

Research proposal on indigenous people of america (native americans)

[Law](#), [Criminal Justice](#)



Introduction

Native Americans are the American Indians who live in the United States. When you look at the indigenous people of Americans in a legal perspective, it is evident that they stand unique in the United States legal system. The Native Americans are divided into various tribes which are considered to be politically independent or sovereign nations which exist within the boundaries of the United States. In the early 1990s, the Native Americans tribal governments controlled two percent of the lands in the U. S. the lands are located under the tribal jurisdiction act and are therefore known as Indian country. The thesis statement of the essay is, " Uncle Sam needs to get involved in the Native American courts. "

When you look at the history of relations between United States and the Indian nation, you will come to notice that the existing Native American law cannot be regarded as an organized body of legal principles. The Indian law in the United States is as a result policies that are accumulated from different sources over a long period of time. It is clear that the Native Americans are sub-divided into groups and they share a lot of similarities on how they practice law. The tribes are characterized by their own culture and the legal history that they have been practicing.

The United States Indian policy has been on a trend to shift and change the existing tribal governments and self- sufficient economy. The society has tried to go against the rights of the Native Americans by imposing social and economic assimilation to them. This Indians therefore are mistreated and discriminated because a violation of their rights is so evident. The United States society works hard to remain dominant and avoid empowering the

native Indians with the perceptions that they are foreigners in their country. The square one finance billing does not protect the business rights of the native Indians in the crow Indian reservations. This is because it is not possible for a Native American to present himself in a state court and repossess back a car or garnish wages. This is because the square one finance bill concentrates mostly with international affairs therefore it disregards the Native Americans on the ground (Prucha & Francis⁵⁹). The reservations despite been treated as a separate nation, it shows that the Native Americans are not fully protected by the United States legal system. It can be said that, the judgments that are given in the American courts are not implemented in a neutral way. This is because the customer in the rural reservation cannot loser the case since the courts are very unpredictable. This makes the Indians fear taking a lot of risks when it comes to business. Especially, the Indians are afraid of individuals from the reservations because they will not be ready to enforce all the agreements stated in the contracts (Hirschfelder⁶⁶). Since the Native Americans feels unappreciated by the United States legal system, they will not take risks of huge investments and this slows down their investment capacity. Reservations come out clear when the property rights are disregarded and violated or when the rights do not exist at all. Failure of the property rights to protect the Indians has led to massive poverty levels, high rates of alcoholism, corruption scandals and high rates of school drop outs. The Indians have been forced to a line of poverty because of lack of a strong legal system that protects al individuals without considering their race, sex, gender or ethnic affiliation.

The big pieces of lands in the Indian reservations are owned by the community. This will mean that the actual residents are not entitled to the right of owning the land and therefore they cannot have title deeds to lands of where they reside. This greatly affects the lives of the native Indians because they cannot access credits and loans due to lack of title deeds. The financial constraints therefore cannot be solved and most of them will be forced to live in poverty in their entire life. The Native Americans also finds it hard to improve the living conditions and their homes because using the land to invest remains a nightmare that the United States law does not solve. The economists refer to this situation as the tragedy of the commons since land owned by everybody is nobody's land. This has promoted poor housing, low investment rates and environmental degradation. The government also fails to establish programs on housing projects and apartments to improve the existing conditions in the Indian reservations.

Land that is privately owned remains more productive than communally owned land because investments are undertaken in a very different way. In the crow reservations is it approximated that 2. 2 million acres are privately owned living the rest of the land to be owned by the community. In the Indian reservations, there is a difficulty in establishing markets. This is because the lack of individual ownership of property and right fix in a situation where they cannot build or pass wealth (Hirschfelder96). The entrepreneurial spirit tends to fade away and the Native Americans are excluded from being part of the national and global economies. The reforms that develop in land issues are supposed to pass through the bureau of Indian affairs. Despite this act; the problem of privatizing the community

land is still an issue that is left unsolved.

The United States system must establish a national property ownership act which will guarantee the Native Americans that their communal land will be categorized under tribal and private ownership. The reserves will therefore have a right to build educational institutions, hospitals, markets and recreational centers. There is also need to enact zoning act for the benefit of Indians as these prevents environmental degradation. Private property rights will ensure safety of individual and this might give them a chance to solve the housing crisis because the rich will invest in housing development (Prucha & Francis79).

Lack of a secure legal footing provides a huge risk when it comes to investments. Therefore, the rich resources are not fully utilized in a way that the community will feel empowered. Need for property ownership rights is very important because a property privately owned will be protected from destruction and underutilization. The Native Americans also do not upgrade their environments because they lack incentives. The legal system does not provide a scenario where the business climate is reliable to the Native Americans because they are not involved in decision making by the central government. There is need for the United States government to formulate laws and policies that will protect the Native Americans in a way that they will own property and their rights will be respected.

Work cited

Hirschfelder, Arlene, and Martha K. de Montano. The Native American Almanac: A Portrait of Native America Today. New York: Prentice Hall, 1993.

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