Changing Tribal Governments

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ABSTRACT

When Europeans first set foot in this country they encountered peoples native to this land, people who are today called Indians, Native Americans, American Indians or First Nations People. These peoples were well established in this land with strong traditions of government that tied them to the land that they lived on. Each group or tribe had its own unique form of government. As the country grew in size and power the government sought a remedy to an issue that they called the “Indian problem.” One of the ways that this was done was to eliminate the traditional structures of these people, namely their traditional forms of government. The further removed from these traditional structures the native people were, the stronger the influence the government had over their lives.

In 1934 the Indian Reorganization act was passed. This act created tribal governments as we know them today. In recent times, however, there has been a move among Indian people to reconnect with their past, reconnect with their traditions. One of the places that this can be seen is in the changes that are being made to the current government structures that make them more reflective of the traditional structures. These changes, these reflections of the past, will allow tribal governments to be more responsive to the needs of their people; these changes will also allow people to take a more active role in the structures that govern them. With all change, however, there is some resistance. Some tribes are more in favor of returning to a more traditional structure than others and some feel that a blend of the two is needed to work for the Indian people of today.

Introduction

Traditional governmental structures were employed by the more than 600 tribes that existed on this continent before the arrival of Columbus and were similarly unique. Each had factors of environment and cultural practice that determined their make up. Traditional governments operated under the spiritual ideals of harmony with ones surroundings and the responsibility the individual has to the entire group. The interests of the group were put before the needs of the individual and there was a balance of privileges with responsibilities and duties with rights. One’s privileges were never in greater abundance than their responsibilities and the rights of
the individual never superseded the duty to the group. The goal of government was not only a political one but a spiritual one as well. Tribal governments were designed to promote the ideal of harmony among human beings, plant and animal life and the earth. Considerations were made for those who were currently alive but those who would be born to future generations were also part of the decision making process.

Tribal government today has not been determined by Indian people but rather is based on a structure given to tribes by a foreign government in an act created to ensure tribal independence. This independence, however, was not complete. The act required that tribes must have the approval of the Secretary of the Interior for many of their decisions. They were unable to make land sales or purchases or even to manage their own financial accounts. If a tribe or an individual wanted to control it’s/his own money that entity would first have to be deemed competent by the government. Given the attitude that Indian people were less than intelligent and were therefore wards of the government this was not likely to happen.

Tribal governments have changed considerably from their traditional forms to their modern forms and they are now undergoing yet another change, one that could cause them to be more reflective of their traditional forms. Councils could become larger to be more representative of the population, and more women are becoming involved in tribal government – as Chairperson in some cases. These changes as well as others will allow them to be more responsive to the needs to their tribal members.

**Traditional Tribal Government**

**Traditional Structure**

To understand the traditional structure of the governments of many of the Indian tribes it must be understood that there is no way to separate the structure of governing the people from their everyday life. Everything moves together to make life work in traditional culture. It is not possible to say where one part – the political – and another part – the family or social – begins.

“Traditional Indian cultures made little distinction between the political and religious worlds.” *Sharon O’Brien. (pg. 14, American Indian Tribal Governments)*

Another thing that must be understood is that there is no separation of the governing structure from the spiritual center of the tribe. All parts of life were closely and strongly tied together. Traditional structures of tribal government were not limited to one group of people’s governing the entire
changing tribal governments

tribe but rather several groups stepping in to see that the needs of the tribe were addressed as necessary, whether that was on a seasonal basis or in times of war or emergency.

Most tribes did not have just one council that decided everything for the tribe; there were several councils, societies or clans that would see to the needs of the people in different areas. Tribal leaders worked closely with one another to see that the needs of the tribe were met. Actions of a political nature were not undertaken without the sound advice of the spiritual leader and were designed not only to be politically satisfactory but to be spiritually fulfilling as well.

“In the traditional form of government, instead of one small group of leaders, there are different societies with different functions within the nation. For example, there was a society that existed to enforce the common laws, and they had a special name. The responsibilities of the people were dispersed throughout the nation, through different councils and societies that take responsibility.”


