

Indigenous Rights and the Amazon: Reflections from the United States

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ABSTRACT

Brazil seeks to develop its natural resources in the Amazon as it grows and develops economically and internationally. A major issue regarding such progress involves the rights and wellbeing of the region's Indigenous peoples. Conflicting policies range from acknowledging a wide array of distinctive rights for these people vs. forcing them to adapt to "progress" and national priorities. To clarify the issues, parallels between the United States and Brazil are discussed and generalized.

Keywords: Amazon, Jair Bolsonaro, Indigenous, American Indian, Self-Determinism.

INTRODUCTION

Throughout the world, distinctive populations, such as Indigenous peoples, are asserting rights and privileges even though the countries where they reside often reject or deemphasize these entitlements. As a result, tensions have arisen between (1) governments that want to maintain their sovereignty and power vs. (2) specific groups of people that seek the greater authority, empowerment, and parity needed to achieve self-determinism.

Governments are concerned because Indigenous claims to special rights and privileges potentially undercut the ability of nations to make decisions regarding economic and social policies. Such restraints can occur even if Indigenous people constitute only a small percentage of the population.

Belize, a small Central American country, provides a relevant example. In 2007, the residents of two Maya villages in the Toledo District of Belize challenged the national government over its authority (or lack of authority) to make economic decisions involving the land where these Indigenous people were living. The villagers won. In its ruling, the court held that Indigenous rights that predate the establishment of Belize as a country are stronger than the power and authority of the nation. Governments are concerned about such trends because they indicate an erosion of national power and sovereignty.

Apparently, the rights that Indigenous people possess are evolving and expanding. This situation is causing governments to more jealously guard their decision-making authority. In the past, the power and rights of governments were largely unchallenged, and the subservient position of Indigenous peoples was understood and seldom questioned. Due to these circumstances,

governments felt secure when pursuing economic development projects, establishing relationships with investors, negotiating arrangements with outsiders, and so forth. Today, in contrast, greater ambiguity regarding the breadth of Indigenous rights is emerging in ways that potentially undercut the ability of nations to make important decisions.

Those concerned with the economic development of the Brazilian Amazon need to be aware of such issues. A discussion of parallels between the indigenous policies of Brazil and the United States offers a useful commentary on such tensions and issues.

DEVELOPMENTS IN THE BRAZILIAN AMAZON

The Brazilian Amazon is a largely untouched rainforest and wetland possessing a wide variety of valuable resources. Parts of it, however, are being rapidly developed. Relatively few people live in this vast region, and many are members of Indigenous tribes. Typically pursuing a traditional way of life, these Native populations tend to reside in small ethnically diverse villages that require an undeveloped rainforest to maintain their traditional way of life. The tribes, furthermore, have homelands in the Amazon that are protected by Brazilian law. In specific, the Constitution of Brazil affirms that Indigenous peoples have a right to maintain their traditional ways of life as well as the right to permanently live on their lands, known as “Indigenous Territories” (Brazil 1988).

Many outsiders who seek financially rewarding opportunities in the Brazilian Amazon, however, oppose Indigenous-friendly policies that make the region’s natural resources unavailable for economic development. On occasion, advocates of economic development have acted in ways that circumvent such restrictions. The United States Department of State, for example, has documented that Brazilians from outside the Amazon are actively intruding into these protected regions. Historically, when doing so, they have illegally denied Indigenous people their constitutional and human rights (Minority Rights Group International 2008). After the United States reported these tendencies, complaints about such abuses have continued. The perpetrators of such activities are often accused of using force and violence; their actions have sometimes been described as genocide.

After assuming the presidency of Brazil in January 2019, Jair Messias Bolsonaro, developed a national policy that emphasized economic expansion within the Amazon. In addition, Bolsonaro favored the full integration of minority groups, such as Indigenous people, into the mainstream social and economic structures of Brazil. Doing so, however, would potentially force Indigenous people to lose distinctive rights that are based upon their ethnic identity. To advance his economic development policies, Bolsonaro sought to relax the protections on the Amazon region while limiting or extinguishing the special rights and relationships guaranteed to indigenous people by the government of Brazil.

