

SOCIAL SCIENCES

Oregon Tribal Government Structures

ESSENTIAL UNDERSTANDINGS

- Sovereignty

LEARNING OUTCOMES

By the end of the lesson, students will be able to ...

- Explain the basic structures of tribal governments in Oregon and compare and contrast them to state and federal governments
- Compare and contrast the governance structures of different tribes in Oregon

ESSENTIAL QUESTIONS

- How are the governance structures of the nine federally recognized tribes in Oregon similar to the structures of the U.S. government and the state of Oregon? How are they different?
- How are the governance structures of the nine federally recognized tribes in Oregon similar to each other? How are they different?

LOGISTICS

- Where does the activity take place?
Classroom
- How are the students organized?
 - ☐ Whole class ☒ Teams: 2 – 4
 - ☐ Pairs ☐ Individually

TIME REQUIRED

Two to three 50-minute class periods

Overview

This lesson introduces students to the governance structures of the nine federally recognized tribes in Oregon. Tribes have a unique relationship to the federal and state governments and to each other. Each tribe is a sovereign nation, with its own constitution and the power to make, carry out, and interpret its own laws, while also being subject to some laws established by the U.S. government. Treaties between the federal government and some individual tribes (or groups of tribes) also designate certain goods and services that must be provided.

Students will work in groups to conduct research, discuss their findings, and prepare and deliver a presentation that demonstrates their knowledge. This lesson asks students to compare and contrast the governance structure of one assigned tribe (per group) to those of the U.S. government, the Oregon state government, and other tribal governments. Students are expected to have prior knowledge of the U.S. and Oregon Constitutions and the institutions, functions, and processes of those governments (see the “Civics and Government” section of the Oregon State Board of Education standards for high school social studies).



Background for teachers

Since time immemorial, Native American tribes have created leadership structures, practices, and customs to manage their territories, protect the health and well-being of their members, mediate disputes, and conduct political and economic affairs with neighbors. From the leaders of small independent villages along the Oregon Coast to the multi-nation Haudenosaunee (Iroquois Confederacy), these structures were well-suited to the geographic, cultural, and political contexts of each tribe.

The U.S. government later compelled many tribes to adopt structures and systems of government that were foreign to them, such as written constitutions, articles of association, or other bodies of law. The Indian Reorganization Act of 1934 (IRA), also known as the Wheeler-Howard Act, restored federal recognition and land to tribes and supported tribal self-determination. The Act included a catalog of governance structures and a “model constitution” tribes could adopt if they chose to participate in the reorganization. Some tribes in Oregon (such as the Confederated Tribes of Grand Ronde and the Confederated Tribes of Warm Springs) chose to participate in the Act’s reorganization, while others (such as the Klamath Tribes and the Confederated Tribes of Siletz Indians) did not. The IRA helped end allotment, a decades-long process in which reservations and other communal tribal landholdings were broken up and parceled out to individual tribal members, with any remaining lands then sold off to or acquired

STANDARDS

Oregon social sciences standards

Civics and Government

HS.5 - Evaluate the relationships among governments at the local, state, tribal, national, and global levels.

Multicultural Studies

HS.60 - Analyze the history, culture, tribal sovereignty, and historical and current issues of the American Indian/Alaska Native/Native Hawaiian in Oregon and the United States. (History)

HS.63 - Identify and analyze ethnic groups (including individuals who are American Indian/Alaska Native/Native Hawaiian or Americans of African, Asian, Pacific Island, Chicano, Latino, or Middle Eastern descent), religious groups, and other traditionally marginalized groups (women, people with disabilities, immigrants, refugees, and individuals who are lesbian, gay, bisexual, or transgender), their relevant historic and current contributions to Oregon the United States, and the world. (History)

HS.66 - Examine and analyze the multiple perspectives and contributions of ethnic and religious groups, as well as traditionally marginalized groups within a dominant society and how different values and views shape Oregon, the United States, and the world. (History)

by non-Natives (often through “squatting,” which means non-Natives settled on the land illegally then later claimed legal ownership based on the fact that they were occupying the land). The IRA also led to the restoration of tribal sovereignty for many tribes whose federal recognition had been terminated. However, the Act has been criticized for forcing non-Native values and governance structures on the tribes. Today, tribes in Oregon and across the United States employ a mix of traditional and non-native governance structures and customs they have selected for themselves.

