

# AIH-12: American Indian Tribal Sovereignty

## Summary

Students will understand the relationship among the governments of the sovereign American Indian Nations in Utah, the State of Utah, and the United States.

## Group Size

Small Groups

## Materials

Any newspaper, magazine, or online news source is acceptable.

- *The Bear River Massacre*

by Newell Hart -- produced by Battle Creek Productions available through University of Utah Press.

- *The Nations Within: Past and Future of American Indian Sovereignty*

(video; Vine Deloria Jr. and Clifford M. Lytle). The educator should watch this video and decide which parts are appropriate for class discussion.

- *Atlas of the North American Indian*

by Carl Waldman, pp. 215-241 Contemporary Indian S/T

Jack Utter, *Today's Question*. and *The Rights of Indians and Tribes* by Stephen L. Pevar (covers A History of Federal Indian Policy, Treaties and the Federal Trust Responsibility, Federal and State Power over Indian Affairs, Tribal Self-government, Criminal and civil jurisdiction, hunting, fishing, gathering, and Water Rights, gaming, Taxation, Civil Rights and The Indian Child Welfare Act.) Fairly comprehensive information.

## Online Videos

Treaties and Sovereignty

[56k Modem](#) | [Broadband](#)

## Background for Teachers

This is the fourth of five lessons in the Seventh Grade American Indian History Lesson Plan Unit:

- [AIH-9: Legends and Stories of American Indians](#)
- [AIH-10: Adapting to A New Culture](#)
- [AIH-11: Utah American Indian and non-Indian Conflicts](#)
- AIH-12: American Indian Tribal Sovereignty
- [AIH-13: Utah's American Indian Tribes Today](#)

## TRIBAL GOVERNMENTS AS SOVERIGN NATIONS

"Indian tribes have held a unique position in the history of the American Government as well as in contemporary affairs. The basis for that position is the fact that Indian tribes were recognized as sovereign from the time of discovery and that recognition continues today." – Nancy M. Tuthill

What makes American Indian tribes so unique from other ethnic minorities, besides their indigenous status, is that they are land-based and have a political relationship with the United States government. This political relationship has several legal bases: (1) the "commerce clause" of the U.S. Constitution; (2) treaties between the U.S. and the Indian nations, legislation, and subsequent federal policy; and (3) Supreme Court decisions and executive actions.

American Indian tribes, however, do not enjoy absolute sovereignty. Indian tribes do not exercise international independence (but neither do state governments). They are domestic independent nations (nations within a nation, having a nation-to-nation relationship with the Federal Government).

Additionally, the Federal Government has a unique trust of fiduciary responsibility for American Indian tribes and their interests and assets, as a result of treaties which stressed “services such as education, health, etc., in exchange for land.”

Some commonly asked questions are:

Who determines membership in a tribe? (The Indian tribes establish their own membership laws.)

Do all tribes enjoy sovereign rights? (Not all Indian tribes or bands have this nation-to-nation relationship. Only those federally recognized—i.e., those recognized by the Secretary of the Interior as eligible for services by the Federal Government—are considered sovereign governments.)

Are Indian citizens of the United States? (Indians were granted citizenship via the Citizenship Act of 1924.)

Do Indians pay federal income tax? (Yes, Indians are required to pay federal income tax regardless of federal recognition.)

Do Indians pay state taxes? (Federally recognized Indians do not pay state income or property tax if they live and work on reservations or trust lands.)

Do the Indian tribes have the right to assess taxes on businesses and industries operating on reservation land? (Yes, recent court decisions have upheld the tribes’ right to levy taxes on businesses and severance taxes on some industries.)

If I have Indian heritage, what must I do to become a member? (You must contact the tribe from which your heritage comes, obtain their membership criteria, and file for membership.)

### Instructional Procedures

Essential Question 1: What is the meaning of the term *sovereignty*, and how does sovereignty make American Indians unique from other ethnic minorities?

Motivator: compare/contrast chief vs. leader, guided discussion

Traditional tribal governments vs. tribal governments formed after Reorganization Act of 1934 -

View [Melanie McCoy's Presentation on Sovereignty and Indian Education](#)

Vocabulary worksheet/word wall. Use the following words

Word Development :

sovereignty

indigenous

treaty

Reorganization Act

Self-Determining Act

Memorandum of Understanding

tribal government

Executive Order Agreements

Political Relationship Activities -- U.S. Constitution

5. [Utah American Indian tribe/reservation location map](#) (pdf)

PATHS CD-ROM Executive Order #1

Online Videos

Treaties and Sovereignty

[56k Modem](#) | [Broadband](#)

Essential Question 2: How does the structure of Utah's state government and the U.S. federal government compare with the governments of Utah's five American Indian tribes?

Chart the federal government's structure.

Chart Utah's state government structure

Chart tribal governments' structures. (See information on Utah's tribes regarding the [Wheeler-](#)

[Howard Act of 1934](#)). (oglalalasiouxtribe reorganization Act)

Create a [comparison chart](#) of the five different tribal government structures.

Essential Question 3: How do Utah's state government and Utah's American Indian tribal governments address the concerns of American Indians in Utah ?

Analyze media reports (newspapers, magazines, and online sources) of recent events concerning Utah's American Indians. (Note: "recent" means within the past three years.)

Read a [definition/description](#) of the Utah State Office of Indian Affairs regarding establishment and purpose.

Find the Office of Indian Affairs web site and list its objectives.

### Assessment Plan

Essential Question 1: Assessment

Completion of sentences using vocabulary terms appropriately.

Accuracy of compare/contrast tribal map (teacher-graded).

Research project on treaties, agreements, and executive orders between Utah tribes and the federal government.

Essential Question 2: Assessment

Government structure comparison chart.

Essential Question 3: Assessment

Research media sources for American Indian issues or concerns.

### Bibliography

Utah State Office of Education

Social Studies Enhancement Committee

American Indian History

Lesson Plan Writers:

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