

Caroline Condon

## RESPONSE

Lyons' work, *The New Indian Claims*, goes in depth examining the Nonintercourse Act, which is an act that is still in effect today. The purpose of the law is to prevent fraudulent acquisitions of Native American land. Certain transactions by which lands were subsequently lost to European settlers are invalid because the federal approval was never sought or given. For example, Lyons cites that half of the state of Maine is up for possible repossession, and it is 25 billion dollars worth of land. There have been successful repossessions throughout recent history, but a large amount of land in the United States can prove to be difficult to reallocate, and there are potential complications.

The Native Americans main goal is repossessing their land for hunting and fishing rights and to reassert ownership over the remaining undeveloped land. The goal of Lyons' paper is to determine what justice requires and to scrutinize ideas of justice, more specifically property rights. There are many different ways to view the Native American land entitlement, and one way is that they would be entitled to full repossession because European settlers had no right to take it in the first place.

Based on the law, these land transfers are fundamentally illegitimate. This method would fully restore the land to the 'rightful' owners, without considering the past 250 years of history. Lyons analyzes Nozick's moral foundations of one's ownership of a thing, and Nozick explains it may not be necessary to show that one's ownership fits into some preferred social pattern, such as equality. Nozick claims that history is the most important factor regarding justice, and in turn land ownership. He also claims that property rights are unaffected by circumstances. Lyons does not agree, explaining that this undermines historical entitlement arguments concerning Native American land claims, and does not defeat current claims. Overall, Lyons' view on Native American land claims is that he is doubtful that they have any special claims based upon their distant ancestors' original occupation of the land.

Since the Native Americans have had their land, circumstances have significantly changed. With this in mind, Lyons suggests that the Indian land claims be viewed, but not acted upon. He rather suggests that we work to rectify current inequalities within the Native American communities in the country.

The Lyons article really stood out to me because in my junior year of high school I took AP Language and Composition. One of our assignments during the year was a book report, and I chose the book, *Killers of the Flower Moon: The Osage Murders and the Birth of the FBI*, by David Grann. This book was a new and interesting topic to me, similar to the Lyons article. It absolutely changed my perspective on the history of the Native Americans in the country. The book goes in depth on the Osage Nation brutal murders in Oklahoma, that stemmed from greed due to the oil industry. This period of time for the Osage, the 1920s, became known as the Reign of Terror. The book had me hooked while I was reading it over our winter break because it was so captivating. There is always the cliché that students do not read their books over break, and will just Sparknotes it for the reports, but with this book it was not the case. Every student who chose this book to do their report on came back to school in January eager to talk about what they had just read, considering how crazy the story is.

Essentially, the Osage were removed from their original land in Georgia, and forced to move and settle in Oklahoma. When the government forced their move, they did not realize until

later that they had just moved the Native Americans to an area in Oklahoma rich in oil. The Natives who lived there then became extremely wealthy from the oil their land was on. So, people began to take advantage of them, by marrying into their families or attempting to steal or fraud them out of their land and oil. This had been occurring for years and was ignored by the local police until murders began. As time passed, the Osage began to understand that the local police were corrupted by the money the murderers were stealing. So, realistically nothing productive was being done in order to help the Natives get the justice they deserve. To help combat the police corruption and to prevent any more murders and injustices, J Edgar Hoover founded the FBI- to investigate this specific case. Reading this article reminded me of the injustices presented through the book- and how much, as a reader, it sticks with you. The Native Americans throughout history have been unfairly treated by the government and deserve some sort of reparations to attempt to make up for the injustices they have faced as a group these past hundreds of years.

The work, "The Case for Reparations," by Ta Nehisi Coates, begins by detailing the housing discrimination faced by African Americans during the 1930s-1960s. With the assistance of the federal government, whites would exploit African Americans through unfair housing practices. Coates cites that the income gap between black and white families is "roughly the same as it was in 1970". This statistic is initially shocking and disappointing because it exposes the fact that African American families are still struggling with wealth disparity, which can be attributed to job opportunities, fair pay, etc. Then, reading more, it begins to make more sense because they missed out on fair investments into such a huge part of a family's wealth- housing. They still remain at more risk than white families with less of a safety net because of their lack of wealth. This restricts them to certain neighborhoods and makes it extremely difficult to move vertically out of poverty.

When discussing reparations to help African Americans move past these disadvantages, it raises more questions than it answers. This connects to Thompson's article, "Historical Injustices and Reparation: Justifying Claims of Descendants," because Thompson provides insight into three groups regarding reparations. I believe African Americans would fit into the second group- members of communities for injustices done to the community itself. However, it can also be argued that they fit into the third group which includes descendants of victims of injustice.

The placement of African Americans into the third category is based on the injustice of slavery, while you could place them into the second category for the injustice of slavery, Jim Crow, segregation, housing disparities, discrimination, etc. I believe it should be determined based on which would allow for the most reparations for the African American community because it is difficult to determine and place a value on their hardships. Thompson explains that if African Americans were placed in the third category, it would be harder to determine reparations because there is no way to compare what quality of life they would have had in the past without slavery. The descendent claim can also be argued against because descendants are a result of their ancestors choices, so it is hard to generalize in the past. Thompson also differentiates between claims and demands of reparations, but they are also connected because many claims for reparations demand some sort of compensation. Coates acknowledges how in order to have effective reparations for the African American community, all aspects of society need to be in favor of that idea, which is difficult.

This connects to Thompson because he explains how claims for reparations can and will be undermined. I think reparations for mistreated groups is a great idea and something that society needs to work towards. But, I know how difficult it is to identify and properly assess reparations. And then, after that is done it is difficult to shift the culture towards being in favor of reparations. So, it does not seem to be in the near future, but it is something that would be a great feat if achieved by society in America for certain groups.