



**Montana
Office of Public Instruction**
Denise Juneau, State Superintendent

opi.mt.gov

Social Studies Model Lesson Plan

Federal Indian Policy – Tribal Reorganization

Grades 7-8

Stage 1 Desired Results

Established Goals:

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

Understandings:

- Prior to European contact all tribes had structured forms of government to manage their affairs.
- Historically, United States Government laws and policies have done much damage to American Indian cultures.
- Federal Indian Policy led to the formation of contemporary tribal governments.
- The U.S. Government has been influencing tribes through various federal policies, and the policy of tribal reorganization in the 1930's helped to establish modern tribal governments. (EU 5, 7)

Essential Questions:

- What factors influenced the passage of the 1934 Indian Reorganization Act?
- To what extent did the Meriam Report influence U.S. Government officials?
- To what extent are Montana tribal governments similar and how do they differ in certain aspects?

Students will be able to...

- demonstrate an understanding of the rationale and results of the 1934 Indian Reorganization Act

Students will know...

- each Montana tribal nation has a unique form of government that was developed as a direct result of Federal Indian Policy.

Stage 2 Assessment Evidence

Performance Tasks:

1. Students will use their listening and note taking skills as they will be required to take notes and rephrase major concepts/issues in a brief essay/oral presentation.

Other Evidence:



Stage 3 Learning Plan

Learning Activities:

Ask students what they currently know about contemporary tribal governments. Brainstorm a list of ideas they come up with and write on the board/overhead.

Tell students you will be giving a brief lecture about how contemporary tribal governments were formed as a direct result of Federal Indian Policy. Key point: remind students that prior to European contact that each tribe had a traditional form of government (highly structured in most cases) that dealt with internal and external affairs of the tribe. Contemporary tribal governments are recent phenomena but some do have cultural components that integrate traditional practices.

Students will be required to take notes and write up a brief essay (one page) about what they have learned and present their summary back to the class in the form of a one minute speech highlighting the main points they got from the lecture. Students could also share their reaction to the information learned. Have them explain why it is important for all Montanans to have a basic understanding of tribal governments.

Student work should be evaluated based upon them demonstrating an understanding of the main points put forth in the lecture.

Teacher Background:

Read the following information and prepare a brief lecture about the Indian Reorganization Act. It is suggested you read the entire document, *A History and Foundation of American Indian Education Policy*, prior to teaching about this particular time period. An excerpt from this document is included in the lesson. A copy of this resource should be available in your school library or accessed on-line at http://opi.mt.gov/pdf/IndianEd/Resources/History_FoundationAmIndianEd.pdf

An on-line copy of the IRA can be downloaded at this website:
<http://www.cskt.org/documents/reorganizationact.pdf>.

The following excerpts taken from *A History and Foundation of American Indian Education Policy* – OPI Document

Merriam Report (page 17)

Let us fast-forward to 1926 and the Merriam Report (39 years after the passage of the Dawes Act). Disputes over land ownership, squatter rights, patent-in-fee status, federal trusteeship over different lands, trespass and right-of-ways, and many other issues continued to be brought before the Commissioner of Indian Affairs.

Federal Indian Policy – Tribal Reorganization period (continued)

The climate of opinion created by such incidents led the Secretary of the Interior Hubert Work, in 1926 to request the Institute for Government Research (Brookings Institute) to undertake a thorough economic and social study of Indian conditions. Lewis Merriam gathered a staff of advisers from the fields of law, economics, health, sociology, education and agriculture and this group studied not only field conditions, but reviewed files and records and much of the history of Indian Affairs. The result was a report of findings which provided, for the first time, a sober and researching analysis of what had happened to the Indian people under the government's trusteeship and proposed a number of basic recommendations. In general terms, the survey found that:

1. Most of the Indians were poor, many extremely poor;
2. The general health of the Indians was bad and their living, housing, and sanitary conditions were conducive to the development and spread of disease;
3. Tuberculosis and trachoma were prevalent to a distressing degree; the death rate and infant mortality rate were high;
4. In an economic sense, the Indians were backward; insufficient incomes, low standards of living, and an apathetic attitude toward progress were general;
5. The Indians were not yet adjusted to the new economic and social conditions confronting them;
6. They had little knowledge of the value of money and land;
7. The intermittent and generally small incomes from land sales, leases, and per capita payments from tribal funds encouraged idleness and retarded progress; and/or
8. Too much evidence of suffering and discontent to subscribe to the belief that the Indians were satisfied with their conditions.

Indian Citizenship Act (page 29)

Congress passed the Indian Citizenship Act on June 2, 1924 (35 years after Montana became a state), which states, in part:

That all noncitizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States: provided, that the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property.

This Act came largely in response to American Indians being drafted into service during World War I after Congress realized that Indian treaties had a provision that forbids Indians from raising arms against their enemies. This Act completed a process for Indian citizenship that was already in place through treaty provisions, through statutes granting citizenship to the individuals of specified tribes, land allotments and other special legislation.

