

Not only will this provide a learning experience, but it will also serve as an example to other Indian people. If we hope to achieve freedom as a people, then we must break the colonial yoke that has made us dependent.

4.C.3.

Native American Rights Fund/National Indian Law Library

From “The Declaration of Indian Independence” (1975)

Indigenous struggles concerned not just “land” in the abstract but battles over natural resources and whether they would be privatized or stewarded for the collective good. Riffing on the US founding narrative, the Native American Rights Fund penned this declaration of Indigenous environmental ethics.

On December 18, 1973, more than one hundred Northern Great Plains Indian people met on the Fort Berthold Reservation in North Dakota. They had assembled that day to discuss their *Winters* [case] doctrine water rights to the rivers flowing through and the groundwater underneath their reservations. The atmosphere was full of tension and concern due to the fact that federal agencies, the states, and private interests were rapidly making plans to use more water than there was on the northern Great Plains.

Because of their endemic poverty these tribes had not been able to develop their reservations and make use of the water which was rightfully theirs. Now there was a recognition that they had marketable mineral resources which could, if they so chose, bring them the income they needed to develop their reservations and for which they would also then need their own water. From the beginning of the meeting, it was clear that a mutual line of defense was about to be formed of these tribes, some of whom had only one hundred years before been at war with each other. This time, however, they were going to make one last stand on the northern Great Plains together. . . .

The Second Continental Congress

On March 27, 1974, almost a year after the Northern Cheyenne had started the revolution, the northern Great Plains Indian delegates met again in Billings, Montana, to adopt a constitution and bylaws for what that day was named the Native American Natural Resources Development Federation (NANRDF). Most importantly, like the original Second Continental Congress, the Indian delegates also voted on and unanimously passed [the] Declaration of Indian Rights to the Natural Resources in the Northern Great Plains:

The Indian tribes and people of the northern Great Plains, being confronted with an all-pervasive crisis threatening the present and future

uses of their natural resources, including but not limited to their land, right to use of water, and their coal, do hereby declare as follows:

The northern Great Plains area of the United States is presently attracting international attention due to the energy crisis which makes the vast coal resources of this area very appealing for immediate development. The development of this coal and the concomitant use of water, air, and other natural resources threatens the viability of our environment and the continued existence of the twenty-six tribes which occupy the northern Great Plains within the states of Montana, Wyoming, North Dakota, South Dakota, and Nebraska. . . .

The tribes have been asked to participate in numerous work group statements on this matter, but it is readily apparent that the major impact upon the survival of these Indian tribes will be foisted upon the erosion of their water rights and the depletion of water resources due to the need for massive quantities of water to develop the coal. The Indian water rights here involved, then, are like the Indian fishing rights considered by the United States Supreme Court. . . . [T]hey are “not much less necessary to the existence of the Indians than the atmosphere they breathe.”

The Indian tribes of the five states do hereby give notice to the world that they will maintain their ownership to the priceless natural resources which are geographically and legally related to their reservations. . . .

In view of the tribes' prior and paramount rights to all the waters to which they are geographically related, it is self-evident that any major diversion of said waters for any purpose would constitute an encroachment upon Indian water rights. All federal agents or agencies . . . are, therefore, put on notice that any diversion or use of such tribal waters shall be at their own risk. . . .

Project Independence vs. the Declaration of Indian Independence

. . . [T]he Declaration of Indian Rights to the Natural Resources in the Northern Great Plains was the first formal notice given to the US government, the states, and individual corporate interests that the Indian tribes of the Great Plains intended to fight to protect, preserve, and conserve the resources which their forefathers gave their lives to retain.

The declaration put all parties on notice that any further abuse of Indian rights would not be tolerated and set out for federal officials, the states, and the rest of the country a summary of the legal basis for the prior and paramount water rights of twenty-six tribes. It also stated Indian principles for planning and development of this water, the minerals, and the other natural resources on their land.

The conflict was readily apparent. A large portion of the natural resources essential to the US government's ability to meet the goals of [Richard Nixon's proposed] project independence were located on Indian reservations. In fact, the billions of tons of low sulfur Indian coal were considered to be the key to the

whole effort. That coal had the potential of making the northern Great Plains into the boiler room of the nation—or as some called it, “a national sacrifice area.”

4.C.4.

Michael Figures

From “Opening Address—Minority Landowners Conference” (1976)

In the wake of both the civil rights movement and the Great Migration, Black people in the South confronted a new landscape in the 1970s. Central to their concerns was land itself. Automation and privatization had weakened Black family farms and, with it, Black economic and political power. As highlighted in this 1976 talk delivered in Tuskegee, Alabama, the preservation of Black land ownership was critical to provide much-needed economic sustenance, political power, and personal resources.

... Black land ownership continues to decline at an alarming rate, from its peak of about 15 million acres in 1910 to less than 5.7 million acres now and going steadily—and tragically, most of the decline has occurred since 1950 when Black folks owned 12 million acres. Of the remaining 3 million or so Black-owned acres the vast majority is located in the eleven southern states and most of that is located in states represented at this conference.

If we know now the importance of land ownership—if we know the reasons (some of which I will allude to throughout this presentation) why Black land is lost—if the Emergency Land Fund [ELF] continues to spread the word—then why does the loss continue almost unabated? The reasons are several and not the least of which is the fact that there is presently no organization at all existing on more than a very local level, if even there, that is composed of Black landowners. There is *no Black landowners association* to address any of the problems faced by Black landowners in terms of retention, acquisition, utilization, etc.

To be sure, the Emergency Land Fund and others have sought to address problems connected to Black land ownership—but we *do not own any land!* We cannot exert the kind of pressure on the powers that be to force them to service the needs of present Black landowners and potential Black landowners. But we, the Alabama Center for Higher Education [ACHE] and Tuskegee’s Human Resources Development Center, can try to bring you together and assist you in understanding the needs and in organizing yourselves so that you, as Black landowners, can have a positive voice in determining the destiny of our people.

It is you who must utilize the land, make it productive, put the idle acres into