

Transparency #

Instructor's Comments

Text Page

Sovereignty is difficult to understand.

- Awesome power
- Attitude of a people
- Strong feeling

It cannot be seen or touched.

Only the EXERCISE of sovereign powers can be seen.

Roman judges called it:

"proper authority by which people make laws."

It literally means:

Rule or power above all else.

For the purpose of this workshop,

we would like to define it as:

IN THEORY, SOVEREIGNTY IS THE SUPREME POWER
FROM WHICH ALL SPECIFIC POLITICAL POWERS
ARE DERIVED.

It is this supreme power from which the right of self government is derived.

Can really only be defined by the particular people who are sovereign.

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SUBJECT SOVEREIGNTY CHAPTER I

CONCEPT: IS SOVEREIGNTY JUST A EUROPEAN CONCEPT? NO

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|----------------|---|-----------|
| | <p>Modern concepts of sovereignty were developed and written about by Europeans.</p> <p>But today the concepts are utilized by cultures throughout the world.</p> | 3 |

CONCEPT:

WHERE DOES SOVEREIGNTY COME FROM?

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It comes from within a people or culture --

It is INHERENT.

It CANNOT be GIVEN or TAKEN AWAY.

Some people say it comes from:

- Spiritual Sources

or - People, themselves (community will)

or - "Law of Nature"

or - Powerful Ruler

WHATEVER --

Sovereignty cannot be separated from

the people or culture which

gives rise to a nation.

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CONCEPT:

DOES SOVEREIGNTY MEAN INDEPENDENCE?

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Ideally, YES.

Sovereignty implies that a nation has the absolute or supreme power to self-government

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COMPLETELY INDEPENDENT

from interference or involvement with other nations.

BUT

No nation in the world today is completely independent.

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ISOLATION IS IMPOSSIBLE

- Mass communications
- Transportation
- Industrialization

Political & Economic Dependence

Raw materials

Military assistance & protection

Many nations have semi-dependent relations for:

Grain

Meat

Minerals

Oil & Foreign Aid

CONCEPT:

IS A NATION'S SOVEREIGNTY DEPENDENT ON
INTERNATIONAL RECOGNITION?

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In theory - NO

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Many nations refuse to recognize another nation's existence because of economic or political considerations.

The key is whether people within the nation support its existence.

Ex: U.S. recognition of
People's Republic of China

BUT

Recognition by others can be an asset.

Can strengthen a nation's claim to Sovereignty.

There is no formula about
what is a sovereign nation.

Again, world economics & politics always
play a role.

CONCEPT: HOW IS SOVEREIGNTY RELATED TO NATIONHOOD,
GOVERNMENT, POLITICS?

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Sovereignty is above -
Comes before the others.

The manifestation of Sovereignty is

Nations

Governments

Politics

Let's look at the definition of these terms:

Nation - "A people, usually the inhabitants of a specific territory, who share common customs, origins, history, and frequently, related languages."

Webster's says that a nation is "a tribe or federation of tribes (as of American Indians)."

What is Government? The system or machinery through which a political unit or nation exercises sovereignty.

Politics? The art of interpreting the will of the people and influencing the government.

SOVEREIGNTY again? The Supreme Power from which all specific political powers are derived.

This power brings people together to form a nation and govern themselves.

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CONCEPT:

WHAT ARE THE INHERENT POWERS OF SOVEREIGN NATIONS?

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|----------------|--|-----------|
| | Sovereign nations exercise various powers. | 8 |
| | Perhaps the foremost power of a sovereign nation is THE POWER TO SELECT ITS FORM OF GOVERNMENT. | |
| | The form of government does not affect sovereignty. DEMOCRACIES, MONARCHIES, THEOCRACIES & DICTATOR- SHIPS are all governmental forms of sovereign nations. | 9 |
| | Some are HIGHLY STRUCTURED; others are SIMPLE, INFORMAL INSTITUTIONS. | |
| | OTHER POWERS INCLUDE: | |
| | -- Power to make laws. | |
| | -- Power to impose and enforce laws. | |
| | -- Power to define and regulate use of territory. | |
| | -- Power to determine membership. | |
| | -- Power to regulate trade within borders and among members. | |
| | -- Power to tax. | |
| | -- Power to appropriate monies. | |
| | -- Power to regulate domestic relations (marriage, divorce, inheritance, etc.). | |
| | -- Power to regulate property. | |
| | -- Power to establish monetary system. | |
| | -- Power to make war and peace. | |
| | -- Power to form alliances with other nations through TREATIES. | 10 |

CONCEPT:

ARE INDIAN NATIONS SOVEREIGN?

