

Federal Indian Policy – Self-Determination

Fast Facts

Curriculum Area: Social Studies
Grade Level: Grades 7-8
Suggested Duration: Three Days

Stage 1 Desired Results

Established Goals

Social Studies Content Standards for Sixth Through Eighth Grade

(1) The civics and government content standards for sixth through eighth grade are that each student will:

(d) distinguish the structure, organization, powers, and limits of government at the local, state, national, and tribal levels.

(2) The economics content standards for sixth through eighth grade are that each student will:

(a) explain how economic decisions impact individuals, businesses, and society, including Indigenous societies.

(4) The history content standards for sixth through eighth grade are that each student will:

(b) analyze how the historical events relate to one another and are shaped by historical context, including societies in the Americas.

Understandings

- The US Government has been influencing tribes through various federal policies, and the policy of self-determination has been a positive shift in federal policy that incorporates the conceptual and legal framework of tribal sovereignty. (EUs 5, 7)

Essential Questions

- What events brought about the policy of self-determination for Indians?
- How do tribal nations exercise true self-determination today?
- To what extent did the policy of self-determination lead to less federal government control over internal American Indian affairs?
- What are some ways that self-determination and tribal sovereignty impact the role of Indian tribes in current events?

Students will be able to...

- develop a better understanding of the unique issues regarding the history of American Indians and how interactions with the federal government have evolved over time.



Indian Education for All Unit

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- Identify the impacts and effects of self-determination and tribal sovereignty with regard to a contemporary American Indian issue.

Students will know...

- key factual information about the policy of self-determination.

Stage 2 Assessment Evidence

Performance Tasks

1. Students will research a particular contemporary issue/event pertaining to self-determination and American Indians.
2. Students will gather information and present their findings in the form of a brief oral presentation.

Stage 3 Learning Plan

Learning Activities

NOTE: It is suggested you teach the OPI IEFA Federal Indian Policy lesson on Termination and Relocation prior to doing this lesson. Also, it may be necessary to have the students find and record the definitions for the following vocabulary words prior to beginning the lesson.

Demeaning	Repudiated	Unilateral
Trusteeship	Blighting	Autonomy
Disavow	Burgeoning	Bureaucracy
Paternalism	Piecemeal	

Day 1

Provide the students with the vocabulary words and have them look them up and record their definitions if deemed necessary. Explain to the class they will be learning about the final and current Federal Indian policy period. As a way of introducing this topic they will be reading a speech of an influential American from the year 1970. Explain that as they read the speech, they will be completing a chart in which they do their best to identify the speaker, occasion, audience, and persuasion (SOAP) based upon the content and clues within the speech. Explain that they do not have to identify the exact name of the speaker, specific occasion, etc., but just jot down some general ideas based upon their reading. Also, they should write down any questions this speech generates for them as they read through it. Pass out copies of the speech (President Richard Nixon's address to Congress from July of 1970) and give the class 15-20 minutes to read the speech and complete their SOAP chart and record their questions. It may be helpful to give them a minimum number of questions (2-3) they must write in order to keep them thinking about and analyzing the text.

After this is completed, have students volunteer their thoughts to the questions of speaker, occasion, audience, and persuasion. Explain that this speech was given by President Richard Nixon in an address to the US Congress in July of 1970. Explain that 1970 was a time when America was focused on Civil Rights and the rights of minorities and the underprivileged. For example, in 1964 Congress and

President Lyndon Johnson passed the Civil Rights Act which prohibited discrimination on the basis of race, color, religion, sex, or national origin. This was also a time in which there were public protests and events in which minorities and other people demanded equal rights for all. Explain that Indian people were also holding protest and demanding equal rights and recognition of their sovereignty. (You can weave in some ties to the Termination and Relocation lesson here if students are familiar with it.) Due to these trends and public pressures, President Nixon was arguing for a new approach by which Indian people and the federal government worked together (you can reference certain parts of the speech to illustrate this) that would provide Indian tribes more say in how issues were addressed on their reservations. You can also remind students that Indians are sovereign nations with their own tribal governments that manage their local affairs. President Nixon's speech was partly a call to recognize tribal sovereignty and allow tribes to use their sovereignty more in managing their affairs. His speech ultimately led to the passage of the Indian Self-Determination Act of 1975 which still impacts how Indian tribes and the federal government interact and work together.

Call on a few students to share the questions they generated while reading through the speech. Explain they will be exploring those in more detail tomorrow.

Day 2

Recap the discussion from the day before. Explain that now students will be researching the answers to their questions and looking at a contemporary issue that involves an Indian tribe or tribes and how self-determination and sovereignty have impacted the tribe(s) position and approach to the issue. Exploring their questions will be a way for them to gain more background information on self-determination prior to looking at their contemporary issue. Explain they will be conducting online research when exploring a specific issue or current event and will be working with a partner or two. (Place students in groups of two-three depending upon class numbers, mix of abilities, personalities, and other considerations. You may also need to reserve time in a computer lab for the research part of this lesson.) Once the students have been put into groups, assign or have students select a topic to research. Here is a list of potential topics, but you or your students may choose other topics to explore.

