

Essential Understandings Regarding Montana Indians



Indian Education

Montana Office of Public Instruction

Essential Understandings Regarding Montana Indians

Developed and Published by
Montana Office of Public Instruction
Indian Education for All Unit

The foundation for guiding Indian Education for All began in 1999 when American Indian educators from the Montana tribes met in Helena to discuss the most important issues regarding Montana tribes that all Montanans need to understand. The product of those discussions is the publication, “Essential Understandings Regarding Montana Indians.”

2001

Revised 2010, 2012, 2019, 2024

Indian Education for All Unit
Montana Office of Public Instruction

Contents

Introduction.....	1
Essential Understanding 1.....	3
Essential Understanding 2.....	7
Essential Understanding 3.....	9
Essential Understanding 4.....	12
Essential Understanding 5.....	16
Essential Understanding 6.....	22
Essential Understanding 7.....	24
Appendix A: Tribal Groups, Languages, Membership and Data on the Establishment of Reservations in Montana	27
Footnotes.....	28

Introduction

These seven elements are the guiding principles behind Indian Education for All. Tribal histories and contemporary tribal members, governments, and nations have shaped and are shaping the social and political landscape of Montana. An educated and contemporary Montana citizen has basic knowledge of Montana tribes.

Essential Understandings:

1. There is great diversity among the twelve sovereign tribes of Montana in their languages, cultures, histories, and governments. Each tribe has a distinct and unique cultural heritage that contributes to modern Montana.
2. Just as there is great diversity among tribal nations, there is great diversity among individual American Indians as identity is developed, defined, and redefined by entities, organizations, and people. There is no generic American Indian.
3. The ideologies of Native traditional beliefs and spirituality persist into modern day life as tribal cultures, traditions, and languages are still practiced by many American Indian people and are incorporated into how tribes govern and manage their affairs. Additionally, each tribe has its own oral histories, which are as valid as written histories. These histories predate the “discovery” of North America.
4. Though there have been tribal peoples living successfully on the North American lands for millennia, reservations are lands that have been reserved by or for tribes for their exclusive use as permanent homelands. Some were created through treaties, while others were created by statutes and executive orders. The principle that land should be acquired from tribes only through their consent with treaties involved three assumptions: I. Both parties to treaties were sovereign powers; II. Indian tribes had some form of transferable title to the land; III. Acquisition of Indian lands was solely a government matter not to be left to individual colonists or states.
5. There were many federal policies put into place throughout American history that have affected Indian people and continue to shape who they are today. Many of these policies conflicted with one another. Much of Indian history can be related through several major federal policy periods:
 - Colonization/Colonial Period, 1492-1800s
 - Treaty-Making and Removal Period, 1778-1871
 - Reservation Period – Allotment and Assimilation, 1887-1934
 - Tribal Reorganization Period, 1934-1953
 - Termination and Relocation Period, 1953-1968
 - Self-Determination Period, 1975-Present
6. History is a story most often related through the subjective experience of the teller. With the inclusion of more and varied voices, histories are being rediscovered and revised. History told from American Indian perspectives frequently conflicts with the stories mainstream historians tell.
7. American Indian tribal nations are inherent sovereign nations and they possess sovereign powers, separate and independent from the federal and state governments. However, under the American legal system, the extent and breadth of self-governing powers are not the same for each tribe.

Background

In 1972, Montana rewrote its constitution. The constitutional delegates wrote, in Article X, Section 1(2), "The state recognizes the distinct and unique cultural heritage of American Indians and is committed in its educational goals to the preservation of their cultural integrity." In 1999, the Montana Legislature passed House Bill 528 into law, which codified the constitutional intent as MCA 20-1-501. This law is known as Indian Education for All and states, ". . . every Montanan, whether Indian or non-Indian, be encouraged to learn about the distinct and unique heritage of American Indians in a culturally responsive manner; and . . . every educational agency and all educational personnel will work cooperatively with Montana tribes . . . when providing instruction and implementing an educational goal. . . . It is also the intent of this part, predicated on the belief that all school personnel should have an understanding and awareness of American Indian tribes to help them relate effectively with American Indian students and parents, that educational personnel provide means by which school personnel will gain an understanding of and appreciation for the American Indian people."

Immediately after passage of Indian Education for All, the Office of Public Instruction brought together representatives from all the tribes in Montana and created the Seven Essential Understandings Regarding Montana Indians. These essential understandings are some of the major issues all Montana tribes have in common. In Montana, we recognized the significance of the Indigenous voice. We knew that if our efforts were to succeed, the information taught needed to come from the tribes themselves.

Since the creation of this historic document, other states have developed their own sets of essential understandings for the tribal nations in their respective states, and several of these include Colorado, Nevada, North Dakota, Oregon, and South Dakota. In addition, the Smithsonian National Museum of the American Indian developed a national set of essential understandings based on our model.

Acknowledgements

This revised version of the Essential Understandings was updated in conjunction with educators from across Montana including several of the original participants from the 1999 meetings - Norma Bixby (Northern Cheyenne), Julie Cajune (Salish), and Joyce Silverthorne (Salish).

The review process included members of the Montana Advisory Council on Indian Education.

Special thanks go to Dr. Heather Cahoon (Pend d' Oreille) who synthesized the comments and input received during our revision process and provided additional background information.

Publication Note: When referring to the indigenous peoples of Alaska, Hawaii, or the 48 contiguous states of the United States, it is appropriate to use the terms "Alaska Native," "Native Hawaiian," and "American Indian" respectively. While the term "Native American" came into the usage in the 1960s, most tribal groups in Montana refer to themselves as "American Indian." "Indigenous" is a term that has recently come into common usage in national and international realms, but being as tribally specific as possible is always the best approach to using the correct terms of identification and description. Multiple terms are used in this document in addition to relevant tribal specific references.

Essential Understanding 1

There is great diversity among the twelve sovereign tribes of Montana in their languages, cultures, histories, and governments. Each tribe has a distinct and unique cultural heritage that contributes to modern Montana.

KEY CONCEPTS

- The twelve sovereign tribes, located in what is now the state of Montana, are distinct from one another in their history, culture, and language.
- Tribal sovereignty is the inherent right of tribes to independent self-governance.
- Tribal governments are fully functioning governments that provide an array of services similar to those of federal, state, and local governments.
- The political, demographic, and cultural landscape of Montana has rapidly changed in the last two hundred years.
- American Indian individuals and tribes are still here with distinct and intact governments, languages, and cultures that contribute to modern Montana.

BACKGROUND

As sovereign nations, the tribes in what is now Montana successfully governed themselves since time immemorial, employing a diverse array of social, cultural, and political mechanisms for maintaining internal order among their members and interacting with other nations, including other tribes and European and American governments. Each tribal nation in Montana continues to maintain its own form of government, though they look very different from those of the past. Today, the tribes each have a constitution and are governed by elected bodies, usually referred to as tribal councils. They also have independent judiciaries and some have legislatures. For tribes without legislatures, the tribal council fills both the legislative and executive roles.

Today, the twelve sovereign tribes in Montana are organized politically into eight federally recognized nations. Sovereignty is the inherent right of tribes to govern themselves. Tribal sovereignty derives from what scholars call the collective natural law rights of individuals comprising tribal communities.¹

Federal recognition is an acknowledgement of a special federal-tribal relationship that was most often established through the signing of a treaty. Federal-tribal treaty-making ended in 1871; however, today, tribes can receive federal recognition through other means, including acts of Congress, presidential executive orders, federal court decisions, or through a rigorous federal acknowledgment process. The Little Shell Tribe, for example, had been seeking federal recognition since the late 1970s via various routes including the federal acknowledgment process and Congressional statute. They were finally recognized by Congressional action in December 2019, although no reservation was established. Federal recognition gives tribes the ability to engage in government-to-government relations with the U.S. government, as well as the right to access certain federal benefits, services, and protections.² As of 2024, there were 574 federally recognized tribes and ninety-five state-recognized tribes in eighteen states that had established formal recognition programs.

