

# Tapestries: Interwoven voices of local and global identities

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Volume 12  
Issue 1 *Rage, Change, and Liberation*

Article 14

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2022

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### Recommended Citation

Spang, Kaelene C. (2022) "#Landback: Northern Cheyenne to Reclaim Sovereignty," *Tapestries: Interwoven voices of local and global identities*: Vol. 12: Iss. 1, Article 14.  
Available at: <https://digitalcommons.macalester.edu/tapestries/vol12/iss1/14>

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# **#Landback: Northern Cheyenne to Reclaim Sovereignty**

*Alternative Approaches to Strengthening Tribal Sovereignty*

Kaelene Spang

## **Statement of Purpose**

As new movements emerge and become ever more relevant across Indian Country, I believe that it is important to address and document these movements and their themes in academic scholarship. Namely, the #Landback, Indigenous Data Sovereignty, and Indigenous Data Governance movements are significant. Proof of this significance lies within their purposes and the very fact that there is a lack of conversation regarding this discourse in the scholarly world. Therefore, the purpose of this essay is to increase this discourse by exploring and discussing Indigenous activism, land reclamation, resurgence, sovereignty, and #Landback in the context of the So'taa'eo/Tsetsêhesêstâhase/Tsitsistas<sup>1</sup> (Northern Cheyenne) Nation. I believe that through these movements the Northern Cheyenne people and other Indigenous nations have the opportunity to resurge, (re)enforce, and reclaim their sovereignty, on levels that concern the health and well-being of these nations – including that of humans, plant, and animal relatives. Lastly, on a more personal note, this essay was created in my interest to bring light to the persistence and resistance work that my people and nation continuously and consistently practice – that ultimately enable them to reject the broken promises of the coal and mining industry.

**Keywords:** #Landback, Indigenous data sovereignty, Indigenous data governance, activism, Reproductive justice, Environmental justice, Land restitution

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<sup>1</sup> This is what the Northern Cheyenne nation calls themselves.

## Introduction

A newly emerging movement, known as #Landback<sup>2</sup> is an Indigenous-led campaign that is a reason for hope for many Indigenous nations. At its root, this movement is inherently based on the activism work of earlier movements dedicated to Indigenous sovereignty. One main goal of this movement includes a demand that reparations be made to the land and Indigenous communities. Furthermore, the intentions of this movement are set in land restitution, and to empower Indigenous land stewards to practice traditional methods of land tenure. This creates opportunities for Indigenous nations, such as strengthening and reinforcing their sovereignty and further developing their nations. The significances of this becomes more urgent when considering the fact that Indigenous people make up just around 6% of the world's population, yet 80% of biodiversity is protected on Indigenous territories.<sup>3</sup>

This discourse also includes reproductive health and its relations to environmental justice activism, specifically the work of an honorable Northern Cheyenne woman, named Otseotse'e (Going for Provisions Woman), or Marie Sanchez, who enacted important roles such as serving the So'taa'eo nation as Chief Tribal judge. Lastly, in recent years Indigenous Data Sovereignty (IDS) and Indigenous Data Governance (IDG) movements have emerged as a result of corrupt data practices regarding Indigenous communities. These movements have come to be a significant factor in a variety of issues pertaining to Indigenous nations, particularly the right to self-determination, data, and the development of these communities. Through this discourse, we can begin to understand the urgency of these movements in Indian

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<sup>2</sup> Claire Elise Thompson, "What Is the Indigenous Landback Movement - and Can It Help the Climate?" (Grist, Nov 25, 2020), <https://grist.org/fix/indigenous-landback-movement-can-it-help-climate/>

<sup>3</sup> Gigafact, "Fact Brief: Is 80% of the World's Biodiversity Found in Indigenous Lands?: Gigafact," [gigafact.org](https://gigafact.org/fact-briefs/is-80-of-the-worlds-biodiversity-found-in-indigenous-lands), September 19, 2020, <https://gigafact.org/fact-briefs/is-80-of-the-worlds-biodiversity-found-in-indigenous-lands> (accessed Jan. 10, 2023).

Country and what they mean not only for the Northern Cheyenne, but other Indigenous tribes who might be facing similar issues.

