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# Exploring The Impact Of Self-Determination On The Political Practices Of The Turtle Mountain Band Of Chippewa Indians: A Critical Content Analysis

Terri Jean Martin-Parisien

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EXPLORING THE IMPACT OF SELF-DETERMINATION  
ON THE POLITICAL PRACTICES OF THE  
TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS:  
A CRITICAL CONTENT ANALYSIS

by

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A Dissertation

Submitted to the Graduate Faculty

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This dissertation, submitted by Terri Martin-Parisien in partial fulfillment of the requirements for the Degree of Doctor of Philosophy from the University of North Dakota, has been read by the Faculty Advisory Committee under whom the work has been done and is hereby approved.

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April 29, 2016

## TABLE OF CONTENTS

LIST OF FIGURES.....	vii
ACKNOWLEDGEMENTS.....	viii
ABSTRACT.....	ix
CHAPTER	
I. INTRODUCTION.....	1
The Turtle Mountain Band of Chippewa Indians (TMBCI)..	2
Colonization and Decolonization.....	8
Self-Determination.....	10
The Problem.....	11
Purpose of the Study.....	12
Research Questions.....	12
Significance of the Study.....	13
II. LITERATURE REVIEW.....	15
The Turtle Mountain Band of Chippewa Indians (TMBCI).	16
Colonization.....	20
Decolonization.....	32
Self-Determination.....	36
III. METHODOLOGY.....	53
Purpose of the Study.....	53
Theoretical Framework.....	53

Research Questions.....	59
Content Analysis.....	60
Method.....	62
Limitations of the Study.....	69
IV. FINDINGS.....	71
Pre Self-Determination Data Analysis.....	71
Post Self-Determination Data Analysis.....	101
Self-Determination.....	129
V. DISCUSSION AND IMPLICATIONS.....	140
Discussion.....	140
Implications.....	145
Recommendations for Practice.....	152
Recommendations for Future Research.....	153
APPENDICES.....	155
REFERENCES.....	161

## LIST OF FIGURES

Figure	Page
1. Rolette County, ND.....	2
2. Land Cessions.....	5
3. Pre Self-Determination Themes.....	72
4. Post Self-Determination Themes.....	102



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To my brother, John Joseph Martin, Jr.  
“Agaashii Pucachinaniis”  
1974- 2014  
I love you- Always and Forever.

To my Godmother and Auntie, Mary “Janet” Lenoir  
“Soonge De E Migizi EQUay”  
1938- 2014  
I’ve been blessed.

To my first grandbaby, Nora Jean Farrell  
2014-  
Thank you for choosing us.

## ABSTRACT

This study examined the Indian Self-Determination and Education Assistance Act (ISDEAA) of 1975 specific to the Turtle Mountain Band of Chippewa Indians (TMBCI). The purpose of this study was to provide evidence as to the impact of the ISDEAA on the Tribe as well as if, and how, the Tribe set their own definition of self-determination, above and beyond the definition of the ISDEAA. This study also examined the tensions that exist between the federal government and the TMBCI using federal policies such as the ISDEAA.

Tribal Critical Race Theory (TribalCrit) and Content Analysis were used as the theoretical framework and methodology, respectively. TribalCrit allowed for a discussion to unfold that would take into account colonization that has held Native peoples captive within western systems as it is positioned to analyze power and authority. Content analysis, on the other hand, provided a structure that allowed for the analysis of written text, tribal meeting minutes.

While the ISDEAA was operational for the TMBCI, it did not appear to further self-determination efforts for the TMBCI. Rather, it limited self-determination as the only mention of the ISDEAA was in regard to contracting set activities such as construction for which processes and procedures were plainly laid out to which the TMBCI had to comply. This clearly speaks to the authority of federal rule as opposed to the TMBCI self-determining and as such, the ISDEAA appears to have further embedded the concept of colonization.

On the other hand, however, TMBCI appears to have an internal definition of self-determination. This was witnessed through examples such as chartering a tribal community college and implementing a culturally responsive Teacher Education program.

In terms of values, there was a definite tension between the values of individuality versus community interest. From the side of the federal government, it appeared that the value of individuality was a key component underlying policies while the TMBCI appeared to be more concerned with community interest. The TMBCI, however, also provided a venue for individual expression as noted in instances such as the Relocation policy.

## CHAPTER I

### INTRODUCTION

My son recently graduated from high school and during the summer months that followed, he enrolled in college courses at a state university. During an educational field trip, he sent me a text message. It read “Mom, what is life?” As I read the text, I wondered how to go about answering his question for I knew that he wanted to have a deep conversation. Should I text my thoughts to him or should I tell him to wait until he returned home and we could have a face to face and heart to heart discussion? I decided to reply as the timing was now. In my written response back to him, I acknowledged the depth of his question and I asked him what he thought life was. Our conversation went on for the next 45 minutes or so, as we shared our thoughts and beliefs.

Shortly after our exchange, I thought about our words to each other. I thought about our way of knowing and existing as Native peoples. I thought about our conversation through text, the benefit of immediate exchange while surrendering to the limitation of not seeing expression or hearing emotion. I thought about our ways of learning life lessons, including the use of stories. I began to wonder how we can effectively portray our ways of knowing and believing through text messages. How would this form of communication help, or hinder, us? But my thoughts didn't stop there as soon I was thinking about another type of written text, American Indian policy. How did our policies help, or hinder, us? Did our adopted tribal policies really support who we are as a people? What were the policies that we abided by really about? Could I critique text messaging when I didn't even know how our policies supported our values and

beliefs? In essence, I was asking myself whether the written word, as we had adopted it, could convey our ways of knowing and believing. My mind carried me to a place that yearned for answers, but I couldn't find them. Through his own questions, my son had ignited a flame within me to also search. This search is exclusive of the Turtle Mountain Band of Chippewa Indians (TMBCI).

### **The Turtle Mountain Band of Chippewa Indians (TMBCI)**

Located in Rolette County (see Figure 1) in north central North Dakota and ten miles south of the Canadian Border, the Turtle Mountain Band of Chippewa Indian Reservation is a six mile by twelve-mile land base and “is considered one of the most densely populated Reservations, per square mile, in the United States” (<http://turtlemountaintribe.businesscatalyst.com/index.html>).



Figure 1- Rolette County, ND

According to the U.S. Census, Rolette County has 13,937 residents and of those, 77% identify as American Indian and Alaska Native

(<http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>). The official TMBCI website offers the following statistics:

Unemployment on the Reservation is estimated to be at 69.25 % according to the 2010 Bureau of Indian Affairs (BIA) Labor Force Statistics. According to the 2010 Census, over 40% of Tribal families were living below the poverty level, and 882 households were headed by single mothers struggling to raise 1,392 children under the age of 18 (<http://turtlemountaintribe.businesscatalyst.com/stats-overview.html>).

According to Richotte (2009), “the Turtle Mountain Band of Chippewa Indians came into being in the late eighteenth and early nineteenth century” (p. 48). As the Ojibwe tribes migrated westward, many settled into present day Minnesota. Continuing the journey, however, the present day TMBCI occupied the lands of eastern North Dakota and western Minnesota only for a short time before settling into central and north central North Dakota. “By as early as the second decade of the nineteenth century Ojibwe peoples were wintering in the Turtle Mountain area” (Richotte, 2009, p. 51).

In terms of traditional socio and political structures, Richotte (2009) states that the society of the Plains-Ojibwe Indians was “relatively diffuse and horizontal” (p. 52) and leadership for the Turtle Mountain Band “was as fluid and consensual as the rest of the communal tribal society” (p. 53). As cited by Richotte (2009), Marmon (2001) offers the following statements concerning tribal leadership

Each group or band of hunters became separate units and had their own leaders conduct affairs for the band with the consent of fellow bandmembers. While still recognizing the

head chiefs of their home villages, leaders of these small bands were more like petty chiefs fulfilling the role as chief when called upon by the group (p. 53).

Further, and specific to the TMBCI, “throughout the nineteenth century the role of head chief more or less passed through the hands of one family, with each successive leader adopting the name of Little Shell (or Little Clam in some of the literature)” (p. 53-54). As such, a governing structure was in place for the TMBCI in which leadership was identified. This structure would change however, as the TMBCI fought to have their lands secured.

### **The McCumber Agreement**

“In 1882, President Chester A. Arthur signed an Executive Order creating a twenty-four by thirty-two mile reservation” (Richotte, 2009, p. 76), or “nearly twenty-two townships” (p. 77). Two years later, in March 1884, another executive order was issued in which the reservation was reduced to two townships. In June 1884, just three short months later, “some of the reservation land was exchanged (although this action neither enlarged nor reduced the reservation) through another Executive Order to create the boundaries of the reservation that continue to exist to this day” (p. 81). As noted in an earlier section, the reservation land base is currently six by twelve miles (see Figure 2).



## CHIPPEWA LAND CESSIONS IN NORTH DAKOTA

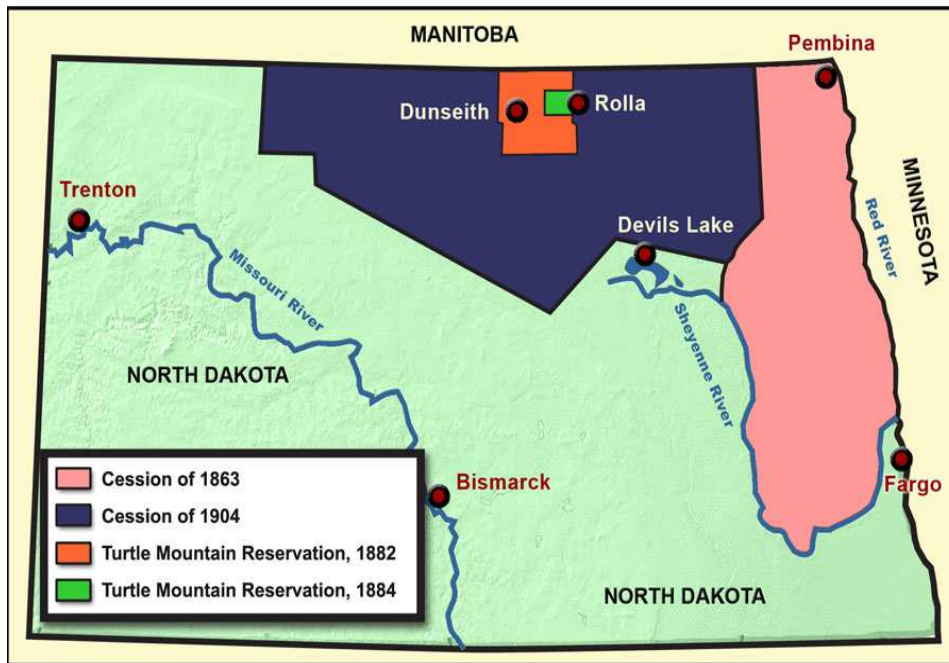


Figure 2- Land Cessions

([http://www.ndstudies.org/resources/IndianStudies/turtlemountain/images/land\\_map\\_large.jpg](http://www.ndstudies.org/resources/IndianStudies/turtlemountain/images/land_map_large.jpg))

The reservation land base was initially established in 1882 but due to continued negotiations, it was not ratified by Congress until 1904 where it became the McCumber Agreement “almost twelve years after it was originally negotiated and with but a few minor amendments” (Richotte, 2009, p. 95). This agreement “cemented the diminished borders of the reservation boundary and paid one million dollars for the ceded land in the state of North Dakota” (p. 91). The people of the TMBCI voted on the ratified and amended agreement in 1905; it was accepted (2009).

Referred to as the Ten-Cent Treaty, the people of the TMBCI have never been satisfied with the conditions of the agreement. The reduced land base as well as the ten-cent per acre received for the land sales provided the ammunition needed to continue seeking restitution. This

is evident by the lawsuits that have followed in years after and as stated by Richotte (2009), played a major role in the adoption of the TMBCI Constitution.

The TMCBI entered into their first written policy by signing the McCumber Agreement in 1905 (Poitra & Poitra, 1997). A few decades later, in 1932, they adopted their first written constitution and a new way of governing. According to Richotte (2009), the constitution was adopted by the Band in an effort to get the government to fulfill its promise for land payment. In other words, the people were not passive in the adoption of the constitution but rather, they asserted their voice.

### **The TMBCI Constitution**

The Turtle Mountain Band of Chippewa Indians (TMBCI) adopted its first written constitution in 1932. While initiated by the Band, the constitution was drafted by the Superintendent and a non-Native attorney and it provided ultimate power to the Superintendent. In fact, Richotte (2009) notes that “correspondence from Washington D.C. noted that the final draft of the constitution left an inordinate amount of authority in the hands of the tribal superintendent, a point which would not be lost on the community” (p. 137).

Two years later, federal policy known as the Indian Reorganization Act (IRA) was passed. According to Richotte (2009), “the IRA sought to reinvigorate tribal sovereignty and economic development by reestablishing tribal governments through constitutions and corporate charters” (p. 150). As such, tribes were given the option of either accepting or rejecting the IRA. As the TMBCI had already adopted their constitution two years prior to the adoption of the IRA, the tribe voted it down in 1935 for legality purposes (Richotte, 2009). “The community was faced with another difficult choice: retain a flawed document that held the promise of initiating a

lawsuit against the federal government or adopt a new constitution that might increase tribal autonomy but did not hold the same promise of beginning a claim” (p. 167). The 1932 document was upheld by the TMBCI in an effort to pursue a lawsuit based on dissatisfaction with the McCumber Agreement.

The rejection of the IRA placed the TMBCI in a unique position as while they were not an IRA tribe, they had all the language and text within their constitution as did any other IRA tribe. At this point in time, the adopted constitution provided an avenue for colonization.

### **The Bureau of Indian Affairs (BIA)**

Originally situated in the War Department, the Bureau of Indian Affairs (BIA) was transferred to the Department of the Interior in 1849 (Deloria, 1988). “The Bureau of Indian Affairs is divided into ten area offices which are scattered throughout the country” (p. 126). According to Deloria (1988) “within each area are a number of agencies. Larger tribes have agencies of their own and a number of smaller tribes may be gathered together under a general agency” (p. 130). For the TMBCI, the area office is located in Aberdeen, South Dakota and the agency office is located on the TMBCI reservation. The position of Superintendent heads the efforts of the agency office.

According to the Bureau of Indian Affairs website, there are many functions that the BIA carries out. Following is a short synopsis of these functions:

Indian Affairs provides services directly or through contracts, grants, or compacts to 567 federally recognized tribes with a service population of about 1.9 million American Indian and Alaska Natives. While the role of Indian Affairs has changed significantly in

the last three decades in response to a greater emphasis on Indian self-governance and self-determination, Tribes still look to Indian Affairs for a broad spectrum of services... Through Indian Affairs programs, Tribes improve their tribal government infrastructure, community infrastructure, education, job training, and employment opportunities along with other components of long term sustainable development that work to improve the quality of life for their members (<http://www.indianaffairs.gov/WhatWeDo/index.htm>).

Yet, according to Deloria (1988), the BIA is often ineffective in carrying out their functions as a result of politics. “Unless one understand the outside pressures that operate on the bureau, one does not understand the flaws in the system which give rise to the various charges that are leveled against it” (p. 131). Calling the Bureau “fear-ridden”, Deloria points to the Department of the Interior as “one of twenty-six odd bureaus within the Department of the Interior. Its top job, the Commissionership, is a job filled by appointment...” (p. 132). Given this, it is clear that the BIA is not only politically driven but it is also layered in a complex system.

### **Colonization and Decolonization**

According to Porter (2005), colonialism is defined in two phases:

First, one must raise an army and conduct a military campaign to subdue the target population. This phase of colonization is the most dramatic, because it takes place over a short span of time amidst much violence... This second phase of colonialization reflects the colonizer’s efforts to gain control over the target population and to change their society, and the people themselves, to suit the colonizer’s needs. Most often, what this

means is that the culture of the colonized people is affirmatively changed to be more closely aligned with the culture of the colonizing people (p. 89).

Colonization for indigenous peoples has taken many forms. The use of colonizing federal policies such as the General Allotment Act and Relocation and Termination were forced upon American Indians in an effort to civilize and assimilate them. These assimilationist policies caused instances of acculturation or the absorption of cultures and beliefs of the dominant society in which the language, culture and beliefs of American Indians were pushed aside. For example, “the 1887 General Allotment Act, also called the Dawes Act, was an attempt to force European values of individualism and private initiative on Indian people, who traditionally lived under a communal system” (Reyner et al., 2004, p. 81). As a result, many American Indian ways of knowing and believing suffered as seen in the present day struggle against the loss of their language and culture. Another such example of colonizing efforts was realized through the school systems.

As the school systems were an ideal location to teach students about right and wrong, it became a site to grow the ideology and practices of colonization.

“The so-called civilization of American Indians, at times simply termed “Americanization,” mandated the transformation of nations and individuals: Replace heritage languages with English; “paganism” with Christianity; replace economic, political, social, legal, and aesthetic institutions. Given the American infatuation with the notion that social change can best be effected through education, schools have logically been vested with the responsibility for Americanizing Indigenous peoples as well as immigrants” (Lomawaima et al., 2006, p. 4).

Examples in the literature review are used to highlight this phenomenon.

With this discussion is the inclusion of decolonization. According to Yellow Bird and Waziyatawin (2005) “decolonization is the intelligent, calculated, and active resistance to the forces of colonialism that perpetuate the subjugation and/or exploitation of our minds, bodies, and lands, and is engaged for the ultimate purpose of overturning the colonial structure and realizing Indigenous liberation” (p. 2). In an effort to regain a sense of the values and beliefs of American Indians, and other Indigenous Peoples, decolonization marks a new era for American Indians. This era is defined as one in which American Indians are decolonizing their communities and their individual selves. This movement speaks to self-determination.

### **Self-Determination**

Self-determination is defined in two ways: 1.) Free choice of one’s own acts or states without external compulsion and 2.) Determination by the people of a territorial unit of their own future political status (merriam-webster.com). In another instance, and specific to American Indians, self-determination is a concept that relates directly to the Indian Self-Determination and Education Assistance Act (ISDEAA) of 1975, which “enabled tribes and Native communities to contract to operate their own schools and other health and social services from the BIA and Indian Public Health Service” (Lomawaima et al., 2006, p. 117). That said, there appears to be a fourth definition of self-determination. In the context of this paper, this definition is directly related to the self-determination of American Indian communities; it speaks to self-determination, above and beyond the ISDEAA, as walking hand-in-hand with decolonization toward American Indian autonomy. It’s self-determination as defined by the community, from within and for its tribal people and it speaks to the fact that while the ISDEAA has been

beneficial in some areas, most movement in self-determination has been the result of the determination of the American Indian communities.

Specific to the ISDEAA of 1975, there are two arguments that prevail. The first is that the ISDEAA has been instrumental in the self-determination of the American Indian peoples. In this vein, tribal community colleges and universities (TCU's) are often situated within the discourse of the ISDEAA (Beck, 1995; Puisto, 2004), even though the TCU movement began prior to the passage of the ISDEAA. On the other side of the spectrum, however, is the argument that the ISDEAA was never meant to provide American Indians with self-determination, particularly as it relates to education and to the transfer of U.S. domination of programs and services (Wilson, 2012; Warner & Grint, 2012). Rather, it was only another mechanism for furthering colonization of American Indians. The language and processes of the ISDEAA are witness to this as they are limiting in nature and do not support self-determination on any level (Warner et al., 2012).

### **The Problem**

Now back to my son. Because he was skilled at expressing his emotion through text, I learned how to express mine, too. He taught me how to stay connected in a mode of communication that was different from what I knew. Despite the method of communication, our values and beliefs remained intact. But can this same inference be drawn when it comes to tribal governance as the written policies that govern and guide? Further, how has self-determination impacted our set of policies and procedures in government? Has the ISDEAA provided local control to the tribe, as it is defined by the Federal Government, or have the very words, *self-determination*, provided another result, such as the move away from a community that valued

consensus to a community that values individuality? Do these policies support who we are as a people?

### **Purpose of the Study**

The purpose of this study is to compare self-determination for the TMBCI through a pre self-determination data set and a post self-determination data set. This comparison will provide evidence as to the impact of the ISDEAA on the Tribe as well as if, and how, the Tribe set their own definition of self-determination, above and beyond the definition of the ISDEAA. This effort will provide the TMBCI with baseline data as to what self-determination, whether a federal act or not, looks like for the Tribe.

This study will also examine the tensions that exist between the federal government and the TMBCI using federal policies such as the ISDEAA. Through the lens of Tribal Critical Race Theory, an analysis of power is used to determine the impact on values of each entity, specifically as it relates to federal policies. This will provide the TMBCI with information as to the impact that federal policy has on the values and beliefs of the TMBCI people.

### **Research Questions**

The research question for this study will explore the following: (1) How does the federal policy of Indian Self-Determination and Education Assistance Act of 1975 impact the political practices and discourse for the TMBCI and (2) what are the tensions between the codified (written) values of the United States (U.S.) federal government and the TMBCI that underlie these policies?

Tribal critical race theory (TribalCrit) will be the theoretical framework used to inform the research questions, the design and the analysis (Brayboy, 2005). The methodology of



content analysis will be the vehicle used to maneuver through various documents, culminating in a critical content analysis. “Critical qualitative research represents inquiry done for explicit political, utopian purposes, a politics of liberation, a reflexive discourse constantly in search of an open-ended, subversive, multivoiced epistemology” (Lather, 2007, pp. x-xi as cited in Denzin et al., 2008, p. 5). “Content analysis is a systematic examination of forms of communication used to objectively document patterns” (Given, 2008). Taken together, the analysis will observe a combination of power and authority through historical and contemporary documents, specifically tribal government meeting minutes. Using these documents, two time frames are compared and contrasted.

This study will begin with a literature review including the McCumber Agreement and the adoption of the 1932 constitution. Other works will also be explored, particularly as it relates to self-determination, both from the perspective of the ISDEAA as well as other definitions of self-determination. The compilation of this material will steer to a summary about the state of Indian affairs as it pertains to tribal governance, particularly for the people known as the Turtle Mountain Band of Chippewa Indians.

### **Significance of the Study**

The results from this study may help further the academic discourse surrounding the Self-Determination and Education assistance Act (ISDEAA) of 1975 for tribal nations. As there is currently a debate as to whether the ISDEAA was set to further colonize American Indians or whether it was set to be progressive, this study will add depth to these positions.

For the TMBCI, this study will provide an understanding of the extent of the impact of the ISDEAA on the tribe. Additionally, as this study examines the values between the U.S. government and the TMBCI, it may add substance as to how the tribe can determine needs and

potential solutions, from and within a community perspective. As such, it may provide a foundation for the development of future governance and educational models that are tailored specific to the TMBCI.

## CHAPTER II

### LITERATURE REVIEW

The research question for this study will explore the following: (1) How does the federal policy of Indian Self-Determination and Education Assistance Act of 1975 impact the political practices and discourse for the TMBCI and (2) what are the tensions between the codified (written) values of the United States (U.S.) federal government and the TMBCI that underlie these policies?

The literature review begins with a discussion of the Turtle Mountain Band of Chippewa Indians (TMBCI). A brief history is narrated on the McCumber Agreement as well as the Indian Reorganization Act and the TMBCI Constitution.

The next section of the literature review includes a discussion on colonization. This section speaks to the definition of colonization and the use of knowledge to colonize, with an example of the U.S. school system. Following, current day colonization struggles for indigenous communities are presented. This is followed by an introduction of decolonization and some strategies used by indigenous communities to decolonize.

The last section will examine Self-Determination. A definition is provided on the Indian Self-Determination and Education Assistance Act (ISDEAA) of 1975 and the pros and cons of the ISDEAA are also discussed. Self-determination, as a concept not associated with the ISDEAA, but is instead defined by community initiative and involvement is also presented. It

speaks to a movement organized by Indian Nations. The final section includes discourse on self-determination in the present day.

All of the literature review will provide a foundation of knowledge of each area within the research questions, specifically that which relates to the TMBCI and the ISDEAA. Additionally, the content on colonization and decolonization play a crucial role in this study as it explains the role that the dominant society has placed Indigenous peoples in, the mechanisms used to do it and the way in which Indigenous peoples are climbing out. It is only through these discussions that the impact of self-determination, whether it be the ISDEAA or the self-determination driven from within and by tribal communities, can be voiced.

### **The Turtle Mountain Band of Chippewa Indians (TMBCI)**

For the purpose of this paper, two documents were used to describe the TMBCI: 1.) The McCumber Agreement and 2.) The TMBCI Constitution of 1932. As these two documents were two of the earliest formal documents between the TMBCI and the federal government, they serve the purpose of showcasing the relationship that existed between the two parties. Additionally, as the methodology for this study is content analysis, it is important to understand the texts that pre-date the analysis.

#### **The McCumber Agreement**

In 1905, the TMBCI agreed to the first written text for the tribe, the ratified McCumber Agreement between the federal government and the tribal people of the band (Poitra et al., 1997). The McCumber Agreement was named after North Dakota Senator Porter J. McCumber, who was also a member of the Senate Indian Affairs Committee and a member of the 1892

Commission (White Weasel, n.d.). This agreement had been ratified by Congress in 1904. However, as it was heavily contested by the peoples of the tribe, including the Chief of the Band, Chief Little Shell III, its adoption was delayed until 1905. The delay was due to a tension that existed among the peoples of the tribe particularly as it related to the blood quantum of tribal members (Richotte, 2009).

As Chief Little Shell III read through the McCumber Agreement, he came to understand the contents of it (Richotte, 2009). Little Shell III asked for \$1.25 per acre and McCumber came back with the offer of 10 cents per acre for the sale of the TMBCI land. Little Shell III knew that the amount offered for the sale of the land was not equivalent to what others were paying for similar land. This offer was not accepted and it was at this time that Little Shell III refused further negotiations with McCumber; Little Shell III walked away.

McCumber decided to appoint a new chief to the Band. The new chief would be the one who signed the agreement (Richotte, 2009). As noted earlier, the people had a process in place for identifying leadership and in the case of Chief Little Shell III, he had secured leadership through hereditary lineage following his family successors of Little Shell and Little Shell II. The people of the TMBCI recognized this process. Yet, that was changed when McCumber replaced the Chief. Due to the powers embedded in external authorities, such as McCumber, it was within his scope of authority to appoint a new Chief. This clearly identifies the TMBCI in a position of lesser status and speaks volumes as to the power and authority of the U.S. government.