Indian Reorganization Act (page 30)

The Indian Allotment Act, Indian Citizenship Act and the Merriam Report prompted Congress to review and assess its approach to its treatment of American Indians. On June 18, 1934, the Congress passed the Indian Reorganization Act. The Indian Reorganization Act was introduced in the House by Sen. Wheeler of Montana

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and Congressman Howard of Nebraska (commonly referred to as the Wheeler-Howard Act). The Act provided:

1. No lands still in tribal ownership shall be allotted in the future;
2. An annual appropriation of \$2 million for the purchase of lands, such purchases to be held under trust and exempt from taxation;
3. Lands that had been withdrawn from tribal ownership for homestead settlement but not entered might be returned to the tribe, at the discretion of the Secretary of the Interior;
4. That conservation practices be adopted with respect to timber, grass, and other natural resources;
5. Authority for a revolving credit fund of \$10 million from which loans might be made to tribes incorporated for credit and other purposes;
6. That the Secretary of the Interior assist Indian tribes in adopting written forms of government, to exercise the inherent powers of Indian Tribes and certain additional specified powers;
7. For loans to Indians for the payment of tuition and other expenses in recognized vocational and trade schools, high schools and colleges; and
8. That the Secretary of the Interior establish standards for employment without regard to civil service laws, to the various positions maintained, now or hereafter, by the Indian office, and that Indians meeting such non-civil service standards share hereafter have the preference to the appointment to vacancies in any such positions.

Tribal Constitutions (page 30)

It has always been understood during the past 150 years by Indian tribes, and reaffirmed by the U.S. Supreme Court, that Congress has plenary power to legislate Indian affairs and may exercise this power to curtail or eliminate tribal powers. Felix Cohen coordinated the most intensive research of all existing treaties and statutes to determine what municipal powers of the Indian tribes had been specifically limited or terminated. The results of this study formed the basis for Indian Tribal Constitutions, and beginning in 1934 the following conditions were written into those constitutions:

- to determine their form of government, which might follow customary law, or might take written form;
- to administer justice, the tribal jurisdiction being limited by acts of Congress which had placed ten specified major crimes under the jurisdiction of the federal courts - crimes of misdemeanors and civil action involving one Indian against another in Indian country remained within the jurisdiction of the tribe;
- to determine tribal membership. Congress caused final rolls of membership to be made for some tribes, but in the absence of congressional action the general power remained with the tribe;
- to levy taxes on tribal members and to levy fees on nonmembers doing business on tribal property;
- to exercise the usual authority of a landlord, including the right to exclude persons not members of the tribes; a definition of their territory;
- to regulate domestic relations, provide for the adoption of children, etc.; and
- procedures for organizing a governing body and providing for the manner of calling and conducting elections.

Federal Indian Policy – Tribal Reorganization period (continued)

In the next few years, 135 constitutions were written and adopted by vote of the tribes. In basic design the tribal constitutions were similar, yet each differed in significant details. Some tribes provided a voice for their traditional chiefs or headmen; others held elections for a kind of business committee to deal with current affairs.

Wheeler-Howard Act (page 31)

The Indian Reorganization Act also provided that tribes, after adopting a form of government, might apply to the Secretary of the Interior for a charter of incorporation. Such a charter conveyed the power to own, manage and dispose of property, within legal limitations. A charter, once issued, might not be revoked except by Act of Congress.

Describing the Wheeler-Howard Act as the most important piece of Indian legislation since the 1880s, Commissioner of Indian Affairs John Collier, in 1934, commented:

It not only ends the long, painful, futile effort to speed up the normal rate of Indian assimilation by individualizing tribal land and other capital assets, but it also endeavors to provide the means, statutory and financial, to repair as far as possible, the incalculable damage done by the allotment policy and its corollaries. The repair work authorized by Congress under the terms of the Act aims at both the economic and spiritual rehabilitation of the Indian race. Congress and the President recognized that the cumulative loss of land brought about by the allotment system had robbed the Indian in large part of the necessary bases for self-support.

They clearly saw that this loss and the companion effort to break up all Indian tribal relations had condemned large numbers of Indians to become chronic recipients of charity; that the system of leasing individualized holdings had created many thousands of petty landlords unfitted to support themselves when their rightful income vanished; that a major proportion of the Red race was, therefore, ruined economically and pauperized spiritually.

Most tribes give legislative authority to a tribal council. In some tribes, the tribal council members are elected by district; in others, they are elected at-large. The council generally has authority to write tribal laws, and in some tribes the council members have administrative duties. Most tribal constitutions also provide for an executive officer, called a tribal chairman, president, governor or chief.

Montana Reorganization Period (page 33)

The Tribal Nations in Montana, a Handbook for Legislators, explains the Indian Reorganization Act (IRA) as it pertains to Montana tribes:

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 were certain common characteristics: the

Federal Indian Policy – Tribal Reorganization period (continued)

interaction of the political with the religious; the importance of the tribe over the individual; and consensus decision making. 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 reestablish tribal self government, but basing it on a western European model. The BIA drew up a standard constitution that established a representative form of government that tribes were free to adopt and that almost three-fourths of the tribes did adopt, with limited expression 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.

One result of the IRA was the creation of a single tribal government for more than one Indian tribe. This occurred because in some instances, the federal government had placed more than one tribe on a single reservation. In Montana, an example is the placement of the Assiniboine and the Sioux together on the Fort Peck 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.

Approximately 30 percent of the tribes in the United States chose not to come under the IRA. In Montana, the Crow Tribe rejected the IRA in favor of a general council form of government, in which each enrolled tribal member has a vote if the member attends the general council meeting. The general council elects the tribal officers who are responsible for the day-to-day operation of the tribal government.

As examples: The Blackfeet Tribal Business council elects its nine-member council. The nine members elect their executive committee. The Tribal Council is responsible for the executive, legislative and judicial functions governing the tribe and they make all the decisions. The Crow Tribal Council elects its executive committee who then become responsible for the executive and judicial functions of the tribe. The people are responsible for the legislative functions of the government, and they meet at quarterly meetings to vote on the agenda items.