

# Essential Understandings Regarding Montana Indians

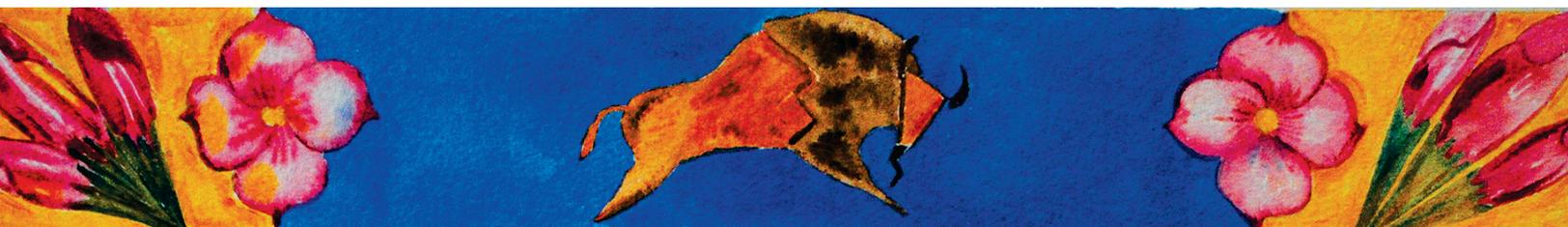
## Indian Education for All

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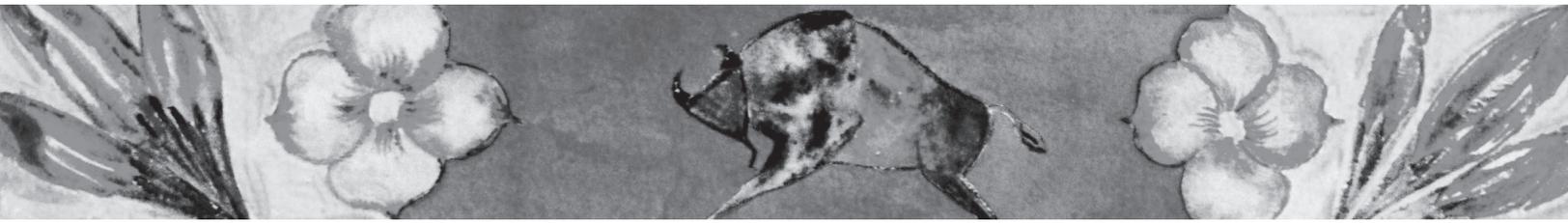
Revised 2010, 2012



**Indian Education**  
Montana Office of Public Instruction  
Denise Juneau, Superintendent







# Essential Understandings Regarding Montana Indians

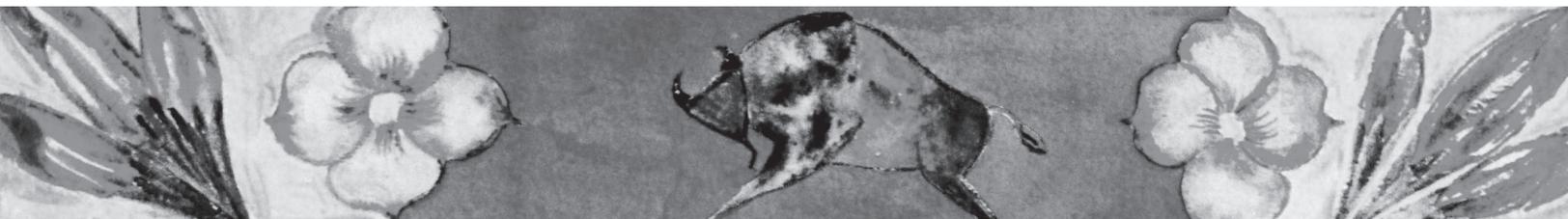
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**Office of Public Instruction**  
Denise Juneau, State Superintendent







About 35 percent of Montana's Indian population does not live on reservations. Instead, they reside in the small communities or urban areas of Montana. The individual history and circumstances of Montana's urban Indian people are as diverse as the people themselves.