During Bolsonaro's presidency, rogue investors and speculators, emboldened by emerging national policies that encouraged economic activity in the Amazon, accelerated their onslaughts of the region. This situation placed Indigenous people in a precarious position. Hostile attacks upon Indigenous people (sometimes leading to death) have been reported. As these tendencies continue, Indigenous people and their advocates have become increasingly alarmed.

Bolsonaro has now been replaced by President Luiz Inácio Lula da Silva who has a more progressive view of Indigenous people (Guardian 2023). Although Lula is more friendly to Indigenous people than Bolsonaro, complaints have arisen that he is moving too slowly in championing Indigenous rights.

Due to past policies and actions, Brazil has a reputation of ignoring the legal rights of indigenous peoples. Regarding their treatment, for example, ex-president Bolsonaro has compared his country with the United States of the late 19th century by observing "The North American cavalry were the competent ones because they decimated their Indigenous people in the past and today, they [the leaders of the United States] don't have this problem in their country" (Phillips 2020).

PARALLELS WITH THE UNITED STATES

As documented above, former President Bolsonaro and economic development advocates influenced by him are inspired by 19th century strategies of the United States that sought to subdue the Indigenous peoples of that country in order to avoid future problems and impediments that could hinder economic development. In praising these policies and actions, Bolsonaro provided an incomplete and circumscribed analysis of the lessons to be learned from the United States regarding its treatment of Indigenous peoples.

As a result of this one-sided focus, it is appropriate to provide a broader review of the evolving relationships between the United States and its Indigenous peoples. Looked at from such perspectives, it becomes possible to view evolving trends that range from (1) advocating physical or cultural genocide to (2) progressive and benevolent alternatives that seek, parity, equity, and self-determinism for North American Indians. Although the choices made by the United States in earlier times are imperfect and sometimes horrific, its policies have moved away from the oppressive, ethnocentric, and destructive actions of the past that have caught Bolsonaro's attention. This is not to say that the dealings of the United States are perfect, but merely that variation and progress exist. To provide a balanced view of the United States and its Indigenous policies, a number of key issues are discussed that are relevant to the situation currently faced by the Brazilian Amazon.

To explore the evolving and sometimes contradictory history of the relationships between Indigenous people and the United States, a range of issues are briefly discussed including (1) the

status of indigenous people in the United States, (2) Making Room for Progress, (3) the Dawes Act and its efforts at forced assimilation, (4) The more humane “Indian New Deal” of the 1930s, (5) The Termination period, the (6) Post-Termination Period. By discussing the situation in Brazil with reference to those historic precedents, suggestions for future thought and analysis of the situation in the Amazon are provided.

THE STATUS OF INDIGENOUS AMERICANS

When, in the 1600s, immigrants from Britian came to what is now the United States, they found well established Indigenous populations. These people benefited from age-old knowledge and skills that provided the techniques needed for survival. This lore was taught to the European newcomers; legend has it, for example, that Squanto (an Indian from what is now New England) taught the Pilgrims (early white settlers of Massachusetts) to fertilize their corn fields with dead fish, as well as providing other useful advice that helped the settlers survive during their harsh early years in America. Squanto, who became fluent in English gained power as an interpreter, helped the colonists and local people communicate.

Many of the tribes throughout the North East were sophisticated and able to negotiate with the settlers and establish allegiances with them. The Iroquois Confederacy, for example, was (and continues to be) a multi-tribe social and political entity that served as long-term allies of the British who were in constant conflict with the French and their Native allies. The political structure of this Confederacy was so advanced that historians have suggested that the United States Government (with its system of checks and balances) is indebted to this indigenous example of political organization.

The sophisticated characteristics of some Indigenous communities, no doubt, impacted the way in which these people were viewed. Such deference is embodied within the Constitution of the United States that was written in 1787. In section 1, for example, we are told that “Congress shall have power to ...regulate commerce with foreign nations and among the several states, and with the Indian tribes”. Thus, the tribes were not considered to be “states” or “foreign nations,” but were placed in an additional category that overtly recognized their existence, distinctiveness, and importance.

The current constitution of Brazil also recognizes the country’s Indigenous people and their special rights. Written in the late 20th Century, it is more sophisticated than the United States Constitution in regard to Indigenous peoples. Article 231 of the 1988 Brazilian Constitution, for example, acknowledges that Indigenous peoples are the original inhabitants of Brazil, and, as such, Brazil recognizes the right of indigenous people to follow their way of life on their lands without being forced to assimilate. Thus, Brazil provides legal protections for Indigenous people and cultures that are more explicit than those found in the Constitution of the United States.