## **Methodology**

The nature of this research is established within the bounds of the interdisciplinary American studies field. To put the topics of sovereignty, reclamation, resurgence, Native American activism, the #Landback, IDS, and IDG movements in conversation with Northern Cheyenne I employ qualitative data analysis by looking at a mix of both primary and secondary sources. This includes online or digital access to journal articles, websites, news, and federal government documents, including U.S. documents related to the *Cobell* (1996) class-action suit, and Indigenous scholarship. In the curation of this discourse, these sources provided the necessary context and history of the Northern Cheyenne, including information related to their engagement with the U.S. government, and their activism resurgence work. It is these sources and perspectives that help shape Northern Cheyenne's efforts toward land reclamation and ultimately, their participation in the #Landback movement. Moreover, these sources shape an understanding of the IDS and IDG movements in the context of the So'taa'eo.

## **Discussion/Literature Review:**

To fully engage in this work through an American studies lens, it is crucial to understand how it aligns within the discipline of American studies. How this work locates itself in American studies can be outlined through Paul Lauter's "Reconfiguring Academic Disciplines: The Emergence of American Studies." This research can be applied to the five principles that Lauter argues are key to the American studies field. The first principle mentioned by Lauter is inspired by and derived from Fredric

Jameson's instruction to "always historicize." This entails scholars to ask the how and why questions of a subject matter and the significance of its emergence in time, which is done so in this paper through historical contextualization of the #Landback campaign and the land buy-back program.

Precisely, the second principle underscores the importance of textuality and the ways that textual forms convey the many connections of power and how these forms are molded by and construct everyday material circumstances of life.<sup>4</sup> The work of this paper addresses this through an analysis of the documents and scholarship surrounding Native American histories and activism work. The third principle concerns how this field of study has transformed into a field that is comparative and universal – specific to how American culture, society, and politics foreground both American and non-American experiences. This paper addresses this principle through connections between the U.S. government and its influence over the Northern Cheyenne Nation.

The fourth principle mentioned by Lauter appraises Antonio Gramsci's propositions of hegemony, as a framework for comprehending how certain groups gain and maintain power over societal and cultural values, while simultaneously emphasizing the dynamics in which power shifts. The work in this paper aligns with this principle, through an examination of the relationship between a sovereign entity (the So'taa'eo nation) and a colonial force, aka the United States government. The fifth and final point pertains to the fact that American studies disciplines are interdisciplinary in nature<sup>5</sup>, as is the work of this paper, described above in the methodology segment.

In recounting one of the early accounts of Northern Cheyenne activism, as delineated by *History Nebraska*, it is confirmed that the #Landback movement existed far before the term was coined in 2020, when, in 1877 the So'taa'eo tribe was displaced from their original homelands. They were advised by the U.S. government to join their

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<sup>4</sup> Lauter, Paul. "Reconfiguring Academic Disciplines: The Emergence of American Studies." *American Studies* 40, no. 2 (1999): 26. <http://www.jstor.org/stable/40643052>.

<sup>5</sup> Ibid., 28.

Southern Cheyenne relatives on their reservation in present-day Oklahoma. After a long twelve months of suffering from deficient food and illnesses, the So'taa'eo decided to depart from the reservation and seek refuge. Somewhere along the way, the band split into two, in which Chief Morning Star (Dull Knife) and Chief Little Wolf each led a group. Unfortunately, Dull Knife's group ran into U.S. soldiers, who recaptured them and held them in captivity in Fort Robinson, Nebraska. While in captivity, Dull Knife persistently continued his activism work by attempting to negotiate the options of either returning to their homelands in the North or uniting with Chief Red Cloud (Lakota) at his agency. It did not take long before the U.S. government put pressure on the So'taa'eo to return to the Southern reservation, they even went so far as to imprison them in the barracks with no food, water, or other essential resources. Once again, the So'taa'eo resisted and broke out of the barracks on a freezing January night in 1879.<sup>6</sup>

Hence, the rebellious actions taken by these Northern Cheyenne ancestors are highly honorable and activist in nature. In this instance, an important aspect of Leanne Simpson's articulation of resurgence can be applied. Simpson is a notable Indigenous scholar, artist, and author, who comes from the Michi Saagiig Nishnaabeg (Anishinaabe/Ojibwe) nation. Simpson reveals that Nishinaabeg (Ojibwe) intelligence is culturally inherent resurgence because it consistently challenges settler colonialism.<sup>7</sup> This in turn can be applied to the Northern Cheyenne, which becomes especially crucial when considering the fact that the very existence of the Northern Cheyenne people today is thanks to Cheyenne leaders and their people's persistent spirits and desire for survival. This story is significant because it sets out a precedent for Northern Cheyenne activism and resurgence to the present.

