



Indian Land Tenure
F O U N D A T I O N

COMMUNITY SURVEY

Importance of Land and
Value of Property Rights
January 2003

Introduction:

In January of 2003, the Indian Land Tenure Foundation conducted a survey to explore how Indian people viewed land ownership and management as well as to surface land issues most important to Indian communities across the US. This survey was not intended to be a statistical polling of Indian country, rather it is intended to inform our work. It is our belief that it is essential for ILTF to maintain an awareness of the concerns and opinions of Indian people in order to fulfill our mission of repatriating lost lands and strengthening Indian management or control of lands owned by native people and tribes.

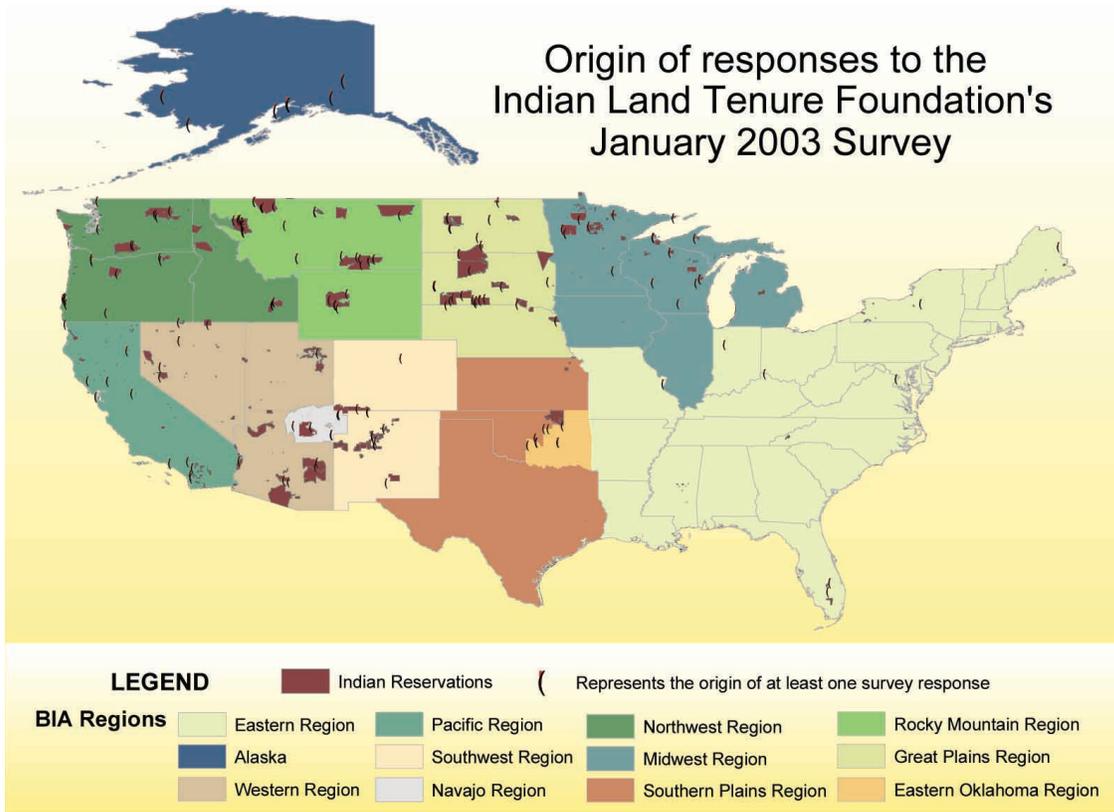
In addition to our responsibility to listen to the opinions and concerns of Indian communities, we believe it is equally important to communicate the results of these surveys out of respect for those who took the time to participate as well as to stimulate discussions within Indian country.