Each of the tribes in Montana are now known by names that have been given to them by others, though they each have a name for themselves in their own language. For example, the *Qlispé* tribe is known as Pend d'Oreille, which derives from the French word for the pendant earrings worn by men and women of that tribe.³ A list of the names tribes call themselves, as well as their language groups is provided in Appendix A.

Like other governments, tribal governments have the inherent power to regulate their members and territory. They also provide important services and perform essential governmental functions for the benefit of their members. Through these efforts, tribes contribute significantly to the overall state economy. According to the most recent data, tribes brought over \$1 billion annually into the state for 2003-2009.⁴ They also bring a deep, rich history and culture that contributes to Montana's cultural heritage and contemporary identity.

Historically, Montana was not the homeland of all the tribes located here today. Likewise, there were tribes such as the Shoshoni and other bands of Chippewa in this area that are no longer here. As settlers moved into the eastern United States, eastern tribes were pushed west. Eventually, this brought new tribes and settlers into the area, displacing other tribes along the way. To contextualize this rapidly changing cultural and political landscape, one significant non-Indian presence in what is now Montana was the Lewis and Clark expedition in 1805, only a little over 200 years ago, and the first treaties between the federal government and tribes in this area were signed in the 1850s.



Detroit Publishing Co, P. (1906) *Gros Ventre Camp. Fort Belknap reservation, Mont. Montana, 1906.* [Detroit, Michigan: Detroit Publishing Co] [Photograph] Retrieved from the Library of Congress.

Much has changed in the last two hundred years. For one thing, in 1805, American Indians comprised one hundred percent of the population. Today, they comprise almost seven percent, with about sixty percent living on the seven reservations in the state.⁵

Like all reservations across America, these reservations are territories reserved by or for tribes for their exclusive use as a permanent tribal homeland. Some were created through treaties while others were created by statutes and executive orders for tribes forcibly removed from their homelands. Today, non-Indians, as well as Indians from other tribes, reside on all the reservations in the state. For example, non-Indians comprise as much as seventy-three percent of the population on the Flathead Reservation and as little as four percent on Rocky Boy's Reservation.⁶

Urban Indians and Other Tribes in Montana

About forty percent of Montana's American Indian population do not live on reservations. Instead, they reside in the small communities or urban areas of Montana. Besides American Indians from the twelve tribal nations, numerous other American Indians representing other tribes also reside or have resided in Montana.

Blackfeet Reservation



The reservation is home to the Blackfeet tribe. Of the approximately 17,321 enrolled tribal members, there are about 7,000 living on or near the reservation.

The Blackfeet, or Southern Piegan (*Amskapi Pikuni*), combined with their three counterparts in Canada – the Blackfoot (*Siksika*), Blood (*Kanai*), and Northern Piegan (*Apa'tosee Pikuni*) – make up the Blackfoot Confederacy.

The Blackfeet Reservation is in northwestern Montana along the eastern slopes of the Rocky Mountains. Its one-and-a-half million acres are bordered on the north by Canada and on the west by Glacier National Park.

Crow Reservation



About 75 percent of the Crow tribe's approximately 13,269 or more enrolled members live on or near the reservation.

The Crow tribe call themselves "Apsáalooke," which means "children of the large-beaked bird." It was misinterpreted as the word "Crow" by non-Indians.

The Crow Reservation is in southcentral Montana, bordered by Wyoming to the south, with its northwestern boundary about ten miles from Billings.

Flathead Reservation



The Flathead Indian Reservation is home to the Confederated Salish and Kootenai tribes. The tribes are a combination of the *Séliš* or Bitterroot Salish, *Qlispé* or Upper Pend d'Oreille, and the *Ksanka* or Kootenai. Of the approximately 7,920 enrolled tribal members, about 5,000 live on or near the reservation.

The reservation is located north of Interstate 90 between Missoula and Kalispell. The reservation comprises over 1.2 million acres.

Fort Belknap Reservation



The Fort Belknap Reservation is home to two tribes, the Assiniboine, or Nakoda, and the Gros Ventre, who refer to themselves as A'aninin or "People of the White Clay." Combined enrollment is approximately 7,000.

The combined reservation and additional tribal lands encompass 650,000 acres of the plains and grasslands of northcentral Montana.



Fort Peck Reservation

The Fort Peck Reservation is home to two separate American Indian nations, each composed of numerous bands and divisions: the Sioux, or Dakota and Lakota, and the Assiniboine, or Nakoda. Combined enrollment for the Assiniboine and Sioux is 12,975 with approximately 3,900 tribal members living off the reservation.

The Fort Peck Reservation is in northeastern Montana, 40 miles west of the North Dakota border and 50 miles south of the Canadian border, with the Missouri River defining its southern perimeter. It includes more than two million acres of land.



Little Shell Chippewa Tribe

The Little Shell Tribe of Chippewa Indians is a band of the Chippewa Indians headquartered in Great Falls, Montana. The Little Shell enrollment total is 5,300 tribal members. The tribe has been recognized by the State of Montana since 2000 and received federal recognition through Congressional action in December 2019.

The Little Shell traditionally lived in the areas of the Red River, the Saskatchewan River, Winnipeg and Manitoba, and Turtle Mountain, North Dakota, to Pembina, North Dakota. They eventually settled in various communities throughout Montana with their tribal offices located in Great Falls.



Northern Cheyenne Reservation

The Northern Cheyenne Tribe call themselves Tsetsêhesêstâhase/So'taahe. There are approximately 11,266 enrolled tribal members with about 5,012 residing on the reservation.

The Northern Cheyenne Indian Reservation is located in present-day southeastern Montana and is approximately 444,000 acres in size with 99% tribal ownership. Lame Deer is the tribal and government agency headquarters. It is bounded on the east by the Tongue River and on the west by the Crow Reservation.



Rocky Boy's Reservation

Rocky Boy's provides a home for over 7,200 members of the Chippewa Cree tribe. The name "Rocky Boy" was derived from the name of a leader of a band of Chippewa Indians. It actually meant "Stone Child," but it was not translated correctly from Chippewa into English, and "Rocky Boy" evolved.

Rocky Boy's Reservation is near the Canadian border in northcentral Montana.

Essential Understanding 2

Just as there is great diversity among tribal nations, there is great diversity among individual American Indians as identity is developed, defined, and redefined by entities, organizations, and people. There is no generic American Indian.

KEY CONCEPTS

- There exists no universally accepted rule for establishing an individual's identity as Indian. However, as a general rule, an Indian is a person who has some biological Indian ancestry and is recognized as an Indian by a tribe.
- For millennia, individual tribal groups successfully educated their children using highly effective indigenous pedagogies that imbued Indian children with all the knowledge and skills they needed to thrive in their world.
- Boarding schools and other federal policies of assimilation brought disruptions to the traditional transference of knowledge in tribal communities and have had wide-ranging and lasting impacts on American Indian individuals and communities.
- Students who maintain a strong sense of pride in their language and culture tend not to experience school failure.
- Ideally, school curricula will offer equal recognition of the contributions students' home cultures bring to the learning situation and will help all students develop the self-esteem and self-confidence that can enhance their learning.

BACKGROUND

Identity is an issue with which human beings struggle throughout their lifetime. "Who am I?" and "How do I fit in?" are universal questions of the human condition. Even larger issues of "Who is an Indian/tribal member?" exist among Indian people themselves, as the criteria for tribal membership has radically changed over time and now varies widely. For many tribes, membership was historically inclusive, based on kinship, marrying into the tribe, or adoption. Through these means membership could be extended to Indians from other tribes as well as non-Indians. This changed in the early 1900s, when the federal government developed the first official tribal enrollment lists as a means to facilitate and track the forced allotment of reservation lands. Tribes later inherited and maintained these rolls, sometimes altering the membership criteria, but still largely basing enrollment on lineal descent or a minimum blood quantum requirement.