Although they are located in what is now the United States, the U.S. Constitution considers Native American tribes to be “nations within a nation.” Tribes have separate, sovereign governments of their own, with powers to protect the health, safety, and welfare of their members and to govern their lands. The U.S. Supreme Court and the Congress have affirmed that tribal governments retain their inherent powers of self-government and self-determination, which predate those of the U.S. and the states. Many treaties, laws, and Supreme Court decisions have resulted in a fundamental and legally binding contract between the federal government and tribal governments.

Congress has the power to pass laws affecting Native American tribes and their members. States, counties, and local governments generally do not, although tribes frequently cooperate with them through intergovernmental agreements and in places where strong working relationships exist, such as land management and fishing rights.

MATERIALS

What materials are needed for students to engage in this activity?

- **Tribal Constitution Analysis Worksheet**
(one copy for each student)
- **Links to tribal constitutions** (see “Resources” below. You may wish to test the links beforehand to make sure they still work and/or if you will be printing out copies of the tribes’ constitutions for students to use.)
- **Hard copies of tribal constitutions**
(if time and resources permit; one copy per student group)
- **Computers/tablets and Internet access**
(if you will have students access copies of tribal constitutions online)
- **Classroom writing surface** (blackboard, whiteboard) or poster paper and markers

VOCABULARY

Bill of rights – A document or piece of legislation declaring the legal and civil rights of citizens of a state, country, or Native American tribe.

Constitution – A document describing how a state, country, tribe, or organization will be governed.

Executive – Having the power to carry out government plans, actions, and laws.

Judicial – Having the power to interpret laws; relating to courts and judges.

Jurisdiction – The extent of the power to make legal decisions and judgments.

Continued on next page



In addition, in some instances, tribes provide government services that also benefit non-tribal members of the community.

Although the state of Oregon does not have jurisdiction over the nine federally recognized tribes within its boundaries, it does maintain a government-to-government relationship with each tribe. Tribal members residing in Oregon are citizens of their tribes, citizens of Oregon, and—since 1924, when it was granted to them—citizens of the United States. All nine tribes have written constitutions that define tribal citizenship and establish the structures that oversee and manage tribal affairs.

VOCABULARY *(Continued)*

Legislative – Having the power to make laws and provide oversight of the executive.

Separation of powers – Dividing the power to make, carry out, and interpret laws into separate bodies (legislative, executive, and judicial).

Resources

Links to tribal constitutions:¹

- **Burns Paiute Tribe** (see pages 44-55) <https://burnspaiute-nsn.gov/wp-content/uploads/2020/09/Tribal-Code-Part-1-cover-PL-280.pdf>
- **Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians** <https://ctclusi.org/wp-content/uploads/2020/06/Constitution-CTCLUSI.pdf>
- **Confederated Tribes of Grand Ronde** <https://weblink.grandronde.org/WebLink/DocView.aspx?id=151803&dbid=0&repo=Grand-Ronde>
- **Confederated Tribes of Siletz Indians** <https://ctsi.nsn.us/wp-content/uploads/2020/12/Constitution-04-17-2009.pdf>

¹ The constitution for the Cow Creek Band of Umpqua Tribe of Indians is not currently available in electronic format.