A council of elders held the wisdom of the tribe and through their life experience they could offer advice on many courses of action to all other members of the tribe. The experience of elders was valued and their advice given considerable weight when it came time to make a decision for the tribe regarding anything. In many cases they were the leaders of the tribe because they were so respected for their wisdom and experience. (O’Brien, pg 17)

Men and women in many instances worked side by side, sharing many of the tasks of daily life and were considered as equal by most tribes. (pg 16) Suffrage for both sexes was the norm for many tribes. (pg. 16)

Women in many cases were part of the council and in others they were an advising voice behind the decisions of the men on the council. (pg 16) In many tribes the women were the owners of the property and the crops so when it came time to make a decision on an issue that was of importance to the tribe the men would either talk it over with a grandmother, mother or wife. The women did not always wait for the man to come to her to ask her opinion, many times she would just let him know what it was she thought should be done and leave it up to him to listen or not. Because women often went together to gather the food or worked cooperatively to see to the completion of other everyday tasks, they would discuss with each other their opinions on the current issues of the tribe and would come to a consensus among themselves before even mentioning anything to the men of the tribe. The women of some tribes also held the
Changíng Tróbál Góvernment

power to appoint men to council positions. This was done by the clan mother – the oldest woman in the clan. (pgs. 19-20)

Laws and decisions were made by the consensus of the people. They were created after much debate and compromise, the decisions were made only after every voice had been heard and every concern answered. In small tribes, bands, and communities, meetings would be held every day to discuss “matters of general importance.” (pg. 17) The smaller groups made it easier for each voice to be heard and for decisions to be made with the consensus of the entire community.

Mediation and restitution were the traditional methods of dealing with crime for most tribes. A person who committed a crime would have to hear out the person or persons against whom they committed the crime and then the members of the tribe would all come together to create a solution for the situation created by the crime. In this way, the person who committed the crime would learn the consequence of his/her action, the person against whom the crime was committed would not suffer as deeply and resolution was found in a way that could satisfy both parties. This left no bitterness with the perpetrator when the time of restitution was completed. Laws did not need to be enforced: rather the peace was kept.

Traditionally tribes were very self-sufficient. They hunted, gathered and processed their own foods. They furnished their own forms of lodging from what was naturally located in their region; they made their own clothing from natural materials. What they could not acquire from the surrounding area they traded for with neighboring tribes. This trade made each tribe a part of a far reaching network that brought items to them from all over the continent. The economy of a tribe was based on how bountiful their natural resources were and how sustainably they used them. It was also based on their seasonal activities and their own innovative ways of doing things.

Sovereign Nations

Sovereignty is defined by Sharon O’Brien in American Indian Tribal Governments as “the force that binds a community together and represents the will of a people to act together as a single entity.” (pg.14) Sovereign nations are also defined by a set of characteristics that they exhibit. These characteristics include a distinct language or dialect, common culture, and a spiritual way of life. (pg. 14) Language is one of the most important characteristics of a tribe. Within the language lies the key to each specific culture. The truest way for traditional societies to communicate their culture to others was and is the language. Speaking the language or dialect is the only way in many cases to express certain ideas, principles, values and truths that were held by the tribe. A common culture includes a common type of dress, a common way of gathering food, a
common diet, a common way of structuring the family and a common way of organizing living arrangements. The way in which a tribe structures its clans, their duties, and their responsibilities are part of the common culture. Anyone who is immediate or extended family (grandparents, aunts, uncles and cousins) is part of the common culture. The responsibilities that those people have within the family and the tribe are part of the common culture. A common spiritual way of life is also a part of the common culture of a tribe. The spiritual system can be used to define a tribe as a distinct group. Each tribe had a unique set of sacred ceremonies and a unique way of preparing for the ceremonies, and structuring their ceremonies. All of these things working together – common culture, distinct language and common spirituality – make a tribe a sovereign nation.

Sovereign nations also have certain rights that distinguish them from other distinct community groupings. These rights include the right to establish and structure a form of government that best meets the needs and desires of the people, the right to trade with peoples outside the nation, the right to decide how best to make use of the resources available to the group, and the right to make laws and to enforce those laws as they see fit. (pg. 14) A governing structure or set of ideas is the basis of community. Without them people would not be able to live together in peace. Tribal communities structured their governing ideas so that not only were people living together in harmony but people were living in harmony with the animals, plants and the land.

