NLC NATIONAL LEAGUE OF CITIES

REAL RACE, EQUITY AND LEADERSHIP

ROADMAP TO REPAIR

A Guide To How Cities Can Acknowledge and Address the History Of Harm To Indigenous Peoples, Rebuild Trust and Repair Relationships

NLC NATIONAL LEAGUE OF CITIES

REAL RACE, EQUITY AND LEADERSHIP

About the National League of Cities

The National League of Cities (NLC) is the voice of America's cities, towns and villages, representing more than 200 million people. NLC works to strengthen local leadership, influence federal policy and drive innovative solutions. NLC's Center for City Solutions provides research and analysis on key topics and trends important to cities, creative solutions to improve the quality of life in communities, inspiration and ideas for local officials to use in tackling tough issues, and opportunities for city leaders to connect with peers, share experiences and learn about innovative approaches in cities.

Authors

Mari Hicks (Wyandotte Nation)**, Rita Soler Ossolinski, Haruka Braun, Ian Snyder, Aliza Wasserman.**

The W.K. Kellogg Foundation has supported NLC's Race, Equity And Leadership (REAL) department since 2017 through its initiative on Truth, Racial Healing, and Transformation. Kellogg's funding also supported the research and development of REAL's publication of this new NLC Municipal Action Guide.

Acknowledgements

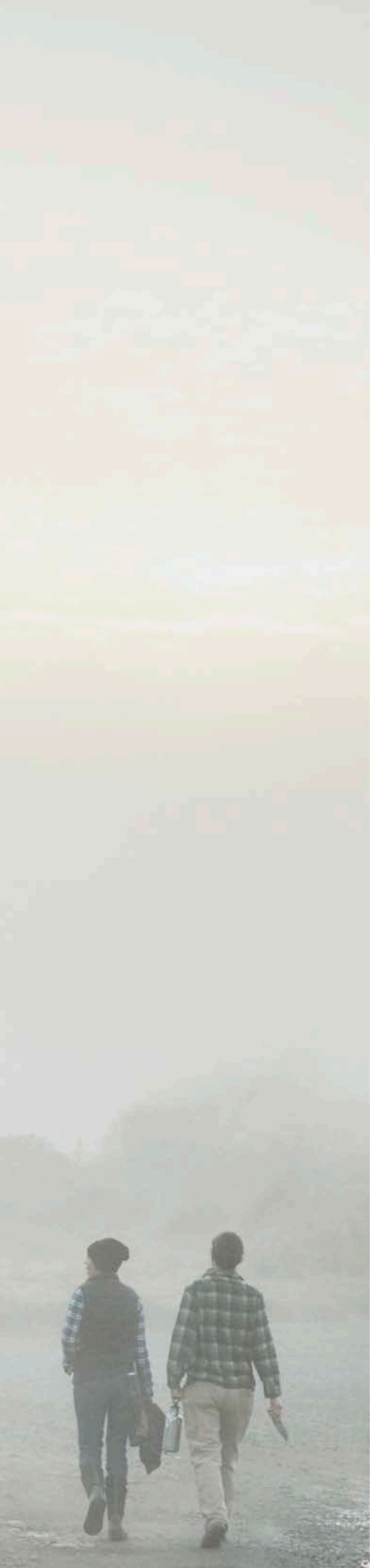
Deepest gratitude to the Interviewees for helping us start the process: **Sebi Medina-Tayac** (Piscataway Indian Nation); **Kelbie Kennedy** (Choctaw Nation); Janeen Comenote (Quinault Indian Nation); **Erik Stegman** (Carry the Kettle First Nation); **Chrissie Castro** (Diné-Navajo Nation); **Alisa O'Hanlon**; Dawn Begay (Diné -Navajo Nation)

And to the Advisory Group for helping us with key decisions and content: **Greg Masten** (Yurok Tribe); **Janeen Comenote** (Quinault Indian Nation); **Dawn Begay** (Diné -Navajo Nation); **Chrissie Castro** (Diné -Navajo Nation); **Chris Roberts** (Choctaw Nation); **Doreen Garlid** (Diné -Navajo Nation)

Special Tizameh (Thank you in Wandat Language) to: Beci Wright (Wyandotte Nation); Heather Miller (Wyandotte Nation); Natalie Dixon (Seneca–Cayuga Nation); Darcy Allred (Wyandotte Nation); Opal Boyer (Yavapai-Apache Nation); Brent Huggins (Cherokee Nation); Noah Gillespie; Katy Hicks (Wyandotte Nation)

COVER PHOTO: Veterans, families, visitors, and military personnel attend a ceremony at the U.S. 1st Infantry Division memorial in Colleville-sur-Mer, France on June 3, 2019. The memorial commemorates the sacrifices of the 1st Infantry in the World War II Allied D-Day invasion. The three Veterans centered are all Indigenous. *Credit: Sean Gallup via Getty Images News.*

© 2022 National League of Cities. All Rights Reserved.



CONTENTS

VISION STATEMENT AND INTRODUCTION

THE NATIONAL LEAGUE OF CITIES envisions cities and towns that are welcoming and that equitably meet the needs of all of their constituents. We envision cities where Indigenous knowledge, perspectives, and sovereignty are respected; where Native people feel safe and are healthy; where Indigenous people can practice traditional religions and access traditional medicines; where Indigenous people can practice subsistence fishing and hunting and land management practices; where sacred sites, places, and landscapes are protected; where Native people have access to clean air and water; where Native American languages are thriving; where everyone has what they need for a high quality of life; and where non-Native neighbors and community members are knowledgeable about Native communities' history and contributions. We want to create a world in which Indigenous Peoples' contributions, culture, and history are respected, and where policies, practices, and procedures that harm them are eliminated.

This Roadmap to Repair will guide your work in repairing relationships with Indigenous peoples. It will help frame discussions about the world we want to create, the world we envision for everyone. We welcome you to this journey.

With this Municipal Action Guide, the Race, Equity And Leadership (REAL) department at the National League of Cities takes an important step toward honoring the Indigenous peoples of the lands we call home. We ask you to consider what it looks like to honor and respect the cultures, history, contributions, and symbols of the people who first populated what is now the United States of America. We chose the title for this guide carefully, to communicate that this document provides guidance to municipal leaders on how to acknowledge past harm and move intentionally toward repair. We encourage you to be a good relative in accordance with the advice of Dolores Subia BigFoot, Ph.D., director of the Indian Country Child Trauma Center at the University of Oklahoma Health Sciences Center: "Understanding of generosity, respect, belonging, connectedness, honor, and other virtues in Indian Country are reflected in Being a Good Relative."[1] Ways you can be a good relative include: promoting Indigenous organizations, stories, and voices in your community; working for honest and respectful solidarity; knowing whose homeland you are on (begin by visiting native-land.ca); and, most importantly,

> **"Every Native American is a survivor, an anomaly, a surprise on earth. We were all slated for extinction before the march of progress. But surprise, we are progress."**
>
> — LOUISE ERDRICH, from First Person, First Peoples

listening and acting with humility.[2] Honoring Indigenous Peoples also means respecting Tribal sovereignty and the shared history of government-to-government relationships.

With this resource from NLC, we invite you on a journey. Native Nations* existed and thrived across all of North, Central, and South America for centuries before colonization started. In today's climate, local elected officials want to repair relationships but may not know where to begin. Local government leaders are committed to serving all of their constituents, regardless of race or ethnicity, and including Indigenous Peoples.

The Indigenous Peoples living in what is now the United States have made innumerable contributions to our way of life from sharing North American foods with the world[3], serving in the armed forces at the highest rates of any racial or ethnic group[4], and inspiring our system of government[5]. We envision a society where Indigenous Peoples are recognized as successful and their contributions are celebrated.

This *Roadmap to Repair* builds on a framework that explicitly acknowledges land theft and genocide of American Indians by colonizers and the complicity of city governments in perpetuating these harms. In order to begin to address these harms, support sovereignty for Tribal Nations, and improve outcomes for American Indians in their cities, municipal leaders must take concrete steps to disrupt typical narratives about Native Americans that deny their continued existence and sovereignty on land across the continent and beyond.

The United States of America was founded on the attempted genocide of American Indians and Tribal Nations and the theft of their land. Many present-day Indigenous communities and the issues they face — including disparities in health, wealth, education, and other resources — are invisible to non-Indigenous people in this country.

Researchers have estimated that as many as 145 million Indigenous people lived in the Western Hemisphere prior to colonization.[6] While earlier colonizers of North America, including Christopher Columbus and Juan Ponce de Leon on behalf of the Spanish empire, murdered up to 40 million Indigenous people[7] in present day North, Central, and South America, this guide focuses on the harms caused in the name of and on behalf of the present-day United States.

* Throughout this document, we use several different terminologies interchangeably to highlight the diversity of terms used by community members.

> If we're always having a narrative correction conversation, if we're always having to talk about yes we're Native, we're still here. We're never getting to the next part which is where I'd like our conversation to go which is yes we're still here AND self-determination, AND nation-building, AND rematriation, AND building better school systems for our children, AND Indigenous futures."

— MATIKA WILBUR, (Swinomish and Tulalip), All My Relations Podcast, Nov 2020 ThanksTaking or ThanksGiving?

John Moore / Getty Images News via Getty Images.

PURPOSE OF THIS MUNICIPAL ACTION GUIDE

OUR HOPE IS that, by empowering local leaders to explore and understand the history of the oppression of Indigenous peoples in their cities, towns, and villages, we can begin to reconcile our history and promote healing and justice for Tribal Nations. We recognize that everyone within our communities will benefit when we take a holistic approach to understanding our shared history and promoting racial equity. In doing so, municipal governments will also be working to erase systemic inequities that have long eroded the social and economic stability of all of our communities, regardless of demographic background. This is the premise of the Solidarity Dividend[8], which posits that everyone becomes better off by working together to solve systemic racial inequity.

This guide will serve two purposes: to educate municipal officials on the history and current state of Indigenous Peoples and communities; and to provide success stories

and ways in which municipalities can help repair relationships with Native Americans. The information in this document is intended to serve both as guide for municipalities embarking on their racial equity journey, as well as a framework for municipalities that are ready to implement its suggestions. For city leaders who are already normalizing talking about race and racial equity, the guide provides important next steps on the path to healing.

This guide is designed as a living document to be updated continuously. Consider the Indigenous peoples in your community and educate yourself and other city officials in partnership with Tribes and Urban Indian Centers – incorporated non-profit multi-purpose community-based Indian organizations. Be sure to include not only Tribal leaders but Elders, Spiritual Leaders, and a broad representation of your own Indigenous constituents. A brief description of broader cultural groups is included later in this document.

After reading this guide, city leaders will be more mindful of how history has legitimized and perpetuated inequities. The examples of city actions in the guide will highlight possible directions cities can take alongside Indigenous residents and Tribal leaders. By using this guide as a tool, city leaders can take initial steps and build on existing work to take responsibility and move toward undoing the legacy of colonialism across the United States.

John Moore / Getty Images News via Getty Images.

HOW TO USE THIS DOCUMENT

THE LINKS BELOW will take you directly to the sections mentioned for easy navigation of this document. We encourage you to read the guide in its entirety and then go back to specific sections as needed for your particular local context and individual learning.

Healing the harm: engaging in the conversation gives the reader some context for terms used.

Guiding Principles offers the reader values that will serve you well as you engage with Indigenous communities.

Account for historical and modern diversity supplies an overview of North American culture groups and Tribes by historical region.

Account for history of harm and erasure provides some background on U.S. federal policy toward Native Nations and resulting inequities by era.

Supreme court decisions serves as an introduction to the outsized effect that the Supreme Court has on Tribal governments. Detailed information on key cases can be found in the appendix.

Municipal case studies includes examples of successful municipal-Tribal partnerships and cities engaging with Urban Indian Centers and other local Indigenous-serving nonprofits.

Recommended additional reading provides a list of books by and about Indigenous peoples to learn more on your own time. The list includes both fiction and non-fiction.

Further engagement provides high-level guidance and starting points for engaging in steps toward expanded knowledge, understanding and healing.

HEALING THE HARM: ENGAGING IN THE CONVERSATION

CONVERSATIONS AROUND RACIAL equity and the system of racism commonly omit the attempted genocide, continued struggle, and present-day culture and communities of Indigenous Peoples and Tribal Nations. The National League of Cities (NLC), through its Race, Equity And Leadership (REAL) department, is committed to advancing racial equity at the local level and equipping local leaders to change policies, practices, and procedures that promote healing and repair harm caused in their cities towns and villages. We cannot achieve racial healing if we do not account for the history of violence and oppression toward Indigenous Peoples. The following section is intended to provide context for the terms that will be used throughout this guide, as well as to support the reader in engaging with Indigenous communities with dignity and respect.

Use Specific Tribal Name(s) Whenever Possible

The following terms may be used interchangeably; however, individuals may have a preferred term that should be respected: American Indian, Native American, Indigenous Peoples, or First Nations.[9] The term Tribe is often used as a general descriptor for Indigenous communities. Groups in various regions use other terms in lieu of Tribe, including Nation, Band, Rancheria, Pueblo, and Village.

Different organizations use different terms to refer to the Indigenous Peoples of the Americas. These terms all refer to a person who has roots in any of the original peoples of North and South America (including Central America) and who maintains Tribal affiliation or community attachment. In the United States, each Tribal Nation creates its own criteria to decide who is a citizen of that Nation. There is no single criterion or standard that applies to every Tribe.

In Alaska, Alaska Native is preferred[10] but Native American is also acceptable. It is important to consider, and ask, what local Tribes and Villages prefer, as an acknowledgement of uniqueness and individuality. A few Villages in Alaska have Indian in their name. Asking and acknowledging that preference is a sign of respect. Alaska Native Villages were also not officially federally-recognized until the 1990s.[11] As a result of federal policy and acts of Congress, there are three types of Alaska Native entities today: Alaska Native village corporations, Alaska Native regional corporations, and federally recognized Tribes, often called Alaska Native Villages. The first two are for-profit corporations that also provide some services to Alaska Natives; the third are sovereign governments.[12]

Another term often used is Indian Country. The National Congress of American Indians (NCAI) defines Indian Country as "(w)herever American Indian spirit, pride, and community are found. It resides not only in law

books, legislation, and historical treatises, but also on ancestral homelands, within our homes, and in the hearts of American Indian and Alaska Native (AI/AN) people everywhere."[13] In place of the term "Indian Country," some people prefer Native America. There is also a specific definition of Indian Country in federal law. It includes:

- "All land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;
- All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and
- All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same;
- Consistent with the statutory definition of Indian country, as well as federal case law interpreting this statutory language, lands held by the federal government in trust for Indian Tribes that exist outside of formal reservations are informal reservations and, thus, are Indian Country."[14]

Federally-Recognized Tribe

According to the Bureau of Indian Affairs (BIA), a "federally recognized Tribe" is an American Indian or Alaska Native Tribal entity that is recognized as having a government-to-government relationship with the United States, with the responsibilities, powers, limitations, and obligations attached to that designation, and is eligible for funding and services from the BIA. These services from the BIA and other federal agencies can be provided directly or through grants or compacts.[15] The 1975 Indian Self-Determination and Education Assistance Act gave Indian Tribes the authority to contract with the federal government to operate programs serving their tribal members and other eligible persons.[16] At present, there are 574 federally recognized American Indian and Alaska Native Tribes and Villages. Federal recognition is conferred in three ways: by act of Congress, by the administrative procedures under existing federal law (25 CFR Part 83), or by decision of a United States court.[17]

State-Recognized Tribe

These include Tribes and/or heritage groups that are recognized by individual states for their various internal state government purposes. Eleven states recognize more than 63 total Tribal Nations. State recognition does not confer the same benefits as federal recognition, including guaranteed funding. State

