

American Indian Territoriality: **A Research Guide**

Updates to the 2003 Edition

[Updates consist of either newly published studies or older ones overlooked in the original edition of this guide. They are keyed to each chapter, but not necessarily to a subsection.]

Chapter 1

Dean MacCannell, "Geographies of the Unconscious: Robert F. Heizer versus Alfred Kroeber on the Drawing of Indian Territorial Boundaries," *Cultural Geographies*, 9:1 (2002): 3-14.

Kroeber is the senior scholar and Heizer was his doctoral student who later joined the UC Berkeley faculty. Both published on native territoriality in California, and both were instrumental in the theory and/or application of methods dealing with the California Indian land claims cases. Analysis focuses on differences in the interpretation of private vs. common property among California Indians.

Chapter 4

Laura Woodworth-Ney, *Mapping Identity: The Creation of the Coeur D'Alene Indian Reservation, 1805-1902* (Boulder: University Press of Colorado, 2004):

In three chapters, Woodworth-Ney focuses on the efforts to secure aboriginal lands for the Coeur d'Alene in northern Idaho. She recounts the many intrusions as by non-Indian farmers, miners, lumberers, etc., and the failure to establish the reservation in the earlier years. She reports also, as others have, the flaws in the utility of the executive order in the establishment of reservations until the Dawes Act of 1887. For the Coeur d'Alene she shows how with the establishment of the reservation within aboriginal territory, only a part of the homeland was enclosed and still not secured against intrusion. Ultimately under the Grant Administration the reservation was expanded to embrace a larger portion of original territory. The text is reinforced by two maps that compare boundaries during this period.

In her epilogue she briefly discusses the litigation of recent years regarding ownership of the lake bed of Coeur d'Alene Lake. Readers should also see E. Richard Hart, "The Coeur D'Alene Tribe's Claims to Lake Coeur D'Alene," *American Indian Culture and Research Journal*, 24:1 (2000): 183-188.

Chapter 6

Kari Lou Forbes-Boyte, "Indigenous People, Land and Space: the Effects of Law on Sacred Places, The Bear Butte Example," Ph. D. in geography (Lincoln: University of

Nebraska-Lincoln, 1997); and “Litigation, Mitigation and the American Indian Religious Freedom Act: the Bear Butte Example,” *Great Plains Quarterly*, 19:1 (1999): 23-32.

Bear Butte, a sacred place to the Lakota Sioux, has served as a case study in a geographic dissertation. Its author contends that the American Indian Religious Freedom Act (AIRFA) “has done little to actually protect sacred sites.” She reports that “[T]he Lakota contend that they have legal sovereign rights to the Butte but feel that any activity, other than religious, desecrates the site. The battle over control of this sacred place has occurred at the judicial level, with the *Fools Crows vs. Gullett*.”[541 F. Supp. 785 (D. S. D. 1982)] The Lakota, despite losing the case, continue to pursue their rights administratively. (quotes from abstract).

Susan Lynn Sanchez, “The Selling of California: The Indian Claims Commission and the Case of the Indians of California vs. the United States.” Ph. D. in History, University of California, Riverside, 2003.

Two of the treaties embraced by both land claims cases by “The Indians of California,” a legal entity, deal with Southern California. This study, as of 2005 in process for publication as a book, is essentially a legal history of the case, its background, findings and implications for other tribal land claims. The author reviews the contributions of plaintiff and defendant expert witnesses, which included Alfred Kroeber, Robert Heizer and Omer Stewart for the formers, and Ralph Beals and James Hester for the defense.

Chapter 7

Padraic I. McCoy, “The Land Must Hold the People: Native Modes of Territoriality and Contemporary Tribal Justification for Placing Land into Trust Through 25 C. F. R., Part 151,” *American Indian Law Review*, 27 (2002-03): 421-

The author’s summary reads: “Land is more important to contemporary American Indians and native communities than at any point in history...Under Interior’s land-into-trust policy, land may be acquired in trust status for a tribe where (1) the property is located within the exterior boundaries of a tribe’s reservation or adjacent thereto, or within a tribal consolidation area; (2) where the tribe already owns an interest in the land; or (3) where the Secretary determines that the acquisition is necessary to facilitate tribal self-determination, economic development, or Indian housing...The BIA responded that these comments were accepted and the regulation has been amended to provide clearer standards to evaluate on-reservation requests....

