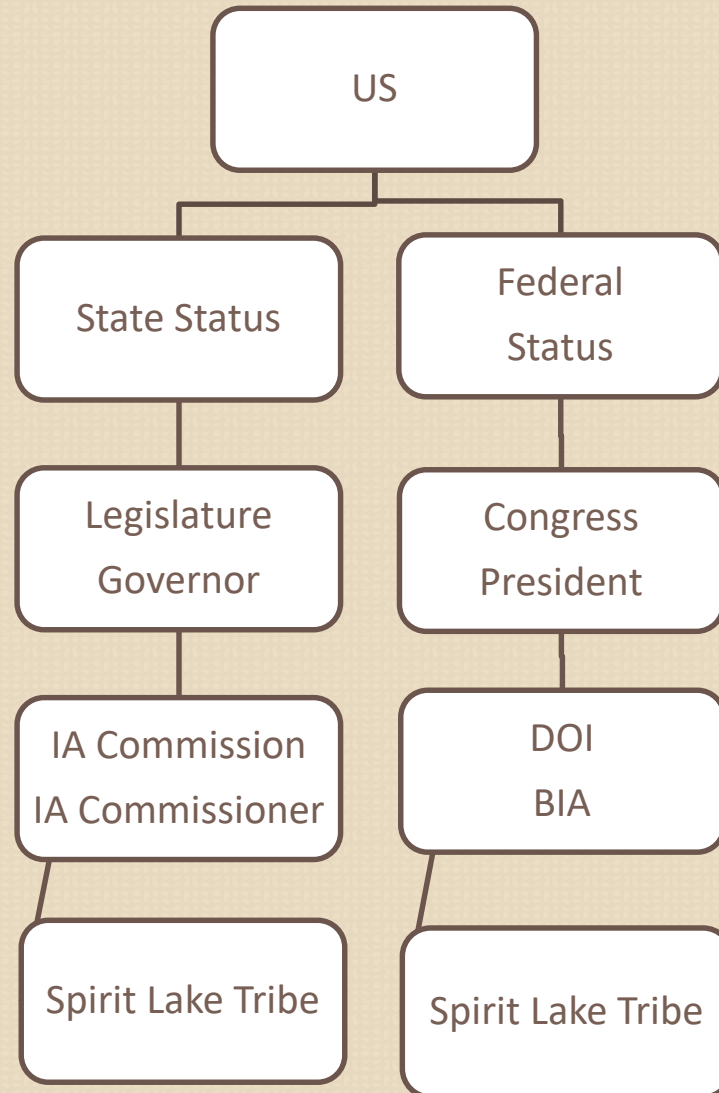


**An Oral Interpretation: American Indian Tribal Governments**  
**By: Vern Lambert**

Development of the Tribal Federal Relationship

| DATES          | POLICY  | MAJOR LAWS   | RELATIONSHIP   | TRIBAL STATUS  |
|----------------|---|--|--|--|
| 1770 - 1871    | International sovereign to international sovereign  | 1787 Northwest Ordinance (Federal)<br>1790 Trade & Intercourse Act (Federal)<br>Treaties (International)   | Allied Nations   | International Sovereigns   |
| 1871 - 1924    | International Sovereign to International Sovereign  | 1871 End treaty making with Indian tribes<br>Assimilation instead of treaties<br><br>No treaties ratified before March 3, 1871 shall be invalidated or impaired. | Assimilation forced on pre-1871 treaty tribes.<br>Illegal laws passed on treaty tribes<br>1873-Agreement<br>1885-Major Crimes Act<br>1887-Dawes Act<br>1908-Winters Doctrine | Domestic dependent nation status forced on Indian tribes<br><br>Treaties become inactive               |
| 1924 - 1934    | Dual Citizens   | 1924 American Citizenship Act  | Tribal citizens have never been given full recognition as American citizens.<br>Tribes never asked to become Americans   | American citizen status added to our Indian tribe status<br><br>Treaties still inactive                |
| 1934 - Present | Third Unique identity established<br>1.Treaty Identity<br>2.American Identity<br>3.American Indian Identity | 1. International, 1867 Treaty<br>2. Federal, 1924 American Citizenship Act<br>3. Federal, 1934 Indian Reorganization Act   | Federally recognized Tribe status began.<br>Supreme Court rulings established Federal Indian Law.  | Quasi Sovereign Nation status begins<br>American citizen status semi-active<br>Treaties still inactive |