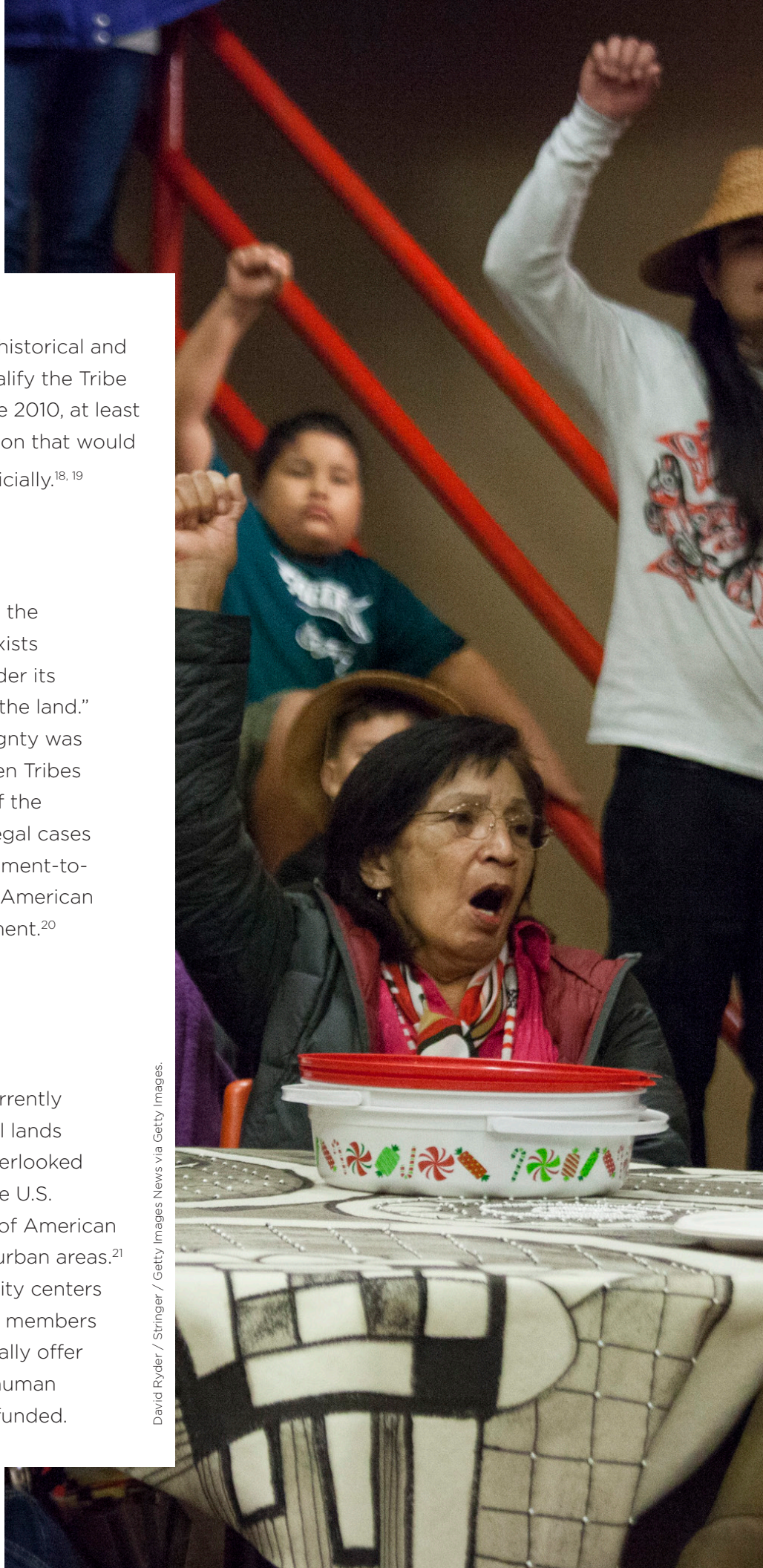
recognition acknowledges Tribes' historical and cultural contributions and may qualify the Tribe for state and federal support. Since 2010, at least 20 states have considered legislation that would allow them to recognize Tribes officially.[18, 19]

Sovereignty

The United States Constitution set the stage for Tribal sovereignty as it exists now, noting that treaties made under its authority are "the supreme law of the land." In the colonization period, sovereignty was inherent in the interactions between Tribes and the developing government of the United States. Many subsequent legal cases have firmly established the government-to-government relationship between American Indian Tribes and the U.S. government.[20]

Urban Indians/Urban Indian Centers

Urban Indians are Tribal people currently living off of federally defined Tribal lands in urban areas and are often an overlooked population. Today, according to the U.S. Census, approximately 71 percent of American Indians and Alaska Natives live in urban areas.[21] Urban Indian Centers are community centers created by Indigenous community members living in cities. These centers typically offer culturally appropriate health and human services but are chronically underfunded.



David Ryder / Stringer / Getty Images News via Getty Images.

David McNew / Getty Images News via Getty Images.

GUIDING PRINCIPLES

THE FOLLOWING SECTIONS include guiding values that will serve you as you engage with Tribal Nations and Indigenous constituents. While not exhaustive, this list of guiding values includes some of the most important to remember as you work to repair relationships with Indigenous peoples.

Be Informed

Educate yourself about the Tribes in your area and the Urban Indians who have relocated to your municipality. Understand the shared history between your city and Indigenous peoples as well as present-day struggles, triumphs, and contributions. Later in this guide, there is information to help launch your efforts aimed at expanding understanding.

Practice Cultural Competency

Ask Native peoples what is appropriate conduct when meeting with Tribal leaders or Elders. They should be announced and seated in a respectful way to honor their position. Common titles are President, Chief, Chairperson, or

Governor. Do not take photos or touch regalia or traditional clothing without permission. Avoid asking Indigenous people to defend their Tribal identity with questions about blood quantum or degree of Indian blood. Avoid using appropriated terms like sq**w, r*dsk*ns, red man, or powwow to refer to a meeting, "low man on the totem pole," Indian Giver, or spirit animal. Other common (but not universal) conduct expectations can include not shaking hands too firmly or staring eye-to-eye for too long. Be careful of asking individuals to speak for their whole community, and make sure to include spiritual leaders as well as government leaders for appropriate conduct.

Listen to Native Voices

Center Indigenous voices as you work to promote healing and justice. Make sure to include American Indians when making decisions and consult in good faith.

Respect Responsibility

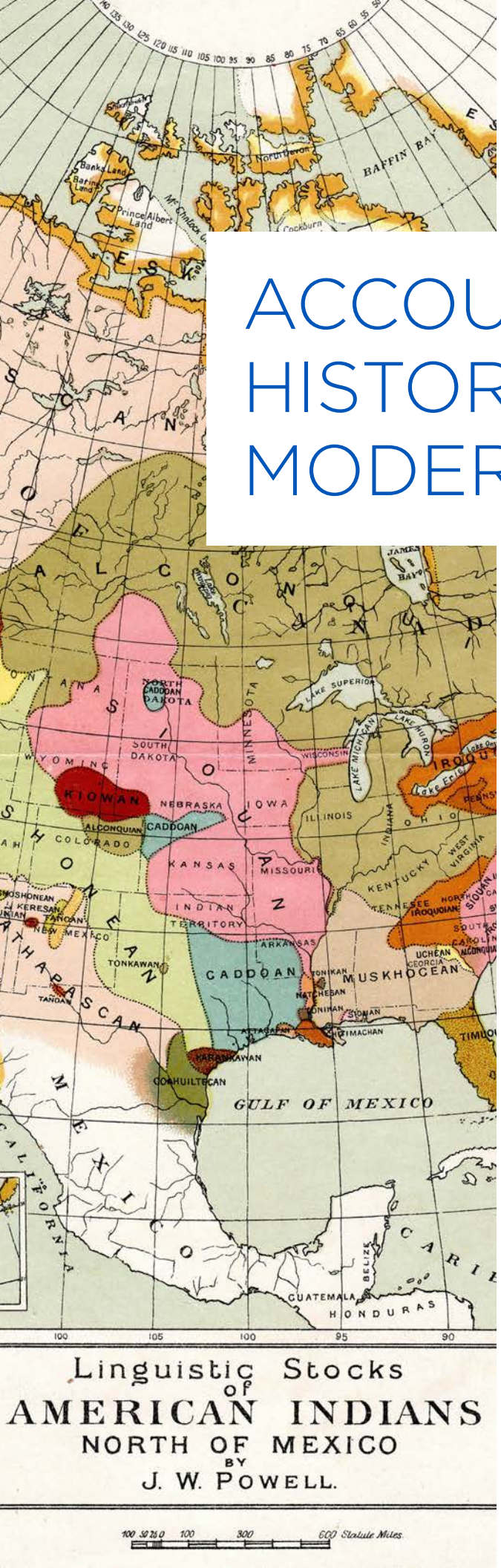
The trust doctrine is a legal source of federal responsibility to American Indians requiring the federal government to support Tribal self-government and economic prosperity. It also outlines duties that stem from the government's treaty guarantees to protect Indian Tribes and respect their sovereignty.[22] While municipalities are not bound by these duties to support Tribal self-government as the federal government is bound, there is still a responsibility to respect Tribal sovereignty, as municipalities do not have legal jurisdiction over Tribes.

Practice Partnership

In addition to Tribes, national and local nonprofits serving Native peoples are good potential partners for municipalities. Coordination can prevent duplication as well as help extend the reach of local government efforts. Partnering with Tribal Nations can lead to improvements in education, housing, and roads that benefit everyone in the community — a true example of the Solidarity Dividend in action. One of the best examples of Tribal partnerships with local communities was during the COVID-19 pandemic when Tribes' health clinics led the country in providing vaccinations to everyone, not just their Tribal members. A list of municipal case studies appears later in the guide including examples of how Tribes and cities have worked together on issues from public safety to economic development to land return.

> We need acts of restoration, not only for polluted waters and degraded lands, but also for our relationship to the world. We need to restore honor to the way we live, so that when we walk through the world we don't have to avert our eyes with shame, so that we can hold our heads up high and receive the respectful acknowledgment of the rest of the earth's beings."

— ROBIN WALL KIMMERER, Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge, and the Teachings of Plants



ACCOUNT FOR HISTORICAL AND MODERN DIVERSITY

SINCE TIME IMMEMORIAL, Native Nations and Indigenous peoples have been incredibly diverse. As noted previously, there are 574 modern federally-recognized Tribes and dozens more state-recognized Tribes. There is no one culture, language, or history among these Tribes. Nations have historically been divided into regions loosely based on cultural similarities. Following centuries of colonialism, including forced relocations and urbanization policies, regional categorizations should not be considered absolutes but a guide to understanding the inherent diversity in Indian Country. Some of the Tribal names listed below are not used today or have been split or combined due to removal. Some reservations contained multiple Tribes and became confederated Bands of Indians, sometimes with a new Tribal name. In the following paragraphs, the preferred Tribal name (if known) is listed first, with additional names in parentheses.

Today's Native Americans live on reservations, in cities across the U.S., and in their traditional territories. It cannot be overstated that Indigenous people have always been and remain diverse with unique cultures, beliefs, and histories.

The Arctic

This region near and above the Arctic Circle encompasses northern parts of present-day Alaska, Canada, and Greenland. Because of the cold, flat, and treeless climate, the Arctic's population was comparatively scattered and small. The Indigenous peoples of the North American Arctic include the Inuit, Yupik/Yupiit, and Aleut. The traditional languages are in the Eskaleut family. Peoples in this area have historically been called Eskimo but that term is considered derogatory and is no longer widely used.[23]

The Subarctic

This region is south of the Arctic, encompassing Alaska and most of Canada. The climate is characterized by swampy, piney forests and waterlogged tundra. Prominent Tribes include: the Innu (Montagnais and Naskapi); Cree; Ojibwa; Chipewyan; Dane-zaa (Beaver); Dene (Slave); Gwich'in; Tanaina; and Deg Xinag (Ingalik). The traditional languages are in the Athabaskan and Algonquian families."The Arctic" on page 21[24]

The Northeast

This region extends from Quebec, Ontario, and the Maritimes south to the Ohio River Valley and North Carolina. Along with an extensive coastline and an abundance of rivers and lakes, the Appalachian Mountain range falls within this region. Prominent Tribes include: various Bands of Algonquin-speaking peoples; Haudenosaunee (Iroquois) Confederacy of Seneca, Mohawk, Oneida, Onondaga, and Cayuga; Wendat (Huron) Confederacy (today's Wyandot and Wendat Tribes); Wampanoag; Mohican; Mohegan; Nipmuc; Ojibwa; Ho-chunk (Winnebago); Sauk; Fox; and Illinois. The traditional languages of the Northeast are largely of the Iroquoian and Algonquian language families.[25]

The Southeast

This region extends south from the Northeast culture area to the Gulf of Mexico, spanning from the Atlantic Ocean to slightly west of the Mississippi Valley. The climate is historically a humid and fertile agricultural region. Prominent Indigenous Peoples originally from this region include: the Cherokee; Choctaw; Chickasaw; Creek Tribes – Muscogee, Yuchi, Koasati, Alabama, Coosa, Tuskegee, Coweta, Cusseta, Chehaw (Chiaha), Hitchiti, Tuckabatchee, Oakfuskee; and Seminole. Other prominent Tribes included the Natchez; Caddo; Apalachee; Timucua; and Guale. Traditionally, most Tribes in the Southeast spoke Muskogean languages; there were also some speakers from Siouan and Iroquoian language families.[26]

The Plains

This region is centrally located and extends from the Rocky Mountains to the Mississippi River Valley and from the Subarctic to the Rio Grande. The region is characterized by warm summers and cold winters. Some prominent Tribes historically of this region are: Lakota; Dakota; Nakoda (Assiniboine) Bands; Kiowa; Pawnee; Mandan; Hidatsa; Arikara; Aaniiih (Gros Ventre); Wichita; Quapaw; and Osage. The Indigenous peoples of the Plains include speakers of Siouan, Algonquian, Uto-Aztecan, Caddoan, Athabaskan, Kiowa-Tanoan, and Michif languages.[27]

The Southwest

This region lies between the Rocky Mountains and the Mexican Sierra Madre. Well-known Tribes of this region are: Apache; Hopi; Yumans; Pima; and Tohono O'odham (Papago); Diné (Navajo); and the Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Picuris, Pojoaque, Sandia, San Felipe, San Ildefonso, San Juan, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia, and Zuni. The region is home to speakers of Hokan, Uto-Aztecan, Tanoan, Keresan, Kiowa-Tanoan, Penutian, and Athabaskan languages. The belief of Manifest Destiny and colonial wars for territory, such as the Mexican-American War of 1846, resulted in violent mass casualties and loss of life for peoples in this region.[28]

The Great Basin

This region includes almost all of what is now known as Utah and Nevada, as well as substantial portions of Oregon, Idaho, Wyoming, and Colorado, and smaller portions of Arizona, Montana, and California. The Great Basin is home to the Washoe, speakers of a Hokan language, and several Tribes speaking Numic languages (a division of the Uto-Aztecan language family). These include the Mono; Paiute; Bannock; Shoshone; Ute; and Gosiute. After the discovery of gold and silver in the region in the mid-19th century, a considerable proportion of the Great Basin's Indigenous Peoples lost their land and their lives.[29]

California

This region encompasses the U.S. state of California, especially west of the Sierra Mountains, as well as northern Baja, Mexico. The culture area includes representatives of some 20 language families, including Uto-Aztecan, Penutian, Yokutsan, and Athabaskan. Prominent Tribes include the Hupa; Yurok; Pomo; Yuki; Wintun; Maidu; Modoc; Tongva; Kumeyaay; and Yana, many of which have a language named for them. Many California peoples organized themselves as "Tribelets." Inter-Tribelet relations were generally peaceful, as groups recognized cultural ties with others, had well-established systems of trade and common rights, and maintained their political independence from one another. There are currently 109 federally-recognized Tribes in California and 78 petitioning for recognition.[30]