This brief report focuses on the results of the land issues survey. The survey was posted on our website for two weeks and the foundation mailed approximately 3,600 surveys to members of Indian communities across the United States. We received 219 responses, which we grouped into 12 regions that closely match the 12 BIA regions. A 13th group was composed of responses that were anonymous. ♦♦♦

NAME OF REGION	STATES IN REGION	# OF RESPONSES
Alaska Region	AK	8
Northwest Region	OR, WA, ID, <small>small portion of western</small> MT	49
Rocky Mountain Region	MT, WY	33
Pacific Region	CA	11
Western Region	NV, UT, AZ	11
Navajo Region		7
Southwest Region	CO, NM	12
Midwest Region	MN, IA, WI, IL, MI	19
Great Plains Region	SD, ND, NE	33
Eastern Oklahoma Region		3
Southern Plains Region	KS, Western OK, TX	5
Eastern Region	(see map)	8
Anonymous		20

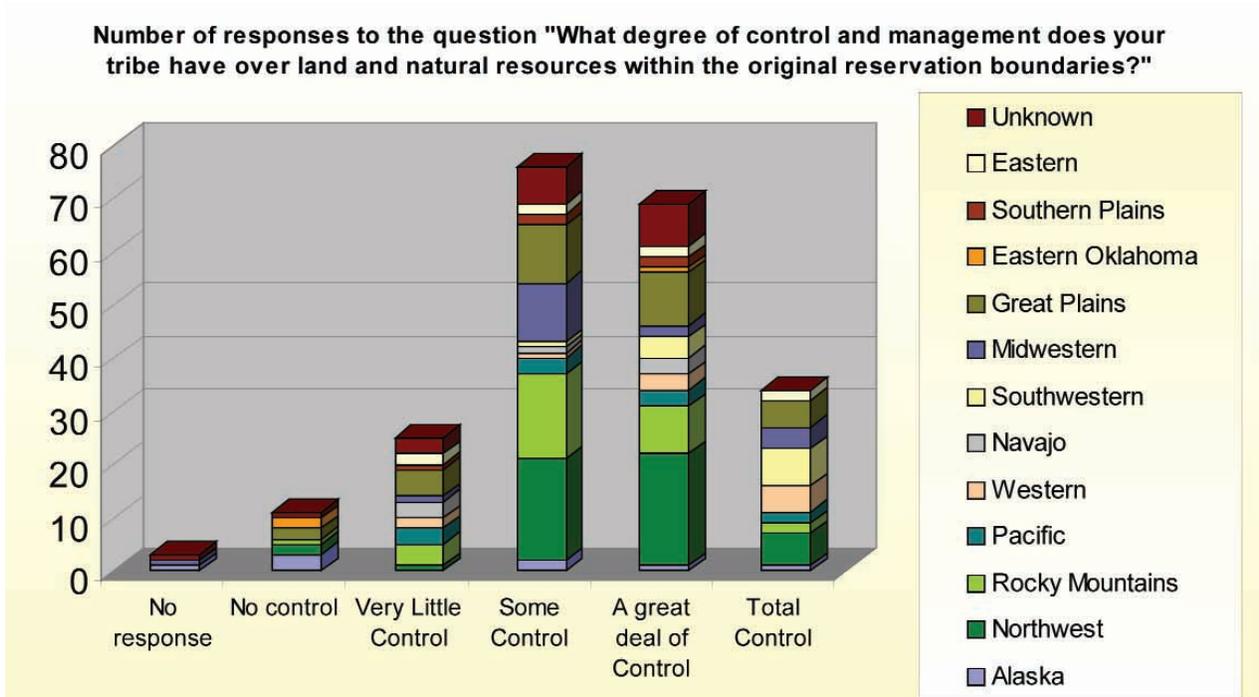
Geographic distribution of results:

The 219 survey responses came from all parts of the United States (*see US map above right*) and each survey region had at least 3 responses. The vast majority were sent from Indian reservations or cities very close to Indian reservations. The number of responses from each region is summarized above. It will be helpful for you to keep these numbers in mind so that you may judge the value of our results for yourself. (*In general, the larger the collected sample size of surveys, the more accurate the results.*) ♦♦♦