When Chief Little Shell III refused to sign the agreement, McCumber appointed a new council and chief to sign the agreement (Poitra et al., 1997). The new council and chief, with a representation of 16 full-bloods and 16 Metis, or Mitchifs, were known as the Council of 32 (Richotte, 2009). “Metis is a French word meaning mixed-blood” (Poitra et al., 1997, p. 11) and

is often used in Canada. For the TMBCI, Mitchif is more commonly used. The Mitchif population was made up of tribal peoples that had French, Cree and Ojibwe blood.

As the federal government tended to not include those who identified as mixed bloods, it created a disharmony among the Band. As such, it was questionable as to whether the mixed bloods would receive any type of payment from the agreement. But with a new Chief and council appointed, it would be more likely that the mixed blood population would secure a place within the agreement. Although discontent with the conditions of the McCumber Agreement, the Council of 32 eventually signed it. This issue points to two things: the federal government's manipulation of the TMBCI and the resulting division that would exist between the two groups within the band (Richotte, 2009).

### **TMBCI Constitution (1932)**

The Indian Reorganization Act (IRA), also known as the Wheeler-Howard Act, is defined as legislation that “allowed tribes the opportunity to draft their own constitutions and bylaws, to “reorganize” under the authority of IRA and devise their own system of governance,” (Poitra et al., 1997, p. 19). Adopted in 1934, the intent of the Act was to “undo the damage caused by the earlier allotment acts” (p. 19).

According to Richotte (2009)

the IRA has two sides concerning its effectiveness: the colonist and the revolutionary.

Each side argues different points; the colonist have argued that the IRA forced a foreign government on tribes while the revolutionist argues that the IRA was a positive movement that did not have adequate time to fulfill its intention (p. viii).

Using a case study, Richotte (2009) examines the TMBCI and the choices they made concerning constitutionalism. He finds that by exploring four time periods, the TMBCI does not fit into either category.

A constitution was adopted by the TMBCI in 1932, two years prior to the federal adoption of the Indian Reorganization Act of 1934. According to Richotte (2009), this was done in an effort to pursue a lawsuit against the federal government for a tribal claim. Interestingly, even though the TMBCI decided to adopt the constitution, as encouraged by the Superintendent, they did vote down the IRA in 1935 as they felt that their original 1932 constitution would best serve them in a lawsuit against the federal government concerning their dissatisfaction with the McCumber Agreement. That said, the 1932 TMBCI constitution recognized the authority of the Bureau of Indian Affairs (BIA) and the Superintendent with notable authority. However, the decision of the TMBCI to not adopt the IRA suggests that there was some level of self-determination among and within the Band. It becomes a tug of war as while notable authority is given to the Bureau and Superintendent within the 1932 constitution, the TMBCI also sets their own course of action concerning their involvement with the IRA.

Throughout the years, the tribal people of the TMBCI revised the constitution a handful of times (DeCoteau, 2003) with a special focus in the 1950s and again in the early 2000s. Through those years, the people of the Band made revisions to the written document to better reflect their own needs. Yet, even though a handful of amendments and revisions occurred to the constitution in the early years of its existence, the majority of amendments and reform efforts have been witnessed after the passage of the Indian Self-Determination and Education Assistance Act (ISDEA) of 1975.

The TMBCI constitution plays a fundamental role in identifying the adherence to the power and authority of the Bureau and consequently, to the notion of colonization. Notably, the TMBCI while not an IRA tribe, followed the same lines of authority as did other IRA tribes. Further, even with the number of revisions made throughout the years, the Tribe continued to identify the authority of the Bureau within the document. This suggests that the power and authority of the Bureau was a prominent force and colonization was well on its way.

### **Colonization**

As noted in chapter 1, colonialism consists of deploying a military army and gaining control of a group of people, resulting in “cultural change” (Porter, 2005, p. 89). “Cultural change at this level could be called “acculturation” or “assimilation,” but the more accurate term is “social engineering” (p. 89). “Colonization is the word most often used to describe the experience of Indigenous encounters with Settler societies” (Alfred and Corntassel, 2005, p. 601). Alfred (2009) as cited in Gilio-Whittaker (2012) notes that

colonization is the process of disconnecting indigenous peoples from their responsibilities to one another, to land and to culture... and is ultimately a process of disempowerment. It is an exercise of power over others without their consent and because it is a matter of power relationships, how we frame our concepts is important when it comes to self-governance and sovereignty (p. 3).

This is further substantiated by Yellow Bird and Waziyatawin (2005) as they claim that “colonization refers to both the formal and informal methods (behaviors, ideologies, institutions,



policies, and economies) that maintain the subjugation or exploitation of Indigenous Peoples, lands, and resources” (p.2).

Smith (1999) provides the backdrop for colonialism by first speaking to imperialism. “The concepts of imperialism and colonization are crucial ones which are used across a range of disciplines, often with meaning which are taken for granted. The two terms are interconnected” (p. 21). According to Johnson (2000), imperialism is “the practice of one nation dominating another, typically through military force but increasingly through economic dependency. What distinguishes colonialism is its emphasis on economic profit rather than political domination for its own sake...” Smith (1999) elaborates this discussion by examining the ways in which imperialism began.

Imperialism tends to be used in at least four different ways when describing the form of European imperialism which ‘started’ in the fifteenth century: (1) imperialism as economic expansion; (2) imperialism as the subjugation of ‘others’; (3) imperialism as an idea or spirit with many forms of realization; and (4) imperialism as a discursive field of knowledge (p. 21).

Of these four, and within the confines of the paper, imperialism as a discursive field is discussed.

According to Smith (1999), it is “imperialism as a discursive field of knowledge” in which “writers whose understandings of imperialism and colonialism have been based on their membership of and experience within colonized societies, or on their interest in understanding imperialism from the perspective of local contexts” (p. 23). To be certain, strides have been made in terms of some independence for colonized peoples, yet many effects still linger. One

such effect that Smith (1999) names is “the reach of imperialism into ‘our heads’ challenges those who belong to colonized communities to understand how this occurred” (p. 23). A “movement to address colonialism occurred and, as of late, this movement has often been coined as ‘post-colonial discourse’, the ‘empire writes back’ and/or ‘writing from the margins” (p. 23). This type of discourse includes the works of such writers as Franz Fanon.

In “The Wretched of the Earth”, Fanon (1963) speaks to colonization from the perspective of colonized peoples. In doing so, he establishes a venue for discourse in which the oppression of the exploited, or the colonized, is validated. The following is exemplary of such discourse:

The colonial world is a world cut in two. The dividing line, the frontiers are shown by barracks and police stations. In the colonies it is the policeman and the soldier who are the official, instituted go-betweens, the spokesmen of the settler and his rule of oppression. In capitalist societies the educational system, whether lay or clerical, the structure of moral reflexes handed down from father to son, the exemplary honesty of workers who are given a medal after fifty years of good and loyal service, and the affection which springs from harmonious relations and good behavior--all these aesthetic expressions of respect for the established order serve to create around the exploited person an atmosphere of submission and of inhibition which lightens the task of policing considerably. In the capitalist countries a multitude of moral teachers, counselors and "bewilderers" separate the exploited from those in power (p.37).

In this narrative, Fanon describes the dividing line for the colonized, including those situated in colonies and those situated in capitalistic societies. In capitalistic societies, such as that in which

American Indian reservations are located, this dividing line serves to keep the exploited, or oppressed, in check through mechanisms built into systems, such as school systems. By doing so, power is retained by those who establish the systems. The result is that the exploited continue to be exploited. Yellow Bird and Waziyatawin (2005) state that “Colonizers engage in this process because it allows them to maintain and/or expand their social, political, and economic power” (p.2).

Fanon (1963), as cited in Alfred and Corntassel (2005) pointed out that the most important strength of Indigenous resistance, unity, is also constantly under attack as colonial powers erase community histories and senses of place to replace them with doctrines of individualism and predatory capitalism: In the colonial context . . . the natives fight among themselves. These battles occurring amongst ourselves distract us from the bigger picture of decolonization and sap the crucial energy and solidarity that are essential to effective confrontation of imperial power in whatever form it presents itself. Large-scale Indigenous efforts to confront state power by mimicking state institutions (via land claims and self-government processes) only deepen these divisions (p. 603).

Colonization is then the process through which Indigenous peoples are subjected to by a dominant society. It is at the expense of the loss of language and culture, among other things, that Indigenous peoples suffer. Further, those colonized groups experience conflict within their own groups as they strive to stay within the parameters defined by the dominant society. These parameters are embedded within the systems of society, such as the school system. It sets up a paternalistic relationship versus a government-to-government relationship.

## **The Use of Knowledge to Colonize**

Through the time periods of Enlightenment and subsequently Modernity, liberalism was born (Smith, 1999).

As a system of ideas, liberalism focuses on the individual, who has the capacity to reason, on a society which promotes individual autonomy and self-interest, and on a state which has a rational rule of law which regulates a public sphere of life, but which allows individuals to pursue their economic self-interest. Once it was accepted that humans had the capacity to reason and to attain this potential through education, through a systematic form of organizing knowledge, then it becomes possible to debate these ideas in rational and ‘scientific’ ways (Smith, 1999, p.62).

Through this process, humans were provided access to the education system. Yet, not all peoples would have such privilege. Often, it “depended on whether it was thought that the peoples concerned possessed a ‘soul’ and could therefore be ‘offered’ salvation and whether or not they were educable and could be offered schooling” (Smith, 1999, p. 63). Further, “these systems for organizing, classifying and storing new knowledge, and for theorizing the meanings of such discoveries, constituted research. In a colonial context, however, this research was undeniable also about power and domination” (p. 63).

Smith (1999) states that education was the mechanism used to colonize.

For many indigenous peoples the major agency for imposing this positional superiority over knowledge, language and culture was colonial education. Colonial education came in two basic forms: missionary or religious schooling (which was often residential)

followed later by public and secular schooling. Numerous accounts across nations now attest to the critical role played by schools in assimilating colonized peoples, and in the systematic, frequently brutal, forms of denial of indigenous languages, knowledges and cultures (p. 67).

Toward that end, colonization was embedded throughout the school systems and beyond, including universities. Smith (1999) states that “school knowledge systems, however, were informed by a much more comprehensive system of knowledge which linked universities, scholarly societies and imperial view of culture” (p. 68). Situated within these institutions, “hierarchies of knowledge and theories which had rapidly developed to account for the discoveries of the new world were legitimated at the centre. Schools simply reproduced domesticated versions of that knowledge for uncritical consumption” (p. 68). As such, colonization began with the schooling process, for those students who were deemed appropriate. It was furthered through the universities in which information was substantiated and validated as truth. This was passed back and taught at the schools without any analysis to verify the knowledge claims. The process was defined and maintained by those in power.

**U.S. Education as colonizing.** The United States, in the 1830s, began to experience changes within its population (Rocha, 2013). Up until this point, the majority of its citizens were from an established political affiliation known as the Whigs. By and large, the Whigs were Protestant, Anglo-Saxons, and property owners and influenced by the Old World Enlightenment (Church, 1976). That would change fast however as diversity among the Whigs become more prevalent as a result of immigration, industrialization, urbanization, and westward expansion. Taking all these changes together, the Whigs speculated about the future of America and in an

attempt to maintain their way of life, or their values and beliefs, they grabbed onto the idea of common school movement through a compulsory school system (Rocha, 2013).

Compulsory schooling could be used as a mechanism for maintaining social control of the Whiggish way of life. As stated by Rocha (2013) “the Whigs feared that such changes would lead to an end of their own Whiggish way of life” (p. 617). Therefore, “the general aims of the compulsory schooling were to: enroll all school-age children (by means of “free” schools), to professionalize teachers and their curriculum, and centralize the power of this movement in the hands of the state...” (p.617). The ideology of compulsory schooling provided a venue to hold on to tradition by teaching youth about “right and wrong” by reinforcing the educational institution through “professionalizing teachers,” and by maintaining control of the whole by placing it in the hands of the state. To substantiate this claim, a few studies were examined in which the values and beliefs of the Whigs are prevalent, a value system that supports a middle class, White background.

**Centralized power.** According to Chubb and Moe (1990), schools are not positioned to allow individuals to flourish. They maintain that public schools are not within local control, nor are they in the control of parents and students. Rather, public schools are under public control of state governments, state governors, businessmen, school boards, and to some extent, administrators. Further, there is such a hierarchy of bureaucracy that it renders the parents and students almost powerless. In an effort to study social stratification, Sorokin (1959) sought to answer “what represents this mechanism of selection and distribution of individuals? How and on what basis does it test, select, and distribute them?” (p. 7). Identifying the family and schools as the mechanism used, he states that the school “while being a “training and educational”

institution, is at the same time, a piece of social machinery, which tests the abilities of the individuals, which sifts them, selects them, and decides their prospective social position” (p. 8). Meyer (1977) contends that the education system provides a social process that allocates persons according to whether they can make it through the system and it legitimized it by its continuity.

A study on employed positions within the U.S. was also considered. Collins (1971) analyzed data and targeting racial minorities, specifically African Americans, found that “approximately 60 to 70% of the American business elite come from upper-class and upper-middle-class families, and fewer than 15% from working-class families. The business elite is overwhelmingly Protestant, male, and completely white” (p. 79). These studies therefore provide evidence as to the structure of the school system in terms of maintaining control over society. The next section will address the mechanism of maintaining control over society through the enrollment of children.

***Enroll all school-age children.*** In 1933, Woodson shared several examples of how “Negroes” have been subject to an education that is hindering to the race. Service providers (teachers) wanted social development and “their aim was to transform the Negroes, not to develop them” (p. 14). Because of the foundation of education, or the direct link to a Euro-centric paradigm, those students were taught to be ashamed of who they were. As such, the status quo of the Negro race as being an inferior race was maintained through the school system, at first by White teachers, but later, by many mis-educated Negro teachers. Social control was obtained through a school curriculum that favored the dominant culture, or those in elite groups, defined as Protestants, male, and a white race. This allowed schools to maintain the historic role

of social order, or the status quo, and that continues today as evidence shows that disparities differ little today from yesteryear.

For American Indian students, similar conditions existed. According to Bill (1988) Different conceptions of time and history were taught in boarding schools, and Indian students were confronted with a school culture and curriculum vastly different from their own tribal reality. Students were asked to study history as a progressive development of societies as expressed by the European thought processes rather than a cyclical experience of nature as taught by their elders (p. 42).

This points to a way of knowing and believing in the school culture and curriculum that was/is in stark contrast to American Indian ways of knowing and believing. It speaks to the mechanism of colonization through the enrollment of all students, including American Indian students. As shown in the next section, the process of further colonization was also embedded in the training for teachers as well as their curriculum.

***To professionalize teachers and their curriculum.*** To further examine compulsory schooling and the three mechanisms to carry it out, attention now turns to the last mechanism, professionalizing teachers and curriculum. According to Rocha (2013), teachers were trained to uphold the values of the Whiggish intent, the teachings of right and wrong. Those teachings came from a perspective that was Protestant, Anglo-Saxons, property owners and influenced by the Old World Enlightenment (2013). The following studies situate this more accordingly.

Waller (1965) examined the role that teachers have in terms of their commitment to not only the school that employs them, but also to the community in which the school is located.



According to Waller (1965), teachers are often viewed as upholders of the values and beliefs of the community. Any behavior that is viewed to be different is questioned to a great extent by the community and its stakeholders and is subject to possible termination of the teacher.

According to Apple (1985) teachers from White and middle class background tended to fit better within the system, as the ideology of education was developed and maintained on a White middle class perspective. Lopez (2002) examined how race and gender intersect in the school setting. Lopez (2002) observed how teachers of different racial and ethnic backgrounds interact with students. A White male teacher was more likely to assume an authoritative role as opposed to a Latino female teacher, who was perceived as more approachable by the students. In this case, racial minority male students were less likely to respond to the teaching style of the White male teacher. Given these examples, there is evidence as to the colonization process embedded within the education system, particularly as it relates to racial minority students.

As presented, the foundation of compulsory schooling was built on the values and beliefs of the Whigs (White, male and Protestant). Originally used as a mechanism for social control, this ideology appears to have carried over into present day conditions. As a result of social stratification, disparities are identified within the educational system. Those disparities are particularly noted among colonized peoples who do not share the same characteristics of then called Whigs, such as Indigenous peoples. Moreover, while this section speaks to the historical context of compulsory schooling and colonization, it is also noted that colonization continues in the present day. The next section will examine the issue of gaming and funding in the present day as a form of further colonization.

### **Present Day Colonization**

As a prelude to discussion on present day colonialism, the concept of post-colonialism needs to be addressed. As colonialism becomes organized and categorized, post-colonialism tends to become more pronounced. For example, “when the prefix ‘post’ is attached to colonialism” (Smith, 1999, p. 24), it takes on a new meaning and suggests that colonialism is no longer an issue (1999). In other words, it implies that colonialism is over when in fact, the lingering effects still exist. Caution is exercised in accepting this ideology as in doing so, it permits non-indigenous peoples to “leave out indigenous peoples, our ways of knowing and our current concerns” (p. 24).

According to Smith (1999)

more recent writers have situated discussions about the intellectual within debates about post-colonialism. Many indigenous intellectuals actively resist participating in any discussion within the discourses of post-coloniality. This is because post-colonialism is viewed as the convenient invention of Western intellectuals which reinscribes their power to define the world (p. 14).

Given this, the discourse surrounding colonialism for Indigenous scholars is that colonialism is still in existence. To accept post-colonialism, through the eyes of Indigenous scholars, potentially negates present day colonialism.

Using gaming as an example of present day colonization for American Indians, Alfred and Corntassel (2005) contribute the following:

A similar process of ‘domestication’ of Indigenous issues is taking place in the United States, during this era of widespread institutionalization of the Indigenous–state compacts

to legalize gaming enterprises on tribal lands, a process Cornstassel refers to as 'Forced Federalism'. As preconstitutional and treaty-holding nations, Indigenous peoples in what is now called the United States have historically been considered to transcend all local non-Indigenous government jurisdictional claims in matters of their homeland's autonomy. However, since the passage of the 1988 Indian Gaming and Regulatory Act (IGRA), and the further integration of Indigenous governments into the state system through the forced federalism process, non-Indigenous governments and officials have increasingly asserted their jurisdictional authority over Indigenous people and the territories of Indigenous nations that exist within arbitrary boundaries established by the colonial state (p. 604).

This speaks to a layer of authority that is currently being exerted from the States that have American Indian nations located within them. Situated under the federal tribal trust relationship, most American Indian reservations have historically only been under the authority of the federal government. However, as more American Indian nations engage in gaming compacts, the door has opened to state jurisdiction and authority. The result is a more complex, integrated system in which American Indians are further embedded in colonization processes.

Another issue of present day colonialism identified has been the constant struggle for American Indians to obtain equitable funding. In comparison to other state funded operations, tribal operations in areas such as health and education lack a process in which funds are received in a stable and comparable manner. In the example of the school systems, as operated under the Bureau of Indian Education, problems arise. Identified as a problem since the Meriam Report of 1928, funding for American Indian-controlled schools continues to be an issue today

(Tippeconnic, 1999). Accordingly, a lack of funds has limited the services available and the funds that are secured are inconsistent and lack stability. This relates directly to the maintenance of school buildings. School buildings have become dilapidated with time and in some cases, are even unsafe for students and staff. Yet, a lack of funds prohibits this issue from being addressed (1999). This type of funding instability and bureaucracy further entrench colonization efforts.

These two areas, gaming and education, point to critical areas for American Indian peoples as each area serves crucial purposes for survival, namely economic and educational purposes. Yet, the processes used appear to be another way in which colonization has remained intact as each area has to work through multiple layers of bureaucracy.

### **Decolonization**

As stated by Alfred and Corntassel (2005)

There is a danger in allowing colonization to be the only story of Indigenous lives. It must be recognized that colonialism is a narrative in which the Settler's power is the fundamental reference and assumption, inherently limiting Indigenous freedom and imposing a view of the world that is but an outcome or perspective on that power (p. 601).

Smith (2012) adds “the knowledge gained through our colonization has been used, in turn, to colonize us in what Ngugi wa Thiong’o calls the colonization ‘of the mind’” (p. 62). To reclaim “the mind” of Indigenous people, decolonization has opened several discussions in which indigenous peoples are engaged.

According to Yellow Bird and Waziyatawin (2005) “decolonization is the intelligent, calculated, and active resistance to the forces of colonialism that perpetuate the subjugation and/or exploitation of our minds, bodies, and lands, and is engaged for the ultimate purpose of overturning the colonial structure and realizing Indigenous liberation” (p. 2). Smith (1999) maintains that “the past, our stories local and global, the present, our communities, cultures, languages and social practices- all may be spaces of marginalization, but they have also become spaces of resistance and hope” (p. 4). She further states that “it is from within these spaces that increasing numbers of indigenous academics and researchers have begun to address social issues within the wider framework of self-determination, decolonization and social justice” (p.4).

### **Strategies to Promote Decolonization**

In the literature, there appears to be two approaches in which decolonization is employed. Those two approaches include community and individual interventions.

In recognition of community interventions, Alfred and Corntassel (2005) speak to varying approaches. To begin, they ask “How can we refocus and restore the original objective of Indigenous autonomy and nation-to-nation relations between original and immigrant peoples to its orienting primacy?” (p. 604). Based on this question, they present the following ideas:

- In advocating a break from the colonial path, Nez Percé/Chicana scholar Inés Hernández-Ávila speaks of the power of Indigenous languages in articulating a transformative agenda in Mexico that is ‘dignifying, validating and ensuring the continuance of their peoples’ languages and cultures (p. 604)

- In *Real Indians: Identity and the Survival of Native America*, the Cherokee sociologist Eva Marie Garrouette discusses the concept of ‘Radical Indigenism’ as a process of pursuing scholarship that is grounded in Indigenous community goals and which ‘follows the path laid down in the models of inquiry traditional to their tribal community’. This intellectual strategy entails utilizing all of the talents of the people inside and within a community to begin a process of regeneration (p. 611).

As stated by Alfred and Corntassel (2005) community intervention speaks to “the need for ‘zones of refuge’ that are immune to the reaches of imperialism and globalization” (p. 605).

Zones of refuge are places where knowledge has been historically guarded, exercised and sustained. These zones of refuge represent safe (physical and psychological) spaces where Mesoamerican cultural matrices continue to find expression, even as the advocates of the imaginary Mexico persist in their obstinate project of erasure and substitution” (p. 605).

By creating zones of refuge, “we will begin to realize decolonization in a real way when we begin to achieve the re-strengthening of our people as individuals so that these spaces can be occupied by decolonized people living authentic lives” (p. 605).

Based on the above examples, there are at least three ways to address community decolonization. The first is by engaging in the traditional language of the Indigenous people. Serving as a mechanism to ensure the continuity of different ways of knowing such as that of Indigenous people, the use of language also guarantees cultural survival. Secondly, Indigenous research and scholarship can be used to regenerate the tribal community from within, as

Indigenous research tends to be community based. In other words, it follows a model situated from within the community. Lastly, community intervention speaks to zones of refuge. In these zones, security is promoted in which all expression is open and safeguarded. This is inclusive of both physical and psychological security.

Decolonization of the self is noted in several pieces of work (Smith, 1999; Smith, 2012; Alfred & Corntassel, 2005; Gilio-Whittaker, 2012). Citing Alfred and Corntassel (2005),

The larger process of regeneration, as with the outwardly focused process of decolonization, also begins with the self. It is a self-conscious kind of traditionalism that is the central process in the ‘reconstruction of traditional communities’ based on the original teachings and orienting values of Indigenous peoples. Colonialism corrupted the relationship between original peoples and the Settlers, and it eventually led to the corruption of Indigenous cultures and communities too... They are shifts in thinking and action that emanate from recommitments and reorientations at the level of the self that, over time and through proper organization, manifest as broad social and political movements to challenge state agendas and authorities (p. 611).

By beginning with the individual as a mechanism to decolonize, a process continues in which decolonization is swept to others in the community, including family and friends. “In this way, Indigenousness is reconstructed, reshaped and actively lived as resurgence against the dispossessing and demeaning processes of annihilation that are inherent to colonialism” (p. 612). Lastly, Alfred and Corntassel (2005) state that while there is no one model to address decolonization, there are definite movements toward this end. These movements are inclusive of land, language, freedom, diet and change in one person at a time.

In the next section, self-determination is discussed. It is important to note that while decolonization and self-determination can walk hand-in-hand, they are not synonymous.

### **Self-Determination**

In discussion of self-determination, Murdach (2011) speaks to its origins in the U.S.:

Self-Determination “was first popularized at the conclusion of World War I by President Woodrow Wilson, who asserted the “right” of self-determination to lend credence to the efforts of the United States to support and encourage newly emerging nations to gain democracy and self-government. Though noble in intent, the ideal almost immediately ran into serious difficulty in the foreign policy arena because of its ambiguity. Advisers to the president complained that it was a “calamity” because it raised “hopes that can never be realized” and therefore, “was bound to be discredited” (MacMillan, 2003, p. 11 as cited in Murdach, 2011, p. 372).

Self-Determination is “a value allied to the closely related values of individual sovereignty and autonomy. Such ideas have a long history in Western civilization and rest on the view that individuals should ideally be self-governing and able to abide by freely self-chosen plans and goals” (Beauchamp & Childress, 1989 as cited in Murdach, 2011, p. 371). “Such individualistic values are also central in the culture of the United States” (Meacham, 2009, as cited in Murdach, 2011, p. 371).

Self-determination is defined in two ways: a.) Free choice of one’s own acts or states without external compulsion and b.) Determination by the people of a territorial unit of their own future political status (merriam-webster.com). A sampling of synonyms to self-determination



includes “autonomy, choice and will” while antonyms are listed as “dependence, heteronomy, subjection, and unfreedom.” Further exploration of the definition of self-determination finds similar results as indicated by the following: 1.) determination by oneself or itself, without outside influence, 2.) freedom to live as one chooses, or to act or decide without consulting another or others, and 3.) the determining by the people of the form their government shall have, without reference to the wishes of any other nation, especially by people of a territory or former colony (dictionary.reference.com). Based on these sources, self-determination impacts two entities: 1.) the individual person and 2.) the people of a unit.

