



Working Effectively with American Indian Populations: Tribal Governance

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From the time that Indian reservations were created, socioeconomic conditions have steadily declined. By the 1920s, living conditions on Indian reservations were described as deplorable. Also, social conflicts among Indians emerged on reservations where numerous and often very different bands were forced to live together. The federal government recognized a need for tribal governance to help manage daily reservation activities and affairs.

This fact sheet examines the evolution and structure of tribal governments, shows how the structure of individual tribal governments may differ, and underscores the significance of federal recognition of Indian tribes. It is important to acknowledge and understand American Indians and how tribal government functions to facilitate productive relationships and build programming efforts.

Evolution of Tribal Governance

Government leaders passed new legislation during the New Deal Era (1934 to 1945), which provided Indian tribes with the opportunity to establish tribal governance and exercise some degree of sovereignty. The Indian Reorganization Act (IRA) of 1934 allowed Indian tribes to organize tribal governments. Key components of the legislation authorized tribes to: 1) create and adopt a tribal government constitution; 2) restore to tribal governments the authority to conduct government-to-government negotiations with local, state and federal governments; and 3)

receive a majority approval from tribal members prior to negotiating land sales or exchanges. The IRA was intended to slow the loss of Indian lands due to the effects of General Allotment Act of 1887 (Dawes Severalty Act). It also sought to decrease poverty on reservation lands by establishing a revolving fund to make loans to Indian corporations or governments. The policy also gave the Bureau of Indian Affairs (BIA) authority over tribal forest and range management (Rusco, 2000).

Tribes were given the choice to adopt the IRA-proposed outline for governance, which created the entity "tribal government." More than 100 tribes or tribal confederacies adopted the IRA policy, along with written constitutions. BIA officials assisted tribes in this process and influenced the design of centralized secular governments elected by a majority of tribal members (Goldberg-Ambrose, 1994).



Confederated tribes at Warm Springs First Tribal Council.

The Confederated Tribes of the Warm Springs Reservation, for example, organized its government under the IRA in 1937 (Confederated Tribes of Warm Springs Reservation, 2007). The treaty that established the Warm Springs Reservation (1859) forced eight bands of Indians to live within the boundaries of one reservation. The reservation initially brought together three Chinook-speaking Wasco bands of the Columbia River and four Sahaptin-speaking Warm Springs bands of the Columbia tributaries. In 1879, 28 Shoshone-speaking Paiutes were relocated to the Warm Springs Reservation from the Yakama Reservation.

Other tribes used the IRA-proposed constitutional framework to establish some version of tribal government (Mason, 1998). However, not all tribes adopted the IRA provisions, which required that tribal constitutions be ratified by the Department of Interior. For example, the Confederated Tribes of the Umatilla Reservation, composed of Cayuse, Umatilla and Walla Walla bands, created its constitution and bylaws in 1949. It established a tribal government not organized under the IRA, rejecting the 1934 legislation (Tiller, 2005). Also, while some tribes organized governments, not all tribal governments developed a written constitution (Wilkins, 2006).

Tribal Governance Structure

A **tribal government** is the official entity that makes judgments and decisions concerning programs and services conducted within Indian reservation boundaries. The structure of a tribal government typically features a **tribal council** which acts as the governing board and is recognized as the authoritative power under both federal guidelines and tribal constitutions and bylaws.

A tribal council includes a specified number of elected tribal members. The service terms of tribal council members may vary among tribal governments. In some cases, tribal council members are appointed.

A tribal council oversees various departments that operate several tribal programs, including, for example, agriculture and natural resources, health care, social services and roads. The tribal council leader holds the title of tribal chairman. The tribal chairman's position may be open for competition in a democratic election, or the chairman may be elected from within the tribal council member ranks. Due to land tenure issues, the jurisdictional authority of a tribal council can vary widely by reservation.



Confederated Tribes of the Colville Reservation logging operation.

Some tribal governments have created corporations to oversee the details of tribal business affairs. The uniqueness of this business model is determined by the tribal council on a given reservation.