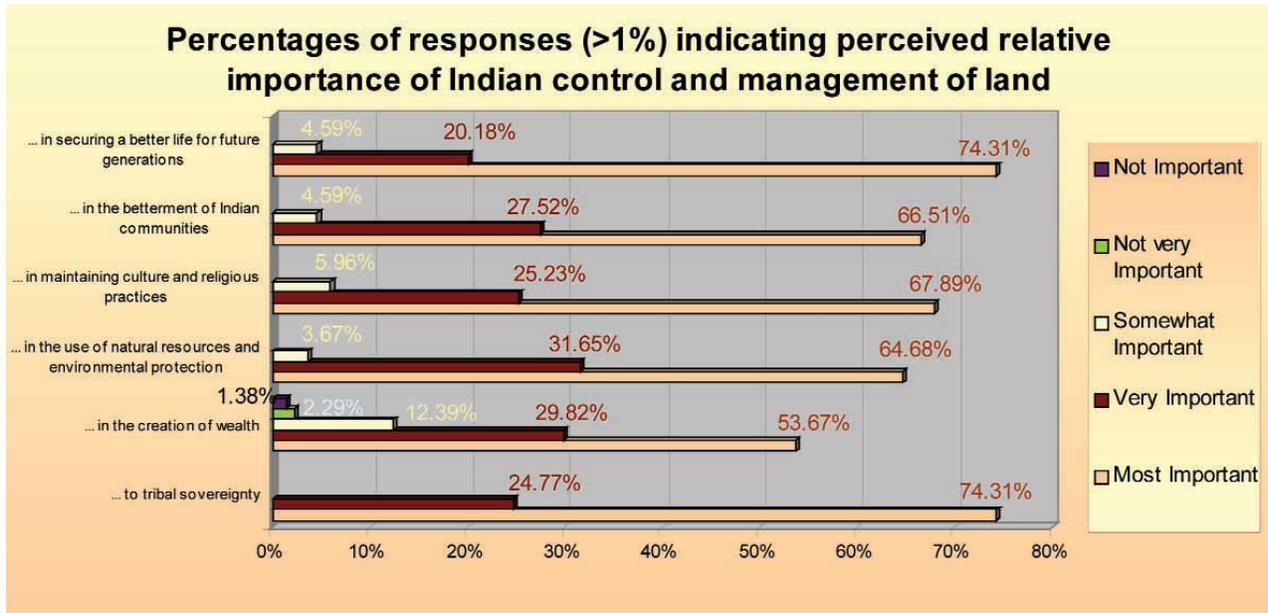


Indian control and management over land and natural resources:

The first question on the survey was intended to gauge how much control and management the respondents perceived their tribes to have over land and natural resources within original reservation boundaries. As shown in the graph below, the majority of the respondents felt that their tribe had at least some control over their lands and natural resources and more often had greater degree of control than a lesser degree.



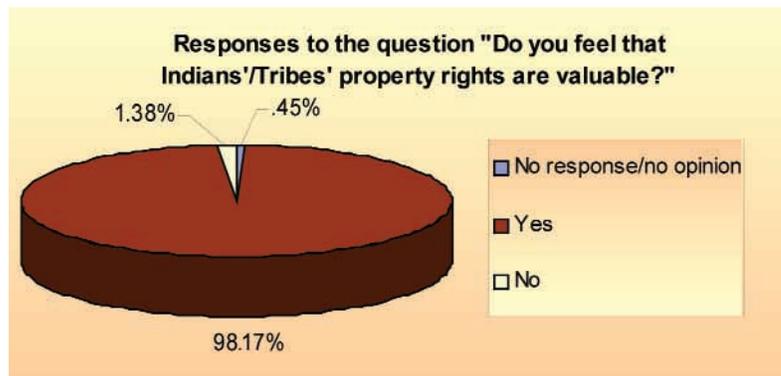
After asking about this perceived degree of Indian control, our survey asked several questions regarding the ways in which this control is thought to be important. The questions asked the respondent to relate the importance of Indian control and management of lands to securing a better life for future generations, the overall betterment of Indian communities, maintaining cultural and religious practices, the use of natural resources and environmental protection, the creation of wealth, and tribal sovereignty.



The graph above indicates that, overall, the respondents perceived Indian control and management of land as having the most importance in securing a better life for future generations and tribal sovereignty. On the other hand, while over half of those surveyed felt that Indian control and management of land was extremely important in the creation of wealth, the relationship between the two was not as strongly asserted by the respondents as it was for other aspects.