According to the definitions, self-determination can be attributed to a sole individual as determined by the words of “one’s own act” and “determination by oneself.” This definition is associated with values such as “free choice” and “the freedom to live as one chooses.” Further, this definition of self-determination is consistent regarding outside parties, or others. Accordingly, an individual has the freedom to choose “without external compulsion” or “without outside influence” and can “act or decide, without consulting another or others.”

The other noted focus of self-determination is bound around a group of people. Based on the definitions provided, there are three common features within this concept. The first is determination. Determination must exist. This is evidenced by the passages of “determination by the people” and “determining by the people.” The next common feature includes the people. The people are defined by land and include the use of phrases such as “the people of a territorial unit” and “by people of a territory or former colony.” The last common element shared by both definitions includes a reference to government. The text includes words such as “future political status” as well as “form their government shall have.”

One difference exists between the two sets of definitions of self-determination based around a group of people. Only one definition states that the people will determine their government “without reference to the wishes of any other nation.” The other definition provides no mention of outside parties or entities. While this is a common feature in the definition for individual self-determination, it may or may not be inclusive of self-determination for a group of peoples.

Three elements therefore summarize individual self-determination: an individual has the ability to choose, to choose freely, and to choose without interference. This definition differs remarkably from the definition of self-determination for a group of people. Accordingly, the latter definition of self-determination has the common features that include the value of determination as set by a group of people bound a territorial unit. The concept relates directly to government and includes recognition of a political status set with a tone of forming and future. It is this difference in definitions of self-determination that forges the path forward to the ISDEAA.

### **Indian Self-Determination and Education Assistance Act (ISDEAA) of 1975**

Building on the Indian Education Act of 1972 and in response to the self-determination movement that was taking place on reservations, a handful of demonstration projects within the school systems began to take form (Lomawaima et al., 2006). This allowed tribes to assume control over their schools; procedures were developed and/or reestablished in which tribes were able to contract Bureau schools (2006). These procedures were later incorporated into the passage of an act for which tribes were able to contract to operate their own schools and as well as health and social services from the Bureau of Indian Affairs and Indian Public Health Service

(2006). This act became known as the Indian Self-Determination and Education Assistance Act (ISDEA) of 1975.

The ISDEAA of 1975 gave priority to education and contracting services for American Indian nations. According to Congressional record, the following declaration was announced:

(a) The Congress hereby recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational as well as other Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities.

(b) The Congress declares its commitment to the maintenance of the Federal Government's unique and continuing relationship with, and responsibility to, individual Indian tribes and to the Indian people as a whole through the establishment of a meaningful Indian self-determination policy which will permit an orderly transition from the Federal domination of programs for, and services to, Indians to effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services. In accordance with this policy, the United States is committed to supporting and assisting Indian tribes in the development of strong and stable tribal governments, capable of administering quality programs and developing the economies of their respective communities.

(c) The Congress declares that a major national goal of the United States is to provide the quantity and quality of educational services and opportunities which will permit Indian

children to compete and excel in the life areas of their choice, and to achieve the measure of self-determination essential to their social and economic well-being.

Noteworthy in the Act is the direct reference to education and transition of programs from U.S. domination. Also included in the Act are references to reporting and audit requirements, penalties, wage and labor standards, and carryover funding. This speaks to the authority of the federal government as the language used clearly spells out the processes that American Indians must follow.

Amendments have been made to the ISDEAA since its implementation. These amendments have come from the voices of American Indians. Following is an excerpt from one of the amendments; it is instrumental in describing the process:

The Indian Self-Determination and Education Assistance Act of 1975 aimed to maximize tribal participation in planning and administration of federal services and programs, and to reduce federal bureaucracy in those programs. Despite passage of the act, tribal attempts to assume operations of federal programs were hindered by increased federal bureaucracy and restrictive contracting regulations. The 1988 amendments to the act were intended to remove contracting barriers, and required the Bureau of Indian Affairs and the Indian Health Service to develop regulations with the participation of tribes by October 1989. Despite the preparation of two sets of negotiated tribal-federal draft regulations between 1988 and 1990, the agencies shut down further tribal consultation from mid-1990 to early 1994. In January 1994, the agencies published proposed regulations that bore little resemblance to prior negotiated drafts, and that actually complicated and raised further barriers to the contracting process. With mounting frustration, the tribes unanimously denounced the proposed regulations and called for

legislation that would supplant the regulatory process. Both the House and Senate have introduced amendments to make the act's key provisions self-implementing and to establish a model contract. This document contains testimony and written comments on the situation from representatives of the Department of the Interior and the Department of Health and Human Services, tribal leaders, and lawyers representing tribes and tribal organizations.

Based on this information, the ISDEAA was adopted to give local control of education, and transition programs under U.S. domination, to local American Indian communities. As a result, these communities would determine the direction for each area. In theory, this effect would be an impetus for growth and prosperity. That said, many American Indian communities attribute their growth to the ISDEAA movement. Others, however, speak out against the Act as rather than setting American Indian communities toward their own course of self-determination, they claim that the Act was a further push toward colonization. The next section discusses each position. This is followed by discourse on the idea of community-based self-determination, above and beyond the ISDEAA.

**ISDEAA as progressive.** Puisto (2004) provides a perspective of the Salish and Kootenai tribes' battle with the federal policy of termination as well as a review of how the tribe has prospered under the federal policy of Self-Determination. Narration of the history of the tribe leads up to their possible termination which was heavily opposed by the tribe. Successful in retaining their federal recognition, the tribe experienced many battles with federal, state and local authorities including legislators, tribal members and non-tribal members. Yet, through all this, the tribe moved toward a self-determining front, with less federal authority operating within the auspice of tribal governance. Defining self-determination as “economic independence,

political self-government, and decreased federal interference in tribal affairs” Puisto (2004) provides examples of self-determination (p. 1). As a result of self-determination, the tribe has moved to a place of more success.

Establishing a timeline of American Indian (AI) higher education, beginning in the early 1600 through the present time period of what is known as self-determination, Beck (1995) suggests that “programs developed under the rubric of self-determination in the 1960s were shaped at first by federal, not tribal, standards” (p. 15). According to Beck (1995) early education for American Indians was used to provide training in the area of manual labor and domestic needs. To that end, American Indians had a low presence in higher education systems and those that did attend were more likely to drop out. The Meriam Report of 1928 provided a summary of those early challenges for AI students and there was little improvement when the Kennedy Report of 1969 was disseminated.

According to Beck (1995) much work has been done to provide a higher education experience that is more culturally appropriate for AI students. Some of this work has been done through efforts of non-Native institutions but the vast majority of it comes from the tribal college movement (1995). One of the biggest challenges for the Tribal Colleges and Universities (TCU’s) has been to provide a higher education experience that is relevant to tribal communities by maintaining and sustaining their own traditions. Based on the information presented in this article, the ISDEAA appears to be instrumental in the development of TCU’s. This is also expressly stated in the title of article “From Colonization to Self-Determination” as it implies that colonization is over as result of Self-Determination.

**ISDEAA as colonizing.** According to Wilson (2012) self-determination, while seemingly a term situated to improve AI conditions, does not provide language, or action, to capture that intent. Rather, the act of self-determination further strips self-determination from tribes as once they assume this standard, they become further entrenched within the scheme of the federal government. “The more tribes pursue services of various kinds from the federal government to secure a stronger economic future, the more tribes effectively reinforce their position as a ward of the federal government, which has historically positioned itself as a legal guardian to virtually every aspect of Indian life,” (Barsh and Trosper (1975) as cited in Wilson (2012), p. 906).

To better situate the position of the ISDEAA with the reality of American Indians and their relationship with the federal government, Wilson (2012) makes the following claims:

Contracts are not in fact contracts in the true sense of the word, but are instead policies with specific parameters which are masked as mutually-determined agreements. Self-determination in PL 93-638 is not in fact self-determination but is rather a narrow and precarious avenue whereupon tribes take on the burden of responsibility for federal programs with inadequate funding and training,” (p. 906- 907). “In Senese’s words, PL 93-638 is, “the codification of a series of Indian self-help schemes intended to provide not only the illusion of control but the illusion of competency” (Senese (1991) as cited in Wilson (2012), p. 907).

Accordingly then, the ISDEAA retains power and control of American Indians under the pretense of self-determination. The mechanism for retaining this control lies within the

processes and structures of the ISDEAA. Using the work of Michael P. Gross (1978), Wilson (2012) further states that this type of encounter is not new to American Indians.

Although PL 93-638 seeks to create a new era of Indian self-determination, Michael P. Gross (1978), demonstrates that it actually replicates the fundamental policy assumptions of both the Indian Reorganization Act of 1934 and Johnson-O'Malley Act of 1934. While the Indian Reorganization Act provided tribes with the opportunity to form constitutional governments that could then negotiate with the USA, thus reversing decades of assimilationist policies, the IRA also consolidated power over virtually all aspects of Indian life within the office of the Secretary of the Interior. At the same time, Gross argues, the Johnson-O'Malley Act, rather than creating schools controlled by tribes on Indian lands, instead encouraged, "enrollment of Indian children in state-controlled schools by reimbursing states for the cost of educating Indian children who came from tax exempt Indian lands," (Gross (1978) as cited in Wilson (2012), p. 907).

While the ISDEAA may be a replica of earlier policies geared toward American Indians, Wilson (2012) states that "The Act does not encourage self-determination in any sense of the term, but instead offers tribes the option of taking a measure of ownership of programs designed by federal officials, not programs or initiatives imagined and constructed by tribal people"(p. 908). This type of activity is not equivalent to self-determination. Lastly, Wilson (2012) states "government programs and grants further entrench the guardian-to-ward relationship between tribes and the federal government that is fundamentally antithetical to the very concept of tribal self-determination," (p. 908).



Speaking to colonialism and the epidemic of the American Indian school systems, Wilson (2012) states the following:

The current federal system of programs and grants cannot possibly achieve its stated goals of Indian self-determination, not only because of the paternal nature of granting systems, but also because such programs would be politically indefensible to the public. As wards of the federal government, Indian tribes cannot expect that their federally funded schools will exceed the quality of education for American citizens. These are simply the harsh economics of colonialism,” (p. 911).

Warner and Grint (2012) reviewed indigenous leadership styles and governance structure, defined as Public Law 93–638 or the Indian Self-Determination and Education Assistance Act of 1975 (25 USC 450). Using the definition of Cook (1994), Warner et al. (2012) define self-determination as follows:

Self-determination includes four tribal goals: tribal self-rule, cultural survival, economic development, and exhaustive Indian participation in the formulation and implementation of the federal policies affecting their lives exclusively (p. 972).

They argued that “the individualist and democratic culture of white America has generated a particular approach to American Indians that promotes western governance systems at the expense of indigenous leadership cultures” (p. 969). Further, Warner et al. (2012) state that “the nature of American Indians is reduced to an interpretation of the “noble savage” in which their either anarchic or tyrannical culture can only be tamed by the imposition of western

governance systems. This implies displacing the indigenous cultures of leadership with the “universal” culture of democracy” (p.969).

The authors also fault the implementation of the ISDEAA stating that it “appears to have attempted to provide tribes with some measure of independence yet creates structures which inhibit or prohibit self-determination... and created even more layers of bureaucracy within Interior, creating even more interference.” This is witnessed in the processes and structure built into the ISDEAA as “tribes must use federally sanctioned contracts and follow detailed regulations which parallel mainstream Congressional oversight of federal programs” (p. 976).

According to Alfred (2009) as cited in Gilio-Whittaker (2012) sovereignty and self-governance do not mean the same thing and neither is synonymous with self-determination.

Sovereignty is in fact an inappropriate concept for native peoples because it is a European concept that reinforces hierarchical relationships and is a model that the modern nation-state is built upon. It does not have any connection to indigenous values and is inconsistent with indigenous political goals. By the same token, self-governance is a process that emerges out of the ability to be self-governing, a “right” which the state “grants” native people within the scope of domestic law; it is a “state delegated form of authority” in indigenous communities (p.3 & 4).

### **Community Based Self-Determination**

“Since the passage of the Indian Self-Determination Act, which provides for tribal- and community-based schools, many Indian people have considered formal education to be a primary force in the survival of their languages and cultures and the protector of their rights,” (Manuelito,

2005, p. 73). Using a Navajo community situated off the reservation, self-determination is explored in terms of how the community defines it. Manuelito (2005) found that the schools were positioned within a paradigm centered on Navajo traditions and values. Further, the conception of self-determination was different for the targeted population than it was for the non-Native population.

From a Ramah Navajo perspective, self-determination is based on commitment to the community. It has a communal goal. This perspective appears incompatible with conventional Anglo-American notions of self-determination. Importantly, many elders said that “self-determination” (a word they used in English while all the time speaking Navajo) creates chaos and consternation in Navajo communities. The English “self-determination” was viewed as supporting unfair competition among Navajo communities and creating selfishness among individuals. In contrast, the Ramah Navajo concept of self-determination is communal, positive, and integral to a Navajo philosophy of living (Manuelito, 2005, p. 80).

Manuelito (2005) also states that there have been a number of lawsuits won because of the Ramah Navajo School and these wins are attributed back to the Self-Determination Act. Accordingly, the first lawsuit was in 1982, recorded as the “first reported case under the Indian Self-Determination Act, established that Indian tribes and organizations are protected from state intrusions,” (p. 78). This was followed by a 1996 case in which it was asserted that the Indian Self-Determination policy was violated when a BIA action cut indirect costs. In 1999, “the Ramah Navajos sought reimbursement for unpaid indirect costs incurred while providing services such as health and education under contract with the BIA,” (p. 78). “In all three court

cases, Ramah Navajos played a leadership role in defending Indian self-determination efforts for tribes throughout the country,” (p. 78).

To address colonization Manuelito (2005) speaks to community-based education to “give colonized people the opportunity to express and operationalize self-determination,” (p. 74). In this effort, she states that “educators must decolonize education for American Indian students. The implementation of decolonizing curricula goes beyond multicultural and place-based curriculum,” (Smith, 2002 as cited in Manuelito, p. 84). As stated in an earlier section, recognition of each tribe’s values and beliefs has to be key. “Decolonizing strategies in Indian education begins with the recognition of the importance of each Indigenous group’s epistemologies, which grant them place and direction in this world,” (Deloria and Wildcat, 2001 as cited in Manuelito, 2005, p. 84).

### **Self-Determination Today**

Exploring self-determination today yields many studies concerning the efforts that have taken place in the sense that tribal communities appear to now have more control over their own affairs. This might be attributed more to decolonizing efforts on the part of Indigenous peoples than to the ISDEAA. The following section will exemplify that effort.

**Indigenizing curriculum and teacher education programs.** Daniels (2011) provides support for changes to curriculum. She examined curriculum for Latino/as and Tribal people and provided recommendations on how to better serve those populations. In doing so, Daniels identified a study done by Locke and Lindley (2007) where American Indian student’s experiences were examined within a social studies/ humanities methods course. They found that:

Given the goals of social studies education to introduce and instill society's core values and loyalty to one's country, the study raised questions and presented contradictions between the university curriculum required of American Indian pre-service teachers for state certification and their need for a culturally sensitive curriculum that explicated their cultural backgrounds and world view (p. 216).

They concluded "the pedagogy and the content as reproductive of dominant Eurocentric practices, despite being situated on a reservation and attempting a multicultural focus." This represents the second issue, indigenizing teacher education programs.

Brayboy (2005) provides substance to this issue through the use of narratives from American Indian graduates of a University Teacher Program. As a result of using narratives, or storytelling, he acknowledges that as a racial group, American Indian students were often "devalued." However, with the development of a program geared to meet the specific needs of American Indian students, they were also able to validate their worthiness as individual American Indian students. Further, they were able to acknowledge the differences that exist within the Euro-centric education system and how that interplays with the unique status of American Indians. In recognition of this, tribal colleges have responded.

The Turtle Mountain Community College, a tribal community college serving a large American Indian population, has had in existence for a number of years the Teacher Education Department. This department operates under the auspice of a culturally responsive model and it consistently challenges teacher candidates to unlearn what they learned in the traditional education systems and rather, learn from an indigenous perspective ([www.tm.edu](http://www.tm.edu)). This effort is

similar to what other tribal colleges are developing (Tippeconnic et al, 2012) as TCU's move toward self-determination through decolonization efforts.

In conclusion, these most recent efforts of decolonizing curriculum and implementing Teacher Education Departments geared around cultural responsive models are signals of self-determination among American Indians. While these efforts may not speak directly to the ISDEAA, this movement does speak to a journey that involves a "decolonizing" attempt at curriculum. As such, and defined in this way, self-determination continues to make an impact on the lives of American Indians.

As noted at the beginning of this chapter, the literature review provided a depth of information that was pertinent to the research questions. An examination of two formal documents that guide the TMBCI was relevant to start the discussion, particularly as it was viewed through the lens of power and authority. This was significant as it demonstrated that colonization did exist in the documents and was further embedded through the processes adopted. That said, it also showed that while the TMBCI was situated within a colonizing position, there were also points of tension in which they voiced abstention to activity surrounding their rights. This becomes particularly clear during the IRA period in which the Tribe voted to not accept the Act. It is at this point that self-determination of the group, not the individual, is highlighted.

The discussion of colonization and decolonization provided an impetus for first, deconstructing the world through the eyes of Indigenous Peoples and second, for reconstructing and validating the world through the eyes of Indigenous Peoples. One example to showcase this phenomenon was compulsory schooling. As compulsory schooling was built on the premise of

ways of knowing and believing that were markedly different from American Indians, it became the way in which colonization was further encapsulated and embedded within American Indian culture. Yet, while colonization continues in the present day as evidenced through state gaming compacts and funding issues, there are now strategies of decolonization in place for which American Indians are actively employing. This is seen in attempts to indigenize curriculum and higher education programs.

Lastly, definitions of self-determination were provided, including the definition of the ISDEAA. Discussion on arguments often associated with the ISDEAA were presented: 1. the ISDEAA as progressive and 2.) the ISDEAA as colonizing. In regard to the former, proponents attribute the ISDEAA as a progressive movement within Indian Country. Further, the ISDEAA is often associated with movements such as the formation of the tribal college and universities. In this vein, the ISDEAA is viewed favorable and as progressive.

The latter position, however, regarding the ISDEAA is not so cut and dry as opponents of the ISDEAA provide evidence that the ISDEAA is not progressive. Rather, they claim that the ISDEAA is a further form of colonization as it has language and processes that are the opposite of self-determination. As Tribes engage in the ISDEAA, they situate themselves to be further under the umbrella of federal rule.

A third position was added to the concept of self-determination. This position is above and beyond the ISDEAA and it consists of a movement from inside and within the tribe. In other words, it is independent of the ISDEAA in ways such as the development of indigenous curriculum and higher education programs situated toward American Indians and their ways of

knowing and believing. This form of self-determination speaks to decolonization efforts that are taking place throughout Indian Country.

All three positions/arguments contribute to the overall study and the discussion of the TMCBI and the ISDEAA as it provides a context for situating the ISDEAA and how it affected the TMCBI, if at all. Further, it also provides a way to view the movement of self-determination from the perspective of inside or within the tribal community, above and beyond the ISDEAA.

The next chapter will provide an examination of theoretical frameworks, particularly that of Critical Race theory and more specifically, Tribal Critical Race theory. This will lead to the discussion and examination of power within systems as it relates to those who operate from other ways of knowing and of believing.



## **CHAPTER III**

### **METHODOLOGY**

#### **Purpose of the Study**

The purpose of this study is to compare self-determination for the TMBCI through a pre self-determination data set and a post self-determination data set. This comparison will provide evidence as to the impact of the ISDEAA on the Tribe as well as if, and how, the Tribe set their own definition of self-determination, above and beyond the definition of the ISDEAA. This effort will provide the TMBCI with baseline data as to what self-determination, whether a federal act or not, looks like for the Tribe.

This study will also examine the tensions that exist between the federal government and the TMBCI using federal policies such as the ISDEAA. Through the lens of Tribal Critical Race Theory (TribalCrit), an analysis of power is used to determine the impact on values of each entity, specifically as it relates to federal policies. This will provide the TMBCI with information as to the impact that federal policy has on the values and beliefs of the TMBCI people.

#### **Theoretical Framework**

The critical paradigm is situated to capture an array of areas including but not limited to feminism and neo-Marxism. Crotty (1998) states that critical theory “keeps the spotlight on

power relationships within society so as to expose the forces of hegemony and injustice” (p. 157). Lather (2004) states “the lens through which I view these developments is the traditions of critical theory that assumes the play of power in society as opposed to claims to objective knowledge via a so-called scientific approach” (p. 760).

The current goal of critical theory includes a cyclical process that requires those who are involved to continuously critique their assumptions against the changes that have occurred as a result of social action. Changes are made based on the newer analysis and the process is continuous.

Kincheloe and McLaren (1994) compiled a list of basic assumptions that provide a foundation of critical theory. Those assumptions include that:

- that all thought is fundamentally mediated by power relations that are social in nature and historically constituted;
- that facts can never be isolated from the domain of values or removed from ideological inscription;
- that the relationship between concept and object, and the between signifier and signified, is never stable or fixed and is often mediated by the social relations of capitalist production and consumption;
- that language is central to the formation of subjectivity, that is, both conscious and unconscious awareness;

- that certain groups in any society are privileged over others, constituting an oppression that is most forceful when subordinates accept their social status as natural, necessary or inevitable;
- that oppression has many faces, and concern for only one form of oppression at the expense of others can be counterproductive because of the connections between them;
- that mainstream research practices are generally implicated, albeit often unwittingly, in the reproduction of systems of class, race and gender oppression (p. 139- 140).

As critical theory begins with the value orientation of the researcher which is noted upfront in research, there is a continuous drive to solve social problems as a result of social injustice.

According to Denzin, Lincoln and Smith (2008),

critical qualitative research is a situated activity that locates the gendered observer in the world. It consists of a set of interpretive, material practices that make the world visible. These practices are forms of critical pedagogy. They transform the world (p. 5).

### **Critical Race Theory (CRT)**

According to Delgado and Stefancic (2006)

Critical Race Theory (CRT) movement is a collection of activists and scholars interested in studying and transforming the relationship among race, racism, and power... Unlike traditional civil rights, which embraces incrementalism and step-by-step progress, critical race theory questions the very foundations of the liberal order, including equality theory, legal reasoning, Enlightenment rationalism, and neutral principles of constitutional law (p. 1).

CRT maintains that following the Civil Rights Movement there has been little progress in terms of racial relations (Dixon and Rousseau, 2005). In response, scholars within the legal field began to analyze cases from a racial perspective, identifying that the legal system was not colorblind or neutral to minority people (2005). CRT contends that other institutions, schools included, are not color blind or neutral when encountering racial minority people. “A basic assumption is that racism is not merely individual acts of discrimination, but rather historical, systemic, and ideological manifestations of power to serve, maintain, and protect white privilege” (Delgado, 1989; Harris, 1993 as cited in Writer, 2008, p. 2).

“CRT has an activist agenda to transform and redeem, not just to critique and deconstruct. Further, CRT works toward the elimination of racial oppression as part of the larger goal of eliminating all forms of oppression” (Hill, 2009, p. 1). According to Writer (2008), the goal of CRT is to

construct an alternative reality by naming one’s reality through storytelling and counterstorytelling; thus, the advantage of CRT is the voice it provides people of color. Examples of “voice” include “parables, chronicles, stories, counterstories, poetry, fiction, and revisionist histories” (Ladson-Billings & Tate, 1995, p. 57). CRT allows for the contestation, deconstruction, and reshaping of the master narrative by enlisting multiple perspectives and experiences as sources of valid knowledge which serve as catalysts for transformation (p. 41).

Given this, CRT employs storytelling to address issues of oppression. This happens when a number of views are shared in which an alternate story is told, a story that may be in direct conflict to the story told by the White members of society. Through this mechanism, CRT

attempts to disrupt how information is perceived by the dominant society. Writer (2008) makes note of this:

For members of the dominating society, CRT provokes a “cognitive conflict to jar white dysconscious racism” (Ladson-Billings, 1998, p. 16), disrupting particular beliefs about the world. CRT then provides crucial knowledge to white people because it helps them “grasp what it is like to be nonwhite” (Delgado & Stefancic, 2001, p. 39); that is, counterstorytelling serves to “help us understand what life is like for others and invite the reader into a new and unfamiliar world” (p. 41).

As a result of this process, transformation within institutions in which racism and oppression are embedded occurs.

Since its inception, CRT has expanded to include other minority peoples, making space for Asians, Latino/as, Tribal people, and feminist, to name a few. While carrying forth the tenets of the theory, subsequent theories are tailored to the explicit and/or implicit needs of each group while maintaining the lens of “minority” by which to view how power differentials impact people differently. For the purpose of this dissertation, Tribal Critical Race Theory (TribalCrit) will be discussed.

### **Tribal Critical Race Theory (TribalCrit)**

Writer (2008) examines Tribal Critical Race theory and describes it as follows:

Lumbee scholar Bryan Brayboy (2005) introduced Tribal Critical Race Theory (TribalCrit) to examine the issues of Indigenous People in relationship to the United States and its laws and policies. Although a significant role is played by racism, a

primary tenet within TribalCrit is the endemic nature of colonization and its processes in society. TribalCrit functions to “expose the inconsistencies in structural systems and institutions... [to] make the situation better for Indigenous students” (p. 3).

Brayboy (2005) argues that while tribal people are categorized as a racial minority, they also have an often understated component of being a separate political entity. Thus, TribalCrit enables one

to address the complicated relationship between American Indians and the United States federal government and begin to make sense of American Indians’ liminality as both racial and legal/political groups and individuals (p. 428).

As such, TribalCrit contends that the history of indigenous peoples in American society is one of brutality, segregation, and structural inequality, which mirror other minority experiences. In addition, however, indigenous peoples also have a political relationship, which is unique from other minorities.

According to Brayboy (2005), there are nine tenets of Tribal Critical Race theory. Those tenets are

1. Colonization is endemic to society.
2. U.S. policies toward Indigenous peoples are rooted in imperialism, White supremacy, and a desire for material gain.
3. Indigenous peoples occupy a liminal space that accounts for both the political and racialized natures of our identities.