- **Confederated Tribes of the Umatilla Indian Reservation**
<https://ctuir.org/departments/office-of-legal-counsel/codesstatuteslaws/ctuir-constitution/>
- **Confederated Tribes of Warm Springs**
<https://warmsprings-nsn.gov/wp-content/uploads/2016/03/const.pdf>
- **Coquille Indian Tribe**
<https://www.coquilletribe.org/wp-content/uploads/2017/04/Constitution.pdf>
- **The Klamath Tribes**
https://ktj-live-8df4857580a04c80b1ece864d3d589-cd4fbe8.divio-media.com/documents/Constitution_Amendment_to_Article_III.pdf
- O'Brien, S. (1989). *American Indian tribal governments*. Norman, OK: University of Oklahoma Press.
- Wilkinson, C. & Miklas, C. (1988). *Indian tribes as sovereign governments*. Stockton, CA: American Indian Lawyer Training Program.

Links to Tribal Natural Resources Departments:

- **Burns Paiute Tribe Natural Resources Department**
<https://burnspaiute-nsn.gov/departments/natural-resources/>
- **Confederated Tribes of Coos, Lower Umpqua and Siuslaw Department of Natural Resources and Culture** <https://ctclusi.org/departments-of-natural-resources-culture/>
- **Confederated Tribes of Grand Ronde Natural Resources Department**
<https://www.grandronde.org/government/natural-resources/>
- **Confederated Tribes of Siletz Indians Natural Resources Department**
<https://ctsi.nsn.us/tribal-services/natural-resources/>
- **Confederated Tribes of the Umatilla Indian Reservation Department of Natural Resources** <https://ctuir.org/tribal-services/departments-natural-resources>
- **Confederated Tribes of Warm Springs Natural Resources Department**
<https://ctuir.org/departments/natural-resources/>

- **Coquille Indian Tribe** https://www.coquilletribe.org/?page_id=37
- **Cow Creek Band of Umpqua Tribe of Indians Natural Resources Department** <https://www.cowcreek-nsn.gov/government/>
- **The Klamath Tribes Natural Resources Department** <https://klamathtribes.org/natural-resources/>

Considerations for teachers

Assessment

Students will be assessed formatively through teacher observation of student engagement and participation in a group research project.

Practices

- Students will be assigned collaborative roles to support each other in a group research project.
- The teacher must have general knowledge of the constitutions, structures, and functions of the U.S. government and the Oregon state government.

Learning targets

- I can compare and contrast tribal governments in Oregon to the state and federal governments.
- I can compare and contrast the governance structures of different tribes.

Options/extensions

- Have students research and share brief reports on federal and state laws, court cases, and administrative structures that address tribal government structures and authority. The following are some suggested topics and resources to get started:
 - **Indian Reorganization Act of 1934 (the Wheeler-Howard Act):** Congress passed the Indian Reorganization Act (Wheeler-Howard Act) in response to the failure of assimilationist policies. Under the Act, allotment of Native American reservations ended; Native American allotments were put into permanent trust status—not alienable or taxable; Native American nations were allowed to establish governments or business committees, with constitutions, charters and by-laws, and to take over reservation governance, subject to the ultimate authority of the federal government. Under the IRA, 161 constitutions and 131 charters were adopted by Native American nations.
 - **Public Law 280:** A transfer of legal authority (jurisdiction) from the federal government to state governments which significantly changed the division of legal authority among tribal, federal and state governments. Congress gave six states (California, Minnesota, Nebraska, Oregon, Wisconsin, and Alaska) extensive criminal and civil jurisdiction over tribal lands within the affected states (with the exception of the Confederated Tribes of Warm Springs). This law also permitted the other states to acquire jurisdiction at their option. It has generally brought about an increased role for state criminal justice systems among tribes, a virtual elimination of the special federal criminal justice role (and a consequent diminishment of the special relationship between Native American Nations and the federal government), numerous obstacles to individual Nations in their development of tribal criminal justice systems, and an increased and confusing state role in civil related matters. Since the passage of this law, some tribes have negotiated with the states to gain back jurisdiction.