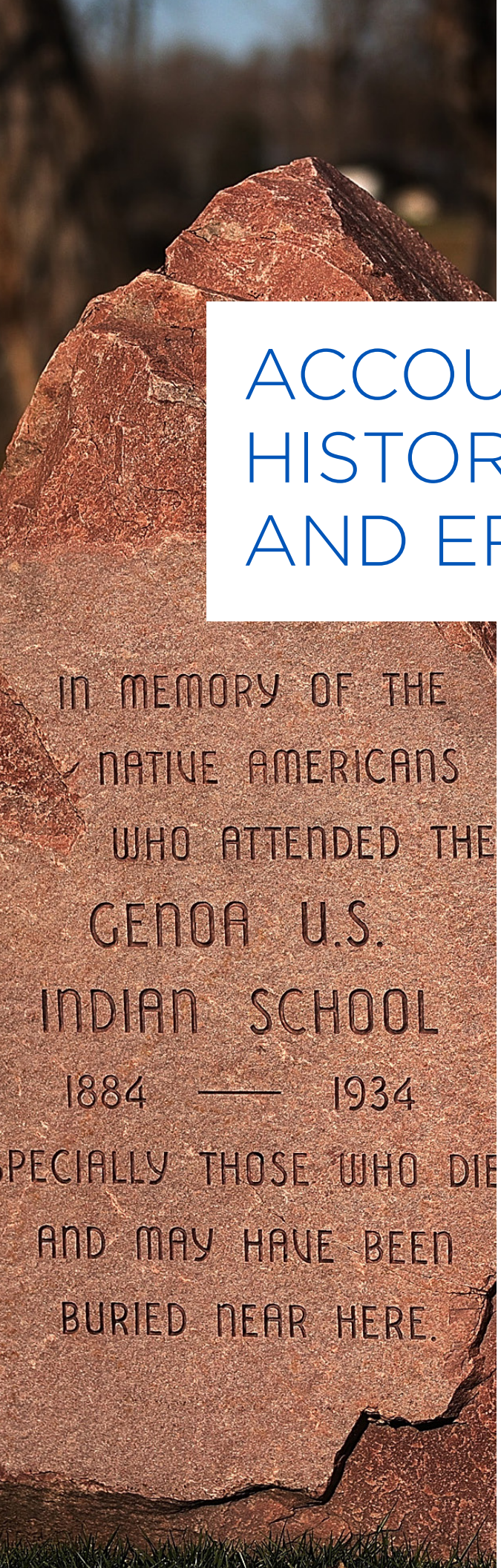
The Northwest Coast

This region extends from the Pacific Ocean to the Sierra Nevada and the Canadian Rocky Mountains, stretching near Yakutat Bay in the north to the Klamath River area in the south. The mild climate, abundance of natural resources, the ocean, and the region's rivers provided stable food. Many American Indian groups in this region built permanent villages that operated according to a rigid social structure. Prominent Tribes include the Tlingit; Haida; Quinault; Tsimshian; Kwakiutl; Bella Coola; chah-nulth (Nootka); Coast Salish; Duwamish; Sammamish; and Chinook. This culture area is home to peoples speaking Athabaskan, Tshimshianic, Salishan, and other languages.[31]

The Plateau

This region stretches from Western Canada, specifically British Columbia, to the United States, including parts of Idaho, California, Montana, Washington, and Oregon. This culture area is home to the Klamath; Klikitat; Modoc; Nimi'ipuu (Nez Perce); Walla Walla and Yakama; Skitswish (Coeur d'Alene); Salish (Flathead); Spokane; and Columbia Tribes. Language families include Salishan and Penutian. After explorers Lewis and Clark passed through the area in 1805, an increasing number of disease-spreading white settlers inhabited the area.[32]

Getty Images Archive Photos.



Stacy Revere / Getty Images News via Getty Images.

ACCOUNT FOR HISTORY OF HARM AND ERASURE

THE FOLLOWING SYNOPSIS provides a brief overview of the history of U.S.-Tribal relations and the violent and dehumanizing treatment of Indigenous peoples by the United States government, state governments, and local governments throughout U.S. history. This history is far from exhaustive. We encourage local leaders to start conversations within your cities, towns, and villages to uncover the true history between your local government and Tribal Nations.

Contact

As various European nations reached what is now the continental United States, encounters with Indian Tribes began with goodwill and trade, but conflict often followed. Europeans also made alliances with Tribes against each other in conflicts like the French and Indian War (1754) and the Seven Years War (1756).[33]

The Treaty-Making Era (1778–1871)

Europeans signed the first treaties with Indian Tribes in the early 1600s. Treaties between the U.S government and Indian Tribes established a pattern of legal and political interaction starting in 1778 with the Delaware Tribe. In 1871, when the treaty-making era formally ended, the U.S. had signed more than 350 treaties with Indian Tribes. Even after 1871, there were many written agreements between Tribes and the United States which functioned like treaties.[34]

> “The treaties morphed from this friendship and reciprocity sort of relationship into a very one-sided thing.”

— KEVIN GOVER, Pawnee, Director of the National Museum of the American Indian

The Removal Era (1830–1850)

President Andrew Jackson signed the Indian Removal Act in 1830. Removal policies during the period removed many Tribes from their eastern homelands to lands west of the Mississippi River to Indian Territory, especially into what is now known as Oklahoma. While some sections of Eastern Tribes agreed to move west to protect their interests, those who resisted were forced to go at gunpoint by the U.S. military. The troops did not give adequate time to gather belongings or food, and Natives’ homes were later looted. Removals included children and Elders, and many American Indians were killed by starvation, disease, and exposure to the elements. One of the most infamous of these mass removals was the “Trail of Tears,” a journey of more than 5,000 miles of forced marching of Cherokee, Choctaw, Creek, Chickasaw, and Seminole Peoples.[35]

The Reservation System (1850–1891)

Between the Removal and Allotment eras, federal policy gave way to the reservation system. Between 1850 and 1891, numerous treaties, statutes, and executive orders were made that required Tribes to relocate to distant territories or confined them to smaller areas that were “reserved” portions of the Tribes’ aboriginal territories. Reservations still exist today; however, Native Americans are not required to remain confined on them. During this time, states also passed laws that discriminated against Native Peoples. In 1850, the California legislature passed the Act for the Government and Protection of Indians that enabled Whites to legally enslave Native people. The law made “loitering” and “vagrancy” criminal offenses punishable by

indentured servitude; any White person could pay a Native person's bail, then compel them to work off the debt. In 1860, amendments were passed that legalized forced servitude of a period of 10 years for Native people accused of vagrancy. The laws also allowed White settlers to gain control of Native children and force them into indentured servitude by filing a court petition claiming the child was an orphan or that the parents had agreed to the arrangement. This law was also used to enslave Black children using the same methods. This act was not fully reversed until 1937.[36]

The Allotment and Assimilation Era (1887–1934)

The General Allotment Act, also known as the Dawes Act, was passed in 1887 and resulted in Indian Tribes losing 90 million of their 138 million acres of reservation lands. The Dawes Act was further amended by the Curtis Act of 1898 to include Choctaw, Chickasaw, Muscogee, Cherokee, and Seminole Tribes in what is now Eastern Oklahoma. It broke up communal reservation lands and assigned individual parcels, or "allotments," to Tribal members. These parcels, generally held in trust by the U.S. for 25 years, could not be sold or otherwise conveyed.[37]

> "The federal government had a policy to assimilate us. Not to integrate us like other people of color, but to assimilate us, and we would no longer exist."
>
> — LADONNA HARRIS, Comanche, President of Americans for Indian Opportunity.

After 25 years, titles to the parcels were to convert to fee-simple status, giving the Tribal owners the ability to sell their parcels without federal approval. After Tribal members received their allotments, the remaining reservation land was declared "surplus" and was opened to non-Indian settlement. As a result, trust lands, fee lands, and lands owned by Tribes, individual Indians and non-Indians are mixed together on reservations, creating a checkerboard pattern. Checkerboarded lands pose a range of challenges including: jurisdictional issues; lack of access to traditional areas for subsistence or ceremonial reasons; and impairment of economic activities.

This era is also characterized by government-sponsored efforts to assimilate Native Americans into mainstream American society. Many Native American children were sent to

boarding schools during this period, separating them from their families and Tribes. These schools had policies prohibiting the use of Tribal languages, Tribal dress, and traditional practices. Survivors of these boarding schools have long reported mistreatment, abuse, and even death of Indigenous children at the hands of school leaders and staff. It is estimated that up to a third of Indigenous children sent to boarding schools died during this period. Recently, an investigation found the bodies of 215 children on the grounds of the Kamloops Indian Residential School in British Columbia, Canada. Official records only reported 60 deaths at the school.[38] Boarding schools and assimilation efforts continued well into the 21st century. This policy resulted not only in generations of Native Americans losing their cultures and languages, but also in trauma being passed down through generations.[39]

The Department of the Interior has announced a plan to do more research and publish the records of boarding schools in the U.S. The nation's first Native American Secretary of the Interior, Deb Haaland, has said, "The Interior Department will address the inter-generational impact of Indian boarding schools to shed light on the unspoken traumas of the past, no matter how hard it will be, I know that this process will be long and difficult. I know that this process will be painful. It won't undo the heartbreak and loss we feel. But only by acknowledging the past can we work toward a future that we're all proud to embrace."[40]

Hulton Archive via Getty Images.

In 1924, U.S. citizenship was granted to all Native Americans. The right to vote, however, was governed by state law; until 1957, some states barred Native Americans from voting.[41] Challenges remain for voting on reservations where many do not have street addresses required to obtain identification suitable for voting in federal, state, and local elections.[42]

The Reorganization Policy (1934–1953)

Although assimilation efforts continued, the next phase of the federal government's policy toward Indigenous Peoples supported the reorganization of Indian Tribes. The Indian Reorganization Act of 1934 (IRA) ended the allotment of reservations, ensured that any allotted parcels still held in trust for individual Indians would not convert to fee-simple status, and reaffirmed that Tribal governments had inherent powers. The Act also provided a mechanism for the formalization of Tribal government through written constitutions and charters for Tribes that would agree to federal oversight. Adopting the IRA was voluntary for Tribes. If adopted, the IRA imposed a model of Tribal governance based on a corporate structure that differed from many of the traditional Tribal democratic systems. The resulting federal oversight came with increased transaction costs and obstructed economic development.[43] Section 5 of the IRA also allowed the Secretary of the Interior to "acquire … any interest in lands … for the purpose of providing lands for Indians."[44] The Department of the Interior is still able to put lands into trust for Tribes, but the process is complex and not applied equitably to Tribes that were terminated or Tribes that only recently gained federal recognition. The land-into-trust process was further complicated by the Supreme Court decision in *Carcieri v. Salazar* (see appendix for more).[45]

The Termination and Relocation Era (1953–1968)

Congress passed House Concurrent Resolution 108 in 1953, which called for ending the special federal relationship with Tribes and terminating their status. More than 100 Tribes

were terminated under this policy. The policy intended to further promote the assimilation of Native Americans into mainstream American society. However, termination led to a loss of federal services and resources for the Tribes, as well as the loss of more than 1 million acres of trust land. About 50 Tribes were able to restore their federally-recognized status by an act of Congress, executive order, or because the conditions of termination were not met before the policy ended.[46] Also in 1953, Public Law 280 was passed which transferred federal criminal jurisdiction, and some civil jurisdiction, to certain states over Tribal lands within their boundaries. The 1953 law also further complicated jurisdictional issues caused by allotment policies. This policy also encouraged individual Native Americans to move from their rural Tribes to metropolitan areas such as Chicago, Denver, Los Angeles, Cleveland, and Seattle. Once relocated, American Indians faced a lack of promised employment, as well as discrimination and the loss of traditional cultural supports. When returning home, many found they no longer fit in with those who stayed on reservations or family allotments.[47,48,49]

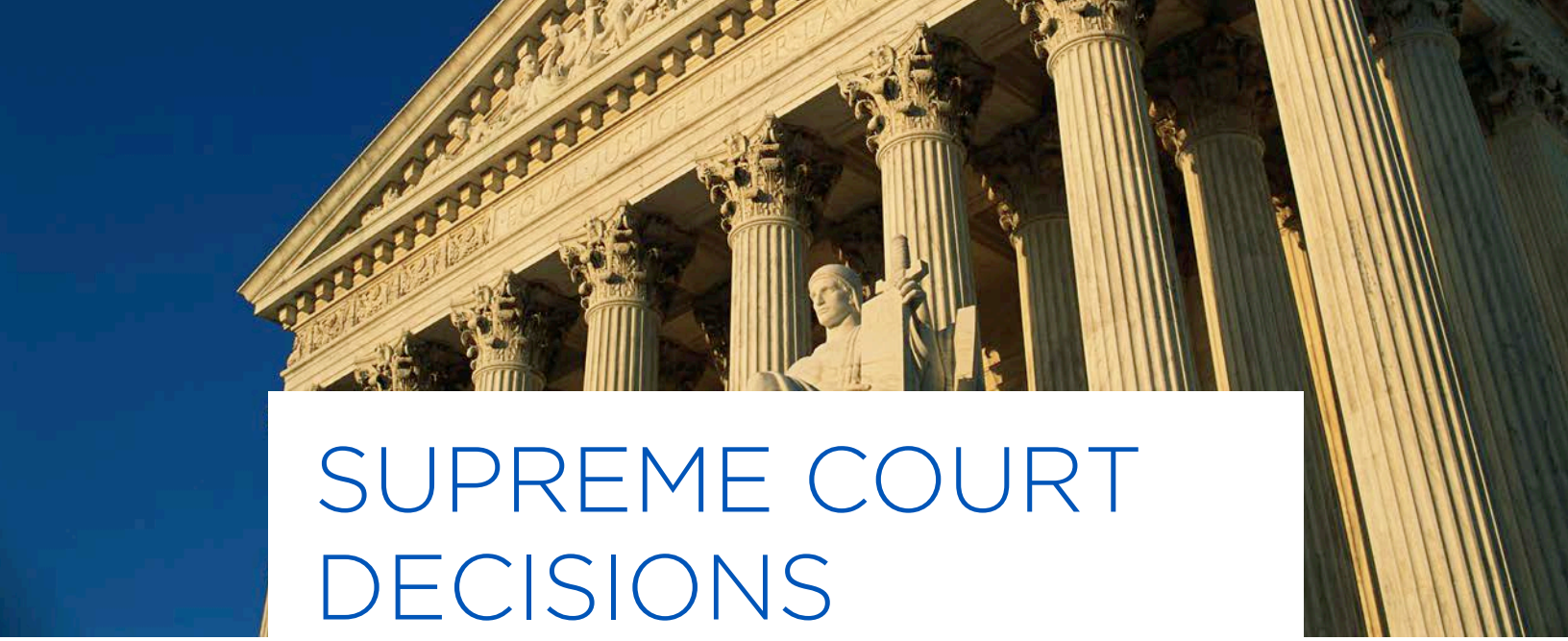
The Self-Determination Era (1968–present)

In the late 1960s and early 1970s, federal Indian policy began to support the concept of Indian self-determination. Various laws and executive orders strengthened support for Tribal governments and reaffirmed federal acknowledgment of Tribal sovereignty. Some of the laws passed during this time are the:

- Native American Programs Act (NAPA)
- Indian Child Welfare Act (ICWA)
- Indian Civil Rights Act of 1968
- American Indian Religious Freedom Act of 1978 (AIRFA)
- Indian Arts and Crafts Act (IACA)
- Native American Graves Protection and Repatriation Act (NAGPRA)
- Alaska Native Claims Settlement Act (ANCSA)
- Tribal Law and Order Act (TLOA)

Other federal laws explicitly affecting Tribes were the reauthorization of the Violence Against Women Act (VAWA), the National Historic Preservation Act (NHPA), and the Patient Protection and Affordable Care Act (ACA).[50]

> “Great nations, like great men, should keep their word.”
>
> — Hugo Black, U.S. Supreme Court Justice



SUPREME COURT DECISIONS

OVER TIME, THE policies of the executive and legislative branches of the United States federal government have done enormous harm to Indigenous Peoples. Nevertheless, federal policies are bound by treaties, the Constitution, and executive orders to protect American Indian and Alaskan Native sovereignty; as a result, the federal government is required to consult in good faith with Tribal Nations. The judicial branch is not legally bound in the same way.

Throughout U.S. history, the Supreme Court has unevenly applied its interpretation of the law on Indigenous sovereignty, often subverting treaties and legal precedent. The results of these rulings are often conflicting in nature and lead to unforeseen outcomes; the real-world impacts on both Tribes and federal agencies frequently are not taken into account.

The federal judiciary serves as an arbiter of disputes between Tribal governments and the federal government or state and local governments. Common areas of dispute include enforcement of treaty rights, taxation, zoning, and criminal justice. The U.S. Supreme Court has often made decisions at odds with federal policy and has shifted between supporting Tribes and limiting Tribal sovereignty. Decisions are almost always made without the input of Indigenous peoples or Tribal Nations. There are currently two Native American federal judges actively serving on the federal bench, Ada Brown (Choctaw) and Diane Humetawa (Hopi). No enrolled Tribal members have served on the U.S Court of Appeals or the

U.S. Supreme Court. The Supreme Court hears an average of 1-2 American Indian legal cases per year.

