

AMERICAN INDIAN HISTORY, CULTURE AND LANGUAGE

Curriculum Framework

Tribal Government

LESSON PLAN MODELS

Primary

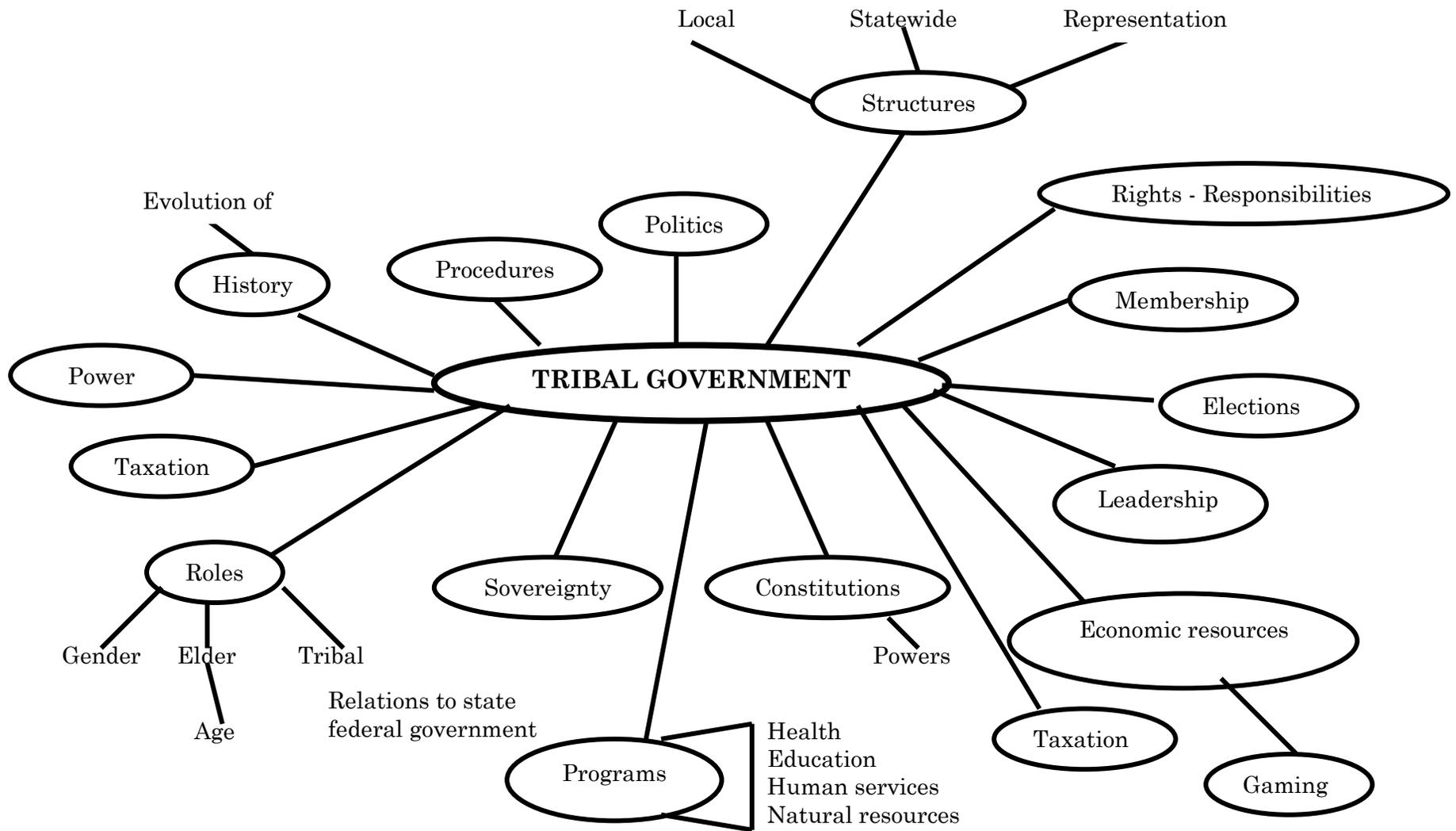
Intermediate

Middle School

Senior High

Office of Indian Education
Minnesota Department of Education
1500 Highway 36 West
Roseville, MN 55113-4266

651-582-8831



Learner Outcome:
 Students will be able to identify the complex structure and recognize the validity and authority of sovereign **tribal government**.

LEARNER OUTCOME

Students will be able to:

Identify the complex structure and recognize the validity and authority of sovereign **tribal government**.

ATTRIBUTES

This outcome includes:

- studying the history of tribal government.
- understanding the structures of tribal government.
- understanding the concept of sovereignty as related to tribal government.
- knowing the powers, rights and responsibilities of tribal governments.
- understanding the economic capabilities of tribal governments.

RATIONALE

All students should learn that American Indians have systems of tribal government that have powers, rights and responsibilities based on tribal constitutions agreed to by the people. Students must learn that the study of tribal government is equally as important as the study of federal, state and local governments. This information will enable students to function as responsible citizens of their communities.

CULTURAL CONTENT/AMERICAN INDIAN WORLD VIEW

American Indian tribes in the United States are sovereign nations. These Nations and governments have always existed. The present forms of tribal government have evolved over time.

TEACHER BACKGROUND INFORMATION

There are over 500 American Indian tribes in the United States that are sovereign nations. The term *tribe* (which is not an American Indian term) refers to a group of people who have a common ancestry. They speak the same language and share a common history and culture. *Tribe* also refers to a political group whose members live together on the same reservation or community and who are represented by a tribal government. Tribes are also sovereign nations.

Description of Tribal Government

Minnesota Tribal Governments

Each of the seven Anishinabe reservations and four Dakota communities in Minnesota has tribal governments. The tribal governments in Minnesota are:

Anishinabe Reservation

Bois Forte Reservation. Reservation Business Committee includes the Chair, Secretary/Treasurer and three committee members. Members are elected to serve four-year terms.

Fond du Lac Reservation. Reservation Business Committee includes the Chair, Secretary/Treasurer and three district representatives. Members are elected to serve four-year terms.

Grand Portage Reservation. Reservation Tribal Council includes the Chair, Secretary/Treasurer and three at-large members. Members are elected for four-year terms.

Leech Lake Reservation. Reservation Business Committee includes the Chair, Secretary/Treasurer and three district representatives. Members are elected to serve four-year terms.

Mille Lacs Reservation. Executive, Legislative and Judicial Branches. Chief Executive, Speaker of the Assembly, Band Assembly, Secretary/Treasurer, Chief Justice. Members are elected for four-year terms.

The Red Lake Nation is not a participating member of the Minnesota Chippewa Tribe. The Tribal Council, consisting of 11 members is Red Lake's governing body. Council members include the Chair, Secretary, Treasurer and two representatives each from the four districts, which comprise the reservation.

White Earth Reservation. Tribal Council includes the Chair, Secretary/Treasurer and three council members. Members elected for four-year terms.

Dakota Communities

The four Dakota communities of Minnesota each have their own tribal government.

Prairie Island Sioux Community. The governing body is the Community Council consisting of five members elected to office for two-year terms.

Shakopee-Mdewakanton Sioux Community. The governing body is the General Council, which includes all eligible enrolled tribal members. The Business Council, which runs the day-to-day affairs of the community, is elected to office by the General Council to serve four-year terms. The Business Council Officers include Chair, Vice-Chair and Secretary.

The Lower Sioux Community has a five member governing body. Each council member serves a two-year of office.

The Upper Sioux Community is governed by a Board of Trustees that includes the Chair, Vice-Chair, Secretary/Treasurer, and three at large members elected to serve four-year terms.

Structures

American Indian tribes are sovereign nations. As nations within the nation of the United States, tribes have the right to form and maintain tribal governments. Tribes have the right to decide what form of government they want. Many have written constitutions and three branches of government. Tribal governments in Minnesota are called by various names such as Tribal Council, Reservation Business Committee or Business Council. Officials are elected to serve 2-4 years terms of office by eligible voting tribal members. Heads of tribal governments are called Chairman, Chairperson, President or Chief Executive. Tribal Councils vary in size. Each nation operates by a set of laws and codes approved by the governing body.

While maintaining their own tribal governments, six of the seven Anishinabe reservations joined together under provisions of the 1934 Indian Reorganization Act to form the Minnesota Chippewa Tribe. The Minnesota Chippewa Tribe is a confederacy of the six participating reservations. This organization is governed by a Tribal Executive Committee. The Tribal Executive committee is composed of 12 members including the Tribal Chair and Secretary/Treasurer from each of the six reservations.

POWERS

Powers of Indian Tribes

- Power to establish a form of government
- Power to determine membership
- Police power
- Power to administer justice
- Power to exclude persons from the reservation
- Power to charter business organizations

Power to Determine Membership

Tribes have the inherent right to decide who is eligible for tribal membership. For example, the seven Anishinabe tribal governments require a person to have a minimum $\frac{1}{4}$ tribal blood quantum. Some tribes consider anyone eligible for membership who is a descendent of a tribal member.

Jurisdiction

Plenary power of Congress

The courts have said that the power of Congress in Indian affairs is plenary (full or complete) and Congressional power may be great but it is not absolute. Further, the courts have said that Congressional power in Indian affairs is limited by the United States Constitution.

“At one time it was clear who had jurisdiction over Indian land and people – Indian people governed themselves, period. How has it happened then, that other governments now have power or jurisdiction over Indian people and land?”

“All governments receive their power from the people and sometimes from spiritual sources. This power may be written down in form of a constitution or it may be handed down orally and traditionally. An ‘Indian government’ which receives its power only from the United States or a state is not a true Indian government.”

“The mechanism for the destruction of Indian jurisdiction was laid in the United States Constitution, adopted in 1789. The Constitution did not, in itself, take away any Indian authority, but it gave to Congress and the Executive Branch of the federal government the authority which was later used to invade Indian jurisdiction...it is important to realize that the Constitution does not actually give the federal government any authority to govern Indian people in Indian territory. Yet it is often said that Congress has ‘plenary’ power (meaning complete authority) to govern Indians and Indian land, based upon one or more of these provisions in the Constitution...Congress, as well as the Executive Branch, has been largely free to infringe on Indian jurisdiction and sovereignty even without any clear Constitutional power to do so...”

