UNCOMFORTABLE TRUTHS ABOUT SOVEREIGNTY AND WEALTH

ERIC METAXAS'S "SQUANTO AND THE FIRST THANKSGIVING"
1.0 Introduction: Indigenous Philosophies on Property

Consider Indian treaties. Of the nearly 400 ratified treaties between Indian nations and the United States, the large majority established homelands for Indian nations, what is referred to as reservations. Indigenous leaders usually insisted that these reservations be held and controlled by the tribe, rather than divided into parcels held by individuals. American negotiators often asked that the reservation lands be allotted to individual Indians. The result rhymed to the reasoning of both camps.

American and Indigenous leaders brought widely differing philosophies to the table. Indigenous philosophies frequently privilege the group over individuals. The Anishinaabeg, Indigenous people I know the best, hold worldviews on community and individual obligations that are diametrically opposed to western political philosophies. Anishinaabeg believe that humans are lesser creatures in the universe. Western political philosophies, influenced by Christianity, see humans as superior to all other creatures, entitled to dominate all lands and living things. But for the Anishinaabeg, the role of humans is limited. Anishinaabeg are careful not to overstep their roles, to acknowledge the impact humans have on the world, and to do their part in maintaining harmony in the universe. The worst of the modern world's sins is the monster that
WELL SETTLED?: THE INCREASING WEIGHT OF HISTORY IN AMERICAN INDIAN LAND CLAIMS

Joseph William Singer*

[It is] a settled principle, that [the Indians'] right of occupancy is considered as sacred as the for simple of the whites.¹

Justice Henry Baldwin
Mitchel v. United States (1838)

It is well settled that in all the States of the Union the tribes who inhabited the lands of the States held claim to such lands after the coming of the white men, under what is sometimes termed original Indian title or permission from the whites to occupy. That description means more possession not specifically recognized as ownership by Congress. After conquest they were permitted to occupy portions of territory over which they had previously exercised "sovereignty," as we use that term. This is not a property right but amounts to a right of occupancy which the sovereign grants and protects against intrusion by third parties but which right of occupancy may be terminated and such lands fully disposed of by the sovereign itself without any legally enforceable obligation to compensate the Indians.²

Justice Stanley Forman
Tee-Hit-Ton Indians v. United States (1886)

* Professor of Law, Harvard University. Thanks and affection go to Martha Minow, Philip Friskay, Ken Halpern, Neil Jessup Newton & Avi Soffer.
Wronging a right

Vermont’s highest court did not dispense justice in the case of Vermont vs. Ralph Elliott et al. But then, this case involved American Indian rights, so justice was a remote possibility.

By U.S. law, the Vermont Supreme Court’s only job was to determine whether the Abenaki were robbed 200 years ago — and if so, to make sure they stay robbed.

They were, and the court did.

The Vermont Supreme Court’s job was to decide whether the Abenaki were robbed 200 years ago and if so, to make sure they stay robbed. They were, and the court did.

Only Vermont lawmakers have the power to right a small part of the wrong perpetuated this week. Lawmakers should restore to today’s Abenaki the right to fish and hunt without a license in their ancestral territory, northwestern Vermont.

The state high court ruled Monday that those rights were snuffed out by royal land grants. Vermont’s admission to the Union and the “increasing weight of history” that history is a sad one. Abenaki have lived in the

Abenakis cancel planned ‘hunt-in’

SWANTON – A “hunt-in” that Abenakis had scheduled Sunday morning to underscore what they termed as their aboriginal hunting rights was canceled off largely because of a snowstorm. Abenaki Chief Harry St. Francis said.

“In the future, we’ll do a little better planning,” St. Francis said the event that Abenakis hoped would bring state charges — and ultimately better oxens — of hunting without a license.

He said as many as 25 to 30 Abenakis might have participated had not the weather been better.

Although plans for a ‘hunt-in’ are uncertain, St. Francis said the event that Abenakis hoped would bring state charges — and ultimately better oxens — of hunting without a license. He said as many as 25 to 30 Abenakis might have participated had the weather been better. He said it was his understanding that John Fruendt, a member of the Abenaki Tribal Council, had gone to a wooded area off Vermont 36 Sunday morning to set up snare traps for rabbits. Fruendt, who earlier had tried unsuccessfully to turn a charge of hunting deer without a license into a test case, couldn’t be reached.

