Tribal Sovereignty and a Cultural Perspective in Education
Finding Ways to Improve Educational Opportunities for American Indian Students

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Tom Sachse
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The purpose of the American Indian Education Committee Act is to:

1. facilitate the engagement of parents; tribal departments of education; community-based organizations; *Utah State Office of Education*, State Institutions of Higher Education; Utah Division of Indian Affairs, and tribal, state and local policymakers *to work together to find ways to improve educational opportunities for American Indian students*;
2. provide the structure for a formal *government-to-government* relationship between the State and Utah Tribal Nations in the development of relationships with educational entities that serve urban and rural American Indian and Alaska Native students; and
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Why are Indian tribes treated differently than any other group?

Indian tribes are treated differently because they are political factors, not racial or cultural. A tribe is an ethnic group, a cultural entity, but also has the political right to self-government.

Tribes stand in a government-to-government relationship with the United States.

Government = Tribes

Tribes are SOVEREIGN.
Sovereignty
The power and control of a governing body to exercise both legal and physical control over the people, land and resources found within a defined territory

Four Recognized Governments
- City
- County
- State
- Tribal

What does that mean?
- Enter into treaties
- Make laws
- Enforce laws
- Determine criteria for citizenship or membership
- Exclude people from territory
- Promote and protect citizens/members and territory
Tribal Sovereignty: History

Tribal nations of North America were sovereign before contact with Europeans

- Tribal sovereign powers existed from time immemorial for North American tribes

- Tribes governed through tribal norms and varying government structures

- The Iroquois and Pueblos provide a sampling of tribal governance pre-contact

- Inherent Sovereignty
U.S. Government and Tribes’ Trust Relationship

- The Supreme Court’s “Marshall Trilogy” laid the foundation of Indian law, and established a trust relationship between the U.S. Government and tribes

- Tribal trust land is held in trust for the tribes by the U.S. Government

- The U.S. Government has duties to manage tribal trust land in the tribes’ best interest (to protect the land and the tribes)

- Tribes may use and reside on tribal trust land, and cannot sell it unless given permission by the U.S. Government
American Indians and Alaska Natives Today
562 Sovereigns

• Population:
  – 2,475,956 AI/AN living in U.S
  – BIA estimates 950,000 (38%) live on or adjacent to federal Indian reservations.
  – Utah’s AI/AN population is 1.5% of total state population; 42,829

• Indian Tribes:
  – 562 federally recognized tribes, including 223 Alaska groups.
  – 7 federally recognized tribes in Utah.
  – 3 Utah tribes petitioning for recognition.

• Reservations:
  – 278 Indian land areas administered as reservations
  – Largest is the 16 million acre Navajo Nation
  – There are many small reservations less than 100 acres.
  – Land ownership patterns vary.

• Trust Lands:
  – 56.2 million acres held in trust by U.S. for Indians and tribes.
  – 3,720,076 acres in Utah held in trust
  – Secretary of Interior serves as trustee.
FEDERALLY RECOGNIZED TRIBES

• Confederated Tribes of the Goshute Reservation (Utah, Nevada)
• Navajo Nation (Utah, Arizona, New Mexico)
• Northwestern Band of Shoshoni Nation of Utah (Washakie)
• Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)
• Skull Valley Band of Goshute Indians of Utah
• Ute Indian Tribe of the Uintah and Ouray Reservation
• Ute Mountain Ute Tribe (Utah, Colorado, New Mexico)

UNRECOGNIZED / PETITIONING TRIBES

• N.E. Band of Shoshone Indians
• White Mesa Ute Council
• Cedar City Band of Paiutes
Tribal Sovereignty - Thorny Questions

For example

- Gambling Issues.
  - Who should control where to dump nuclear waste? At least one tribe in Utah wants to open a nuclear waste dump on their land. But the state and Interior Department don't think the tribe can adequately police the dump.
- Should tribes have to pay state and federal taxes on cigarettes they either manufacture or sell? Generally, courts have said, no.
- Do tribes have to pay gasoline taxes? Again, generally, no.
- Who can write and enforce laws governing contracts between tribes and non-tribal members?
- Do tribes that contribute to political campaigns have to abide by a state's campaign finance laws and submit financial reports?
- Who writes and enforces laws governing hunting and fishing on tribal lands?
- Does a non-Indian person or an American Indian from another tribe have to submit to laws passed by a tribal council if a crime is committed on a reservation?
Tribal Sovereignty
A Contemporary Issue

- Indians are part of a political class (not racial) based on tribes’ sovereign powers

- The defining aspect of sovereignty are the international relationships carried out as sovereign nations.

