

FAST FACTS ABOUT MONTANA TRIBAL GOVERNMENTS

Prepared by the
Montana Indian Education Association

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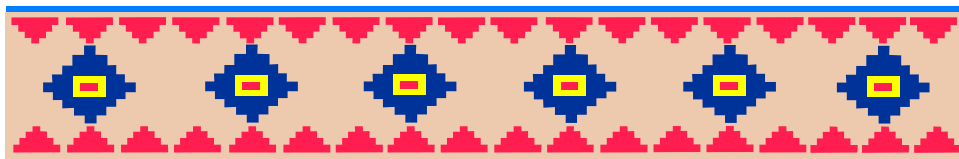


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INTRODUCTION

This project was made possible through a \$20,000 grant to the Montana Indian Education Association from the First Nations Development Institute Native Youth and Culture Fund.

One of the major activities of the Montana Indian Education Association (MIEA) has been advocacy for the implementation of the guarantee made in Article X of the Montana Constitution that our state's educational institutions will respect the cultural integrity of Indians as well as include American Indian culture in their curriculum. This constitutional guarantee is called "Indian Education for All".

As Montana schools take steps to implement "Indian Education for All", a major challenge will be the development of curriculum and materials on American/Montana Indians. All Montana classrooms and all the curriculum areas will need guidance and resources that accurately portray the American Indian people.

This "Fast Facts About Montana Tribal Governments" is designed to provide teachers and students with some basic information on Montana tribal governments and to help answer some questions that might provide not only some professional development for Montana teachers but also some assistance in developing lesson plans and activities for students.

MIEA would like to thank our consultant who developed this document as well as other individuals who helped us review the "Fast Facts" to ensure that we had accurate information.

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EVERYTHING YOU WANTED TO KNOW ABOUT MONTANA TRIBAL GOVERNMENTS*

How do Indian tribes govern themselves?

Most tribal governments are organized in much the same way as state and local governments. Legislative authority is vested in an elected body often referred to as a tribal council, although it can be known by other names, such as business committee, community council, or executive board. The council members can be elected either by district or at large. In some instances, the members are nominated by district but are elected at large. The council governs the internal affairs of the tribe with one important exception. Some tribal resolutions and ordinances may be subject to review by the Secretary of the Interior. In some instances, the secretary may have veto power over tribal ordinances. However, a tribe may opt out of this review/veto requirement if the tribe's constitution does not include the requirement.

Executive authority is exercised by a presiding officer often called a tribal chairman or president. The chairman can be elected either at large or by the members of the council. If the duties of the tribal chairman are not spelled out in the tribal constitution or bylaws, the role of the chairman then depends on the governing structure of the tribe.

Do Indian tribes have a court system?

Tribal governments do have court systems. The system can vary from a highly structured system with tribal prosecutors, tribal defenders, and an appellate system to a simpler judicial system that operates on a part-time basis. Tribal judges can be popularly elected or appointed by a tribal council. Tribal judges generally are not attorneys, but some tribes require preparation for office by administering judicial qualification examinations. Tribal court judges all receive judicial training while serving in office.

Tribal governments often do not have the 'separation of powers' that calls for an independent judiciary. How independent a tribal court is from a tribal council depends on the method of selecting judges, council tradition, and the character of the individual judge.

In the Constitution adopted in 2001, the Crow Tribe provided for a separation of powers among the executive, legislative, and judicial branches of its tribal government. The Chippewa Cree Tribe constitution also provides for a separate judiciary. The Northern Cheyenne Tribe has established a separate judiciary by tribal ordinance.

Are modern tribal governments based on traditional governance structures of the Indian tribes?