The ruling, which the state Vermont Supreme Court review doesn’t apply to hunting.

An October 1987 Abenaki ‘fish-in’ in Swanton eventually led to an Aug. 11 ruling by Vermont District Court Judge Joseph J. Welsh that Abenakis have aboriginal rights to fish in certain areas off southwestern Vermont and Franklin County State’s Attorney Howard E. VanBenschoten upheld the ruling, which the state Vermont Supreme Court review doesn’t apply to hunting.
Rhode Island State Police officers sit on top of a Narragansett tribe member at the new Narragansett Smoke Shop located on tribal land in Charlestown. State police confiscated the smoke shop's inventory. Chief Sachem Matti and tribal members were arrested as police stormed the smoke shop through the window.
WANT A BIG STRIP OF LAND.

Narragansett Indians Hold a Pawwow and Discuss Their Claims.

QUONTCOUNTAG BEACH, R.I., Sept 25—The Narragansett Indians want “their lands,” and today they met in the red man’s church at Charlestown, on the south seashore of Rhode Island, and vigorously discussed their claims.

It was only very recently that “Dr” B. G. Noka, the headman of the last sad remnant of the Narragansett tribe of Indians, was summoned by the “unseen spirit” to make a claim upon the white people for

Land-Claim Settlement Satisfies Indian Tribe

PROVIDENCE, R.I (UPI) — Rhode Island’s Narragansett Indians are elated by this week’s precedent-setting land-claim settlement giving them a “stomping ground” for the first time in a century, the tribal secretary said Wednesday.

The Indians filed a federal court suit in 1973 demanding the return of $2,000 acres in rural Charlestown, which they claimed had been illegally taken from their ancestors in 1890. The lawsuit included local land titles claims in the Northeast.

Ella Thomas, tribal secretary, said Wednesday, “It’s the first one that’s been settled.”

“We’re most elated,” Mrs. Thomas said, “It’s been just about 100 years since we’ve had more than 7 acres that can be considered our own stomping ground.

The Indians now own a tiny patch of land around their longhouse and a small church, she said.

The tribe plans to develop

NARRAGANSETT LAND CLAIMS + SETTLEMENT
GOV. CARCieri’S SMOKE SHOP RAID

chief, others arrested at tax-free

The Associated Press

BRIESTOWN, R.I. — The chief and seven other members of the Narragansett Indian Tribe were arrested Monday by state police in what they described as a violent raid of the tribe’s new tax-free tobacco shop.

Don Carcieri called the raid regrettable, but clearly rueful after tribal leaders said they only closed the smoke shop if the tribe dropped its opposition to a something the tribe has lobbied years.

The Associated Press

Narragansett tribe leaders say past struggles may have fueled emotions in police raid

by Michael Mello

BRIESTOWN, R.I. — At first glance, the Narragansett Indian Tribe looked like a typical business.

But a federal lawsuit, a federal investigation, and a federal grand jury have left the tribe in a bind. The tribe’s President, Don Carcieri, has been indicted on six counts of fraud.

The tribe’s economic development director, John Carcieri, has been charged with money laundering.

The tribe’s vice president, Ray Carcieri, has been cited with contempt of court.

The tribe’s treasurer, Paul Carcieri, has been indicted on charges of tax evasion.

The tribe’s secretary, Dan Carcieri, has been charged with wire fraud.

The tribe’s attorney, Michael Mello, has been cited with obstruction of justice.

The tribe’s accountant, Richard Carcieri, has been cited with perjury.

The tribe’s accountant, William Carcieri, has been cited with false statements.

The tribe’s accountant, Edward Carcieri, has been cited with false statements.

The tribe’s accountant, John Carcieri, has been cited with false statements.