After a long battle of resisting displacement and extermination, the So'taa'eo people resumed their activist legacy, as they continued to be subjected to colonial

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<sup>6</sup> "History Nebraska, "The Cheyenne Breakout," History Nebraska, <https://history.nebraska.gov/the-cheyenne-breakout/> (accessed 2022).

<sup>7</sup> LEANNE BETASAMOSAKE, SIMPSON. "LAND AS PEDAGOGY." In *As We Have Always Done: Indigenous Freedom through Radical Resistance*. University of Minnesota Press, (2017): 162. <https://doi.org/10.5749/j.ctt1pwt77c.12>.

forces and efforts of assimilation. In 1887 the Dawes Act, otherwise known as the General Allotment Act was passed by the U.S. Congress. Essentially, this act granted a fixed amount of acres to Native families and individuals, then to be held in trust by the U.S. Government.<sup>8</sup> In the year 1926, the Northern Cheyenne approved for their tribal lands to be allotted – this occurrence is referred to as the Northern Cheyenne Allotment Act of 1926.<sup>9</sup> Between 1930 and 1932 1,457 Cheyenne’s received 160 acres of allotted land.<sup>10</sup> In the year of 1960, the Northern Cheyenne’s territory in southeastern Montana became a focal point of economic interest, due to the coal mineral deposits in the area.<sup>11</sup> On three separate occasions, in the years 1966, 1969, and 1971, the Bureau of Indian Affairs convinced the tribe to sign off on coal mining leases that consequently granted and leased parts of the reservation, with authorization to start mining outright. The first two sales and exploration permits were issued to the Peabody Coal Company (a dominant coal-producing company) in 1966 and 1969, acquiring nearly half of the reservation, at a whopping 149,00 acres of the 444,000-acre reservation.<sup>12</sup> After learning more about the Peabody Coal Company, their plans for the reservation, and the devastating effects it could cause, the Northern Cheyenne tribe wanted out.<sup>13</sup> This historical event further informs us about the beginning of the So’taa’eo activist legacy and how they continued to enforce their sovereignty. Through this, we can also begin to understand the connections between how #Landback is influenced by previous efforts through the legacy of Northern Cheyenne.

At first, the situation for Northern Cheyenne was adverse. Nevertheless, in 1973, they found ways to enact their sovereignty and confided in a lawyer named Alvin J.

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<sup>8</sup> “History and Culture: Allotment Act - 1887.” Northern Plains Reservation Aid. Accessed May 8, 2022. [http://www.nativepartnership.org/site/PageServer?pagename=airc\\_hist\\_allotmentact#:~:text=Tribal%20lands%20not%20allotted%20to,supplies%20provided%20to%20Indian%20people](http://www.nativepartnership.org/site/PageServer?pagename=airc_hist_allotmentact#:~:text=Tribal%20lands%20not%20allotted%20to,supplies%20provided%20to%20Indian%20people).

<sup>9</sup> Northern Cheyenne tribal representatives. “Northern Cheyenne Reservation Timeline.” The Montana Office of Public Instruction, (2017): 5.

<https://opi.mt.gov/Portals/182/Page%20Files/Indian%20Education/Social%20Studies/K-12%20Resources/Northern%20Cheyenne%20Timeline.pdf> (accessed January 10, 2023)

<sup>10</sup> Ibid.

<sup>11</sup> Alvin J. Ziontz, and Charles Wilkinson. “The Northern Cheyennes Fight Strip–Mining.” In *A Lawyer in Indian Country: A Memoir*. University of Washington Press, (2009): 147.

<http://www.jstor.org/stable/j.ctvcwndv6.22>.

<sup>12</sup> Ibid., 148.

<sup>13</sup> Ibid., 149.

