COMING-TO-KNOW: OVERCOMING A LIMITED UNDERSTANDING OF
NATIVE AMERICAN KNOWLEDGE

by

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Francine Dawn Spang-Willis
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ABSTRACT

The challenge is the perpetuation of a limited understanding of Native Americans, and the negative impacts it has on Native Americans, non-Native Americans and the American society, as a whole.

An autobiographical narrative of my experience preserving and sharing Crow, Northern Cheyenne, and Chippewa Cree knowledge history and culture, from their perspective, through the American Indian Tribal Histories Project (AITHP), and collected documents are used to further understand the themes of the study.

The AITHP intent is to preserve, maintain, and share American Indian histories and cultures, or cultural heritage knowledge from an American Indian perspective. The project trained tribal members in preservation-related disciplines, recorded tribal traditions through American Indian perspectives, and maintained flexibility in programmatic design as each tribe was engaged in the project. The Northern Cheyenne Constitution promotes all tribal members enjoying, without hindrance, freedom of worship, conscience, speech, press, assembly, and association as guaranteed by the Constitution of the United States. However, the Northern Cheyenne Tribal Council (NCTC) passed a resolution, which prohibited the Western Heritage Center’s AITHP from utilizing its tribal resources, including tribal members sharing their Cheyenne knowledge. Two years later, the NCTC passed another resolution supporting the Declaration on the Rights of Indigenous Peoples, and requesting the United Nations to adopt the same Declaration of the Right of Indigenous Peoples. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) came into effect in 2007. The U.S. government showed its support in 2010.

Individuals within the current U.S. government, educational, and legal structures, including tribal government structures need to further support Native American peoples’ right to self-determination, and empower them to define themselves in ways they deem appropriate. Individuals must actively implement existing structures created to empower Native Americans, including the Northern Cheyenne Constitution (Bill of Rights), United Nations Declaration on the Rights of Indigenous People (UNDRIP), Montana’s Indian Education For All Act, and the AITHP. By supporting Native Americans’ right to self-determine, including Indigenous approaches to define themselves, a limited understanding of them as the Other, and its negative impacts can be overcome.
1. BACKGROUND AND CHALLENGE

Introduction and Overview

This chapter describes the background of the study, states the main challenge of the study, the purpose of the study, the research questions to be answered by the study, the significance of the study, and a summary.

Background of the Study

The impetus for this study stems from my life experience as a Northern Cheyenne woman, a citizen of the U.S. government and Northern Cheyenne tribal government, a student within the U.S. educational system, and my experience helping to preserve and share American Indian history and culture from an American Indian perspective through the American Indian Tribal Histories Project (AITHP).

In the 1980s, just under five hundred years after the start of a process known as the colonialism of Indigenous people of North America, I sat in a social studies class, on the Northern Cheyenne Reservation, excited to learn more about Native Americans and more specifically about the Northern Cheyenne. Imagine my surprise and confusion upon realizing there were only a few places, in my social studies text, mentioning Native Americans, and no mention of the Northern Cheyenne people. I wondered, why are my Native ancestors not in this textbook? Are they not important enough? I would come to understand how the process of colonialism impacted the value and access of Native American knowledge and ideologies.
After receiving my undergraduate degree from Rocky Mountain College (RMC), Dr. Arthur H. DeRosier, president of RMC for fifteen years, and a historian with an interest in American Indians, became my mentor. He afforded me numerous opportunities to share my perspective and knowledge by asking me to serve on different committees. In 2002, he retired from his position as the president of RMC. He became the Senior Fellow at the Western Heritage Center (WHC), a small museum located in Billings, Montana. Before he retired from RMC, he asked me to be part of the WHC’s Board of Directors and their Bi-centennial Lewis and Clark Expedition planning committee. I accepted the opportunity to serve on the WHC’s Board of Directors. However, I did not have a desire to focus on the Lewis and Clark Bi-centennial itself. I felt other organizations across America would do their fair share of celebrating Lewis and Clark. When I asked to step down from the planning committee, Dr. DeRosier inquired what I wished to focus on. My memory of sitting in a social studies class as well as my surprise and confusion about the lack of information and knowledge on American Indians in my textbook came back to me instantly. I envisioned a project to preserve and share American Indian history and culture, or cultural heritage from our perspective. With his encouragement and support, I co-wrote a proposal for the American Indian Tribal Histories Project (AITHP). The Department of Interior - Office of Indian Education awarded the WHC the largest award it has ever received in its history. I was excited for the opportunity to help Natives Americans, including myself, and non-Native Americans come to a deeper understanding of American Indian history and culture, or cultural
heritage from their perspective, which has been an important part of American history, but has been historically marginalized and oppressed.

From 2003-2009, the AITHP team successfully completed the intent of the project, which was to preserve, maintain and share American Indian history and culture, or tribal cultural heritage from an American Indian perspective. However, the project became a catalyst, in each Native community, by bringing to the forefront a conflict existing between birthright to learn, share, and pass on Native knowledge, and the tribal government’s place to grant or deny access to tribal members holding Native knowledge. There were tribal elders, from the tribal community, who mentioned their knowledge belonged to them. Their families had shared their knowledge with them, through oral tradition, a method of passing knowledge from one generation to the next, and at no time during this process of sharing and passing of knowledge did they recall agreeing to give up their right to share it, or agreeing the tribal government had the power to control access to them or their knowledge. This conflict was further complicated because the WHC’s AITHP was an outside entity. The organization was located off the reservation in Billings, Montana. However, the AITHP staff grew up in Native communities, and some of their families chose to share their knowledge with the project and the general public. Since the WHC’s AITHP was considered an outside entity, some of the tribal governments, as sovereign Nations, wished to be approached in a government-to-government way, and to be able to give the WHC approval to access tribal members, give advice on how to proceed with preserving and sharing cultural knowledge, and determine what cultural knowledge was acceptable to be shared with the general public.
There were tribal members on the Northern Cheyenne Tribal Council, the Chippewa Cree Business Council, and the Crow Cultural Committee (CCC) who took measures not to support the WHC’s AITHP, or tribal members’ located both on and off the reservation who endeavored to preserve and share their Native knowledge. However, there were also tribal members on the Northern Cheyenne Tribal Council, the Northern Cheyenne Cultural Commission (NCCC), the Chippewa Cree advisory committee, developed at Stone Child College, and CCC, who did support and did participate in the project’s intent to preserve and share cultural heritage knowledge from an American Indian perspective.

During the process of preserving and sharing Northern Cheyenne, Crow and Chippewa Cree knowledge, I often wondered why sharing this knowledge was so controversial. I understood that some Native knowledge was not intended for the general public. We did not ask tribal members to share knowledge not intended for the general public. However, what is considered too sensitive, or sacred, by one person may not necessarily be considered too sensitive, or sacred, to share with the general public by another person.

While obtaining a Master of Arts degree in Native American Studies, at Montana State University, I started to wonder where this need to control and protect Native Americans and their knowledge came from, how it was perpetuated, and what its impact is. In addition, as a Graduate Teaching Assistant facilitating an Introduction to Native American Studies course, over three semesters, I began to become aware of the magnitude of the misconceptions and negative stereotypes most students had of Native
Americans, as well as their lack of knowledge about Native American history and culture from a Native American perspective, within the context of American history. Furthermore, my younger brother passed away during my first semester of teaching due to complications of alcoholism. He was smart and sensitive. I wondered how misconceptions and negative stereotypes of Native Americans impacted the quality of his life, and contributed to his alcoholism and untimely death. He deserved to live in a world where he did not have to endure a limited and often negative understanding of his cultural background. I became fully aware of the importance of overcoming the dispossession of Native American knowledge in order to share it with those who had a limited and often negative understanding of Native Americans. If we share Native American knowledge and ideologies, and they are valued and learned, we might come to have a deeper understanding of each other, and a deeper understanding of ourselves. Thus, raising our collective level of consciousness, which could contribute to a higher quality of life for everyone.