4. Indigenous peoples have a desire to obtain and forge tribal sovereignty, tribal autonomy, self-determination, and self-identification.
5. The concepts of culture, knowledge, and power take on new meaning when examined through an Indigenous lens.
6. Governmental policies and educational policies toward Indigenous peoples are intimately linked around the problematic goal of assimilation.
7. Tribal philosophies, beliefs, customs, traditions, and visions for the future are central to understanding the lived realities of Indigenous peoples, but they also illustrate the differences and adaptability around individuals and groups.
8. Stories are not separate from theory; they make up theory and are, therefore, real and legitimate sources of data and ways of being.
9. Theory and practice are connected in deep and explicit ways such that scholars must work towards social change (p. 429-430).

Using the framework of TribalCrit, I examined not only racial relations but also the issue of colonization. While the theories of CRT “maintain the basic premise of CRT that racism is endemic in society...the basic tenet of TribalCrit emphasizes that colonization is endemic to society” (Brayboy, 2005, p. 429). “Colonization refers to both the formal and informal methods (behaviors, ideologies, institutions, policies, and economies) that maintain the subjugation or exploitation of Indigenous Peoples, lands, and resources” (Waziyatawin and Yellow Bird, 2005, p. 2).

### **Research Questions**

The research question for this study will explore the following: (1) How does the federal policy of Indian Self-Determination and Education Assistance Act of 1975 impact the political practices and discourse for the TMBCI and (2) what are the tensions between the codified (written) values of the United States (U.S.) federal government and the TMBCI that underlie these policies?

### **Content Analysis**

The use of Tribal Critical Race Theory (TribalCrit) and Content Analysis came about as a result of the research questions. TribalCrit allowed for a discussion to unfold that would take into account the historical colonization that has held Native peoples prisoner to an ideology that has been built into western systems. This lens walks hand in hand with the research questions set to explore the ISDEAA, as TribalCrit is positioned to analyze power and authority. Content analysis, on the other hand, provides a structure that allows for the analysis of written text. This became important as the ISDEAA is explicitly manifested in policy and written documents as the foundation for tribal people moving into self-determination.

Content analysis, according to Krippendorff (2013), “is an empirically grounded method, exploratory in process, and predictive or inferential in intent” (p. 1). Likewise, “content analysts examine data, printed matter, images, or sounds-texts-in order to understand what they mean to people, what they enable or prevent, and what the information conveyed by them does” (p. 2). “These are questions for which natural scientists have no answers and for which their methods are generally insensitive” (Krippendorff, 2013, p. 23). Toward that end, Krippendorff (2013) also states that “content analysis is a research technique for making replicable and valid inferences from texts (or other meaningful matter) to the contexts of their use” (p. 24). In



relation to my research questions, content analysis allowed me to infer meaning from the texts regarding the ISDEAA and the context of self-determination for the TMBCI.

Content analysis has many attributes that make it a reasonable choice for a method within this study. For example, Krippendorff (2013) states, “the inability to observe phenomena of interest tends to be the primary motivation for using content analysis” (p. 16). As the subject of this study concerns phenomena from historical data, such as documents dating from the 1950s, the use of content analysis becomes a viable method to use for research. Through this, I can observe the phenomena via text which then helps me understand how self-determination played out for the TMBCI.

There are six steps in the process of content analysis (Krippendorff, 2013). The steps are as follows: unitizing, sampling, recording, reducing, inferring and narrating. “The first four steps are considered data making steps. Step 5 refers to applying an analytical construct to the data. Lastly, in the final step for content analysis, narration occurs as the researcher answers the research question(s),” (p. 86).

According to Krippendorff (2013), there are different units that can be applied during content analysis. For the purposes of this paper, categorical distinctions and thematic distinctions will be the units in which the data will be labeled. Krippendorff (2013) states the following:

Categorical distinctions define units by their membership in a class or category – by their having something in common. This can refer to any particular object, event, person act, country, or idea. This can include any direct or indirect inferences to the particular

subject. Thematic distinctions, on the other hand, focus on themes. These distinctions, categorical and thematic, became a part of the analysis process for this study. Categorical distinctions were identified within the data, which were then examined thematically within and across the data (p. 106).

Taken together, tribal critical race theory and content analysis provided a lens to analyze power relationships that exist for and/or between the TMBCI governing bodies, the people of the TMBCI and other entities. Further, the methodology of content analysis provided the mechanism for analysis of the written text for a historic time period to the current date. The culminating result provides a document that tells a story, through the lens of power, about the impact of self-determination.

### **Method**

The site/location for this study was the Turtle Mountain Band of Chippewa reservation. Throughout this study, I made visits to various locations on the reservation including the tribal records department, the Bureau of Indian Affairs, the Bureau of Indian Education office and the TMBCI Heritage Center.

The Tribal Records department functions as a storehouse for the most recent tribal resolutions and tribal meeting minutes. The earliest tribal meeting minute records available at the department begin in 1950. The records from the decades of the 1960s and 1970s were not available; it is unknown why they are not available. The record keeper did note that there were some records available at the Tribal Heritage Center but she was unaware of what the dates were. She also noted that the Bureau of Indian Affairs would likely have archived the resolutions for

that time period. The tribal government resolutions and meeting minutes for the decades from the 1980s to the current time were available at the tribal records department.

Upon visiting the Bureau of Indian Affairs and requesting access to the historical tribal meeting minutes and resolutions, it was stated that I would need to formally request the historical documents to which I was requesting, for as far back as I needed. In my request, I asked for all the tribal meeting minutes and resolutions for as far back as possible. The formal request was submitted and the return letter from the Superintendent stated that the Bureau did not keep such documents (see Appendix A).

I also visited and reviewed available documents from the Heritage Center. While there were an array of documents, including newspaper clippings, no tribal meeting minutes or tribal resolutions were found. Lastly, I visited with the Bureau of Indian Education in regard to the tribal meeting minutes and resolutions. I was invited to search through the documents that were available. It was noted that the only tribal meeting minutes and tribal resolutions that would be available would be those that included language about education.

### **Data Collection**

The first step was to gather data in the form of tribal meeting minutes from the tribal records department. As no other local entity or organization had the meeting minutes available, data was only gathered from the Tribal Records Department. The data was collected according to one of two time periods, pre self-determination data set and post self-determination data set, as divided by the ISDEAA of 1975. This allowed for a measure of comparison for the two time periods.

To define the pre self-determination data set, all the years available from the 1950s were analyzed. This included the following years: 1950, 1951, 1954, 1955 and 1958. For the pre self-determination data set, there were approximately 97 tribal meeting minutes available. Seven meetings were randomly selected from each year that made-up the pre self-determination data set. This totaled 35 meeting minutes for the pre self-determination data set, with an average of 4 pages per meeting minutes.

The post self-determination data set was defined by the three decades following the passage of the ISDEAA of 1975. The decades included the 1980s, 1990s, and 2000s as follows: September 1981 to December 1989, January 1990 to December 1999, and January 2000 to December 2009. Within the post self-determination data set, there were approximately 1,229 tribal minutes available. For the post self-determination data set, ten meeting minutes were randomly selected per each decade. This resulted in a total of 30 meeting minutes for the post self-determination data set. The meeting minutes ranged from a few pages to as many as 18 pages per each meeting.

The pre self-determination data set was made up of 10 years and the post self-determination data set was 30 years. This resulted in many more available tribal meeting minutes located within the latter time period as opposed to the former time period.

### **Analysis Techniques**

The next task was an analysis of the data. During this stage, codes were developed from the tribal meeting minutes using an open categorizing system for the pre self-determination data set. In other words, the codes were not forced but, rather, emerged as a result of the data.

According to Maxwell (2013), open coding “is an inductive attempt to capture new insights” and “involves reading the data and *developing* your coding categories, based on what data (including the participants’ term and categories) seem most important” (p. 107).

To develop codes, I read through the tribal meeting minutes two times to become acquainted with the information. The third time I read through the tribal meeting minutes, I began to enter excerpts, chosen by using the lens of Tribal Critical Race Theory (TribalCrit), into an excel sheet. In the excel sheet, the dates were set up and within each tribal meeting selected, I used two columns to store the data. The first column identified the excerpt from the meeting minutes. The second column in the excel spreadsheet was my interpretation of the excerpt. In this sense, the use of the Excel file was used to organize and review codes, look for patterns and eventually combine those patterns into themes (see Appendix B).

To keep the process as unbiased as possible, I did not list the name of the tribal representatives and tribal employees within the excerpts. Instead, I used initials. All other personnel was named as listed within the meeting minutes.

The process used to organize and sort the data was based on codes, patterns and themes. The text was marked according to issues of power. The text was then color coded according to similarities. Maxwell (2013) states that “the goal of coding is to...“fracture” (Strauss, 1987, p. 29) the data and rearrange them into categories that facilitate comparison between things in the same category and that aid in the development of theoretical concepts” (p. 107). Once codes were developed, I searched for patterns of similarities within the codes. The patterns were established and used to form larger units, or themes. Maxwell (2013) claims that “another form

of categorizing analysis involves organizing the data into broader themes and issues” (p. 107). This was the final step in organizing and categorizing the data.

There were two themes that emerged from the pre self-determination data set: 1.) *the overriding U.S. policies and values* and 2.) *the many functions of the Advisory Committee*. Located within each theme were subthemes. In *the Overriding U.S. values and policies* theme, there were two subthemes identified including: 1.) assertion of U.S. Ways of Knowing and 2.) the Silencing of the TMBCI. Under the first subtheme, the following were found: 1.) Jurisdiction, 2.) Policy, 3.) Process and 4.) Language. Under the second theme *of the many functions of the Advisory Committee*, three subthemes are discussed. Those subthemes include: 1.) the Protection of the Tribe and Its Community, 2.) the Exploitation of the Tribe and Its Community and 3.) In the Best Interest of the Self.

In the post self-determination data set, the themes from the pre self-determination data set were continued, including 1.) *the overriding U.S. policies and values* and 2.) *the many functions of the Tribal Council*. While the themes from the pre self-determination data set carried over into the post self-determination data set, there were differences from one data set to the other. Lastly, a discussion on self-determination unfolds that is encompassing of both the pre self-determination and the post self-determination data set.

### **Validity Techniques**

According to Maxwell (2013), validity refers “to the correctness or credibility of a description, conclusion, explanation, interpretation, or other sort of account,” (p. 122). Carspecken (1996) adds to that statement by noting that a truth claim is “an assertion that

something is right or wrong, good or bad, correct or incorrect” (p. 56). To address validity in critical research, truth claims are translated into validity claims. Validity claims are defined as “claims that the data or field records produced are true to what occurred, claims that the analysis performed on the data was conducted correctly, and claims that the conceptual basis of the analytic techniques used is sound” (Carspecken, 1996, p. 57). Further, Carspecken (1996) also states that truth claims are never final. Rather, truths claims, when they meet the validity requirements and are supported as well as they can be, lend itself to a position of truth as best as it can.

Maxwell (2013) provides a checklist for validity tests. The importance of this checklist is “looking for evidence that could challenge your conclusions, or that bears on the plausibility of the potential threats,” (p. 125). The validity techniques that guided my checklist were peer debriefing, reflexive journaling, and triangulation of data as tests for validity. Maxwell (2013) refers to the triangulation of data as “collecting information from a diverse range of individuals and settings, using a variety of methods,” (p. 128).

As stated by Smith (1999), “in positioning myself as an Indigenous woman, I am claiming a genealogical, cultural and political set of experiences” (p. 12). As a Native American woman, I had to be aware of my own biases, or subjectivity, throughout the research process. This ranged from the beginning stages of the study where the research questions were formulated to initial coding to the final stages of data analysis and writing. To address this, I used peer debriefing and reflexive journaling.

To reduce researcher bias, I used peer debriefing with other scholars, Native and non-Native. The American Indian scholars were asked to review the draft document and provide

feedback on content, especially as it related to the TMBCI and other indigenous content. This was done with two American Indians; each person read through the document once and gave me their feedback.

The non-American Indian scholar reviewed the data with me. There were many data review sessions in which we talked through the codes, patterns and themes. Once this process was complete, the non-American Indian scholar then helped me check through the interpretations. This process helped ensure that the data was not misinterpreted but rather, that it was interpreted as it was meant to be.

The second validity measure that I used was reflexive journaling. According to Maxwell (2013) “reflexivity” is the “fact that the researcher is part of the social world he or she studies, and can’t avoid either influencing this or being influence by it” (p. 90). To help eliminate researcher bias, I kept personal notes in a journal as a validity method of self-checking (see Appendix C). Maxwell (2013) adds the following statements about journaling:

Whatever form these memos take, their value depends on two things. The first is that you engage in serious reflection, analysis, and self-critique, rather than just mechanism recording events and thoughts. The second is that you organize your memos in a systematic, retrievable form, so that the observations and insights can easily be accessed for future examination (p. 20).

To address this, I journaled at least once per week, or as determined by the amount of writing that was done in a given time period. The notes were often written at any time a thought or idea came to me, many of which were inopportune times, such as riding in a car. Written on



whatever paper was available, I later transferred the information into one of two tablets that I had for this purpose. The intent of this technique was to identify any personal feelings and values that might impact the results if I was not aware of it. By becoming aware of a potential bias, I was in a better position to note it and address it.

In conclusion, the threats to validity within this study were most associated with researcher bias. As I have theories, opinions, and values of my own, from the selection of the theoretical framework to the inference of meanings, every effort was done to reduce my bias, including the use of techniques such as peer review and personal journaling. Through the triangulation of these techniques, threats to validity are reduced and provide for a truth claim that is as valid as possible.

### **Limitations of the Study**

#### **Meeting Minutes as a Genre**

Meeting minutes were chosen as the tool to analyze self-determination among and for the TMBCI. Within this scope, the meeting minutes provided a way to ascertain the degree that self-determination, had or had not, occurred. However, as meeting minutes are a codified form of discourse, they only present a certain degree of information as they are typically edited before they are presented for public review. That said, the nature of this study revolves around political functions and as such, meeting minutes were an appropriate choice. Further, as many of the meeting minutes had a narrative storytelling style, I enjoyed the content provided.

The other noted limitation of the meeting minutes is that there were only certain years available for analysis. For example, in the pre self-determination data set, the only decade that

was available was 1950. Within that decade, there were only certain years available. It is unknown why the meeting minutes were not available.

### **Random Sampling**

In an effort to make the data approachable, I made the decision to do random sampling from the pre and post self-determination data sets. In the pre self-determination data set, only seven meetings were randomly selected per each year. While this number provided approximately half of the meeting minutes for each year, it did limit the amount, and depth of information that was analyzed. The result is that some important events and activities were not captured in the data.

In the post self-determination data set, there was such an abundance of meeting minutes that I had to make the choice to limit the amount I would analyze. Further, the length of the meeting minutes in the post self-determination data set had increased in comparison to the pre self-determination data set, making the process of sorting through the information more time consuming. To help make the process more doable, I randomly selected 10 meeting minutes per each decade, for a total of 30 meeting minutes. Again, the result was that a lot of information was not included in the analysis.

## CHAPTER IV

### FINDINGS

In this chapter, the findings are shown for both the pre self-determination data set, the 1950s, and the post self-determination data set, the 1980s through 2010. In the pre self-determination data set, the overarching themes are 1.) *Overriding U.S. policies and values* and 2.) *The many functions of the Advisory Committee*. Located within each theme were subthemes. In the *Overriding U.S. values and policies* theme, there were two subthemes identified including: 1.) assertion of U.S. Ways of Knowing and 2.) the Silencing of the TMBCI. Under the first subtheme, the following were found: 1.) Jurisdiction, 2.) Policy, 3.) Process and 4.) Language. Under the second theme of *the many functions of the Advisory Committee*, three subthemes are discussed. Those subthemes include: 1.) the Protection of the Tribe, 2.) the Exploitation of the Tribe and 3.) In the Best Interest of the Self.

In the post self-determination data set, the themes from the pre self-determination data set were continued, including 1.) *the overriding U.S. policies and values* and 2.) *the many functions of the Tribal Council*. While the themes from the pre self-determination data set carried over into the post self-determination data set, there were differences from one data set to the other. Lastly in this section, a discussion on self-determination unfolds that is encompassing of both the pre self-determination and the post self-determination data set.

#### Pre Self-Determination Data Analysis

There are two themes that emerged from the pre self-determination data set (see Figure 3). Those themes are 1.) *The overriding U.S. policies and values* and 2.) *The many functions of the tribe*. Within the first theme, two subthemes are highlighted. The first is the *assertion of U.S. ways of knowing and believing* and it speaks to *policy, jurisdiction, processes and language*. The other subtheme noted under the first theme is *the silencing of the Turtle Mountain Band of Chippewa*.

The second theme from the data is the *many functions of the Advisory Committee*. Within this theme, three discussions unfold. Using a critical lens of power to analyze, those discussions include: *the protection of the Tribe, the exploitation of the Tribe and in the best interest of the self*. All play an important role in this theme.

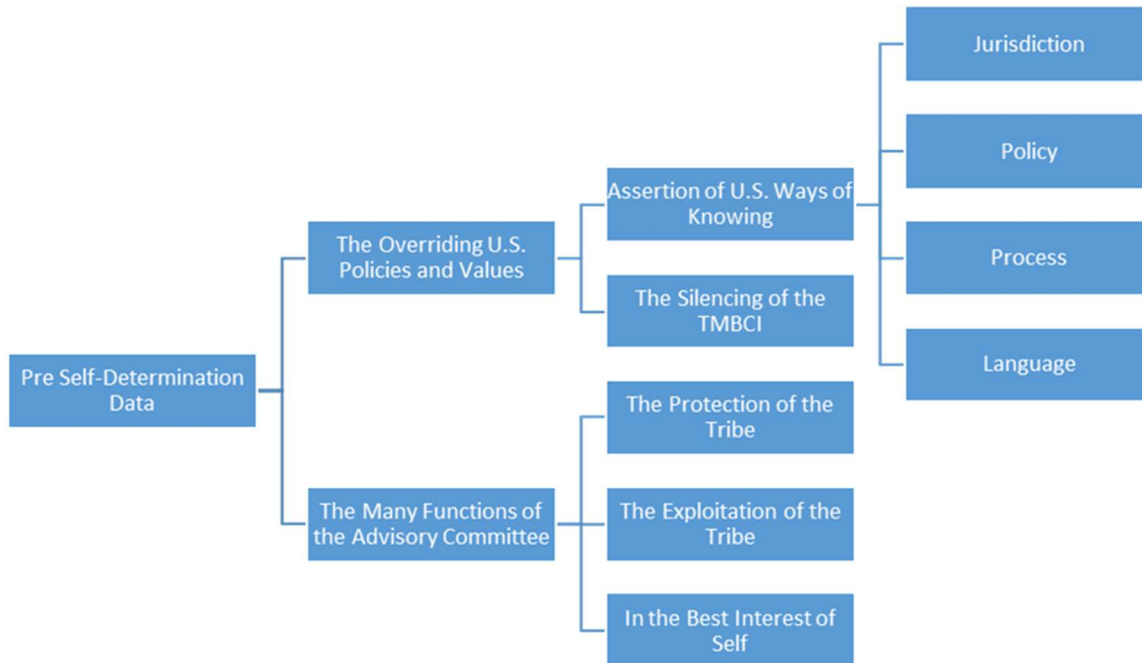


Figure 3- Pre Self-Determination Themes

## **Overriding United States (U.S.) Policy and Values**

Data was analyzed from the time period of 1950 to 1959 to determine a baseline of information of practices used prior to the passage of the Indian Self-Determination and Education Assistance Act (ISDEAA). Throughout the years analyzed, policies, processes and language used were driven by the forces of the federal government. Given this backdrop, power can be seen as handed down from the federal government, trickling to the Advisory Committee, also known as the governing body of the TMBCI, and affecting the lives of the TMBCI people. The handed down policies were all within the scope of defined parameters set by the federal government, also known as jurisdiction, as defined by the tribal-federal relationship. However, while power clearly remained situated with the federal government throughout this time span, the process and language used by the federal government, such as Robert's Rule of Order, became more mimicked by the Advisory Committee in the latter years of this decade. The significance of this change suggests that the process and language used became a learned practice from the federal government and more readily accepted by the Advisory Committee.

**Assertion of U.S. policies and values.** Through the use of power associated with federal and tribal law and jurisdiction, the assertion of U.S. values can be seen embedded within U.S. policies, processes and language. In some instances, the Advisory Committee for the TMBCI had the option of deciding whether to accept such values, as in the case of loan programs. However, in other circumstances, the Advisory Committee has no choice and can only just accept such actions, such as the Termination Policy. The following sections of jurisdiction sets the tone for the latter in which the Advisory Committee can only just accept such actions.

***Jurisdiction (and power).***

*U.S. jurisdiction.* In the 1800s, a series of three cases known as the Marshall trilogy identified the U.S. and Indian tribe relationships and set precedence by calling Indian tribes “dependent domestic nations.” Tribes were not identified as being foreign nations nor were they identified as being states. However, while Tribes have inherent rights, or rights that predated immigrant settlement in the U.S., it was only within the boundaries of the U.S. that these rights were recognized. Further, as tribes had agreed to exchange their lands for resources to be provided by the U.S., a relationship of trust was established between the U.S. and tribal nations. This sets the tone for the relationship between the U.S. and the TMBCI.

By the 1950’s, the Turtle Mountain Band of Chippewa Indians appear to be somewhat indoctrinated where jurisdictional matters are concerned. For example, on several occasions reference was made to the local Superintendent, the head of the local Bureau of Indian Affairs, as to how a matter or concern was to be handled. In turn, the Superintendent often read from or quoted from documents such as the Code of Federal Regulations (CFR) or The Circular. The following example clearly identifies this relationship:

Mr. Beitzel was called upon to explain or verify the rumors. Mr. Beitzel quoted from the Code of Federal Regulations... (December 12, 1950).

Based on this example, the Superintendent is called upon to explain or verify to the Advisory Committee. He does so by using the Code of Federal Regulations (CFR) as a guiding document. The act of calling upon the Superintendent to explain or verify implies that the Superintendent is an authoritative figure and the act of referring to the CFR reveals the authoritative relationship of the federal government to the tribe.

Another example of this jurisdictional relationship comes across in reference to the Aberdeen Area Office. The Aberdeen Area Office, an upper division to the Superintendent, is able to grant or deny permission when requested.

...community well...He requested the assistance of the Committee in establishing individual right to the well, so up keep of the well could be maintained and keep the public off his property. ...to contact the Aberdeen Area Office and request permission to allow land owners full rights to the wells (January 10, 1955).

In this instance, the matter concerns the individual rights of land owners. However, permission from the Aberdeen Area Office has to be secured before the Advisory Committee can act. Again, this becomes evidence of the adherence to the jurisdiction of the U.S. by the Advisory Committee as they request permission to what is often a basic rights of land owners.

Lastly, the jurisdiction of the U.S. government is not limited to any one area or subject matter. It extends from following regulations to requesting permission for full rights to wells to issues concerning the judicial branch of the tribe. The following example highlights this relationship:

The report received from the Area Office regarding the resolution submitted by the Committee on raising juror fees was presented to the Committee (April 4 & 7, 1955).

Again, this speaks to the oversight of the Aberdeen Area Office and indirectly, the U.S. Government. In their effort to raise juror fees, the Advisory Committee had to first submit a resolution to the Area Office and then wait for a report to be returned. By following this process,

the jurisdiction of the U.S. Government appears to be accepted and adhered to by the Advisory Committee.

Based on this information, there is a definite relationship in which the U.S. government is the authority figure with power over the Advisory Committee. While this is often delivered through secondary sources such as the Aberdeen Office Area or the Superintendent, at this point in time it nonetheless speaks to the authority, power and consequently the jurisdiction of the U.S. government over the Advisory Committee. However, while this relationship is clearly identified, the relationship between the Advisory Committee and state jurisdiction becomes more blurred. The following section will highlight this relationship.

*State jurisdiction.* The jurisdiction of the state, in relationship to the Advisory Committee, appears to be more questionable in contrast to the jurisdiction of the U.S. government. For example, the Advisory Committee requested information from the state regarding the fees and fines associated with the ND Game and Fish Department. The following excerpts identify this clearly:

The Committee decided to wait until the State Department checked on the fish before taking further action on closing the season (May 23, 1950).

...request Mr. Beitzel to write to the ND Game and Fish Department for specific information pertaining to the authority granted to County and State officials in connection with Belcourt Lake (November 6, 1950).

...request Mr. Beitzel to write to the State Game and Fish Department for information regarding the muskrat season this year (November 6, 1950).



Letter received from the State Game and Fish Department...regarding fines at Belcourt Lake was read to the Committee (December 4 & 5, 1950).

The letter received from the State Game and Fish Department...the muskrat season was read to the Committee (December 4 & 5, 1950).

to approve his application to the State Game and Fish Department for a permit to trap beaver on tribal land (April 9, 1951).

These examples clearly link a relationship to the ND State Game and Fish Department and the Advisory Committee. In these instances, the Advisory Committee seeks information from and adheres to State law. However, they also question County and State authority. Yet, while the authority is questioned, the Advisory Committee is requesting information and appears to adhere to this authority. At this point, and within this subject area, the state seems to have at least a level of power in some circumstances over the Advisory Committee.

In another instance, it appears that the tribal citizenship also adhere to state jurisdiction, above and beyond the authority of the Advisory Committee. In the following meeting minutes, the Advisory Committee seeks information from the State regarding a petition submitted by tribal members to the state of North Dakota in which the tribal citizens opposed a tribal loan. The following example highlights this:

Draw a resolution authorizing the Chairman to write to Senator Y. and to request a copy of the petition sent in by members of the Tribe opposing the ... loan (June 2, 1950).

This suggests that tribal members, by submitting a petition to state officials, are identifying State authority as higher than that of the tribal government. It also suggests that the Advisory

Committee, by way of requesting a copy of the petition, are in a less authoritative position. In this case, there is definite power situated with the state.

In other instances, however, the relationship between the Advisory Committee and state jurisdiction becomes more blurred. The following examples highlight this vagueness:

Business of tribe, rent exchanged for work performed. Discussion on State using tribal land (January 8, 1951).

... to adopt a resolution requiring the Bureau of Indian Affairs to act and enter into litigation with the County of Rolette, State of North Dakota, to determine whether an Indian who is a citizen of the U.S. and a resident of the State of ND, has the right as a citizen to ... (July 7, 1954).