Ziontz, who was more than willing to help them. Zointz is a reputable lawyer who specializes in American Indian Law, whose firm ultimately helped the So'taa'eo Nation create a report. This eventually led to an official petition that assembled a list of thirty-six violations, regarding the permits and leases that were issued through federal regulation, as outlined in Alvin J. Ziontz's chapter "The Northern Cheyenne's Fight Strip-Mining," in *A Lawyer in Indian Country: A Memoir*. Throughout this chapter Ziontz continued to recount his experience: After bringing this to the attention of the U.S. Department of Interior (DOI), Ziontz was urged by Reid Chambers, who was the Associate Solicitor for Indian Affairs during this time, to swiftly submit the petition for reformative action. So, Zointz and his colleagues began working on the petition by dividing the violations into four major topics: "regulatory violations, breach of trust responsibility, violation of the corporate charter limitations on duration of leases, and statutory violations."<sup>14</sup> Though there was ample evidence of faulty actions on behalf of the U.S. Department of Interior and their Bureau of Indian Affairs (BIA), Ziontz advised that the Northern Cheyenne follow up directly with the interior secretary, in opposition to going to court. Shortly after the completion of the petition in 1973, Ziontz was invited to a meeting by the then-chief leader of the interior, Kent Frizzel. Despite the interior's interest in coming to a settlement, Ziontz was straightforward – the Northern Cheyenne wanted nothing but to cancel all permits and leases. The final decision was announced on June 4, 1974, in which the transactions were declared frozen. Not long after, the coal companies continued to bother the So'taa'eo council, in an attempt to persuade them into following through with the original plans. However, the honorable council of this time (Allan Rowland, Ed Dahle, Dennis Limberhand, and Kenneth Beartusk) continued to resist and (re)enforce Northern Cheyenne sovereignty.<sup>15</sup> It is these moments that must not go unnoticed, for they are significant historical aspects that have come to shape Northern Cheyenne activism to date. Consequently, it is thanks to Northern Cheyenne historical figures such as this council that contemporary So'taa'eo activists can continually recall and draw inspiration from.

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<sup>14</sup> Ibid., 151.

<sup>15</sup> Ibid., 156.



Furthermore, in relation to the work of this council, Marie Sanchez put forth similar efforts toward land reclamation and reinforcing sovereignty. She was well known for speaking out against the coerced sterilization of Indigenous women in the 1970s. As mentioned earlier, an important role that Otseotse'e fulfilled was Chief Tribal Judge on the So'taa'eo reservation.<sup>16</sup> This position ultimately helped her take action on forced sterilization through the conduction of her own interviews,<sup>17</sup> and being featured on multiple platforms, including the United Nations Geneva Conference and the talk shows *MacNeil/Lehrer Report* and *Woman*. The *MacNeil/Lehrer Report* was a 1970s news component featured in Public Broadcasting Service (PBS) news that covered a variety of events on a national scale. Similarly, the show *Woman* was a 1970s discussion-based show that promoted discourse on women, by women, on a variety of topics. Throughout these interviews, Marie exposed many horrifying truths about the intentions of the U.S. government and Indian Health Services (IHS). For example, in her interview on the *MacNeil/Lehrer Report*, she recounted how Native women on the Northern Cheyenne reservation were especially vulnerable to these surgeries because they are enticed to trust the word of IHS doctors. After all, IHS is the primary access to health care on reservations. In this, she expressed one adroitly 'justification' (of many) used to trick these women into getting the tubal ligation surgery done. In this case, they mislead women with low iron levels into thinking that the surgery would treat their anemia.<sup>18</sup> Through Marie's advocacy for reproductive justice among the Northern Cheyenne nation, she was also advocating for environmental justice, and the connections between them become more apparent in another interview with Marie on the talk show *Woman*. Otseotse'e further elaborated on the ultimate goal of the U.S. Government – in doing so, she expressed a horrific and honest fact: "The Cheyenne's are sitting on 5 billion tons of coal. The government is going to use any method to break us, finally, to sell our

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<sup>16</sup> "Recent Obituaries - In Memory of Marie B Sanchez of Lame Deer, MT." Stevenson Sons Funeral Homes. Accessed May 6, 2022. <https://stevensonfuneralhomes.com/obituaries/marie-b-sanchez-age-80-of-lame-deer-mt/>.

<sup>17</sup> Jane, Lawrence. "The Indian Health Service and the Sterilization of Native American Women." *American Indian Quarterly* 24, no. 3 (2000): 410. <http://www.jstor.org/stable/1185911>.