The majority of Indian students in Montana attend public schools. There is one tribally controlled school on the Northern Cheyenne Reservation and one on the Flathead Reservation. Each reservation also has its own tribally controlled community college.

## Essential Understanding 2

**There is great diversity among individual American Indians as identity is developed, defined and redefined by entities, organizations and people. A continuum of Indian identity, unique to each individual, ranges from assimilated to traditional. There is no generic American Indian.**

### BACKGROUND

Identity is an issue with which human beings struggle throughout their lifetime. Questions of “Who am I?” and “How do I fit in?” are universal questions of the human condition. Historically, schools have been places for students to explore their identities. However, when the culture of students’ homes and communities is not evident in school, finding a way to belong within that system is more difficult and can lead to frustration. Educators need to ensure that each student has an opportunity to feel included in the classroom either through materials or pedagogical practices.

Even larger issues of “Who is an Indian/Tribal Member?” exist among Indian people themselves. The federal, state and tribal governments may all have their own definitions for who is a member. As a general principle, an Indian is a person who is, of some degree, Indian blood and is recognized as an Indian by a tribe/village and/or the United States. There exists no universally accepted rule for establishing a person’s identity as an Indian because the criteria for tribal membership differ from one tribe to the next. To determine a particular tribe’s criteria, one must contact that tribe directly. For its own purposes, the Bureau of the Census counts anyone an Indian who declares to be such.

Amidst all of these issues, educators must remember that 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 have differences of skin color, dress, and behavior; and, there may be deeper and subtler differences of values and of ways of being and learning.

What is important is that all humans be allowed feelings of integrity and pride connected with who they are and with whom they identify in order to help them develop the self-esteem and self-confidence that will enhance their learning.

“There is no single American Indian learning style, nor is there a group of several styles of learning that fits all American Indians, either as individuals or tribal groups ... Teachers should recognize various learning styles and adapt their teaching methods to individual learners. At the same time teachers should build on and expand the individual student’s approaches to learning” (Cleary and Peacock 154). However, recognizing that teachers must use a variety of teaching methods to meet individual learning styles does not mean that culture doesn’t influence learning styles. The differences in the cultures of home and school certainly impact the teaching-learning process. Classrooms need to integrate culture into the curriculum to blur the boundaries between home and school. Schools need to become a part of, rather than separate from, the communities in which they serve.

## 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 pre-date the “discovery” of North America.**

### BACKGROUND

Tribal languages, cultures, and traditions are alive and well throughout Indian country. Indigenous languages are still spoken, sacred songs are still sung, and rituals are still performed. It is not important for educators to understand all of the complexities of modern day contemporary American Indian cultures, however, educators should be aware of their existence. They should also understand the ways cultures might influence much of the thinking and practice of American Indians today.

These histories and traditions may be private, to be used and understood only by members of that particular tribe. Educators should be aware of this issue when asking students about their histories, ceremonies, and stories.

Educators should also be consistent with policies surrounding “religious/spiritual activities” and ensure that Native traditions and spirituality are treated with the same respect as other religious traditions and spirituality.

Each tribe has a history as valid as any other belief that can be traced to the beginning of time. Many tribal histories place their people in their current traditional lands in Montana. For example, educators should respect these beliefs when teaching about “the history of mankind,” particularly regarding the Bering Strait Theory. Many tribal histories will be told only orally as they have been told and passed down through generations. Some tribes may only tell certain stories during certain times of the year, and this knowledge should be respected in classrooms.