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PORTLAND, Ore. (AP) — The Obama administration remains firm in its opposition to a U.S. Supreme Court ruling that limits the federal government’s authority to hold Indian tribal land in trust. Deputy Interior Secretary David Hayes told a group of tribal leaders Tuesday:

The 2009 decision applies to tribes recognized by the federal government after the 1934

The court case, known as Carcieri v. Salazar, has its roots in the Rhode Island-based Narragansett Indian Tribe’s 1991 purchase of 31 acres of rural land. The question was whether the land should be under state law — which includes a prohibition on casino gambling — or whether the parcel should be governed by federal and tribal
Ancestry is key, Indian tells court

By Alan H. Sheehan
Globe Staff

Tracing one’s ancestry back three generations was the chief criterion in determining if one were a Mashpee Wampanoag Indian, the Supreme Medicine Man of the Wampanoag Indian Nation testified yesterday in US District Court.

Yet when the medicine man, John Peters, 47, of Mashpee, was pressed about his own ancestors’ he had no first-hand knowledge about his great-grandmother and said that his great-grandfather was not a Mashpee Wampanoag Indian.

The testimony emerged while Pe developer, general contractor and pa

MASHPEE LAND CLAIMS + FEDERAL RECOGNITION SUIT

Indians seek return of original homeland

KITCHEN CABINETS
Custom Design
Solid Hardwoods
P. R. MONFRE

Casper Elks Lodge
Casino stirs concern

A Clydesdale horse grazes in a large pasture on in Middletown on Wednesday morning. The pastures are part of a tract of land where the newly recognized Mashpee Wampanoag Tribe is planning to construct a casino. The tribe is expected to bring casino gambling to the area.

Casino could be in cards for Indian tribe
LEGACY OF THE LAND CLAIMS

Twenty-five years after the Maine Indian Claims Settlement Act, has the agreement delivered for Maine and its tribes?

Passamaquoddy tribal elder John Stevens stands on the site in Indian Township that marks the birthplace of the land claims dispute.

The land, once home to the villages of Passamaquoddy and Penobscot, has been a source of conflict and treaty rights for decades. The settlement agreement signed in 1975 aimed to resolve these disputes.

The Passamaquoddy and Penobscot nations received $30 million in compensation for the land taken without their consent. However, the settlement did not include all the lands claimed by these nations.

The agreement also included a provision for the future development of Passamaquoddy and Penobscot lands, which has been a topic of ongoing negotiation.

Despite the settlement, many issues remain unresolved, and the tribes continue to advocate for their rights and sovereignty.

By Jay Tuttell

The journey of the Passamaquoddy and Penobscot nations towards land rights and self-determination continues, with challenges and progress along the way.
Indian lawsuit asks ‘old rights’

By Jean Braucher

INDIAN TOWNSHIP, Maine — (AP) — After nearly 200 years of steady decline which resulted from the loss of aboriginal hunting and fishing grounds, the Passamaquoddy Indians are attempting to get paid for the loss of their land.

The department did file suit later that year against the state of Maine.

The state denies that the Passamaquoddy are a tribe in the constitutional and legal sense and say they are only a tribe in the racial and cultural sense.

The approximately 500 Indians who live on the two Passamaquoddy reservations are demanding the state pay them.

PASSAMAQUODDY LAND CLAIM

MAINE INDIAN LAND CLAIM SETTLEMENT ACT
PEGGY Neptune of Indian Township, Maine, was one of the leaders for the Passamaquoddy Tribe.

**THE MAINE INDIAN TRIBAL-STATE COMMISSION**

**LEGACY OF THE LAND CLAIMS**

Twenty-five years after the Maine Indian Claims Settlement Act, has the agreement delivered for Maine and its tribes?

John Stevens, of Maine’s Passamaquoddy Tribe, has been a member of NARF’s Steering Committee since its inception. Mr. Stevens first became involved in the land claims of his tribe in the 1950s, but it was not until the early 1970s that actual legislation was initiated. During the eight years...

**MAINE INDIAN LAND CLAIMS SETTLEMENT ACT TASK FORCE**

George Mitchell (left), a member of the Penobscot negotiation team in the Maine land claims, is pictured here at an Indian Island (Maine) dance.
The Stolen Children of Maine: Native Wabanaki Seek Truth, Reconciliation Amidst a Cultural Genocide

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attorney, author, & Executive
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