From 1987 to 2020, the Supreme Court decided 65 cases in which either Indian Tribes were parties or federal Indian law was at issue.[51] The justices ruled against the interests of Indians in 72 percent of the cases before 2016.[52] In 2017, Justice Neil Gorsuch was appointed to the Supreme Court, bringing with him a significant amount of experience in American Indian Law.[53] Since 2017, the Court has ruled in favor of tribal interests more frequently.[54]

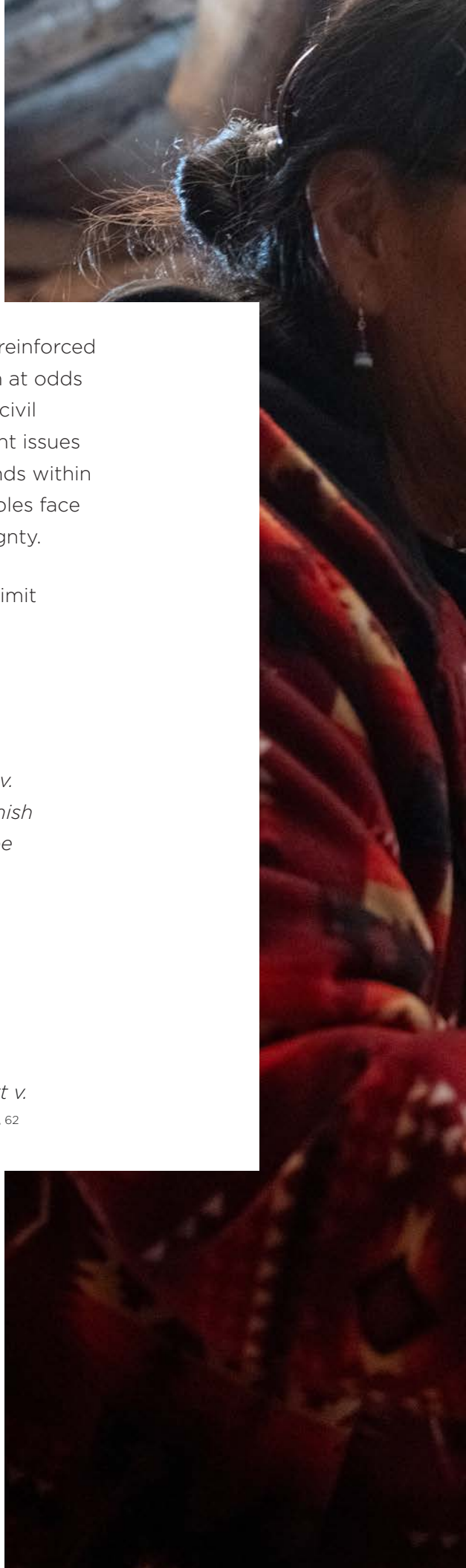
Three principles govern current Supreme Court doctrine: territorial sovereignty, plenary powers, and a trust relationship. The Court recognizes that: 1) Tribal authority on Indian land is organic and not granted by the state governments: 2) Congress is the ultimate authority with regard to Indian Tribes; and 3) the federal government has a "duty to protect" the Tribes.

Several cases have reinforced related but often conflicting ideas about Tribal sovereignty including:

- Tribes are considered "domestic dependent nations," meaning that although Tribes were in the past "distinct independent political communities," they became subject to the paternalistic powers of the United States.

- Tribal lands are also separate from the U.S. states in which they currently reside and maintain limited powers of criminal and civil jurisdiction, and subsistence fishing and hunting rights.

- The United States has a trust responsibility towards Tribes based on centuries of treaties.[55]

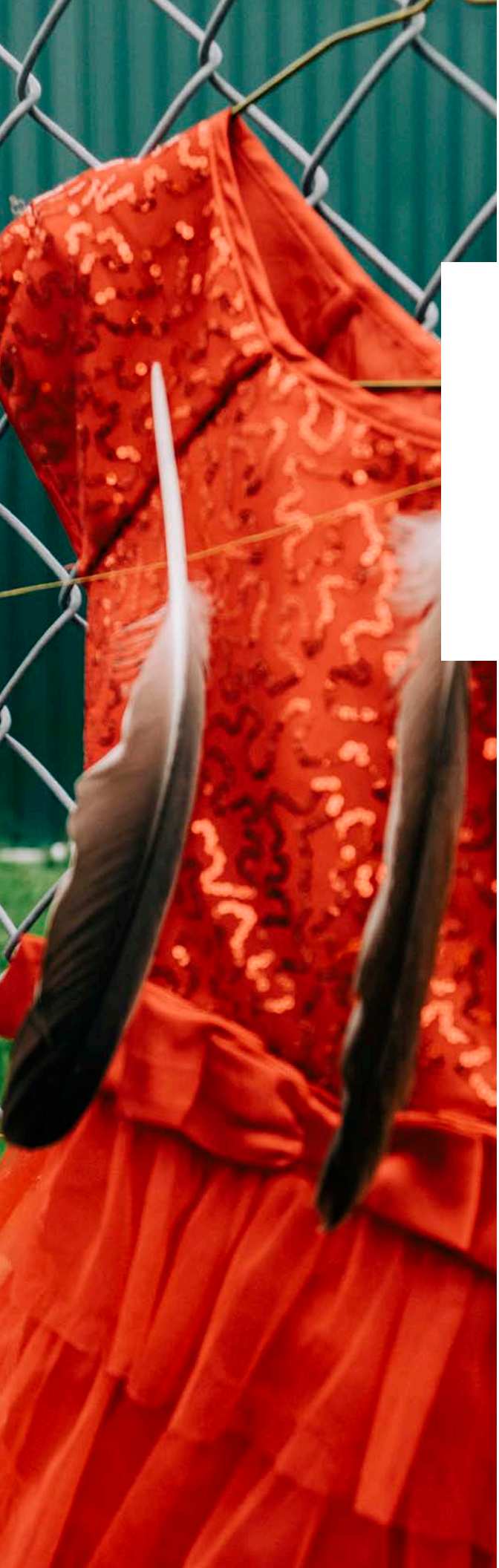


Because of the conflicting nature of these ideas, as reinforced by the Supreme Court, Tribal governments are often at odds with local and state governments over criminal and civil jurisdiction. Tribes also lack autonomy over important issues such as economic development and control over lands within reservation boundaries. In addition, Indigenous Peoples face perpetual uncertainty regarding Indigenous sovereignty.

There is significant overlap in cases that affirm and limit sovereignty. Below are just a few of the cases which significantly affected American Indian Law. Please see the appendix for more details on these cases.

Cases that have limited sovereignty: *Johnson v. M'Intosh, Cherokee Nation v. Georgia, United States v. Kagama, Lone Wolf v. Hitchcock, Oliphant v. Suquamish Indian Tribe, Montana v. United States, Seminole Tribe of Florida v. Florida*[56]*, Carcieri v. Salazar, Adoptive Couple v. Baby Girl*[57]*, and Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians v. Patchak*[58]

Cases that have somewhat affirmed sovereignty: *Worcester v. Georgia, Ex Parte Crow Dog, Iron Crow v. Oglala Sioux Tribe of Pine Ridge Reservation*[59]*, California v. Cabazon Band of Mission Indians, McGirt v. Oklahoma*[60]*, United States v. Joshua James Cooley*[61, 62]



TODAY'S INDIGENOUS COMMUNITY CHALLENGES

THE CHALLENGES FACING Indigenous communities today are numerous and multi-faceted. They are the result of hundreds of years of systemic racism, stolen land, break-up of the family structure, the boarding school era, relocation, lack of resources and opportunity, and cycles of oppression and poverty. Native communities also face continued lack of representation in the media and in places where decisions are made. Internalized racism is another challenge, defined by Donna Bivens as developing ideas, beliefs, actions, and behaviors that support or collude with racism.[63]

The challenges that follow occur across the United States, but cities, towns, and villages have a unique opportunity to repair relationships to reverse these inequities. Other challenges not outlined here can include threats to the National Indian Child Welfare Act, clean and safe water access, economic development, climate

change, natural resources, and broadband access. We invite the reader to engage with your local communities to identify unique challenges and their root causes in your city.

Missing and Murdered Indigenous Persons (MMIP)

In 2016, the National Crime Information Center reported there were 5,712 reports of missing American Indian and Alaska Native women and girls. But only 116 of those cases ever made it into the U.S. Department of Justice's federal missing persons database. While most MMIP statistics are focused on women and girls, Indigenous men and boys also go missing and/or are murdered at higher rates than white men. Many MMIP cases are not followed up on by local, state, or federal officials. Murder is the third-leading cause of death among American Indian and Alaska Native women, and rates of violence on reservations can be up to 10 times higher than the national average. As of 2018, there is no database in the United States that tracks how many Indigenous women have been abducted and/or murdered. Quality data is severely lacking at both the federal and local levels.[64, 65]

The Urban Indian Health Institute (UIHI) notes several reasons for the lack of quality data, including underreporting, racial misclassification, poor relationships between law enforcement and American Indian and Alaska Native communities, poor record-keeping protocols, institutional racism in the media, and a lack of substantive relationships between journalists and American Indian and Alaska Native communities. UIHI published a report in 2018 documenting the cases of 506 missing and murdered Indigenous women across 71 cities: 128 (25%) were missing persons cases, 280 (56%) were murder cases, and 98 (19%) had an unknown status. Approximately 75% of the cases UIHI identified had no Tribal affiliation listed in official case records. In addition, UIHI found 153 cases that were not in law enforcement records at all. Collecting this data required FOIA requests, as well as extensive reviews of news reports, social media, and advocacy sites and direct contact with families and community members. Of the perpetrators in murder cases, UIHI was able to identify that 83% were male and approximately half were non-Native. Only 38% of these perpetrators were ever convicted; 28% were never found guilty or held accountable.[66]

Physical and Mental Health

American Indians and Alaska Natives (AI/AN) face some of the worst health disparities in the U.S. Life expectancy for AI/ANs is 77.5 years compared with 79.8 years for non-Hispanic White Americans. Deaths due to diabetes account for 5.8% of deaths for Natives compared with 3.0% in the general population. Chronic liver disease or cirrhosis led to 5.5%

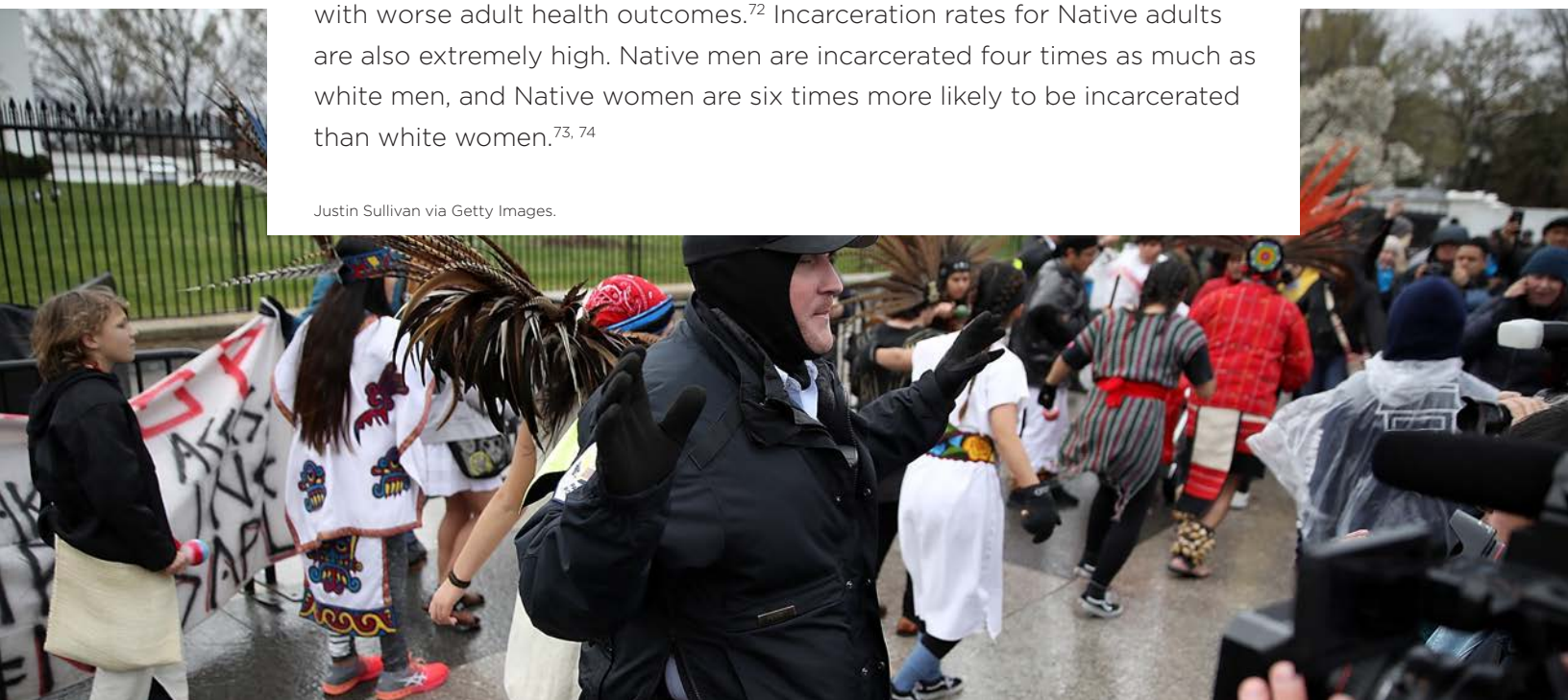
of American Indian and Alaska Native deaths compared with 1.4% in non-Hispanic White Americans. A study using data from counties near Tribal communities found similar rates of binge and heavy drinking among Indigenous men and White men, yet Indigenous men experienced three times higher rates for alcohol-attributable death than White individuals. Severe psychological distress, used to indicate mental health problems serious enough to impact day-to-day functioning, is two-and-a-half times more likely in American Indians/Alaska Natives than in White individuals. Suicide rates for American Indians are also higher than rates for all other ethnic groups. For youth, the rates are even higher. Suicide is the second leading cause of death for Native American youth 10-24 years of age. [67, 68]

Homelessness and Housing Insecurity

About one in 200 people who identify American Indian and Alaska Native as their only race is homeless, compared with 1 in 1,000 people in the U.S. population overall. There are an estimated 42,000 to 85,000 homeless Native Americans living in Tribal areas. Of American Indian and Alaska Native households living in Tribal areas, 16% experience overcrowding compared with 2% of all U.S. households.[69] These statistics are mirrored in urban areas as well: In 2015, a survey by Wilder Research found that although Native people are only 1% of Minnesota's population, they accounted for 8% of its homeless adults. In Maricopa County, Arizona, which includes Phoenix, American Indians and Alaska Natives were 7% of the homeless population but are only 3% of the total population. Indians in urban areas have a homeless rate three times higher than their non-Indian counterparts. Homeownership rates are also lower for urban Indians, with less than 46% owning their home, compared to 62% of residents of other ethnicities. Although Tribes are best suited to provide culturally appropriate housing services, they have limited resources to operate outside of Tribal lands.[70, 71]

Policing

Starting as youth, Native American people are treated far more harshly by law enforcement than their White counterparts. Native youth only make up 1% of the national youth population; yet alarmingly, 70% of juvenile offenders sentenced to the Federal Bureau of Prisons (BOP) are Native. On average, Native youth are disproportionately more likely to be placed in secure confinement than young people in any other ethnic group. Native American youth are also likely to be housed in detention and long-term state and federal facilities that are far from Tribal lands. In North and South Dakota, Alaska, and Montana, Native youth make up 29-42% of all juvenile offenders in secure confinement. In fact, Natives are more likely than any other ethnic group to be subject to the two most severe punishments doled out to juvenile offenders: out-of-home placements; and transfers to the adult penal system. The CDC has published studies that found youth offenders sentenced to the adult penal system are 39% more likely to recidivate on violent crimes. In addition, existing literature on longitudinal health effects of youth incarceration suggests that any incarceration during adolescence or young adulthood is associated with worse general health, severe functional limitations, stress-related illnesses such as hypertension, *and higher rates of overweight and obesity during adulthood*. Further studies have found that more months in confinement as adolescents and young adults correlate with worse adult health outcomes.[72] Incarceration rates for Native adults are also extremely high. Native men are incarcerated four times as much as white men, and Native women are six times more likely to be incarcerated than white women.[73, 74]



Justin Sullivan via Getty Images.