See also, Rex Wirth and Stefanie Wickstrom, “Competing Views: Indian Nations and Sovereignty in the Intergovernmental System of the United States,” *American Indian Quarterly*, 26:4 (2002): 509-525.

Noriko Ishiyama, (2003) "Environmental Justice and American Indian Tribal Sovereignty: Case Study of a Land-Use Conflict in Skull Valley, Utah," *Antipode*, 35:1: 119-139.

This paper examines environmental justice in the context of questions of American Indian tribal sovereignty through an analysis of a land-use dispute over the Skull Valley Band of Goshute Indians' decision to host a high-level radioactive waste facility on their reservation in Tooele County, Utah.... By elucidating the historical geography of Skull Valley and politics of tribal sovereignty, [the author] argues that a prolonged process of historical colonialism has produced a landscape of injustice in which the tribe's choices have been structurally limited.....Conflict over the definition and practice of tribal sovereignty at different geographical scales reveals the social, historical and political-economic complexity of environmental justice.[from www.blackwell-synergy.com/links/doi/10.1111/1467-8330.00305/abs/ .

E. N. Olund, "From Savage Space to Governable Space: the Extension of United States judicial sovereignty over Indian Country in the Nineteenth Century," *Cultural Geographies*, 9:2 (2002): 129-157.

Its author's abstract states: "The ways in which Native American communities as well as American society at large are constituted today are in no small part the legacies of the Indian reform era, a period spanning the 1880s and 1890s during which the assimilation of Native people and their spaces into the American polity became an explicit project of US governance...." The author explores "the cant of conquest [which] was transformed into the 'gift' of civilization through the arguments of reformers...." [item may be viewed in brief online: <http://www.ingentaconnect.com/content/arn/cg/2002/00000009/00000002/art00002>]

Alan Kilpatrick, Mike Wilken and Mike Connolly, "Indian Groups of the California-Baja California Border Region: Environmental Issues," Project IT97-1 12pp.

This paper is a joint effort of researchers in San Diego County, California and adjacent Baja California del Norte, Mexico. The discussion focuses on boundaries and hence distribution of related Indians on both sides of the international border. Of special note are the Kumeyaay whose historic territory extended into northern Baja California and where there is still considerable interaction with relatives in the US, as identified with several reservations. Environmental issues include those that overlap the border – water quality\air pollution, solid waste management. For example, there is much concern over the "transportation of hazardous materials from Tecate (Mexico) to San Diego along Hwy 94, Hwy 80 and Interstate 8..." A related problem is the illegal dumping on reservation land in San Diego County. [item may be viewed online: <http://www.scerp.org/projects/kilpatrick97.pdf>

Marine Resources & Territoriality
[a new subheading]

Karen Samantha Barton, “Red Waters’: Contesting Marine Space as Indian Place in the United States Pacific Northwest,” Ph. D. in Geography (Tucson: University of Arizona, 2000).

Marine or coastal waters rarely enter into discussions of Indian territoriality or land tenure. Yet they figure in the economic and political life of several tribes. The Makah Indians whose reservation is in Washington state, have sought to reclaim control over traditional marine spaces, focusing on the gray whale. According to the author, the Makahs “organized to resume a limited, cultural based harvest of California gray whale...” She notes that the current conflicts between these Indians and anti-whaling non-governmental groups has more to do with issues over marine space than the gray whale resource itself. The author identifies the Makah marine space as a “distinct, historical territory upon which many of the Makahs’ political, cultural and economic processes take form. That efforts to arrest these Indians because of whaling has been interpreted as a “neocolonialist invasion into what was once customarily managed marine space.” She further notes that the “Makahs have effectively mobilized global media technologies in order to empower themselves politically, transcend the territorial boundaries of the reservation, and reclaim control over the marine environment.” (from the abstract online: FirstSearch: dissertation abstracts). See also brief discussion in: *Trusteeship in Change*, op. cit., pp. 4-5.