<sup>18</sup> "The MacNeil/Lehrer Report; Sterilization," 1976-12-08, National Records and Archives Administration, American Archive of Public Broadcasting (GBH and the Library of Congress), Boston, MA and Washington, DC, accessed April 12, 2022, <http://americanarchive.org/catalog/cpb-aacip-507-j38kd1rb4h>.

coal.”<sup>19</sup> Marie’s advocacy for both reproductive and environmental justice was monumental for the Northern Cheyenne nation, as it helped them retain their protection rights to the minerals on tribal land.

In connection to the So’taa’eo tribe enforcing their sovereignty, the *Cobell vs Salazar* class-action suit is a point of interest. This case began in 1996 when a Blackfeet woman named Eloise Cobell filed a lawsuit against the U.S. interior and treasury departments, for faulty trust management of Indian land and their financial assets. As mentioned in the official report of the senate hearing in December of 2009, the case was deemed historic, because it had been in the courts for over thirteen years.<sup>20</sup> Furthermore, throughout the testimonies, it became clearer that the settlement intended to fix and absolve fractionation (An issue relevant to the allotment of Indigenous reservations, where there are a multiplicity of owners and interests of an allotment, as generations of families continue to grow. This poses barriers for Indigenous nations to exercise their right to self-determination and development<sup>21</sup>). In the statement of Ken Salazar, it was mentioned that the settlement had two main objectives. The first included making past wrongs right. The second included mention of a program that would essentially prevent the same mistake from happening again.<sup>22</sup> Though an effort toward land reclamation and reparations for Indigenous tribes, this settlement seemed to misunderstand, and even ignore the severity caused because of the U.S. government's mismanagement.

Furthermore, in an article by Jered T. Davidson, it is argued that the Cobell settlement will not resolve the issues of fractionation, and only goes so far as highlighting the fractionation problems. Throughout this article, Davidson unveils that there must be new legislation between Native tribal governments and the U.S. federal

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<sup>19</sup> “Woman; 442; Concerns of American Indian Women,” 1977-04-15, WNED, American Archive of Public Broadcasting (GBH and the Library of Congress), Boston, MA and Washington, DC, accessed April 14, 2022, <http://americanarchive.org/catalog/cpb-aacip-81-67wm3fxh>.

<sup>20</sup> “Cobell v. Salazar Settlement Agreement.” U.S. Government Publishing Office. Accessed May 8, 2022. <https://www.govinfo.gov/content/pkg/CHRG-111shrg57482/html/CHRG-111shrg57482.htm>.

<sup>21</sup> “Fractionation,” U.S. Department of the Interior. July 1, 2021. <https://www.doi.gov/buybackprogram/fractionation>. (accessed Jan. 10, 2023).

<sup>22</sup> Ibid.

government, for the issues of fractionation to be fully resolved.<sup>23</sup> While Davidson proposed many different solutions, the idea of power-sharing seems most prominent for actions toward land reclamation among Indigenous nations, particularly the Northern Cheyenne. We can see a continuation of this work through the land buyback programs.

To further put efforts towards #Landback and absolving land tenure issues, specifically the issue of fractionation, the Land-buyback program was created to work in conjunction with the monies from the Cobell settlement.<sup>24</sup> Cobell offers were first implemented on the So'taa'eo reservation in August of 2014, and as a result, the tribe regained ownership of about 20,130 acres of land.<sup>25</sup> In the year of 2018, Northern Cheyenne was approached by the Land Buy-back program, with an offer of roughly \$24 million to landowners – and the approximate number of acres returned was 7,187.<sup>26</sup> More recently, this year (2022), a little over \$13 million was offered to about 1,413 individual landowners. From this implementation, the So'taa'eo nation regained ownership of roughly 315 acres.<sup>27</sup> Though the land buy-back program grants ownership back to the tribe, therefore meeting one of the objectives of the #Landback movement, there is concern regarding this last round of implementation in Northern Cheyenne. Compared to the other two implementation efforts, this last round is by far the most unsuccessful (in terms of the number of acres that the tribe received ownership of), which means there is land that still needs to be returned. Considering this and that the

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<sup>23</sup> Jered T., Davidson. "THIS LAND IS YOUR LAND, THIS LAND IS MY LAND? WHY THE 'COBELL' SETTLEMENT WILL NOT RESOLVE INDIAN LAND FRACTIONATION." *American Indian Law Review* 35, no. 2 (2010): 577. <http://www.jstor.org/stable/41219752>.