Among tribes' sovereign rights is the power to define their particular membership criteria. Because tribal membership connotes citizenship in a distinct political community, it is a political classification and not just a racial designation. This is most easily understood in the context of treaty-making; the United States entered into treaties with tribes due to tribes' political status as sovereign nations, not because of their race.⁷ However, because enrollment criteria today are often at least partly raced-based, a person may be racially Indian but not eligible for enrollment if tribal blood quantum is comprised of ancestry from more than one tribe. Federal agencies also have their own varying definitions for who is an Indian, which has served to further confuse the issue. For example, the Bureau of Indian Affairs (BIA) considers only members of federally recognized tribes to be eligible for its programs and services while the U.S. Census Bureau counts anyone an Indian who declares to be such.

However, as a general principle, an Indian is a person who has some biological Indian ancestry and is recognized as an Indian by a tribe. To determine a particular tribe's enrollment criteria, one must contact that tribe directly. Given these complexities, there exists no universally accepted rule for establishing an individual's identity as Indian. Additionally, educators should be aware the term "Indian" is a pan-ethnic term and anyone who identifies as Indian is more likely to identify primarily as member of one or more particular tribal groups.

Amidst all these issues, educators must remember Indian students come to school with a variety of backgrounds. There are those who show characteristics of tribal ways of being and belief and those who show themselves to be tribally affiliated, yet do not have what some people might regard as American Indian behavior and appearance. They may have deeper or subtler differences of values and ways of being and learning. Although tribal people's individual identities and experiences within and outside of school vary widely, there are certain shared experiences, such as the boarding schools and other federal policies of assimilation that brought disruptions to the traditional transference of knowledge in tribal communities. These factors have had wide-ranging and lasting impacts on American Indian individuals and communities.

In terms of Indian education on this continent, it is a phenomenon that spans millennia, beginning with individual tribal groups teaching their children the specific ways of living and believing they needed to thrive in their world. Daily hands-on or experiential ways of learning were accompanied by oral traditions that reinforced the values and beliefs of that society and together worked to construct and confirm tribal identity and place within the world. Needless to say, this important information, or body of knowledge that translated into culture, was comprehensive, inclusive, relevant, necessary, and rooted in landscape, packaged in language, and passed on verbally.



Making Montana Proud Poster Series (2018)

For the 2017-2018 school year there were 20,535 American Indian/Alaska Native students in Montana that report American Indian/Alaska Native as at least one of their races. The number of American Indian students in Montana has been increasing steadily every year. Fourteen percent of Montana's public K-12 students are American Indian.

- American Indian Student Achievement Data Report
Fall 2018

Essential Understanding 3

The ideologies of Native traditional beliefs and spirituality persist into modern day life as tribal cultures, traditions, and languages are still practiced by many American Indian people and are incorporated into how tribes govern and manage their affairs.

Additionally, each tribe has its own oral histories, which are as valid as written histories. These histories predate the “discovery” of North America.

KEY CONCEPTS

- The term spirituality within a cultural context can be limiting and misconstrued. Spirituality to Indigenous peoples generally refers to one aspect of their worldview in which all things are connected. Spirituality in this context does not necessarily equate to nor denote religion.
- A complex history of pre-Columbian tribal migrations and intertribal interactions, European colonization and Christianization efforts, and federal assimilation policies have contributed to the broad range of spiritual beliefs held by American Indians today.
- Despite this history, Native people have retained their spiritual beliefs and traditions – tribal languages are still spoken, sacred songs are still sung, and rituals and ceremonies are still performed.
- It is not important for educators to understand all the complexities of modern day American Indian cultures; however, they should be aware of their existence and the fact they can influence much of the thinking and practice of American Indians today.
- Humor plays an important role in American Indian cultures, there was no “stoic” Indian.
- Tribal oral traditions, ideologies, worldviews, and the principles and values associated with them, are as valid as other such traditions from around the world and should be accorded the same respect and standing.
- Educators should be aware that portions of these principles and values are private and are to be used and understood by certain individuals, groups, or the entire tribe. Tribal culture bearers, experts, and others can assist educators in navigating these situations.

BACKGROUND

Contemporary tribal beliefs and spirituality span the continuum as a result of a complex history which includes tribal migrations and intertribal interactions, colonization and Christianization efforts, and centuries of federal Indian policies targeted at the elimination of tribal spiritual beliefs and the assimilation of American Indians into mainstream society. Today, tribal beliefs and spirituality range from what is considered “traditional,” or specific to the history and beliefs of a particular tribe, to pan-Indian beliefs like the Native American Church, to agnostic or even secular. What is amazing is the degree to which tribal people have retained their traditions. Indigenous languages are still spoken. Sacred songs are still sung. Rituals and ceremonies are still performed. It is not important for educators to understand all the complexities of modern day American Indian cultures; however, educators should be aware of their existence. They should also understand the ways these cultures might influence much of the thinking and practice of American Indians today.

Tribal spiritual beliefs and practices are deeply embedded in place. They are “autochthonous” traditions in that they formed or originated where they are found; they were not imported to this

“Imagine if you could speak a language where you see the world alive around you—every description, everything you see, everything you look at, everything you sense, is described via the language as an action. A state of being; a state of action. Nothing is stationary. Nothing is inanimate, nothing is dead, but everything is alive.”

- Darrell Robes Kipp, Ed.M, Blackfeet educator, historian and founder of the Piegan Institute

continent. In terms of how American Indian spiritual beliefs and ideologies compare to religions, it is profound to note that no American Indian language has a word for “religion,” at least as it is conceived of by Westerners, as institutionalized spirituality.⁸ In general, tribal sacred ways “do not try to explain or control all *phenomena* in the universe. They do not, as organizations, seek to dominate peoples’ thoughts or ways of personal worship. This is what makes these

sacred ways distinct – from 'schools' of philosophy in the history of ideas or 'denominations' in the history of religion.”⁹

Thus, American Indians’ spiritual beliefs and traditions were and are a way of living life that imparts a particular worldview, or a “distinctive vision of reality [that] provides people with a distinctive set of values, and identity, a feeling of rootedness, of belonging to a time and a place, and a felt sense of continuity with a tradition that transcends the experience of a single lifetime.”¹⁰

Like other groups of people around the world, American Indian tribes each have their own histories and ways of recording and passing on the important events, values, and principles of the tribe. These ways included markers like winter counts, usually drawings on an animal hide that tracked important events, and oral traditions such as storytelling and songs. In general, tribal oral traditions explain the creation and functioning of the world, teach abstract notions and behavior, cosmology, and ways of seeing or thinking about things (or culture and worldview), communicate morals or lessons, and offer entertainment to listeners. They are one of the primary keys to the survival of the tribe. In addition, because they are place-based, they reflect the unique landscapes on which they have developed; thus, they also work to demonstrate how deeply tribal groups are tied to a particular place.

These tribal oral histories are as valid as written histories and predate the “discovery” of North America. Because they are as valid as other such traditions from around the world, Native ideologies, worldviews and the principles and values associated with them should be accorded the same respect and standing.

Many of these principles and values persist into contemporary times, including ongoing spiritual practices, other cultural activities, and even how tribes govern themselves and their territories. These values include respect, humility, generosity, honesty, courage, collaboration, responsibility, community, cooperation, selflessness, humor, and reciprocity, among many others.

Additionally, it was and remains common that portions of these principles and values are private and are to be used and understood by certain individuals, groups, or the entire tribe. Educators should be aware of this issue when asking students about their histories, ceremonies, and stories. Tribal education departments, found on each reservation, can assist educators in navigating these situations so private information remains protected. At times, it is also important to be sensitive about norms and practices associated with sharing written and oral information at certain times of the year.