Statement of the Challenge

The challenge is the perpetuation of a limited understanding of Native Americans, and the negative impacts it has on Native Americans, non-Native Americans and the American society, as a whole.

Purpose Statement

The purpose of this study is to provide ways to help overcome the perpetuation of a limited understanding of Native Americans. Overcoming a limited understanding of
Native Americans could result in a deeper understanding of Native Americans, between Native Americans and non-Native Americans, and the American society, as a whole, which has the potential to positively impact the quality of Native American and non-Native American lives.

Research Questions

This project studied how to overcome the perpetuation of a limited understanding of Native Americans by addressing the following questions:

- First question: Why does a limited understanding of Native Americans exist in America?
- Sub questions to first question: What are the impacts of a limited understanding of Native Americans, and why is it important to overcome?
- Second question: What are the challenges that prevent a deeper understanding of Native Americans to take place?
- Third question: How can the challenges helping to perpetuate a limited understanding be overcome?

Questions were designed to explain where a limited understanding of Native Americans stems from, why it still exists in America, its impact, and why it is important to overcome. Additionally, questions were designed to identify the challenges that could be helping to perpetuate a limited understanding of Native Americans, and ways that may help to overcome them. This study involved an autobiographical narrative of my experience preserving and sharing Native American knowledge through the WHC’s AITHP. Additionally, documents from the Western Heritage Center, Northern Cheyenne
Tribe, and the United Nations Declaration on the Rights of Indigenous Rights (UNDRIP) were collected. My autobiographical narrative and the documents collected were analyzed to consider possible ways to overcome the challenges that perpetuate a limited understanding of Native Americans.

**Significance of Study**

Findings from this study have the potential to help provide ways to overcome the perpetuation of a limited understanding of Native Americans, within existing U.S. educational and governmental structures, including tribal government structures. In addition, findings could be of value to Native American and non-Native instructors, researchers, and administrators in secondary and post-secondary education.

**Summary**

The challenge is the perpetuation of a limited understanding of Native Americans, and its negative impact on Native Americans, non-Native Americans and the American society, as a whole. The purpose of this study is to help overcome the perpetuation of a limited understanding of Native Americans. Overcoming a limited understanding could result in a deeper understanding, which has the potential to positively impact the quality of Native Americans’ and non-Native Americans’ lives. This project studied why a limited understanding of Native Americans exists in America, what the impacts of a limited understanding of Native Americans are, and why is it important to overcome. In addition, the project studied the challenges that prevent a deeper understanding of Native Americans from taking place, and considers how these challenges perpetuating a limited
understanding could be overcome. Findings from this study have the potential to help provide ways to overcome the perpetuation of a limited understanding of Native Americans and its negative impact.
2. LITERATURE REVIEW

Introduction and Overview

The challenge is the perpetuation of a limited understanding of Native Americans, and the negative impacts it has on Native Americans, non-Native Americans and the American society, as a whole. The purpose of this study is to help provide ways to help overcome the perpetuation of a limited understanding of Native Americans. Overcoming a limited understanding of Native Americans could result in a deeper understanding of Native Americans, between Native Americans and non-Native Americans, and the American society, as a whole, which has the potential to positively impact the quality of Native American and non-Native American lives. This project studied how to overcome the perpetuation of a limited understanding of Native Americans by addressing the following questions:

- First question: Why does a limited understanding of Native Americans exist in America?
- Sub questions to first question: What are the impacts of a limited understanding of Native Americans, and why is it important to overcome?
- Second question: What are the challenges that prevent a deeper understanding of Native Americans to take place?
- Third question: How can the challenges helping to perpetuate a limited understanding be overcome?
The purpose of this chapter is to examine theories, ideologies, processes, and concepts to understand the various challenges that contribute to a limited understanding of Native Americans. The literature review can assist the reader in understanding the subject matter and authors under consideration (Fairbanks 2005, 16). In addition, it can also help to establish a methodological approach to conduct research for this project.

**Why A Limited Understanding Exists**

In order to help understand why a limited understanding of Native Americans may exist, and why it is important to overcome, one should consider the theory of Orientalism. Edward Said explains how certain ideologies or worldviews are developed towards the Other. Said describes how Europe, or the “Occident,” took over the Middle East and the Near East, and from their hegemonic position they defined “the Orient,” or the Other for themselves. Because the “Occident” did not allow the people they dominated, or the Other to define themselves, it prevented a true understanding between them. In further explaining, Said states, “Yet what gave the Oriental’s world intelligibility and identity was not the result of his own efforts, but rather the whole complex series of knowledgeable manipulations by which the Orient was defined by the West,” and furthermore, “The point is that in each of these cases the Oriental is contained and represented by dominating frameworks” (Said 1978, 40). In addition, the limited imagery and understanding created by the “Occident,” and then imposed on the Other created a problem for the “Occident.” Said explains,

> There is nothing especially controversial or reprehensible about such domestica\cations of the exotic; they take place between all cultures, certainly, and between all men. My
point, however, is to emphasize the truth that Orientalists, as much as anyone in the European West who thought about or experienced the Orient, performed these kind of mental operations. But what is more important still is the limited vocabulary and imagery that they impose on themselves as a consequence. (Said 1978, 60)

In summary, containing and representing the Other by dominating frameworks results in the following negative outcomes:

- Does not allow the Other to define themselves
- Prevents a deeper understanding between the “Occident” and the Other
- Prevents a deeper understanding of themselves as an “Occident”
- Prevents a deeper understanding of themselves as the Other

Said’s theory does make individuals aware of the Other and the limitations it creates for both the “Occident” and the Other. However, he does not fully explain how to overcome the limited understanding of the Other.

**Impacts of a Limited Understanding**

One could take this theory and apply it to the relationship between Europeans and Indigenous people of North America. Upon first arriving on the North American continent, the Europeans as the “Occident” placed the Indigenous people in the role of the Other. Thus, a limited understanding of Indigenous people, and between Indigenous people of North America and the Europeans began. The challenge is the perpetuation of a limited understanding of Native Americans that still exists in America, and its negative impacts, which include:

- Dispossession of Native American knowledge and ideologies
• Limited understanding between Natives Americans and Non-Native Americans
• Limited understanding of ourselves, as Native Americans and as non-Native Americans
• Limited understanding of American Society
• Detrimental behavior towards Natives Americans, including discrimination, injustice, and further oppression and marginalization of Native Americans as the Other.

If individuals, within American society, can evolve past a limited understanding of Native Americans as the Other, the following positive outcomes may come about:
• Overcoming the dispossession of Native American knowledge
• Sharing of Native American knowledge and ideologies
• A deeper understanding between Native Americans and non-Natives
• A deeper understanding between and of ourselves, as Native Americans and non-Natives
• A deeper understanding of American society
• Less detrimental behavior towards Native Americans, including discrimination, injustice, oppression, and marginalization.

Discrimination can have severe negative impacts on those, whether Native American or non-Natives, who experience it daily, weekly, or monthly. According to Kessler, Mickelson, and Williams (quoted in Whitbeck 2006), “Discrimination ranks in power with major stressful life events, such as a death of a loved one, divorce.”

Furthermore, “They suggest that the conjunction of high prevalence and strong impact
would mean that discrimination is among the most important of all the stressful experiences that have been implicated as a cause of mental health problems.”

Furthermore, Whitbeck et al. (quoted in Whitbeck 2006) explains, “The effect of discrimination is a contributing factor to early-onset substance abuse among Native American adolescents mediated by and related to delinquent behavior” (Whitbeck 2006, 186). Whitbeck adequately points out the significance of trying to overcome a limited understanding and its negative impacts. If individuals, within American society, can come to a deeper understanding of Native Americans, redefine how they negatively have been taught to see them, there is potential to lessen the detrimental behavior towards them. To accomplish a deeper understanding of Native Americans, the “Occident,” or non-Native, must allow the Other, or the Native Americans, to define themselves. In addition, the “Occident,” or non-Native, must consider Native American knowledge and ideologies to be valuable, worth learning, and actively include them in the existing knowledge base, structures, and processes.