In these examples, there is discussion on land and the general well-being of tribal citizens. In the first excerpt, it appears the state is using tribally owned land without the permission of the Advisory Committee. This discussion establishes the Advisory Committee as authoritative as it is noted that the land is tribally owned. However, it also speaks to some type of assumed power from the state, as they appear to be using tribally owned land without notification to the Advisory Committee. Further, as there was no action taken by the Advisory Committee, at least within the meeting minutes, it suggests that the Advisory Committee is unclear of what type of action to take.

In the second excerpt, it is noted that tribal citizens are also state citizens. In this case, and as a result of what appears to be a lack of action on the part of state concerning sanity hearings, the Advisory Committee seeks the assistance of the Bureau of Indian Affairs. This

becomes peculiar as the Advisory Committee requires the Bureau of Indian Affairs to act on their behalf and enter a decision as to whether tribal citizens have such rights. This clearly speaks to the blurred lines between the Advisory Committee and state jurisdiction. The excerpt does however, clearly identify the federal government as the assumed authority.

In conclusion, the federal government clearly has jurisdiction over the Advisory Committee. Power is exerted by authority figures and agencies such as the Superintendent and the Aberdeen Area Office through documents such as the CFR and the Circular. There appears to be no question about this relationship; in fact, those with authority are asked to clarify uncertainties that exist. Given this, power is situated with the federal government.

In the case with state jurisdiction, however, there appears to be instances in which the state has authority over the Advisory Committee. That said, there are also instances in which the state exerts power and while the Advisory Committee questions it, it remains unclear as to how they can equally assert power. This type of blurred line may be the result of a government infrastructure, such as the state government, which clearly takes a form similar to the federal government. Given the relationship between the federal government and the Advisory Committee, it becomes understandable to see how this relationship between the Advisory Committee and the state can be misconstrued.

***Policy (and power).*** During the decade of the 1950s, there were at least two federal policies that were noted within the Advisory Committee meeting minutes. Those policies are the Relocation Policy and the Termination Policy. In the case of the Relocation policy, it is seen as early as 1950. In a meeting held on December 12, 1950, the following passage is noted:

Mr. Robert L. Bennett, Area Placement Officer, was invited to the meeting to speak to the Committee regarding his position and plans for placement of members who were willing to leave the reservation for permanent positions in industrial centers for the Midwest. Mr. Bennett also made a few suggestions in the operation of the hospital under the present situation.

The Committee suggested that meetings be held at the various Day Schools for the purpose of introducing Mr. Bennett and discussing his plans for jobs and placement with the general public.

In the first excerpt, it is clear that relocation was foreign to the Advisory Committee as there was a need to introduce both the position and plans; it was likely the first public notice of this policy. This becomes notable as it provides an example of the relationship between the federal government and the TMBCI, in which the former has power and sets the parameters and in which the latter can only react. It also provides a baseline of how U.S. policy and processes, in a language used by such, were handed down to the Advisory Committee. However, in the second excerpt, the Advisory Committee accepted this policy, or at least wanted to inform the people, by suggesting meetings at various schools in which tribal peoples would attend. This clearly speaks to how the Advisory Committee had to plan according to the parameters set by such policy. It also speaks to individual expression.

The other federal policy noted in the tribal meeting minutes was known as House Concurrent Resolution 108, or Indian Termination. The intent of this policy was to eliminate all federal-tribal relationships by moving tribal citizens to urban areas in which they would become self-sustaining and consequently, melt into the American mainstream. Based on known

information, the TMBCI was one of the tribes identified to be terminated. In 1954, the tribal meeting minutes speak to the actions of the Advisory Committee regarding this policy.

It was determined by the group that a Special Meeting of the Council should be held Tuesday, February 9, 1954...further discussion would take place. It was suggested that Mr. John Stormon, the Tribe's attorney be present at this meeting. Each member of the Committee was furnished a copy of the proposed bill, in addition to a section by section analysis of the bill and a summary of background data relating to the Turtle Mountain Band. It was suggested that each one concerned take this material home for further study and make notes so that a planned discussion could be arranged... (Feb. 1, 1954).

A discussion followed on financing the trip to Washington, of a Committee, and various means of raising money were considered (Feb. 1, 1954).

In the first study of the bill the following objections were raised:

(5) It is emancipation without adequate consultation and time for consideration. The Joint hearings are set for the Second and Third of March, and our first meeting since receiving the bill is February 1<sup>st</sup>. That gives approximately thirty days for discussion, fund raising, and all other preparations necessary for an adequate presentation of our needs and desires (Feb. 1, 1954).

Following this meeting, additional meeting were held on February 9<sup>th</sup>, 19<sup>th</sup>, and 23<sup>rd</sup> to discuss further plans and actions regarding House Concurrent Resolution 108. While the meeting minutes did not note any of the discussion that was held during these meetings, resolutions were

passed on February 23<sup>rd</sup>, 1954 to authorize delegates to attend the meetings in Washington, D.C. and to pay for the expenses incurred during this trip.

The information provided in the meeting minutes strongly situates the U.S. Government as the authority figure as they proposed the termination of the TMBCI. Further, it also demonstrates that the Advisory Committee had no voice in the construction of the policy as they were provided approximately 30 days to prepare before hearings were to be held. That said, this passage while clearly showing the authority of the U.S. government, also speaks to the self-determination of the TMBCI and the Advisory Committee. Within the 30 day time period, the Advisory Committee were able to develop a plan of action in opposition to their termination. Further, they were also able to secure necessary funding for travel. While not indicated in the meeting minutes, the continuation of meeting minutes to present day reveal that the TMBCI were not terminated as a federally recognized tribe.

In conclusion, Indian policies handed down from the U.S. government sets this entity as authoritative not only by the content within the policies, but also by the process used by the U.S. government in which the TMBCI was excluded from having a voice. This was seen in both the relocation policy and the termination policy. However, while the Relocation policy appeared to be more acceptable to the Advisory Committee, the policy of Termination was not. While the intent of both policies is termination of the tribe, each policy is situated at differed levels whereas one policy is individual based and the other policy affects the whole tribe. In that case, it speaks to a tribal value system that is supportive of individual rights and protective of tribal sovereignty. This becomes a clear example of the tensions that exist between the values of the federal government and the TMBCI.

***Process (and power).*** The use of processes in the affairs of tribal government, or any government, play an important role as to how business is conducted. The processes used in the Advisory Committee meetings appear to be molded after the processes used by the U.S. government, such as Robert's Rules of Order. While adherence to and adoption of processes appears trivial at first, as this way of knowing and believing becomes embedded, it also becomes embedded in the ways of knowing and believing for the TMBCI. Indirectly and over time, values of the Advisory Committee and TMBCI are subject to change as the adoption of processes, developed by those with differing values, become more apparent. This further situates the U.S. government in a position of authority beyond the lines of jurisdiction and policy mentioned above.

The process to select tribal citizens to the Advisory Committee is based on the U.S. model of democracy and it appears throughout the time analyzed. Further, this process is inclusive of key words often associated with democratic processes such as nominations, nominations cease, motions made, votes and majority rules. For example, in the process to elect a tribal citizen to the Advisory Committee, nominations were submitted, dates and locations of the election were announced, votes were cast and those with the majority of votes were sworn into office as members of the Advisory Committee. Internal positions to the Advisory Committee, such as Chair and Vice-Chair, were nominated and selected by the Advisory Committee, with a majority vote rules. The following excerpts point to this process:

The oath of office was taken by new members and the selection of officers... (July 2, 1950).

...to close the meeting consisting of former members and have the new members sworn in (July 2, 1951).

...for the purpose of maintaining the placement of names on an equitable basis (June 7, 1954).

Nominations to the Advisory Committee. Further nomination to be submitted by petition of twenty-five enrolled members of the tribe (April 4 and April 7, 1955).

The purpose... to examine the petitions of candidates to the Advisory Committee for the election to be... (April 21, 1955).

During this time period, processes ranging from the selection of the Advisory Committee members to the examination of petitions of candidates, point to an adherence to and an acceptance of the U.S. process by both the Advisory Committee and the people of the Turtle Mountain Band of Chippewa. While these processes likely began as methods of election and so forth, they can be seen in other areas of tribal business.

As indicated in the meeting minutes, the citizens of the tribe appear to accept the process used for election by way of using it. However, this same process can be seen in other business related matters of the Advisory Committee, further substantiating acceptance and adoption. In the following examples, the Advisory Committee received applications for tracts of land and the meeting minutes noted that they used a similar process to determine which tribal citizen would receive the lands available:

13 applications for A.E.D.'s farm. P.A.A. receiving the majority of votes in the finals (November 6, 1950).



The following applications were considered for the J.L. tribal land unit: (Seven applicants named). A motion was made by G.D. to assign the unit to A.D. and to accept the terms of his offer... (April 9, 1951).

The application of C.M. Sr., E.B., L.J., J.D.L., and J.C. for assignment on the former H.L. unit, or tribal tracts Couture R-31 and Couture #334 were considered. The decision on assignment of the land was made by voting. The unit was assigned to C.M. Sr., by a majority of votes (April 7, 1955).

As seen in these examples, this process of majority votes carried over into other business that the Advisory Committee conducted. Through this process and as a result, value was placed on the majority of votes from the Advisory Committee in which a winner was identified. At this point of analysis, this process appears to be embedded within regular Advisory Committee business.

Taken together, there is clear evidence that the processes of the U.S. democratic model were adopted and used for all business conducted by the Advisory Committee. Further, there appears to be no deviation from the process in any way that could be called self-determination of the tribe. Rather, the processes appear to be accepted. In doing so, however, the TMBCI became subject to values and ways of believing that were associated with Euro-Americans. This reinforces the notion that the overriding values and ways of knowing of the U.S. government had seeped into the business of the tribe.

Through the adoption of these processes, language becomes a main force to be noted. As mentioned earlier, language associated with an election process are used regularly throughout the meeting minutes. Words, or phrases, such as nominations, oath of office and majority of votes

are representative of the U.S. process. This process split over into other functions of the Advisory Committee, such as majority of votes for individuals interested in plots of land. However, through the use of language, several other phrases and words were often used to indicate that an action was done by someone to someone. These types of phrases or words point to a hierarchy of power.

***Language (and power).*** The U.S. government clearly had authority over the TMBCI and the Advisory Committee. This was shown through jurisdictional matters, policy and processes. It can also be seen through the use of language, including the use of the English language. As all meeting minutes are written in the English language, it speaks to the authority of U.S.

Embedded within the meeting minutes was a way of speaking that clearly identified one with authority to one without authority. To substantiate this claim, phrases such as “to inform”, “to authorize”, “to explain” and “to read” are highlighted as they indicate that there is a structure of power in which one has authority, such as the Bureau of Indian Affairs, while the other does not, such as the Advisory Committee. This section demonstrates the authority of the U.S. government over the TMBCI and the Advisory Committee by showcasing the use of language and power.

In the Advisory Committee meeting minutes, the use of authoritative words and phrases were used often. This use of language provides yet another example of how the U.S. government had power and authority over the TMBCI and the Advisory Committee. However, it also shows how the use of authoritative language becomes embedded within the functions of the Advisory Committee and tribal business. The first section will highlight the U.S. relationship with the tribe. The following examples clearly identify this relationship:

Mr. Beitzel informed the Committee that their Resolution for Work Projects had been entered in the Congressional Record (August 7 and August 8, 1950).

The Committee was informed... to authorize all Committee members to contact as many Veteran's... (April 9, 1951)

Mr. Beitzel was called upon to explain or verify the rumors. Mr. Beitzel quoted from the Code of Federal Regulations... (December 12, 1950).

...were read to the Advisory Committee and old timers in order that they might know what Mr. G. has gotten into the record and that they might know of and understand the petition that he has prepared (June 12, 1950).

The Circular regarding tribal delegates... was read and explained (August 7 and August 8, 1950).

These excerpts clearly identify the Superintendent as an authority figure who is performing, or executing an action to a lesser body, the Advisory Committee. The authoritative language is such that there appears to be little space for deviation for the Advisory Committee. This use of authoritative language is also embedded in what initially appears to be a request. Yet, as one reads through the following passage, it is clear that the request is not such.

Mr. Beitzel requested the cooperation of the Committee and tribe in helping to suppress community gatherings, such as dances and house parties, for the purpose of reducing the spread of flu... The Committee was also advised to caution members of the tribe who are receiving welfare subsistence and commodities to conserve and make commodities reach as far as possible... It has been reported that some recipients of welfare commodities

were giving house parties... and if such reports continue to come in, no further assistance will be given to these families (January 15, 1951).

This excerpt points to the use of language as a request. However, embedded within the request is the notion that a definite power exists within the hands of the Superintendent as this person is able to stop the flow of food going into a home. Given this context, the request becomes less of a request and more authoritative and threatening. This situates the power of the Superintendent as above the Advisory Committee and the people of the tribe.

On the other hand, and in stark contrast to the language used by the Superintendent, the Advisory Committee often used words such as “to request” in relationship to the Superintendent and other employees. The use of the phrase “to request” does not contain any indication that it was authoritative or threatening. In fact, it suggests that there is a lack of power. The following examples are used to illustrate this:

...request Mr. Beitzel to write to the ND Game and Fish Department for specific information pertaining to the authority granted to Country and State officials in connection with Belcourt Lake (November 6, 1950).

The matter of assuming ownership of large Rehab Truck now under government supervision... The Committee agreed not to assume ownership... Mr. Olson, Chief Clerk, was requested to obtain additional information from the Area Office on this matter (February 9, 1954).

While the use of language from the Advisory Committee to the Superintendent and other employees appears to be less authoritative, such as “to request”, there are also some reference to

authority within the language from the Advisory Committee to the Superintendent, from the Advisory Committee amongst themselves and on almost all occasions, to the people of the Turtle Mountain Band of Chippewa. In regard to the latter, this is most often seen in the tribal business functions that were related specifically to individuals, such as tribal land, credit fund business and repayment cattle business. Examples include:

To allow tribal lessees until... to make payment, or arrangements for payment on their delinquent...thereafter to vacate their farms (January 15, 1951).

Application for a permit to sell five cows...requested a permit to sell one cow... (April 9, 1951).

...letters regarding the Association were read and explained to the Committee. ...to declare the Cooperative Association loan in default and to authorize the tribe to take possession of the trust property in liquidation of the loan (July 2, 1951).

In an attempt to lessen the numerous delinquencies on tribal land...to demand advance payment from all future land users who did not have an assignment still in effect.

...Failure to meet...will result in immediate eviction proceedings and cancellation of the assignment. In favor: 4, Opposed: 2. Motion carried by majority of votes (June 7, 1954).

...to permit Mr. M. to remove the wire from the tract with the understanding that after he sets it up on the P.B.M. tribal tract, it is to become the property of the tribe (June 14, 1954).

These passages suggest that the Advisory Committee are in an authoritative position in regard to the citizens of the tribe and have adopted the use of authoritative language. Much of the

authoritative language is seen through the adoption of U.S. government programs, such as the loan and cattle programs. Phrases such as “to declare... loan in default”, “to authorize the tribe to take possession of the trust property in liquidation”, and “to demand advance payment” are all clear indicators that the Advisory Committee was in a position of authority. Consequently, the Advisory Committee, by way of accepting these programs and the use of language within these programs, accepts another way of knowing and believing. Further, as tribal citizens also adhere to program processes and submit applications and requests on a regular basis, it is noted that acceptance of the U.S. processes and languages appear to be widespread throughout the tribal nation.

Similarly, the use of authoritative language carried over into the business conducted by the Advisory Committee. The Committee, through the adoption of resolutions, executed many phrases amongst themselves of the same caliber as those associated from the Superintendent to the Advisory Committee. The following excerpts are noted:

A motion was made by E.J. to authorize the Chairman and the Secretary to sign the resolution accepting modifications and to execute all documents in connection with the acceptance of the \$50,000.00 loan (May 23, 1950).

A motion was made by L.M. to adopt a resolution relating to the procedures to be followed in the collection of delinquent cash and cattle loans, and to authorize E.J., Chairman, and the Extension Agent... (September 10, 1951).

...a motion was made by F.A. to authorize the Chairman of the Advisory Committee to represent the tribe and discuss... (January 18, 1955).

The use of the authoritative language amongst the Advisory Committee is a clear indication that the language was accepted. While it may have first appeared only in relationship from the Superintendent to the Advisory Committee, it carried over into the regular business functions amongst Advisory Committee members as well as in relation to the tribal citizens. A pattern of authority is evident.

To summarize, the U.S. government exerted authority over the TMBCI and the Advisory Committee through several mechanisms. Those mechanisms were jurisdiction, policy, processes and language. In several of these instances, the Advisory Committee appeared to have little to no room for voicing their needs and desires; they were treated not as a people with a political relationship to the federal government but rather, as a colonized people. These types of examples occurred in all four mechanisms. The result was that at some point, the Advisory Committee and the TMBCI, accepted ways of knowing and believing that were not their own.

In a few instances, however, the Advisory Committee did voice their needs and desires. This comes across most strongly in their opposition to policy set to terminate the tribe and its sovereignty. It also came across in the matters concerning the state jurisdiction and the well-being of tribal citizens in which they demanded litigation. Both examples presented speak to the protection of the tribe as a nation and to the rights of its citizens.

**Silencing of the TMBCI.** As a result of analyzing the data, it becomes evident that U.S. jurisdiction, policy, processes, and language drive the governing processes of the Advisory Committee. Example after example provides evidence to this claim. The flip side, however, is the stark absence of any indication that the governing body is an Indian tribe. Beyond the use of the title at the beginning of each set of tribal minutes, “Turtle Mountain Advisory Committee of

the Turtle Mountain Band of Chippewa Indians”, and the inclusion of words within the sets of minutes such as tribal land, there is little to no recognition from the meeting minutes samples of any processes that may be considered indigenous to the tribal people. For example, there is no prayer offered at the beginning of the meetings. There is no offer of tobacco, nor is there any reference to this practice. The lack of any type of process that may identify this governing body as tribal is absent. As a result, the silence is as stark and loud as is the presence of the U.S. governing processes that drive the Advisory Committee. It clearly indicates a process built on the values and beliefs of the U.S., a process that is not inclusive to the ways of knowing and believing of the Turtle Mountain Band of Chippewa.

In conclusion, power situated with the federal government (through jurisdiction) exerts itself within policies, governing processes and languages used by the Turtle Mountain Advisory Committee. Based on examples found in policy, processes, and language, power is clearly situated with the federal government through the Superintendent, who ranks at the top of the hierarchy, followed by the Advisory Committee and then the people of the Band. The use of the processes and language, as well as the absence of any type of indigenous process, speaks clearly to the overriding U.S. ways of knowing and believing.

### **The Many Functions of the Advisory Committee**

While the above sections speak to authority and power associated with the U.S. government through various mechanisms, this section speaks to the authority and power associated with the Advisory Committee through the same mechanisms. It speaks to the protection of the tribe and tribal citizenship and also to the exploitation of the tribe and tribal



citizenship. The final section provides evidence of the switch in paradigms from a focus on community to a focus on the best interest of the self.

Throughout the years analyzed, the Advisory Committee appears to be involved in a wide array of roles and functions. For instance, in various meeting minutes, there are sections dedicated to the different types of business in which the Advisory Committee oversees, including credit fund business, cattle repayment business and tribal land business. These agenda items are listed in addition to the general business of the Advisory Committee in which all other business is conducted. As such, the function of each business requires the Advisory Committee to play difference roles. For example, these different roles include loan officers who approve and deny loans for education, cattle, credit, etc., collection agents who take land and assets from tribal citizens that default on loans, and land providers (for lack of a better word) in which tribal tracts of land are distributed through rental agreements, renewals on land agreements, and the selling of permits to change the land by cutting logs, putting up fence, etc. The Advisory Committee also acts in the function of personnel directors in which they hire, fire and set wages for employees. Further, the Advisory Committee members are appointed to various committees in addition to meeting with other officials, including State, other tribal officials, and U.S. Government personnel. The following excerpts provide examples of some these functions:

Mrs. N.L. requested permission to continue renting part of tribal tract... (May 23, 1950).

...liquidating his repayment cattle loan. Approve the liquidation and issue the cattle to...

(May 23, 1950).

Motion made to purchase the following appraised lands for the Tribe (June 5, 1950).

Raise the wages of ... (July 3, 1950).

...employment contract between the tribe and the Tribal Clerk... (April 5, 1954).

Suggested that members of the Tribe who owned and leased land in Montana (August 7 & 8, 1950).

acquiring a sawmill was reviewed (August 7 & 8, 1950).

...to reject the application until Mrs. G. can show a clear title to the place (November 6, 1950).

...cancel the rent due to the repairs made on his farm... tribal owned land being used by the State... (January 8, 1951).

...letters regarding the Association were read and explained to the Committee. ...to declare the Cooperative Association loan in default and to authorize the tribe to take possession of the trust property in liquidation of the loan (July 2, 1951).

Applications for heifers, application to be released, permit to sell a bull, application to liquidate, lower the 1950 rent (August 16, 1951).

to officially authorize the delegates, and other interested parties to represent the tribe in any business capacity in Washington, D.C. (February 23, 1954).

The matter of determining who would be eligible to be placed on the rolls of the Turtle Mountain Band of Chippewa Indians by degree of Indian blood... tabled the decision on this matter (April 5, 1954).

Mr. Lee, Superintendent, and Mr. Price, Welfare Worker, met with the Committee to discuss current welfare problems (April 5, 1954).

The functions of the Advisory Committee range from business ventures to securing land for tribal citizens to liquidating assets of tribal citizens when loans default. Based on these examples, it becomes evident that the well-being of the tribe and the tribal citizens are the priority. However, it also appears that as a result of the effort to improve living conditions through credit funds and cattle repayment for example, the tribe and the tribal citizenship may suffer indirectly at the hands of these programs that stipulate, or regulate, certain behaviors and actions. The process appears to be a U.S. process, with regulations that are often read and explained to the Advisory Committee. The Advisory Committee submits to this type of protocol as they request or apply for various monies. As such, and in its effort to protect and enhance tribal citizenship, the tribe and the tribal citizenship are exploited by these processes.

**The protection of the Tribe.** The Advisory Committee made decisions in tribal meetings that appear to be done in the best interest of the tribal citizenship. For example, it was agreed upon by the Advisory Committee to purchase land, to review whether the acquisition of a sawmill would be cost effective and beneficial for the tribe, and to submit applications for programs from which tribal citizens could benefit. The following excerpts point to each of these:

The purpose of the meeting was for the plan and procedures to be used in making seed loans to clients. A motion was made by J.H.P. to authorize the Extension Agent, Mr. Claymore, and E.J. to make loans to clients for the purpose of seed and operating expenses only (June 2, 1950).

A motion was made... to authorize Mr. Beitzel to draw a resolution requesting funds to create work projects to help the Indian people who are in need of work during the summer. Copies of the Resolution to be sent to Washington (June 5, 1950).

A motion was made by L.M. to purchase the following appraised lands for the Tribe: ... (June 5, 1950).

The question of acquiring a sawmill was reviewed. Arrangements were made to have four members of the Committee examine the operation of the sawmill at ... (August 7 & 8, 1950).

These types of decisions provide evidence that the best interest of the tribe and its citizenship were the priority for the Advisory Committee as land acquisition, economic activity and individual growth were all addressed. However, in accepting the U.S. programs that promoted such activity, such as the loan program, there was a call for certain behaviors by both the Advisory Committee and the tribal citizens. This call for behaviors and actions was in direct conflict with the values associated with tribal well-being.

**The exploitation of the Tribe and its citizenship.** In order to receive the monies attached to programs of credit and loans, there are certain protocol that had to be followed. This protocol uses processes and language that are born of U.S. processes. In the case of the Advisory Committee, the use of this protocol can be seen in various tribal meeting minutes. The following excerpts point to this:

The Circular pertaining to regulations for Educational loans was read (August 7 & 8, 1950).

A motion was made... to adopt a resolution relating to the procedures to be followed in the collection of delinquent cash and cattle loans... (September 10, 1951).

...appointing two members of the Committee to act on the Appraisal Committee for cash settlement of repayment cattle (January 10, 1955).

The report received from the Appraisal Committee on the assets of borrowers to be liquidated was presented to the Committee (April 4 & 7, 1955).

In one of the above examples, members of the Advisory Committee are appointed to the Appraisal Committee in which they are to carry out the cattle loan program rules and regulations. In doing so, however, the Advisory Committee is an adversary to the tribal citizenship. As the Advisory Committee is made up of tribal citizens, it becomes tribal citizen pitted against tribal citizen. This was accepted, albeit indirectly, when the terms and conditions of the cattle loan program were accepted. At this point, the authority of the Advisory Committee begins to work against the tribal citizenship.

The following passage further emphasizes this relationship, as the Advisory Committee adopts processes and language. Further, it highlights some of the ethical struggles of the Advisory Committee as it also marks the first time in the documented history of tribal meeting minutes that there is a split in the votes.

In an attempt to lessen the numerous delinquencies on tribal land, a proposal was offered to demand advance payment from all future land users who did not have an assignment still in effect. In the discussion following the above proposal, a motion was made by J.D. to require that all land assignments in the future will include a stipulation that rentals

must be paid on or before September 30<sup>th</sup> of the first year. Failure to meet this requirement within the time limit the 1<sup>st</sup> year will result in immediate eviction proceedings and cancellation of the assignment. The stipulation would apply for each succeeding year that the assignment was in effect. The motion was seconded by E.D. The vote on the last proposal as per motions made was as follows: In favor: E.J., P.B., J.P.D. and E.D. Opposed: L.J. and F.A. Motion carried by majority of votes (June 7, 1954).

In the example above, the processes and language used are those of the U.S. “Delinquencies on tribal lands” refers to payment, “all land assignments” refers to a process in which power is exuded by the act of assigning land for which one has to have land to assign, and “will result in immediate eviction proceedings” refers to a process in which tribal citizens are ejected from the land assigned. Based on this, a capitalistic system is set up in which monies drive whether or not an individual will acquire land, in which case the decision is made by the Advisory Committee. In this example, however, a split in votes also speaks to some type of discord within the Advisory Committee, even though the motion carried by way of majority votes.