“In the early years, Congress never sought to assert plenary power or general authority over Indian governments of Indian territory. Indian jurisdiction was, officially at least, carefully respected...during this early period, several states, particularly New York and Georgia, repeatedly invaded Indian jurisdiction in spite of treaties and federal laws limiting state jurisdiction, Indian people were commonly arrested and tried by state courts for alleged offenses in Indian territory. Although these were ‘official’ acts, they were of the same legal character as vigilante violence against Indians. These illegal acts by the states were eventually brought partially under control by the federal government and they are no longer viewed as valid legal acts...”

—*Rethinking Indian Law*. Compiled and Edited by the National Lawyers Guild, Committee on Native American Struggles 17th Floor, 853 Broadway, New York. NY 10003

Laws and Law Enforcement

Tribal governments have the power to make laws and enforce laws for tribal members living on the reservation. Tribes generally have courts, a police force, and security facilities. Tribal governments can tax tribal members and they have the right to tax non-Indians who lease Indian lands. They can tax private companies who extract resources on tribal lands. Tribal governments make decisions about civil disputes which take place on reservation land. However, federal law enforcement officials handle major crimes that take place on Indian lands.

Indian reservations are located within or in some cases across state boundaries. Indian lands are not a part of state lands. States, however, do not have the right to control the activities of tribal governments or tribal members who live on reservation lands. They do not have this right because Indian lands are not part of state lands. Indian lands are not owned by the federal government but they are held in trust by the federal government. States cannot regulate tribal businesses or tax incomes derived from these businesses. In addition, states cannot require American Indians to pay state taxes on reservation lands, or on income tribal members obtain while working on reservation land, or items purchased on these lands.

Tribal – Federal Relationships

The relationship between tribal governments and the federal government is very complex. The United States recognizes Indian tribes as separate nations. The tribes as nations have a government-to-government relationship with the United States. Congress has authorized the Secretary of Interior to oversee Indian trust lands. These are lands held in trust for Indian tribes to protect the lands from being sold to non-Indians. This trust responsibility stems from treaties, agreements and promises made by the federal government to the tribes. Rights **were not given** to the tribes. American Indian tribes have **always had** rights.

Bureau of Indian Affairs

Within the Department of Interior, the Bureau of Indian Affairs is historically the agency interacting with tribal governments. The Bureau’s central office is located in Washington D.C. with area offices located throughout the country. One is in

Minneapolis. Bureau of Indian Affairs agencies are located on Indian reservations. There are agencies in Cass Lake and Red Lake. Tribal governments contract with the Bureau of Indian Affairs and other government agencies for the delivery of services to the tribes. In most cases, these services were negotiated with the tribes through treaties and agreements.

Tribal – Federal Court Relationship

Tribal governments also have a relationship with federal courts. These courts make legal decisions, which affect Indian reservation land, water and mineral resources, hunting and fishing rights and a number of other important issues.

Tribal – State Relationships

Public Law 280

Passed in 1953, P.L. 280 ushered in the “termination” phase of federal Indian affairs. It gave Wisconsin, Oregon, California, Minnesota and Nebraska criminal and civil jurisdiction in Indian Country and provided a mechanism by which the states could assume permanent jurisdiction over Indian nations. The law applied to most of the Indian land within the boundaries of those five states except Red Lake Reservation, Minnesota and Warm Springs Reservation, Oregon.

The criterion for applying P.L. 280 was whether or not the United States judged that certain Indian nations were capable of handling their own affairs. The U.S. excluded those tribes, which had law and order organizations that functioned in a reasonably satisfactory manner. Termination of the federal relationship with the Menominees, Klamaths, and other Indian nations soon followed.

By giving jurisdiction to the states without the consent of affected Indian nations, the United States was blatantly ignoring American Indian sovereignty and in many cases, ignoring treaties. Unfortunately, the legality of P.L. 280 has never fully been questioned by U.S. courts.

Examples of Tribal Programs and Services

In 1975, the Congress passed the Indian Self-Determination and Education Assistance Act. This allows tribes to exercise self-determination by performing most of the functions formerly provided by the Bureau of Indian Affairs (BIA) and the Indi-

an Health Service (IHS). Under the contracts, the federal government provides the funding and the tribes perform the function.

In 1994, the Self-Governance Act passed Congress. Under this act, tribes put all programs in one extensive compact with the U.S. This is the closest thing tribes have to treaties in this century.

Education

Many tribes operate schools. In 1975, the Indian Self-Determination and Education Assistance Act provided that several functions performed by the BIA could be turned over to tribes. Schools with American Indian students attending school off the reservation can receive Johnson-O'Malley funds that can be utilized to provide special programs for those students.

Four of the Tribal Governments operate BIA-funded Tribal Grant Schools that provide accredited K-12 educational programs.

Fond du Lac – Fond du Lac Ojibway School

Leech Lake – Bug O Ne Ge Shig School

Mille Lacs – Nay Ah Shing School

White Earth – Circle of Life School

There are Public Schools located on the:

Red Lake Reservation serving K-12 students,

Nett Lake Reservation serving K-6 students,

White Earth Reservation (Pine Point) serving K-8 students.

Social Services

In 1978, the Congress passed the Indian Child Welfare Act. Under the ICWA a preference was established when placing American Indian children in foster care or adoptive placement.

Tribes operate social service programs and provide for the chemical dependency, mental health and counseling needs of members.

Health

American Indians have the highest rates of tuberculosis, diabetes and fetal alcohol syndrome of any ethnic group. Under several treaties, the U.S. had an obligation to provide health care to American Indians. Under the Snyder Act in 1921, a permanent authorization for the BIA to provide health care to American Indians was established. This was transferred to the Public Health Service in 1956.

Today American Indian Health Service is under the U.S. Department of Health and Human Services.

Housing

There are currently 93,000 homeless or underhoused American Indians. On most reservations, Indian Housing authorities exist to provide housing. The U.S. Department of Housing and Urban Development fund these. Although this mecha-

nism to provide housing was established in 1937, it was not until 1961 that American Indians were included. The BIA operates a housing improvement program.

Elderly/Nutrition

Most reservations provide noon meals for senior citizens. The U.S. Department of Agriculture provides commodity foods for American Indian tribes.

Gaming

In 1987, the U.S. Supreme Court established, in the Cabazon case, the principle that Indian tribes have the right to have gaming. The principles of the Cabazon case were applied by the Congress in the 1938 Indian Gaming Regulatory Act. Under the Gaming Act, Gaming is divided into three classes:

Class I — traditional games

Class II — bingo and pull-tabs

Class III — sometimes includes casino games

Class III gaming is established when tribes and states negotiate a compact.

Most of the Tribal Governments manage Natural Resource Programs that provide wetlands management, waterfowl, fish, and game management, forestry services, gathering of native plants, water quality and a variety of other associated programs.

American Indians initiated the development of health, human services and education programs.

American Indians survived by producing or harvesting from the environment only what was needed for the well being of the people. The concept of owning land and resources to generate profit was a foreign concept. Yet, it is a concept that's at the heart of the United States economic system. In many ways the concept is a hurdle that prevents American Indians from successfully entering the mainstream economy. On the other hand, it is a challenge that many American Indian communities are meeting while building their own models of economic development.

— Paragraph above is adapted from *Native Models for Business Success*, a Junior Achievement publication.

RESOURCE LIST

Upper Elementary:

Hirschfelder, Arlene. "Tribal Governments," "Reservation Resources," "Economic Life," "Native American – U.S. government Relations" "Native Ameri-

can – State Government Relations: in *Happily May I Walk. American Indians and Alaska Natives Today*. New York: Charles Scribner's Sons, 1986.

Secondary:

Computer Program: Anoka-Hennepin Indian Education Program. Indian Nations of the Upper Midwest. Vol. 1. Includes data on the tribal governments of the 45 reservations and communities of the Upper Midwest, 1993. Phone: (612) 422-5784.

Deloria, Vine. *Indian Reorganization Act: Congresses and Bills*. Oklahoma: University of Oklahoma Press, 2002.

Ebbot, Elizabeth. *Indians in Minnesota*. League of Women Voters. Minneapolis: University of Minnesota Press, 1985.

Institute for the Development of Indian Law. "Indian Sovereignty" "Indians and the U.S. Government" "The Federal Indian Trust Relationship" "Indian Jurisdiction." Oklahoma City: Native American Legal Resource Center. Phone: (703) 938-7822.

Minnesota Chippewa Tribe. *Minnesota Chippewa Tribal Government, 1975*. Also available through the Minnesota Chippewa Tribe Reservation History Series which includes information about tribal governments on select reservation in Minnesota. Contact Minnesota Chippewa Tribe, Cass Lake, MN.

Pevar, Stephan. *Rights of Indians and Tribes: The Authoritative ACLU Guide to Indian and Rights*. Southern Illinois University Press, 2002.

Pommersheim, Frank. *Braid of Feathers: American Indian Law and Contemporary Tribal Life*. University of California Press, 1997.

Video: "Tribal Government: With Status, Force, and Dignity: Produced by Bruce Baird. Indian Education. Coleraine Public Schools.

Video: *Wings of Change*. "Sovereignty" Color. Wisconsin Public Broadcasting Center. Madison, WI: University Film and Video. Phone: (612) 627-4270.

Website: American Indian Policy Center
www.airpi.org

Website: Minnesota Indian Affairs Council
www.indians.state.mn.us

Website: Minnesota Indian Gaming Association
www.mnindiagaming.com

Website: National Indian Gaming Association
www.indiangaming.org

PRIMARY LESSON

1. DEVELOPMENTAL CHECKPOINT

Primary students understand that in addition to the three levels of government in the United States, there are systems of American Indian tribal government. Each of the governments has a chief official, meets in a particular place, and has a special building.

OUTCOME INDICATOR

Government matrix

CURRICULUM INTEGRATION

Social Studies

LESSON OUTCOMES

Students will be able to:

- differentiate among city, state, national and tribal governments.
- identify the chief official, city and building where leaders meet for city, state, national and tribal governments.