Robert Williams addresses the racist language directed at Native Americans, within the U.S. legal system. This established narrative tradition of America’s negative racial imagery towards Native Americans still impacts them today. He explains,

I do, however, tell people that even if we ourselves make a conscious choice, or at least the effort, to refrain from doing anything that helps keep this tradition alive in our daily lives and interactions with others, such a choice doesn’t mean that this familiar way of talking, thinking, and writing about certain minority groups in our history doesn’t continue to affect the world we live in today. It does, in very subtle and sometimes very dangerous ways. The negative racial stereotypes, apocrypha, and other forms of racial imagery that we all know about are part of the history of racism of
America. That history is an important part of our cultural memory and continues to define who we are and how we got that way as a people. (Williams 2005, xvii)

In order to evolve past the established narrative tradition of America’s racial imagery, individuals within the American society must come to understand why a particular knowledge or ideology has been taught, or valued over Native American knowledge and ideologies. If a single perspective of American Indian history and culture is perpetuated, the American society will not come to a deeper understanding of Native Americans, or a deeper understanding of themselves.

Racial imagery and negative racial stereotypes of Native Americans can exist and persist in places deemed to be the top tier of the academy. Historian David E. Stannard writes,

> Recently, three highly praised books of scholarship on early American history by eminent Harvard historians Oscar Handlin and Bernard Bailyn have referred to thoroughly populated and agriculturally cultivated Indian territories as “empty,” “wilderness,” “vast chaos,” “unopened lands,” and the ubiquitous “virgin land” that blissfully was waiting for European “exploitation.” The Eurocentric racial contempt for the Indigenous people of North and South America, as well as Africa, that is reflected in scholarly writing is now so complete and second nature to most Americans that it has passed into popular and common knowledge of the “every school boy knows” variety. (Stannard 1992, 12)

Stannard’s work is harshly points out how Europeans committed genocide on the Native Americans of America. He describes how a Eurocentric view and negative racial imagery, or racial contempt towards Native Americans, can be perpetuated through highly praised books of scholarship, including by Harvard historians. These scholarly
works were created by Western methodologies and ideologies. Thus, the works and their ideologies and methodologies continue to be part of the U.S. educational system. More Native American research methodologies, knowledge and ideologies need to be included in the academy to help create an evolved knowledge base. A deeper understanding of Native Americans can be accomplished by including Native knowledge, from a Native perspective, with existing Eurocentric knowledge about Native Americans.

Process of Dispossession

In order to further help understand why a limited understanding of Native Americans still exists in America, one should consider where a limited understanding comes from. Walter Fleming gives a general and at times humorous overview of Native American history. He explains how upon Christopher Columbus’s arrival, “there were more than 400 independent nations inhabiting territories on the North American continent” (Fleming 2003, 48). Jill Norgren adequately covers two landmark U.S. Supreme court cases in the text, The Cherokee Cases, and explains that the people on the North American continent already possessed complex, sophisticated societies as mentioned by later explorers during the expeditions of Hernando de Soto (1539-1543), Tristan de Luna (1559-1561), and Juan Pardo (1566-1568). In addition, “archaeological artifacts indicate that there were dozens of interconnected, but economically and politically independent kin-based Native American societies that exchanged goods and information and formed military and political alliances” (Norgren 2004, 12). The early explorers brought with them knowledge and ideologies vastly different from the Indigenous people of North America. Their ideologies towards the Indigenous people
were Eurocentric by the nature of where the explorers came from. However, there were also elements of ethnocentric ideologies towards the Indigenous people they called “Indians” on the land they proclaimed to have “Discovered,” and these ideologies would create structures that would help perpetuate a limited understanding of Native Americans.

**Dispossessing the “Discovered” of Their Land**

The arrivers started developing theories to obtain and justify the goal of possessing the North American continent. From their Eurocentric and at times ethnocentric worldview, they started considering the rights of Indigenous people. “Beginning in the sixteenth century, Spanish rulers convened formal boards of inquiry, often composed of church scholars, to consider what, if any, rights they thought were due to the indigenous people of the new world” (Norgren 2004, 28). In addition, “the Spanish, believed it was their right and duty to subdue the Natives,” and did so under the Requerimiento or charter conquest starting in 1513 (Fleming 2003, 50). Accordingly, it informed the Indians in the simplest terms that they could either accept Christian missionaries and Spanish imperial hegemony, or be annihilated. Robert Williams thoroughly explains the history of legal thought towards Native peoples of North America. He explains, “The Requerimiento had to be read aloud to any group of Indians newly discovered by Spanish conquistadors before hostilities could legally be commenced against them” (Williams 1990, 91). The idea of subduing Indians, informing them they had to accept the Christian faith, Spanish imperial hegemony, in a language they could not understand, or be annihilated is not only ethnocentric, but inhumane. Yet, it was justified in the minds of the Spanish wishing to possess the lands of the Americas.
In the sixteenth century, according to Williams (as quoted by Norgren), Francisco de Vitoria and Bartolome de Las Casas believed Indians were rational humans possessing rights of territory and sovereignty that had to be acknowledged by Europeans (Norgren 2004, 28). According to Felix S. Cohen (quoted by Vinzant 2009),

> After a thorough perusal of church cases, de Vitoria established the fact that even heretics and sinners did not lose possession of their property. According to de Vitoria, American Indians were the sole and exclusive owners of the land. Thus the Indians and Europeans would have to mutually consent to land transactions. (Vinzant 2009, 40-41)

The concept of Indians and the Europeans mutually consenting to land transactions or treaties would come to be a prominent method of dispossessing the Indians from their land. However, these transactions would require Europeans to acknowledge Indians were indeed sovereign nations.

Charles Wilkinson describes the harsh realities of oppression and marginalization of the Indians. He explains how classical sovereignty traces back to sixteenth-century French philosopher, Jean Bodin, and it was equal parts theology and metaphysics, meaning the sovereign crown derives power from God, sovereignty is both supreme and absolute, and it cannot be divided up. In addition, a sovereign government has the power to make laws and enforce them. Today, Indian tribes like all other sovereigns continue to try “to assert their right to self-determination, their right to live well by their own rules” (Wilkinson 2005, 248). In America, the concept of sovereignty would help to create constructs that privileged the Europeans and helped to dispossess the Indians of their land, resources and Native knowledge.
It was not until 1537 that Pope Paul III issued a Papal Bull titled Sublimas Deus officially declaring Indians to be humans. The Spanish government was still trying to find a way to rightfully utilize their sovereignty and thought that “if the land was vacant of any human occupation, then any nation could claim both the title and political jurisdiction,” which was a rationale titled vacuum domicilium, meaning “empty land” (Fleming 2003, 51). The Spanish were not the only ones viewing Indians as the Other from Eurocentric and at times ethnocentric ideologies. In the seventeenth century, Dutch jurist Hugo Grotius drew on the theories of de Vitoria and “asserted that religion was not grounds for just war and that all people held the right to enter into treaty relationships,” and in the eighteenth century, Emmerich von Vattel, a Swiss diplomat, “expanded this theory of international law by classifying political communities of indigenous peoples as sovereign nation-states entitled to the respect of other nations” (Norgren 2004, 29).