In review, it appears that the overriding values and policies of the U.S. government continue to hover as the Advisory Committee enforces regulations set by the government. However, as the Advisory Committee adopts this language and process, it requires tribal citizens to also adhere to these processes in which they submit applications and requests on a regular basis. In effect, it is promoting the interest of the self, a possible conflict between the self-determination of the tribe as a whole and the self-determination of the self. It is also promoting a competition amongst the tribal citizens.

**In the best interest of the self.** The self-sufficiency of tribal citizens becomes more apparent as there is a lot of effort regarding self-sustainability (farming, haying, wood, bark, etc.). The Advisory Committee appears to support these efforts through motions made and voting records. Regulations are read and explained to the Advisory Committee, such as what criteria is to be used to judge whether an individual will be approved for or denied a loan, or whether an individual will be in default of a loan. In doing so, the Committee accepts another way of knowing and believing and in this case, it becomes a conflict between the best interest of the tribe and the best interest of the individual. Examples to illuminate this scenario are as follows:

A.M. met with the Committee in regard to the community well located on his property. He requested the assistance of the Committee in establishing individual right to the well, so upkeep of the well could be maintained and keep the public off his property. A motion was made by F.A. to contact the Aberdeen Area Office and request permission to allow land owners full rights to the wells. The motion was seconded by J.P.D. Motion carried. (January 10, 1955).

This example clearly promotes the interest of the self above the interest of the community as it speaks to what was once perceived as a community well to change to what is now perceived as being under the sole ownership of the individual on whose land the well is located. Upkeep and denial of community access are the rationale for this concern. However, before the Advisory Committee can act, they adhere to the guidance of the Aberdeen Area Office, from which a determination can then be made.

In another example, tribal citizens are in direct competition with each other. This becomes apparent in requests for land as well as other tribal resources. The following examples demonstrate these scenarios:

13 applications for A.E.D.'s farm. P.A.A. receiving the majority of votes in the finals (November 6, 1950).

The following applications were considered for the J.L. tribal land unit: (Seven applicants named). A motion was made by G.D. to assign the unit to A.D. and to accept the terms of his offer... (April 9, 1951).

The application of C.M. Sr., E.B., L.J., J.D.L., and J.C. for assignment on the former H.L. unit, or tribal tracts Couture R-31 and Couture #334 were considered. The decision on assignment of the land was made by voting. The unit was assigned to C.M. Sr., by a majority of votes (April 7, 1955).

Through these examples, the evidence is clear in which the interest of the self is promoted above that of the whole. Again, as a result of processes used, a shift occurs as to how land is parceled based on a concept of individual land ownership. It is through the authority associated with the Advisory Committee that this occurs.

In conclusion, as the Advisory Committee continued to occupy many roles and functions, tribal citizens attempted to be self-sufficient through various mechanisms in which the Advisory Committee would either approve or deny access according to regulations and processes provided by the federal government. This way of knowing and believing was based on an individualistic ideology, which created a paradigm shift from community to self-interest. This way of knowing



and believing also became more prevalent within the tribal business functions and through the active participation of the Advisory Committee in programs promoted by the federal government. The result is the creation of a system based on land ownership, good credit or security, etc. It is the creation of a system based on self-interest and self-determination of the self as opposed to the self-interest and self-determination of the community.

### **Post Self-Determination Data Analysis**

In this section of the analysis, data from the years following the passage of the Indian Self-Determination and Education Assistance Act (ISDEAA) of 1975 were analyzed and included the decades of the 1980s, 1990s, and 2000s. This section will explore changes from the themes found in the pre self-determination data set to the post self-determination data set with the addition of any new themes that are identified within the latter part (see Figure 4).

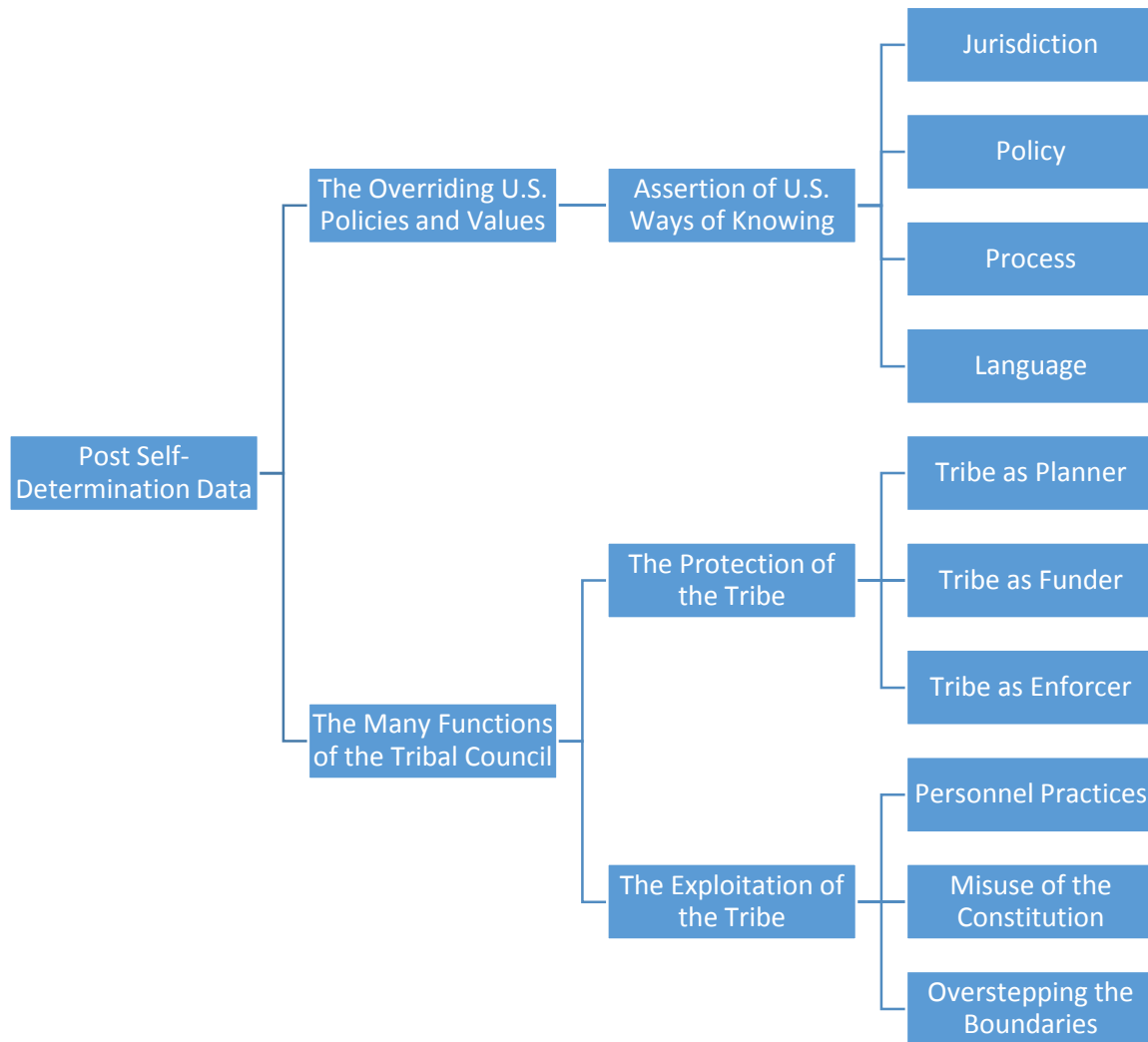


Figure 4- Post Self-Determination Themes

While the themes of the pre self-determination data set are still prevalent after the passage of the ISDEAA, there is a definite difference in the feel and look of the tribal meeting minutes. Tribal authority is solidified and evident as the many samples will show. Further, there is a richness to the meeting minutes that indicate a narrative storytelling.

This section will start with speaking back to the themes that carried over from part I, including the overriding U.S. values and policies and the many functions of the now called “Tribal Council.” It will also include a discussion on the authority of the tribe. It is within this area that the most difference is noted.

## **Overriding U.S. Policies and Values**

### **Assertion of U.S. policies and values.**

*Jurisdiction (and power).* The relationship between the U.S. government and Indian tribes remains the same during post ISDEAA as it did in the 1950s. A federal tribal trust relationship is intact and tribes continue to be identified as “domestic dependent nations”. Further, as it will show in the data, the TMBCI is still under the authority and supervision of the Superintendent and the Bureau of Indian Affairs. The following examples show this continuing pattern:

D.M. moved that bid forms for the construction of water supply facilities be submitted to Aberdeen Area Indian Health Services for review and recommendations... (December 17, 1987).

First order of business was to discuss the present status of the new hospital facility and Dunseith Day School. K. L., Project Manager and T. D., Asst. Project Mgr. for the project were present to update the Council on the projects. Mr. L. stated that they are presently awaiting DC approval to 638 the construction process. He also went over projected dates for ground breaking, etc. (May 14, 1991).

T. D., Contracting Officer was present regarding... Mr. D. also informed the Council that an amendment needs to be completed in order to continue the process of submitting a 638 application for construction of the two (2) projects: ... A resolution had been previously adopted to contract three (3) projects, one being re-roofing of buildings. However, due to time frames the reroofing project was commenced by the Bureau of Indian Affairs, therefore, cannot be contracted by the Tribe (September 10, 1991).

These excerpts point to a continued relationship in which the TMBCI is regarded as a domestic dependent nation within the jurisdiction of the U.S. This relationship appears to be solid in terms of how the Tribe operates, even to the extent of using the ISDEAA, also known as “638” within the meeting minutes. Under 93-638 or ISDEAA, the Tribe has the ability to contract services, but it is only to the extent that it is approved by the U.S. Government. Further, the Tribe has to follow procedures and processes already set by the U.S. Government in this effort. That said, and outside the business of “638”, there is a definite movement in which the Tribe, or governing body of the TMBCI, appears to be on more equal ground with the Bureau, or Superintendent. There appears to be a leveraging of authority on the side of the TMBCI in comparison to the earlier years. In other words, the governing body of the Tribe, while still under the supervision of the Bureau and Superintendent, has a stronger voice. The next examples exemplify this relationship:

Next order of business was to recommend for the position of Superintendent. The Tribal Council had previously developed a point system to go by and a list of 12 eligible candidates was provided from the BIA, from which the Tribe selected 6 for interviews (May 29, 1992).

R.D. moved the Tribe is willing to set aside enough funds from its unrestricted income to ensure that all person who now have an application... and that even if the Bureau, for whatever reason, does not believe the Tribe's offer is acceptable, the Tribe demands that the Bureau honor its previous commitments and make the per capita payments and interest payment by December 20, 1993 (December 9, 1993).

First topic of discussion was regarding the proposed action to lay-off law enforcement officers due to lack of funding. Doreen Bruce, Supt. was present at the Council's request, to answer questions on the budget brought about by the Council action to utilize special appropriation funds to fund a police substation... ..was presented with a list of concerns sent by an anonymous person alleging misuse or unauthorized use of funds by giving raise increases, purchasing equipment, jackets, etc. Ms. Bruce state that funds were used to cover overtime hours, purchase vehicles, etc. However, the remaining funds... ..additional police officers have been hired, which would justify use of the money (March 1, 1994).

Mr. Roman Marcellais, Acting Superintendent, Turtle Mountain Community Schools, gave a budget update on each of the schools (October 24, 1995).

In the first example, the Tribe has a voice in the recommendation of the position of Superintendent. While this is the first time that this type of collaboration was noted in the tribal meeting minutes, it is also noteworthy that it is just a recommendation. The Tribe has a voice in the matter but the Bureau makes the final decision.

In the other examples however, the Superintendent speaks to the authority of the Tribe. For example, in the instance in which there were allegations of misspent funding by Bureau employees, the Superintendent reports to the Tribe on how funding was spent. In another meeting and with a different Superintendent, the Superintendent reports to the Tribe on the status of the area schools. These examples represent a definite change in the relationship between the Superintendent and the Tribes governing body. It is noteworthy to mention that the Superintendents in all the above examples are also tribal citizens, with the exception of the hiring process in which the Tribe was involved. In the pre self-determination data set, tribal citizens were not employed in the position of Superintendent.

*State jurisdiction.* State jurisdiction appears to be at a different level in the post self-determination data set than it was during the 1950s. From the tribal meeting minutes, a relationship between the government of the Tribe and the government of the State sets the foundation for a more equal existence. In the following example, the Tribal government questions a cooperative agreement between the State and their child support unit and the Tribe and their court system, using language such as “requests”, “cooperative”, and “negotiated”. These terms are indicators of a relationship that is equal. However, the Tribal Chairperson also states that if the agreement is going to be changed, there should be notification to the Tribe. This implies that the agreement was changed without the input from the Tribal government. In this case, the Tribal government appears to call the State on this type of heavy-handedness.

Tribal Court and Lake Region Child Support is requesting that the Tribe reconsider the cooperative agreement with Rolette County Board of Social Services. There’s an opinion memo issued by the Chief Judge stating why the Tribe should consider the cooperative

arrangement. In addition, there's a memo from the Tribal Prosecutor. It is creating more problems for the course, because the Tribe did not initially go along with the agreement. Chairperson M-K stated that they were concerned that Lake Region were treating some of the Indian men unethically in trying to go after child welfare payments. If the agreement is going to be changed, then Tribal Court and Lake Region Child Support should be informed (March 7, 1989).

State officials expect that new federal legislation will affect the cooperative agreement when the new policies come down in the next year or so, and that a new cooperative agreement will need to be negotiated, probably by October, 1990. AFDC requirements will remain in effect whether or not the agreement does. If the local office is not able to provide services, the burden will be on the applicant to establish paternity, using the Tribal Court and Prosecutor's office. Failure to do so by the applicant/recipient will result in loss of AFDC benefits (March 7, 1989).

Again, this points to a relationship in which it is recognized that the Tribe has governing authority over their citizenship and by way of existing within the boundaries of the state, there has to be an amenable relationship that exists between the Tribe and the State. While the agreement may have been done without a tribal voice, tribal authority is asserted and the State appears to recognize it. Again, the use of language in this example point to a more cooperative relationship. On the other hand, the example also refers to new federal policies which will affect the current Tribe to State agreement. In this case, there is a handed down effect. The next section will revisit U.S. policies.

***Policy (and power).*** In terms of Indian policy, the U.S. government continues to be in the driver's seat. However, while still in the hands of the U.S. government, there now appears to be a limited invitation for the inclusion of tribal voices. As much as this appears to be a relationship of some sort, it is clear that the Tribes' voice is allowed only as a response to an agenda that seems to be set by non-Native authorities. The following examples represent this scenario:

The next discussion was on a proposed resolution regarding the major crimes bill which makes the death penalty applicable to cases of first degree homicide committed on federal lands. Many of the states with large Indian populations including North Dakota, do not allow for the death penalty, thus leaving open the possibility that Indians accused of homicides on the reservation will face this serious threat while non-Indian who are similarly accuse will not. This elevated sentencing does not indicate that Indian people are more prone...that current law subjects more Indian people to federal law than non-Indians... (September 10, 1991).

...made a motion to accept Resolution... whereas the National Congress of American Indians along with the National Indian Education Association and other groups have taken the lead in the development of a comprehensive federal Indian policy and supports the efforts to develop the Draft... ...it is dangerous to approve a Policy Statement that is national particularly in the area of education, because these are written by Non-Tribal Organizations. ...and that local control is the basis of federal policy for education (June 25, 1996).



The relationship between the U.S. government and the Tribe appears to have changed to a certain extent. In the pre self-determination data set, policies such as Relocation and Termination were set down for tribes to deal with. While that still appears to be the case as the U.S. government maintains control of an Indian agenda, it also appears that the Tribe now has a voice in that agenda, even if only after the fact. It appears to be more negotiable at this point in time as for example, tribes come together under national American Indian groups to develop their own agendas.

***Process (and power).*** In the area of process, there is a definite difference in the visual representation of the tribal meeting minutes as well as how tribal business is conducted. To begin, it's important to note that the same processes that existed during the 1950s continue to be used in the 1980s, 1990s, and 2000s. For example, Robert's Rules of Order are still used, elections continue to exist, new members are sworn into office and majority votes by council members are the deciding factor per each issue. That said, there are many differences that become apparent, both on the data set as a whole but also per each tribal administration. One change that is consistent throughout the tribal meeting minutes is that the minutes reflect more of narrative, or storytelling type than what was seen in the pre self-determination data set. It is not unusual to read meeting minutes in the post self-determination data set that are eight pages long. Another change, for example, is the title of the governing body on the top of the meeting minutes. The following example shows this change:

Regular Meeting of the Duly Elected and Certified Governing Body of the Turtle Mountain Band of Chippewa” (October 24 & 25, 1995).

Special Meeting of the Duly Elected and Certified Governing Body of the Turtle Mountain Band of Chippewa Indians (August 7, 2009).

These examples point to a great difference in how the tribal governing body is perceived. During the decade of the 1950s, the governing body was called the Advisory Committee. In the latter part of the analysis, however, the governing body is recognized as being duly elected and certified. There is a definite distinction between the two titles, implying that the tribal governing body is now more authoritative as opposed to advisory. Another difference is the structure of the tribal meetings, but this difference appears to be aligned to differences per each administration as opposed to anything else. For example, in the pre self-determination data set, no prayers were said during the meetings. In the latter data set, however, prayers appear to be said dependent upon the administration. The following examples illustrate this change:

The 10<sup>th</sup> Open Public Meeting was held on October 24, 1995, at 2:00 p.m. at the Fiddler's Hall, according to the amended constitution (October 24 & 25, 1995).

Chairperson M-K asked Councilman C. to lead the Opening Prayer (June 25, 1996).

Chairman M. requested D.B. to conduct the opening prayer for today's meeting (November 26, 2003).

D.K., Secretary-Treasurer, presented the Financial Report for September 1 through September 30, 1995. The following was presented... (October 24 & 25, 1995).

Councilperson K. provided the following financial report for April 1 through April 30, 1996... (June 25, 1996).

Due to J.M. not being available to present the Tribal Code on Domestic Violence Amendment to Section 26.1411- Title One of the Tribal Code, it was the consensus of the Tribal Council to table this item (October 24 & 25, 1995).

G. made a motion to recess. M. seconded. It was the consensus of the Tribal Council to recess and reconvene on October 25, 1995 at 4:30 p.m. Meeting recessed at 5:45 p.m. (October 24, 1995).

Chairperson M-K explained her rationale for the Veto of Resolution... and according to the provisions required under the amended Turtle Mountain Tribal Constitution, it was vetoed within the appropriate 10 day time period (June 25, 1996).

Item #1-Title 13- Election Ordinance with amendments- Rep. M. moved adopting Resolution..., approving Title 13 as amended with three (3) sections- Title 13A- Tribal Elections; Title 13B- Recall, referendum and constitutional amendments and Title 13C- Removal of tribal officers and representatives... (October 29, 2009).

Council reports- Rep. M. - Christmas toy drive 2009- she has been working with Planning for six months sending requests to various organizations for toys... Rep. H. - Working with trailer disbursements, have people that can't make loans that need them, trying to get programs to assist. Rep. M. - Has been working on how to best serve the Tribe- Diabetes Run grant- working with organizations to fight obesity... Rep. Baker- Economic strategic planning committee, if can't do things in 2-years, want to help with continuity of the Tribe to complete projects... Rep. T.D. - TMMC- has been meeting

with companies that have submitted proposals and are interested in doing business with them and also to use the facility... (October 29, 2009).

During these meeting minutes, there is a definite change in the way tribal business is conducted in which tribal presence is evident. As an example of tribal presence, the following is noted: The meetings were called open meetings and were held at a community center; an elder was called upon to say a prayer before the meeting began; financial reports were shared at the open public meeting; consensus was the method used to vote in a few instances. In addition, the Chairperson used veto power, which was quoted from the Tribal Constitution. The Tribal Councilman title appears to have changed in the latter part of the 2000s to that of Tribal Representative. Lastly, the Tribal Council and Chairperson began to give reports at each regular meeting as to what was accomplished. Again, these changes appear to be based on administration.

Another example of tribal administration differences refers to open public meetings. As one tribal administration named the tribal meetings as “Open Public Meetings”, the next administration quoted the TMBCI Constitution to conduct special meetings. The follow excerpt highlights this:

The Tribal Council in accordance with Article VII Section 1 of the Turtle Mountain Constitution and By-laws has the authority to hold special closed meetings without public attendance for matters regarding protected personnel privacy considerations and governmental contract concerns that require confidentiality (December 6, 1996).

Again, this speaks only to some tribal administrations. In this particular example, the 1995 administration set precedence in which open public meetings were first implemented and it may

have been that the following administration needed to speak to the authority to hold closed meetings. While the rationale for this is unknown, what is known is that the authority of the Tribal Council is based on the Constitution of the TMBCI. Per the Constitution, it then appears that each Tribal Council moves forward with processes that work in accordance with their own agendas, such as open or closed meetings.

All of these examples become important as they demonstrated the first time in which these functions have been done, at least in the meeting minutes sampled. It speaks to a recognition that the meetings being conducted were done so by a tribal nation. This is shown in the call upon an elder to say a prayer. It is also shown in the use of consensus voting. While most votes were done so by majority vote, in a few instances, consensus was referred to in which an issue is presented, discussed and all persons voting agree or disagree, together. Lastly, there is a movement to involve the public in the meetings as is noted by the “open, public meeting” set in a community center. This speaks to a call for the community to know what is going on with their government. Using the lens of tribal critical race theory to analyze power, this points to the Tribe as a definite authority but it is also a power in which it seeks the involvement of its constituents. It appears then, that processes are adapted to reflect values from the tribe. Again, this type of meeting structure was not seen in most administrations. Rather, most administrations tended to follow the more typical type of meeting process.

***Language (and power).*** The language used in the meeting minutes continues to be similar to that which is representative of language used during the 1950s, including the use of the English language in all documents. The Tribe used language that was authoritative with all entities including the Bureau, the State, within the governing body and toward the tribal

citizenship. This area appears to be embedded within the processes of the governing system and it is authoritative. There appears to be no change from pre to post self-determination data.

In summary, a comparison between the two data sets reveal that there are changes from one time period to the other time period. Some changes are more subtle, such as that of the formation of U.S. Indian policy and the inclusion of tribal voices to more blunt changes, such as the adaptation of processes used in tribal business meetings per administration. On the whole, it appears that the TMBCI has gained a more authoritative position, even if from only within itself. The next section will re-explore differences between the two data sets for the theme of “The Many Functions of the Advisory Committee”, now referred to as the “Tribal Council”.

### **The Many Functions of the Tribal Council**

In the pre self-determination data set, the many functions of the Advisory Committee were categorized by 1.) the protection of the Tribe and 2.) the exploitation of the Tribe. In the post self-determination data set, the Tribal Council continues to have many functions. In relation to the protection of the tribe, the three functions discussed include 1.) Planner, 2.) Funder, and 3.) Enforcer. The roles played continue to be in the best interest of the Tribe and its citizenship. That said, there also appears to be a continuing pattern in which the Tribe and its citizenship are exploited at the hands of those with the means of providing necessities. Again, using the lens of tribal critical race theory to examine power, exploitation becomes a marker of power held by those in authority. That said, however, the Tribe also takes a more active role in the generation of its own economic base as well as educational endeavors. Once again, however, this appears to be dependent on the tribal administration.

The Tribal government continues to operate with many roles and responsibilities. Those roles and responsibilities include planners, funding agents, maintaining the care of the whole as well as individuals and H.R. managers, to name a few. This section will follow the pattern set by the pre self-determination data set.

**Protection of the Tribe.** As eluded to in the pre self-determination data set, one of the greatest responsibilities of the Tribe appears to be the protection of its citizenship. In some instances, the functions of the tribe have changed from one time period to the next. For example, while the Advisory Committee once acted in all capacities regarding programs such as the loan program, this is no longer the case in the post self-determination data set. Instead, the Tribal Council in the post self-determination data set delegated authority to directors and boards and/or commissions to oversee such activity. The Tribal Council role changed to oversight. This is seen through multiple avenues, but for the sake of brevity, only three (3) will be discussed: 1.) Tribe as Planner 2.) Tribe as Funder 3.) Tribe as Enforcer.

***Tribe as planner.*** As the Tribal Council has oversight of the Tribe, one function that becomes evident in the post self-determination data set are planning efforts. Acting in the capacity of caretakers, the Tribal Council has responsibility for the well-being of all their constituents. Further, as the Tribal Council is also responsible for all business activity with the jurisdiction of the Tribe, they are also responsible for oversight of economic development. The following examples highlight these functions:

...read a resolution indicating the Tribal Council is seeking their assistance in obtaining funding for the construction of a Long Term Health Care Facility, Turtle Mountain Tribal Headquarters (Old Convent) and the Turtle Island Homes (October 24, 1995).

...was an update on the FlexCrete Project. Councilman L.L. explained the development of the project and stated that a feasibility study is need for further development (November 26, 2003).

Again, these examples represent the planning efforts of the Tribe. Amongst the areas to plan for include a social component as well as an economic component. While these two examples are not the only planning efforts of the Tribe, they are representative of the function of planning as a large body of work for the Tribal Council. Additionally, the planning efforts of the Tribe also speaks to the Tribe's authority. This becomes important as it is also representative of the power of the Tribal Council; one can only plan if one has the authority to do so.

***Tribe as funder.*** In the post self-determination data set, another function of the Tribal Council included the provision of donations to various entities and/or individuals. The donations are in dollar form and they are presented to or for organizations, typically with an eye to the community. The following examples are highlighted:

Other action was taken to approve donations for family week activities. J.B. moved approving a \$1,000 donation for the elder's dinner and \$200 for the middle school activities... (January 30, 1990).

F.C., tribal member was present regarding a request for financial assistance on behalf of the Reinterment Committee who will be responsible for reburial of ancestral remains. The committee is in need of \$2,050 in order to purchase a monument for this purpose (September 10, 1991).



Both examples showcase funds received from the Tribal Council for activities that concern the tribal citizenship. Through these examples, the Tribal Council is recognized as authoritative by way of tribal citizens approaching them and requesting donations. Further, they can only give donations if they have the power to do so. This speaks to tribal authority.