No. Most modern tribal governmental structures have their origin in the Indian Reorganization Act (IRA) of 1934 (25 U.S.C. § 476). Prior to the arrival of the Europeans, tribal governments varied from the highly complex, as represented by the Iroquois League, to the less formal, as represented by the tribes of the Great Basin deserts. However, within this range of complexity

* The information in this section comes mainly from *The Tribal Nations of Montana: A Handbook for Legislators* published by the Montana Legislative Services Division. A copy of the *Handbook* is available online at the Office of Public Instruction website under "Indian Education".

were certain common characteristics: the integration of the political with the religious, the importance of the tribe over the individual, and consensus decision-making.

What happened to the traditional tribal leadership structures?

With displacement and the confinement of tribes on reservations and the establishment of the Indian agent system by the federal government, traditional tribal governing structures were forcibly suppressed. In 1934, the federal government passed the IRA in an attempt to re-establish tribal self-government, but basing it on a western European model. The Bureau of Indian Affairs drew up a standard constitution that established a representative form of government that tribes were free to adopt with limited expressions of historic tribal governing principles. Tribes that adopted IRA constitutions have revised them over the years to reflect individual tribal concerns and to exercise greater tribal autonomy. However, the constitutions still retain many of the original provisions.

In Montana, some reservations are home to more than one Indian tribe. Does each tribe have its own government?

No. One result of the IRA was the creation of a single tribal government for each reservation, regardless of how many tribes may reside on that reservation. In Montana, an example is the placement of the Assiniboine and the White Clay People on the Fort Belknap Reservation. The IRA did not allow for separate governments for each tribe. In order to retain some cultural identity, some tribal governments have made constitutional provisions for elected representatives of each tribe to serve on the tribal council. The Fort Belknap Tribes go one step further by requiring the candidates for chairman and vice chairman to run as a team, with one being an Assiniboine and the other a White Clay.

Are there any tribes that did not reorganize under the IRA?

Yes. Approximately 40% of the tribes in the United States chose not to come under the IRA. The most notable exceptions are the Navajo Nation and the Pueblos of New Mexico. In Montana, the Crow Tribe and the Fort Peck Tribes rejected the IRA in favor of a general council form of government in which each enrolled adult tribal member has a vote. The general council elects the tribal officers who are responsible for the day-to-day operation of the tribal government. In 1960, the Fort Peck Tribes adopted a new Constitution that calls for an elected tribal council but still makes provision for a general council.

What types of activities do tribal governments engage in today?

Tribal governments engage in a number of activities that relate to the governance of reservation affairs. These activities include: defining conditions of membership; regulating domestic relations of members; prescribing rules of inheritance for reservation property not in trust status; levying taxes; regulating property under tribal jurisdiction; controlling the conduct of members by tribal ordinance; administering justice; conducting elections; developing tribal health and education programs; managing tribal economic enterprises; managing natural resources; enacting environmental protection; and maintaining intergovernmental relations at the federal, state, and local level.

What role does the Bureau of Indian Affairs play in a tribal government?

The Bureau of Indian Affairs (BIA) is responsible for acting as the trustee for Indian lands and for lands held in trust. ("Trustee" means that an individual or tribal property or management of such property is the responsibility of the BIA.) In addition, the BIA provides public services on reservations, either directly or through contracts with a tribe, in areas such as welfare, education, and law and order, when these services are not available to tribes from other federal agencies. The BIA also helps Indian tribes develop programs to attract economic development to reservations.

The BIA does not play any part in the workings of a tribal government. While on some reservations the Bureau maintains a significant presence, the BIA is not involved in tribal governmental decision-making.

Office of the Special Trustee: Established by the American Indian Trust Fund Management Reform Act of 1994 (Public Law 103-412), the Office of the Special Trustee for American Indians was created to improve the accountability and management of Indian funds held in trust by the federal government. As trustee, the Department of the Interior has the primary fiduciary responsibility to manage both tribal trust funds and Individual Indian Monies accounts, as well as the resources that generate the income for those accounts.

What are self-governance compacts?