Language and Culture Loss

According to the online language resource Ethnologue, there are only 115 Indigenous languages spoken in the United States today, down from approximately 300 prior to colonization;[75] 70% of these languages will go extinct within one generation without serious intervention. Between 1877 and 1918, the United States allocated $2.81 billion to support the nation's boarding school infrastructure — an educational system designed to assimilate Indigenous people into white culture and destroy Native languages. Since 2005, the federal government has appropriated $180 million for Indigenous language revitalization, only 7 cents for every dollar the U.S. government spent on eradicating Native languages in previous centuries.[76]

When Congress passed American Indian Religious Freedom Act in 1978, it was meant to protect the rights of Native Americans to exercise their traditional religions by ensuring access to sacred sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites. Still, there are considerable barriers to practicing traditional religions and ceremonies for Indigenous Peoples in the United States. In one landmark case in the 1970s, the U.S Forest Service decided to allow commercial timber harvesting in a portion of the Six Rivers National Forest. The area chosen for harvesting included sites sacred to several Tribes, and members of those Tribes protested the decision. The Forest Service commissioned a study concluding that permitting commercial timber harvesting would destroy the Tribal members' ability to practice their religion. The report recommended against the proposal. However, the Forest Service moved forward with the plan to allow timber harvesting anyway.

Members of the Tribes sued, arguing that the proposed actions infringed on their ability to practice their religion. According to the test being used at the time, if the government substantially burdened the practice of religion, the government must prove that the burden was necessary to achieve a compelling government interest. Since the government's own

report concluded that the government's plan would destroy Tribes' ability to practice their religion, it seemed like a clear-cut case. The U.S. Supreme Court, however, changed the test, holding that "substantial burden" was a legal term of art and only applied in cases where Tribal members were fined, jailed, or deprived of a government entitlement. The Supreme Court thus held that the government had not substantially burdened Tribal members' practice of religion.

The next major Indian religious freedom case to go before the Supreme Court involved two Native Americanswho were fired from their jobs for testing positive for peyote, which they had ingested as part of sacrament. They applied for and were denied unemployment benefits, as they had been fired for work-related misconduct. Again, however, the Supreme Court used the case to change the legal test, holding that a neutral law applied generally could not, by definition, violate the First Amendment.[77]

Traditional Native crafts are also at risk, including beading, weaving, woodcarving, and pottery. Environmental and climatic pressures have a negative impact on some types of crafting, with deforestation and land clearing reducing the availability of key natural resources. Also, many craft traditions can involve "trade secrets" that should not be taught to outsiders. As a result, if family members or community members are not interested in learning the craft, the knowledge may disappear. Traditional crafts can take years to learn, and many artisans cannot make a living on crafts alone.[78]

Another urgent issue affecting Tribal communities is that cultural items and even ancestral remains have often been taken by researchers or curiosity-seekers and kept in museums and institutions. These institutions do not understand or wrongly believe that these items and remains have no connection to today's Indigenous peoples. Cultural items and ancestral remains continue to be important to contemporary Native peoples. Indeed, many Nations prefer to use the term "ancestors" instead of "remains" to highlight the continuity of past and present Indigenous communities and to reinforce that Indigenous people consider ancestral

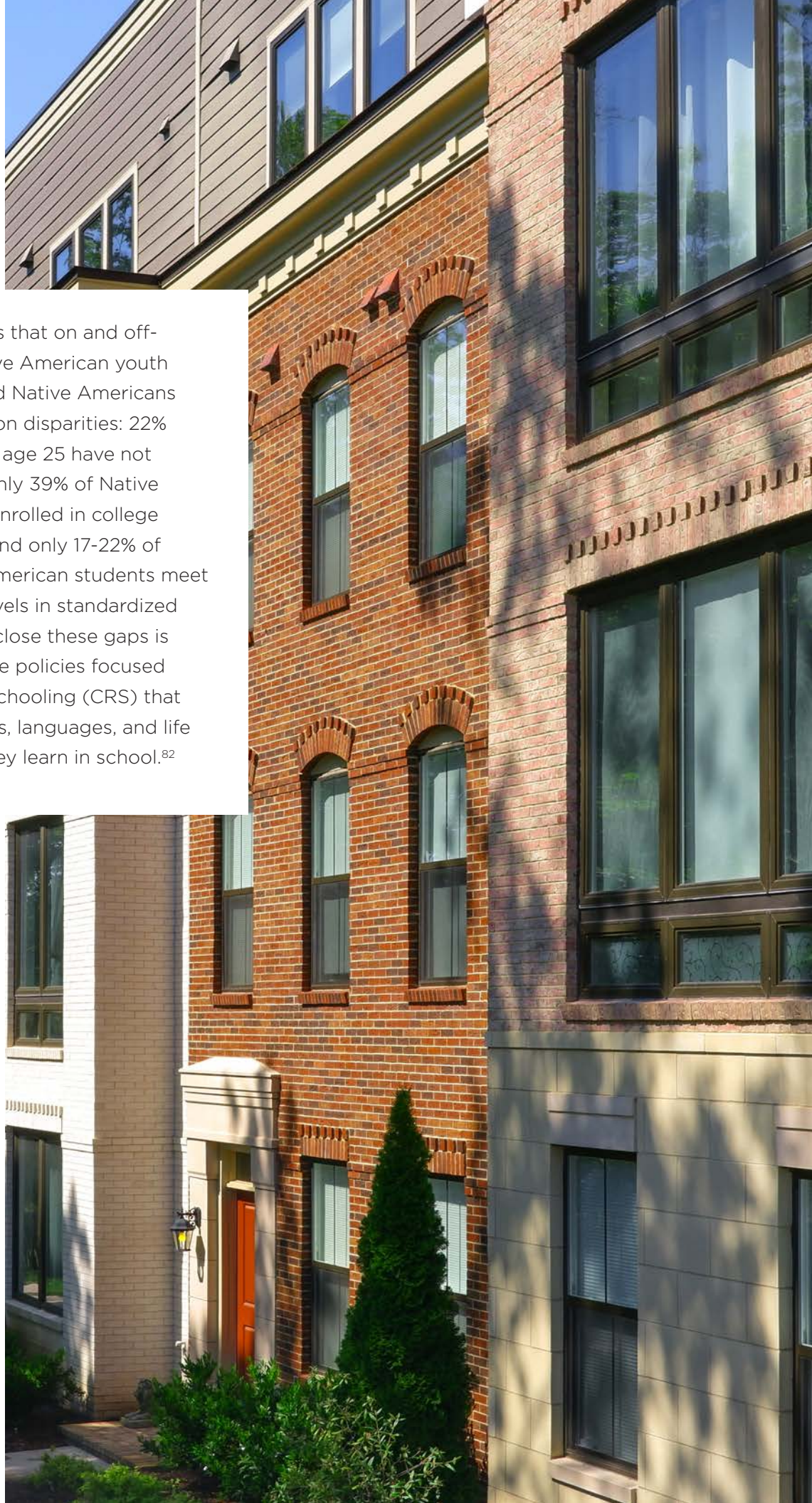
remains to be family members and not archaeological objects, no matter how much time has passed.

Despite these challenges, there is some encouraging news regarding Native culture loss. Under Native American Graves Protection and Repatriation Act, museums or other institutions that accept federal funding must compile an inventory of Indigenous cultural items and initiate repatriation of the collections and remains to Tribes or family members. In addition, small museums and private institutions that accept federal CARES Act money or other stimulus funds could now be required to relinquish thousands of Indigenous items and ancestral remains now in their collections.

Native American communities are persistent survivors and have continued practicing traditional culture and religions despite the attempted cultural genocide outlined above. Culture includes language, crafts, traditional ceremonies, funerary preparations and much more. The full meaning of culture eclipses what can be covered in this guide. The reader is encouraged to explore how language and culture loss are affecting Indigenous peoples in your area.

Urban Experience

Today, 78% of Native Americans live off-reservation, and 72% live in urban or suburban environments. However, only about 1% of spending by American Indian and Alaska Native-serving federal agencies goes to urban programs. Cities are also failing to meet the needs of Native American residents. Cities like Denver, Phoenix, Tucson, Chicago, Oklahoma City, Houston, and New York have up to 30% of American Indians living in poverty. Federal funds do not always directly address this community's needs. Because they live off-reservation, the elements of the safety net available to Native children and families living on reservations or Tribal territories are unavailable to them.[79] In addition to the statistics on homeless Native Americans detailed in the previous paragraphs, homes occupied by urban Indians (owned and rented) are 1.8 times more likely to lack basic services like plumbing, twice as likely to lack kitchen facilities, and three times more likely to lack adequate telephone services.[80] Although there are urban Indian organizations in many cities, and they are an important support to Native American families to maintain ties, the need is often greater than these small non-profits can contend with.



An added consideration is that on and off-reservations, 93% of Native American youth attend public schools, and Native Americans face pronounced education disparities: 22% of Native Americans over age 25 have not completed high school, only 39% of Native American students who enrolled in college complete their degrees, and only 17-22% of elementary-age Native American students meet proficient or advanced levels in standardized math tests.[81] One way to close these gaps is for municipalities to create policies focused on culturally responsive schooling (CRS) that connect students' cultures, languages, and life experiences with what they learn in school.[82]

HOW CITIES CAN ADDRESS CHALLENGES

INDIGENOUS PEOPLES ARE still here, living in our cities, towns, and villages. Indigenous peoples are diverse across and within Tribes and communities. Although Native Americans have faced centuries of direct harm and erasure by federal, state, and local governments, there are abundant opportunities to repair these relationships and make sure American Indians and Alaska Natives are seen and served. Data disaggregated by race continues to be a crucial tool to discover the disparities in your community and provide constituents with undisputable proof that new policies are working for everyone. Municipal governments can make a difference for their Indigenous residents. Doing this work requires not only new programs and policies but behavior changes and a commitment to racial equity, healing, and repaired relationships.

The vision we shared at the beginning of this Guide can be realized to create cities that are welcoming and that meet the needs of Indigenous constituents. Recalling the vision statement:

The National League of Cities envisions cities and towns that are welcoming and that equitably meet the needs of all of their constituents. We envision cities where Indigenous knowledge, perspectives, and sovereignty are respected; where Native people feel safe and are healthy; where Indigenous people can practice traditional religions and access traditional medicines; where Indigenous people can practice subsistence fishing and hunting and

land management practices; where sacred sites, places, and landscapes are protected; where Native people have access to clean air and water; where Native American languages are thriving; where everyone has what they need for a high quality of life; and where non-Native neighbors and community members are knowledgeable about Native communities' history and contributions. We want to create a world in which Indigenous Peoples' contributions, culture, and history are respected and where policies, practices, and procedures that harm them are eliminated.

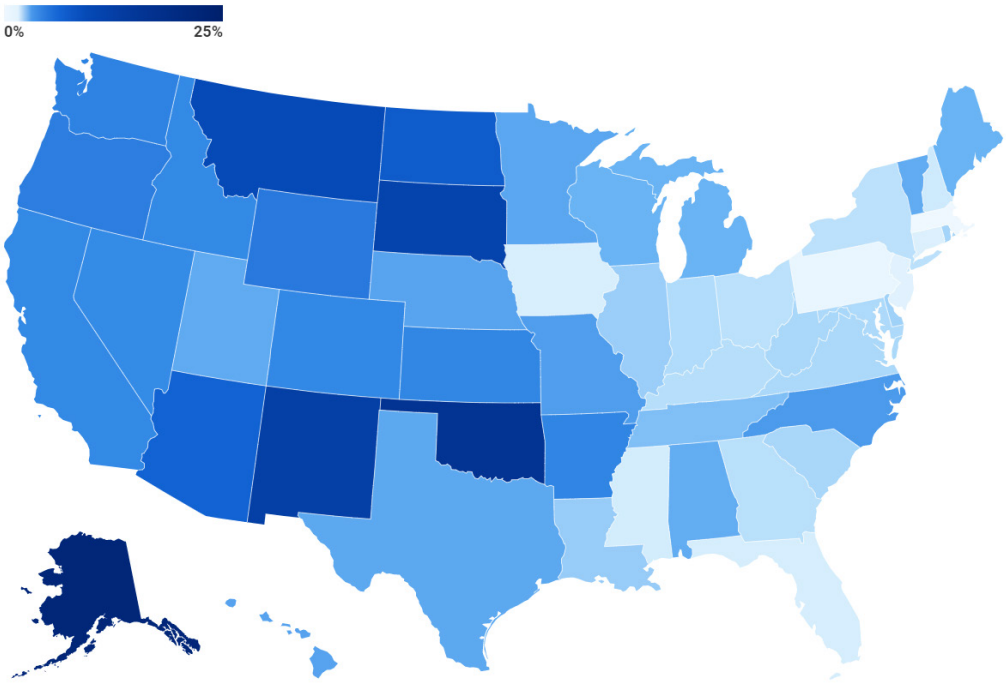
To this end, we offer multiple examples of municipalities paving the way to acknowledging the history, repairing the harm, and meeting the needs of their Indigenous constituents. This is every municipality's opportunity for peer learning and replication.

> "For years, the lives and experiences of Indigenous peoples have often been introduced or described from a negative perspective. This may be well-intentioned because the narrative draws attention to the many challenges and incredible needs faced by Native peoples, but this narrative reinforces stereotypes and implies hopelessness. Native peoples are deeply hopeful and have an abundance of cultural knowledge that is positive. A better narrative is one that reclaims the truth of our positive values and relationships."
>
> — CHERYL CRAZY Bull (Sicangu Lakota)

MUNICIPAL CASE STUDIES

THE MAP BELOW shows 2020 census data of the American Indian and Alaska Native population in the United States. We have collected case studies from around the country to highlight how municipalities are cooperating with Native residents and addressing crucial issues affecting them in diverse regions and cities across the country.[83]

Share of population identifying as American Indian and Alaska Native alone or in combination with one or more other races in 2020.



Map: Adriana Rezal • Source: USAFacts • Get the data

U.S.News

Keeping Communities Safe

Many Tribes and local law enforcement agencies work together to mitigate jurisdictional issues through cross-deputization, contracting, or liaison partnerships.[84] Riverside County, CA has created a Tribal Relations Unit which partners with all 12 Tribes in the county to provide law enforcement services to local and Tribal communities.[85] The Sheriff in Leelanau County, MI signed a deputization agreement with the Grand Traverse Band of Ottawa and Chippewa Indians that allows for Tribal police officers to make criminal arrests of non-Indians and for both departments' officers to make arrests in the other's jurisdiction.[86] The Wyandotte Nation in Oklahoma is also the first in the United States with one police force serving both the Nation and the town of Wyandotte, Oklahoma.[87]

Restoring the Environment

In Oregon City, OR, the Confederated Tribes of Grande Ronde purchased an old paper mill site that had been keeping Willamette Falls closed to the public and laid plans for the Willamette Falls Legacy Project with the City. The plans call for the old paper mill site to be transformed into a community center and extension of Oregon City Downtown, with dedicated space for Indigenous communities to hold ceremonies and wider public access to the falls and ecological restoration.[88] The City of Bellevue, WA and the Muckleshoot Indian Tribe have built a successful partnership out of a shared goal: to recover salmon in urban environments and expand the natural production of native fish populations. In 2013, the City and the Tribe initiated a joint effort to release surplus hatchery fish from a local Washington State Department of Fish and Wildlife hatchery into Bellevue streams. In November 2021, the City celebrated the fourth release of Coho Salmon into Bellevue's Coal Creek and hopes to continue this partnership to restore salmon and their aquatic habitats for years to come.[89]

Keeping Communities Healthy

In King County, WA, the cities of Sammamish and Issaquah and Eastside Fire and Rescue partnered with the Snoqualmie Tribe to expand uptake of COVID vaccines.[90] The collaboration in April to mid-June resulted in some of the highest community-wide vaccination rates in Washington state. Many other Tribal Nations were so successful in giving vaccines that they opened up their vaccination clinics to non-Native community members and neighbors as early as March 2021.[91]

Achieving Land Return

In 2015, the Eureka, CA, City Council voted to return the remaining 200 acres the city owned on Duluwat Island back to the Wiyot Tribe. In related efforts, conservation land trusts have been returned to Native peoples in Maine, California, Minnesota, Hawai'i, and Massachusetts.[92 & 93] Individuals in the Seattle, WA[94] area and the East San Francisco Bay area, CA[95] have also voluntarily contributed "rent" or land taxes to Confederated Villages of Lisjan and the Duwamish Tribe, respectively.