Salish at Medicine Tree (1923)

Courtesy of Archives & Special Collections, Mansfield Library, University of Montana

Late Pend d'Oreille elder Pat Pierre speaks to members of the Confederated Salish and Kootenai Tribes during a visit to the Medicine Tree in the Bitterroot valley, 2018. Photo courtesy of Char-Koosta News, B.L. Azure photographer.

Essential Understanding 4

Though there have been tribal peoples living successfully on the North American lands for millennia, reservations are lands that have been reserved by or for tribes for their exclusive use as permanent homelands. Some were created through treaties while others were created by statutes and executive orders. The principle that land should be acquired from tribes only through their consent with treaties involved three assumptions:

- I. Both parties to treaties were sovereign powers.
- II. Indian tribes had some form of transferable title to the land.
- III. Acquisition of Indian lands was solely a government matter not to be left to individual colonists or states.

KEY CONCEPTS

- Reservations are lands that have been reserved by tribes or for tribes for their exclusive use as permanent homelands.
- Some reservations are the remnants of a tribe's original land base while others were created by Congressional statute or executive order for the resettling of Indian people forcibly relocated from their homelands.
- Original Indian title to land was acknowledged by tribes and European nations, as well as the United States.
- Indian tribes fought to protect their lands and resources including actively utilizing American courts and the Indian Claims Commission.
- Today, there are 326 reservations in the United States, seven of which are located in Montana.
- There are two main treaties that affected Montana tribal lands:
 - The Fort Laramie Treaty, 1851, 1868
 - The Hellgate Treaty of 1855
- After Congress officially ended treaty-making with tribes in 1871, the federal government used other means to further reduce Indian landholdings on reservations.

BACKGROUND

“Old Man came from the south, making the mountains, the prairies, and the forests as he passed along, making the birds and the animals also. He traveled northward making things as he went, putting red paint in the ground here and there—arranging the world as we see it today. He made the Milk River and crossed it; being tired, he went up on a little hill and lay down to rest. As he lay on his back, stretched out on the grass with his arms extended, he marked his figure with stones. You can see those rocks today; they show the shape of his body, legs, arms and hair.” ~Blackfeet Napi Origin Story



Badger Two Medicine. A glimpse of the “backbone of the world.” © Tony Bynum

“In the settler mind, land was property, real estate, capital, or natural resources. But to our people, it was everything: identity, the connections to our ancestors, the home of our nonhuman kinfolk, our pharmacy, our library, the source of all that sustained us. Our lands were where our responsibility to the world was enacted, sacred ground. It belonged to itself; it was a gift, not a commodity, so it could never be bought or sold. These are the meanings people took with them when they were forced from their ancient homelands to new places. Whether it was their homeland or the new land forced upon them, land held in common gave people strength; it gave them something to fight for. And so – in the eyes of the federal government – that belief was a threat.”¹¹

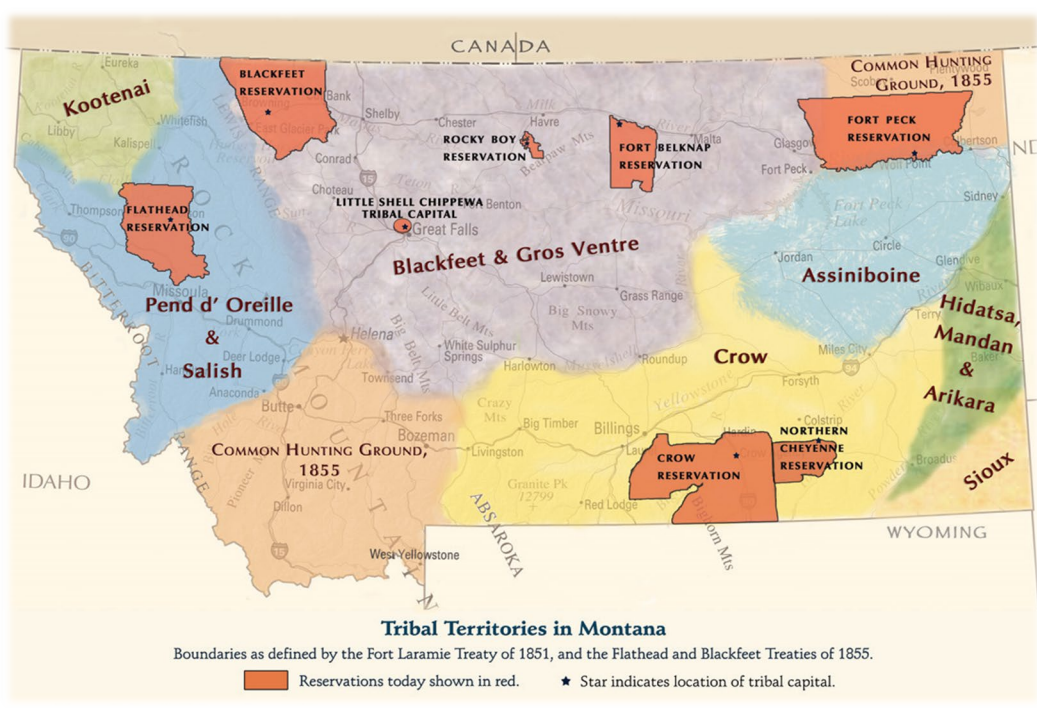
Tribal land cessions and reservations cannot be discussed without also touching on the concept of land ownership among American Indian tribes. It has often been incorrectly asserted that tribes lost their lands to Europeans and Americans because they had no concept of land ownership. While it is true American Indians held and continue to hold a very different view of the land and natural world than Europeans and Americans (seeing themselves as an integrated part of an animated natural and spiritual world requiring equal respect), they also held shared notions of both public and private property. This included recognition of tribal territories and resources, which were relied upon for survival and which tribes fought to defend from encroachment or loss to other tribes, as well as Euro-Americans.

Different tribal groups were compelled to relinquish control of their lands for a variety of reasons. Eastern tribes relinquished their lands under different circumstances than western tribes, though both often did so under duress and in the face of growing colonial settler populations and devastating tribal population declines from European diseases and war. The federal intent to extinguish Indian land titles has been very clear and has taken a variety of forms. While federal legislation such as the Indian Removal Act of 1830 and various “takings” drove many tribes from their homelands in the east, treaties were often used in the west after the Louisiana Purchase.

“Maybe they did not own the land in European terms where you have to have a piece of paper, but they had left artifacts; they had an experience here; their stories were here; their people that they loved and cherished were buried here; their sacred sites were here. If that isn’t a sign of ownership, I don’t know what is.”

- Richard Littlebear, Ed.D., Northern Cheyenne educator, poet and President of Chief Dull Knife College

As a result of removal and treaty-making, the United States acquired nearly two billion acres of Indian homelands, which now constitute the entirety of the lower forty-eight states. From their land cessions to the United States, tribes withheld for their own use 138 million acres that comprise the majority of today’s reservations in the United States. As of 2017, there were 326 reservations (sometimes also called pueblos, rancherias, missions, villages, and communities) in America; seven of these are located in Montana where three were created by treaties, two by Congressional statutes, and two by presidential executive orders.



***Tribal territories map indicates boundaries determined by non-Indian officials at treaty time and does not include several other tribes that were also historically in Montana.**

After Congress officially ended treaty-making with tribes in 1871, the federal government used other means to further reduce Indian landholdings on reservations. Some of the reservations in Montana, including the Blackfeet and Crow, have been diminished in size through federal revisions to the treaties that established them. Additionally, Article 11 of the Hellgate Treaty of 1855 closed the Bitterroot Valley to non-Indian settlement and stipulated the existence of a “conditional” reservation in the Bitterroot for the Salish, dependent upon the outcome of a presidentially authorized survey to determine the location’s suitability for the tribe. The survey was never conducted, and settlers were never kept out. Thirty-six years after the treaty signing, in 1891, the federal government sent the U.S. Army to forcibly remove the Salish to the current Flathead Reservation.¹²

In addition to this, Congress passed the General Allotment Act in 1887, which broke up communally-held reservation land and opened most reservations to non-Indian settlement. As a result of allotment, between 1887 and 1934 Indian landholdings fell by nearly one hundred million acres, down to just forty-eight million.¹³ With the exception of Rocky Boy’s Reservation, every reservation in Montana was allotted, though Fort Belknap and Northern Cheyenne were not opened to non-Indian homesteading. (Rocky Boy’s Reservation evaded allotment due mostly to the fact it was not created until 1916.)