- Treaty Rights (often related to hunting and fishing off reservation)
- Tribal Water Rights and Water Compacts
- Indian Gaming and Casinos
- The Dakota Access Pipeline
- Bison Restoration
- Tribal Schools/Tribal Colleges
- Administration of the National Bison Range
- Administration of Seli's Ksanka Qlispe' Dam (Formerly known as Kerr Dam)
- Mineral Extraction on Tribal Lands
- Tribes and Climate Change Issues
- Renewable Energy Development on Tribal Lands
- Tribal Fish and Game Management
- Language Revitalization
- Tribal Responses to the COVID 19-Pandemic
- Tribal Health Issues and Indian Health Service

Once groups have chosen or been assigned topics and have access to the internet, they should do the following.

- Find the answer(s) to their questions from Day 1 to build their background knowledge. They should write down or electronically record their question(s) and the answer(s) they found to be turned in at the conclusion of the lesson.
- Begin exploring their topics and seeking to answer the following questions:
 - Summarize the event(s) related to their topic. Are there recent news articles around this event? What are the critical issues? What is currently going on? Are there some things upcoming that will determine the future of this issue? Etc.
 - How is the tribe(s) exercising their self-determination and sovereignty rights in this issue?
 - What does the tribe(s) want to achieve through their actions and how would it benefit them?
 - Can you identify any parts of the tribe's approach that reflect their traditional knowledge and beliefs?

Allow the students the balance of the class period to research the answers to these questions regarding their topic. Use the resource list below as a starting point for students to find information about their questions and assigned topics. You may need to steer groups to specific resources that are more useful/relevant than others depending upon their topic, help them with keyword searches, etc.

Day 3

At the start of class, reassemble the groups and have them briefly discuss and review their findings from the day before. Ask each group to assign a spokesperson and share with the class the answers to the questions around their topic. As appropriate, highlight any themes or extensions related to self-determination and tribal sovereignty when the opportunity arises or otherwise facilitate deeper conversations around the topics as they are presented.

Resources

General Background Information

[Essential Understandings Regarding Montana Indians](#)

[Essential Understandings Key Concepts](#)

[History and Foundation of American Indian Education](#) (see pages 40-44)

[Public Law 93-638 – Indian Self-Determination and Education Assistance Act \(1975\)](#)

[US Department of the Interior – Indian Affairs FAQ](#)

[US Department of the Interior Self-Determination information](#)

[The Indian Health Service \(IHS\) Tribal Self-Governance Program](#)

[Tribal Energy: Powering Self-Determination](#)

[Self-Determination Videos from the Chickasaw TV Video Network](#) – Richard Nixon clip

Resources for Researching Contemporary Issues

[American Indian Responses to Environmental Challenges](#)

[Indian Country Today](#)

[Indians.com](#)

[National Native News](#)

[The Char Koosta News](#)

[Blackfeet Nation](#)

[The Glacier Reporter](#)

[Crow Tribal News](#)

[University of Montana Native News Journal](#)

[The Missoulian](#)

[The Great Falls Tribune](#)

[The Billings Gazette](#)

A Speech Regarding Federal Indian Policy: July 8, 1970

To the Congress of the United States:

The first Americans - the Indians - are the most deprived and most isolated minority group in our nation. On virtually every scale of measurement employment, income, education, health - the condition of the Indian people ranks at the bottom.

This condition is the heritage of centuries of injustice. From the time of their first contact with European settlers, the American Indians have been oppressed and brutalized, deprived of their ancestral lands and denied the opportunity to control their own destiny. Even the Federal programs which are intended to meet their needs have frequently proved to be ineffective and demeaning.

But the story of the Indian in America is something more than the record of the white man's frequent aggression, broken agreements, intermittent remorse and prolonged failure. It is a record also of endurance, of survival, of adaptation and creativity in the face of overwhelming obstacles. It is a record of enormous contributions to this country - to its art and culture, to its strength and spirit, to its sense of history and its sense of purpose.

It is long past time that the Indian policies of the Federal government began to recognize and build upon the capacities and insights of the Indian people. Both as a matter of justice and as a matter of enlightened social policy, we must begin to act on the basis of what the Indians themselves have long been telling us. The time has come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions.

SELF-DETERMINATION WITHOUT TERMINATION

The first and most basic question that must be answered with respect to Indian policy concerns the history and legal relationship between the Federal government and Indian communities. In the past, this relationship has oscillated between two equally harsh and unacceptable extremes.

On the other hand, it has - at various times during previous Administrations - been the stated policy objective of both the Executive and Legislative branches of the Federal government eventually to terminate the trusteeship relationship between the Federal government and the Indian people. As recently as August of 1953, in House Concurrent Resolution 108, the Congress declared that termination was the long-range goal of its Indian policies. This would mean that Indian tribes would eventually lose any special standing they had under Federal law: the tax exempt status of their lands would be discontinued; Federal responsibility for their economic and social wellbeing would be repudiated; and the tribes themselves would be effectively dismantled. Tribal property would be divided among individual members who would then be assimilated into the society at large.