Under the Indian Self-Determination Act of 1972, the federal government began a program of self-governance for Indian tribes in the United States. The Self-Governance Act of 1994 expanded the authority of the program. Under this program, a tribe may enter into a compact agreement with the Department of the Interior to operate its own tribal programs and former BIA programs free of the daily oversight of the Bureau. A self-governance compact gives tribes far more authority and power to govern their reservations. A self-governance compact also provides more money for tribes to operate their programs.

Do any tribes in Montana have self-governance compacts?

Yes. The Confederated Salish and Kootenai Tribes on the Flathead Reservation and the Chippewa Cree Tribe on the Rocky Boy's Reservation are self-governance tribes.

Does a state government have authority over tribal governments within a state's boundaries?

No. The United States Constitution gives authority in Indian affairs to the federal government, not to the state governments. Tribal governments are not subservient to state governments. State laws cannot be applied where they interfere with the rights of a tribe to make its own laws or where it would interfere with federal interest. Furthermore, tribes can enact laws that are stricter or more lenient than state laws. States may exercise authority in matters that pertain exclusively to non-Indians and that do not affect tribal interests.

How are tribal elections conducted?

Generally, tribal elections are conducted in the same manner as state or local elections. There is a primary election followed by a general election. Voting is by secret ballot. The major difference is that tribal elections are nonpartisan. In tribal elections, only tribal members are allowed to vote. Also, tribes may or may not allow absentee voting.

Are there any Indian people in Montana who live off the reservations?

Yes. According to the 2000 Census, there are 56,068 American Indians living in Montana. Of this number, about 35% live off of a reservation. This percentage has held fairly steady for the last 20 years. This percentage includes the members of the Little Shell Tribe because the Tribe does not have a reservation. It also includes American Indians who are enrolled members of tribes outside of Montana. Tribal enrollment offices for Montana tribes estimate that in 2006 anywhere from 30% to 50% of their enrolled tribal members lived off of their home reservation.

Do Indian people who live off of their home reservations in Montana lose their tribal membership and benefits?

No. Tribal members who live off of their home reservations do not lose tribal membership and benefits. However, to access those benefits (e.g. health care) or to exercise their membership rights (e.g. voting in tribal elections), they may have to return to their home reservations. There may be some benefits, such as higher education scholarships, that they are eligible for without returning to the reservation. Tribal services and benefits for off-reservation members will vary from tribe to tribe.

What are some websites where I can get more general information about tribal governments?

For information about Montana tribes in general, go to the website for the Montana Wyoming Tribal Leaders Council at <http://www.mtwytlc.com>.

For information about tribal courts go to <http://www.tribalresourcecenter.org/tribalcourts/directory/default.asp>.

For a copy of the Indian Reorganization Act, go to www.infca.org/tribes/IRA.htm

For information about the Bureau of Indian Affairs, the website is <http://www.doi.gov/bureau-indian-affairs.html>. However, the website is temporarily unavailable due to the litigation surrounding the issue of the management of tribal trust funds and Individual Indian Monies accounts.

For information about economic development on Montana Indian reservations, go to <http://www.mtwytlc.com/POWER%20POINT-%20Analyzing%20Montana's%20Indian%20Reservation%20Economies.ppt#264,10,Examples>

For the BIA Labor Force Report, go to <http://dli.mt.gov/resources/Indianlabormarket.pdf>.

ASSINIBOINE AND SIOUX TRIBES

P.O. Box 1027
Poplar, MT 59255
406-768-5155
www.fortpecktribes.org

Name of Reservation and Date Established:

The Fort Peck Reservation was established in 1888 by the Sweetgrass Hills Treaty.

Location of Reservation:

The Fort Peck Reservation is in northeast Montana 40 miles west of North Dakota and 50 miles south of Canada. The southern border is the Missouri River.

Names of Tribe(s) on Reservation:

The Reservation is home to the Sisseton/Wahpeton, Yanktonais, and Teton Hunkpapa divisions of the Sioux Tribe and the Wadopana (Canoe Paddler) and Hudeshana (Red Bottom) bands of the Assiniboine Tribe.