***Tribe as enforcer.*** The third example is the Tribe as the enforcer. Recognized as a government, by both the people of the TMBCI and the federal government, the Tribe has the function of being a watchdog and an enforcer of all rules and regulations. Through tribal and federal law, authority is granted to the Tribal Council to enforce laws within their jurisdiction. One such law is provided through the TERO Office, in which businesses have to obtain business licenses if they plan to do work within the boundaries of the reservation. By providing oversight, the Tribal Council approves or denies business applications. In another instance, the Tribal Council oversees the protection of its children through the powers granted in the Indian Child Welfare Act. In this case, the Tribal Council steps in and intervenes.

The next order of business was to review/approve business license applications. Business license applications are listed as follows: ... (August 21, 1997).

Councilman B.M. moved approving Resolution... requesting intervention and transfer of jurisdiction of Child Welfare Case No. ... To tribal jurisdiction... (August 21, 1997).

The Tribal Council is an enforcer of its laws as well as the laws of the federal government. Serving as a function of the Tribal Council, their oversight provides control of issues that are beyond that of an organization. Once again, and through the lens of power and authority, the

Tribal Council can only enforce rules and regulations if it has the power to do so. Clearly, tribal authority is recognized.

Based on these examples, it is clear that the Tribal Council continues to function in many roles. It is also clear that the Tribal Council has authority to take on these roles as shown by both the delegation of power from the tribal citizenship and by the federal government. Planning efforts are implemented for all purposes including tribal citizenship well-being as well as economic development. Donations are provided to groups and organizations for activities, including child and elder activities as well as cultural maintenance. Lastly, the enforcement of tribal jurisdiction through tribal licensures for businesses and through the assertion of child intervention are noted. All of these examples clearly identify the many functions of the Tribe. They also clearly identify the authority of the Tribe.

**The exploitation of the Tribe.** In the pre self-determination data set, the exploitation of the Tribe was very apparent as the Advisory Council were often placed into roles in which they had to act against the tribal citizenship as a matter of grants and/or loan program criteria. Further, as these types of grants and/or loan programs had values and beliefs that differed from the Tribe, there often appeared to be a conflict in the values that were promoted. On that same note, the post self-determination data set continues to provide data as to the exploitation of the Tribe and its citizenship. The difference, however, is that it appears to be a conscious effort on the part of the Tribal Council.

Issues of fairness, from an internal position, emerged throughout the post self-determination data set. Within issues of fairness, three areas are explored: 1.) Personnel

Practices, 2.) Misuse of the Constitution and 3.) Overstepping boundaries. The following discussions are centered on these topics.

***Personnel practices.*** One difference that becomes prevalent during the post self-determination data set is that the Tribe set up departments and/or boards and commissions that oversee a lot of functions. For example, in many meetings, the governing body called upon directors and General Managers to provide updates and reports on tribal activity within each respective division. The following excerpts show this:

Next topic of discussion was on Uniband. R.L., General Manager was present to brief the Council on the present status of Uniband. He stated that... (May 14, 1991).

F.G., General Manager, Turtle Mountain Manufacturing Company gave an overview of the Manufacturing Plant's progress from October 1, 1994 to September 30, 1995. Mr. G. indicated they are at 91% of their operating plan (October 24, 1995).

These positions recognize the power of the Tribal Council and as such report all activity to the governing body. Likewise, the TMBCI also developed and hired a Human Resource (HR) Director. In this position, the HR Director brings personnel issues to the Tribal Council. In many instances, those issues brought to the Tribal Council continue to be for the hiring of positions within the Tribe. In other words, despite the fact that the Tribal Council oversees the HR Director in which all personnel matters can be handled, they continue to be as involved in personnel matters as they were in the pre self-determination data set when no such position existed.

M.K. briefly explained the status of the WIC Nutritionist position. WIC is presently in need of someone to work in the area since they are understaffed. The WIC Coordinator is recommending that the individual be hired to work in that position as a certifier. \*A secret ballot vote will be taken later in the meeting (March 7, 1989).

M.K., Personnel Manager entered the meeting regarding some personnel changes which need Council action. He was informed that... The Tribal Council is requesting weekly reports on the hiring within that position (May 14, 1991).

In these instances, the Personnel Manager provides information to the Tribal Council and the Tribal Council acts on this information. As indicated, the Tribal Council continues to be very active in the hiring process. This is also seen in situations in which there is a standing committee such as a Commission or Board where such hiring takes place. The following are representative of this practice:

The appointment of Boards/Commissions was next on the agenda. D. Made a recommendation to have this item tabled because the Tribal Council has not had time to determine placements for individuals that are unable to serve on their designated Board/Commission (October 25, 1995).

The next order of business was to adopt a resolution concurring with Board action of Compute Band, Inc. to hire H.F. on a commensurate basis as ... (August 21, 1997).

In these cases, the Tribal Council appoints the Board or Commission. These Boards or Commissions are then responsible for oversight of each entity and they report on such to the Tribal Council. In the example provided, the Tribal Council adopts a resolution to concur with

the hiring of a supervisory position. It is only through the adoption of the resolution that the recommendation can be approved. This points to a process set up to reflect the authority of the Tribal Council and it speaks to potential issues of fairness, or unfairness, which can occur. It also speaks to the limitedness of the HR Director.

The next set of examples continue to address issues of fairness in personnel matters. The examples highlight 1.) a conflict of interest and 2.) the continued interest of the Tribal Council in the involvement of personnel matters.

C.L. moved to select R.M. for the position of TMA Superintendent, seconded by E.D., four (4) in favor (...); three (3) abstained (...- based on the fact that the ranking agreed upon was not followed); motion carried (May 29, 1992).

Councilman S.M. moved adopting Resolution... approving the attached revised hiring procedures adding to Section 1. (b) Selections to fill all vacancies shall be made by recommendation of the Hiring Committee “*and approved by resolution of the Tribal Council*”... The intent of the resolution is to provide for a fair hiring process by hiring the best qualified and that no decision will be made on hiring unless it is done in resolution form by the entire Council (November 26, 2003).

Item #3- Meeting procedures- amendment to include Tuesdays as meeting days (if needed) and change personnel actions to the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday... (October 29, 2009).

These examples point to the involvement of the Tribal Council within hiring practices and personnel matters. Further, it also points to efforts to address hiring practices by the Tribal Council by setting criteria to follow. However, in first instance, criteria was not followed by the

majority of the Tribal Council. The result was an abstention of three voters within the Tribal Council. In another instance, a resolution was adopted to which a hiring committee would make recommendation. While this appears to distance hiring from the Tribal Council, it is also noted that the resolution was only approved by Tribal Council after it was revised to include “and approved by resolution of the Tribal Council”. This speaks to addressing issues of fairness through a hiring committee but it also speaks to a continued involvement in personnel matters by the Tribal Council. The authority rests with the latter. In the last example, the Tribal Council dedicates days per month to address personnel matters. Again, the involvement of the Tribal Council in personnel matters is confirmed. This points to potential issues of unfairness as the Tribal Council continues to be involved in all personnel matters.

Another area of concern in personnel practices is salary increases for employees. Several instances within the post self-determination data set point to wages and salary as a necessary sensitive topic. The following examples highlight this:

Discussion was also held on salaries. There is no wage scale adopted for use at the Bingo Palace. However, it was felt that all employees should be paid the same, regardless of seniority (December 17, 1987).

The last order of business, was in regard to employee Salary increases. ...to give \$1.00 an hour raise to the following Employees: ... (May 26, 1988).

...tribal wage scale. H.H., Payroll Specialist who compiled the information used for developing the wage scale, stated that he contracted various agencies in regards to

obtaining information on equitable wages for employees according to seniority and experience/education (March 7, 1989).

Mr. L. is also requesting a \$5.00/hr. salary increase. He stated that funds are available in the program. Consensus were in favor (September 12, 2002).

All the above examples identify an inconsistent pattern where salary increases for employees are concerned. For example, there are efforts to address salaries through salary scales. The first example points to no differentiation between employees based on any criteria such as seniority. The second attempt however, looks specifically at seniority and experience/education as the basis for equitable wages. These efforts speak to an attempt to provide salaries on a fairness basis. Further, increases in wages continued to be an area in which the Tribal Council has played a role, despite the position of HR. Again, these types of matters create issues of unfairness and point to a Tribal Council that exploits their power within the Tribal Council.

In summary, personnel practices in which issues of fairness arise appear throughout the post self-determination data set. In some instances, strategies are developed to address these issues, such as salary scale. In other instances, however, the Tribal Council continues to exert authority over these matters, despite strategies developed to address them, such as the position of an HR Director. In these instances, the Tribal Council appears to exploit the tribal citizenship by creating a system that meets their own needs as opposed to one that meets the needs of a society based on fairness.

***Misuse of the constitution.*** Throughout the pre and post self-determination data sets, there are numerous mentions of the Constitution and By-laws. In most instances, amendments

were discussed and/or placed on the ballots to be voted on by the people of the TMBCI. The following examples highlight this:

The resolution regarding the amendment of Article 4, Sections 4 and 5 of the Constitution and By-Laws of the Turtle Mountain Band of Chippewa Indians, which was proposed at the meeting held July 2, 1951 was considered for adoption (August 1, 1951).

The petition received from members of the tribe regarding amendment of the Constitution and By-Laws of the Turtle Mountain Band of Chippewa Indians was read to the Committee (March 7, 1955).

The Chairman gave a brief explanation of the purpose of the meeting: To review the unapproved revised version of the tribe's Constitution and By-Laws and to discuss the drafting of a new organizational document to replace the one now in force (September 17, 1958).

In these cases, the Constitution and By-laws are used for the general well-being of the tribal population. In other instances, however, the Constitution appears to be used to benefit the Tribal Council. For example, there was a need to announce special closed meetings by the Tribal Council and to do so through the powers of the Constitution and By-laws. The following example demonstrates this:

The Tribal Council in accordance with Article VII Section 1 of the Turtle Mountain Constitution and By-laws has the authority to hold special closed meetings without public attendance for matters regarding protected personnel privacy considerations and



governmental contract concerns that require confidentiality (December 6, 1996, September 12, 2002, October 11, 2002).

These types of meetings were only first noted in the post self-determination data set after the tribal meeting minutes that announced open public meetings. This suggests that there were instances in which the public is not to be informed and through the lens of tribal critical race theory, the Tribe has the power to inform or to not inform. Yet, upon review of the meeting minutes per the special closed meetings, the issues discussed during such meetings did not necessarily appear to meet the criteria for special closed meetings.

The last example represents the misuse of the Constitution and By-Laws by the Tribal Council through the removal of a Chairperson at special meeting. In this example, Article IV Section 2 is mentioned in which the Tribal Council regulates their own procedure. This becomes relevant as instead of following the Constitution section on the “Removal of Officers”, the Tribal Council of that time chose to remove the Chairman through their own accord in a special meeting.

The first order of business was to adopt a resolution immediately removing R.M. as Chairman for the following: Neglect of duties, acting as Appellate Court Judge outside of the Tribe, malfeasance and omission of duties and responsibilities required, expending tribal funds without Council approval and exceeding delegated constitutional authority by conducting tribal outside the framework of the constitution (May 13, 2002).

All the aforementioned actions are taken in accordance to Article IV Section 2 of the Constitution and Bylaws which empowers the Tribal Council with the authority to

regulate its own procedure, provided that any delegation of authority described in the constitution shall be granted only by written resolution or ordinance and shall be withdrawn in the same manner (May 13, 2002).

Again, these examples point to the misuse of the Constitution by members of the Tribal Council. Using the lens of Tribal Critical Race Theory, the Tribal Council had the power to pick and choose which section of the Constitution to use, resulting in a misuse of power. Depending on the situation, the Tribal Council asserts its authority and appears to exploit the tribal citizenship, all while they are quoting the Constitution and By-Laws.

To conclude, through the misuse of the Constitution and By-Laws, issues of unfairness have surfaced. Again, the misuse of this document does not appear to be for the benefit of the tribal population; instead, it appears to benefit the Tribal Council of that respective administration. The announcement of special closed meetings is an indicator of this practice as the public becomes uninformed. Further, the practice of using procedures to regulate as a means of removing a Chairperson, instead of the means provided in the Constitution and By-Laws speaks to a Tribal Council that exploits the tribal citizenship, and it is done through the authority granted to the Tribal Council by way of the tribal citizenship.

***Overstepping the boundaries.*** In a few cases, issues of fairness also appeared in which the Tribal Council overstepped their boundaries and assumed the roles of others. Most important through the lens of power, if you are able to overstep the boundaries, you have to have the power to do so. By using tribal authority, it then appeared that in these cases, the Tribal Council again placed their own interests as a priority to that of their constituents. The following examples show this type of activity:

Item #15 was regarding rescinding Resolution... not allowing the Tribal Council, Gaming Commission and Gaming Board to play table games at the Sky Dancer Casino. The resolution was intended to provide a fair practice rather than the impression of Impropriety. The people in chain of command of table games at the Sky Dancer Casino feel it is unfair to have council members, board members or commission members sitting at a table when an employee/dealer is dealing. If the individuals choose to gamble, then it was felt they should resign from their positions. D.B. representing the Gaming Commission stated that assurances need to be made that practices are fair in regulating gaming and that said resolution should remain in effect (November 26, 2003).

The next item for business was a personnel issue at the Sky Dancer Casino. R.T. was present for this discussion. Three (3) Councilmen went to enforce a resolution and kicked Mr. P. out of the casino. R. called and said Council was directing security to have Pudwill leave and at the time, he was installing... (June 7, 2007).

In the first example, members of the Tribal Council clearly disregard the concerns of tribal employees by allowing themselves, the Tribal Council, to continue to gamble at the casino. This is done in spite of the concern that employees and the Commission and Gaming Board have that it will create an atmosphere in which the employees can be intimidated. The authority of the Tribe is used against the employees and the Board.

In the second example, members of the Tribal Council takes it upon themselves to enforce a resolution they enacted. In this case, by way of the chain of commands, the CEO should have enforced the resolution. However, the Tribal Council stepped into the role of CEO and decided to enforce it themselves. This creates a conflict of interest as the Tribal Council

produces a system in which they play all roles in this situation. It is an abuse of Tribal Council power.

That said, the Tribal Council has the potential to overstep their boundaries in the many roles that they occupy. While this type of action tends to be done only by some members of the Tribal Council, it does speak to the creation of issues of unfairness. Further, it creates a system in which the tribal citizenship may or may not trust their tribal representatives. It becomes another way in which the authority of the Tribal Council is used to benefit the Tribal Council; it creates a system that exploits the citizenship. In this instance, the imposition of one authority, the U.S. government, is replaced by another authority, the Tribal Council, and it speaks to colonization.

In summary, issues of fairness are prevalent within the post self-determination data set. These issues of fairness appear to be directly linked to business conducted within the authority of the Tribal Council and are for the benefit of the Tribal Council. This is seen through personnel practices, the misuse of the tribal Constitution and By-Laws and through the examples of the Tribal Council overstepping their boundaries, particularly as it concerns their own tribal citizenship. All these examples point to issues of fairness at the Tribal Council level and directed toward the people of the TMBCI. In these instances, the Tribal Council exploits its citizenship through the power and authority granted to them by the tribal citizenship.

This section discussed the continued multiple roles that the Tribal Council plays in the post self-determination data set. Examples were shown as to how the Tribal Council uses their authority to protect its citizenship and examples were also shown as to how the Tribal Council uses their authority for their own benefit and at the expense its citizenship. One difference that

exist is that while the protection of its citizenship is a continued role for the Tribal Council, it is done in the post self-determination data set in different capacities such as planning, funding, and as the enforcer of laws. In the case of exploitation, differences also exist from one data set to the next. In the post self-determination data set, the Tribal Council often uses its authority to benefit themselves as opposed to its people. This was seen through personnel practices, misuse of the Constitution and By-Laws and by overstepping their boundaries. All roles continue to be within the authority of the Tribal Council; some are beneficial while others are detrimental.

### **Self-Determination**

In the final section of the findings chapter, a discussion on self-determination unfolds. To begin, examples of self-determination from the pre self-determination data set are provided. Self-determination at that point in time is defined as 1.) *Assertion of self-determination of the Tribe* and 2.) *Assertion of self-determination of the individual*. The focus will then turn to the post self-determination data set by which time the ISDEAA of 1975 was enacted. The ISDEAA data will show that while the inclusion of the term “self-determination” resides within the title of the ISDEAA, the meaning describes a process in which self-determination is extremely limited. The final section will address self-determination of the TMBCI, through the assertion of self-determination as defined by treating the Tribe as a collective and in which their values and standards are pronounced. This is a definition that resides beyond the ideology of the ISDEAA.

### **Pre Self-Determination Data Analysis**

Self-determination in the pre self-determination data set was often seen in either 1.) Asserting self-determination of the Tribe and 2.) Asserting self-determination of the self.

Regarding the former, the Tribe asserts self-determination by insisting on staying a tribe. In the latter, asserting an individual identity, as opposed to a collective identity, is examined.

**Asserting self-determination of the Tribe.** In the instance of the tribe asserting self-determination by insisting on staying a tribe, one example becomes paramount where federal legislation was concerned. As discussed earlier, legislation regarding termination of the TMBCI resulted in a movement within the Advisory Committee in which they positioned themselves against the legislation. The following examples are revisited:

It was determined by the group that a Special Meeting of the Council should be held Tuesday, February 9, 1954...further discussion would take place. It was suggested that Mr. John Stormon, the Tribe's attorney be present at this meeting. Each member of the Committee was furnished a copy of the proposed bill, in addition to a section by section analysis of the bill and a summary of background data relating to the Turtle Mountain Band. It was suggested that each one concerned take this material home for further study and make notes so that a planned discussion could be arranged... (Feb. 1, 1954).

A discussion followed on financing the trip to Washington, of a Committee, and various means of raising money were considered (Feb. 1, 1954).

In the first study of the bill the following objections were raised:

(5) It is emancipation without adequate consultation and time for consideration. The Joint hearings are set for the Second and Third of March, and our first meeting since receiving the bill is February 1<sup>st</sup>. That gives approximately thirty days for discussion,

fund raising, and all other preparations necessary for an adequate presentation of our needs and desires (Feb. 1, 1954).

In this example, the Advisory Committee plans and follows through in an effort to take a stand against the possible termination of the TMBCI. As a result, the TMBCI nation exists today.

This can only be called an act of tribal self-determination. In another sense, and in relation to the state of North Dakota, the Advisory Committee acts by “requiring the Bureau of Indian Affairs to act and enter into litigation” in a matter concerning its tribal citizenship. In 1954, the following example is listed:

...refusal of the Rolette County Sanity Board to conduct sanity hearings in cases of insane Indians,...to adopt a resolution requiring the Bureau of Indian Affairs to act and enter into litigation with the County of Rolette, State of North Dakota, to determine whether an Indian who is a citizen of the U.S. and a resident of the State of ND, has the right as a citizen to ... (July 7, 1954).

This suggests that the Advisory Committee recognizes its rights as citizens of both the state and Tribe and as such, is able to assert those rights. Again, it speaks to the self-determination of the Tribe to advance the well-being of its citizenship to the fullest extent possible.

**Asserting self-determination of the self.** The other area to review is the assertion of self-determination of the self. To this end, several examples exist of individual tribal citizens asserting their individual identity as opposed to the identity of the collective. The following examples highlight these examples and are revisited from an earlier section:

13 applications for A.E.D.'s farm. P.A.A. receiving the majority of votes in the finals (November 6, 1950).

The following applications were considered for the J.L. tribal land unit: (Seven applicants named). A motion was made by G.D. to assign the unit to A.D. and to accept the terms of his offer... (April 9, 1951).

The application of C.M. Sr., E.B., L.J., J.D.L., and J.C. for assignment on the former H.L. unit, or tribal tracts Couture R-31 and Couture #334 were considered. The decision on assignment of the land was made by voting. The unit was assigned to C.M. Sr., by a majority of votes (April 7, 1955).

In these examples, tribal citizens demonstrate self-determination through applications for land, seed loans, cattle loans, education loans, etc. In these instances, a competition ensues as each individual seeks to claim land, homes, etc. Further, the assertion of the self-determination of the individual is also demonstrated through participation in the federal policy of the relocation program. In this case, each individual is provided with a means to relocate to another section of the country to prosper as mainstream Americans. Assertion of self-determination of the individual is very prevalent in the pre self-determination data set as it appears to be a priority for the Advisory Committee, through the acceptance of various programs, as well as a priority for the tribal citizenship.

It is also noteworthy to mention that the processes used during this time period to elevate self-determination, for both the Tribe and individuals, often work against this very cause. For example, Tribes were not provided a voice in any legislation; their only recourse was to respond



to bills that were already drafted and being considered. Under that tension, self-determination was made by the TMBCI taking a stand to the types of legislations that were perceived as be detrimental. This was also the case for individuals. In the example of the loan programs, loans were often denied to individuals for lack of land and/or security. Individuals needed land to farm in their effort to self-determine but were unable to do so as the initial determinant, land acquisition, blocked access to any further participation.

### **Post Self-Determination Data Analysis**

This section explores the ISDEAA of 1975 and the two themes associated with self-determination. Those themes are as follows: 1.) *Authority of the Tribe* and 2.) *Authority of other outside entities*. Each themes suggests that self-determination is defined in different ways. With the first themes, self-determination emanates from tribal and/or communal initiatives. In the second theme, however, self-determination is defined along the parameters of what outside entities define it to be.

#### **The Indian Self-Determination and Education Assistance Act (ISDEAA) of 1975.**

The Indian Self-Determination and Education Assistance Act of 1975 is the factor being explored within this paper. That said, there is surprisingly little mention of the ISDEAA within the tribal meeting minutes that were sampled. Of those sampled, the ISDEAA was only mentioned six (6) times throughout the data set; it is referred to as “638” within the minutes. The following examples are typical of these mentions:

Mr. L. stated that they are presently awaiting DC approval to 638 the construction process. He also went over projected dates for ground breaking, etc. (May 14, 1991).

Mr. D. also informed the Council that an amendment needs to be completed in order to continue the process of submitting a 638 application for construction of the two (2) projects: ... A resolution had been previously adopted to contract three (3) projects... However, due to time frames the reroofing project was commenced by the Bureau of Indian Affairs, therefore, cannot be contracted by the Tribe (September 10, 1991).

G. made a motion to accept Resolution... which will transfer the P.L. 93-638 Court Contract to the Judicial Board so they can establish an independent court budget. In addition, the Tribal Council will provide \$100,000.00 from the 25% gaming proceeds to assist this independent court budget. This administrative procedure is contingent upon approval from the Bureau of Indian Affairs and negotiations for indirect cost (contract support agreement) will need to be made with the Inspector Generals' Office (October 25, 1995).

After reviewing all of the options that are available, it is the opinion of the Tribal Planning Department and Tribal Fire Department that increasing the current Bureau of Indian Affairs P.L. 93-638 Community Fire Protection Contract... Councilman T.B. moved adopting Resolution... requesting the Bureau of Indian Affairs to consider the approval of a year end special funding in the amount of ... (November 26, 2003).

In these examples, it becomes clear that the process of self-determination, particular to P.L. 93-638, has a meaning associated with it in which the Bureau grants approval for certain projects, or use of dollars. In that sense, self-determination operates in a similar process to that already built in between the U.S. government and the tribe. In this example, the Tribe can determine whether to take on a project. If the Tribe takes it, a process is set in which all approval must be sought

from the Bureau prior to any action taking place. In this way, the process confines self-determination to all other similar processes associated with the “domestic dependent nation” status. Self-determination, as noted by P.L. 93-638, appears to have a meaning opposite that of the assertion of self-determination of the Tribe in which the Tribe acts according to values and standards that they have set.

**Authority of the Tribe.** The authority of the Tribe is widespread in the post self-determination data set, particularly when compared to the pre self-determination data set in which there doesn't appear to be much tribal authority. In the post self-determination data set, authority is seen throughout the meeting minutes. For example, it is witnessed in the title of the governing body meeting minutes as well as in the participation of tribal members, Directors, State officials, and U.S. Government officials at the tribal meetings. It is witnessed in business activities such as planning and funding. It is also seen in the Tribes ability to amend the tribal Constitution and By-Laws. The following examples embody these representations:

D. made a motion to accept Resolution No.... requesting the release of \$65,000.00 from the Bureau of Indian Affairs' Escrow Account ... to assist the Tribal Council with home repairs for its membership. Chairperson M-K indicated that since Housing is a big problem on this reservation, it may be possible to build one additional home per week through the Turtle Island Homes and keep it for our membership (October 25, 1995).

...made a motion to accept Resolution... authorizing the Trenton Indian Service Area to negotiate and enter into contracts with any person, organization, entity, and agencies as Trenton Indian Service Area determines... and allowed under the Tribe's compact with

the State of North Dakota. ...and informed them that the Tribal Council would not agree to the Resolution drafted by TISA because it would change our compact (June 25, 1996).

Councilperson K. made a motion to accept Resolution... whereas a member of our Tribe is requesting a Constitution Amendment be placed on the November, 1996 Ballot for the establishment of an Associate Membership Classification where each child of one eighth (1/8) or more, but less than one quarter (1/4) Turtle Mountain Chippewa be eligible for benefits as Indians as provided by law (June 25, 1996).

There were a total of 89 business licenses presented, 82 renewals and 7 new applications.

There were also 9 business licenses that were tabled... TERO Director, stated the TERO Commissioners reviewed/screened all licenses and recommended approval.

...Vice-Chairman P. questioned that they (one business) have been here since January, 1996 and have been operating without a license. He asked why type of fine could they get for operating without a license (June 25, 1996).

... made a motion to accept Resolution... recognizing the need to protect and preserve our sacred and Historic sites on and near the reservation and also recognizes the value of our Ojibwa Culture which needs protection for preservation of our future generations.

...this is a proposed ordinance and will require a 30 day comment period... (June 25, 1996).

...made a motion to accept Resolution... supporting the Dakota Territory Chairmen Council's objection to the use of American Indian Leaders names to promote alcohol (June 25, 1996).

These examples clearly point out the authority of the Tribe on several levels, often with what appears to be a communal goal toward self-determination. In one instance, the Tribal Council addresses the problem of housing on the reservation. In an effort to address this issue, plans are discussed as to building homes for the tribal citizenship and selling additional homes to other American Indian Housing Authorities as one means of addressing the problem and making it a sustainable business. In another example, business licenses are presented for approval to the Tribal Council. Through this means, the Tribal Council is able to plan for any gaps in businesses and it is also able to enforce the laws of its jurisdiction. These are clear indicators of the tribe's authority as well as its commitment to self-determination for the Tribe. On another note, there is also reference in the meeting minutes to the Tribe's lack of authority, particularly as it relates to the authority of outside entities. The next section will address this.