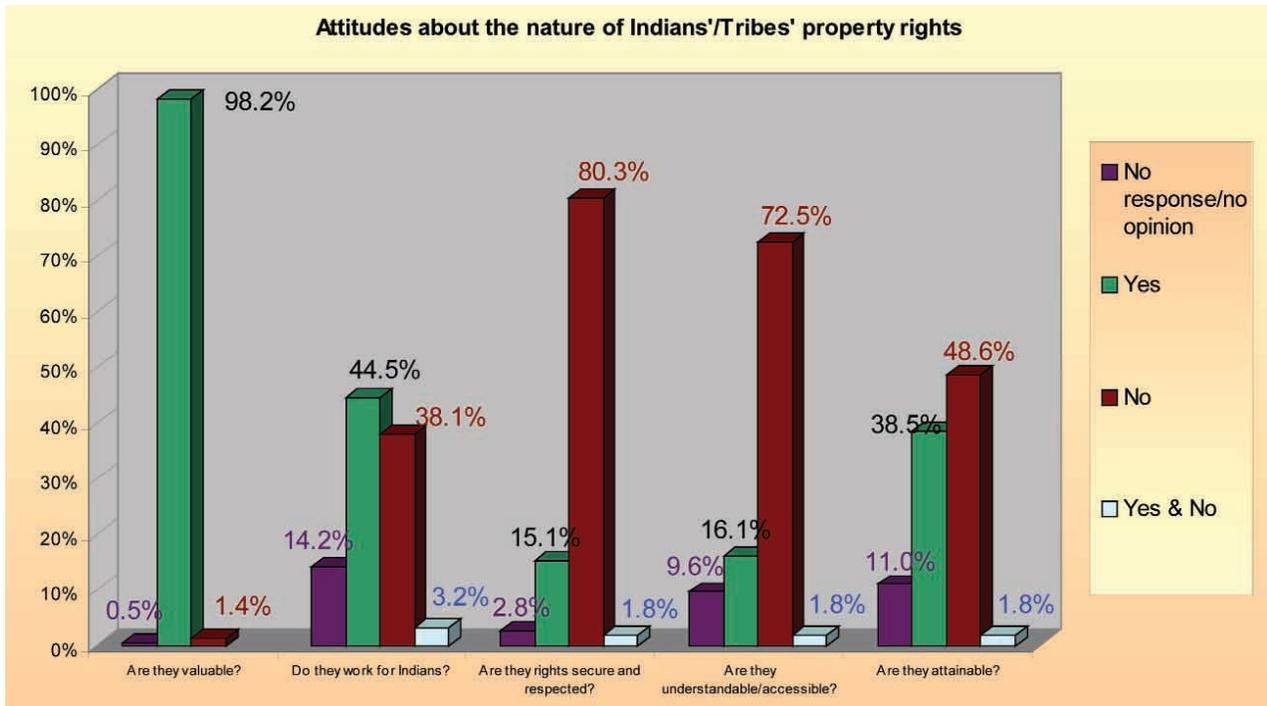
One conclusion that can be drawn from these results is that the Indians surveyed assign multiple values to Indian control and management of land above and beyond economic worth. Furthermore, these values often relate to the strength and identity of the tribe or Indian community. Indeed, the comment of one respondent was reflective of many: “Land ownership and use are essential to tribal sovereignty and identity, both on an individual basis and collectively as a tribe. Having an understanding of property rights equates to social and economic health.” ♦♦♦

It is for these reasons, most likely, Indian respondents overwhelmingly asserted that property rights are valuable.



Property Rights in Indian Country

The most striking result of the survey, however, was that despite the assertion that most tribes have some control over their lands, and the value placed on property rights in Indian Country is high, most Indian respondents indicated that, in reality, property rights are not, or cannot be, used effectively in Indian country. In other words, the respondents perceived great systemic barriers in the use of property rights related to land and natural resources, which in turn hinders them from attaining greater tribal sovereignty, overall betterment of the communities, and other goals mentioned earlier. On the graph below, this is shown clearly by the difference between the percentage of people who stated that property rights are valuable and the percentage of those who feel that property rights work for Indians.