## **Essential Understanding 4**

**Reservations are lands that have been reserved by the tribes for their own use through treaties, statutes, and executive orders and were not “given” to them. The principle that land should be acquired from the Indians 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.**

### **BACKGROUND**

Indian Nations located in Montana Territory prior to the passage of the Montana Constitution in 1889 held large land bases as negotiated through their treaties with the United States. The treaties assigned tribes to certain areas and obligated them to respect the land of their neighbors. However, in the 1860s, as miners and others rushed into the prime gold fields that often lay along or within the designated tribal lands, tribal life was disrupted. The new inhabitants demanded federal protection. These demands resulted in the establishment of forts in Montana and the eventual relocation of the tribes to smaller and smaller reserves.

The federal government and many Montana citizens did not understand the lifestyles of Montana’s Indian tribes. Consequently, the tribes were often dealt with from non-Indian expectations and points of view. However, the federal government did understand that these tribal groups were sovereign nations and that they needed to enter into treaty negotiations with the tribes.

## Essential Understanding 5

**There were many federal policies put into place throughout American history that have affected Indian people and still 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 Period 1789 - 1871**

**Assimilation Period - Allotment and Boarding School 1879 - 1934**

**Tribal Reorganization Period 1934 - 1958**

**Termination and Relocation Period 1953 - 1971**

**Self-determination Period 1968 – Present**

### BACKGROUND

#### **Colonization/Colonial Period 1492 – 1800s**

Indian nations initially possessed and were in full control of their territories and resources, maintaining their right to use and occupy their lands.

During this period, non-Indians developed the ideas which would later “justify” the taking of Indian lands. From Columbus’ first expedition to the first colony at Jamestown, the Doctrine of Discovery proclaimed that non-Christian peoples have no legal right to their land and territories, affirming the right of European nations to acquire legal title to those lands. The concept of Manifest Destiny extended the idea that the United States government had the sole right to buy lands from Indian tribal governments.

#### **Treaty Period 1789 – 1871**

The French, English, Spanish and Dutch entered into treaties of commerce and military alliances with Indian nations as independent sovereign nations.

During the American Revolution, the colonies and Great Britain entered into various military alliances with Indian nations. Indian nations fought on both sides of the conflict.

The 1830 Indian Removal Act exiled Eastern tribes to the west side of the Mississippi River.

The 1862 Homestead Act and the Pacific Railroad Act were two pieces of legislation influential in threatening treaty obligations and opening western Indian lands to non-Indian settlement.

In 1871, the federal government ended the practice of making treaties with Indian nations, although it still engaged in negotiations with Indian governments regarding land cessions.

There are numerous treaties with Montana tribal nations that led to the establishment of reservations, e.g., 1851 Ft. Laramie treaty with the Dakota, Cheyenne, Assiniboine and Crow; 1855 Hell Gate treaty with the Salish, Kootenai and Pend’Oreille; 1855 Lame Bull treaty with the Blackfeet; 1866 Ft. Belknap treaty;

1868 agreement with the Gros Ventres. Primary documents can be found at <http://digital.library.okstate.edu?Kappler/>.

### **Assimilation Period – Allotment and Boarding School 1879 – 1934**

During this era, the first wave of non-Indian settlers moved across the West. The federal government, desiring to free up treaty-protected Indian lands for successive waves of settlers, pursued a policy of dispossession and assimilation. The massive loss of Indian lands and resources impoverished tribes and impeded the development of reservation economies.

The General Allotment or Dawes Severalty Act passed in 1887. Parcels of land were allotted to individual Indian families, encouraging agriculture and breaking up communal tribal lands. Land that was not allotted was considered surplus and then authorized for sale to non-Indian buyers, resulting in a “checkerboard” pattern of Indian and non-Indian land ownership on reservations.

The U.S. policy during this period was to relocate Indian children to government-run or religious boarding schools, where they were forbidden to speak their language or practice their religions or cultures so that they could be assimilated to the dominant culture.

In 1924 American Indians became U.S. citizens.