Addressing and Resolving Missing and Murdered Indigenous Persons

Local government representatives in Anchorage, AK, and Lincoln, NE, provided comprehensive data on MMIP cases in their jurisdictions to assist Urban Indian Health Institute in finding out more information for its 2018 report on Missing and Murdered Indigenous Women and Girls (see page 35 for more on this issue).[96]

Expanding Housing and Social Services

Portland Public Schools and the City of Portland, OR, partnered with the local Native American Youth and Family Center (NAYA) to build stable housing for foster children, parents wishing to adopt, and community Elders.[97] The city of Minneapolis partnered with Red Lake Nation (in Northern MN) to set up a temporary emergency shelter, followed by a permanent affordable housing complex including a Red Lake Nation embassy and a healthcare center.[98,99]

Supporting Economic Development

Wyandotte Nation and government officials from both Park City and Wichita, KS, worked together to build a casino in Park City that will employ hundreds of north Sedgwick County residents.[100] The City of Oklahoma City, OK, in 2019 partnered with the Chickasaw Nation to take over and develop the First Americans Museum after lack of action by the state. To facilitate this partnership, Oklahoma City agreed to make the surrounding property and area into a Tax Increment Finance District and passed a Metropolitan Area Project Plan (MAPS) to improve pedestrian access, trails, and a boat dock on the nearby Oklahoma River.[101] The partnership has continued with the Chickasaw Tribe investing in building the OKANA Resort and Indoor Waterpark, which will have a projected 10-year economic impact for the community exceeding $1 billion and will employ 800 local community members.[102] Asheville, NC in May 2019 voted to extend naming rights for the local civic center to a Tribally-owned business, Harrah's Cherokee Casino. City staff's goal was to contract with a "notable company or individual that is culturally and socially compatible with the local community."[103] Harrah's Cherokee Casino was ultimately chosen not only as a minority-owned business but also because of the significant impact the Eastern Band of Cherokee Indians (EBCI) and its businesses on western North Carolina. The agreement also included staff-sharing between the civic center and EBCI businesses.[104]

Formal Nation-to-Municipal Relations

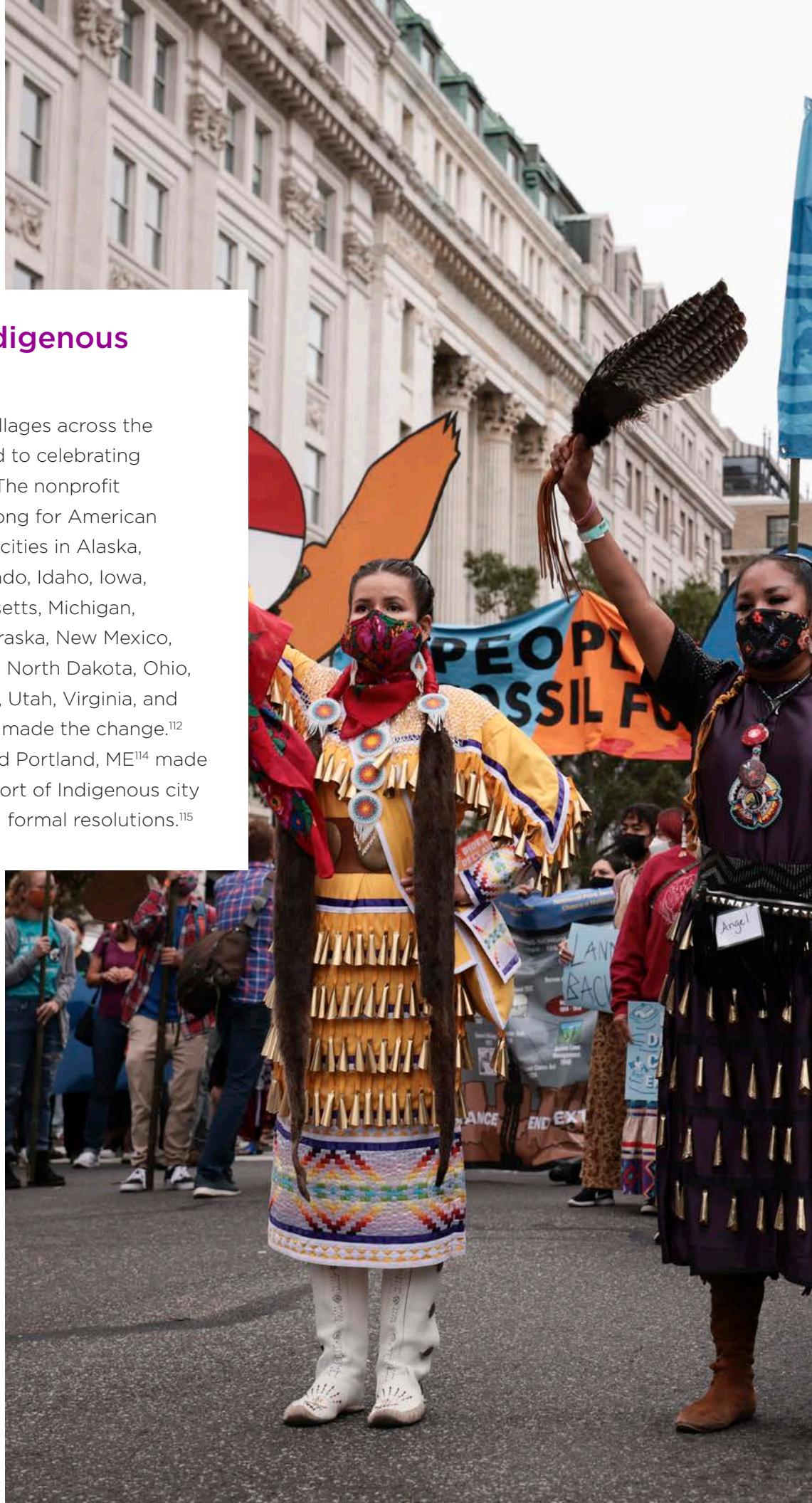
The City of Anchorage, AK, is establishing formal Nation-to-Municipal relations with the Native Village of Eklutna. Under the agreement, Eklutna representatives have dedicated time to speak during public hearings, there will be regular meetings between the Anchorage Assembly and the Village, and municipal employees will receive training about the Tribes in Alaska, their legal status and history, and issues of concern to Tribes.[105] The City of Longmont, CO, sits on the ancestral homeland of the Northern Arapaho. Recognizing this, the City and Tribe created the first-ever sister city relationship between a sovereign Tribal Nation and a U.S. city. The partnership will build cultural bridges and facilitate travel between the communities.[106] In 2014, leaders from Lacey, WA, and the Nisqually Tribe signed a historic accord acknowledging the partnership and mutual interests between the City and the Tribe. The accord includes the following provisions: the parties will meet on an annual basis; the parties will identify common goals and interests benefitting both Tribal members and Lacey residents; the parties will identify necessary actions to address or resolve issues of mutual importance; and the parties will explore opportunities and engage in activities to strengthen ties between the two communities. Over the last several years, the City and the Tribe have worked together on issues including environmental and resource stewardship, education, economic sustainability, community service, and cultural and historic preservation.[107]

Land Acknowledgements

Land acknowledgements – formal statements that recognize and respect Indigenous Peoples as traditional stewards of this land and the enduring relationship that exists between Indigenous Peoples and their traditional territories,[108] are an important first step to a true partnership with American Indians in your city. The Pew Trusts reported that a growing number of cities are now adopting land acknowledgements. From August 2020 to March 2021, at least 10 cities adopted land acknowledgement resolutions, including Tempe, AZ, Portland, OR, and Denver, CO.[109] A good land acknowledgement includes action and a commitment to repair relationships with the Tribe(s) that have historically called your city home. The University of North Carolina at Asheville worked with the Eastern Band of Cherokee Indians to craft a land acknowledgement that was voted on and approved by the Tribe.[110] The university also committed to publicizing the land acknowledgement statement as well as hiring Indigenous faculty and staff, requiring courses on Indigenous topics, and collaborating on research with Tribal communities.[111]

Recognizing Indigenous Peoples Day

Many cities, towns, and villages across the United States have moved to celebrating Indigenous Peoples Day. The nonprofit organization Running Strong for American Indian Youth reports that cities in Alaska, Arizona, California, Colorado, Idaho, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Texas, Utah, Virginia, and Washington have already made the change.[112] Cities like Tempe, AZ[113] and Portland, ME[114] made the change with the support of Indigenous city council members, passing formal resolutions.[115]



Anna Moneymaker via Getty Images.

Improving Outcomes for Native Residents

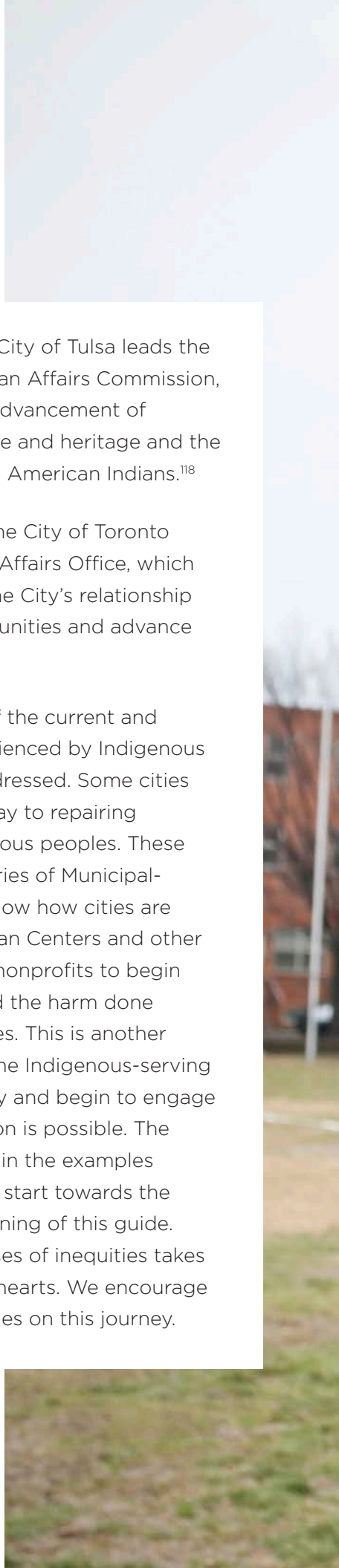
- **City of Albuquerque, NM:** The City of Albuquerque established the Office of Native American Affairs, a Commission on American Indian and Alaska Native Affairs, and a Native American Homelessness Task Force. The City also provides services and resources for Native American organizations and other Indigenous-serving agencies. Recently, Albuquerque has also begun community conversations with Indigenous residents on the topic of city-owned land that was formerly the site of the Albuquerque Indian School and may contain burials of Indigenous students. The sections of the park thought to contain burials have already been restricted from public access, and ground-penetrating radar is being used for confirmation.[116]

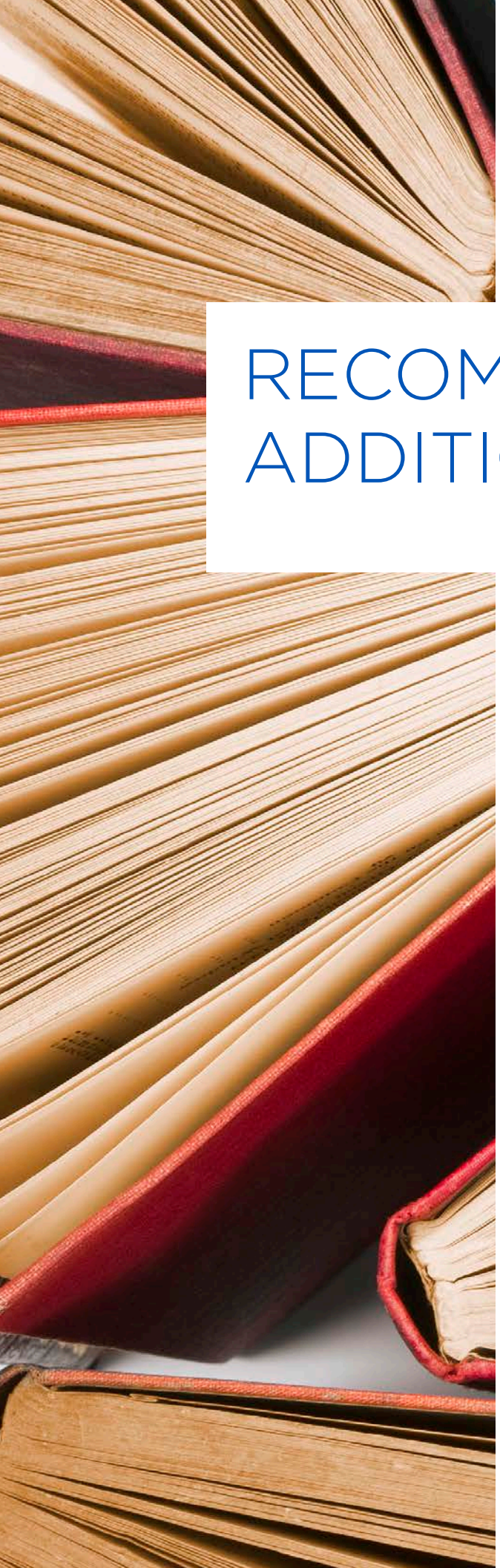
- **City of Seattle, WA:** The City of Seattle created a Tribal Relations Director position within the Office of Intergovernmental Relations. The director is responsible for government-to-government consultation and coordination between area Tribes and the City and for connecting the large American Indian and Alaska Native population in the city to Indigenous-serving departments and organizations.[117]

- **City of Tulsa, OK:** The City of Tulsa leads the Greater Tulsa Area Indian Affairs Commission, which focuses on the advancement of American Indian Culture and heritage and the provision of services to American Indians.[118]

- **City of Toronto, ON:** The City of Toronto created an Indigenous Affairs Office, which strives to strengthen the City's relationship with Indigenous communities and advance reconciliation.[119]

The depth and breadth of the current and historical inequities experienced by Indigenous communities must be addressed. Some cities are already leading the way to repairing relationships with Indigenous peoples. These examples are success stories of Municipal-Tribal partnerships and show how cities are engaging with Urban Indian Centers and other local Indigenous-serving nonprofits to begin to repair relationships and the harm done to Indigenous communities. This is another opportunity to research the Indigenous-serving groups in your community and begin to engage as partners. Transformation is possible. The cities, towns, and villages in the examples above are making a good start towards the vision shared in the beginning of this guide. Combatting the root causes of inequities takes ongoing effort and open hearts. We encourage you to join your fellow cities on this journey.





RECOMMENDED ADDITIONAL READING

The Round House by Louise Erdrich (Enrolled Turtle Mountain Band of Chippewa Indians)

There, There by Tommy Orange (Enrolled Cheyenne and Arapaho Tribes of Oklahoma)

An Indigenous Peoples' History of the United States by Roxanne Dunbar-Ortiz

Braiding Sweetgrass by Robin Wall Kimmerer (Enrolled Citizen Potawatomi Nation)

Everything You Wanted to Know about Indians But Were Afraid to Ask by Anton Treuer (Enrolled Leech Lake Band of Ojibwe)

Everything You Know About Indians is Wrong by Paul Chaat Smith (Enrolled Comanche Nation)

The State of the Native Nations: Conditions under U.S. Policies of Self-Determination by Kalt, Joseph P., Eric C. Henson, Jonathan B. Taylor, Catherine E. Curtis, Stephen Cornell, Kenneth W. Grant, Miriam Jorgensen, Andrew Lee, and Harry Nelson

1491: New Revelations of the Americas Before Columbus by Charles C. Mann

*Native American DNA: Tribal Belonging and the False Promise of Genetic Science b*y Kim TallBear (Enrolled Sisseton-Wahpeton Oyate, Descended from the Cheyenne & Arapaho Tribes of Oklahoma)

Real Indians: Identity and the Survival of Native America by Eva Marie Garroutte (Enrolled Cherokee Nation)

Bury My Heart at Wounded Knee by Dee Brown

The Great Vanishing Act: Blood Quantum and the Future of Native Nations edited by Norbert S. Hill, Jr. (Enrolled Oneida Nation of Wisconsin) and Kathleen Ratteree

Fifty Miles From Tomorrow: A Memoir of Alaska and the Real People by William L. Iggiagruk Hensley (Alaska Native, Inupiat)

FURTHER ENGAGEMENT

This list provides high-level guidance and starting points for engaging in steps toward expanded knowledge, understanding and healing. These seven activity areas are by no means exhaustive, but they offer a framework for conversation and progress.