**Authority of other outside entities.** In the post self-determination data set, it appears that the Superintendent may not take such an authoritative role as did the Superintendents in the pre self-determination data. However, while this may be the case in the post self-determination data set, there is another source of authority to which the Tribal Council has to answer to. In this case, it's other outside entities, or other U.S. departments. This becomes relevant through the lens of Tribal Critical Race theory as one can only have authority if one is given it.

In the meeting minutes, for example, the Tribe is often held accountable to various U.S. departments. This accountability includes departments such as the Housing Urban Development (HUD) and the Bureau of Indian Education. The following examples highlight this relationship:

Pat introduced V.C. to all the Council informing them she is the Community

Development Representative of HUD, Denver, Colorado. Victoria was here to do field

inspections on block grant units and the review the block grant program (February 11, 1987).

She informed the Council according to HUD specs a unit is give up to a maximum of \$12,000 and eighteen (18) months in which to be completed. She further stated it would not be held against the Tribe if the sixty (60) unites were not completed provided the Tribe was done quality work on the units they will have completed upon ending of grant and to further provide justification as to why the completion of the total units did not take place (February 11, 1987).

Mr. D. also informed the Council that an amendment needs to be completed in order to continue the process of submitting a 638 application for construction of the two (2) projects: ... A resolution had been previously adopted to contract three (3) projects... However, due to time frames the reroofing project was commenced by the Bureau of Indian Affairs, therefore, cannot be contracted by the Tribe (September 10, 1991).

Chairperson M-K welcomed G.R. of the Denver HUD Office. She asked Mr. Reiss if the Tribe could apply for funding for Housing Rehabilitation in the amount of \$800,000.00 (June 25, 1996).

Mr. M. noted that D.D., Principal, Dunseith Day School, stated if it was not for the State Foundation funds with the cooperation of the Dunseith Public School, they would be in trouble financially. Chairperson M-K asked Mr. M. if there are plans to zero out the BIA Education. Roman indicated he does not have any knowledge on that issue (October 24, 1995).

In these cases, the lack of tribal authority is noted in processes in which issues are brought to the Tribal Council for discussion but they are then forwarded to a federal agency for formal procedure and approval. In other instances, there is a wait for funds to come in from the funding agent before any action can take place, including education. This dictates the extent that self-determination can happen as the procedures are handed down and are only approved if the Tribe is willing to accept such. Lastly, and in the case of P.L. 93-638, or the ISDEAA, the process again inhibits self-determination as initial approval is sought from the Area Office as well as approval for any amendments to plans.

In conclusion, the post self-determination data set speaks to self-determination within two levels 1.) The authority of the Tribe and 2.) The Authority of outside agencies and/or entities. The ISDEAA, also known as P.L. 93-638, falls into the category of the authority of outside agencies and/or entities. Within the realm of the authority of the Tribe, strides toward self-determination are showcased. Examples include asserting the right to amend the tribal constitution, planning for business ventures to address internal problems, and preserving the culture and heritage of the Ojibwa nation. On the other hand, self-determination is limited when it comes to working with outside entities and/or agencies such as HUD or Bureau of Indian Affairs. In these instances, protocol and processes dictate the extent that self-determination can be determined by the Tribe. Oftentimes, it situates the Tribe in a more compliant position.

## CHAPTER V

### DISCUSSION AND IMPLICATIONS

#### Discussion

In this study, the problem identified focused on written policy as it pertained to the Turtle Mountain Band of Chippewa Indians (TMBCI). The research question for this study explored the following: (1) How does the federal policy of Indian Self-Determination and Education Assistance Act of 1975 impact the political practices and discourse for the TMBCI and (2) what are the tensions between the codified (written) values of the United States (U.S.) federal government and the TMBCI that underlie these policies?

The literature review revealed that the TMBCI had at least two documents, the McCumber Agreement and the TMBCI Constitution, in which the tribe adhered to. Each document had its own story; the McCumber Agreement was negotiated under turmoil and the constitution was adopted as a result of a potential lawsuit regarding the McCumber Agreement. Both documents were situated under the authority of the federal government. While this speaks to colonization, it also speaks to a tribe in which self-determination, in the early to mid-1900s, was demonstrated.

Colonization and decolonization were explored in the literature review. Colonization was defined as a process in which Indigenous Peoples were diminished to the point of potential loss of language and culture as it filtered into the lives of many, if not all, Indigenous Peoples.



Discussion on the school system provided an example of how colonization can be embedded within an institution. As a parallel, this study examined codified elements of tribal government to explore how colonization might be embedded.

In an effort to actively resist colonization, Indigenous People engaged in decolonization. Decolonization takes place on two fronts: 1.) the community and 2.) the individual. Both involve a tedious process of unlearning the false truths of the colonizers, specifically as it relates to Indigenous Peoples. This study examined the codified language in order to more fully explore colonization / decolonization efforts. In this study, the ISDEAA appears to be adversarial to decolonization as it did not promote self-determination. Rather, it appears to have further entrenched federal rules and regulations, thus further assimilating the TMBCI.

Self-determination was the last topic covered in the literature review. The definition of self-determination was explored; the definition identified 1.) the individual and 2.) a group of peoples. In addition, the ISDEAA was explored. Two positions surrounded the ISDEAA: 1.) ISDEAA as colonizing and 2.) ISDEAA as a progressive movement. A third definition provided a perspective in which self-determination was defined by the community as opposed to the federal government.

The theoretical framework for this study was critical analysis, specifically Tribal Critical Race Theory (TribalCrit) and the methodology used was Content Analysis. TribalCrit provided me with a lens to analyze power and authority as it related to tribal and federal relationships. Content Analysis was the vehicle in which I explored text and language from historical documents. The documents used were the tribal meeting minutes. Set on the TMBCI reservation, documents were collected and analyzed from a total of four decades divided into two

sets: 1.) the pre self-determination data set and 2.) the post self-determination data set. Data was organized initially by codes which were later developed into themes.

In the pre self-determination data set, there were two themes that emerged. Those themes were 1.) *The overriding U.S. policies and values* and 2.) *The many functions of the Advisory Committee*. Within the first theme, two areas are highlighted. The first is the *assertion of U.S. ways of knowing and believing* and it speaks to *policy, jurisdiction, processes and language*. This became important as it highlighted the power relationship that existed between the federal government and the TMBCI. The other area noted under the first theme is the *Silencing of the Turtle Mountain Band of Chippewa*. In this subtheme, what became apparent was that there wasn't any evidence in the tribal meeting minutes to indicate that the TMBCI was indeed a tribe.

The second theme from the data is the *many functions of the Advisory Committee*. Within this theme, three discussions unfold. Using a critical lens of power as analysis, those discussions include *the protection of tribal citizens, the exploitation of tribal citizens and in the best interest of self*. The Advisory Committee occupied many roles and functions as noted in the findings. However, mechanisms were in place in which the Advisory Committee would either approve or deny access to tribal citizens according to regulations and processes provided by the federal government. This way of knowing and believing was based on an individualistic ideology, which created a paradigm shift from community to self-interest. This way of knowing and believing became more prevalent within the tribal business functions and through the active participation of the Advisory Committee in programs promoted by the federal government. The result is the creation of a system based on land ownership, good credit or security, etc. It was the

creation of a system based on the self-interest and self-determination of the self as opposed to the interest and self-determination of the collective.

In the post self-determination data set, the themes from the pre self-determination data set are still prevalent after the passage of the ISDEAA. The themes continue to be: 1.) *The overriding U.S. policies and values* and 2.) *The many functions of the Tribal Council*. Yet, there is a definite difference in the feel and look of the tribal meeting minutes in the post self-determination data set. Tribal authority is solidified and evident through many samples and there is a richness to the meeting minutes that indicate narrative storytelling.

The last section is a discussion on self-determination. It includes findings from the pre self-determination data set that speak to 1.) *Asserting self-determination as a tribe* and 2.) *Asserting self-determination as an individual*. In the post self-determination data, reference is made to self-determination on two levels 1.) *The authority of the Tribe* and 2.) *The Authority of outside entities*. The ISDEAA, also known as P.L. 93-638, falls into the category of the authority of outside agencies and/or entities as the processes involved within the ISDEAA are authoritative and dictated from the side of the federal government. Within the realm of the authority of the Tribe, strides toward self-determination, as defined by community self-determination, or taking action above and beyond the ISDEAA, are showcased. Examples include asserting the right to amend the tribal constitution, planning for business ventures to address internal problems, and preserving the culture and heritage of the TMBCI nation. On the other hand, self-determination as defined from a community stance, or above and beyond the ISDEAA, is limited when it comes to working with outside entities and/or agencies such as HUD or Bureau of Indian Affairs. In these instances, again, protocol and processes dictate the extent

that self-determination can be determined by the Tribe. Oftentimes, it situates the Tribe in a more compliant position.

In regard to the first research question of “how does the federal policy of Indian Self-Determination and Education Assistance Act of 1975 impact the political practices and discourse for the TMBCI”, it appears that the result is two-fold. First, the ISDEAA appeared to have little impact on the TMBCI as it was only noted in the randomly selected meeting minutes a total of six times. This is approximately  $\frac{1}{4}$  of the total possible chances that the ISDEAA had the chance to appear. Further, the context for the ISDEAA in the noted meeting minutes was in regard to potential contracts for set activities such as construction, approval for applications and amendments to applications. This leads to the second issue regarding the impact of the ISDEAA.

In terms of the political practices and discourse for the TMBCI, the ISDEAA appears to have further embedded the concept of colonization. As noted above, the only mention of the ISDEAA was in regard to contracting set activities such as construction. Within this scope, the process and procedures were clearly laid out as the TMBCI had to comply with the idea of seeking approval for applications and in some cases, providing amendments to such applications. This clearly speaks to a process that furthers the federal rule as opposed to the TMBCI self-determining.

To answer the second research question of “what are the tensions between the codified (written) values of the United States (U.S.) federal government and the TMBCI that underlie these policies?”, there is a definite tension between the value of individuality versus community interest. From the side of the federal government, it appears that individuality is central to

policies while the TMBCI appears to be more concerned with community interest. This was witnessed in the fervor regarding the policy of termination in which the TMBCI were slated to be extinguished as a federal tribe. It was also seen again in the issues surrounding educational policies that were to be developed by non-tribal people and to which the TMBCI administration vehemently opposed.

On the other hand, however, the TMBCI also provided a venue for individual expression as noted through such instances as the Relocation policy in which the community was provided opportunities for information. In another example, individual expression was also noted in personnel practices where individual gain appeared. It is unclear as to whether this expression of self speaks to assimilation, which would clearly fall into federal policy, or to the respect of letting one self-determine their lives path.

### **Implications**

Based on the totality of this dissertation, there are two implications that are discussed. Those implications are 1.) the TMBCI as a colonized group, and 2.) the TMBCI as a community in which the definition of self-determination is set from within, or above and beyond the ISDEAA. At this point, the findings specific to the ISDEAA were minimal and as presented through the tribal meeting minutes, the ISDEAA, as a policy, did not appear to radically effect the tribe in terms of self-determining. It is clear that the processes and language used within the policy of the ISDEAA were drafted from the vantage point of the federal government. To further substantiate this claim, the amendments to the ISDEAA that were highlighted in this study as well as the processes used to amend it speak to the power and authority of the federal government. As such, the values associated with the ISDEAA are explicitly non-Native; it is not

decolonizing in the same sense as self-determination that comes from the community is. In other words, the ISDEAA is not equivalent to the self-determination that comes from within the community; the ISDEAA is not community driven.

The use of Tribal Critical Race Theory (TribalCrit) in this study allowed for this discussion to unfold. Using a lens of power, specifically as it related to the federal-tribal trust relationship, moves beyond the discourse of race relations to add the needed element of the political relationship that exists between the TMBCI and the federal government. TribalCrit helped examine the policy of ISEAA in a way as to highlight the power situated within. It allowed for colonization to be shown. Using the language of Wilson (2012) “the act of self-determination further strips self-determination from tribes as once they assume this standard, they become further entrenched within the scheme of the federal government.” “The more tribes pursue services of various kinds from the federal government to secure a stronger economic future, the more tribes effectively reinforce their position as a ward of the federal government, which has historically positioned itself as a legal guardian to virtually every aspect of Indian life,” (Barsh and Trosper (1975) as cited in Wilson (2012), p. 906)”. Again, this is further reiterated by Warner and Grint (2012) in which they fault the implementation of the ISDEAA stating that it “appears to have attempted to provide tribes with some measure of independence yet creates structures which inhibit or prohibit self-determination... and created even more layers of bureaucracy within Interior, creating even more interference.” This is witnessed in the processes and structure built into the ISDEAA as “tribes must use federally sanctioned contracts and follow detailed regulations which parallel mainstream Congressional oversight of federal

programs” (p. 976).” In other words, the ISDEAA does not contribute to decolonization efforts; rather, it further embeds colonization.

### **The TMBCI as a Colonized Group**

Several examples were provided in the data sets in which the TMBCI appear to be colonized by the dominant society and as a result, assimilated to some extent. For example, in the pre self-determination data set, there was instances in which programs and projects were accepted by the Advisory Committee without regard to the consequences of accepting such. One example was the loan programs for individual tribal citizens. By accepting this type of program, the Advisory Committee had to work against its own people in many instances, such as in the liquidation of assets and similar processes. In this sense, the TMBCI appears to suffer from the effects of colonization as they were embedded within the process more than they were embedded within their own ways of knowing and believing; the consequence was that individual values were placed above communal values. As cited in Gilio-Whitaker (2012), Alfred (2009) notes that “colonization is the process of disconnecting indigenous peoples from their responsibilities to one another, to land and to culture” (pg. 5) and is ultimately a process of disempowerment.

In the post self-determination data set, and according to the tribal meeting minutes, there were several examples of turmoil within the tribal meeting minutes. One example was the misuse of the tribal constitution, in which Tribal Council members removed the Tribal Chairperson through sections unrelated to “Removal of an Officer”. As had been stated in the literature review by Fanon (1963), this type of internal conflict is detrimental to the indigenous group as it saps all energy that could otherwise be used to implement models and techniques to offset

colonization. It becomes detrimental as time and energy are spent on tearing each other apart, internally, as opposed to taking on the bigger issues associated with colonization.

A final example of colonization from the post self-determination data concerns some tribal administrations and “colonizing of the mind.” As noted in Smith (2012) “the knowledge gained through our colonization has been used, in turn, to colonize us in what Ngugi wa Thiong’o calls the colonization ‘of the mind’” (p. 62). While some tribal administrations showed movement of community self-determination, above and beyond the ISDEAA, other administrations did not show such advances. Rather, the latter administrative groups appeared to be more inclined to follow a path that was provided by either the Bureau, or by other outside U.S. authorities. In these instances, there were several accounts in which the exploitation of the TMBCI citizens were highlighted as with issues of fairness and it was the Tribal Council that held power. Again, as articulated by Fanon (1963), this constitutes internal fighting for the TMBCI, in which time and energy are destroyed and taken from other conflicts that might actually address the problem of colonization.

In conclusion, TMBCI has maintained elements of colonization in the formalized language and processes used. Through the lens of power, the federal government has asserted authority and in the instances shown, the TMBCI has either adhered to that authority or has mimicked it. Under these circumstances, there are few examples where decolonization efforts are evident.

### **The TMBCI Define Self-Determination**



While the above speaks to the TMBCI as displaying elements of colonization, it is not all-encompassing category to place this tribe or its movements. To that end, the TMBCI displays several examples of self-determination that can only be defined from the perspective of a tribal and/or communal perspective, above and beyond the ISDEAA. Further, it was witnessed in both the pre and post self-determination data sets, before and after the passage of the ISDEAA.

To begin, an example from the pre self-determination data set is discussed. In the 1950s, the Advisory Committee for the TMBCI was tasked with addressing the federal policy of termination. In this instance, the Advisory Committee was responsible for responding to Congress as to whether the Turtle Mountain Band of Chippewa Indians should be terminated as a federal tribe. Responding to the call, the Advisory Committee put together a plan, raised money to travel to Washington D.C. and voiced their abstention to termination at Congressional hearings. In this example, power was clearly expressed as the TMBCI showed group determination to maintain their form of government. The result is that the TMBCI exists in the present day and is recognized as a federal tribe. This only could have happened because of group self-determination. This falls right in line with the definition of self-determination as stated in the literature review “the determining by the people of the form their government shall have, without reference to the wishes of any other nation, especially by people of a territory or former colony.”

In the post self-determination data set, examples are provided in which the Tribal Council seeks to self-determine. For example, planning was a responsibility of the Tribal Council and in many tribal meeting minutes, dedicated people put forth ideas and visions which can only be called self-determining. A clear example includes the business venture of building homes for the

TMBCI people while at the same time, selling homes to other American Indian communities in an effort to sustain the business. It is these types of movements that advance the economic independence of the TMBCI. Further, it is through these types of activities, such as meeting the need of the shortage of housing for the TMBCI, employing local people through such a venture and providing for other American Indians as a way to sustain, that decolonizing of the mind begins to happen. According to Yellow Bird and Waziyatawin (2005) “decolonization is the intelligent, calculated, and active resistance to the forces of colonialism that perpetuate the subjugation and/or exploitation of our minds, bodies, and lands, and is engaged for the ultimate purpose of overturning the colonial structure and realizing Indigenous liberation” (pg. 2).

Active resistance toward further colonization was expressed in some instances within the meeting minutes. In one example of a tribal meeting, discussion was held on the implementation of new education policy at a federal level. Specifically noted, education policy for American Indians students was written from the perspective of non-American Indians and was to be implemented. Consequently, the Tribal Council actively resisted the proposed policy. As noted in the literature review by Church (1976) and Rocha (2013) the background of common schools, through a compulsory schooling system, was built on values and beliefs of non-American Indians and had never been beneficial for American Indian students (Bill, 1988), Smith (1999) maintains that “the past, our stories local and global, the present, our communities, cultures, languages and social practices- all may be spaces of marginalization, but they have also become spaces of resistance and hope” (p. 4). She further states that “it is from within these spaces that increasing numbers of indigenous academics and researchers have begun to address social issues

within the wider framework of self-determination, decolonization and social justice” (p.4). It is within this scope that the TMBCI set forth their own definition of self-determination.

Lastly, there were differences in tribal administrations that is noted, particularly as it relates to community self-determination. As noted in the previous section, there were some tribal administrations that did not exhibit self-determination, from a community perspective. That said, however, there were also some tribal administrations that did exhibit such advances. These advances for community self-determination can be defined as tribal community economic visioning and implementation, restoring and maintaining cultural and language preservation and actively resisting movements by the federal government, such as in the example of developing education policy for American Indians that was written from the perspective of non-American Indians. Based on this, it is clear that there is a marked difference between and from one administration to another.

In conclusion, the implications for this study suggest that while the TMBCI displayed elements of colonization, it is not an all-inclusive category as they also have set forth examples of self-determining according to their own needs and desires, from the perspective of their community and above and beyond the ISDEAA. This suggests that while the TMBCI has adhered to policies and procedures as mandated by external authorities, they have also exhibited self-determination from a community perspective and that self-determination cannot be discounted. In many instances, the TMBCI have stepped out of the realm of colonization and instead, stepped into the mindset of decolonization.

In the final section, recommendations for practice and further research are considered. As best as possible, these recommendations are connected to the implications.

## Recommendations for Practice

As seen in the literature review, the process of colonization happens over long periods of time and is all consuming. That said, the movement to decolonize sets the direction for Indigenous Peoples who want to actively resist colonization. To move forward, the TMBCI has options available to meet this need. This includes decolonization for both individuals as well as the tribal community. To develop, or further develop the decolonization process, the following are recommended:

a. Begin with language.

Using the traditional language of the TMBCI, ask elders or fluent speakers to translate documents such as the tribal constitution, as best as they can be translated. To do so will allow a different mindset to the whole process, as a political practice as well as for the individual(s) reading the document. It will also help provide assurance that the TMBCI language continues.

Another example is to write the tribal meeting minutes in the TMBCI traditional language. According to elders and those that are fluent speakers, the language of the TMBCI allows one to think differently about a situation as compared to the English language. This could result in decolonization of both the individual as well as the community.

b. Implement decolonization projects through education.

Education on colonization for individuals and the community has to be provided to further the decolonization process. The TMBCI tribal college is an avenue for carrying out this type of activity and has the resources, in terms of knowledgeable

persons. The history of colonization has to be deconstructed and then reconstructed. Only then can we begin talking about further decolonization efforts and what that might look like for the TMBCI.

- c. Know the intent of grants and projects for which the TMBCI applies. In several instances, the TMBCI applies for grant dollars that may not be a best fit with the values and beliefs of the Tribe. By fully researching the intent of such grants, it's important to know whether they fit with the mission statement of the TMBCI. If the intent does not fit, it should not be considered.

### **Recommendations for Future Research**

1. To fully implement a governing system that is internal to the TMBCI, more research on the TMBCI values and beliefs needs to be conducted. As this study only explored the values and beliefs associated with the federal policy of the ISDEAA, it would be beneficial to further develop this area. By building this baseline of data, the ontology, epistemology and axiology (ways of knowing, believing and valuing) will be ascertained and used to build future models based on who the TMBCI are.
2. Further research on the tribal administrations needs to be conducted. As mentioned earlier, some tribal administrations showed advances in self-determination from the perspective of community or group-based self-determination, beyond the definition of the ISDEAA. This relates directly to decolonization and it suggests that some tribal Chairpersons were indeed involved in the decolonization process. To study this phenomenon further will provide evidence as to what constitutes such differences.

Again, this additional knowledge may be used to build models of leadership and governance.

In conclusion, while the ISDEAA does not appear to provide the way out of colonization for the TMBCI, it is important to note that the TMBCI have other methods of defining self-determination, such as chartering a tribal college and implementing a Teacher Education program that is culturally responsive. The former was done prior to the passage of the ISDEAA and it continues after the ISDEAA. As such, hope continues.

## APPENDICES

Appendix A- Letter



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Turtle Mountain Agency  
PO Box 60 – BIA #7  
Belcourt, North Dakota 58316

IN REPLY REFER TO:  
Tribal Operations

September 5, 2014

Ms. Terri Martin-Parisien  
PO Box 1581  
Belcourt, North Dakota 58316

Dear Ms. Parisien:

Thank you for your letter dated August 18, 2014, in which you request the opportunity to review tribal resolutions, tribal meeting minutes, and school board minutes from 1932 to the present at the Turtle Mountain Agency.

Please be advised that the Turtle Mountain Agency does not receive tribal resolutions, tribal meeting minutes, or school board minutes from the Turtle Mountain Band of Chippewa Indians as a matter of routine. We may receive copies of certain documents only if there is a significant issue involved which requires action on our part. Therefore, we simply do not have your requested information. Further, once we are finished with our copies of the documentation we do receive, we return them to the tribe because they are no longer needed at the agency level.

To assist you, we respectfully request that you contact the following employee who has greater capacity to help you than we do:

Ms. Jolean Morin, Tribal Secretary  
Turtle Mountain Band of Chippewa Indians  
PO Box 900  
Belcourt, ND 58316

Ms. Morin can be contacted at (701) 477-2602.

Thank you for your interest Terri and allow us to offer our best wishes on the completion of your doctoral degree at the University of North Dakota.

Sincerely,

Acting Superintendent



Appendix B- Examples of Coding and Themes

		Excerpt	My Comments
1950		Business Not Specified	
	May 23-S	Mr. B. and Mr. C. were asked <b>to explain to the members</b> the plans and policies fo the loan. Purpose of the meeting was <b>to authorize</b> the Chairman and Secretary to sign the application for the acceptance of the \$50,000 loan.	Use of language- To explain, to authorize, to sign the loan. Assumes power. BIA employees are addressed as Mr. and Committee are addressed by name.
		Business Not Specified	
	June 2-S	The purpose of the meeting was for the <b>plan and procedures to be used in making seed loans</b> to clients.	To be told how to administer the loan program? Policies according to who?
		General Business	
	June 5-R	<b>Grant permission</b> to J.A. from the U.S. Health Department to get some gophers for the purpose of studying as possible germ carriers.	Use of language, to US department, sd?

<p>Patterns</p> <p><b>Use of Language</b>- 1. Delegated from authority figure 2. Adoption of Structures and/or processes promotes delegation of authority (Robert's Rules, Liqutation of Assets, payment, etc.)</p>	<p><u>Tribal Values</u> - Listen to story from parents, feed food to company at house parties and dances, does not enroll with Tribe.</p>
<p><b>Jurisdiction</b>- 1. The Committee waits for State... 2. Petition is sent in, Committee requests copy.</p>	<p>Lack of Culture- There is nothing listed to indicate that this is a Tribe.</p>
<p>Tribal Citizens asserting SD- Petition is sent in. Applications for land, loans for seed, tractors, hay, etc.</p>	

## Appendix C- Examples of Journaling

10/11 Notes to Self

The land applications & leases are only part of the story. Many tribal families were allotted land in earlier years. They are probably not included in all these transactions.

Issues of power: It appears that the tribal citizens are requesting permission for everything from the A.C. yet the A.C. is supposed to be under the Area Office. In other words, regulations are handed down from the Area Office, aka fed. gov., to the tribe, to the people. The A.C. is in between the trib, doing the work.

Functions of A.C. are numerous; Business, collaboration w/ fed, state, other tribes. Committees are numerous. Loan agents. Collection agents. Appraisal Committee. Health Board Committee. Commodities. Fieldman is no longer mentioned (1955)

11/12/15

1. ~~Initial~~ Assertion of U.S. Policy and Values

A. Use of U.S. Process and Language - Role of Superintend

1. Overriding ~~Asser~~ U.S. Policy + Values.

A. Assertion of U.S.

B. Lack of N.A. ↗

C. Jurisdiction? ↗

2. The Many Functions?

Reflection Upon: (Once 1 + 2 are done)

Examples of Self-Determination

1) Group →

2) Individual →

} Individualistic

} Communal

Argument based on theme 1 + 2.

Implications - What is the big deal?

Role of power → Is sd an imposition?

Native definition of sd?

Process is so muddled by assertion of power

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