INSTRUCTIONAL STRATEGIES

1. Prepare a bulletin board display of individuals, buildings, and symbols to help students identify the various levels of government.
2. Use a transparency or flipchart showing the matrix diagram to record responses as students discuss the leaders, locations and buildings of city, state, federal and tribal governments.
3. Few primary students know these terms and can distinguish among levels of government. Use this opportunity to list the names of local elected officials and to discuss local terms and titles for agencies and officials.
4. Invite mayor and tribal chair to speak to the class.
5. With students prepare interview questions for the resource speakers.
6. Students recall main points learned after the interviews. Record on flipchart.
7. Provide newspapers and news magazines from which students may clip pictures for the bulletin board showing chief official, city and building where leaders meet for city, state, national and tribal governments.

VOCABULARY

city
state
national

tribal

MATERIALS

transparency or flipchart

copies of matrix

newspaper, news magazines, American Indian publications

ASSESSMENT TASKS

Identify on matrix the chief official, place and building where leaders meet.

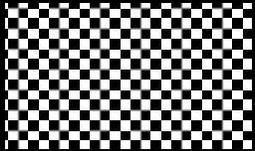
ENRICHMENT ACTIVITY

- Select either city, state, national or tribal government and describe the chief official, the location of that form of government, and the building in which the lawmakers meet.
- Identify former tribal chairs and officers and invite them in to speak to the class.

LINKAGES

Language Arts

Directions: In the correct boxes in the chart, write the chief official, the place, and the building where leaders meet. Do this for city, state, national and tribal governments.

	CITY	STATE	NATIONAL	TRIBAL
CHIEF OFFICIAL				
PLACE WHERE LEADERS MEET				
BUILDING WHERE LEADERS MEET				

KEY

CITY	CITY	STATE	NATIONAL	TRIBAL
CHIEF OFFICIAL	<i>Mayor</i>	<i>Governor</i>	<i>President</i>	<i>Chairman, Chairperson, President, Or Chief Executive</i>
PLACE WHERE LEADERS MEET	<i>Your City</i>	<i>St. Paul</i>	<i>Washington D.C.</i>	<i>City or Town on Reserva- tion</i>
BUILDING WHERE LEADERS MEET	<i>City Hall</i>	<i>State Capitol Building</i>	<i>United States Capi- tol Building</i>	<i>Tribal Head- quarters</i>

2. DEVELOPMENTAL CHECKPOINT

Intermediate students will have an awareness of the powers, rights and responsibilities of governments including tribal governments.

OUTCOME INDICATOR

Branching diagram listing what governments do

CURRICULUM INTEGRATION

Social Studies

LESSON OUTCOMES

Students will be able to:

- describe basic functions of government: to make rules, provide needed services, and judge how well the rules are followed.

INTRUCTIONAL STRATEGIES

1. Prepare bulletin board display showing articles and pictures relating to the functions of government. Include local, state, national and tribal government activities.
2. Use an overhead transparency or flipchart sketch of the branching diagram to record responses as students discuss what governments do. In this introductory activity consider *government* as a general term but set the stage for differentiating functions of local, state, national and tribal governments.
3. Students gather information to verify and add to the list. Refer to social studies texts for information on local, national and state governments. Use readings for information on tribal governments.

VOCABULARY

local government
state government
national government (same as federal)
tribal government
services

MATERIALS

overhead projector and transparency or flipchart
social studies textbooks
newspapers, news magazines
student readings

RESOURCES

Reservation and Communities Lesson

ASSESSMENT TASK

- Complete branching diagrams listing functions of governments.

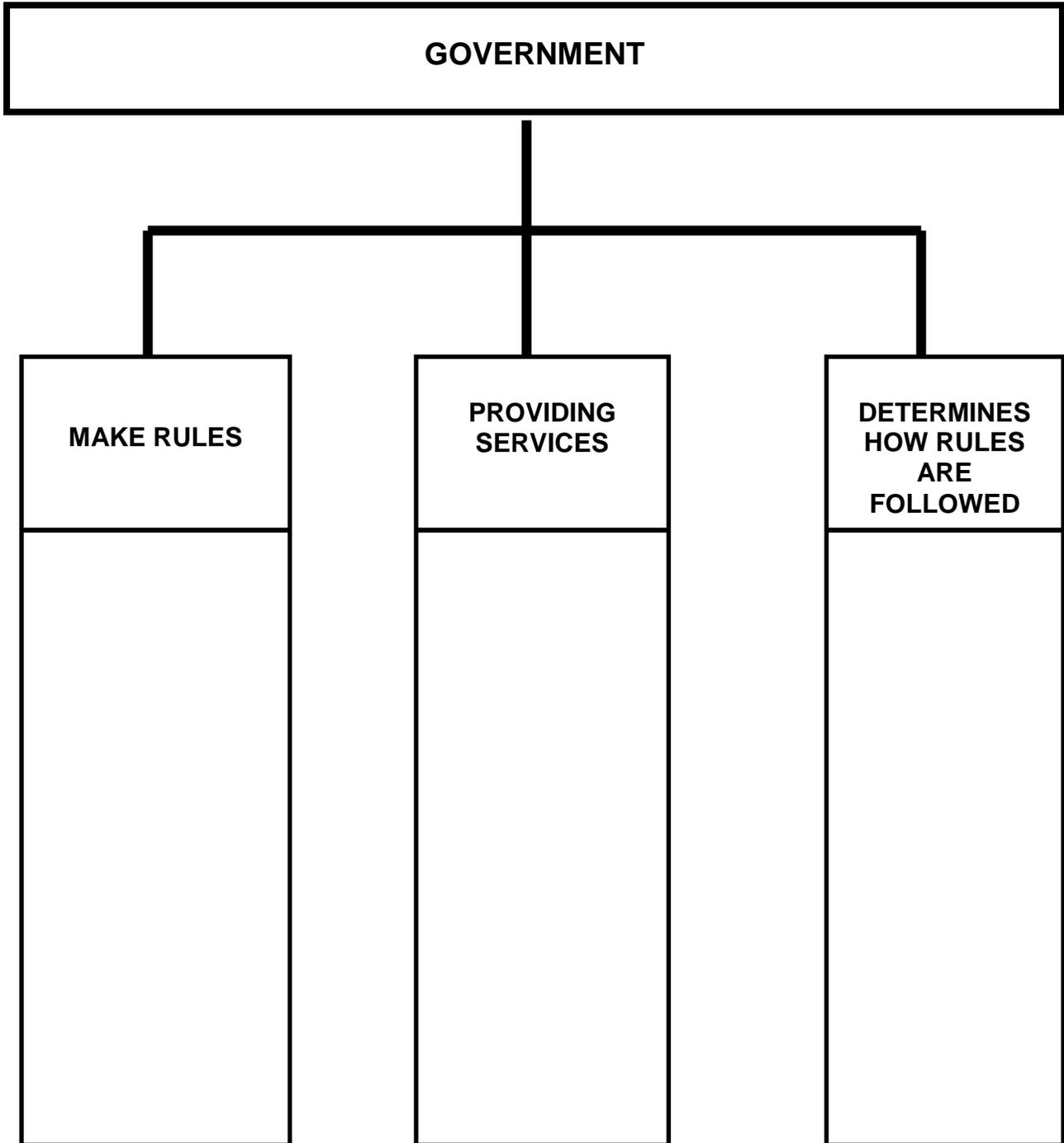
ENRICHMENT ACTIVITY

- Investigate the different types of services that are provided by local government and by tribal government.
- Students will compare a local tribal government and the services they provide with another tribal government the is located out of their state.
- Students will develop an understanding of grants and why grants are essential in keeping programs available.