Although both countries have Constitutions that acknowledge Indigenous people and recognize their special rights, on occasion these rights have been denied. A classic example from the United States involves the events leading up to the “Trail of Tears”: the shameful relocation of the Cherokee Indians of the American Southeast to Oklahoma on the order of President Andrew Jackson. In doing so, President Andrew Jackson was catering to constituents who wanted to use Cherokee lands for cotton plantations and for gold mining. When the legal system, headed by Supreme Court Justice John Marshall, challenged these illegal actions, Jackson is purported to have observed ‘Justice Marshall has made his decision, now let him enforce it.’ Because military power rested with the president and not with the court, Jackson had his way although his actions were illegal and the court ruled against him. In more recent years, however, Marshall’s decisions have been honored.

The situation in Brazil, on occasion, seems to parallel the actions of Jackson. Recall Bolsonaro’s observation that the tactics of genocide inflicted upon the American Indians by the United States calvary was a wise strategy and, presumably, similar measures need to be used in the contemporary Amazon.

In any event, the constitutions of both the United States and Brazil, recognize the distinctiveness of Indigenous peoples. Although not always adequately recognized, this status and the entitlements associated with them exist and, hopefully, they can be more effectively protected in the future.

MAKING ROOM FOR PROGRESS

In James Fenimore Cooper’s, *The Prairie*, his classic novel of the American frontier, Natty Bumppo, an archaic white frontiersman cannot exist in an increasingly urbanized and “civilized” setting, is banished to the Great Plains to live out his life with the equally archaic Indians. The plotline of the book assumes that the Plains were a “Great American Desert” incapable of supporting “civilized” life. As a result, the region was viewed as a sanctuary where Indigenous people (and whites such as Bumppo who had “gone Native”) could live without stifling competition from the modern world. According to this point of view, civilization would be unable to establish itself in this wasteland; by default, Bumppo and his Indigenous friends were provided with a refuge that was insulated and protected from powerful outside forces. Cooper’s depiction of the plains was the prevailing view of the era.

In the years after the American Revolution, White settlers began to displace many Indigenous people who lived east of the Mississippi River. During the War (1776-1782), for example, many soldiers traveled widely and often entered Indian Territory. General Sullivan’s raid into upstate New York to subdue the Iroquois is an example (Fisher 2008). Sullivan’s men destroyed many Iroquois villages and dispersed or killed the residents who never returned. After the war, the

veterans, remembering that the lands that they visited were well suited for small farms, returned to establish their homesteads. As time went on, settlers moved further and further west establishing towns and cities that were much more substantial than the rustic outposts and trading centers of earlier times.

Inevitably, this influx of outsiders created conflicts between the settlers and the Indigenous population. A classic example is Black Hawk's War of the 1830s (Eby 1973) in which Indigenous people attempted to reclaim lands that had been lost to white settlers. After Black Hawk was defeated, most of the remaining Indigenous people east of the Mississippi relocated west of the river where everyone believed the Indigenous people would be free to practice their way of life in the "Great American Desert because people believed it could not support "civilization".

These events have parallels with Brazil. Just as 19th century Americans settlers believed that the prairie was an immense uninhabitable desert or wasteland, the Amazon region was long viewed in similar ways. This is true even when economic "booms" (such as the era of rubber production) spurred economic activity. Because, the value and potential of the Amazon was underestimated; Brazil and its investors, focused upon other opportunities, and made relatively few attempts to dislodge the Indigenous settlements of the untamed rainforest.

THE DAWES ACT AND FORCED ASSIMILATION

Depicting the Midwest as a Great American Desert was an error. The prairie was much more than an inhospitable wasteland, and in the second half of the 19th century it emerged as one the great "breadbaskets" of the world; today, it continues to be a rich agricultural resource. In addition, the region proved capable of providing homes for countless settlers and immigrants. After the American Civil War (1861-1865), millions of people migrated to the United States from Europe, and needed homes to live in and land to farm. The rapid growth of the national railroad network, furthermore, connected the plains with markets on the East and West Coasts.

