

9e – Rights and Wrongs

In 1924, American Indians were recognized as U.S. citizens and extended the same constitutional rights that all Americans now possess. But tribes also have a unique political relationship with the federal government that sets them apart from other cultural groups in the United States. That relationship is based in part on sovereignty, or tribal rights to self-government. It is also founded on the U.S. government's trust responsibility to tribes; that is, the tribes' trust that the federal government will fulfill certain promises it made to Native peoples in exchange for their lands.

This distinctive relationship has often brought Native Americans into conflict with non-Indians and state and local governments. For example, to non-Indian commercial fishers and to sports fishers in the Pacific Northwest, the struggle by Northwest Native peoples to exercise their treaty fishing rights - and thus avoid licensing requirements and other restrictions set by state authorities - seemed like an attempt to gain "special privileges." If we're a nation striving to provide equal rights for all, some argue, why grant Indians advantages that other groups are not permitted to enjoy?

But as Judge George Boldt pointed out in his landmark decision, "... the treaty fishing of plaintiff tribes is a reserved right, not a mere privilege." These and other rights were never granted by the United States; rather they were retained by Native peoples, original occupants of the continent, after ceding vast tracts of land to the United States through treaties. Flawed as the treaty-making process was, the agreements still stand as legal documents made between equal nations and guaranteeing the rights of both parties. The U.S. Constitution recognizes treaties as the highest law in the land, alterable only by acts of Congress.

Some non-Indians maintain that the treaties are ancient history and, as such, they should be disregarded. But what can be said about a nation that doesn't honor its past commitments? If our government chooses to nullify rights assured to the first Americans, how secure can all citizens feel about the protections guaranteed us in another "ancient" document, the Bill of Rights?

As a nation, our destinies are tied up together. The invalidation of one group's rights threatens us all.

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