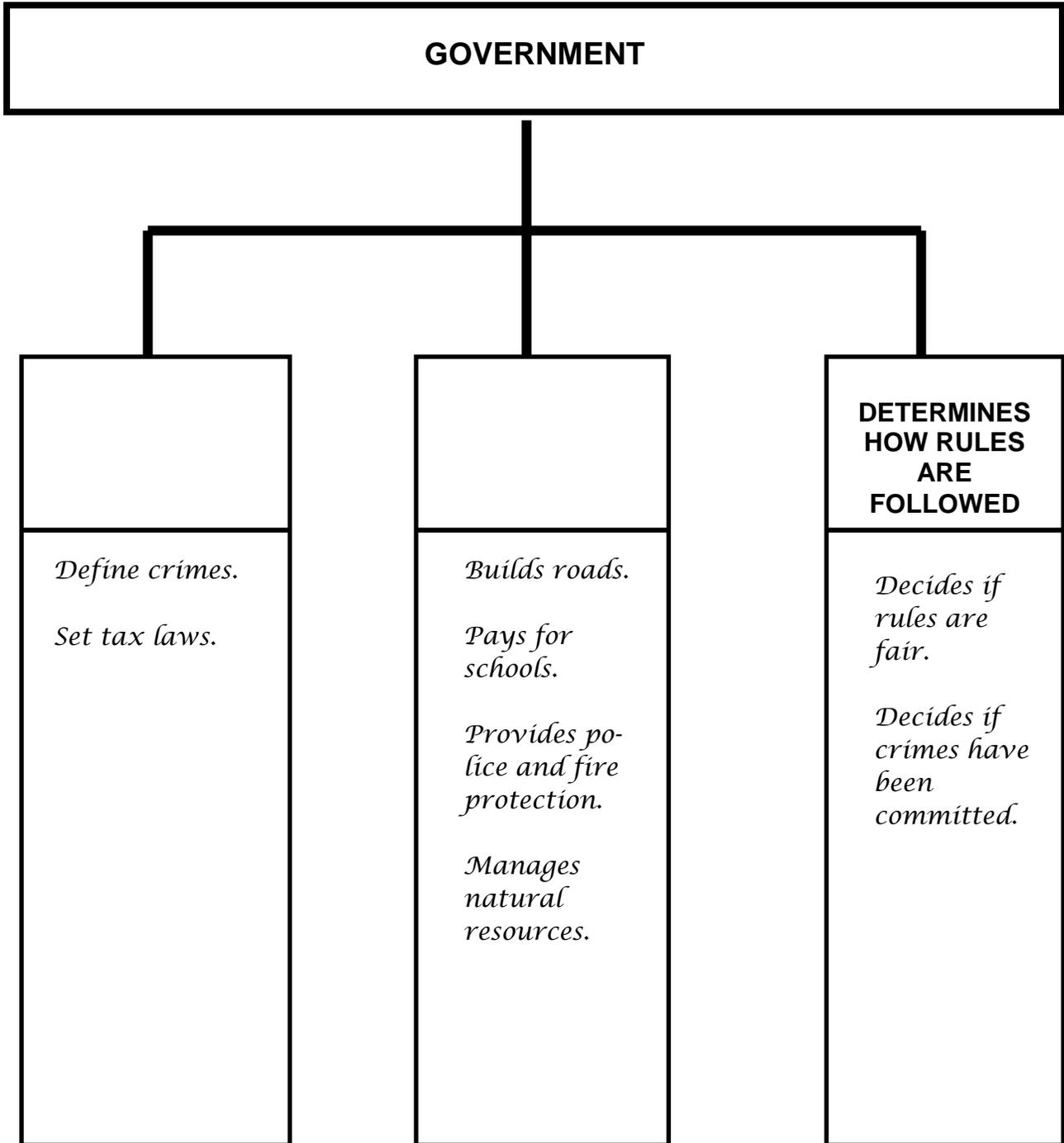
LINKAGES

Language Arts, Reservation and Communities Lesson

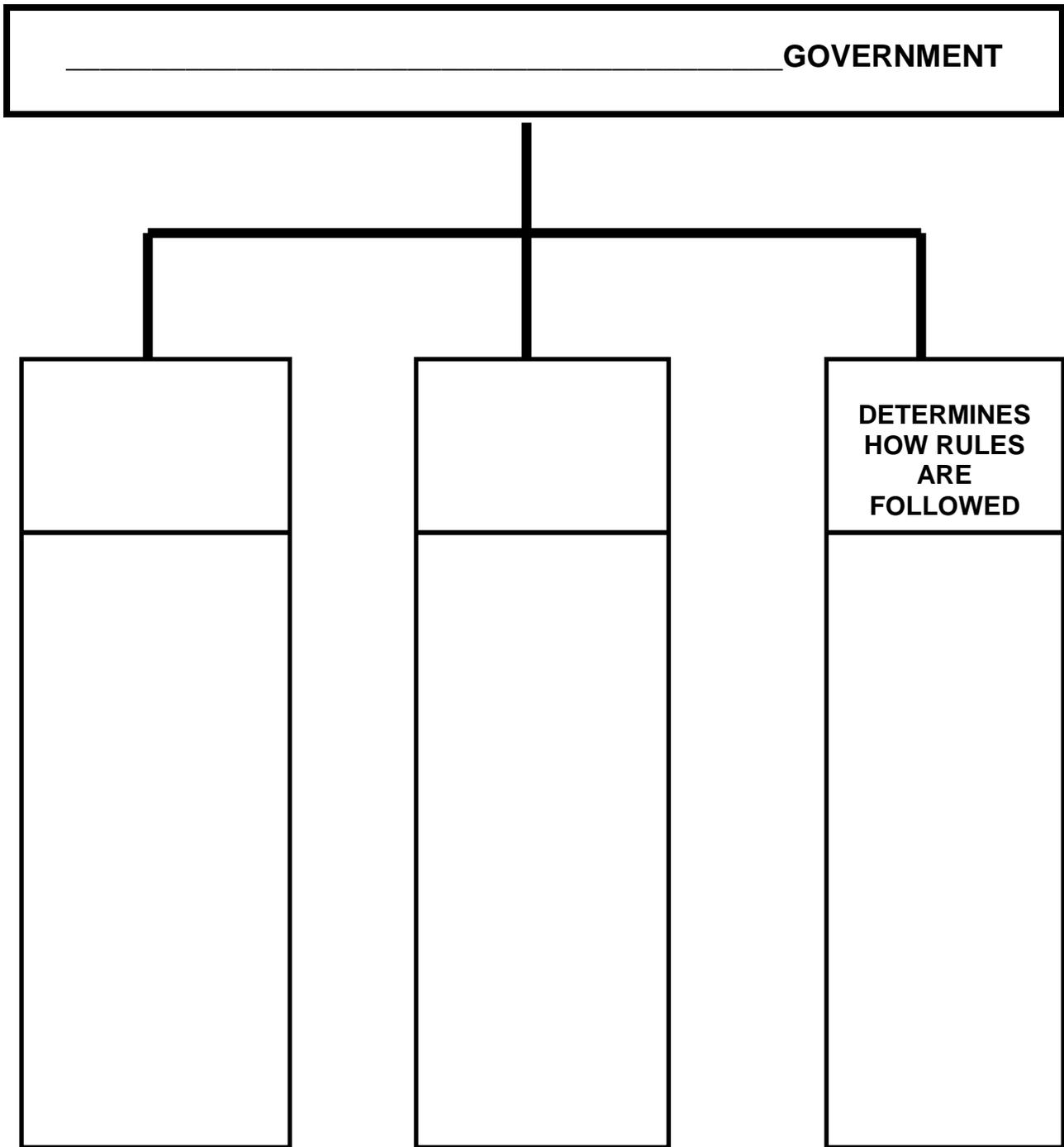
WHAT GOVERNMENT DOES



SUGGESTED ANSWERS



Write local, state, national or tribal on the blank in front of the word *government*. From the readings, social studies texts, bulletin board display or other sources find the information to complete the branching diagram.



STUDENT READINGS

Powers of Indian Tribes

- Power to establish a form of government
- Power to determine membership
- Police power
- Power to administer justice
- Power to exclude persons from the reservation
- Power to charter business organizations

Law and Law Enforcement

Tribal Governments have the power to make laws and enforce laws for tribal members living on the reservation. Tribes generally have courts, a police force, and security facilities. Tribal governments can tax tribal members and they have the right to tax non-Indians who lease Indian lands. They can tax private companies who extract resources on tribal lands. Tribal governments make decisions about civil disputes, which take place on reservation land. However, federal law enforcement officials handle major crimes, which take place on Indian lands.

Indian reservations are located within or in some cases across state boundaries. Indian lands are not a part of state lands. States, however, do not have the right to control the activities of tribal governments or tribal members who live on reservation lands. They do not have this right because Indian lands are not part of state lands. The federal government does not own Indian lands but they are held in trust by the federal government. States cannot regulate tribal businesses or tax incomes derived from these businesses. In addition, states cannot require American Indians to pay state taxes on reservation lands, income in which tribal members obtain while working on reservation land, or items purchased on these lands.

There are 557 federally recognized American Indian tribes. No two tribal governments are alike. In general, the tribal governments take care of the needs of the people of the reservations. In Minnesota, there are 11 tribes.

STUDENT READING

Services Provided by Tribal Governments

American Indians initiated the development of health, human services, and education programs.

Minnesota based Anishinabe Reservations and Dakota Communities are governed by locally elected Indian governments. Each government has its own constitution, legal system, and policies governing services. Some reservations and communities govern their own law enforcement systems.

Education

Many tribes operate schools. Most reservations have Head Start programs.

Four of the Tribal Governments operate BIA funded Tribal Grand Schools that provide accredited K-12 educational programs.

Fond du Lac – Fond du Lac Ojibway School

Leech Lake – Bug O Ne Ge Shig School

Mille Lacs – Nay Ah Shing School

There are Public Schools located on the:

Red Lake Reservation serving K-12 students,

Nett Lake Reservation serving K-6 students,

White Earth Reservation (Pine Point) serving K-8 students.

Social Services and Health

Tribes operate social service programs and provide for the chemical dependency, mental health and counseling needs of members.

Examples:

The Bois Fort Tribal Council programs include an outpatient medical clinic and a complete dental clinic.

In 1985 the Fond du Lac Reservation constructed a Health and Human Services facility that houses clinic, dental, field health, chemical dependency, social service and residential programs. Prevention is stressed in many of the health and human service programs. The nation's first Indian-owned, Indian operated chemical treatment center is located on the Fond du Lac Reservation. It is called Mash-Ka-Wisen ("be strong, accept help").

In 1981, the Red Lake Nation built the Hospital and Comprehensive Health Service Facility.

Today American Indian Health Service is under the U.S. Department of Health and Human Services.

Housing

Nationwide, there are an estimated 93,000 homeless or underhoused American Indians. On most reservations, Indian Housing authorities exist to provide housing. These are funded by the U.S. Department of Housing and Urban Development.

Elderly/Nutrition

Most reservations provide noon meals for senior citizens. The U.S. Department of Agriculture provides surplus foods for low-income American Indians as it does for other communities in circumstances of poverty.

Natural Resource Programs

Most of the Tribal Governments manage Natural Resource Programs that provide wetlands management, waterfowl, fish, and game management, forestry services, gathering of native plants, water quality and a variety of other associated programs.

Minnesota-based Anishinabe Reservations and Dakota Communities contain land that is owned by the tribe. Tribal land is locally controlled. Tribal conservation departments manage the local resources and set hunting, fishing and gathering seasons and limits according to the availability of resources. The right to manage the natural resources of tribal lands is guaranteed by treaty agreements. The seasons and limits apply to American Indians utilizing tribal or public lands existing within the borders of the reservation or community. Often these rights are extended beyond reservation and community borders to the boundaries of the original ceded territories.

Recreation

Tribes in Minnesota have provided sports areas, playgrounds, skating rinks, sliding and skiing areas, tennis courts, golf courses, health and fitness centers for the youth and adults on their respective reservations.

MIDDLE SCHOOL LESSON

3. DEVELOPMENTAL CHECKPOINT

Middle School students will have knowledge of the powers, rights and responsibilities of tribal governments. Students will also have an awareness of the history of tribal governments.

OUTCOME INDICATORS

- Card Sort

CURRICULUM INTEGRATION

Social Studies, Civics

LESSON OUTCOMES

Students will be able to:

- understand tribal-state relations.
- understand tribal-federal relations.
- generalize that the underlying factor in these relationships is the inherent sovereignty of the tribes.