Although the Midwest had long been viewed as a haven for traditional cultures, post-Civil War settlers flocked to it after 1865. Appreciating this population shift, the government sought to gain greater control of Indian Lands that had previously been written off as worthless. Plans were developed to assimilate Indigenous people into mainstream America so they would better fit into the evolving American civilization.

In 1887, the United States Congress passed the Dawes Act (officially known as the General Allotment Act) that granted eligible tribal members tracts of personally owned farmland. Reservations were subdivided into 160-acre parcels; after doing so, eligible tribal members were allowed to choose the piece of land that they wanted. On the one hand, the government hoped that by providing farmland to these people they would be encouraged to take up conventional farming

as a profession and abandon their traditional ways of life. Those who did so were told they could become citizens of the United States. Such tactics of assimilation were reinforced by the Indian Boarding School initiative that took children away from their parents so they could be trained for mainstream jobs and, more importantly, forcefully assimilated into American society. The plan was to weaken the power of the tribes, dilute the influence of the traditional cultures, destabilize native communities, and encourage people to leave the reservations.

The Dawes Act embodies classic techniques of weakening the collective power of Indigenous peoples by undermining the cultures and the tribal structures. One tactic involved dealing with tribal members as individuals, not with reference to their tribal identity. By structuring the relationship with Indigenous people in this way; the traditional tribal structure was bypassed and its relevance of tribal membership was weakened.

Even more significantly, the act allowed non-Indians to gain access to reservation land. Many tribes had relatively few members and after all eligible members received their 160 acres, a wealth of surplus acreage typically remained. The government declared that this land was available for the public at large once the distribution to tribal members was completed. This policy further weakened the tribes and encouraged a flood of immigrants to enter Indian country. The goal was to free up vast stretches of land that were controlled by a relatively small number of indigenous people and put it to other uses such as providing farmland to immigrants.

In a parallel manner, Brazil's former President Bolsonaro has long complained that the small number of Indigenous people in Brazil (about 1%) controls too much land and that this situation is preventing economic development strategies that could benefit the entire country. Bolsonaro reasons that projects (such as large commercial farms, cattle ranches, and mineral extraction endeavors) that could be pursued in the Amazon region potentially provide (1) economic advantages to both the Indigenous population and (2) the country as a whole. This progress could be achieved by freeing up the land coupled with strategies designed to assimilate the Indigenous populations into mainstream Brazilian life. Such rationales closely parallel the goals and justification of the Dawes Act. They, furthermore, conflict with the Brazilian Constitution.

THE INDIAN NEW DEAL

As time went on, many people of the United States began to question the effectiveness of policies and strategies that the government was employing when dealing with the American Indians. This dissatisfaction and concern led to the commissioning of a comprehensive study, conducted by Lewis Meriam, regarding how the government managed Indian affairs. Officially entitled *The Problem of Indian Administration*, it is commonly known the Meriam Report (1928). Meriam's analysis called for significant change, and it found the Dawes Act (and policies based upon it) to be flawed and ineffective.

In 1932, during the depth of the Great Depression, Franklin Delano Roosevelt was elected President of the United States; upon assuming office, he launched a great wave of progressive policies and strategies. Included among them was a more enlightened and sensitive rethinking of Indians affairs. Among other progressive initiatives, Roosevelt appointed John Collier (who had long been an advocate for Indians and tribes) to be Commissioner of Indian Affairs. Under Collier's leadership, Congress passed the Wheeler-Howard Act (1934) that is commonly known as the Indian Reorganization Act. This law (and Collier's leadership) led to a progressive phase of American Indian history known as the Indian New Deal (Graham 1980).

Key to Colliers's policies was an emphasis upon helping tribes to more effectively organize themselves and exercise self-determinism. Tribes, for example, were encouraged to ratify constitutions, and to set up and manage Native courts. Doing so, of course, was a reversal of the Dawes Act's emphasis upon weakening the tribes by dealing with people on an individual basis, not as tribal members. The Indian New Deal also reminded Indian communities that they possessed rights and entitlements (such as the right to prevent the sale of Indian lands against their will, the right to regulate business activities within the reservations, the right to levy taxes, the right to determine how tribal membership was determined, and so forth).