1. **Responding to Land Return requests**
   - a. **Decide whether or not it is feasible?**
     - i. Considerations – local buy-in
     - ii. Is the Tribe ready for it?
     - iii. Will it be eligible for land-into-trust support from the federal government?
   - b. **What to do if it is not?**
     - i. Can space be used for an Intertribal community center?
     - ii. Are there other community needs?
2. **Land Acknowledgements**
   - a. **Couple action with the acknowledgement**
   - b. **Use modern examples of Indigenous Peoples in the area**
3. **Native American Liaison/Department**
   - a. **Conduct community outreach**
   - b. **Create an advisory council to support liaison**
     - i. Include representatives from Native-serving organizations or programs
   - c. **Designate point person to coordinate meetings between City leaders and Tribal leaders**
   - d. **Ensure continuity across administrations**
   - e. **In cities with Urban Indian Centers, ensure there are enough resources to serve the whole community. One Indian Center alone cannot handle all needs**
4. **Data**
   - a. **Disaggregate data by race/ethnicity**
   - b. **Train all departments on the importance of disaggregated data**
     - i. Ensure tools and resources are available to collect and analyze data
     - ii. Any forms should include a place to identify Indigenous individuals

5. **Museums/Artifacts/Repatriation**
    a. **If local museums are funded in whole or in part by local government, ask questions to ensure they are upholding Native American Graves Protection and Repatriation Act (NAGPRA)**
        i. Coordinate with Tribal governments; respect and understand Tribal sovereignty
        ii. Ensure enough time so Tribes can coordinate
        iii. Have a resting place for items so that ancestors/items will be acknowledged until the Tribal government can coordinate ceremonies or processes
        iv. Understand obligation to take care of ancestors/items until Tribal government/ Elders can conduct ceremonies or processes

6. **Sacred sites, places, and landscapes or historical properties**
    a. **Make sure local government construction upholds historic preservation**
        i. Section 106 of the National Historic Preservation Act requires federal agencies to consider the effects on historic properties of projects they carry out, assist, fund, permit, license, or approve, including those within municipal jurisdictions[120]
        ii. Connect with removed/relocated Tribes
            1. Consult the Tribal Directory Assessment Tool (TDAT) from the U.S. Department of Housing and Urban Development: https://egis.hud.gov/TDAT/
                i. Be aware that TDAT is incomplete and not updated but it links tribes' geographic areas of current and ancestral interest down to the county level
            2. Consult Native-land.ca
    b. **Ensure contractors are aware of historic properties to protect them**
        i. Keep repository of information for contractors that uphold historic preservation
        ii. Set funds aside in contracts for consultation/preservation

7. **Disproportionate needs and resources**
    a. **Understand obligation for the city to address disparities**
    b. **Are we as municipal government addressing disproportionate needs?[121]**

APPENDIX

Supreme Court Decisions

Marshall Trilogy

Johnson v. M'Intosh, 21 U.S. 543 (1823); *Cherokee Nation v. Georgia,* 30 U.S. 1 (1831); and *Worcester v. Georgia*, 31 U.S. 515 (1832). Chief Justice John Marshall is credited with being the primary author of all three decisions which established federal supremacy in Indian affairs, excluded state law from Indian country, and recognized Tribal governance authority. *Johnson* is also known for adopting the Doctrine of Discovery put forward by European monarchies to legitimize the colonization of American Indian and other lands outside Europe.[122]

Ex parte Crow Dog, 109 U.S. 556 (1883)

Sicangu Band of Lakota Indians (now known as the Rosebud Sioux Tribe) were conflicted over whether to concede additional lands and resources to the United States. Crow Dog, the leader who was opposed to the concession, allegedly murdered Spotted Tail, who supported ceding lands. The Tribe handled the case according to internal law and Crow Dog was made to pay restitution to Spotted Tail's family. Federal officials decided that the punishment was not severe enough and wanted to prosecute Crow Dog under federal law. The Supreme Court held that no federal statute or Indian treaty expressly authorized federal criminal jurisdiction over an Indian-on-Indian crime on Indian lands. In response, Congress passed the Major Crimes Act 18 U.S.C. § 1153., expressly authorizing federal criminal jurisdiction in these cases.[123]

United States v. Kagama, 118 U.S. 375 (1886)

Kagama was the first prosecution under the new Major Crimes Act argued before the Supreme Court. For the first time, the Court addressed the source of Congress's constitutional authority over Indian affairs and Indian country. The Court rejected the government's contention that the Indian Commerce Clause ("The Congress shall have Power … to regulate commerce with foreign nations, and among the several states, and with the Indian.") authorized the extension of federal criminal jurisdiction over Indian country. The Court held instead that more generalized federal interests in maintaining law and order on Indian lands, and protecting Indian people from states and their citizens, authorized the Major Crimes Act.[124]

Lone Wolf v. Hitchcock, 187 U.S. 553 (1903)

Lone Wolf involved the objection to an allotment plan for the Kiowa-Comanche-Apache reservation. Under the terms of the Medicine Lodge Treaty agreed to in 1867, two-thirds of the adult males of the Tribes would have to consent before the treaty could be amended. Kiowa Chief Lone Wolf argued that the allotment plan did not get the appropriate consent to amend the treaty and use allotment policies to take more land from the Tribes. The Court held that Congress had the authority to proceed with the allotment plan under its plenary power over Indian affairs, that federal altering of Indian property rights over Tribal objections could proceed because the Tribe would receive compensation, and that the Court would presume that Congress was acting in good faith in setting the terms of compensation.[125]

Iron Crow v. Oglala Sioux Tribe, 231 F.2d 89 (8th Cir.1956)

Three citizens of the Oglala Sioux Tribe challenged the jurisdiction of the Tribal court to handle their cases. Marie Little Finger and David Black Cat challenged the jurisdiction of the tribal court to try an adultery case, and Thomas Iron Crow challenged the ability of the Tribe to assess taxes on a non-Native who leased grazing rights from him on his allocated land on the reservation. The 8th Circuit found that the Tribe still possessed inherent sovereignty unless it is taken explicitly by treaty or Congressional act.[126]

Oliphant v. Suquamish Indian Tribe, 435 U.S. 191 (1978)

In August 1973, Mark David Oliphant, a non-Indian living as a permanent resident with the Suquamish Tribe on the Port Madison Indian Reservation in northwestern Washington, was arrested and charged by Tribal police with assaulting a Tribal officer and resisting arrest. The Court denied Tribes' criminal jurisdiction over non-Indians who committed crimes within reservation boundaries. The Court held that the power to prosecute nonmembers was an aspect of the Tribes' external relations, part of the Tribal sovereignty that was divested by treaties and by Congress when they submitted "to the overriding sovereignty" of the United States. Even though there are no treaties or statutes explicitly forbidding Tribes from exercising criminal jurisdiction over non-Indians, the implied limitations on Tribal sovereignty arise out of their dependent status. It became up to Congress to decide whether Indian Tribes should be authorized to try non-Indians. The 2013 Violence Against Women Act Reauthorization gave limited jurisdiction to Tribes over non-Indians who commit domestic violence offenses but also imposed other obligations on Tribal justice systems, including the requirement for Tribes to provide licensed attorneys to defend non-Indians in Tribal court.[127,128]

Montana v United States, 450 U.S. 544 (1981)

The Crow Tribe of Montana sought to prohibit hunting and fishing on its reservation by nonmembers of the Tribe by a Tribal regulation. The Court held that the Crow Tribe could not regulate reservation lands owned in fee by non-Indians. The Court ruled that the sovereign rights of Indians as a Nation in the U.S. are limited to only the relations among members of a Tribe and therefore the Tribes do not have "exercise of Tribal power beyond what is necessary to protect Tribal self-government or to control internal relations" except in the case where Congress expressly grants it. The two exceptions to this are if the nonmembers on fee lands entered a consensual relation with the Tribe through commercial dealing, or if the nonmember's "conduct threatens or has some direct effect on the political integrity, the economic security, or the health or welfare of the Tribe."[129]

California v. Cabazon Band of Mission Indians, 480 U.S. 202 (1987)

During the mid-1980s, the Cabazon and Morongo Bands of Mission Indians each owned and operated small bingo parlors on their reservations. The State of California argued that the Bands' bingo and poker games violated state law and asked the Court to recognize its statute governing the operation of bingo games. The Court found that state laws that aim to restrict gambling could not be applied to a reservation's bingo operations as California state law did not prohibit gambling as a criminal act. While Public Law 280 grants criminal jurisdiction to states, this does not permit state civil regulation of Tribes as the gambling statute was civil and regulatory and not criminal and prohibitory. Further, the Court ruled that a state could not prohibit Tribes from allowing nonmembers to gamble. Congress passed the Indian Gaming Regulatory Act (IGRA) in 1988 and adopted the Cabazon holding by expanding the kinds of games that could be offered on reservations into three classes and codified a framework for regulation through outlining the Tribal and state discretion in the games offered on Tribal land.[130,131]

Seminole Tribe of Florida v. Florida, 517 U.S. 44 (1996)

The Seminole Tribe of Florida is credited with being one of the first to offer gaming as a revenue source after *California v. Cabazon Band of Mission Indians* outlined what bingo constituted under state law and framed the nature of state involvement as civil/regulatory. The Seminole Tribe sued the State of Florida after the passage of the Indian Gaming Regulatory Act (IGRA), claiming the State had violated the law's good-faith negotiations requirement. The IGRA codified that Tribes could engage in gaming activities subject to Florida's good-faith negotiations. The State moved to dismiss the suit, alleging that it violated Florida's sovereign immunity. The Court of Appeals, on appeal from the denial of the State's motion to dismiss the suit in the District Court, held that the 11th Amendment protected the State from federal suit and that under the *Ex Parte Young* decision—which allows state officials to be sued for prospective injunctive relief in this official capacity—the Tribe is not allowed to enforce its right to good-faith negotiations by naming the governor of Florida as a party to the suit. The Supreme Court held that while Congress did intend to abrogate the sovereign immunity of states under the IGRA, the Indian Commerce Clause did not give Congress such power in a 5-to-4 decision. The Court held that under the Eleventh Amendment, all states are protected and regarded as sovereign entities.[132]

Carcieri v. Salazar, 555 U.S. 379 (2009)

Carcieri was a case that held that the federal government could not take land into trust that was acquired by the Narragansett Tribe in Rhode Island and involved a dispute on a fee-to-trust application. In 1979, the Tribe applied for federal recognition, which was granted in 1983. In 1991, the Tribe petitioned the Bureau of Indian Affairs to take a 31-acre parcel and place it into federal trust. With an intent to approve the application, the Bureau notified the State of Rhode Island. The State appealed this decision to the Interior Board of Indian Appeals to keep the land under state jurisdiction. After the State appealed decisions from the U.S. District Court and First Circuit ruling in favor of the Tribe and Bureau, the Supreme Court granted certiorari and reversed the judgment of the lower courts. The Court ruled that the only land that could be transferred into federal trust was that of federally recognized Tribes at the passage of the Indian Reorganization Act in 1934. After the ruling, some members of Congress sought to pass a clean *Carcieri* fix to amend the language of the IRA to allow the Department of Interior to have the authority to take land into trust for all Tribes. Most recently, an attempt to draft and pass a *Carcieri* fix was led by Representative Tom Cole, a Republican from Oklahoma and a citizen of the Chickasaw Nation. As outlined in H.R. 375, his *Carcieri* fix seeks to allow any federally recognized Tribe to move into federal trust, and to retroactively apply to any lands between 1934 and 2009. The bill passed the House on May 15, 2019, with bipartisan support, and was referred to the Senate Committee on Indian Affairs. The Senate has not acted since this referral.[133]

Adoptive Couple v. Baby Girl, 570 U.S. 637 (2013)

In 2009, a non-Native couple in South Carolina sought to adopt a child whose father was a member of the Cherokee Nation. Initially, the child was placed with the family by the birth mother, but the father contested the adoption by arguing that he was not properly notified in accordance with the Indian Child Welfare Act (ICWA). After hearings held before the South Carolina Family Court, the Court transferred physical and legal custody to her father in accordance with the ICWA, and the South Carolina Supreme Court affirmed this decision. After the adoptive couple petitioned the Supreme Court to review the case in 2012, the Supreme Court reversed the South Carolina Supreme Court decision by a 5-4 vote. The Court ruled that a non-custodial father did not have rights under the ICWA and remanded the case for further hearings to determine who should have custody of the child. The Court held that the ICWA was codified to prevent the unwarranted removal of Indian children from Indian families. However, the decision ruled that a non-custodial parent cannot invoke the ICWA to block an adoption lawfully and voluntarily initiated by a non-Indian parent.[134]

Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians v. Patchak, 567 U.S. 209 (2012)

In 2001, the Match-E-Be-Nash-She-Wish Band ("the Band") of the Pottawatomi Indians petitioned the Secretary of the Interior to operate a casino under the Indian Gaming Regulatory Act by taking certain lands in trust under the Indian Reorganization Act (IRA). In 2005, a plan was announced to take 147 acres of land in Wayland Township, MI into trust for the Band by the Bureau of Indian Affairs of the Department of Interior. A nearby resident, David Patchak, filed a suit to block the land transfer in 2008 (three years later) arguing the facility would disrupt the peace and quiet of the community, increase crime, and create pollution. In trial, the Petitioners, the federal government, and the Band argued that under the Quiet Title Act, Patchak's suit would be null as the government retains sovereign immunity and because Patchak's interests do not fall within those of the operative statute of the IRA. Patchak responded by arguing that because the Administrative Procedures Act explicitly waives sovereign immunity here, the Quiet Title Act does not apply and claimed prudential standing exists as his interests fell within the IRA. The federal government, under the Administrative Procedure Act, has waived its sovereign immunity from the respondent's suit in which he alleged Section 465 of the IRA did not authorize the Secretary of Interior to take the land into trust as the Band was not a federally recognized Tribe in 1943 when the IRA was enacted. Additionally, the respondent has prudential standing to challenge the acquisition of the land by the Secretary in question.[135]

McGirt v. Oklahoma, 591 U.S. (2020)

Jimcy McGirt, an enrolled member of the Muscogee (Creek) Nation, was convicted of sex crimes against a child within historical Creek Nation boundaries by the state of Oklahoma. McGirt argued that due to the Indian Major Crimes Act, any crime committed on recognized reservation boundaries or involving a Native American victim or perpetrator is subject to federal jurisdiction rather than state jurisdiction. In a 5-4 decision, the Supreme Court held that Oklahoma lacked jurisdiction to prosecute Jimcy McGirt. The Court noted that through an 1866 treaty and federal statute, all parties agreed that the crimes were committed on lands belonging to the Creek Nation. While early treaties did not refer to these lands as a "reservation," similar language in treaties from the same period were sufficient to create a reservation as held by the Court. An 1856 treaty pointed to a promise that "no portion" of such Creek lands "would ever be embraced or included within, or annexed to, any Territory or State" and that this granted the Creek Nation to have "unrestricted right of self-government" with "full jurisdiction" over their property and Tribe members. Only Congress can diminish or disestablish a federal reservation established through a "clear expression of

congressional intent." The Court noted that Congress has broken promises to the Tribe, but none qualify as a "clear expression of congressional intent" to disestablish the Creek Reservationxxvii. After the Court's decision, the federal grand jury in the United States District Court for the Eastern District of Oklahoma brought an indictment against the defendant on August 18, 2020, along the same lines that had resulted in McGirt's Oklahoma conviction in 1977. The federal jury trial began and concluded with a guilty verdict less than three months later.[136] Since then, state appellate courts have expanded the decision to include Tribal reservations of all of the Five Tribes which covers much of the entire eastern half of Oklahoma. Due to this, hundreds of criminal convictions have been vacated, including death sentences for first-degree murder, as federal officials have rushed to refile such cases in Tribal or U.S. district court. In response, the Cherokee and Chickasaw Nations have voiced support of "narrow federal legislation" to authorize and negotiate compacts with the state on criminal jurisdiction within their reservations based on the McGirt decision.[137] The Cherokee Nation has also pre-emptively cross-deputized local law enforcement within its reservation. While the Cherokee Nation Marshal Service has in the past held cross-deputy agreements with local law enforcement, there were only two such agreements in 2000. This number increased to around 60 agreements in the past 10 years and has reached over 70 pacts since the McGirt decision.[138]