Kristin Ruppel, who addresses the complexities of Indian land ownership and the challenges of the General Allotment Act of 1887, further explains, in 1722, a legal structure called terra nullius, by memorandum of the Privy Council of Great Britain was created. It means “no one’s land,” and “extended the reach of the Crown across abstract space and time.” (Ruppel 2008, 11). David Wilkins and Tsianina Lomawaima cover the complex sovereign status of tribal Nations. Together they explain, The establishment of peace and the negotiation of military or trade alliances were the most common treaty-goals, especially from 1700 to 1763, when the French and Spanish still had designs on North America. Treaties devoted to Indian land cessions confirmed the reality that the negotiating tribes were the true owners of the soil. The British Crown’s or colonists’ “purchase” of Indian territory via treaties or deeds clearly acknowledged that the doctrine
of discovery did not limit Indian land rights, but did constrain inter-European claims in North America. (Wilkins and Lomawaima 2001, 33)

Furthermore, Wilkins and Lomawaima explain that the United States of America assumed Britain’s obligations as the preeminent sovereign with the right of first purchase to Indian land (Wilkins and Lomawaima 2001, 34). With the establishment of the United States and the Supreme Court coming into existence, more Europeans were arriving. They found themselves in dire need of more land to grow and prosper, and the Indians on land they so desired and needed.

**Marshall Trilogy** Indians were further dispossessed of their land through America’s legal system. Williams explains,

> Given our cultural heritage as settler-state nations of different peoples whose history has been defined, to a significant degree, by questions of race and racism, no one should be at all surprised to discover that a number of long-established and well-known languages of racism in America can be found reflected in many of the Supreme Court’s most important decisions on minority rights under the Constitution and laws of the Unites States. (Williams 2005, xvii)

This negative racial narrative existed in three of the most important Indian rights cases ever handed down by the U.S. Supreme Court known as the Marshall Trilogy. The Marshall Trilogy would become the foundation of American Indian law, helping to perpetuate Eurocentric and at times ethnocentric ideologies towards Native Americans, which still impact their lives to this day.

In the first of the three Supreme Court cases, Johnson v. McIntosh (1823), the court held the transfer of land invalid when purchased directly from an Indian. Doctrine
of Discovery justified sovereign title of the U.S. government, which was good against all other foreign nations trying to claim right to the land. However, as Wilkins and Lomawaima point out, “Treaties devoted to Indian land cessions confirmed the reality that the negotiating tribes were the true owners of the soil,” and when the United States assumed Great Britain’s obligations with the tribes, they also held the preeminent sovereignty to purchase land first from the tribes (Wilkins and Lomawaima 2001, 33-34). Canby gives a succinct overview of American Indian law and explains that the Johnson v. McIntosh decision “Gave the sole right of acquiring the soil from the Natives,” to the U.S. government, and the Natives “retained right of occupancy, which only the discovering sovereign could extinguish by purchase or by conquest.” The decision gave Indians “a legal right in their lands, good against third parties but existing at the mere sufferance of the federal government” (Canby 1981, 15-16). Getches, Wilkinson, Williams, and Fletcher give a powerful overview of the history and policy of federal Indian Law. They explain Indian tribes were first recognized as being sovereign nations able to sign treaties to cede land to discovering sovereigns, but Johnson v. McIntosh could also be portraying the message that “the natural rights of human beings to dispose of property that they held by virtue of possession did not apply to Indians in America” (Getches, et al. 2011, 71). By the early nineteenth century, Indians are being defined in the U.S. legal system as a group of people who do not have the natural rights afforded to other humans when it comes to land. This restriction was created by the structure set up for them by the Europeans. While tribal nations were considered sovereign nations to
sign treaties to cede their land, their sovereign status had to be limited so they would not sell their land to other sovereign nations.

In the second Supreme Court case, Cherokee Nation v. Georgia (1831), Williams explains, “In that oft-cited land mark case on Indian rights, Cherokee Nation v. Georgia, Chief Justice Marshall described Indians as constituting a race of people who were ‘once numerous, powerful, and truly independent but who gradually sunk beneath our superior policy, our arts and arms” (William 2005, xviii). Furthermore, Marshall held that the Supreme Court did not have the jurisdiction to hear a Cherokee case, but went on to define them to be “domestic dependent nations,” and established Indians as wards of the U.S. Government (Norgren 2004, viii). While this case “laid the groundwork for future protection of tribal sovereignty by Marshall and his immediate successors, the characterization also created an opportunity for much later courts to discover limits to tribal sovereignty inherent in domestic dependent status” (Canby 1981, 17). Native American Nations were now being defined as wards of the U.S government by the U.S. legal system. Just as was done in the sixteenth century, and like other arrivers, the early Americans convened formal boards of inquiry and considered which rights, if any, they thought were due to the Indians.

In the third Supreme Court case, Worcester v. Georgia (1832), one year after Cherokee v. Georgia, Marshall concluded, “The Cherokee Nation, then, is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia have no force” (Canby 1981, 18). However, “In Worcester v. Georgia, one of the most cited, celebrated, and relied upon Supreme Court Indian law
cases of all time, Marshall, writing for the court, referred to Indians as a people who “had made small progress in agriculture or manufactures, and whose general employment was war, hunting, and fishing” (William 2005, xviii). Although this particular Supreme Court ruling restricted state jurisdiction in Cherokee country, it directly contradicted federal policy towards American Indians, at that time, which included removing them from their land to Indian Territory through the 1830 Indian Removal Act.

**Indian Removal Act** In 1830, the Indian Removal Act was signed into action under President Andrew Jackson. This particular U.S. policy supported the removal of the “Five Civilized” tribes from their homeland in the southeast across the Mississippi to newly defined Indian Territory, which now exists in present-day Oklahoma, for the purpose of opening up land in the southeast for non-Indian settlement and development of resources.

During the mid to the end of the nineteenth-century, settlers started coming farther west to prosper. Thus, Indian territories and then reservations were established through numerous treaties, statutes or executive orders. This further resulted in the disposssession of land from the Indians. In the treaties, Indian tribes agreed to cede tracts of land in exchange to keep their land rights and to receive goods and services. The “reservations were originally intended to keep distance and peace between Indians and non-Indians, but they came to be viewed also as instruments for ‘civilizing’ the Indians,” and “in 1878, off-reservation boarding schools were established to permit education of Indian Children and assimilate Indian children away from their tribal environments”
Education would become a key process to dispossess the Indians of their birthright to their Native knowledge and ideologies.

According to Canby, Indians were living in poverty and their economies were in shambles on the reservations, and the U.S. government outlawed certain Indian religious dances, and customary practices. In addition, there were non-Indians who wanted to help the Indians overcome their dire conditions, and there were others who in their ethnocentric view resented large tracts of land not being used the way they thought it should be used. In response, the U.S. government developed the General Allotment Act or the Dawes Act of 1887. The Indians lands were parcelled into allotments, and the Indians were to farm their allotted land. A large faction of American Indians did not care to be farmers nor were they brought out of poverty. Instead, this act resulted in a drastic decline in the amount of Indian held land from 138 million, in 1887, to 48 million, in 1934 (Canby 1981, 21-23). The non-Indians were given an opportunity to purchase the surplus land left over after allotment occurred so they could settle and farm the land. This allotment of land divided up the communal ownership of the American Indian land, and contributed to further dispossessing them of their Native ways of living.

Dispossessing the “Discovered” of Native American Knowledge

Donald Grinde adequately explains how education was used as a tool to transform Native Americans into “civilized” people. In the late 19th century, the U.S. government and Americans turned their focus and efforts on dispossessing Native American knowledge and ideologies. Grinde states, “Thus, in the minds of Euro-Americans,
education was the transformative voice that would remold Native Americans into ‘civilized’ people,” and in 1879, Richard Henry Pratt, a veteran of Indian Wars and Civil War, would turn an army barracks located in Carlisle, Pennsylvania, into the first Indian boarding school intended to replace Native knowledge and culture with knowledge and skills valued in white society (Grinde 2009, 155-156). The transfer of Eurocentric and at times ethnocentric knowledge into American Indian children had begun. If the American Indian children survived the boarding school experience, most returned home dispossessed to some extent of their Native American knowledge and culture, and some became predisposed against it.