The table below shows the method and year of creation for each of the reservations in Montana.

Reservation	Method and Year of Creation	Total Acreage
Blackfeet	Treaty, 1855	1.5 million
Crow	Treaty, 1868	2.2 million
Flathead	Treaty, 1855	1.3 million
Fort Belknap	Congressional Statute, 1888	698,000
Fort Peck	Executive Order, 1886	2.1 million
Little Shell	No Reservation – federal recognition by Congressional Statute, 2019	Landholdings in Great Falls
Northern Cheyenne	Executive Order, 1884	445,000
Rocky Boy’s	Congressional Statute, 1916	122,000

Essential Understanding 5

There were many federal policies put into place throughout American history that have affected Indian people in the past and continue to shape who they are today. Many of these policies conflicted with one another. Much of Indian history can be related through several major federal policy periods:

Colonization/Colonial Period, 1492 - 1800s

Treaty-Making and Removal Period, 1778 – 1871

Reservation Period - Allotment and Assimilation, 1887 - 1934

Tribal Reorganization Period, 1934 - 1953

Termination and Relocation Period, 1953 - 1968

Self-Determination Period, 1975 - Present

KEY CONCEPTS

- The complexity of contemporary American Indian rights and sovereignty can be difficult to decipher; however, this history can be easier to understand when it is divided into major federal policy periods.
- Early in American history, Congress exerted extensive power over Indians and since has enacted over four hundred treaties and statutes dealing with Native Americans. Regulations and guidelines implementing these laws are even more numerous, making American Indians the most regulated population in the United States.
- Federal Indian policies have fluctuated between respecting tribal sovereignty and terminating tribes' sovereign status altogether.
- Although the history of federal Indian policy is long and complex, understanding its main legislative pieces and outcomes helps provide context for the contemporary experiences of Indian students and communities.

BACKGROUND

American Indians are subject to more legal regulations than any other people in the United States. In fact, "Congress, which early in the Nation's history was found to possess extensive power over Indians, has enacted over four hundred treaties and statutes dealing with Native Americans. Regulations and guidelines implementing these laws are even more numerous."¹⁴ Thus, the complexity of contemporary American Indian legal rights and life is difficult to decipher. However, this history can be broken into several major federal policy periods, which have fluctuated drastically, between respecting tribal sovereignty and terminating tribes' sovereign status altogether. Until the 1970s, "the most striking feature of federal Indian policy was the total lack of Indian involvement or consent in its formulation."¹⁵ Following is a review of the major phases of federal Indian policy and their impacts on American Indian individuals and tribes. Although the history of federal Indian policy is long and complex, understanding its main legislative pieces and outcomes helps provide context for the contemporary experiences of Indian students and communities.

Colonization/Colonial Period, 1492 – 1800s

As Europeans arrived to the “new world,” they encountered thousands of tribes of indigenous peoples already living here. During this period, Europeans developed the ideas that would later “justify” the taking of Indian lands. From Columbus’s first expedition to the first colony at Jamestown, the Doctrine of Discovery proclaimed that non-Christian peoples had no legal right to their land and that the right to acquire legal title was bestowed upon the first European nation to “discover” the land. According to this rationale, title to Indian lands could be acquired through conquest, or “just” war, or through purchase or treaties.

As the French, English, Spanish, and Dutch vied for colonial positioning, they entered into treaties of commerce and military alliances with Indian nations. During the French and Indian War, Algonquin tribes and others aligned themselves with the French while the powerful six-member-nation Iroquois Confederacy and other tribes fought on the side of the British. The war ended in 1763 with the Treaty of Paris wherein the French ceded to England their claims to land east of the Mississippi River and England ceded their claims to lands west of the Mississippi to France. Within a decade, the British colonists would engage in the American Revolution for control of their colonies, ending with colonial independence in 1776. This time, most tribes, including various members of the Iroquois Confederacy, allied themselves with the British Crown.¹⁶

Treaty-Making and Removal Period, 1778 – 1871

Just as European nations interacted diplomatically with tribes via treaties, so did America after its declaration of independence, signing its first treaty in 1778 with the Delaware Indians. Originally, the treaties the United States initiated with tribal nations were peace and friendship agreements, as tribes often retaliated against settlers who invaded their lands and used tribal resources. There was constant conflict between the numerous groups, and the federal government offered protection to all sides through the treaties. The Indians usually agreed to halt depredations on settlers and the United States promised to keep settlers off Indian lands and away from Indian resources. However, the United States often failed to enforce its treaty obligations, so tribes responded. Thus, as was the case for the British Crown, the United States, after its war for independence, found itself increasingly assuming the role of protector of the tribes in order to avoid costly Indian wars. The United States quickly realized that “if stability were to be achieved, it had to be by placing Indian affairs in the hands of the federal government. After a period of uncertainty under the articles of Confederation, the [ratification of the U.S.] Constitution did just that.”¹⁷

With the federal government in charge of Indian affairs, Congress enacted the Trade and Intercourse Acts which established the boundaries of Indian Country, allowed for only the federal government to acquire Indian lands, subjected trade to regulation by the federal government, and guaranteed compensation to non-Indians for injuries inflicted by Indians, and vice versa.

In 1830, President Andrew Jackson asked Congress to pass a bill providing for the removal of all eastern tribes to west of the Mississippi River, which was designated as “Indian Territory.” Congress passed the Indian Removal Act despite “protests that the act violated previous treaties and laws recognizing Indian sovereignty. [...] The bill gave some individual tribal members a choice: they could stay [...] and

The United States negotiated at least forty-five treaties that were signed in good faith by tribes but were never ratified by Congress. Tribes now in Montana signed six treaties that went unratified.

- Charles J. Kappler, *Indian Affairs: Laws and Treaties* (1904).

submit to state laws, or they could move west.”¹⁸ Those who chose to stay were relentlessly pressured for their lands. After removal, with the balance of power tipped in favor of the Americans, treaties would become the catalyst for transferring tribal lands to the United States and a way to facilitate westward expansion.

The United States made their final treaty with a tribal nation in 1868 and, in 1871, Congress passed legislation officially ending the practice of making treaties with tribes.

Between 1778 and 1871, the United States negotiated over four hundred treaties with American Indian tribes, though Congress ratified only 375.

After 1871, the United States still engaged in negotiating land cessions with tribal nations, but now it took the form of Congressional and executive “agreements.” By 1894, these treaties and agreements embodied 720 tribal land cessions to the United States.¹⁹

Reservation Period – Allotment and Assimilation, 1887 – 1934

As part of the treaties, hundreds of tribes ceded much of their lands to the United States, though they often reserved small tracks on which to live. Non-Indians were expressly excluded from these reservations of land – and Indians were not allowed to leave without permission from the federal Indian agents stationed on each reservation. This situation led to widespread poverty and poor health, and, combined with the cost of fulfilling treaty obligations to tribes, created a sizeable financial and ethical problem for the federal government. This instigated the next phase of federal Indian policy after treaties: assimilation, or “civilizing” American Indians by turning them into self-sufficient farmers and integrating them into mainstream American society.