Trade was a very important part of life for many tribes. Each tribe had certain products based on resources that they either had or did not have but, needed. They would find a tribe that had what they needed and trade something they had that the other did not. Many tribes did this and in this way were dependant on each other. Managing resources is a very important part of being a sovereign nation. The resources that a tribe had depended on where they were located and the type of animals, plants, trees and land that were there. This decided much of their way of life. Managing and preserving those characteristics was essential for the continuation of the lifestyle. The decisions on who hunted, when and how much, were commonly known by all members of the group. The management strategy of many tribes included hunting and gathering, when, by whom and how much, and these few ideas were used to protect tribal resources from exploitation.

Sovereignty also includes the right to conduct relations with foreign governments, and the right to define the characteristics that identify a member of the nation. (pg. 14) Treaty making is one method employed by tribes and other governments as a way of conducting foreign relations. Trade is also another way that tribes did this. Membership in a tribe was typically not something that had to be determined. People either lived as
the group lived and were part of the group and therefore part of the tribe, or they did not. People born into the tribe had membership from birth, but others could be adopted into the tribe. Each tribe had different ways to decide who was adopted in and who was not. A third common way to gain membership into a tribe was to marry into the tribe. Fur traders commonly did this. (pg. 40) Despite differences, caused by cultural practices or environmental needs and/or in the manner that various tribes used to exercise these rights, these governments shared certain characteristics such as ideas of leadership, values and styles of decision making.

As sovereign nations each tribe participated on a government to government basis with, first, the governments of other tribes, and then (when Europeans arrived) with the representatives of those governments and after America became independent from Britain, with the American government. All negotiations of treaties and agreements were done from one government to another. Tribes ceded large areas of land to the French, British and later the Americans in exchange for services or goods. They traded food and items among themselves. By signing treaties the foreign governments acknowledged tribes as sovereign governments that were on nearly equal standing with themselves.

Issues

Traditional societies also had many issues that they dealt with. Some of these issues were at the time considered either major issues or relatively minor ones. Some of the issues that tribes had to deal with were membership, environmental issues, relationships with other tribes, relationships with representatives from European governments and relationships with representatives from the new American government.

Tribal membership was a small issue that tribes had traditionally. Membership in the tribe was determined by one's way of life. If a person lived his/her life in the same manner as the rest of the members of the tribe – partaking in activities such as hunting and gathering, following the customs of the group, speaking the language, participating in political decisions and respecting the other life patterns of the tribe – they were then considered a member of the tribe with the full rights, benefits, responsibilities and protections that came along with being a member of the group. Another way that membership was determined was by the membership status of a parent or other relative. This method of inclusion is called lineal decent. If a person could say that one of their ancestors was a member of the tribe then they were included in the membership base of the tribe.

Environmental issues were some of the biggest issues that tribes had. How they interacted with their environment, preserving and managing their resources determined their success each season. If there were a long
winter or a wet summer, a good growing season or a deep freeze could be the difference between having a real meal and chewing on tree bark for dinner. Daily life consisted of making preparations for the coming seasons, preserving meat for the winter when everything would be frozen, making warm clothing for when it was cold and following the seasonal activity of the animals. The skill that one had at these things could mean a good year or a not so good year.

Relationships with other tribes could be complex. Certain tribes did very well together, trading often and intermarrying. Other tribes, however, did not do so well together. Some even considered themselves traditional enemies. Maintaining good relations with trade partners and avoiding conflict with adversaries was a delicate balance that tribes worked at maintaining.