Size of Reservation:

The Reservation covers 2.1 million acres of which 926,000 are Indian-owned.

Number of Currently Enrolled Members:

There are 11,786 enrolled members (2006). About one-half of the enrolled members live on or near the Reservation.

Description of Government:

The Fort Peck Tribal Executive Board is composed of 12 voting members. There is also a Chairman, Vice-Chairman, Secretary-Accountant, and Sergeant-at-Arms. All of the members of the Executive Board and the Chairman, Vice-Chairman, and Sergeant-at-Arms are elected every two years. The Secretary-Accountant is chosen by the Chairman or Executive Board. The tribal constitution also provides for a general council to be called by petition by tribal members.

Organized Under Indian Reorganization Act:

No. The Fort Peck Tribes adopted their first constitution in 1927 and a second constitution in 1960.

Self-Governance Compact Tribe:

No.

Major Communities on Reservation:

The major communities are Poplar (tribal headquarters), Brockton, Frazier, Nashua, and Wolf Point.

Tribal College:

Fort Peck Community College with campuses in both Poplar and Wolf Point
www.fpcc.edu

BLACKFEET INDIAN TRIBE

P.O. Box 850
Browning, MT 59417
406-338-7521 or 7522 (phone) 406-338-7530 (fax)
www.blackfeetnation.com

Name of Reservation and Date Established:

The Blackfeet Reservation was established in 1855 by the Lame Bull Treaty.

Location of Reservation:

The Blackfeet Reservation is located in northwestern Montana along the eastern slopes of the Rocky Mountains. It is bordered on the north by Canada and on the west by Glacier National Park.

Names of Tribe(s) on Reservation:

The Reservation is home to the Blackfeet Tribe.

Size of Reservation:

The Reservation covers 1.5 million acres of which about 60% is Indian-owned.

Number of Currently Enrolled Members:

There are approximately 15,957 enrolled members (2006). About one-half of the enrolled members live on or near the Reservation.

Description of Tribal Government:

The Blackfeet Tribal Business Council is composed of nine members who are elected for 4-year, staggered terms. The Tribal Chairman, Vice-Chairman, and Secretary are elected from among the Council's membership.

Organized Under the Indian Reorganization Act:

Yes. The Blackfeet Tribe's corporate charter was ratified in 1936.

Self-Governance Compact Tribe.

No.

Major Communities on the Reservation:

The major communities are Browning (tribal headquarters) Babb/St. Mary, Blackfoot, East Glacier, Heart Butte, and Starr School.

Tribal College:

Blackfeet Community College
www.bfcc.org

CHIPPEWA CREE INDIANS
RR 1 Box 542
Box Elder, MT 59521
406-395-4282 (phone) 406-395-4497 (fax)

Name of Reservation and Date Established:

The Rocky Boy's Reservation was established in 1916 by Executive Order.

Location of Reservation:

The Rocky Boy's Reservation is located in north central Montana. It is bordered on the west by US Highway 87 and on the east by the Bears Paw Mountains.

Names of Tribe(s) on Reservation:

The Reservation is home to the Chippewa Cree Tribe.

Size of Reservation:

The Reservation covers 114,775, acres all of which are Indian-owned.

Number of Currently Enrolled members:

There are 5,805 enrolled members (2006). About 60% of the enrolled members live on or near the Reservation.

Description of Government:

The Chippewa Cree Tribal Business Committee is composed of eight members who are elected to 4-year, staggered terms. The Tribal Chairman is separately elected to a 4-year term.

Organized Under Indian Reorganization Act:

Yes. The Chippewa Cree's Tribe's corporate charter was ratified in 1936.

Self-Governance Compact Tribe:

Yes. The compact was signed in 1991 and fully implemented in 1994.

Major Communities on Reservation:

The major community is Rocky Boy (tribal headquarters).