# Sovereign Status (Federal & State, USA)

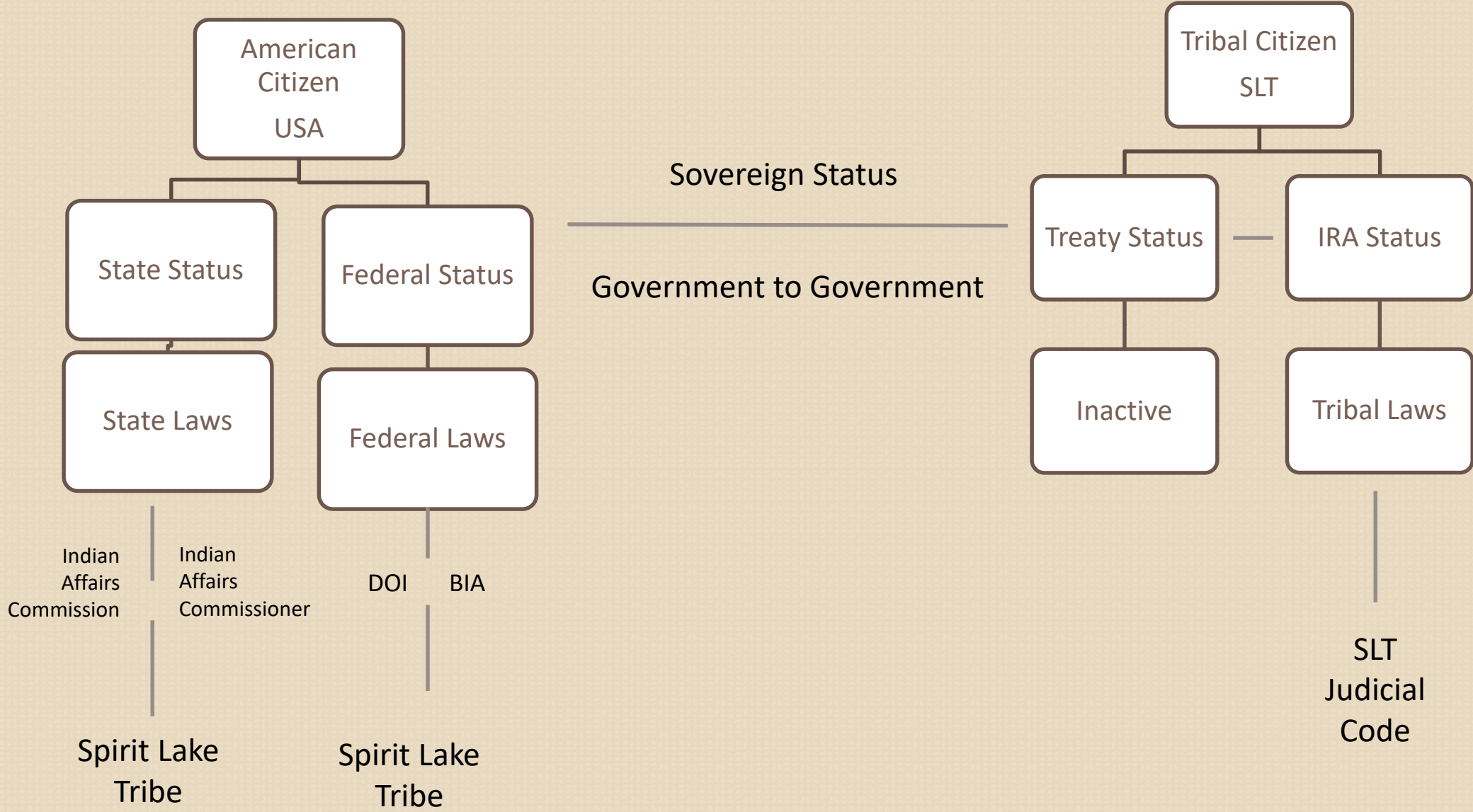


**A COLONIZED INTERPREATION: AMERICAN  
INDIAN TRIBAL GOVERNMENTS  
BY: SHARON O'BRIAN**

Development of the Federal Tribal  
Relationship

| DATES          | POLICY   | MAJOR LAWS   | RELATIONSHIP  | TRIBAL STATUS                              |
|----------------|--|--|---|--|
| 1770's-1820's  | International sovereign to international sovereign | 1783 Northwest Ordinance<br>1790 Trade & Intercourse Acts<br>Treaties  | Protectorate  | International sovereigns                   |
| 1830's-1850's  | Removal  | 1830 Indian Removal Act<br>Treaties  | Government-government and trust relationship            | Domestic dependent nations                 |
| 1850's-1890's  | Reservation  | Reservation Treaties   | Guardianship  | Wards in need of protection                |
| 1870's 1930's  | Assimilation                                       | 1871 End of treaty making<br>1885 Major Crimes Act<br>1887 Allotment Act (Dawes Act)   | Guardianship  | Wards in need of protection                |
| 1930's-1950's  | Indian self-government                             | 1934 Indian Reorganization Act (Wheeler-Howard Act)  | Renewal of government-government and trust relationship | Quasi-sovereigns                           |
| 1950's-1960's  | Termination  | 1953 Resolution 108<br>1953 Public Law 280<br>Urban Relocation Program   | Termination of relationship                             | Termination of Status                      |
| 1960's-present | Self-determination                                 | 1968 Indian Civil Rights Act<br>1975 Indian Self Determination Act<br>1978 Indian Child Welfare Act<br>1978 Indian Religious Freedom Act | Renewal of government-government and trust relationship | Domestic dependent nation/quasi sovereigns |





# Robert Jackson, U.S. Supreme Court Justice

In the aftermath of the Nazi Holocaust and World War II, German political leaders, military officers, and German people were put on trial before the Nuremberg Tribunal. All were charged with war crimes, high crimes against humanity, genocide, and all proclaimed innocence. Military officers said they were only following orders. Political leaders and the German people proclaimed innocence by saying they had no idea what was going on in the concentration camps.

To their protests of innocence, U.S. Supreme Court Justice, Robert Jackson, who was the Chief U.S. Prosecutor at Nuremberg, responded by saying, “*certain acts and violations of treaties are crimes, they are crimes whether Germany commits them, or whether the United States commits them. We are not prepared to impose a code of criminal conduct against others that we would not be willing to have invoked against us.*”

In 1980, the United States Supreme Court ruled that the 1876 seizure of the Black Hills violated Treaties signed with the Sioux.

In the majority opinion, Justice Blackman wrote, “A more ripe and rank case of dishonorable dealings will never, in all probability, be found in our history.”

But the court refused to restore the land to the Sioux and ordered that compensation be paid instead.

QUESTION AND ANSWER PERIOD