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YES!

Indian governments have traditionally exercised the powers of sovereign nations.

LL

The U.S. and other nations have recognized Indian nations' inherent right to self-government. (treaties and agreements).

INDIAN SOVEREIGNTY WAS NOT GRANTED TO THEM BY THE U.S. OR CONGRESS.

INDIAN SOVEREIGNTY COMES FROM THE SOVEREIGNTY WHICH IS UNIQUE TO EACH INDIAN NATION.

Throughout the ages Indian people have been bound together by a supreme sovereign power to become a nation.

When Europeans first came to the New World they RECOGNIZED the SOVEREIGNTY of Indian governments by making treaties with them.

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The U.S. followed in this pattern.

CONCEPT: U.S. RECOGNITION OF SOVEREIGNTY THROUGH
CHEROKEE NATION V. GEORGIA AND WORCESTER V. GEORGIA.

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|----------------|---|-------------------------|
| | <p><u>CHEROKEE NATION, 1831</u></p> <p>U.S. courts did not negate the concept of Indian sovereignty.</p> <p>Described the political status of Indian nations as:</p> <p style="padding-left: 40px;">"domestic, dependent nations."</p> <p><u>WORCESTER V. GEORGIA, 1832</u></p> <p>Chief Justice John Marshall clarified the status of Indian nations when he said:</p> <p style="padding-left: 40px;">Indian nations had always been considered as DISTINCT INDEPENDENT POLITICAL COMMUNITIES retaining their original natural rights, as the undisputed possessors of the soil, from time immemorial.</p> | <p>13, 15</p> <p>17</p> |

CONCEPT: WHAT WERE TRADITIONAL INDIAN GOVERNMENTAL FORMS?

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THERE WERE A VARIETY OF GOVERNMENTAL FORMS.

Anthro's says that there were at least 600 different Indian societies before the coming of the white man.

- Some were loosely structured
(band leaders held most of the power).
- Hereditary systems of government.
- Theocracies (Pueblos).
- Highly developed "democratic" systems
as in the Iroquois confederacy.

The fact that most Indian societies call themselves

- The People
- The Principal People

This has been called the recognition of themselves as a political entity or nation.

These forms were foreign to Europeans --
yet they are still sovereign nations.

21-22

Although Indian governments have changed a lot in the past 200 years, THEY REMAIN SOVEREIGN AS LONG AS THE RIGHT TO SELF-GOVERNMENT IS NOT GIVEN UP.

CONCEPT: WHAT ARE THE SOVEREIGN POWERS EXERCISED BY INDIAN NATIONS?

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|----------------|--|---|
| | <p>The most important test to determine whether a nation is sovereign is whether or not that nation EXERCISES ITS SOVEREIGNTY--the powers of self-government.</p> <p>There is no magic formula about which or how many powers a nation must exercise in order to be sovereign.</p> <p style="padding-left: 40px;">--dependent on culture & needs of particular nation.</p> <p>AMONG THE INHERENT POWERS OF INDIAN GOVERNMENTS THAT ARE RECOGNIZED BY THE U.S. ARE:</p> <ul style="list-style-type: none"> -- Power to determine form of government. -- Power to define conditions for membership. -- Power to regulate domestic relations. -- Power to levy and collect taxes. -- Power to administer justice and enforce laws. <p>THE U.S. HAS ALSO RECOGNIZED. . .</p> <ul style="list-style-type: none"> -- Power to wage war and make peace. -- Power to extradite. -- Power to make treaties. | <p>22</p> <p>23</p> <p>25</p> <p>27</p> <p>30</p> <p>24</p> |

INDIAN SOVEREIGNTY
Filmstrip Response Sheet

Name _____

Date _____

Chapter 1. What is sovereignty? (Circle the letter of the best answer)

- | | |
|-------|---------------|
| 1. A. | 5. TRUE FALSE |
| B. | 6. TRUE FALSE |
| C. | 7. TRUE FALSE |
| D. | 8. TRUE FALSE |
| E. | |

2. TRUE FALSE

9. TRUE FALSE

3. A.
 B.
 C.
 D.
 E.

4. TRUE FALSE

No. correct _____