This policy of forced termination is wrong, in my judgment, for a number of reasons. First, the premises on which it rests are wrong. Termination implies that the Federal government has taken on a trusteeship responsibility for Indian communities as an act of generosity toward a disadvantaged people and that it can therefore discontinue this responsibility on a unilateral basis whenever it sees fit. But the unique status of Indian tribes does not rest on any premise such as this. The special relationship between Indians and the Federal government is the result instead of solemn obligations which have been entered into by the United States Government. Down through the years through

written treaties and through formal and informal agreements, our government has made specific commitments to the Indian people. For their part, the Indians have often surrendered claims to vast tracts of land and have accepted life on government reservations. In exchange, the government has agreed to provide community services such as health, education and public safety, services which would presumably allow Indian communities to enjoy a standard of living comparable to that of other Americans.

This goal, of course, has never been achieved. But the special relationship between the Indian tribes and the Federal government which arises from these agreements continues to carry immense moral and legal force. To terminate this relationship would be no more appropriate than to terminate the citizenship rights of any other American.

The second reason for rejecting forced termination is that the practical results have been clearly harmful in the few instances in which termination actually has been tried. The removal of Federal trusteeship responsibility has produced considerable disorientation among the affected Indians and has left them unable to relate to a myriad of Federal, State and local assistance efforts. Their economic and social condition has often been worse after termination than it was before.

The third argument I would make against forced termination concerns the effect it has had upon the overwhelming majority of tribes which still enjoy a special relationship with the Federal government. The very threat that this relationship may someday be ended has created a great deal of apprehension among Indian groups and this apprehension, in turn, has had a blighting effect on tribal progress. Any step that might result in greater social, economic or political autonomy is regarded with suspicion by many Indians who fear that it will only bring them closer to the day when the Federal government will disavow its responsibility and cut them adrift.

In short, the fear of one extreme policy, forced termination, has often worked to produce the opposite extreme: excessive dependence on the Federal government. In many cases this dependence is so great that the Indian community is almost entirely run by outsiders who are responsible and responsive to Federal officials in Washington, D.C., rather than to the communities they are supposed to be serving. This is the second of the two harsh approaches which have long plagued our Indian policies. Of the Department of Interior/s programs directly serving Indians, for example, only 1.5 percent are presently under Indian control. Only 2.4 percent of HEW's Indian health programs are run by Indians. The result is a burgeoning Federal bureaucracy, programs which are far less effective than they ought to be, and an erosion of Indian initiative and morale.

I believe that both of these policy extremes are wrong. Federal termination errs in one direction, Federal paternalism errs in the other. Only by clearly rejecting both of these extremes can we achieve a policy which truly serves the best interests of the Indian people. Self-determination among the Indian people can and must be encouraged without the threat of eventual termination. In my view, in fact, that is the only way that self-determination can effectively be fostered.

This, then, must be the goal of any new national policy toward the Indian people to strengthen the Indian's sense of autonomy without threatening this sense of community. We must assure the Indian that he can assume control of his own life without being separated involuntary from the tribal group. And we must make it clear that Indians can become independent of Federal control without being cut

off from Federal concern and Federal support. My specific recommendations to the Congress are designed to carry out this policy.

...

The recommendations of this administration represent an historic step forward in Indian policy. We are proposing to break sharply with past approaches to Indian problems. In place of a long series of piecemeal reforms, we suggest a new and coherent strategy. In place of policies which simply call for more spending, we suggest policies which call for wiser spending. In place of policies which oscillate between the deadly extremes of forced termination and constant paternalism, we suggest a policy in which the Federal government and the Indian community play complementary roles.

But most importantly, we have turned from the question of whether the Federal government has a responsibility to Indians to the question of how that responsibility can best be furthered. We have concluded that the Indians will get better programs and that public monies will be more effectively expended if the people who are most affected by these programs are responsible for operating them.

The Indians of America need Federal assistance—this much has long been clear. What has not always been clear, however, is that the Federal government needs Indian energies and Indian leadership if its assistance is to be effective in improving the conditions of Indian life. It is a new and balanced relationship between the United States government and the first Americans that is at the heart of our approach to Indian problems. And that is why we now approach these problems with new confidence that they will successfully be overcome.

[[Public Papers of the Presidents of the United States: Richard Nixon, 1970](#), pp. 564-567, 575-76.]

SOAP Chart

Speaker: Who does the speaker seem to be based on clues in the text?

Occasion: What event or events seem to have led to the speech?

Audience: Who does the speaker seem to be addressing?

Persuasion: What does the speaker seem to want to convince the audience of or persuade them to do?

Questions: What questions do you have about this speech that you would like to have answered or explore further?