### **Tribal Reorganization Period 1934 – 1958**

In 1934, Congress passed the Indian Reorganization Act (Wheeler-Howard) in response to the failure of assimilationist policies. Under the Act, allotment of Indian reservations ended; Indian allotments were put into permanent trust status - not alienable or taxable; Indian nations were allowed to establish governments or business committees, with constitutions, charters and by-laws, and to take over reservation governance, subject to the ultimate authority of the federal government. Under the IRA, 161 constitutions and 131 charters were adopted by Indian nations.

### **Termination and Relocation Period 1953 – 1971**

During this period, Congress passed dozens of acts terminating the existence of specific tribal governments and reservations. In total, 109 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. These acts targeted specific tribes and did not repeal or modify existing tribal governments in Montana.

The federal government pursued a policy of relocating Indian to urban areas under the assumption that training and employment opportunities there would improve their economic situation. Most people participating returned home in the 60s and 70s.

## **Self-determination Period 1968 – Present**

Congress embarked on a policy of encouraging tribal self-government, shifting the management of federal programs from the Bureau of Indian Affairs (BIA) to tribal governments.

In 1972 the Indian Self-determination Act affirmed tribal sovereignty.

In 1994 the Tribal Self-Governance Act established permanent tribal self-governance while maintaining the trust responsibility of the federal government.

Successive presidential administrations have affirmed a policy of protecting the integrity of tribal governments through the maintenance of federal-tribal government-to-government relationships. President Johnson first proposed self-determination as a goal in 1968. The latest Presidential Executive Order of December 2, 2011 reaffirms tribal integrity.

## 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 an Indian perspective frequently conflicts with the stories mainstream historians tell.**

### BACKGROUND

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.

Books such as *Lies My Teacher Told Me*, by James W. Loewen, expose the underlying bias within much of our history curriculum that has excluded certain voices. In examining current curriculum content, it is important to keep the following in mind:

Children's history books use terms such as "westward expansion" and "Manifest Destiny" to describe what would be more accurately called ethnic genocide. These books alternately portray Indians as "noble savages," "faithful Indian guides," or "sneaky savages" who lead "ambushes" and "massacres," while in contrast, cavalymen fight "brave battles." These books propagandize the "glory and honor" of taking land and oppressing native people for European purposes that are portrayed as holy and valid. (Skinner)

A transformation such as the following would benefit all Americans as we work on building a free and democratic society for all:

"A multicultural history curriculum, by focusing on the experiences of men and women of diverse racial, ethnic, and religious groups in United States history, will provide students with a historical context in which to situate and understand the experiences and perspectives of these groups in American society today" (Mehan, et al.133).

## Essential Understanding 7

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

### BACKGROUND

Before colonization, Indian tribes possessed complete sovereignty. However, given the governmental structure of the United States and the complex history of tribal-federal relations, tribes are now classified as domestic dependent nations. This means tribes have the power to define their own membership; structure and operate their tribal governments; regulate domestic relations; settle disputes; manage their property and resources; raise tax revenues; regulate businesses; and conduct relations with other governments. It also means that the federal government is obligated to protect tribal lands and resources; protect the tribe's right to self-government; and provide social, medical, educational, and economic development services necessary for the survival and advancement of tribes. (Echohawk)

A very important but often unappreciated point is that tribal sovereignty does not arise out of the United States government, congressional acts, executive orders, treaties, or any other source outside the tribe. As Felix Cohen puts it, "perhaps the most basic principle of all Indian law... is that those powers which are lawfully vested in an Indian tribe are not, in general, delegated powers granted by expressed acts of Congress, but rather inherent powers of a limited sovereignty, which has never been extinguished" (Cohen 122).

Sovereignty can be defined as: The supreme power from which all political powers are derived. It is inherent --- it cannot be given to one group by another. In government-to-government negotiations, states and Indian nations exercise or use their sovereign powers.

"Sovereignty ensures self-government, cultural preservation, and a people's control of their future. Sovereignty affirms the political identity of Indian Nations --- they are not simply a racial or ethnic minority" (Chavaree).

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