When Europeans came to trade, they were welcomed by the tribes. At first goods were exchanged; then later, it was land, larger and larger areas of land. Some of the goods that the Europeans brought with them – things like cloth, glass beads, guns, and metal traps- changed drastically the way the tribal people did things. (pg. 41) When the French came they cultivated a good relationship with the tribes, even creating an “exchange program” in which young trappers would live with the tribe, learning the language and other skills, while a young man from a tribe would go and learn French language and culture. These exchanges lasted for a year or two. (pg. 40) French trappers would also marry into the tribe and learn about their ways of life in that way. (pg. 40) The French did not get along so well with all tribes. In fact, the populations of the Chickasaws, Foxes and the Natchez were decimated by repeated battles with the French. (pg. 40)

The Dutch had a similarly good relationship with tribes for the first 30 years of their stay. After the availability of furs decreased and the decision was made to colonize, their attitude turned from one of trade partner to exterminator. This was the time is when the practice of taking scalps began. (pg. 42) William Kieft, the Governor of the new Dutch colony began paying a bounty for Indian scalps to hasten their extinction in his colony. (42)

The English first accepted help from the Powhatan Confederacy, but soon after the relationship soon soured over the amount of land that the English were taking up. The Confederacy fought back, but quickly became one of the first to fall under British domination and they took on a policy of exterminating the “savages.” (pg. 44) The English maintained this attitude until they needed allies in the French and Indian War and the Revolutionary War.

The relationship that tribes had with the American government and its representatives can only be described as complex. After the
Revolutionary War, representatives began doing all that they could to cheat, steal and lie their way into ownership of Indian lands. (pg. 53) This drive for expansion continued well into the 20th century, leaving behind tribes in poverty, living on reservations as domestic dependent nations and creating legacies like the Cherokee trail of tears. (pgs. 53-60)

The Path to Modern Structure

Bureau of Indian Affairs

The Bureau of Indian Affairs began as the Office of Indian Affairs and Indian Office in 1824. Within the US government, it is one of the oldest agencies. It began as an office to diplomatically handle the negotiations between the United States and tribes. (272) When the Continental Congress first met in 1775, they created departments of Indian Affairs for three regions: Northern, Central and Southern. (272). Later when the War department was established, the Indian affairs departments were moved there. Secretary of war John Calhoun then created the Bureau of Indian Affairs (BIA) in 1824. (272). The BIA moved to the newly formed Department of the Interior in 1849 and with this move a change in policy came about. Previously the policy had been to get Indians onto reservations or assimilate them when possible; the new policy was to help the Indians on the reservations by providing them with aid. Reservations had brought about starvation and the spread of disease through tribes. Now the BIA was going to help put an end to that. (272)

The BIA later received a Commissioner, appointed by the President and approved by the senate, to oversee the agents in the field. BIA agents were charged with the distribution of aid to tribes. These agents were not always honest and in many cases the aid never reached its intended destination. (272). There was an investigation and the dishonest agents were found out, and suggestions for change recommended, but most were not followed through. The government went through another attempt at assimilation and BIA presence increased. Agents opened schools and began distributing supplies and acting as court officials. The agents became tribal government. (272).

In 1921, the Snyder Act spelled out the duties of the BIA for the first time clearly in one act. It authorized the Department of the Interior to “use funds for the benefit, care and assistance of Indians throughout the United States.” (273) The Department of the Interior was now providing for health, law enforcement, education, social services as well as for administration of the BIA. The act also prevented Congress from withholding monies from tribes should they attempt to do that. (273)

In 1928, the Meriam Report came out, listing in detail the shortcomings of the government with regard to providing services to
reservations. (273), this led to the passage of the Indian Reorganization Act in 1934. The BIA continued to expand its services throughout the 40’s to include such things as forestry, range management, agricultural services, construction, and land acquisition. (273) This continued until the 50’s and 60’s brought with them the termination era and duties like education and health care passed from the BIA to the States. (273) The 70’s reversed this policy with several acts to better the quality of life on the reservation without tribal government. (273) these acts were the Indian Self-Determination Act, the Indian Child Welfare Act and the Health Care Improvement Act. (273)

