

Principles of Democracy

Fast Facts

Curriculum Area: Social Studies

Grade Level: Grades 7-8

Suggested Duration:

Stage 1 Desired Results

Established Goals

Social Studies Standard 2, Benchmark 8.3 Identify the significance of tribal sovereignty and Montana tribal governments' relationship to local, state, and federal governments.

Understandings

- Students will understand the basic concept of sovereignty and how it applies to American Indian Nations.
- Under the American legal system, Indian tribes have sovereign powers, separate and independent from the federal and state governments (EU 7).

Essential Questions

- What does it mean to be free?
- Why do we need government?
- In what ways do tribes maintain/exert their tribal sovereignty?

Students will be able to...

- describe sovereignty and what it means for Indian tribes.

Students will know...

- tribal sovereignty is what makes American Indian people as a group unique from every other minority group in this country.

Stage 2 Assessment Evidence

Performance Tasks

1. Students will develop poster board presentations regarding how specific tribal nations in Montana exercise their tribal sovereignty.

Stage 3 Learning Plan

Learning Activities

Ask students to brainstorm the following questions:

1. What does it mean to be free?
2. Why do we need government?
3. How do the previous questions relate to American Indian people?
4. In what ways do tribes maintain/exert their tribal sovereignty?

Share the following information from *Connecting Cultures & Classrooms* with the students:

Tribal sovereignty is the nation-to-nation relationship between the U.S. government and tribes. This relationship was established by more than 600 treaties ratified by the U.S. Congress and repeatedly reaffirmed by the Supreme Court and various Executive Orders.

Today, American Indian cultures meld the past with the present. Many of the traditions which were a part of the past continue to be extremely important – family structure, tribal values, traditional spirituality, languages, songs and dances. Today, tribes (or Indian nations as they are being called more and more) have many issues that they are dealing with regarding all aspects of their lives, affecting their reservations.

Assign students a tribal government to research. Use the list of inherent powers and find specific examples of how their assigned tribal government exercises these powers.

Students will develop poster board presentations of the tribe they are researching highlighting unique aspects of the ways tribes exercise their sovereignty. Have the students describe the structure of the tribal government along with the selection process and term limits for tribal officials. Have the students identify and compare the divisions and departments of a local Indian nation in Montana to a different tribe/nation. Have the students explain the services provided by that local tribal government.

Excerpts from *Connecting Cultures & Classrooms K-12 Curriculum Guide*

Tribal Governments

- The authority of tribal governments is derived from the concept of tribal sovereignty that is ultimately vested in the people, the tribal membership; thus, tribal members decide the type of government that they want to have as well as the extent of its authority.
- The Wheeler-Howard Act (Indian Reorganization Act of 1934) provided for tribal self-government.

- According to the provisions of the Indian Reorganization Act of 1934, some tribes have chosen to operate under tribal constitutions, while others operate traditional governments guided by tribal laws, custom, values, and principles.
- In general, where not expressly limited by U.S. law, tribal governments have the inherent powers to do such things as:
 - Pass laws that pertain to them;
 - Interpret laws;
 - Administer justice;
 - Identify major responsibilities of tribal government;
 - Define powers and duties of officers;
 - Determine whether acts done in the name of the government are authoritative;
 - Define the manner in which officers are selected or removed;
 - Define conditions for membership in the nation;
 - Make laws governing the conduct of persons, both Indians and non-Indians within the reservation;
 - Establish tribal police forces and courts to enforce laws and administer justice;
 - Exclude non-tribal members from the reservation;
 - Regulate hunting, fishing and gathering;
 - Tax members and non-Indians residing or doing business on Indian lands;
 - Regulate domestic relations of its members;
 - Make rules governing marriage, divorce, illegitimacy, adoption, guardianship and support for tribal members;
 - Enter into agreements with other governments; and
 - Regulate property use.

Depending on the circumstances, these powers vary from tribe to tribe.

Sovereignty

Essential Understanding 7: Under the American legal system, Indian tribes have sovereign powers, separate and independent from the federal and state governments. However, the extent and breadth of tribal sovereignty is not the same for each tribe. [page

- Tribal governments exist within the framework of the U.S. federal system; i.e., as “domestic dependent nations” that retain sovereign rights that are not explicitly delegated to the U.S. government.
- The United States historically interacted with Indian tribes as with other nations, most notably in the signing of over 800 treaties, but also, through various acts of diplomacy, trade and war. These actions are the basis for tribal sovereignty.
- Indian tribes within the United States are nations that existed on the North American continent prior to European arrival. The Supreme Court has described their status as “domestic dependent nations” within the United States. Tribes have a nation-to-nation



relationship with the United States. This status has been upheld by various U.S. laws and Supreme Court decisions.

- The Commerce Clause of the U.S. Constitution retains for the federal government plenary power (ultimate authority) in dealings with Indian tribes, i.e., the federal government's authority supersedes that of the states.
- This action reinforced tribal sovereignty and the nation-to-nation relationship between tribes and the United States.
- This action established that tribes are protected from state actions, but also provides a role for states, such as in the Indian Gaming Regulatory Act.
- This action has been tested in Trade and Intercourse Acts cases in which the U.S. Supreme Court affirmed federal trust responsibility for Indian tribes against state actions.
- The definition of tribal sovereignty has evolved and continues to do so.

Resources

Fox, Sandra J. Ed.D. ***Connecting Cultures & Classrooms K-12 Curriculum Guide: Language Arts, Science, Social Studies***. Helena, MT: Montana Office of Public Instruction and National Indian School Board Association, Polson, MT, Spring 2006. (131-133)

[Montana Tribal Histories: Educators Resource Guide](#) and [Companion DVD](#) The guide and companion DVD contain great resources for teaching about tribal sovereignty

Montana Tribal Web sites and Constitutions

- [Blackfoot Nation](#)
- [Chippewa Cree Tribe of the Rocky Boy Reservation](#)
- [Crow Tribe](#)
- [Fort Belknap Indian Community](#). Assiniboine/Gros Ventre
- [Fort Peck Tribes](#). Assiniboine, Sioux
- [Little Shell Tribe](#)
- [Northern Cheyenne Tribe](#)
- [Confederated Salish & Kootenai Tribes](#)
- [Tribal Constitutions](#)