INSTRUCTIONAL STRATEGIES

1. Post on bulletin board a collection of newspapers/news magazine articles on American Indian issues of sovereignty, treaty rights, tribal government. Include letters to the editor expressing a variety of opinions.
2. To initiate a discussion regarding *jurisdiction* suggest these scenarios or similar ones:
It is Friday night. A carload of non-Indian youths from off-reservation has driven onto a reservation to attend a dance. Later in the evening they begin vandalizing and smashing windows. The tribal police do not have the authority to arrest non-Indians and the county and state police have no authority to enforce law and order within the reservation.

A woman who lives a mile outside a reservation has called the tribal police department. She can hear someone breaking into her house. The tribal police department is close to her house; officers could be there in five minutes. But they do not have the authority to investigate crimes off the reservation. It will take the county police twenty minutes to arrive at her house.
3. As a handout or on a flipchart or transparency display the graphic “American Indian Nations and the American Political System.” Ask students to study the diagram and offer observations as to what they believe is implied by the drawing.

4. To gather information on questions raised by the introductory activity, students will independently or in small groups read the information on tribal-state and tribal-federal relations.
5. Distribute Card Sort material to small groups or individuals to help them organize the information in the Student Readings.

VOCABULARY

See Card Sort Activity

MATERIALS

Newspaper/news magazine articles on issues of American Indian sovereignty, treaty rights, tribal government, letters to the editor, editorials

Drawing: "American Indian Nations and the American Political System"

Student readings

Card Sort material

ASSESSMENT TASKS

- Complete Card Sort and debriefing activity.

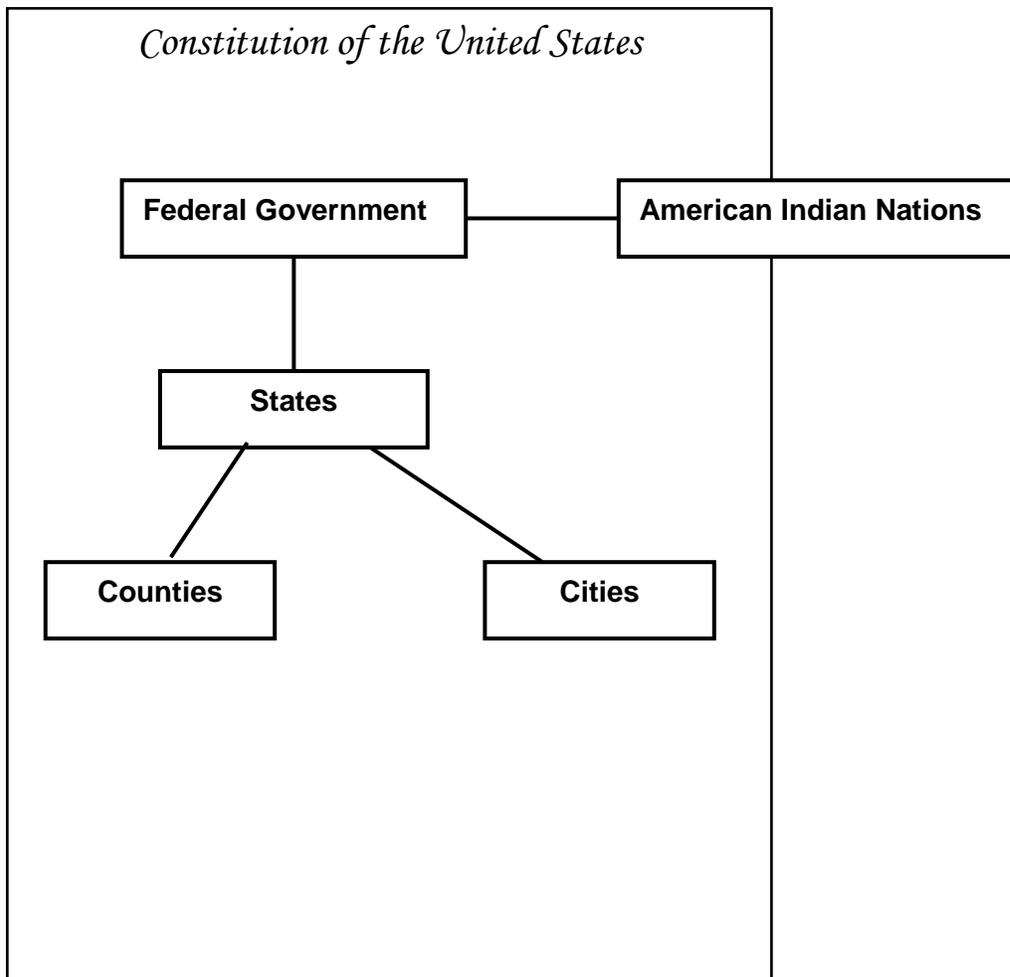
ENRICHMENT ACTIVITY

- Write analytical/expository editorial for school newspaper or local paper including information learned in this lesson.
- Write a letter in response to newspaper editorials, letters to the editor, or news articles on topics addressed in this lesson.

LINKAGES

Government, Language Arts

AMERICAN INDIAN NATIONS AND THE AMERICAN POLITICAL SYSTEM



The relationship between American Indian nations and the federal government is based on American Indian nations' status as inherent sovereigns. This status means that tribes have a higher legal status than states. States, therefore, exert jurisdiction over tribes only with Congressional approval. This chart also indicates that American Indian nations, whose powers spring from their own sovereignty, are only partially under the authority of the U.S. Constitution.

STUDENT READINGS

WHAT IS SOVEREIGNTY?

Sovereignty can best be defined as the inherent right of a people to organize themselves into autonomous political, social, and cultural groups according to the wants, needs, and customs of the groups. It is the unalienable right of the people to exist as a distinct group and can never be separated from them or their culture.

The general tendency is to confuse sovereignty with governments or politics. It should be noted that sovereignty is the supreme power and as such must come first. Governments and politics are related to sovereignty in that they are manifestations of it. Sovereignty is the motivating force, which binds people together as nations and allows them undisputed dominance in their geographical area.

ARE INDIAN NATIONS SOVEREIGN?

Prior to the coming of the first Europeans to the North American Continent, the area now known as the United States was home to well over a million American Indians. They were organized in over six hundred different nations, tribes, and bands. Each of these divergent groups had its own distinct social, political, and cultural organization. Though each group was unique, they did share certain cultural aspects and attitudes toward life.

Among these American Indian groups the exact method of government varied widely. Some were loose-knit organizations in which band leaders held most of the political power. Others had leaders whose power was derived from spiritual sources. Some groups had hereditary forms of government in which political power was passed from one generation to the next. However, most American Indian governments were democratic in the sense that political power was shared among individuals. But regardless of the governmental form, each American Indian Nation possessed and exercised the powers of a sovereign nation. Through alliances, trade, and territorial recognition they recognized the sovereignty of one another.

Every colonial power and, at a later date, the United States accorded recognition to the sovereignty of Indian Nations. This is born out by the fact that they entered into over eight hundred treaties with various Indian Nations. According to international law, treaties are one means by which sovereign entities relate to one another.¹ The fact that the United States entered into treaties, at one time or another, indicates that they recognized the sovereignty of Indian Nations.

STUDENT READINGS

The following Student Readings are based on information in *American Indian Tribal Governments* by Sharon O'Brien

THE TRIBAL-FEDERAL RELATIONSHIP

The United States has frequently changed the nature of its relationship with the American Indian nations. It has treated tribes as international sovereigns, domestic dependent nations, wards in need of protection, and quasi-sovereign governments. These differing definitions reflect federal policies that have shifted between treating tribes as separate political entities and attempting to integrate them into mainstream America.

The federal government today describes its relationship with tribes as a trust relationship. This relationship has existed for more than two centuries.

Tribes have a right to self-determination, including the right to operate their own governments, control their own resources, and protect their own culture. The United States promised to protect remaining tribal lands and existence in exchange for cessions of vast amounts of land and an end to hostilities. The trust relationship is a constantly evolving one. Presently, the law states that the United States is responsible for protecting Indian lands and resources, providing social services such as health and educational benefits, and preserving tribal autonomy. These rights and benefits are owed to tribes as a result of promises made by the federal government in return for the cession of more than 97 percent of Indian land to non-Indians.

THE TRIBAL-STATE RELATIONSHIP

The basis for understanding the legal relationship between tribal and state governments lies in the *Worcester v. Georgia* case. The plaintiff's argument was that the state of Georgia had no right to enforce its own laws over Cherokee lands or people. The Supreme Court agreed, ruling that states had no authority to pass laws that interfered with the federal-tribal relationship. Federal law and inherent tribal sovereignty, or the tribes' existence as domestic dependent nations, ruled out any state control over tribes.

Federal law is the supreme law of the land in the areas defined as federal concerns by the Constitution and the courts. Since treaties are federal laws, a treaty between the federal government and an Indian tribe is superior to state legislation. Any state law that conflicts with a federal law or a treaty is unconstitutional and therefore illegal.

The *Worcester* case also emphasized that American Indian tribes possess inherent sovereignty. States, on the other hand, are not inherent sovereigns and have no power to conclude treaties with tribes or any other nation. Tribes, because of their status as inherent sovereigns, have a higher political status than do states. States may not exercise authority over tribes unless specifically authorized by Congress (as they were by Public Law 280) or by the tribes. States must recognize tribes as self-governing political structures.

PUBLIC LAW 280

In the 1950's, the national policy was to "get out of the Indian business." Public Law 280 was passed in 1953. This law gave certain states – California, Minnesota (excluding Red Lake Reservation), Nebraska, Oregon (excluding Warm Springs Reservation), and Wisconsin (excluding the Menominee Reservation) – authority to extend their criminal and civil laws onto reservations, and it offered all other states the same opportunity.

Despite a long history of arguing with the federal government about who should control Indian affairs, most states, for financial reasons, did not choose to assume criminal and civil jurisdiction over the reservations.

P.L. 280 did not allow states to take total control of Indian affairs. The federal government retained the power to manage Indian trust lands. And no state was al-

lowed to make laws changing Indian hunting and fishing rights that were protected by treaties.

RETROCESSION

Tribes were astonished that they were not consulted prior to the passage of P.L. 280 and that the law did not require tribal consent before states gained jurisdiction over tribes.