To aid the tribes in their quest to organize and usher in a greater degree of independence and self-rule, the Bureau of Indian Affairs also created templates for important documents such as tribal constitutions and court proceedings that could be adopted by tribes with only a few adjustments that reflected the uniqueness of specific communities and peoples. Although such coaching and guidance by the Bureau of Indian Affairs might have contained a degree of coercion and chauvinism, they were an improvement over earlier policies that were overtly dedicated to cultural genocide, complete assimilation, and tribal extinction.

This new, more culturally sensitive, approach provided a greater degree of empowerment to Indigenous tribes, bands, and nations, and viewed individuals and tribes from within a cultural context. These relatively enlightened policies and perspectives, (that continued during World War 2 and for a short time afterward) constitute a great advance beyond the destructive and ethnocentric tactics associated with the Dawes Act and similar initiatives.

In Brazil, there might not have been an overt "Indian New Deal" but culturally sensitive advocates for Indigenous people have always existed. According to such supporters, Indigenous people need to be evaluated and dealt with on their own terms. Thus, these advocates for the Indigenous believe that governments should not pursue heavy handed assimilation, the commandeering of Indigenous homelands, and the cultural (if not the physical) extinction of Native traditions and ways of life.

THE TERMINATION PERIOD

During World War 2, many Americans were afraid of and prejudice against the Japanese. As a result, hundreds of thousands of Japanese-Americans were sent to internment camps where, advocates for such confinement reasoned, these detainees would not be able to collaborate with the Asian enemy. Not only were Japanese-Americans exiled far from home in remote and isolated stockades, these innocent people lost everything they had worked for.

A long-time civil servant, Dillon S. Myer, was chosen to be the head of this program: the War Relocation Authority (Dickie 1982). Myer replaced Milton S. Eisenhower (President Dwight D. Eisenhower's younger brother) who resigned over the issue of mass relocations and internment.

Myer served as head of the program from 1942 until 1946 when it was discontinued. Today the War Relocation Program and its internment policies are widely condemned as unneeded, brutal, prejudicial, and a shameful stain upon American history. During his tenure, Myer worked to weaken the status Japanese-Americans in order to protect America from what some viewed as an Asian "yellow peril" that appeared to threaten the nation.

After the war, President Harry Truman appointed Myer as Commissioner of Indian Affairs (a position he held from 1950 until 1953). Myer's policies and his example exerted a strong influence upon Indian affairs for years after he left office. In specific, he embarked upon a campaign dedicated to extinguishing the special rights enjoyed by Indian peoples. His tactics included decertifying tribes as legal political entities. Myer's influence is demonstrated by the passage of Joint Resolution 108 by the United States Congress (1953) that advocated subjecting Indian people to the same laws and obligations as all other Americans. Seeming innocent enough at first glance, this position ignored the fact that many tribes had special rights that were guaranteed by legal treaties. In other words, Joint Resolution 108 advocated the unilateral rescinding of rights and privileges that various Native people were entitled to. Carried to an inevitable conclusion, the ultimate fruit of such actions was the extinction of tribes as formal organizations, against their will, coupled with a discontinuation of Federal support that, hitherto, had been guaranteed.

Today, Myer's actions are considered to be heavy handed and shameful. At worst, they are deplored as exploitive, hateful, vindictive, and racist. Echoing the later conclusion, Secretary of the Interior Harold Ickes, an architect of Roosevelt's New Deal referred to Myer as "a Hitler and Mussolini rolled into one" (Prucha 1984). Myer's focus upon the termination of American Indian rights remained the basic policy of the United States during the 1950s and 1960s.

In recent years, Brazil has experienced a political movement that resembles the Termination Period. When in office, ex-President Bolsonaro, for example, embarked on a campaign that also sought to limit, extinguish, and/or ignore long-established Indigenous entitlements, privileges, and

rights. Although Brazil's 1988 constitution guarantees protecting Indigenous homelands and respecting Indigenous ways of life, Bolsonaro and his allies followed the opposite path: advocating policies in the Amazon that encouraged economic development at the expense of Indigenous priorities. To achieve the goals of economic development, the rights of indigenous Brazilians were systematically squelched in a manner that reflects the Termination Period of the United States.