United States v. Joshua James Cooley

This case centers on the authority of Tribal police to detain a non-Native who is suspected of violating the law. Joshua James Cooley was detained on the Crow Reservation in Montana by a Tribal police officer because Cooley was found with firearms and illegal drugs in his vehicle. He was prosecuted by federal authorities. A lower court held that the evidence in the case should be suppressed because the Tribal officer had not determined whether Cooley was a citizen of a federally-recognized Tribe before detaining him. However, by a vote of 9 to 0, the U.S. Supreme Court confirmed that Tribal police officers can stop and search non-Indians who are suspected of violating the law. While the U.S. government has repeatedly restricted the ways in which Tribes can exercise their sovereignty, the case in which a non-Indian was stopped by an officer from the Crow Tribe does not fall into one of those situations. Despite seeming like an unmistakable win, the decision was tied to the precedent in *Montana v. United* States which held that Tribes do not have jurisdiction over non-Indians unless the noncitizen's "conduct threatens or has some direct effect on the political integrity, the economic security, or the health or welfare of the Tribe."[139]

Endnotes

1 http://www.tribal-institute.org/2016/CPBigFoot.pdf

2 https://www.greenpeace.org/usa/toolkits/indigenous-peoples-day-how-to-be-a-good-relative/

3 https://cuesa.org/article/10-foods-native-americas

4 https://www.uso.org/stories/2914-a-history-of-military-service-native-americans-in-the-u-s-military-yesterday-and-today

5 https://www.fieldmuseum.org/blog/democracy-and-iroquois-constitution

6 https://www.se.edu/native-american/wp-content/uploads/sites/49/2019/09/A-NAS-2017-Proceedings-Smith.pdf

7 https://archive.nytimes.com/www.nytimes.com books/first/g/gonzalez-empire.html

8 https://www.chicagohumanities.org/media/heather-mcghee-race-solidarity-dividend/

9 https://www.michigan.gov/documents/mdch/Working-Effectively-with-Tribal-Governments_384010_7.pdf

10 https://www.pbs.org/harriman/1899/native.html

11 https://www.uaf.edu/tribal/112/unit_4 federalrecognitionofalaskatribesandrelationswiththestateofalaska.php

12 https://www.scotusblog.com/2021/04/are-alaska-native-corporations-indian-tribes-a-multimillion-dollar-question/

13 https://www.ncai.org/news/articles/2019/12/27/ncai-response-to-usage-of-the-term-indian-country

14 https://www.epa.gov/pesticide-applicator-certification-indian-country/definition-indian-country

15 https://www.usa.gov/tribes

16 https://www.bia.gov/sites/bia.gov/files/assets/bia/ots/ots/pdf/Public_Law93-638.pdf?source=post_page----------

17 https://www.bia.gov/frequently-asked-questions

18 https://www.ncsl.org/legislators-staff/legislators/quad-caucus/state-recognition-of-american-indian-tribes.aspx

19 https://www.acf.hhs.gov/ana/fact-sheet/american-indians-and-alaska-natives-what-are-state-recognized-tribes

[20] https://www.oregon.gov/ode/students-and-family/equity/NativeAmericanEducation/Documents/SB13%20Curriculum/Materials_Understanding%20Tribal%20Sovereignty.pdf

[21] https://www.uihi.org/urban-indian-health/

[22] https://www.acf.hhs.gov/ana/fact-sheet/american-indians-and-alaska-natives-trust-responsibility#:~:text=The%20'trust%20responsibility'%20is%20a,noted%20in%20United%20States%20v.&text=This%20principle%2C%20that%20the%20government,1942)%2C%20and%20U.S.%20v

[23] https://www.history.com/topics/native-american-history/native-american-cultures

[24] Ibid 23

[25] Ibid 23

[26] Ibid 23

[27] Ibid 23

[28] Ibid 23

[29] Ibid 23

[30] Ibid 23

[31] Ibid 23

[32] Ibid 23

[33] https://www.encyclopedia.com/history/news-wires-white-papers-and-books/1600-1754-native-americans-overview

[34] Ibid 9

[35] Ibid 9

[36] https://www.aclunc.org/sites/goldchains/explore/native-american-slave-market.html

[37] https://www.okhistory.org/publications/enc/entry.php?entry=CU006

[38] https://www.cnn.com/2021/05/28/world/children-remains-discovered-canada-kamloops-school/index.html

[39] https://www.cbc.ca/radio/thecurrent/the-current-for-june-1-2021-1.6048253/discovery-of-kamloops-remains-confirmed-what-they-suspected-now-action-must-match-words-says-survivor-1.6048257

[40] https://www.doi.gov/pressreleases/secretary-haaland-announces-federal-indian-boarding-school-initiative

[41] https://www.loc.gov/item/today-in-history/june-02/

[42] https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/voting-rights/how-the-native-american-vote-continues-to-be-suppressed/

[43] https://www.eh.net/eha/wp-content/uploads/2014/05/Frye.pdf

[44] https://crsreports.congress.gov/product/pdf/LSB/LSB10460#:~:text=The%20IRA%20is%20the%20major,of%20federally%20recognized%20Indian%20tribes.&text=DOI's%20earlier%20interpretation%20laid%20out,under%20Federal%20jurisdiction%E2%80%9D%20in%201934.

[45] https://www.ncai.org/attachments/Testimonial_isENbGyaqCpulAuQaxiKcWomIQszEKbugEMhXmpEtSoZLycHWys_Carcieri%20Inter-Tribal%20Org%20Letter%20of%20Support%202019.pdf

[46] https://en.wikipedia.org/wiki/Indian_termination_policy#cite_note-177

[47] https://www.archives.gov/education/lessons/indian-relocation.html#:~:text=The%20U.S.%20government's%20efforts%20to,Indian%20Affairs%20(BIA)%20activities.&text=The%20urban%20relocation%20program%20changed,well%20as%20American%20Indian%20culture

[48] https://assets.aecf.org/m/resourcedoc/AECF-UrbanIndianAmerica-2008-Full.pdf

[49] https://www.uaf.edu/tribal/112/unit_2/terminationerathe1950spubliclaw280.php

[50] Ibid 9

[51] https://narf.org/nill/bulletins/archive.html

[52] https://www.scotusblog.com/2016/01/scotus-for-law-students-indian-cases-at-the-court/

[53] https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/vol--43/vol--43--no--1/justice-gorsuch-and-federal-indian-law/

[54] https://www.usatoday.com/story/news/politics/2021/11/24/justice-gorsuch-supreme-courts-approach-native-americans/8642837002/?gnt-cfr=1

[55] https://uaf.edu/tribal/academics/112/unit-4/generalprinciplesoffederalindianlaw.php

[56] https://www.oyez.org/cases/1995/94-12

[57] https://www.indian-affairs.org/uploads/8/7/3/8/87380358/analysis_of_adoptive_couple_v__baby_girl_-_final.pdf

[58] https://www.law.cornell.edu/supct/cert/11-246

[59] https://casetext.com/case/iron-crow-v-oglala-sioux-tribe-res/case-summaries?PHONE_NUMBER_GROUP=C

[60] https://www.oyez.org/cases/2019/18-9526

[61] https://www.indianz.com/News/2021/06/01/supreme-court-backs-tribal-sovereignty-in-law-enforcement-case/

[62] https://www.courts.ca.gov/documents/Key-Federal-Indian-Law-Cases.pdf

[63] https://www.racialequitytools.org/resources/fundamentals/core-concepts/internalized-racism

[64] https://www.uihi.org/wp-content/uploads/2018/11/Missing-and-Murdered-Indigenous-Women-and-Girls-Report.pdf

[65] https://www.portlandoregon.gov/article/682401

[66] Ibid 51

[67] https://journals.lww.com/tnpj/fulltext/2020/06000/health_disparities_in_american_indians_alaska.8.aspx

[68] https://www.nicoa.org/national-american-indian-and-alaska-native-hope-for-life-day/

[69] https://www.urban.org/urban-wire/homelessness-indian-country-hidden-critical-problem

[70] https://www.bloomberg.com/news/articles/2020-12-17/a-bold-fix-for-native-american-homelessness

[71] https://www.aecf.org/resources/urban-indian-america

[72] https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5260153/

[73] https://ojjdp.ojp.gov/mpg/literature-review/tribal-youth-in-the-juvenile-justice-system.pdf

[74] https://lakota-prod.s3-us-west-2.amazonaws.com/uploads/Native-Lives-Matter-PDF.pdf

[75] https://blog.ititranslates.com/2020/02/25/a-brief-history-of-native-american-languages-in-the-us/

[76] https://www.hcn.org/issues/51.21-22/indigenous-affairs-the-u-s-has-spent-more-money-erasing-native-languages-than-saving-them

[77] https://berkleycenter.georgetown.edu/responses/no-religious-freedom-for-traditional-native-religions

[78] https://ich.unesco.org/en/traditional-craftsmanship-00057

[79] https://www.nytimes.com/2013/04/14/us/as-american-indians-move-to-cities-old-and-new-challenges-follow.html

[80] https://assets.aecf.org/m/resourcedoc/AECF-UrbanIndianAmerica-2008-Full.pdf

[81] https://www.niea.org/native-education-101-1

[82] https://www.understood.org/en/articles/what-is-culturally-responsive-teaching

[83] https://www.usnews.com/news/best-states/articles/the-states-where-the-most-native-americans-live

[84] https://www.sheriffs.org/sites/default/files/Cross%20Deputization%20in%20Indian%20Country.pdf

[85] https://rivcoda.org/the-office/special-prosecutions/tribal-unit

[86] https://ecode360.com/35536208

[87] https://wyandotte-nation.org/community/police/

[88] https://www.oregonlive.com/news/2021/09/grand-ronde-tribe-reclaims-willamette-falls-as-work-begins-to-tear-down-oregon-city-mill.html

[89] Guthrie, Jessica Communications Specialist, City of Bellevue, WA (personal communication, November 12, 2021)

[90] https://kingcounty.gov/elected/executive/constantine/news/release/2021/September/28-resilience-award-Snoqualmie-Tribe-Vaccine-Partnership.aspx

[91] https://indiancountrytoday.com/news/most-tribal-clinics-offer-covid-19-vaccines-to-non-natives

[92] https://www.cnn.com/2020/11/25/us/indigenous-people-reclaiming-their-lands-trnd/index.html

[93] https://firstlightlearningjourney.net/faqs/

[94] https://www.realrentduwamish.org/

[95] http://sogoreate-landtrust.com/shuumi-land-tax/

[96] Ibid 51

[97] https://nayapdx.org/services/housing/generations/

[98] https://housingmatters.urban.org/articles/hard-choices-how-moving-and-reservations-can-increase-risk-homelessness-american-indians

[99] https://www.mprnews.org/story/2019/09/14/red-lake-breaks-ground-housing-development-minneapolis

[100] https://www.kwch.com/2020/10/09/tribe-opens-small-casino-out-of-trailer-on-site-planned-for-bigger-facility-in-park-city/

[101] Hill, Steve Chief of Staff to the Mayor, Oklahoma City, OK (personal communication, December 9, 2021)

[102] http://www.chickasawtimes.net/Online-Articles/Tribe-to-develop-resort-near-First-Americans-Museum.aspx

[103] https://www.ashevillenc.gov/news/asheville-city-council-votes-to-accept-civic-center-naming-rights-proposal-from-harrahs-cherokee/#:~:text=Asheville%20City%20Council%20voted%206,that%20expires%20December%2031%2C%202019

[104] Corl, Chris. Personal Interview. 6 May. 2022

[105] https://www.adn.com/alaska-news/anchorage/2021/01/15/anchorage-assembly-establishes-formal-government-relationship-with-native-village-of-eklutna/

[106] https://www.kunc.org/culture-identity/2021-10-08/know-who-we-are-northern-arapaho-and-longmont-colo-forge-historic-sister-city-partnership

[107] Ryder, Andy. Personal Interview. 13 Dec. 2021

[108] https://www.northwestern.edu/native-american-and-indigenous-peoples/about/Land%20Acknowledgement.html

[109] https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2021/03/17/growing-number-of-cities-weigh-tribal-land-acknowledgements

[110] https://www3.unca.edu/facultysenate/2020-21/Final%20Minutes/smSep32020minutesfinal.pdf

[111] https://www3.unca.edu/facultysenate/2020-21/IDC%201%20Resolution%20on%20Recommendations%20on%20Land%20Acknowledgement%20Statements.pdf

[112] https://indianyouth.org/cities-states-celebrate-indigenous-peoples-day/

[113] https://www.nlc.org/article/2021/10/12/indigenous-peoples-day-a-local-leaders-reflection/

[114] https://www.pressherald.com/2017/09/19/indigenous-day-resolution-adopted/

[115] http://www.portlandmaine.gov/DocumentCenter/View/17833/Resolve---3-1718

[116] https://www.indianz.com/News/2022/01/05/it-is-a-sacred-site-city-seeks-input-from-survivors-of-indian-boarding-school/

[117] https://www.seattle.gov/oir/tribal-relations

[118] https://www.cityoftulsa.org/government/departments/resilience-and-equity/commissions/indian-affairs/

[119] https://www.toronto.ca/city-government/accessibility-human-rights/indigenous-affairs-office/

[120] https://www.achp.gov/protecting-historic-properties/section-106-process/introduction-section-106

[121] https://www.k12.wa.us/sites/default/files/public/indianed/tribalsovereignty/partnering/partneringwlocaltribes.pdf

[122] https://upstanderproject.org/firstlight/doctrine

[123] https://law.jrank.org/pages/25526/Ex-Parte-Crow-Dog-Impact.html

[124] https://law.jrank.org/pages/25526/Ex-Parte-Crow-Dog-Impact.html

[125] https://www.oyez.org/cases/1900-1940/187us553

[126] https://casetext.com/case/iron-crow-v-oglala-sioux-tribe-res

[127] https://supreme.justia.com/cases/federal/us/435/191/

[128] https://www.congress.gov/bill/113th-congress/house-bill/11#:~:text=Amends%20VAWA%20to%20authorize%20appropriations,of%20abuse%20in%20later%20life

[129] https://supreme.justia.com/cases/federal/us/450/544/

[130] https://caselaw.findlaw.com/us-supreme-court/480/202.html

[131] https://www.nigc.gov/general-counsel/indian-gaming-regulatory-act

[132] https://narf.org/nill/documents/nlr/nlr10-4.pdf

[133] https://www.ncai.org/attachments/Testimonial_isENbGyaqCpulAuQaxiKcWomlQszEKbugEMhXmpEtSoZLycHWys_Carcieri%20Inter-Tribal%20Org%20Letter%20of%20Support%202019.pdf

[134] https://www.law.cornell.edu/supremecourt/text/12-399

[135] https://www.supremecourt.gov/opinions/11pdf/11-246.pdf

[136] https://www.justice.gov/usao-edok/pr/jimcy-mcgirt-found-guilty-aggravated-sexual-abuse-abusive-sexual-contact-indian-country

[137] https://indiancountrytoday.com/news/federal-legislation-forthcoming-stemming-from-mcgirt?fbclid=IwAR0Bt9bj1WiRJOWCFRCxSb91DTNKlRv3KJOvN_WckCST5bvVp6Y9r3ij9l4

[138] https://www.tahlequahdailypress.com/news/cn-marshal-service-rises-to-challenge-of-mcgirt/article_0fedbdbd-c863-50c7-87f1-2509cdb49583.html

[139] https://www.supremecourt.gov/opinions/20pdf/19-1414_8m58.pdf


NLC
NATIONAL
LEAGUE
OF CITIES
REAL RACE, EQUITY AND LEADERSHIP