- Tribal sovereignty is of great importance to tribes today; issues range from hunting and fishing rights to determining criminal and civil jurisdiction on and off reservations
Why does sovereignty matter?

Since the founding of the United States, more than 300 treaties have been signed between the U.S. government and tribal nations.

These treaties established a nation-to-nation relationship between tribes and the federal government.

Over the years, however, the constant violation of these treaties resulted in American Indians’ being systematically deprived of their land, resources and control over their futures.
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Section 1. Purpose.
The United States has a unique legal relationship with Indian tribes and a special relationship with Alaska Native entities as provided in the Constitution of the United States, treaties, and Federal statutes. This Administration is committed to continuing to work with these Federally recognized tribal governments on a government-to-government basis, and supports tribal sovereignty and self-determination. It is the purpose of this order to assist American Indian and Alaska Native students in meeting the challenging student academic standards of the No Child Left Behind Act of 2001 (Public Law 107-110) in a manner that is consistent with tribal traditions, languages, and cultures. This order builds on the innovations, reforms, and high standards of the No Child Left Behind Act of 2001, including: stronger accountability for results; greater flexibility in the use of Federal funds; more choices for parents; and an emphasis on research-based instruction that works.

George W. Bush
April 30, 2004
My Indian policy starts with honoring the unique government to government relationship between tribes and the federal government and ensuring that our treaty obligations are met and ensuring that Native Americans have a voice in the White House.

Indian nations have never asked much of the United States, only for what was promised by the treaty obligations made by their forebears. So let me be clear: I believe that treaty commitments are paramount law, I’ll fulfill those commitments as president of the United States.

December 2, 2011
Utah’s Response . . .

October 2002 - NCLB

2003 - Formation of the AI/AN Indian Education Task Force

Indian educators and tribal leaders from each tribe gathered to discuss the state of education in Utah for Indian people.

Vision – We share a collective commitment to Indian Education which welcomes, honors, and empowers Sovereign Indian Nations for their successes as contributing members within the global society.

Mission – To fulfill the promise and right the wrongs by providing an excellent educational system that results in the successes of all American Indian/Alaska Native students.
Task Force Essential Understandings

Essential Understanding 1
There is great diversity among the five tribal Nations located in Utah in their culture and governments.

Essential Understanding 2
Federal Indian policies have affected Indian people and still shape who they are today. Much of Indian history can be related through several major federal policy periods. The major federal policy periods are Treaty, Removal and Relocation, Allotment and Assimilation, Reorganization, Termination, and Self-determination, New Directions.

Essential Understanding 3
Under the American legal system, Indian tribes have sovereign powers, separate and independent from the federal and state governments.
CCGP Response . . .

AI/AN Indian Education Task Force – Sub Committee

**Awareness**
- Identify AI/AN students
- Opportunities
- Social
- Post-secondary

**Professional Development**
- Sovereignty
- Generational grief
- Social structure
- Learning process

**Involvement**
- Reach out
- Collect data
- Involve/invite parents
- Include in Student Improvement Plan
Why this Matters to Educators?

Cultural competency comprises four components:

- Awareness of one's own cultural worldview
- Knowledge of different cultural practices and worldviews
- Understanding one’s own attitude towards cultural differences
- Cross-cultural skills. Developing cultural competency results in an ability to learn, communicate with, understand, and effectively teach about other cultures.

- Things to consider when working with Native people:
  Know when to ask questions for clarification
  Nobody is an expert in every cultural community. Not every question may be answered.

[Logo: College & Career Readiness Comprehensive School Counseling Program]
Why this Matters to Educators?

Images negatively misrepresent an entire race of people in mainstream media.
“We didn’t solve all the problems that have evolved over centuries of dominance and cultural conflict, but we did manage to shift the focus away from blaming the Indian students and their parents. Working together, we gradually began to take mutual responsibility for creating a more positive educational environment for American Indian children.”