Today the BIA is reshaping itself, changing its goals, and restructuring its character. The agency is striving to change its position to an advisory position from a managerial one. (273), the set of goals published in the BIA manual reflecting these ideas are “(1.) encourage Indians and Alaskan Natives to manage their own affairs under a trust relationship with the federal government, (2.) facilitate, with maximum involvement of Indian and Alaska Native people, full development of their human and natural resource potentials; (3.) mobilize all public and private aids to the advancement of Indian and Alaska Native people for use by them; and (4.) use skill and capabilities of Indian and Alaska Native people in the direction and management of programs for their benefit.” (273-275). Today almost 75% of the employees of the BIA are Indians as a reflection of the forth goal the BIA set forth for itself. (275) The BIA is working to rectify the history of mismanagement, neglect and paternalism by helping the tribes and the government reach an equal platform. (275)

Court of Indian Offenses

The Court of Indian Offenses was created in 1883 by the Bureau of Indian Affairs in order to win the support of the native people. The BIA appointed tribal leaders as justices of the court. (203)

These courts had benefits as well as disadvantages. One of the major benefits was that there were now tribal people designated to make judgments on other tribal people. This led to a greater level of fairness for those who came before the court: those who were judging them understood them in ways that the Indian agents who had previously been in those positions never could. (203). the sentences handed down by the Indian agents were often cruel and unfair. The other side of the coin was that by participating in and enforcing the foreign court structure, the government was destroying tribal traditions and practices in favor of the American legal system. (203)

The justices of these courts were obligated to enforce the Code of Federal Regulations (CFR) that had been designed to assimilate Indians into white society. (203) Under the CFR it became illegal for tribal people
to partake in their traditional dances such as the sun dance, scalp dance and war dance ("Indian courts": a brief history, Ojibwe News Jun 8, 2001); they were separated from their spiritual practices and other cultural traditions in favor of behaviors that were considered civilized by the Federal Government. (203) Punishment for participating in these traditional practices included loss of food rations, imprisonment and fines. (203)

**The Indian Reorganization Act, 1934**

The Indian Reorganization Act was passed in 1934. The Indian Reorganization act (IRA) was designed to strengthen the governments of tribes, as well as to restore the equal status relationship tribes once had with the government, stop the sale of allotment lands, restore lands to the communal holdings of the tribes, provide the funding for the economic development of tribes, grant preferential status to Indians when they applied for open positions within the BIA, and assist tribes with the development and maintenance of a cultural renewal program, especially those relating to language, religion and crafts. (82) The Indian Reorganization act also established Tribal Governments as they are today.

“Tribal government as it is known today was established in 1934 through the Indian Reorganization Act. After 47 years, however, some tribal leaders are arguing that this system of government has not worked. It is, critics assert, based on alien concepts and unresponsive to the needs of tribal members.” Elgin Bad Wound. (The Power of Tradition: A Conversation with Elgin Bad Wound).

Tribal governments were set up based on a model constitution. These constitutions did not separate the powers of the government into the three branches they were modeled after. Instead in many cases the powers of the judicial branch of the government were exercised by the executive branch. The concept of voting or majority rule was introduced to a people used to making decisions by consensus. (83) Council positions were decided by election as opposed to the traditional appointment based on respect for a lifetime of knowledge.

When the act established these governments it did not, however, put them solely in the hands of the people for whom they were created. The new tribal governments were now answerable to the secretary of the interior. The Indian Reorganization Act required that the tribes have the approval of the secretary of the interior before they could take any action regarding purchasing or selling tribal properties or assets, making new tribal laws, or hiring legal council. (pg. 83) This attitude of paternalism and the fact that all tribes and tribal members who abstained from voting on the act out of protest were counted as voting in favor of the act are some of
the most prominent criticisms of the act. Another criticism of the IRA is that it inflicts a foreign form of government on tribal people. (83)

Termination was a policy that the government used to end its relationship with several tribes. When the tribes were deemed to be self-sufficient the government would sever all ties of obligation through treaties and agreements to the tribe and assimilate them into dominant society. This policy was designed to, first, end the government’s responsibility over tribes and second, to fully integrate and assimilate tribal people into dominant society. (83) This was done by ending their trust status with the government, selling the land that had been held for them and turning the profits of these sales over to the tribes. (85) The termination era began in 1953 and was a policy actively pursued until the 1960’s. Termination laws remained in place in the books until they were repealed by the House of Representatives in 1988. (85)