Dispossessing the “Discovered” of Their Traditional Form of Governance

In 1934, the federal policy shifted to include a “New Deal” for American Indians through the Indian Reorganization Act (IRA). This shift reflected a positive change in attitude towards Indians. Non-Native Americans came to the conclusion, “tribes not only would be in existence, for an indefinite period, but they should be,” and “to permit the tribes to set up legal structures for self-government” (Canby 1981, 25). Tribal Nations were given a “choice,” by the U.S. government, to develop a contemporary form of tribal government and constitution. This new tribal government would replace their traditional form of governments, regardless of whether a traditional form of government still existed and operated within the tribe. With the acceptance of the new government system, they gave up a more traditional way of governing their people that had worked for them for hundreds of years before the Europeans “discovered” them. They accepted into their
tribal communities a tool that had been used to oppress them. The transfer of American governmental systems and ideologies into the tribal communities had begun.

Dispossessing the “Discovered” of Tribal Nations Status

By the 1950s, the federal policy towards Indians shifted to include Termination and Relocation policies. Termination policy was successful in breaching the U.S. government’s trust responsibility to some eligible Indian tribes. The Relocation policy supported moving Native families from their tribal communities and relocating them to metropolitan cities. This helped to further assimilate them into mainstream society. In addition, a Supreme Court case reflected the ethnocentric ideology that still existed toward Native American Nations in the American society:

The court’s 1955 Tee-Hit-Ton decision unembarrassedly embraced the same basic racist language of Indians as culturally and racially inferior, wandering, ignorant savages that the justices of the nineteenth-century Supreme Court routinely used in their decisions on Indian rights. (Williams 2005, xxi-xxii)

Wilkins and Lomawaima explain, “Congress could take the lands in question and did not have to compensate the Tee-Hit-Tons because Congress had never explicitly ‘recognized’ the Tee-Hit-Tons’ legal ownership of their aboriginal lands” (Wilkins and Lomawaima 2001, 134). Considering the historical evidence of Eurocentric and at times ethnocentric ideologies passed down through the generations, it is no surprise the U.S. government and legal system continued to primarily be concerned with preserving the sovereignty of the federal government over tribal government sovereignty. Williams states, “I believe that one of the major reasons why the justices have been able to continue to perpetuate
this long-established tradition of racial profiling of Indians with little expression of surprise, much less embarrassment, by most Americans is that most Americans themselves continue to believe, ‘deep down’ in this deeply entrenched national mythology of Indian savagery, epitomized, for example, by the tale of Indians selling Manhattan for twenty-four dollars” (Williams 2005, xxvi). However, despite the continual oppression and marginalization of Native Americans, within U.S. government, educational, and legal structures, the federal policy towards Native Americans shifted to support tribal government sovereignty and self-determination in the 1970s.

Dispossessing the “Discovered” of the Right to Self-Determination

The “enactment of the self-determination law in the mid-1970s marked the beginning of the federal government’s acknowledgement of tribal sovereign rights,” and so, “based on the policy of self-determination, tribes can now make decisions for Indian people that used to be made by the federal government (Fleming 2003, 221). While the Indian Self-Determination Act sounds commendable in relation to the other federal policies towards Native Americans, it must be pointed out that the power and authority to make decisions for Indian people has only shifted from the federal government to the tribal government, and not to the Indian people themselves. In addition, the federal government is still using its self-reserved plenary power to acknowledge, or give sovereignty to tribal governments through the Indian Self-Determination Act.
Challenges Perpetuating a Limited Understanding of Native Americans

Stephen Osborne looks at the option of commodifying cultural heritage. He writes of a growing appreciation of traditional American Indian cultures over the past few decades (Osborne 2003, 204). This growing appreciation of Native American cultures creates an opportunity to overcome a limited understanding of Native Americans, between Native Americans and non-Native Americans, and the American society, as a whole. However, there are a plethora of challenges standing in the way of overcoming a limited understanding of Native Americans.

Distrust Linda Smith focuses on the frustration of dealing with western paradigms, and how to reclaim Indigenous ways of knowing and being. Smith points out that the position of an Indigenous researcher is problematic because of the distrust between the researcher and the researched due to the burden of history (Smith 1999, 107). Historically, Native Americans have been subjects of research. Some of it has included distorted information about them, which has helped to perpetuate a limited understanding. However, it is important to consider if preserving and sharing Native knowledge can help reclaim Indigenous ways and knowing and being.

Western Methodology In addition, Smith also speaks of non-Indigenous research methodologies to define them,

It is an approach to Indigenous peoples, which still conveys a sense of innate superiority and an overabundance of desire to bring progress into the lives of Indigenous peoples – spirituality, intellectually, socially and economically. It is research imbued with an attitude and a spirit which assumes
a certain ownership of the entire world, and which has established systems and forms of governance, which embed that attitude in institutional practices. These practices determine what counts as legitimate research and who count as legitimate researchers. (Smith 1999, 56)

Established forms of governance created by non-Natives and Western methodologies can help to perpetuate a limited understanding. Research design does have an impact on what knowledge is deemed important to the researcher, and not to the people being researched. Additionally, Mihesuah explains many works only offer the victor’s side, and they can have embellishments, inaccuracies and racism both subtle and blatant (Mihesuah 1996, 19). To come to a deeper understanding of Native Americans more Indigenous or Native perspectives are needed. This is not to say that the non-Native perspective is not worthy. However, it should not be the only one being preserved and shared with in our established structures.

Insider and Outsider Smith explains, “There are a number of ethical, cultural, political and personal issues that can present special difficulties for Indigenous researchers who, in their own communities work partially as insiders, and are often employed for this purpose, and partially as outsiders, because of their Western education or because they may work across clan, tribe, linguistic, age and gender boundaries” (Smith 1999, 56). Trying to meet all expectations of the tribal community and an outside organization can be extremely difficult. For example, an organization may need to finish a project within a certain time line or in a certain manner to fulfill their needs. However, developing and maintaining relationships may take longer than what is given in a project. In addition, Native people may not want to share knowledge that the researcher or
organization is requesting to fulfill their needs. Native knowledge holders should be approached with at least the same respect of approaching a highly esteemed Western academic scholar to understand what knowledge they want to share.

**Governmental Structures** Governmental structures, especially tribal governments have the potential to help overcome the limited understanding of Native Americans. Taiaiake Alfred focuses on existing tribal governments, and states, “A refocused recommitment to traditional teachings is the only way to preserve what remains of indigenous cultures and to recover the strength and integrity of indigenous nations” (Alfred 2009, 53). With the IRA tribal government structure, new patterns of American Indian leadership have begun to emerge. However, it is debatable if the new government structure and new patterns of American Indian leadership have proven to be successful in protecting and serving the people as it was first hoped by tribal members, who voted for this new form of government.

Alfred also states, “Imported forms of governments do not work in Native communities. Most communities would simply be better served by governments founded on those principles drawn from their own cultures that are relevant to the contemporary reality” (Alfred 2009, 53). As Alfred suggests, it is worth considering implementing a more blended tribal government structure that includes more traditional principles. It has the potential to provide better guidance, or solutions to deal with the contemporary challenges of preserving and sharing Native American knowledge because the guidance, or solution is coming from a tribal governance structure that has been dealing with the
preserving and sharing of Native American knowledge far longer than the contemporary tribal government.