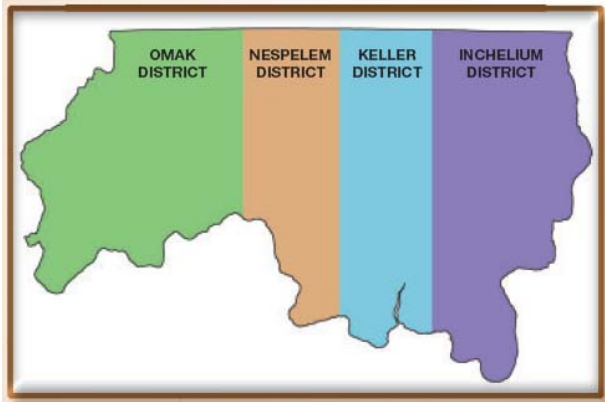
Although tribal governments may have similar structural features, variations exist among reservations. For example, the Confederated Tribes of the Warm Springs Reservation appoint three chiefs for life to represent the three different tribes of the confederation. The remaining eight tribal council members are elected every three years and represent voting districts or lands traditionally associated with the eight separate bands.

In contrast, the Confederated Tribes of the Colville Reservation created a constitution in 1938 under the IRA, which established a 14-person tribal business council that acts as the reservation governing body. The confederation represents 12 aboriginal tribes including the

Okanogan, Methow, Chelan, Entiate, Wenatchee, Columbia, Palous, San Poil, Nespelem, Colville, Lakes and Chief Joseph Band of Nez Perce.

All members of the Colville Business Council are elected for two-year terms and represent four voting districts within the reservation boundaries based on the tribes aboriginal territories. The districts are the Omak, Nespelem, Keller and Inchelium (see figure 1). Registered tribal voters may also choose to vote by an established absentee voting method.

Figure 1: Colville Reservation District voting map



There are seven annual, open, business-council positions upon which eligible adult tribal members may vote. In addition, eligible adult Colville tribal members may become certified candidates in a yearly election to select seven of the 14 two-year council terms. The election process includes a primary election held in May prior to the general election in June.

Immediately following the general election, a reorganization meeting is held for the new candidates. The 14-member Colville Business Council selects its executive committee (chairman, vice-chairman and secretary) and the chairpersons for each of the committees that will govern tribal operations during the year. Each business council member receives a salary.

In 1984, the Confederated Tribes of the Colville Reservation took steps to secure its economic future by creating the Colville Tribal Enterprise

Corporation (CTEC). The CTEC manages a number of tribal enterprises that include gaming, recreation, tourism, retail, construction and wood products, as well as a program that issues loans to tribal members. The CTEC is the most diverse Indian-owned operation in the state of Washington and generates over \$120 million in revenues each year, while employing close to 1,000 people. The revenues from the enterprises finance governmental and social services for the members of the Colville Confederated Tribes.

Federal Recognition of American Indians

In 2006, the BIA reported 562 federally-recognized Indian tribes, which include 337 Indian tribes and 225 Alaskan native village corporations (U.S. Bureau of Indian Affairs, 2008). However, several other Indian tribes that are not recognized by the federal government are recognized by the state in which they reside.

Federal recognition of Indian tribes is overseen by the BIA, Office of Federal Acknowledgment. The procedures to establish that an "American Indian group exists as an Indian tribe" is documented in the U.S. Code of Federal Regulations, Part 83 of Title 25. The acknowledgment process requires an Indian group to petition to satisfy the acknowledgement regulations, which includes a public notice and comment period (U.S. Office of Federal Acknowledgment, 2008).

Federal recognition is important to tribes because it grants tribal governments the opportunity to obtain federal funding for services. Federal recognition also determines whether tribes in states that already allow a particular class of gaming can receive permission to operate a casino on tribal land (Smithsonian Institute, 2007). A 2005 United States government accountability report acknowledged that the recognition process was ill-equipped to respond to the backlog of requests. While steps have been taken to improve the recognition process, it still can take

four or more years for a petition to be reviewed (U.S. General Accounting Office, 2005).



Presenting traditions and culture during the Pendleton Round-Up in Oregon, 2007

Summary

The Indian Reorganization Act of 1934 acknowledged sovereign governmental powers for Indian tribes and empowered tribes to establish governmental units with the authority to govern within reservation boundaries. The structure of tribal government typically features a tribal council or a tribal business council. Each tribal government has the authority to design its own unique governing structure. In most cases, a democratic process is used to elect tribal members to the tribal council. The tribal council typically governs all activities and programs on a given reservation, sets laws, enforces laws, and directs government-provided services and programs. The tribal council usually works closely with federal agencies responsible for funding Indian programs and services.

The majority of tribes in the U.S. are recognized by the federal government, with few receiving only state recognition. When a tribe is federally recognized, it receives benefits obligated by the federal trust responsibility.

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