

Elizabeth Morris
Public Policy

Research Week Proposal

Title – The Implications of Native American Heritage on U.S. Constitutional Protections

Program of Study – Public Policy

Presentation Type – Choose one of the following – PowerPoint (Remote)

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Category – Choose one of the following: Textual or Investigative

Abstract: This paper examines the infringement on individuality, liberty and property of persons of Native American heritage by current federal Indian policy, despite constitutional protections guaranteed all citizens. Although the last two U.S censuses show that 75% of tribal members do not live within Indian Country and many have never had any association with the reservation system, federal policies mandate tribal government jurisdiction over individuals of lineage in certain situations. Across America, children who have never been near a reservation nor involved in tribal customs - including multi-racial children with extremely minimal blood quantum - have been removed from homes they love and placed with strangers. Women victimized by violence can be denied the option of county court, regardless whether they believe justice cannot be obtained in tribal court. Further, the Department of Interior holds title to the property of millions of individual tribal members. Adult citizens are not allowed to sell or use their property as collateral without permission, despite the commonly accepted economic concept, best explained by renowned economist Thomas Sowell, that property ownership provides "...the ability of people to convert physical assets into financial assets, which in turn enables them to create additional wealth." This study fills a void by examining practical impact and documented repercussions of policies that, based solely on a person's lineage, set limitations on what they

may do with their lives, children and property. Focusing on the practical impact federal Indian policy has on the constitutional rights of individual tribal members and the aftermath of specific legislation, this paper analyzes data and reports from federal, state and tribal sources, as well as academic studies and anecdotal evidence. It further demonstrates that enforcing due process, equal protection, and property rights for individuals of heritage, and removing the financial incentive for tribal leaders to use members, and specifically children, as property, would both vastly improve the economy in Indian Country and preserve to people their God-given right to life, faculties, and production.