Gary Howard  p. 49
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brain teaser
"They say they're building a wall because too many of us enter illegally and won't learn their language or assimilate into their culture..."
'THE CHIEF THINKS 'WE OUGHT TO FIND THE CRAZY ONE IN THE RED SUIT AND APOLOGIZE. PERSONALLY, IT'S THE BEST HUNT I'VE EVER BEEN ON!'

AAAAAAAAAAAAAAAAAAAAAAAAAAAA!
"ASK EM IF THEY PLAN ON STAYING OVERNIGHT."
## Cultural Comparisons

<table>
<thead>
<tr>
<th>American Indian</th>
<th>Caucasian American</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extended family through clans/bands</td>
<td>Think of oneself</td>
</tr>
<tr>
<td>Sharing-everything belongs to others</td>
<td>Ownership</td>
</tr>
<tr>
<td>Avoid eye contact</td>
<td>Direct eye contact</td>
</tr>
<tr>
<td>Carefree-unconcern with time</td>
<td>Structured-time oriented</td>
</tr>
<tr>
<td>Humble / cooperative</td>
<td>Competitive</td>
</tr>
<tr>
<td>Patience and passive temperaments</td>
<td>Impatience and active</td>
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<tr>
<td>Cultural Comparisons (Cont.)</td>
<td></td>
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<tr>
<td>-----------------------------</td>
<td></td>
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<tr>
<td>Question for cultural identification</td>
<td>No question about cultural identification</td>
</tr>
<tr>
<td>Elders to be honored</td>
<td>The future lies with the youth</td>
</tr>
<tr>
<td>Dance is for religious expression</td>
<td>Dance is for pleasure</td>
</tr>
<tr>
<td>Respect other religion(s)</td>
<td>Convert other to religion(s)</td>
</tr>
<tr>
<td>Learning through culture</td>
<td>Learning found in books</td>
</tr>
</tbody>
</table>

“Learning Through Culture”

vs

“Learning Found in Books”
FROGS AND TOADS ON THE NAVAJO NATION

Although they have two different names, “frogs” and “toads” are actually very similar biologically. Both are amphibians with four legs and no tails, except when they are tadpoles. Species called frogs, of which there are three on the Navajo Nation, have smooth skins, while those usually called “toads”, of which there are five species, have bumpy or warty skin. This warty skin has given rise to the notion that humans can get warts from handling toads, but this is inaccurate, as warts are caused by viruses.

Both frogs and toads live in moist environments, such as under rocks and logs, in holes or underground, or in and around water. They are generally active at night when the air is more humid and during this time they feed on different types of insects. All eight species of frogs and toads found on the Navajo Nation lay eggs in lakes, ponds, springs, swamps and marshy areas, where they hatch into tadpoles. The tadpoles feed on algae in the water until they transform into small froglets or after four to eight weeks.

CULTURAL BELIEFS AND PRACTICES

The Dine people respect frogs and toads and believe that they are connected to moisture on earth. They are used in the Waterway Ceremonies which are nearly extinct. The frog is used to pray for rain and moisture. You should not step on them, kill or harm them in any way. Expectant parents especially should not bother frogs and toads.

FROGS AND TOADS IN THE CLASSROOM

Frogs and toads may be studied year-round. Students may read and write about frogs and toads, illustrate them, and depict them in arts and crafts. Comparisons of similarities and differences between frogs and toads can be made using Venn Diagrams or through the use of pictures, films, or videos. Frog costumes may also be used in skits and plays.

Frogs and toads may be brought into the classroom for observation but not kept as classroom pets. Students should not handle them with their bare hands or be allowed to watch them swallow their prey.

Frogs and toads should not be dissected and no body parts should be used for teaching. If dissection is necessary, computer dissection programs are available and preferable.
Cultural Options

Accept the culture……..

Reject the culture……..

become Bicultural......

Reject Both cultures and “Start Your Own”
Cultural Stuff.....

Traditional – those who speak/think/practice in their Native culture

Transitional – those who speak/think/practice from their Native into the mainstream culture
Cultural Stuff (cont.)

Bicultural – those who accept and *practice both* mainstream and Native culture

Assimilate – those who generally *accept and embrace* mainstream culture
Let Us Put Our Minds Together And See What Life We Can Make For Our Children.

~ Sitting Bull
“Knowledge and wisdom are like the wind, once you obtain it you can go anywhere”

Chief Manuelito, Dine’
Questions?

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