Louie Pierre farming on the Flathead Reservation, 1914
Photo from the National Archives at Denver

Within sixteen years of the end of treaty-making with tribes, Congress passed the General Allotment in Severalty, or Dawes Act, of 1887. This act delegated authority to the Office of Indian Affairs to allot parcels of reservation land to individual Indians – 160 acres to each head of family, eighty acres to each single person over eighteen years of age, and eighty to each orphaned child.

Individual allotments would remain in trust for twenty-five years, after which landholders were issued a fee patent for their allotment, granted American citizenship, and made subject to “the laws, both civil and criminal, of the State or Territory in which they may reside.” Additionally, the act stipulated that after eligible Indians had received their allotments, all remaining, or “surplus,” reservation lands were to be purchased by the federal government and opened to non-Indian homesteading. The payment was held

by the federal government “for the sole use of the tribe or tribes of Indians” and “subject to appropriation by Congress for the education and civilization of such tribe or tribes of Indians and the members thereof.”

Other assimilation efforts included Indian agents actively suppressing tribal spiritual beliefs and practices. In the 1920s, Circular No. 1665 and its supplement outlawed give-aways and banned spiritual practices on reservations including the “sun-dance and all similar dances and so-called religious ceremonies,” which were thereafter considered punishable “Indian Offenses.”²⁰

During this period, the federal government also contracted with Christian denominations to educate, or “civilize,” Indian children at church-run boarding schools located both on and off reservations. Attendance was compulsory and children were forbidden to speak their tribal language or practice their spiritual beliefs or cultures so they could be assimilated into the dominant culture. Children spent their days focused only partially on academics and then shifted to training in industrial trades and physically laboring in school farms, laundries, and shops.²¹

The only reservation in Montana not allotted was Rocky Boy’s. Fort Belknap and Northern Cheyenne reservation were allotted but the surplus lands were not opened to non-Indian homesteading. The Blackfeet Allotment Act was repealed after twelve years, and the surplus lands were returned to the Blackfeet Tribe. The Flathead Reservation Allotment Act was passed in 1904 and subsequently amended eighty times. Fort Peck was allotted in 1908 and surplus lands not allotted were opened to non-Indian settlement in 1913.²²

Tribal Reorganization Period, 1934 – 1953

The realization that allotment and other assimilation policies were not working prompted a reform movement during the 1920s. The direction of this movement was influenced by numerous studies on the appalling living conditions on reservations; one of the most important was “The Problem of Indian Administration,” or the Meriam Report. The shocking findings reported in these publications led to the passage of the Indian Reorganization Act (IRA) in 1934.

Under the IRA, allotment of Indian reservations ended, and Indian allotments were put into permanent trust status, not alienable or taxable. Tribal nations were also encouraged to reorganize their traditional governing structures by creating formal governments or business committees fashioned after models developed by the BIA in Washington, D.C. Tribes developed constitutions, charters, and by-laws, all of which were subject to the ultimate authority of the federal government. Although the IRA made steps toward returning some self-governing powers to tribes, it was not designed to confer complete autonomy and not all tribes were inclined to adopt it. Each tribe had to specifically vote against the IRA for it not to be implemented. Because many of the Indians who were against the IRA were traditionalists, they avoided voting at all. This lack of votes against the IRA was counted as votes for it. Ultimately, 181 tribes voted to accept the IRA, including the Confederated Salish and Kootenai Tribes, which were the first in the nation to reorganize under its terms. Seventy-seven tribes, including the Crow Tribe, voted against it.



Delegates of the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation standing outside the White House as they visit Washington to be the first tribe to submit a constitution under the Wheeler-Howard Act (1935). Photo from Library of Congress, Prints & Photographs Division, photograph by Harris 7 Ewing. [reproduction number LC-HC-B-8426].

Termination and Relocation Period, 1953 – 1968

Within fifteen years of the passage of the IRA, Congress passed termination legislation intended to terminate the federal-tribal trust relationship and encourage full and final assimilation of tribal people into mainstream American society. Supporters of termination considered the policy liberating to Indians by freeing them from federal control; however, termination also meant saving the federal government money by ending the federal government's trust and treaty obligations to tribes.

In 1953, Congress passed House Concurrent Resolution 108, officially seeking to end their trust relationship with all tribes. Shortly thereafter, they passed several acts terminating the existence of specific tribal governments and reservations. One hundred nine Indian governments were terminated, affecting 1,362,155 acres of land and 11,466 Indian people. Under these acts, Indian lands were sold, state legislative and taxation authority imposed, federal programs discontinued, and tribes' sovereign authority ended.²³ These acts targeted specific tribes, including the Confederated Salish and Kootenai Tribes. Though, in the end, Congress did not repeal or modify existing tribal governments in Montana. (Termination proved so detrimental to tribal people that Congress has since restored numerous tribes' sovereign status, though once dissolved, reservations and tribal assets were unrecoverable.)

As reservations were being dissolved, Congress passed the Indian Relocation Act of 1956 to encourage Indians to leave reservations and move to cities like Chicago, Denver, Los Angeles, Cleveland, and Seattle to access employment opportunities and assimilate into mainstream society. Indians who were willing to relocate were provided with financial assistance to help with moving and obtaining training and housing. In the end, relocation worked mostly to create sizable populations of unemployed and impoverished Indians in the target cities,²⁴ though it also led to the development of pan-Indian communities out of which the American Indian Movement would later be created.

During the termination period, Congress also passed Public Law 83-280,²⁵ which mandatorily transferred full federal criminal and some civil jurisdiction to six states with large Indian populations and gave all other states the option to do so. Montana was not among the states forced to assume PL 280 jurisdiction; however, in 1963, it opted in. At that time, only the Confederated Salish and Kootenai Tribes favored concurrent jurisdiction, though almost immediately they tried to reconsider. In 1993, the CSKT successfully secured a partial retrocession, which allowed the tribe to reassume exclusive jurisdiction over misdemeanor crimes committed by Indians while still allowing for continued concurrent state-tribal jurisdiction over felony crimes committed by Indians.

Self-Determination Period, 1975 – Present

By the late 1960s it had become evident the federal termination policies had been enormous failures. During the 1970s American Indian leaders pushed for greater control over tribal affairs, which contributed to the passage of the Indian Self-Determination and Education Assistance Act of 1975.²⁶ A hallmark component of Self-Determination is the option for tribes to enter into “638 contracts” for the assumption of administrative control of federal programs serving their reservations that were previously run by the BIA.

Although tribes perceived self-determination as an improvement over termination, several major issues arose with its implementation. This included federal agency personnel refusing to fully fund tribal indirect costs, establishing unduly burdensome reporting requirements, thus preventing tribes from adapting programs to meet local needs, and in general interfering with the success of the contracting program.²⁷ This, in addition to exposed corruption and fiscal mismanagement within the BIA, prompted Congress to amend the Self-Determination Act in 1988, addressing many of the most notable issues and creating the Self-Governance Demonstration Project, giving a cohort of ten tribes – including the Confederated Salish and Kootenai Tribes – the opportunity to take contracting a step further by allowing tribes the freedom to compact management of one or more federal programs, to redesign the programs to suit local needs, and to reallocate funds for these efforts as they deem necessary.

Due to the success of the demonstration projects, Congress amended the Self-Determination Act in 1994 to establish Tribal Self-Governance as a permanent program within the Department of the Interior (DOI) and within the Department of Health and Human Services (DHHS) in 2000.²⁸ Today, any tribe that acquires self-governance status can negotiate a management compact and annual funding agreement with the DOI and DHHS for a broad array of programs, including those administered by the BIA and Indian Health Service, and a handful of other programs at the discretion of the Secretary of the Interior.

Tribes receiving federal dollars to carry out self-determination contracts and self-governance compacts are subject to annual audits and trust evaluations to monitor their execution of the federal trust functions they are performing on behalf of the federal government.

Despite its shortfalls, the current federal Indian policy importantly recognizes tribal sovereignty and the government-to-government relationship between tribes and the federal government, as well as the existence of the federal trust responsibility to tribes.