Francine Bear Don’t Walk focuses on tribal members describing their traditional government structure, and their transition to the more contemporary tribal government structure. Northern Cheyenne tribal members identify the Council of 44 and tribal societies as the oldest form of government among the Cheyenne in the educational DVD, Cheyenne Leadership. According to tribal members, the Northern Cheyenne governmental structure was brought to the Cheyenne people by their prophet Sweet Medicine, from Bear Butte, located in present day South Dakota, to help protect and serve the people. The chiefs within the Council of 44 are appointed by other chiefs and their leadership is most often passed down within their family. Most chiefs are appointed for life, but there can be a re-evaluation period every ten years. Some of the qualities of being a Cheyenne leader are compassion, patience, endurance, wisdom, humility, participation in ceremonies, good heartedness, strong ethics, and knowledge of the Cheyenne way (Bear Don’t Walk 2005). After the IRA was passed by the federal government for Native Americans, the Northern Cheyenne as a tribe voted for and accepted this new form of government and constitution. It replaced their traditional form of governing the people in certain capacities.

According to Charles “Butch” Sooktis, Northern Cheyenne tribal member, “The chiefs gave up the traditional leadership role as the traditional body, but they did not give up their ceremonial responsibilities.” Furthermore, “When they formed this type of leadership, they talked about when times started changing and living this new, the white
man’s style” (Bear Don’t Walk 2005). However, one must take into consideration the history and the timing of this “New Deal” to understand what the tribal leaders were faced with at this particular time in American history. Perhaps tribal leaders and tribal members were exhausted and concerned about their tribe’s survival, and the only thing they had left was the hope the “New Deal,” in the form of a new tribal government structure and federal recognition, might afford them.

Ownership of Native American Knowledge & Knowledge Holders Shawn Wilson concentrates on an Indigenous research paradigm shared by scholars in Canada and Australia. He successfully demonstrates how an Indigenous paradigm can be put into practice. In talking about ownership of Native American knowledge, he states, “Knowledge cannot be owned or discovered but is merely a set of relationships that may be given visible form” (Wilson 2008, 127). Ownership of Native American knowledge is being brought to the forefront in Native American communities, and it is currently a key challenge when attempting to preserve and share Native American knowledge.

Angela Wilson focus is on Native American history and oral tradition as its primary resource. Her text demonstrates the value of oral history within academia. Her view on ownership of Native American knowledge contrasts with Shawn Wilson’s view. She addresses intellectual control over Indigenous information, and explains, “In the next few decades issues of cultural and intellectual property rights will be coming to the forefront, and more and more bodies of tribal leadership to codify procedures for others to either access or be denied access to tribally valued information (Wilson 2005, 49).
However, she does not address the challenges tribal members might face if they do not want their tribal leadership or tribal government to codify procedures for others to either access or be denied access to valued Native knowledge.

Furthermore, Angela Wilson does not address what should take place if the knowledge holder and the researcher are family members. Should the researcher and the knowledge holder still have to ask tribal governments permission to access each other and get permission to speak on certain aspects of Native American knowledge? If she had been denied access to speak to her relative, or her tribal government did not support her effort to share Eli Taylor’s knowledge, would she still view codifying procedures the same?

She also states, “Many scholars may be indignant about Natives exerting tribal control over their tribal resources and knowledge, but the trend in this direction will ultimately make non-Native scholars more aware of their ethical responsibilities and will serve to protect the Indigenous communities (Wilson 2005, 49). The ethical responsibilities and motivation of Native American or non-Native American researchers should always be of the highest concern. However, exerting control over tribal members as cultural resources to ensure ethical responsibilities and motivation of the researcher does not appear to be in the best interest of the tribal member holding Native knowledge. It is important to consider if policies and procedures being created to control access to tribal members as cultural resources are further oppressing them. Furthermore, it is important to consider if these created policies and procedures are actually protecting a researcher, or an organization from being sued by the tribal government for sharing tribal
members’ knowledge. In addition, one must consider if protecting and controlling Native American knowledge and knowledge holders are actually helping to perpetuate a limited understanding of Native Americans and its negative impact.

Michael Brown concentrates on the important issue of ownership of knowledge of Indigenous peoples. Brown explains, “A key element of Native self-determination is the power to decide what source of research takes place in Indigenous communities and under what terms” (Brown 2003, 248). However, he does not address who in the community should have the power to decide, or self-determine. The shift in power went from the U.S. government to tribal governments on behalf of tribal members. It is important to consider if the paternalistic attitude towards American Indians also shifted from the U.S. government to tribal government structures.

Brown goes on to state, “I wish to simply point out the risk of taking too rigid a view on cultural ownership, especially when technological and social changes are making cultural boundaries ever harder to identify” (Brown 2003, 252). Mary Riley concentrates on issues regarding intellectual property systems and protecting Indigenous peoples rights. She cautions against using too much legal restraint. She reviews the impacts of legal tools designed to protect in the Amerindian rights movement in Guyana since 1990. She states, “Legal tools once designed to protect indigenous groups can in effect act as a legal straightjacket, rendering indigenous peoples nearly powerless to change or control their own destinies, trapped by laws not of their own creation” (Riley 2004, xv). It is important to consider if utilizing tools developed by Eurocentric and at times ethnocentric
ideologies towards Native Americans should be used to protect, control and share Native American knowledge.

Individuals creating structures, laws, and policies for Native Americans and Native American communities need to consider if and where protection is truly necessary. In addition, they need to consider the negative impacts of controlling Native American individuals. For example, in 1978, the Indian Child Welfare Act (ICWA) was developed to protect Indian children from being placed with families within the dominant society without first looking internally for a placement. Osborne states, “Congress, in ICWA, created a communal right in that ‘resources’ (children) were held by the tribe,” and furthermore, “ICWA, in fact, curtails the individual freedom of the child’s parents to contract for adoption with whomever they see fit, for the sake of the long-term survival of the community” (Osborne 2003, 230). Osborne makes a critical point worth further consideration when he points out that the power and authority to determine what happens to one’s own child is curtailed by the ICWA for the sake of the long-term survival of the community. This act was created to protect American Indian children and the Native community, but it also makes American Indian children the property of the tribal government for their protection, while dismissing the parents’ rights. Furthermore, it treats all of them, including the adult parents, as wards of the tribal government. The adult American Indian is not allowed to determine what is best for himself or herself or his or her child. It could be construed that American Indians are defined once again as an inferior group of people who don’t have natural rights afforded to other humans. It is
worth considering why there is resistance in giving the power and authority to American Indians that we afford to other humans.

Osborne further explains that in 1990, the Native American Graves Protection and Repatriation Act (NAGPRA) was developed to protect tangible items including human remains, sacred objects, funerary objects, and cultural patrimony. However, he also goes on to make a critical point,

But not all elements of a culture can be protected as property. When the cultural resource is intangible, evolving, growing like a living oral tradition and culture, its meaning must not be fixed and confined by some reified notion of “genuineness,” nor reduced to a static commodity. Its protection should be in the hands of the group that produced it and understands it. (Osborne 2003, 235)

Individuals within tribal governmental structures may want to re-consider treating Native American knowledge, thus Native American knowledge holders as a static commodity, and consider empowering their tribal members to self-determine the Native knowledge they want to share with their families and the general public.

Educational Structures Grinde addresses the negative impact the U.S. educational system had on Native American children during the late 1800s. Many Native American children were not afforded the opportunity to learn their Native knowledge because it was replaced with an opportunity to learn Euro-American knowledge in boarding schools. Native American children were taken from their homes, had their hair cut off, were required to wear Euro-American clothing, and were discouraged from speaking their first language. Richard Pratt’s, founder of the first Indian boarding school, philosophy was to, “Kill the Indian…and save the man.” Native American children were to forget their
Native knowledge, embrace a new language and religion, as well as replace their Native knowledge with Euro-American knowledge, which would then result in becoming “civilized” people and assimilated into the Euro-American culture (Grinde 2009, 155-156). It is understandable how numerous American Indian children may not have had a desire to remember or learn their tribe’s Native knowledge.