Relocation was another course of action the government took that shaped the face of tribal government today. Tribal members were removed from reservations and placed in urban neighborhoods where they were cut off from their traditional support group. They were placed in these urban settings to receive training for employment purposes and ultimately assimilation. The policy of relocation began in 1956 with Public Law 959. (86) This law provided the funds used to provide the on the job or institutional training that Indians were to receive. The biggest problem with this policy was that the only way the program and services were available was for trainees to move away from the reservation and into the city. (86) Only recently did similar programs become available to those who did not live in the city. (86)

**Tribal Government Today**

The move for self determination came out of the civil rights movement and the social upheaval of the 60’s and 70’s. Several different commissions were formed to launch investigations into the state of Indian affairs. It was determined that past policies such as termination had been dismal failures and that a new way of managing the affairs of the Indian people needed to be created. (86) Self determination is a concept that encourages tribes to determine their own futures by self government, self education and self sustaining resources. Each tribe is responsible for its decisions and the approval of the BIA. No other approval is necessary. Self determination also gives greater power to tribes to take an active roll in determining federal Indian policy. (86)

Each tribe has a constitution that sets up the structure of the tribe. These constitutions closely mirror the constitution of the United States in their layout of the branches of government. The problem with these constitutions is that they do not separate the powers of government into the
three branches. They often leave the power of the judicial branch in the hands of the main council, in some cases; however, tribes can elect judges just as they elect their council persons. Once elected to council, a member has two ways to become chairperson. The first is to be elected by a general vote. The other is to be elected as chair from within the council by the membership of the council. The council structure of each tribe varies depending on what their constitution states, but overall they are very similar. (83)

Modern Problems

Corruption

“The system of government that we have is borrowed from the European concept of government where, essentially, a few people rule.” Elgin Bad Wound. (The Power of Tradition: A Conversation with Elgin Bad Wound)

Rule by the few tends to isolate a small group of people who are in charge of everything, and this can lead to many problems. In recent years many tribes have suffered from the corruption of their leaders, be they treasurers who embezzle or council members and chairpersons with their own political agendas that are not always in the best interest of the tribe. Many times a family or closely related group will become the ruling political party in the area and take over the running of the tribe while looking out for the best interests of themselves and their family.

Recently several tribes have suffered the loss of funds due to a dishonest treasurer. The lack of safeguards preventing such an occurrence makes it much easier for tribes to be taken advantage of.

Blood Quantum vs. Lineal Descent

Blood quantum is an idea that membership is based on the amount of genetic material or “blood” an individual has in common with the group. The problem with blood quantum is that it is not conducive to sustained membership numbers. The higher the quantum, the fewer the members; the fewer the members the smaller the tribe; and the smaller the tribe, the shorter lived it is. Blood quantum is designed to breed a population out of existence, not to sustain a population.

The other option is lineal descent. All a person has to do is to prove that at one time an ancestor of theirs was a member of a tribe and the applicant, too, will be considered a member of the tribe. This method is based on the traditional way of determining membership in the tribe. Opponents of this idea are those who are in favor of larger per capita
payments from casinos and not in expanding the population base of their tribe.

Membership requirements
Tribes have the ability under their constitutions to set their membership requirements; however, under the constitutions required by the Indian Reorganization Act, tribes must choose either lineal decent or blood quantum to determine membership. The most common method employed today is blood quantum. Currently membership requirements of tribes are designed to exclude potential members rather than include persons of low blood quantum. This keeps tribal populations down.

Changes and Reflections of Traditional Structures

Responsiveness to the needs of the people

"Things will work better as tribal sovereignty is enhanced with tribal governments assuming greater control, programs can now be designed and delivered by tribal governments with the ultimate customers clearly in mind -- individual Indians living on various reservations throughout the country or in Alaska villages." Ada Deer.

A strong assertion of tribal sovereignty would be tribes’ restructuring their governments to better meet the needs of their people. As sovereign nations, tribes have the right to do just that.