The survey also attempted to examine what made property rights work or not work for Indians, or what was going on within the system of property ownership and asset accumulation that made Indians' property rights useful or unusable. The survey attempted to do this by asking three basic questions: "Do you feel that Indians'/Tribes' property rights are secure (*unable to be taken away*) and respected by the federal and state governments?"; "Do you feel that information about Indians'/Tribes' property rights is accessible and understandable?"; "Do you feel that land is available and property rights are attainable for Indian people who currently do not own land?"

The subjects of these questions – security and protection of property rights, intelligibility and accessibility of information about property rights, and attainability – are three components of an effective and efficient system of property rights. There is a great deal of economic theory behind what makes such a system efficient and there are many more theoretical components. For the purposes of this survey, we chose to examine three that appeal to common sense. For example, it is very hard to use land when there is the constant threat that someone will take it away without punishment. As another example, it is hard to assert property rights when you can't find out information about your property or the legal aspect of it changes or is incomprehensible.

The results of the survey show that Indian people believe there are grave problems within the system of property rights that govern Indian's use and control of land. Mostly, this is not due to the property rights themselves, but to the ways in which they are treated or managed by other people. As the graph shows above, nearly 80 percent of the respondents indicated that property rights are not secure and respected by the federal and state governments. Many written comments cited history with the federal government and ongoing tribal/state and county struggles as their basis for their view.

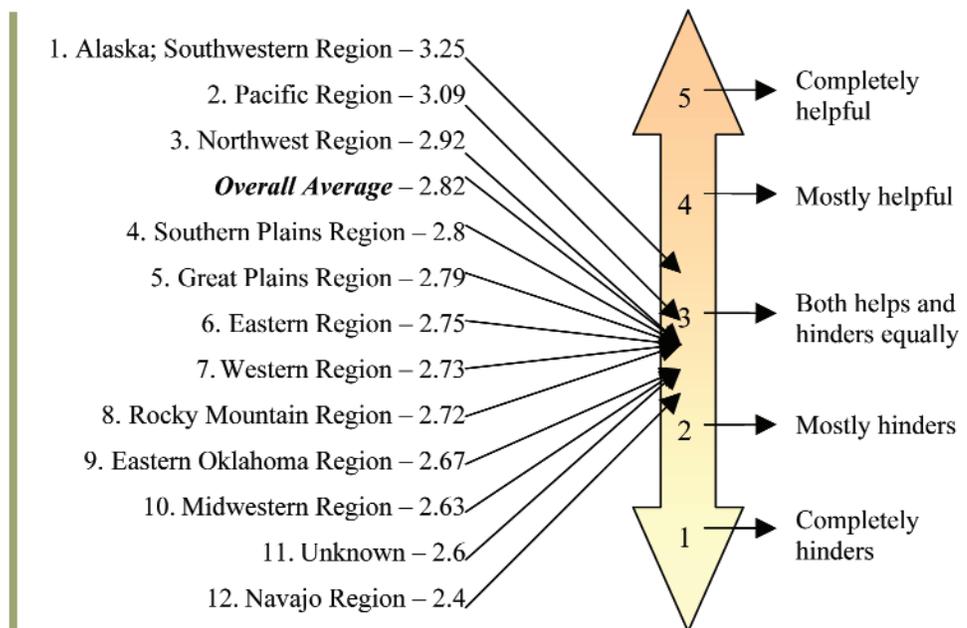
Nearly 70 percent of the respondents indicated that property rights or information about property rights were not understandable or accessible. Of the 16 percent that stated they were understandable or accessible, in the written portion of the survey many of them they indicated that this was not the case for the laymen, or were understandable only to those who have legal training and strong research skills. Slightly under half of the respondent's indicated that they felt property rights were attainable. ♦♦♦

The role of the federal government in the tribe's control and management of land

The returned surveys also indicated that many of the respondents feel that state and federal governments contribute to the difficulty in controlling and managing tribal land and reservation land owned by individual Indians. Of those who said that the government hinders Indian control and management, their written responses indicated that many respondents felt, among other things, the BIA was an ineffective manager of land and trust responsibilities. Due to excessive "red tape," the federal bureaucracy is unable to provide answers or act quickly on anything and is insensitive to traditional ways and knowledge.