In 1968, tribes lobbied successfully to have state jurisdiction partially retroceded, or returned to the federal government. As part of the Indian Civil Rights Act, Congress ordered that any state desiring in the future to assume jurisdiction over tribes under P.L. 280 first had to obtain tribal permission. States that had already assumed jurisdiction were allowed, with the Secretary of the Interior's permission, to return it to the tribes. As of the late 1980's, Nebraska, Washington, Minnesota, Nevada, and Wisconsin had returned all or part of their jurisdiction to the tribes.

WHAT IS JURISDICTION?

Jurisdiction is the power of a government to make and enforce its own laws. Jurisdictional questions – whether or not a tribal government has the authority to act in a certain area – are at the heart of tribal sovereignty.

Jurisdiction is defined in terms of **territory, personnel, and subject matter**. **Territorial jurisdiction** refers to the geographic area over which a government's authority extends. Tribal geographic jurisdiction generally includes what is known as "Indian country," the land within a reservation and land outside the reservation that is owned by tribal members or by the tribe and held in trust by the federal government. An example of an issue regarding tribal geographic jurisdiction is the extent to which tribes may enforce their laws on non-Indian-owned land within their reservation. Many tribes, for example, have passed zoning ordinances for non-Indian-owned reservation land.

Personnel jurisdiction refers to individuals over whom a sovereign may legislate and enforce its laws. Citizens of other countries traveling in United States are subject to the laws of United States. An issue of personnel jurisdiction for tribal governments is the extent to which they may enforce their laws against non-Indians living or working on their reservations.

Subject-matter jurisdiction defines the subjects, or topics, about which a sovereign can make laws. The U.S. Constitution, for example, gives the federal govern-

ment exclusive control over operation of the Post Office. States have no jurisdiction in this area and are forbidden to pass and enforce any laws on this topic. Similar issues apply to tribal governments. For example, are laws on gaming within their jurisdiction?

CARD SORT

Card Sort is based on the idea of reconstructing and reorganizing subject matter concepts and understandings after reading expository text.

Steps in using Card Sort:

1. After completion of Student Readings, organize class into small groups. (May also be done individually.)
2. Distribute Card Sort sheet.
3. Students sort cards to form an overview of the material. Roles are assigned: a cutter, summarizer, gluer, and reporter.
4. Provide time for traveling reporters to explain and justify their overview that shows how they structured the information. During this type of sharing, groups have the opportunity to hear the understandings that were developed in other groups. This can be extended to a whole class sharing, in which case there is opportunity for additional feedback.

Directions to the students:

1. Cut out the cards.
2. Select the main topics, concepts or terms and place these at the top of the paper. You might think of this as the **title**.
3. Select major topics, concepts or terms and place them under the most general term or title. These will become the categories of information that will be shown in your Card Sort.
4. Discuss and arrange the remaining words and phrases under the major topics in a way that shows the logical relationships.
5. Have the summarizer review the organization of the cards, checking to make sure everyone in the group agrees.
6. (Optional) Other terms may be added by using the blank cards.
7. Glue the cards down. Sign your name on the Card Sort your group did.
8. Traveling reports share the overviews with another group.

CARD SORT

SOVEREIGNTY	Part of Indian Civil Rights Act	Rights and benefits promised in return for land	Five states returned jurisdiction to tribes	Responsible to provide social services
States are not inherent Sovereigns	Responsible to protect Indian lands and resources	Organize in over 600 different nations, tribes and bands	JURISDICTION	Trust Relationship
Inherent right of a people to exist as a distinct group	Responsible to preserve tribal autonomy	Subject-matter	Entered into treaties	PUBLIC LAW 280
Binds people together as a nation	Tribes have a higher political status	Passed in 1953	Had various forms of Government	Exercised the powers of a sovereign nation
Most states did not choose to assume criminal & civil jurisdiction over reservations for reasons of money	TRIBAL-FEDERAL	Basis of legal relationship lies in <i>Worcester v. Georgia</i> case	States have no power to make treaties	INDIAN NATIONS & SOVEREIGNTY
Power to make and enforce own laws	“Indian Country”	RETROCESSION	Personnel	Must recognize tribes as self-governing political structures
TRIBAL-STATE	Relationship acknowledged in treaties, Congressional legislation, executive proclamations	No state allowed to make laws changing Indian hunting, fishing rights protected by treaties	State jurisdiction partially returned to federal Government	Gave states the opportunity to extend their criminal and civil laws onto reservations
American Indian Tribal Government				

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POSSIBLE RESULTS OF CARD SORT

**AMERICAN
INDIAN
TRIBAL
GOVERNMENT**

SOVEREIGNTY

**INDIAN NATIONS
& SOVEREIGNTY**

**TRIBAL-
FEDERAL**

**Inherent right of
a people to
exist as a
distinct group**

**Organized in
over 600 different
nations, tribes
and bands**

**Trust
relationship**

**Binds people
together as a
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**Had various
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vide social services**

**Entered into
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**Rights and bene-
fits promised in
return for land**

TRIBAL-STATE

Basis of legal relationship lies in *Worcester V. Georgia* case

Tribes have a higher political status

States have no power to make treaties.

Must recognize tribes as self-governing political structures

States are not inherent sovereigns

PUBLIC LAW 280

Passed in 1953

Gave states the opportunity to extend their criminal and civil laws onto reservations

No state allowed to make laws changing Indian hunting, fishing rights protected by treaties

Most States did not choose to assume criminal & civil jurisdiction over reservations for reasons of money

RETROCESSION

Part of Indian Civil Rights Act

State jurisdiction partially returned to federal government

Five States returned jurisdiction to tribes

JURISDICTION

POWER TO MAKE AND ENFORCE OWN LAWS

“Indian Country”

Personnel

SENIOR HIGH LESSON

DEVELOPMENTAL CHECKPOINT

Senior High students will have increased their knowledge of the structures of tribal governments and understand the economic capabilities of tribal governments.

OUTCOME INDICATOR

Group presentations

CURRICULUM INTEGRATION

Social Studies, Government

LESSON OUTCOMES

Students will be able to:

- read and analyze a speech on tribal government by Marge Anderson, Chief Executive, Mille Lacs Band of Ojibwe.
- read and analyze a White House memorandum relating to tribal governments.
- organize a research plan for student groups to gather information on the 7 Ojibwe reservations and the 4 Dakota communities in Minnesota.
- summarize the information focusing on tribal governments in each of the reservations and communities.
- plan and deliver a group presentation for a specified audience.

INSTRUCTIONAL STRATEGIES

1. Use a current news article, editorial, or opinion piece on American Indian issues to introduce the exploration of tribal government. Do a quick survey to see how familiar or unfamiliar the students are regarding the topic. Another introductory approach might be to simply infuse the lesson in the study of other governments.
2. Having raised some questions and set the state for inquiry, distribute Marge Anderson's speech, which was delivered in the summer of 1995 to a group of teachers.
3. Students read and analyze speech, using graphic organizer.
4. Students divide the remaining reservations and communities in Minnesota on which to gather information using the main topics selected from the

- readings regarding tribal government of the Mille Lacs Band of Ojibwe. Include economic data.
5. Students gather information and record notes.
 6. Create compare/contrast charts for all 11 reservations/communities in Minnesota.
 7. Student groups prepare presentations.

VOCABULARY

Students generate lists for themselves or their research group as needed.

MATERIALS

Copies of speech: "Understanding Tribal Government" by Marge Anderson, Chief Executive Mille Lacs of Ojibwe
Copies of Memorandum from President William J. Clinton
Articles: "Economic Development of the Mille Lacs Band of Ojibwe"
Graphic organizers

RESOURCE LIST

Address lists of contacts in "Reservations and Community Lesson."

ASSESSMENT TASKS

- Plan and carry out information gathering on American Indian tribal governments in Minnesota.
- Compare/contrast tribal government structures using graphic organizer.
- Plan and deliver presentation on tribal government to a selected audience.

ENRICHMENT ACTIVITY

- Prepare videotapes of presentations with titles, credits, introductions, and endings. Decide with groups how tapes might be used.
- Students will identify the effect that different legislative pieces have upon the Mille Lacs Reservation programs. Students will compare and contrast similarities and difference with another reservation or community.
- Students will identify the pros and cons for specific legislative acts based on their understanding of reservation life.

LINKAGES

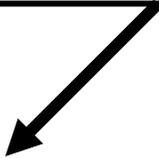
Languages Arts, Civics, Economics

COMPARE AND CONTRAST DIAGRAM

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HOW ALIKE?



HOW DIFFERENT?