Greater Representation

“In the traditional form of government there would be more people involved, more people would be given responsibilities.” Elgin Bad Wound. (The Power of Tradition: A Conversation with Elgin Bad Wound)

The more people who get involved in the process of tribal government, the more representative the decisions of the government will be of the wants of the people. Voices that may not have been heard before could be brought forth and perspectives on issues that could be very beneficial could be heard, whereas in the past they may have been overlooked. The involvement of more of the population in the decisions that the council makes the more closely tribes will come to moving back to the idea of consensus, back to a time when the entire tribe participated in the decision making process.
Another way that governments have become more responsive to the needs of the people is the greater involvement of women in tribal politics, in several cases in the capacity of chairperson.

**Self Governance**

"Self-governance provides the flexibility to provide services tailored to the needs of our people," said Marge Anderson, chairwoman of the Mille Lacs Band of Ojibwe.

Self governance is an important factor in remaking tribal government. With the power to govern solely in the hands of the tribe, progress could be made at a rate and in a manner that best suits the people of the tribe. Methods that work best for native people could be put into place instead of those that are currently not working for tribes.

**Self Determination**

To create a sustainable and stable economy, tribes need to look beyond casinos and gaming; they need to look to the activities that are part of their heritage. Options like gathering wild rice, making maple syrup, guiding, sponsoring campgrounds, doing crafts, and farming are just a few items on an endless list of activities in which tribes took part and on which they based their lives before contact with the white man. Capitalizing on these activities in a modern way could be quite advantageous for tribes.

Tribes can make use of their natural resources by protecting them and offering guide services through area lakes or wilderness areas. Creating parks and maintaining campgrounds on their reservations, keeping rivers, lakes and streams clear for canoeing or rafting are all ways of preserving the natural beauty of the reservations while participating in some traditional activities and crafting a profitable situation for the tribe. Some tribes do not have these types of land features on their reservations but they do have resources and looking at those resources and combining them with a revival of traditional practices and activities is a means of their becoming more self determining.

**Resistance to Change**

**All Modern**

There are many reasons the proponents of the modern system are opposed to any change to a more traditional government. Some people would maintain the modern government for questionable reasons, while younger generations coming up in tribal government have known only the modern form and do not know any of the positive outcomes that could result for tribes by looking at government from a different perspective.
They see only the “down sides”, the change, the struggle and all of the arguments against returning to a more traditional way of life. Some members of the not much older generations are also focused on these ideas; some others see a reformation of government as necessary, but they just want a modern reformed government. These people believe that maintaining a modern form of government and following the path that the western world has deemed as progress will help tribal people to make a place for themselves in modern times. As an additional result, tribal people would then not be considered “backward” or in any way inferior.

**All Traditional**

On the other side of the coin, there is a group who wants to reform tribal government to function more like traditional tribal government. The feeling is that returning to a traditional form of government is the ultimate assertion of the sovereign powers of the tribes. No longer submitting to foreign structures and alien practices, tribes would have the power to decide their own fate and determine their own destiny.

**Blend**

Still a third group has a vision of a blend of the modern and the traditional as the answer to the question of change. They see a strong balance of traditional beliefs in a modern world as the way of not only asserting the sovereign powers of the tribes but also maintaining traditional culture, while making a place for tribal people in modern times.

**Conclusion**

Tribal government has undergone many changes, taken on many faces. Some of those changes happened in a positive way at the instigation of the tribes and some were forced upon them by a government that just did not understand tribal people. Through internal change, tribal government evolved for hundreds of years, but with the arrival of Europeans in this country tribal government began to change drastically.

At first tribes operated on equal footing with the representatives from the foreign governments and this continued until the Dutch and English changed their attitude towards Indian people. When they began to see the tribal people as savages and inferior, they first tried extinction – offering a monetary incentive to those who would bring in the scalps of Indians. The intention was to clear the land of its native inhabitants, thus making more room for European settlers in the new European colonies. In the cases of some tribes this tactic worked all too well, and they went from a prospering population to an extinct population.

Not all of the Europeans that came to this country had bad
relationships with the tribes during their stay here. The French and Indians had very good relations indeed. There were exchange programs that allowed both parties to experience the culture of the other while learning the language and cementing a prosperous business relationship. Many of the French fur traders also married into the tribes with whom they lived and worked. The French maintained this attitude of equality until the British defeated them and claimed the lands that had been French territory.