However, other respondents cited ways in which the federal government has proven helpful to the tribes, mostly by protecting the tribes from outside entities and by giving technical assistance. ♦♦♦

The graph to the right shows the average relative satisfaction or dissatisfaction with the federal government according to BIA region. The respondents' answers were coded on a scale from 1 to 5 and were then averaged for each region.



Many respondents also indicated that, besides the federal government, the following entities, aspects, or situations also hindered Indian use and management of land:

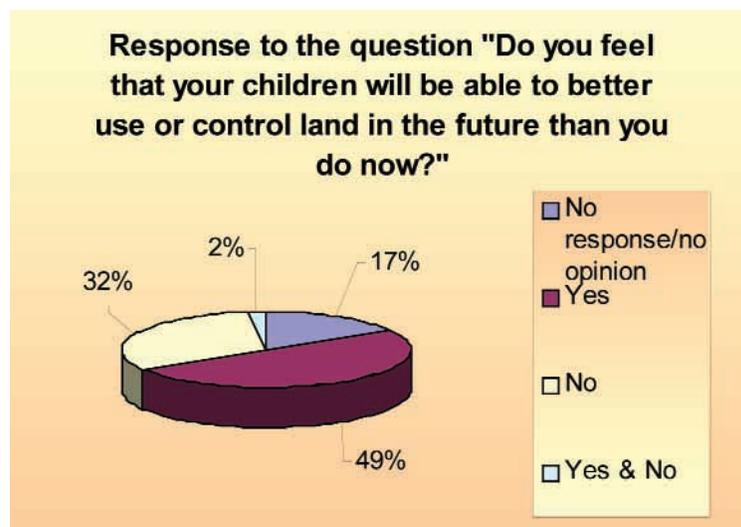
- Distance from their land
- The slowness of Tribal and BIA actions
- Fractionated ownership of lands and checkerboarding
- Fear of being under county jurisdiction and taxed if development occurs
- The lack of capital in order to promote development (*i.e. the inability to acquire a loan because of the land's trust status*)
- State and non-Indian local government
- Problems with heirship and lineal descent
- Tribal politics
- Great difficulty and slowness in converting land from Fee-to-trust

Use and control of land in the future

Despite the problems that many of the respondent's felt Indians faced in using their property rights or controlling and managing land, exactly half felt that their children or future generations would be able to better use or control land than the respondents do now.

The most striking thing about those who responded "yes" to the question was that they cited or based their response on improved education as the most important factor influencing this increase in land control and management. The character of this desired education varied among the written responses. Many respondents wanted to see or were encouraged by education that instilled a strong value for the land as the thing that kept the community together and the culture alive. Others saw the education focusing on respect for and value of the natural environment. Still others saw it as a means for future generations to better work with the federal government without giving up rights to water and land, or their culture.

Those who answered "no" to the question indicated that they thought the bureaucratic mess would not clear up and relations between the state, county, and federal government would not improve. Others pointed toward children not having a cultural connection to the tribe and to the land. Some respondents were resigned to the fact that their children would not inherit the respondent's ownership interests. ♦♦♦



Summary Comment:

The responses to this brief survey point to two overarching conclusions. First, the respondents consider land to be fundamentally important to their culture, tribal sovereignty, and community well being, as well as part of their economic base. The second conclusion that must be drawn is that despite the primary importance of land, there is substantial pessimism throughout the various Indian communities about securing, retaining and using land and property rights. This dire view has been formed by historical experience with the federal, state, and local governments.

The Indian Land Tenure Foundation thanks all of those who took the time to respond to the survey. We appreciate all of your comments and will look to each one to inform our work as we move forward. Our goal will be to create new conditions where Indian people from all tribes are optimistic about the future of Indian land holdings and property rights and where Indian people become active in re-establishing the land base. ♦♦♦