<sup>24</sup> Buy-Back Program Sends Offers to Landowners with Fractional Interests at the Northern Cheyenne Indian Reservation," Indian Affairs (Indian Affairs, January 18, 2022). <https://www.bia.gov/news/buy-back-program-sends-offers-landowners-fractional-interests-northern-cheyenne-indian> (accessed Jan. 10, 2023).

<sup>25</sup> Indianz, "Landowners on Northern Cheyenne Reservation See \$24 Million in Cobell Offers," Indianz, Ho-Chunk Inc., November 19, 2018, <https://www.indianz.com/News/2018/11/19/landowners-on-northern-cheyenne-reservat.asp> (accessed Jan. 10, 2023).

<sup>26</sup> "Landowners with Fractional Interests at the Northern Cheyenne Indian Reservation Receive Buy-Back Program Offers," U.S. Department of the Interior, April 30, 2019. <https://www.doi.gov/buybackprogram/landowners-fractional-interests-northern-cheyenne-indian-reservation-receive-buy-back> (accessed Jan. 10, 2023).

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<sup>27</sup> "Land Buy-Back Program for Tribal Nations." U.S. Department of the Interior, May 7, 2022. <https://www.doi.gov/buybackprogram> (accessed Jan. 10, 2023).

land-buyback program met only one of the #Landback objectives so far, gives all the more reason for the continuation of calls and actions of Indigenous voices and the expansion of the #Landback, IDS, and IDG movements.

As mentioned earlier, the IDS and IDG movements are newly transpired, predominantly in Indigenous scholarship. In a book chapter entitled “Good Data Practices for Indigenous Data Sovereignty and Governance,” IDS is defined as “the management of information in a way that aligns with the laws, practices, and customs of a nation-state in which it is located.” IDG, on the other hand, is defined as “the power and authority over the design, ownership, access to, and use of data.”<sup>28</sup> These two movements work closely together to help Indigenous nations develop their data collection and methods, and equally important, confront statistical data that has been recorded by non-Indigenous people, which has been used in multiple ways, including, but not limited to the shaping of policies regarding Indigenous nations.<sup>29</sup> A relevant point to the #Landback movement in context with the Northern Cheyenne is the fact that the IDS and IDG movements ultimately equip Indigenous nations with tools to closely monitor and supervise the development of data that takes place, the use of it, and their governance over it. This is especially important because the type of data recorded is crucial information regarding Indigenous people, their land, life praxis, and extremely important in the context of Northern Cheyenne, their natural resources.<sup>30</sup> Therefore, the expansion of these movements is crucial to the very future and development of Indigenous nations. For the sake of discussion on Northern Cheyenne, it is extremely important that they adopt these movements in order to continue their resistance against coal mining and the harmful effects that it could pose on their nation’s health and development.

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<sup>28</sup> Kukutai Tahu, et al., “2: Good Data Practices for Indigenous Data Sovereignty and Governance,” in *Theory on Demand*, ed. Vanessa Lee, vol. #29, Amsterdam: The Institute of Network Cultures, (2019): 27. [https://networkcultures.org/wp-content/uploads/2019/01/Good\\_Data.pdf](https://networkcultures.org/wp-content/uploads/2019/01/Good_Data.pdf).

<sup>29</sup> Ibid., 26.

<sup>30</sup> Ibid.

## Conclusion

Over the past few years, the #Landback campaign has emerged and it points towards the development of a better future among Indigenous nations. The #Landback movement is important because it demands reparations for the environment and Indigenous people. The primary goal of this essay was to discuss and expand on the discourse surrounding Indigenous activism, land reclamation, resurgence, sovereignty, the #Landback movement, and last but not least, the Indigenous Data Sovereignty, and Indigenous Data Governance movements in the context of the So'taa'eo nation. This also included the work of Otsehtse'e, on reproductive justice and environmental justice. Through the stories and histories of the Northern Cheyenne, we can begin to understand their activism against coal mining, how their actions are inherently connected to the #Landback movement, and ultimately, how the IDS and IDG movements further create opportunities to continue the strengthening of their sovereignty and developmental goals, specifically in regards to the protection of their lands and land tenure practices.

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