Tribal College:

Stone Child College
<http://btc.montana.edu/scc>

CONFEDERATED SALISH AND KOOTENAI TRIBES

P.O. Box 278
Pablo, MT 59855
406-675-2700 (phone) 406-675-2806 (fax)
www.cskt.org

Name of Reservation:

The Flathead Reservation was established in 1855 by the Hellgate Treaty.

Location of Reservation:

The Flathead Reservation is located in northwestern Montana between Missoula and Flathead Lake. The Reservation includes the southern half of Flathead Lake.

Names of Tribe(s) on Reservation:

The Reservation is home to the Bitterroot Salish, the Upper Pend d'Oreille, and the Kootenai. Confederated Salish refers to both Salish and Pend d'Oreille whose heritage languages are closely related dialects. The Kootenai are a language isolate.

Size of Reservation:

The Reservation covers 1.3 million acres of which about 58% is Indian owned, including the first tribally designated and managed wilderness area of 93,000 acres. About ¼ of the tribal land is in various forms of natural management. The Reservation was opened to homesteading in 1910.

Number of Currently Enrolled Members:

There are 7,106 enrolled members (2006). About 65% live on or near the Reservation.

Description of Government:

The Confederated Salish and Kootenai Tribal Council is composed of 10 members elected from eight districts for 4-year staggered terms. A Chairman and Vice-Chairman are elected by the Council from within the Council membership, and a Secretary-Treasurer and a Sergeant-at-Arms are elected by the Council from either within or without the Council membership. All officers are elected for 2-year terms.

Organized Under Indian Reorganization Act:

Yes. The Confederated Salish and Kootenai Tribes' corporate charter was ratified in 1935. This Reservation is subject to concurrent jurisdiction in several areas under P.L. 280.

Self-Governance Compact Tribe:

Yes. The Confederated Salish and Kootenai Tribes have practiced self-governance since the mid-1970s. In 1994, the CSKT assumed management of remaining BIA functions under P.L. 93-638.

Major Communities on the Reservation:

The major communities are Pablo (tribal headquarters), Arlee, Charlo, Dayton, Elmo, Hot Springs, Polson, Ronan, and St. Ignatius.

Tribal College:

Salish Kootenai College
www.skc.edu

CROW TRIBE OF INDIANS
Crow Agency, MT 59022
406-638-3700 (phone) 406-638-3881 (fax)
www.crownations.net

Name of Reservation and Date Established:

The present day boundaries of the Apsáalooke (Crow) Reservation were established in 1868 by the Fort Laramie Treaty.

Location of Reservation:

The Crow Reservation is located in south-central Montana. It is bordered on the south by Wyoming and on the east by the Northern Cheyenne Reservation. The northwestern boundary is about 10 miles from Billings.

Names of Tribe(s) on Reservation:

The Reservation is home to the Apsáalooke Nation or Crow (a mistranslation of original name).

Size of Reservation:

The Reservation covers 2.2 million acres of which about 66% is Indian-owned.

Number of Currently Enrolled members:

There are 11,464 enrolled members (2006). About 71% live on or near the Reservation.

Description of Government:

The governing body is the Crow Tribal General Council composed of all adult tribal members. There are three branches of government that represent them: Executive, Legislative, and Judicial Branches. The Executive Branch is composed of a Chairman, Vice-Chairman, Secretary, and Vice-secretary who are elected by the General Council to 4-year terms with a limit of 2 terms in office. The Legislature is a body of 18 members with three members elected from each of six districts to 4-year staggered terms. The Judicial Branch has a Chief Judge who is elected and two Associate Judges who are appointed by the Chief Judge.

Organized Under the Indian Reorganization Act:

No. The Crow Tribe adopted its first constitution in 1948 and a second constitution in 2001.

Self-Governance Compact Tribe:

No.