- **Judicial Toolkit on Indian Law** (<https://www.courts.ca.gov/documents/Key-Federal-Indian-Law-Cases.pdf>): This toolkit provides an overview of federal Indian law cases that address tribal sovereignty and self-government.
- **Oregon Legislative Commission on Indian Services (LCIS)**: The LCIS is a 13-member advisory board comprising tribal leaders and Oregon state legislators. It serves as the primary means for sharing issues of concern to Oregon tribes with the state legislature.

Reflection/closure

Close the lesson by reviewing the learning targets and having students write (or share verbally) several sentences that demonstrate their understanding of the lesson and how tribal governments are structured in Oregon.

Appendix

Materials included in the electronic folder that support this lesson are:

- TribalConstitutionAnalysisWorksheet.pdf

Activity 1

Build on prior knowledge

Time: 10 minutes

Step 1:

Check the links to the tribal constitutions (provided above in the “Resources” section) to make sure they work and that students will be able to download the correct documents. Tribes occasionally amend their constitutions or reorganize their governance documents on their websites.

Step 2:

Confirm student understanding of the constitutions, structures, and functions of the U.S. and Oregon governments and tribal sovereignty. If necessary, summarize prior instruction on these topics or lead students through a quick review.

Activity 2

Tribal Constitution Analysis

Time: Up to 90 minutes

Step 1:

Divide the class into eight groups. Have each group select a facilitator, a note-taker, a timekeeper, and a spokesperson.

Step 2:

Assign each group one of the eight Oregon tribal constitutions.

Note: The constitution for the Cow Creek Band of Umpqua Tribe of Indians is not currently available in electronic format.

Step 3:

Distribute one copy of the Tribal Constitution Analysis Worksheet handout to each student. Student should use the worksheet to take notes. The designated notetaker for each group should use the worksheet to create an “official” summary of their group’s findings. The official version should be written in full sentences, with the understanding that the notes will be shared with the rest of the class.

Step 4:

Distribute hard copies of the assigned tribal constitution for each group or provide directions on how each group can access the constitutions electronically using the links provided above (see “Resources”).

Activity 2 *(Continued)*

Step 5:

Have student groups review the tribal constitution assigned to them and fill out their group version of the Tribal Constitution Analysis Worksheet. Each student should also use their individual version of the worksheet to record their notes, findings, and process. Ask them to use complete sentences. Inform students that each group will be asked to make a five-minute oral presentation of their findings to the rest of the class.

Step 6:

Give groups the rest of the class period to conduct their research. Monitor groups as they work to ensure they stay on task and answer the worksheet questions. If needed, students can be given more time (i.e., a second class period) to continue their research.

Activity 3

Report-Outs

Time: 50 minutes

Step 1:

Give student groups a few minutes to prepare for their oral presentations.

Step 2:

Create—or have students create—a table or grid on a classroom writing surface or on several sheets of poster paper to compare the governance structures of the tribes to each other and to the U.S. Constitution using the categories of the Tribal Constitution Analysis Worksheet. An example follows. This table could also be created on a smartboard or other electronic tool viewable by all students.

| | U.S. | Tribe 1 | Tribe 2 | Tribe 3 |
|---------------------|------|---------|---------|---------|
| Preamble | | | | |
| Authority | | | | |
| Membership | | | | |
| Legislature | | | | |
| Executive | | | | |
| Judicial | | | | |
| Bill of Rights | | | | |
| Additional articles | | | | |

Step 3:

Invite the spokesperson from each student group to give a short (no more than five-minute) presentation on their research findings. As each group presents, take notes—or have each group's notetaker take notes—using the grid created in Step 2 above. If necessary, help each group summarize and record information on the grid.

Activity 3 *(Continued)*

Step 4:

Review the grid together with students and solicit questions they may have about the information presented. Help them make connections and distinctions between the different tribal constitutions and between the tribal government structures and those of the federal government.