Essential Understanding 6

History is a story most often related through the subjective experience of the teller. With the inclusion of more and varied voices, histories are being rediscovered and revised. History told from American Indian perspectives frequently conflicts with the stories mainstream historians tell.

KEY CONCEPTS

- History is a story most often related through the subjective experience of the teller.
- Much of America’s history has been told from the Euro-American perspective. Only recently have American Indians begun to write about and retell history from an indigenous perspective.
- A huge amount of political capital is involved in the telling of history.
- History is a primary vehicle through which power is distributed and used; thus, the whole notion of political identity and ideology and who the United States is as a nation plays into how the story is told and who has been privileged to tell the story.
- It is critical that history curricula include the stories and experiences of individual men and women of diverse racial, ethnic, and religious groups.
- Providing students with textbooks, primary source documents, and surviving oral traditions allows them to gain an objective view of history and provides them with a historical context in which to situate and understand the experiences and perspectives of these groups in American society today.
- By giving students the opportunity to view our past through the eyes of many, they can begin to create their own view of our collective history, understand the present, and become better prepared to engage the problems of the future.

BACKGROUND

Our stories play a decisive role in defining our identities; they shape how we view ourselves, the world around us, and our place within it. Just as tribal oral traditions have shaped the identities, views, and values of tribal people, written histories have shaped the identities, views, and values of Americans. However, “there is little evidence in classroom materials – textbooks, curricula, national learning standards – of important historical and contemporary events that include American Indian knowledge and perspective, and little or no integration of these events into the larger narratives of American and world history.”²⁹ As a result, history told from American Indian perspectives frequently conflicts with the stories mainstream historians tell.

Take, for example, the implications inherent in the assertion that Columbus “discovered” America. In reality, as we know, there were millions of indigenous people already living here; “Columbus and his successors were not coming into an empty wilderness, but into a world which in some places was as densely populated as Europe itself, where the culture was complex, where human relations were more egalitarian than in Europe.”³⁰

Similarly, referring to Lewis and Clark as the “Corp of Discovery” implies they were entering an uninhabited country waiting to be claimed. Salish educator and historian, Julie Cajune states, “There is a huge political amount of capital in the telling of history. Alan Munslow said that history is never innocent storytelling. It’s a primary vehicle through which power is distributed and used. And so, the

whole notion of political identity and ideology and who the United States is as a nation plays into how the story is told, and who has gotten to tell the story.”³¹

Because of this, it is crucial our history curricula include the view “from the shore” to balance the view “from the ship.” Likewise, it is important to include the perspectives of individuals and not just nations or governments. As Howard Zinn points out, history has often been told as the story of a nation, but “nations are not communities and never have been. The history of any country . . . conceals fierce conflicts of interest . . . between conquerors and conquered, masters and slaves, capitalists and workers, dominators and dominated in race and sex.”³² The histories of nations thus provide an inaccurate and simplistic view of history that handicaps students by keeping them from fully understanding and being able to contextualize the complicated situations arising in the world today.

Therefore, it is critically important history curricula include the stories and experiences of individual “men and women of diverse racial, ethnic, and religious groups.”³³ Providing students with textbooks, primary source documents, and surviving oral traditions allows them to gain an objective view of history. It also provides them “with an historical context in which to situate and understand the experiences and perspectives of these groups in American society today.”³⁴

By giving students the opportunity to view our past through the eyes of many, they can begin to create their own view of our collective history, understand the present, and become better prepared to engage the problems of the future.



Fort Parker site of the original Crow Agency just outside Livingston, near the Crazy Mountains where Crow Chief Plenty Coup had a powerful vision. Sheep Mountain is in the background.

Essential Understanding 7

American Indian tribal nations are inherent sovereign nations and they possess sovereign powers, separate and independent from the federal and state governments. However, under the American legal system, the extent and breadth of self-governing powers are not the same for each tribe.

KEY CONCEPTS

- Tribal sovereignty stems directly from the fact that tribal nations constitute distinct political communities that have the right to determine their own laws and form of government.
- Tribal self-governing powers predate the existence of the United States and are not delegated powers granted by Congress or any other entity; they are inherent powers of sovereign nations that have never been extinguished.
- Some limitations have been placed on tribal sovereignty throughout the past two centuries by Supreme Court rulings and Congressional statutes, which is why tribes are sometimes referred to as “limited” sovereigns today.
- In general, tribes are free to exercise any of their sovereign powers unless Congress has specifically limited or modified them in some way.
- The extent and breadth of self-governing powers is not the same for every tribe.
- Despite the complex evolution of tribal sovereignty in America, it remains one of the most important attributes of tribal independence.

BACKGROUND

Although complex, tribal sovereignty is one of the most important concepts to understand about tribal governance today. Tribal sovereignty stems directly from the fact that tribal nations constitute distinct political communities that have the right to determine their own laws and form of government. Tribal self-governing powers predate the existence of the United States and are not delegated powers granted by Congress or any other entity; they are inherent powers of sovereign nations that have never been extinguished.

Because of tribes’ sovereign status, and in accordance with European norms and ideas governing international relations, European and later American nations treated with tribes as sovereigns. As time wore on, however, the U.S. Congress and Supreme Court began discovering limitations on tribal sovereignty. The John Marshall rulings of the 1820s and 1830s were among the first such cases. *Cherokee Nation v. Georgia* in 1831 was especially damaging because it established the political standing of tribes as domestic, dependent nations. Chief Justice John Marshall wrote for the majority, asserting that when tribes signed treaties with the United States, they formed a particular political alliance that implicitly limited their powers of external sovereignty, or their ability to interact with foreign nations other than the United States.³⁵

Tribal rights also include a varying array of powers over non-Indians in instances where non-member conduct threatens or directly affects the political integrity, economic security, or health or welfare of the tribe, as well as in instances where non-Indians have entered into contractual relationships with tribes.³⁷

By virtue of their sovereign status, tribes can and do enter into intergovernmental agreements with other domestic governments such as states, counties, and cities. In general, tribes are free to exercise any of their sovereign powers unless Congress has specifically limited or modified them in some way. To “determine

whether sovereignty has been modified, it may be necessary to examine relevant statutes, treaties, executive policies, and administrative or judicial decisions.”³⁹

Although tribes’ external sovereignty has been diminished in certain circumstances – for example, tribes cannot cede their lands to or wage war on foreign countries or print and circulate their own forms of currency – tribes retain their full powers of internal, or domestic, sovereignty. This includes the right to:

- determine their own form of government.
- define the conditions of tribal membership.
- legislate (or make civil and criminal laws) in relation to internal tribal matters and members. This includes regulating the domestic affairs of tribal members, prescribing the rules of inheritance, levying taxes, and protecting tribal land and resources).
- administer justice through their own tribal justice systems, which include tribal and appellate courts, detention facilities, and law enforcement.
- exclude individuals from tribal territory.³⁸



Ramey Growing Thunder (Fort Peck Sioux and Assiniboine Tribes), Chief John Spotted Tail (Rosebud Sioux Tribe), Carolyn Brugh (Fort Peck Sioux and Assiniboine Tribes), and Tamara Stands and Looks Back–Spotted Tail (Rosebud Sioux Tribe) take part in a ceremony at the National Museum of the American Indian honoring the Treaty of Fort Laramie. (Paul Morigi/AP Images for Smithsonian’s National Museum of the American Indian)

The history of federal policies such as termination have robbed some tribes of their sovereign status. Additionally, different tribes have different relationships with the federal government. Tribes that missed the opportunity or that refused to sign treaties with the United States or are otherwise not

federally recognized, do not have a government-to-government relationship with the federal government. Additionally, some tribes have entered into Self-Determination or “638” program management contracts with the BIA, while other tribes with Self-Governance status have taken on greater powers of self-government and management responsibility through federal compacts. Thus, the extent and breadth of self-governing powers is not the same for every tribe.