Bolsonaro only served one term and has been replaced by President Lula who has more progressive views regarding the Indigenous peoples of the Amazon. Nevertheless, Bolsonaro's actions demonstrate an orientation embraced by many Brazilians.

THE POST TERMINATION PERIOD

The end of the Termination Period was announced on July 8, 1970 when President Richard Nixon gave his "Special Message on Indian Affairs". In that document, Nixon pledged to "Strengthen the Indian sense of autonomy without threatening his sense of community." Such policies, of course, give Indians greater control over their lives and, in the process, protected and nurtured Indigenous communities, tribes, and traditions. Such initiatives are a rejection and a repudiation of the Termination Period's policies and the motives underlying them.

Although Nixon pledged to continue providing both financial and administrative aid to the tribes as required, his goal was to empower the tribes and their members in ways that provided a greater degree of self-determinism. According to such a vision, the role of the Bureau of Indian Affairs was to evolve from managing Indian affairs to helping Native peoples manage themselves. These actions were important steps in a federal Indian policy that sought to deal with Native needs, rights, and priorities in an evenhanded manner.

In 1975, Nixon's vision became further institutionalized with the passage of the Indian Self-Determinism Act that codified and systematized the Post-Termination agenda. The act endorsed using federal funds to help tribes engage in more effective self-management. Efforts were made to strengthen Indigenous cultures and traditions. Attempts to undermine Native cultures and decertify tribes ceased.

In 1994 President Bill Clinton built upon this foundation with his Executive Memorandum "Government to Government Relations with Native American Tribal Governments". The focus of this pronouncement was to underscore that tribes are sovereign entities and that the United States Government must deal with these indigenous nations accordingly. The memorandum states in part "As executive departments and agencies undertake activities affecting Native American Tribal rights or trust resources, such activities should be implemented in a knowledgeable, sensitive manner respective of tribal sovereignty."

Although the modern Post-Termination Period is much more complicated than this, these brief observations provide a taste of the current era. Reversing the destructive tactics of the Termination Period, efforts are being made to deal with Native people in equitable ways, recognize the legal sovereignty of tribes, and respect Indigenous cultures.

In post-Bolsonaro Brazil, a similar trend seems to be emerging. President Lula has embraced progressive policies regarding Indigenous communities and strategies. Many Indigenous activists and their advocates have championed Native rights as enshrined in legal documents such as the 1988 Constitution of Brazil.

DISCUSSION

The United States has long been engaged in a living experiment regarding the treatment of Indigenous people, the options that should be available to them, and policies regarding how these people and their heritage should be evaluated. As a result of operating on the spearhead of progress, the United States has embraced a wide variety of initiatives; on occasion, these agendas conflict with and contradict each other. Policies such as the Dawes Act and the Termination Period, for example, sought to weaken Indigenous tribes, peoples, and cultures while the Indian New Deal and the Post-Termination era are much more supportive of Native people, their traditions, and the sovereignty of tribes.

The current policies of the United States embrace agendas and guidelines that, reflecting both modern social science and international decrees regarding Indigenous people, call for enhancing self-determinism, the rights for Indigenous people to occupy a homeland, and the ability these people to live and be governed in a manner of their own choosing.

Although the history of Brazil is different from that of the United States, both countries appear to be moving towards greater cultural sensitivity that focuses upon the rights of both (1) individual people and (2) their collective membership in cultures, tribes, collective, and social entities. As this process deepens and matures, the perspective that seems to be arising recognizes that Indigenous peoples, although made up of individuals, possess a collective existence that is greater than the sum of their parts and that these social entities have a right to exist.

Throughout the world, nations are devising strategies for dealing with Indigenous peoples and other distinctive ethnic groups and populations. In this discussion, the situations faced by two distinct countries (the United States and Brazil) were compared and juxtaposed. Certain parallels appear to be emerging, including (1) a recognition of the inherent rights of small minorities and (2) recognizing the challenges that arise when treating these people in humane and equitable ways that can lead to self-determinism. Achieving these goals can be difficult when small and marginalized cultures or social groups possess and control coveted assets in ways that appear to

be “holding the country back.” Under these circumstances, a temptation can arise for dominant regimes to act in ways that are expedient and serve the majority. Both The United States and Brazil are grappling with such issues. It is hoped that their dilemmas and examples, will provide food for thought worldwide.

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