

NATIVE AMERICAN TREATY RIGHTS

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NATIVE TREATIES

- "Native nations see **treaties as foundational documents**" that are supposed to protect reserved rights of Native peoples and their lands (1)
- Colonization has influenced legal systems of the United States to value corporate interests over honoring the terms of these foundational documents (2)
- Native activism fighting for treaty rights has been sparked due to legal systems in the United States infringing upon reserved treaty rights

CRITICAL IMPORTANCE OF INDIAN TREATIES

1. RESERVED RIGHTS FOR NATIVES

- through treaties, Native negotiators **reserved rights** for themselves and their future decedents in **perpetuity** (1)
- Native nations could also extend reserved rights to non-Natives

2. SUPREME LAW OF THE LAND

- Indian treaties, like any other treaty the United States ratifies with other nations, are the **supreme law of the land**
- Only Congress has the authority to abrogate Indian treaties, therefore state governments are not supposed to infringe upon reserved treaty rights (1)

3. BIND NATIVES AND NON-NATIVES

- Treaties bring people together through political relationships
- Starting point of **government to government relationships** that should be actively maintained (1)



ADVOCATING FOR TREATY RIGHTS THROUGH NATIVE ACTIVISM

PNW FISHING MOVEMENT

- **Washington State Fish Wars (1960s & 1970s)**
 - Direct Native activism by Coast Salish people starting in the 1960s to protect their reserved fishing rights that WA state was actively violating (1)
 - Combination of young Native intellectuals and Coast Salish tribal nations to fight infringements of their reserved rights to fish through demonstrations and fish-ins leading to court decisions (1)
- **Boldt Decision (1974)**
 - Judge Boldt ruled that the treaty language of "in common with" meant Indians were entitled to fifty percent of harvestable fish and that conservation regulations did not apply to Native fishers percentage of harvestable fish
 - Coast Salish peoples **"have been fighting for their fishing rights since colonization began"** and the outcome of the Boldt decision serves as an example of the power of native activism (3)
- **Treaty Fishing Rights Today**
 - Due to activism that led to the Boldt decision, **federally recognized** tribes are able to exercise their treaty fishing right (1)

REFERENCES:

- 1.(Reid 2020)
- 2.(Dennison 2020)
- 3.(Sterud and Miller 2019)
- 4.(Smithsonian 2018)
- 5.(Fortin and Friedman 2020)



Youth & Allies 2,000 mile run from North Dakota to Washington, D.C. to draw attention to the Dakota Access Pipeline

THE #NoDAPL MOVEMENT

- **The movement against the Dakota Access Pipeline #NoDAPL**
 - Started by youth members of the Standing Rock Sioux tribe to protest the installation of an oil pipeline (2)
 - Teen advocacy groups like Oceti Sakowin Youth & Allies have initiated encampments, runs, and other movements to draw attention to how the pipeline violates treaty rights (4)
- **Pipeline construction violates the Fort Laramie Treaties of 1851 & 1868**
 - The construction of the pipeline directly violates the second article of the Fort Laramie Treaty, which "guarantees the '**undisturbed use and occupation**' of reservation lands surrounding the location of the pipeline" (4)
- **Removal of Pipeline (2020)**
 - Due to the native activism of the members of Standing Rock and supporting native tribes, the federal government ruled to remove the pipeline (5)