Despite the complex evolution of tribal sovereignty in America, it remains one of the most important attributes of tribal independence. Educators who have a general understanding of tribal sovereignty will be able to craft curricula that can better equip our future leaders for navigating the complicated situations that arise as a result of this history. Over the long term, students who understand both these concepts and history will become a more accurately informed citizenry, which can help decrease tensions between governments and neighbors, and ultimately help create stronger relationships, economies, and communities across Montana.

Appendix A: Tribal Groups, Languages, Membership and Data on the Establishment of Reservations in Montana

The primary source for the information in the Appendices is the Montana Office of Public Instruction publication, *Montana Indians Their History and Location*, which was written by individual representatives from each tribe.

Reservation	Method and Year Established	Official Name of Tribal Government	Contemporary Name of Tribal Groups	Name Tribes Call Themselves	Language Family	Membership Population (c. 2015)
Blackfeet	Treaty, 1855	Blackfeet Nation	Blackfeet	<i>Pikuni</i>	Algonquin	17,321
Crow	Treaty, 1868	Crow Tribe of Indians	Crow	<i>Apsáalooke</i>	Siouan	13,269
Flathead	Treaty, 1855	Confederated Salish and Kootenai Tribes	Salish, Pend d' Oreille, Kootenai	<i>Selis, Qlispe, Ksanka</i>	Salishan, Salishan, Kootenai	7,920
Fort Belknap	Congressional Statute, 1888	Fort Belknap Indian Community	Assiniboine, Gros Ventre	<i>Nakoda, A'aninin/Aaniiih</i>	Siouan, Algonquin	7,000
Fort Peck	Executive Order, 1886	Fort Peck Tribes	Assiniboine, Sioux	<i>Nakoda, Lakota, Dakota</i>	Siouan	12,975
Little Shell Landholdings in Great Falls	None – federal recognition Congressional Statute, 2019	Little Shell Tribe of Chippewa Indians	Little Shell Chippewa	<i>Anishinaabe, Métis</i>	Chippewa	5,300
Northern Cheyenne	Executive Order, 1884	Northern Cheyenne Tribe	Northern Cheyenne	<i>Tsististas and Suhtaio/ So'taa'eo'o</i>	Algonquin	11,266
Rocky Boy's	Congressional Statute, 1916	Chippewa Cree Tribe	Chippewa Cree	<i>Anishinaabe, Ne-i-yah-wahk</i>	Algonquin	7,200

Footnotes

1. Anaya, S. James. *Indigenous Peoples in International Law*. NY: Oxford University Press, 1996.
2. [“Frequently Asked Questions,”](#) maintained by United States Department of the Interior, Bureau of Indian Affairs, accessed January 31, 2024
3. [Montana Indians Their History and Location](#). Helena, MT: Montana Office of Public Instruction, 2015.
4. [Economic Contributions of Reservations to the State of Montana, 2003-2009](#). Helena, MT: Montana Department of Commerce Research & Information Services Bureau, Office of Tourism and Business Development, c. 2010
5. Pam Harris, [“Census Data and Montana Indian Reservations,”](#) power point presentation. Census and Economic Information Center, Helena, MT: Montana Department of Commerce, c. 2011.
6. Ibid
7. [Tribal Nations in Montana: A Handbook for Legislators](#). Helena, MT: Montana Legislative Services Division and Margery Hunter Brown Indian Law Clinic, 2016.
8. Smith, Huston. *A Seat at the Table: Huston Smith in Conversation with Native Americans on Religious Freedom*, edited by Phil Cousineau. Berkeley, CA: University of California Press, 2006.
9. Beck, Peggy V., Anna Lee Walters and Nia Francisco. *The Sacred: Ways of Knowing, Sources of Life*. Tsale, AZ: Navajo Community College Press, 1996.
10. Ibid
11. Kimmerer, Robin Wall. *Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge and the Teachings of Plants*, Minneapolis, MN: Milkweed Editions, 2013.
12. Confederated Salish and Kootenai Tribes Salish-Pend d’ Oreille Culture Committee. “A Brief History of the Salish and Pend d’ Oreille Tribes.” Pablo, MT: Confederated Salish and Kootenai Tribes, 1993.
13. Canby, Jr., William C. *American Indian Law: In a Nutshell*. St. Paul, MN: West Group, 1998.
14. Cohen, Felix S. and Rennard Strickland. *Felix S. Cohen’s Handbook of Federal Indian Law*. Charlottesville, VA: Michie, 1982.
15. Pevar, Stephen L. *The Rights of Indians and Tribes, 2nd ed.* Carbondale and Edwardsville, IL: Southern Illinois University Press, 1992.
16. Canby, Jr., William C. *American Indian Law: In a Nutshell*. St. Paul, MN: West Group, 1998.
17. Ibid
18. O’Brien, Sharon. *American Indian Tribal Governments*. Norman, OK: University of Oklahoma Press, 1989.
19. [Final Report](#). Washington: DC: United States Indian Claims Commission, 1978.

20. Beck, Peggy V., Anna Lee Walters and Nia Francisco. *The Sacred: Ways of Knowing, Sources of Life*. Tsale, AZ: Navajo Community College Press, 1996.
21. Merriam, Lewis. *The Problem of Indian Administration*. Baltimore, MD: The Johns Hopkins Press, 1928.
22. [Tribal Nations in Montana: A Handbook for Legislators](#). Helena, MT: Montana Legislative Services Division and Margery Hunter Brown Indian Law Clinic, 2016.
23. Getches, David H., Charles F. Wilkinson and Robert A. Williams. *Cases and Materials on Federal Indian Law*, 4th ed. St. Paul, MN: West Group, 1988.
24. Canby, Jr., William C. *American Indian Law: In a Nutshell*. St. Paul, MN: West Group, 1998.
25. Public Law 280, Pub.L. 83–280, 67 Stat. 588, H.R. 1063, enacted August 15, 1953.
26. Indian Self-Determination and Education Assistance Act of 1975, Pub. L. No. 93- 638, 88 Stat. 2203
27. Strommer, Geoffrey D. and Stephen D. Osborne. “The History, Status, and Future of Tribal Self-Governance Under the Indian Self-Determination and Education Assistance Act.” *American Indian Law Review*, vol. 39, no. 1, 2015, pp. 1-75.
28. Ibid
29. [Native Knowledge 360°](#), maintained by the National Museum of the American Indian, accessed January 31, 2024.
30. Zinn, Howard. *A People’s History of the United States: 1492-Present*. New York, NY: HarperCollins, 2003.
31. [University of Montana Regional Learning Project interview](#). Missoula MT: University of Montana and Office of Public Instruction, 2007.
32. Zinn, Howard. *A People’s History of the United States: 1492-Present*. New York, NY: HarperCollins, 2003.
33. Mehan, Hugh, Angela Lintz and Dina Okamoto. “Ethnographic Studies of Multicultural Education in Classrooms and Schools.” In *Handbook of Research on Multicultural Education*, edited by James A. Banks and Cherry A. McGee Banks. New York, NY: Macmillan Publishing, 1995.
34. Ibid
35. Getches, David H., Charles F. Wilkinson and Robert A. Williams. *Cases and Materials on Federal Indian Law*, 4th ed. St. Paul, MN: West Group, 1988.
36. Echohawk, John E. “From the Director’s Desk.” *Justice Newsletter*. 2000.
37. Canby, Jr., William C. *American Indian Law: In a Nutshell*. St. Paul, MN: West Group, 1998.
38. Cohen, Felix S. and Rennard Strickland. *Felix S. Cohen’s Handbook of Federal Indian Law*. Charlottesville, VA: Michie, 1982.
39. Canby, Jr., William C. *American Indian Law: In a Nutshell*. St. Paul, MN: West Group, 1998.