What were these American Indian children to do or think as they sat in their desks listening to their teacher as I did one hundred years later in the 1980s? Perhaps the children were trying to be respectful of the wishes of their grandparents and parents by learning what was being taught to them. Perhaps the children agreed to learn the new ways because they were trying to become the hope they saw in their grandparents’ or parents’ eyes. If they learned Eurocentric knowledge and ideologies, they might have opportunities to be successful and accepted within that culture. Other Native American children may have resented and resisted the new knowledge. Maybe some of them wanted to become fully assimilated into the Euro-American society. Perhaps it was easier for them that way.

However, there were American Indian children who were able to hold onto their Native knowledge while learning a new knowledge base, and they were not completely dispossessed of their birthright to Native knowledge and ideologies. Because of their struggle and perseverance, Native knowledge and ideologies still live among us. However, this does not mean that the dispossession of birthright to Native knowledge and ideologies has gone away. Today, the dispossession of birthright to Native knowledge and ideologies exists both outside and within tribal communities, and not some far off
Indian boarding school meant to, in the words of Richard Pratt, “Kill the Indian…and save the man.” The continuation of hundreds of years of colonialism and oppression is still in play.

There is an increased effort to include Native American knowledge and ideologies in the U.S. educational to overcome a limited understanding of American Indians, and its negative impact. Grinde explains, “In fact, Native Americans had educational systems long before 1492, with Native teachers and scholars imparting knowledge to children and adults on a day-to-day basis both before and after white contact” (Grinde 2009, 154).

However, Lomawaima adequately addresses the power struggle to include Native American knowledge and ideologies by stating,

> Until recently, American Indian and Alaska Native parents and communities have not held the power to define what education is or should be for their children. For many generations, they have not been allowed to influence, let alone to determine, educational goals, policies and practices within the schools that their children have been required to attend.

> Instead, religious proselytizers within the mission schools, federal employees with the Bureau of Indian Affairs (BIA) schools, or the state departments of education that supervise public schools have held the power to determine curricula, pedagogical practices, teacher training and hiring practices, language — instruction policies, disciplinary procedures, and so on. (Lomawaima 2000, 2)

Devon Mihesuah supports the U.S. educational system putting more emphasis on under-represented ethnic groups. She states, “I favor an interdisciplinary approach to studying and teaching the truth about Indians – one that encompasses data from history (including oral histories), religion, anthropology, political science, statistics, economics, as well as
including psychological and spiritual elements” (Miheasuah 1996, 18). Montana appears to be leading the way to an interdisciplinary approach through Montana’s Indian Education for All Act. Multicultural educator, Jionna Carjuzaa, from Montana State University, adequately explains the purpose of the mandate in the text, *Innovative Voices in Education: Engaging Diverse Communities*, by stating,

> All Montanans, Indians and non-Indian alike, are expected to learn about Montana’s first inhabitants, under the state’s ground breaking Indian Education for All Act (IEFA). Teacher candidates need to be prepared to teach their future K-12 pupils about Montana Indian tribes’ unique histories. Integrating Indigenous knowledge across the curriculum at all grade levels is a comprehensive endeavor. In higher education, the responsibility of preparing these future K-12 classroom teachers to implement IEFA in a culturally responsive manner falls on the shoulders of the teacher educators in the education departments across the state. (Kugler 2012, 43)

Developing Native American content, from a Native American perspective, and including it in all content and in all teacher education programs both in the secondary and post-secondary academic structures is necessary to overcoming a limited understanding of Native Americans and its negative impact. Otherwise, a regurgitation of the same content from a non-Native American lens will continue to exist in the educational system, and continue to perpetuate a limited understanding of Native Americans and its negative impacts. It is critical for individuals within governmental and educational structures to consider the impacts of trying to control access to tribal members as tribal resources, and to consider the impacts of not supporting tribal members’ decision to share their knowledge.
Preserving and sharing of Native American knowledge may raise the state of consciousness of non-Native Americans, Native Americans, and the American society. However, individuals, within the American society, must be ready to step beyond a limited understanding and accept a raised state of consciousness. Shawn Wilson explains,

> When ceremonies take place, everyone who is participating needs to be ready to step beyond the everyday and to accept a raised state of consciousness. You could say that specific rituals that make up ceremony are designed to get participants into a state of mind that will allow for the extraordinary to take place. (Wilson 2008, 69)

In addition, Shawn Wilson addresses a critical component of the end result of sharing Native American knowledge by mentioning that it is not useful if it does not help to improve the reality of research participants (Wilson 2005, 71). Kovach mirrors this thought by stating, “A relational research approach is built upon the collective value of giving back to the community.” This collective value should positively impact both the Native American and non-Native American community. Kovach goes on to state, “This means ensuring that the research is grounded in community needs, as opposed to the needs of the academy” (Kovach 2009, 149). While I agree with Kovach, Native Americans need to also consider how non-Natives need their guidance, input, and help to overcome a limited understanding. In addition, non-Natives need to be open to Native American guidance, input, and value Native knowledge. Thus, it is important that Native American individuals are accessible, and they are empowered to share their Native knowledge in a manner they deem appropriate.
Shawn Wilson states, “People such as Linda Smith, Lester Rigney and Fyre Jean Graveline have written about how Eurocentric research has helped in the colonization and oppression of our people” (Wilson 2008, 13). However, it is possible to conduct non-Eurocentric research or develop decolonizing methodologies as the Wilsons (both Shawn and Angela), Kovach, and Smith have addressed and demonstrated. In addition to their work, we must consider evolving past the current trend of favoring Eurocentric methodology to preserve and share Native American knowledge, and we must consider evolving past utilizing tribal governments to manage or control Native knowledge and knowledge holders in the name of protection. The variety of Native American approaches to preserve and share Native American knowledge by Native Americans needs to be further addressed.

**Conclusion**

A limited understanding of Indigenous people of North America started with the presumed first contact between the European arrivers and the Indigenous people of North America. Upon first presumed contact Europeans as the “Occident” placed Native Americans as the Other. The Europeans viewed Indians from a Eurocentric ideology and at times an ethnocentric ideology. Europeans, through the process of colonialism, dispossessed Native Americans of their land, knowledge, tribal nation status, traditional form of governance, tribal nation status, and self-determination through:

- Doctrines
- U.S. Federal Policy for Native Americans
- U.S. Supreme Court Decisions
The structures were created by Eurocentric and at times ethnocentric ideologies, and implemented through the process of colonialism. They may contribute to a limited understanding of Native Americans, non-Native Americans and the American society, as a whole. If individuals, within the American society, are ready to evolve past their limited understanding, positive outcomes may come about, including a deeper understanding of Native Americans, of non-Native Americans and the American society. In addition, new structures, including within the governmental, educational, and legal structures could be created to further influence people to value Native American knowledge and ideologies.
3. METHODOLOGY

Introduction and Overview

The challenge is the perpetuation of the limited understanding of American Indians and the negative impacts it has on Native Americans, non-Natives and the American society, as a whole. The purpose of this study is to provide ways to overcome a limited understanding and its negative impacts. Overcoming a limited understanding and obtaining a deeper understanding has the potential to positively impact Native Americans and non-Natives lives. This project studied why a limited understanding of Native Americans exists in America, the impacts of a limited understanding of Native Americans and why it is important to overcome. In addition, the project studied the challenges that prevent a deeper understanding of Native Americans to take place, and ways these challenges and a limited understanding can be overcome.