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WITH REGARD TO

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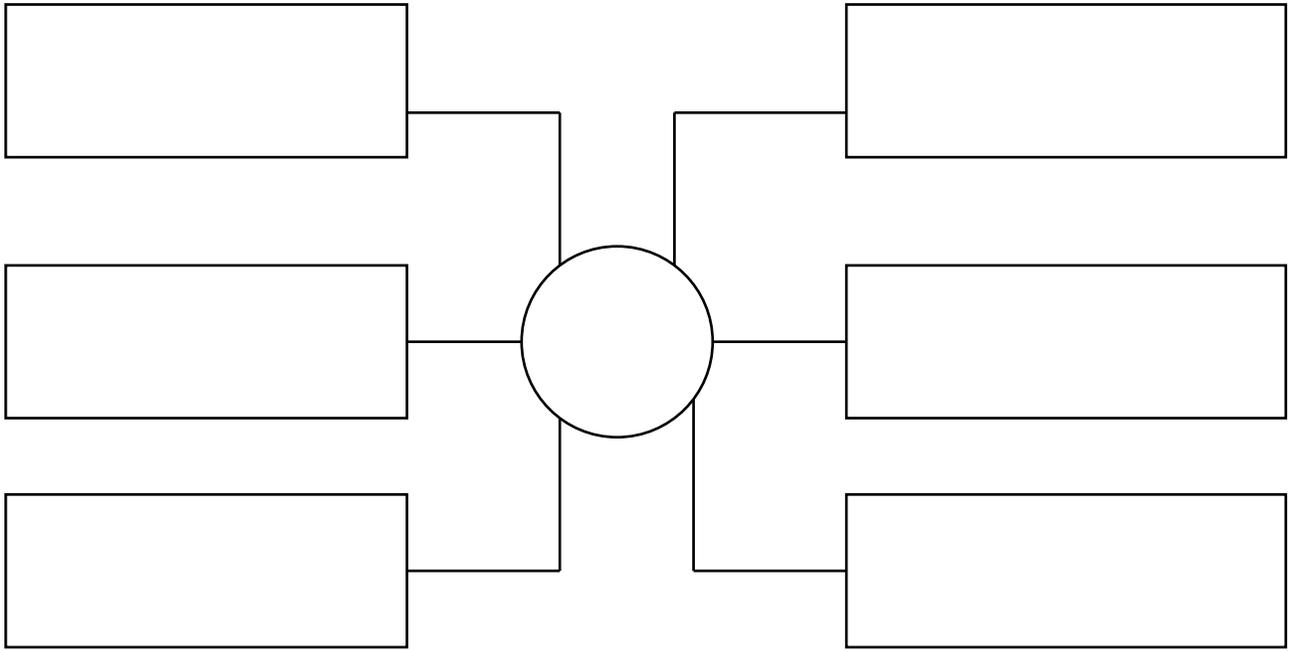
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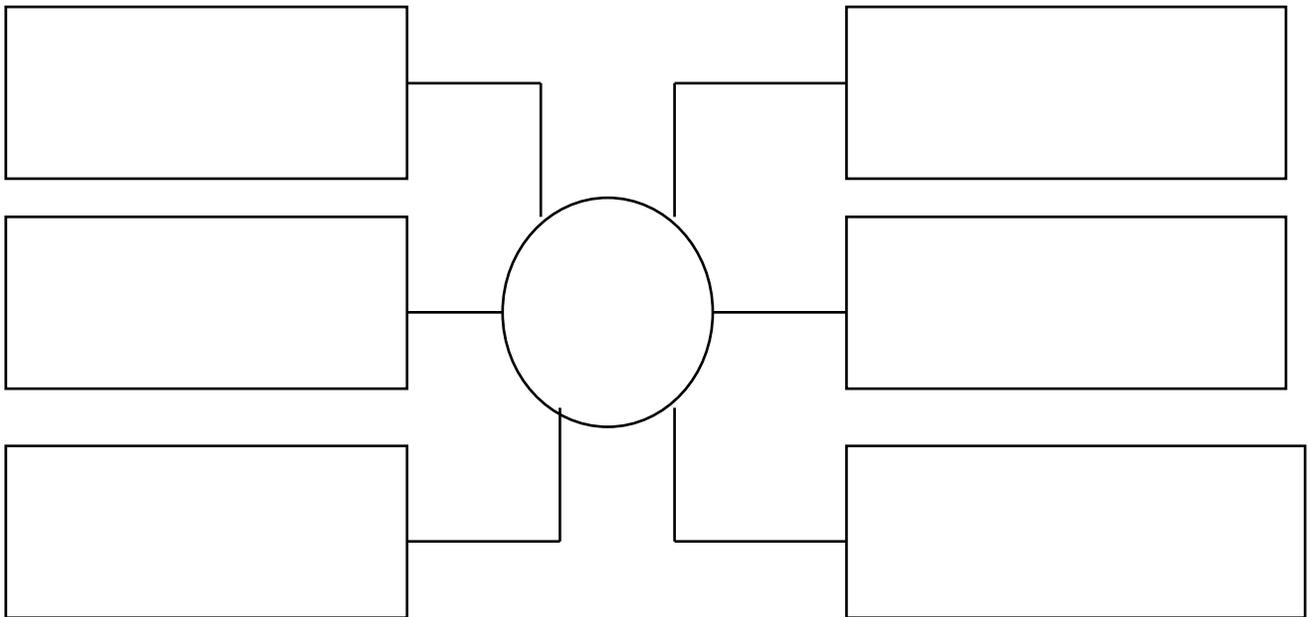
WITH REGARD TO

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Summarize information from your readings by filling in this graphic organizer. Use additional sheets if needed.



STUDENT READINGS

“Understanding Tribal Government”

Marge Anderson, Chief Executive
Mille Lacs Band of Ojibwe Indians

June 19, 1995

I am very excited to have this opportunity to assist you as you develop a curriculum for addressing American Indians in the Robbinsdale area school system. I have been involved with tribal government for most of my life, and education has always been a top priority of mine.

Most public school systems include an aggressive curriculum with regard to teaching children about the federal and state government systems, as well as our nation's relations with other countries on an international level. However, other than the federal and state systems, there is a third component within the American system of government, which is nearly always overlooked: the system of tribal government.

I'm certain that most of you are aware that my tribe in partnership with the U.S. Department of Justice is currently involved in a high-profile lawsuit against the State of Minnesota. This lawsuit involves our 1837 Treaty rights to hunt, fish, and gather in the lands, which we ceded, to the United States.

Putting the treaty issues aside, and regardless of how any of you may personally feel about this case, you must all agree with me on one point: this case has made it clear that Minnesotans have a very serious public deficit with regard to their knowledge of Indian tribal government.

I have been pleased that amidst the massive coverage of our lawsuit, the two major newspapers in Minnesota have both done an excellent job in providing the public with a basic education about tribal government. However, we all know that few adults actually take the time to read anymore. But these citizens should not have had to wait until our treaty rights case became front-page news to gain their education about tribal government. Again, I am not talking about educating children about our treaty rights and its history – I am talking about teaching children about tribal governments. This should have been taught to them when they were children in the public school system.

For these reasons, I commend all of you for taking the initiative to begin teaching your children about your Indian neighbors. Also, I'm certain that some of our own

Indian children are in your classes – the majority of Indian children across this nation attend public schools. They, too, need to know about their own history – their own systems of government.

Historical Review of Tribal Government and Sovereignty:

The history of Federal Indian policy is well known and well-documented. While the purpose of my participation is to discuss tribal government, you must have a basic understanding of tribal sovereignty to comprehend our tribal governing systems.

There are 557 federal recognized American Indian tribal governments across the United States. Each one of these tribes is sovereign with its own form of government, and with the right to exercise jurisdiction over its members and its lands. This is what tribal sovereignty means: the right to control our own destinies.

The Constitutional status of Indians was established by the famous “Marshall Trilogy” of Indian cases. Supreme Court Chief Justice John Marshall developed three fundamental doctrines of Indian law:

1. The Congress has plenary power over tribes and the Federal government is to regulate Indian affairs;
2. The states are excluded from the Federal-Tribal relationship, and;
3. Indian tribes retain all sovereignty not expressly taken away from them by the Congress.

Tribal sovereignty is inherent, and tribes are presumed to have full civil and criminal jurisdiction within their boundaries. There are some exceptions to this general rule, but only where the Congress has created those exceptions. When Congress creates these exceptions, they are exercising their “plenary power” over tribes, which Justice Marshall referred to. A jurisdictional exception, which applies to tribes in Minnesota, is a federal law called P.L. 83-280, commonly known as “Public Law 280.”

Prior to passage of P.L. 280, the federal government was responsible for criminal law enforcement on all Indian reservations. But this became a costly undertaking. To save federal funds, the Congress passed P.L. 280 and conveyed criminal jurisdiction over Indian lands to a few states – Minnesota was one of them.

Even though Mille Lacs County exercises criminal jurisdiction on the Mille Lacs Reservation, we also have our own tribal law enforcement department that has operated for many years. Today, the tribe and the county work together to enforce the criminal laws of Minnesota and the Mille Lacs Band on our Reservation. Except for this exception, which was created by the Congress, however, in most other cases the state is excluded from exercising all other kinds of jurisdiction on our lands. Therefore, unless the Congress says otherwise we are self-governing. Chief Justice John Marshall expressed this well when he wrote the following:

“Indian nations [are] distinct political communities, having territorial boundaries, within which their authority is exclusive, and having a right to all lands within those boundaries, which is not only acknowledged, but guaranteed by the United States... Indian nations had always been considered as distinct, independent political communities, retaining their original rights, as the undisputed possessors of the soil from time immemorial...” (Worcester v. Georgia, id., 31 U.S. at 557, 558, 560).

This is still the law today, which governs federal/tribal relations as well as the state’s exclusion from this relationship, and is the basis of tribal sovereignty.

Tribal Government Today and the Mille Lacs of Ojibwe:

Tribal sovereignty is a muscle. Unless tribes use it, they risk losing it. In order to exercise tribal sovereignty, however, tribes must have governments carry out their inherent sovereignty.

Of the 557 federally recognized tribes across the United States, no two tribes have exactly the same form of government. For example, in New York State, some tribal leaders are picked by Clan Mothers. Some Pueblos of New Mexico have theocracies for governments. Each tribe has the right to determine what form of government the tribe would like to have. Usually, each tribe will look within its own traditions of governance. In general, each tribe will find its own way and decide whether it wants to have a President or a Chairperson – separation of powers – or a separate legislative body. The key is that the Tribe, and only the Tribe, makes this decision.

The Mille Lacs Band of Ojibwe is a member of the Minnesota Chippewa Tribe (MCT), whose headquarters are in Cass Lake, Minnesota. The other members of the MCT include White Earth, Leech Lake, Grand Portage, Fond du Lac, and Bois Forte.

The Minnesota Chippewa Tribe is a confederation of the six Chippewa Bands in Minnesota and, in spite of its title, does not actually have the sovereign authorities of an Indian tribe. Instead, each of the six Bands exercises its own inherent sovereignty. The MCT as a unit can only exercise the powers, which the six Bands expressly, allow.

Prior to 1988, the Mille Lacs Band of Ojibwe adopted a “separation of powers” form of government modeled after the Iroquois Confederacy. This is the same form of government, which the United States modeled itself after. We have three distinct branches of government: an Executive Branch, a Legislative Branch, and a Judicial Branch. We are the only tribe in the State of Minnesota, which operates under this form.

I am the Chief Executive of the Band, which means that I head up the Executive Branch. I have six commissioners who I have appointed to my Cabinet. Each of

these Commissioners heads up a different Department, including Natural Resources, Health and Human Services, Education, Corporate Affairs, and two Commissioners who are in charge of Administration.