When America won its independence from England, tribes initially experienced the same policy of extinction, but later the American government changed its attitude to one of a more paternalistic nature. They had to manage Indian affairs because the feeling of the time was that Indians were just too savage to know how to do it themselves. Tribes now became wards of the Government: domestic dependent nations. Policies of removal and assimilation began soon after. The Bureau of Indian Affairs was created and placed under the authority of the War Department. The purpose of the BIA was to deal with the Indian issue. Later when tribes were no longer considered a military threat, the BIA was moved to the newly formed Department of the Interior to be overseen by the Secretary of the Interior.

Mismanagement and neglect seemed to be the earliest and most lasting policy of the BIA despite its stated policy of providing aid to the tribes. Dishonest agents withheld supplies and aid from the people for whom it was intended, and instead used it to get rich. Investigations into this problem were launched and suggestions made for reform. The BIA has come a long way from these policies through more attempts at assimilation and termination to policies of self determination and self rule. Indians now make up over 75% of the employees of the BIA, whereas at its inception there were no Indians employed by the agency in positions of authority.

The Court of Indian Offences created by the BIA in 1883 was designed as a way to gain greater tribal support. The BIA appointed tribal leaders to act as the justices of the courts and charged them with enforcing the Code of Federal Regulations (CFR). Under the CFR traditional spiritual practices, dances and other traditional activities became illegal. These actions were made illegal to force Indians to become more “civilized” or acculturated into white society. The idea was to have Indians adopt the skills and habits of the industrialized world so that they might seek employment that would be deemed civilized and acceptable. The benefit of the court was that the justices were of a sympathetic nature and were much fairer in their judgments and decisions then the BIA agents had been with theirs in the past. The main disadvantage of the court was that by participating in the process and submitting to the decisions of the court, Indians were neglecting their own cultural beliefs and traditional practices in favor of a foreign system of government.
In 1934 Tribal Government changed its face yet again with the passage of the Indian Reorganization Act. This act restructured tribal governments so that they resembled the federal government more than they did the traditional governments that tribes once had. Tribes were given model constitutions and from those constitutions came tribal councils. These constitutions did not, however, properly separate the powers of the three branches of government and many times the main governing council (the executive branch) ended up making the decisions of the judicial branch. This caused confusion among the people as to how government was to function.

While these changes were designed to put tribal government back into Indian hands, they did not do so. Under the provisions of the act, tribes were now answerable to the Secretary of the Interior for all major decisions regarding purchases and sales of land, changes of laws and hiring of legal council. Problems began to arise because the form and method of government set forth in these constitutions was foreign to many of the people for whom it was designed to work. Another issue that Indian people had with the act was that most of them had not voted for it – either in favor of or against. Many Indians abstained from voting as a protest against the act, but were counted as voters in favor of the act.

Today tribal government is going through yet another change. These changes seem to be taking tribal government in an entirely different direction than the previous changes have. The changes being made to tribal government today seem to be making it much more reflective of the traditional structures of government that tribes had prior to the arrival of Europeans. Councils are becoming more representative of the population with the greater participation of women in government. Some tribes are even talking about increasing the size of councils so that they can get a better perspective of what the needs of the people really are, as opposed to the idea of the needs of the people that the small councils have now. Tribes are working on greater internal development by going back to traditional practices and trading on the profitability of their traditional crafts and activities.

As with any change, there is resistance. In the case of tribal government, there is resistance in three forms. Resistance exists to any change from the modern form of government because of the feeling that tribal people need to make a place for themselves in modern times and keep up with the progress of the western world. Another argument of resistance is the argument that tribes must revive their traditional forms of government as an assertion of their sovereign right to determine their own government. A third argument of resistance promotes a blend of traditional and modern styles of government that would keep traditions alive as well as make a place for tribal people in the modern world.
The changes that tribal government is presently undergoing will have a great impact on the functioning of these governments in the future. It remains to be seen what direction each tribe will take how those changes will affect their culture, and in the end how effective the changes will be.
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