Major Communities on Reservation:

The major communities are Crow Agency (tribal headquarters), Lodge Grass, Pryor, and Wyola.

Tribal College:

Little Big Horn College
www.lbhc.cc.mt.us

FORT BELKNAP INDIAN COMMUNITY

Fort Belknap Agency
RR 1 Box 66
Harlem, MT 59526
406-353-2205 (phone)
406-353-2797 (fax)

www.fortbelknapnations-nsn.gov

Name of Reservation and Date Established:

The Fort Belknap Reservation was established in 1888 by the Sweetgrass Hills Treaty.

Location of Reservation:

The Fort Belknap Reservation is located in north central Montana about 40 miles south of Canada and 20 miles north of the Missouri River.

Names of Tribe(s) on Reservation:

The Reservation is home to the Assiniboine or Nakota and the Gros Ventre or the White Clay People.

Size of Reservation:

The Reservation covers 675,000 acres of which about 90% is Indian-owned.

Number of Currently Enrolled Members:

There are 6,338 enrolled members (2006). About 50% of the enrolled members live on or near the Reservation.

Description of Government:

The Fort Belknap Indian Community Council is composed of 10 members. Eight members (four Assiniboine and four Gros Ventre) are elected every two years. The President and Vice-President (one Assiniboine and one Gros Ventre) run as a team and are elected every four years.

Organized Under Indian Reorganization Act:

Yes. The Fort Belknap corporate charter was ratified in 1937.

Self-Governance Compact Tribe:

No.

Major Communities on Reservation:

Fort Belknap (tribal headquarters), Hays, and Lodge Pole.

Tribal College:

Fort Belknap Community College
www.fbcc.edu

LITTLE SHELL TRIBE OF CHIPPEWA INDIANS

P.O. Box 1384
1807 3rd Street NW #35A
Great Falls, MT 59043
406-452-2892 (phone) 406-452-2982 (fax)
www.littleshelltribe.us

The Little Shell Tribe of Chippewa Indians are not a federally-recognized tribe and, therefore, do not have a reservation. The Tribe is currently seeking federal recognition. The Little Shell Tribe is recognized by the State of Montana.

Number of Currently Enrolled Members:

There are over 4,000 enrolled members (2006).

Description of Government:

The Little Shell Tribal Council is composed of seven members: four officers and three council members. The officers are a President, Vice-President, 2nd Vice-President, and Secretary-Treasurer. The officers are elected every four years, and council members are elected every two years.

The Little Shell Tribe adopted a constitution in 1977.

NORTHERN CHEYENNE TRIBE

P.O. Box 128
Lame Deer, MT 59043
406-477-6284
www.ncheyenne.net

Name of Reservation and Date Established:

The Northern Cheyenne Reservation was established in 1884 by Executive Order.

Location of Reservation:

The Northern Cheyenne Reservation is located in southeastern Montana. It is bordered on the west by the Crow Reservation and on the east by the Tongue River.

Names of Tribe(s) on Reservation:

The Reservation is home to the Northern Cheyenne Tribe.

Size of Reservation:

The Reservation covers 445,000 acres of which about 98% is Indian-owned.

Number of Currently Enrolled Members:

There are 9,145 enrolled members (2006). About 50% live on or near the Reservation.

Description of Government:

The Northern Cheyenne Tribal Council is composed of 10 members elected from five districts in accordance with the percentage of tribal members in each district. Members are elected to 4-year staggered terms. The President, Vice-President, Secretary, and Treasurer are elected to 4-year terms. The Sergeant-at-Arms is elected by the Tribal Council from within the Council's membership.

Organized Under Indian Reorganization Act:

Yes. The Northern Cheyenne corporate charter was ratified in 1936.

Self-Governance Compact Tribe:

No.

Major Communities on Reservation:

The major Communities are Lame Deer (tribal headquarters) and Busby.

Tribal College:

Chief Dull Knife College
www.cdkc.edu

Tribal Lands in Montana