As the Executive Branch, we are governed by the Mille Lacs Band Statutes, which are the laws of the Band. These laws are passed by our legislative branch, which is called the Mille Lacs Band Assembly. The Band Assembly includes three District Representatives and a Speaker, who is elected reservation-wide like I am. Just like the Congress or the State Legislature, our Band Assembly has the power to tax and spend. Our members introduce resolutions, which are debated and eventually either pass into law or are voted down, or they may also die at the end of our legislative sessions.

We also have a Judicial Branch, with a Chief Justice and three Associate Justices, who have the responsibility of interpreting our laws. Our Court exercises civil regulatory and adjudicatory jurisdiction. This means that our court hears nearly everything a non-Indian court would hear, including contracts, torts, probate, family law, and cultural law.

All tribal courts are mandated by law to abide by the Indian Civil Rights Act of 1968, which closely mirrors the Bill of Rights in the U.S. Constitution. The Indian Civil Rights Act guarantees to Indian people all of the same rights afforded American citizens, with one exception: Indian tribes do not have to provide right to free counsel, which the Congress viewed as too costly. However, nearly every tribe nationwide with a court system does provide free counsel today or refers Members to local public defenders, including Mille Lacs.

The Congress continues today to recognize a tribe's right to exercise environmental jurisdiction over its lands under a number of environmental acts. Just a few examples are the Clean Water Act, the Safe Drinking Water Act, and the Superfund. All of these laws include provisions for states and Indian tribes.

So you see, our tribal governments have just as many complexities as the state and federal systems and are treated separately from state systems.

Federal/tribal relations – the Government-to-Government Relationship:

On April 29, 1994, President Clinton followed in the path of his predecessors by signing an Executive Order recognizing the United State's commitment to the government-to-government relationship with Indian Tribes. Every President since President Richard Nixon, has affirmed the self-governing, self-determined status of Indian tribes, and promised to deal with Indian tribes on a government-to-government basis.

The Tribal Self-Governance Act of 1994 is one of the most significant laws to pass in this century dealing with Indian tribes, which recognizes the government-to-government relationship. When Self-Governance was a pilot project, the Mille Las Band was one of ten tribes nationwide selected by the Congress to participate. In

1994 the pilot became a permanent project, and we are now in our sixth year of self-governance.

Prior to Self-Governance, programs on Indian reservations were either run by the Bureau of Indian Affairs or by the tribe through a contract. With passage of Self-Governance, however, tribes may negotiate – on a government-to-government basis – their fair tribal share of all Indian programs in the Department of Interior and the Indian Health Service and run the programs however the tribe sees fit. Our “fair share” includes not just the cost of the program, but also includes administrative overhead, which once went to the federal agencies. This is true downsizing of the federal government. Prior to Self-Governance, the Mille Lacs Band only received eleven cents of each dollar appropriated by the Congress for our benefit. The bloated bureaucracy of the BIA and Indian Health Service ate up the rest. Today, we are receiving approximately fifty cents of each dollar. This is dramatic improvement, and we have been able to dramatically improve the services we provide to our tribal members.

I would like to close with one general principle which applies to this government-to-government relationship: the federal government must consult with Indian tribes prior to adopting policies which affect or impact Indian people. This consultation must be with federally recognized tribal governments and their elected representatives, not their lobbyists, not their attorneys, not individual Indian activists. The legal relationship is with the tribal governments, not Indian people as a group or individuals.

This is perhaps the most compelling reason for the existence today of tribal governments. We are elected to ensure that services are provided to our people, that our rights and lands are preserved, and to represent the interests of our people.

It is this most basic understanding that adults and children alike must come to accept and acknowledge. Tribal governments today do not just exist we are thriving. Historically, the Mille Lacs Band has always peacefully co-existed with our non-Indian neighbors. It is my hope that we will continue to build upon our atmosphere of mutual cooperation so that all of our children might benefit from our thriving partnership.

But the education of our non-Indian neighbors must begin in the schools. Thank you for your commitment to making that vision a reality.

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

April 29, 1994

April 29, 1994

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Government-to-Government Relations with Native American Tribal Governments

The United States government has a unique legal relationship with Native American tribal government as set forth in the Constitution of the United States, treaties, statutes, and court decisions. 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 respectful of tribal sovereignty. Today, as part of an historic meeting, I am outlining principles that executive departments and agencies, including every component bureau and office, are to follow in their interactions with Native American tribal governments. The purpose of these principles is to clarify our responsibility to ensure that the Federal Government operates within a government-to-government relationship with federally recognized Native American tribes. I am strongly committed to building a more effective day-to-day working relationship reflecting respect for the rights of self-government due the sovereign tribal governments.

In order to ensure that the rights of sovereign tribal governments are fully respected, executive branch activities shall be guided by the following:

- (a) The head of each executive department and agency shall be responsible for ensuring that the department or agency operates within a government-to-government relationship with federally recognized tribal governments.
- (b) Each executive department and agency shall consult, to the greatest extent practicable and to the extent permitted by law, with tribal governments prior to taking actions that affect federally recognized tribal governments. All such consultations are to be open and candid so that all interested parties may evaluate for themselves the potential impact of relevant proposals.
- (c) Each executive department and agency shall assess the impact of Federal Government plans, projects, programs, and activities on tribal trust resources

and assure that tribal government rights and concerns are considered during the development of such plans, projects, programs, and activities.

- (d) Each executive department and agency shall take appropriate steps to remove any procedural impediments to working directly and effectively with tribal governments on activities that affect the trust property and/or government rights of the tribes.
- (e) Each executive department and agency shall work cooperatively with other Federal departments and agencies to enlist their interest and support in cooperative efforts, where appropriate, to accomplish the goals of this memorandum.
- (f) Each executive department and agency shall apply the requirements of Executive Orders Nos. 12875 (“Enhancing the Intergovernmental Partnership”) and 12866 (“Regulatory Planning and Review”) to design solutions and tailor Federal programs, in appropriate circumstances, to address specific or unique needs of tribal communities.

The head of each executive department and agency shall ensure that the department or agency’s bureaus and components are fully aware of this memorandum, through publication or other means, and that they are in compliance with its requirements.

This memorandum is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right to administrative or judicial review, or any other right or benefit or trust responsibility, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

The Director of the Office of Management and Budget is authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON

ECONOMICS AND THE MILLE LACS BAND OF OJIBWE

In recent years, the Mille Lacs Band of Ojibwe has become a powerful economic force for central Minnesota. The emerging prosperity of the Mille Lacs community is a classic example of a people understanding their cultural and political strengths and then utilizing them to create economic opportunities that are now improving the social and economic life of Band members and pumping millions of dollars into the surrounding communities. For anyone familiar with their history, it is not surprising that the Mille Lacs Ojibwe are leading the way towards economic, cultural and political independence among Minnesota Indian people.

For the Mille Lacs Ojibwe, survival as a distinct cultural and political community has been a challenge. In the past, the dominant society wanted their land for timber resources, farming and recreational purposes. Struggling against powerful economic forces in the state of Minnesota and a federal government willing to negotiate away their treaty rights, the Mille Lacs people maintained small communities on the shores of Mille Lacs Lake and in several other locations in their original homelands, despite government policies which took away most of their lands and tried to relocate members to the White Earth reservation. Under the leadership of Mee-gee-zee, Band members refused to move. By the 1920's, Mee-gee-zee secured small parcels of land for the Band members and they eked out a living through gathering, fishing, hunting and wage labor in three locations: Mille Lacs, East Lake and Lake Lena in Minnesota. One of their strengths then as well as now was their commitment to maintain their culture and to fight for their rights as tribal people to continue to live in their homeland.

Since the 1920's, the Mille Lacs Band has made slow, but steady progress toward rebuilding their communities. Over the years, several leaders such as Sam Yankee and Arthur Gahbow, have played key roles in establishing a solid foundation for change, while continuing the cultural traditions of the people. Depending upon federal resources, which were often meager and ensnared in bureaucratic "white tape", both men accomplished remarkable achievements for the Band and paved the way for more recent economic development ventures, which now hold out the promise for economic self-sufficiency. What is more important, the legacy of a community with a shared sense of reverence for the land and traditions emphasizing the common good are alive and well among the Mille Lacs people. This philosophy is now driving the economic policies of the current leaders. Under the former leadership of Marge Anderson, the Mille Lacs Chief Executive, they have developed the economic power to restore their communities and safeguard and nurture the cultural traditions, which their people have struggled for so long to preserve.

The opening of Grand Casino Mille Lacs and Grand Casino Hinckley heralded the beginning of a new age for the Mille Lacs Band for the first time since early in the last century, the people are no longer dependent upon the federal government to meet basic needs. Suddenly, the Band possesses the economic resources to develop their own communities without dependence on the Bureau of Indian Affairs and other agencies. The cultural and economic strategy to funnel casino revenues into a reservation development is demonstrating the true meaning of tribal sovereignty.

The initiatives being pursued are people-oriented with a strong emphasis on building an infrastructure to meet educational, health, housing, environmental and the spiritual needs of the communities at Mille Lacs, East Lake and Lake Lena. Among the most important of these communities building ventures are:

The Band is investing 14 million in new public buildings. This program is being funded through a tribal bond issue, which will be paid for by casino revenues earmarked for that purpose. Among the public facilities are ceremonial centers at Mille Lacs and Lake Lena, new schools for K-3 and 4-12 students, and community centers at East Lake and Lake Lena to provide for human services, tribal government and social activities. Also under construction is a new clinic in the Mille Lacs district, which will provide a comprehensive program in preventative health care, emergency medical treatment, dental services and eye care.

The Band is utilizing casino revenues to increase housing opportunities and improve existing reservation homes. Currently, under Project 777, thirty-seven modern single-family homes are being built on reservation property. These dwellings will be available for sale or rent to qualified Band members. The homes of elders are being repaired or replaced when they are sub-standard. In the housing as well as the building projects, the Band requires that the contractors employ at least 50% Indians in their work force.

--from *Native Models for Business Success*, Junior Achievement of the Upper Midwest