Autobiographical Narrative and Collected Documents

In consideration of the literature review, an autobiographical narrative of my experience of preserving and sharing Crow, Northern Cheyenne, and Chippewa Cree knowledge history and culture, from their perspective, through the Western Heritage Center’s (WHC) American Indian Tribal Histories Project (AITHP) is used to further understand the themes of the study. In addition, the Northern Cheyenne Tribe’s Constitution, Northern Cheyenne Tribal Council’s resolution addressing the AITHP and resolution supporting the Declaration on the Rights of Indigenous Peoples, the United
Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and the American Indian Tribal Histories Project (AITHP) proposal have been collected and analyzed to further help understand the themes of this study. Each is appended, as followed, to this thesis:

- AITHP Proposal (Appendix A)
- Amended Northern Cheyenne Constitution and Bylaws (Appendix B)
- Northern Cheyenne Tribal Council’s Resolution Addressing the AITHP (Appendix C)
- Northern Cheyenne Tribal Council’s Resolution Supporting the Declaration on the Rights of Indigenous Peoples (Appendix D)
- UNDRIP (Appendix E)

The Northern Cheyenne Tribal Council’s resolutions were collected from the Tribal Secretary of the Northern Cheyenne Tribe located in Lame Deer, Montana. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was collected online. The Northern Cheyenne Tribe’s Constitution and Bylaws were collected off of the Northern Cheyennes Tribe’s official website. The AITHP proposal was collected from the WHC, located in Billings, Montana.

Conclusion

An autobiographical narrative of my experience of preserving and sharing Crow, Northern Cheyenne, and Chippewa Cree their history and culture, from their perspective, through the WHC’s AITHP is used to further understand the themes of the study. In addition, a content analysis of the autobiographical narrative and documents collected will be completed to further understand the themes of the study. The identified method is an effective and authentic approach to further understand the themes of this study and to complete the purpose of the study.
4. FINDINGS

Introduction and Overview

The purpose of this chapter is to include an autobiographical narrative of my experience preserving and sharing Crow, Northern Cheyenne, and Chippewa Cree history and culture, from their perspective, through the Western Heritage Center’s American Indian Tribal Histories Project. In addition, collected documents will be analyzed in combination with my experience in the project.

As presented in chapter one, the impetus for this study stems from my life experience as a Northern Cheyenne woman, a citizen of the U.S. government and Northern Cheyenne tribal government, a student within the U.S. educational system, and my experience helping to preserve and share American Indian history and culture from an American Indian perspective through the WHC’s AITHP.

American Indian Tribal Histories Project Intent

The AITHP intent is to preserve, maintain, and share American Indian histories and cultures, or cultural heritage knowledge from an American Indian perspective. The project trained tribal members in preservation-related disciplines, recorded tribal traditions through American Indian perspectives, and maintained flexibility in programmatic design as each tribe was engaged in the project. Then, the project created publications, exhibits, and programs to share the cultural heritage of American Indians
from their perspective (Western Heritage Center, Bear Don’t Walk, and Kooistra-Manning 2003).

**Phase 1: Train, Develop Relationships & Gather**

In August 2003, as the AITHP Director, my journey to help preserve and share American Indian history and culture, or cultural heritage knowledge from an American Indians perspectives began. I wrote job descriptions and hired an Administrative Officer, Northern Cheyenne Field Director, Crow Field Director and a Marketing Director. Later I would hire two Production Coordinators to help with setting up the video cameras, audio, lighting, and to duplicate and digitize all oral history interviews. The Field Directors were fluent Crow and Northern Cheyenne speakers since there was the potential of tribal members preferring to share their knowledge in their Native languages. In addition, Field Directors were very knowledgeable of their tribe’s cultural heritage, and still had ties to their community. In addition, several student interns from Montana State University Billings, Little Big Horn College and Chief Dull Knife College started internships. Internships were provided to give students an opportunity to learn preservation related skills through the museum’s process of preserving and sharing, and through the process of working with tribal elders and their method of preserving and sharing.

In September 2003, a community reception was held for the start of the project at the WHC. Guest presenters included a previous Native American curator from the Smithsonian as well as a Native American Grammy nominated flute player. In addition, the flute player performed within the Crow and Northern Cheyenne communities,
including the Little Big Horn College and The Boys and Girls Club of the Northern Cheyenne Nation. The receptions were well attended and the project well received.

Starting in October 2003, several training sessions were coordinated for staff and interns in preservation-related disciplines, historic preservation methods, including oral history, interview procedures, transcribing, museum archival practices, and historical research. In addition, video, audio, and lighting training sessions were coordinated. The AITHP team, including staff and interns, developed two topic outlines to identify possible areas to preserve and share Crow and Northern Cheyenne knowledge. Since the topics were so vast, the Field Directors and AITHP Director determined the topical areas to cover within the project timeline. Furthermore, the AITHP team searched for existing oral history archives in local repositories and documented what was available.

Through this process the AITHP staff came to an understanding that not all of the local oral history repositories had release and assignment forms signed by interviewees. This meant we could not use the material unless we could locate the interviewee or a family member to give us permission to share the knowledge. In addition, most of the interviews were recorded on reel-to-reel tape or cassette tape recorders. Over the years, the tapes had become extremely fragile. It was difficult finding a reel-to-reel player. When we were able to borrow one, we were afraid of destroying the fragile reel-to-reel tapes as we listened to them. It was decided that the AITHP staff would not be able to use this material.

During the first couple of months of the project starting, a Northern Cheyenne Dog Soldier Society member came to visit me at the WHC. He suggested I meet with the
Northern Cheyenne’s tribal government. In an attempt to honor his direction, I met with the Tribal Historic Preservation Officer, who asked me several questions, including who my grandparents and parents were, who was I working for, why did I want to preserve and share Cheyenne knowledge, and who would I share the knowledge with. Then, he directed me to meet with the Northern Cheyenne Cultural Committee (NCCC). 

The NCCC consists of tribal elders from the Northern Cheyenne community. They asked me the same questions. In addition, the AITHP staff met several times, often times over food, over several months with NCCC and the Crow Cultural Committees (CCC) to explain the intentions of the project, to answer any questions they had about the project, and to receive feedback on how to proceed in regards to preserving and sharing Native knowledge. A Memorandum of Agreement between the WHC and NCCC was signed in April 2004.

The same process was done for the CCC. However, the Crow Field Director did not have to answer family lineage questions. She was their peer and family member. In addition, there was some confusion about my last name being Bear Don’t Walk, which is a Crow name. People often thought I was Crow until I explained who I was and that was my married name. During one particular meeting with the CCC, one of the tribal elders, whom I had the utmost respect for, requested that a non-Native American not use the Crow knowledge shared with the project to write and publish a text on the Crow history and culture. He explained that if this should happen, then the history and culture of the Crow would still be told through a non-Native perspective as it has been in the past. He preferred their history and culture be told through their perspective. I explained this
would not be a problem as we were utilizing video technology to implement the Oral Tradition method of gathering, preserving and sharing knowledge. Oral tradition is often the preferred Native American method of passing knowledge from one generation to the next.

A Memorandum of Agreement was not pursued with the CCC. The relationship with one of the committee members was abruptly cut short after he requested the AITHP not interview a very prominent Crow tribal historian. However, other CCC members, continued to participate in the AITHP, on an individual basis.

Starting in January 2004, the AITHP Field Directors, who are respected elders from their communities, started to determine which tribal members to approach for an interview on the selected topics. They began contacting interviewees and explaining the intent of the project. Then, they scheduled a meeting to further go over the intent of the project, the release and assignment form and to answer any questions. If everything looked and sounded good to the tribal members, an interview date was set up. One hundred and sixty-seven oral history interviews took place in Billings, on the Northern Cheyenne and Crow reservations. During one particular interview, two elders requested to be interviewed together as opposed to being interviewed separately on the same topics. They explained that by interviewing them together would help them remember the stories better. We gladly accommodate their request.

I felt extremely proud of all the oral history interviewees. It takes a tremendous amount of courage to be interviewed in front of a video camera. Before each interview, each person was asked to identify any questions they did not care to answer. It was
explained that anytime during the interview if they wanted to start over, or stop the camera for any reason, it was not a problem. Food and water was always available for them in addition to an agreed upon stipend. Each interview took close to 3-4 hours to complete. Interviewing the tribal elders is considered to be some of the best times of my life, and I will forever be grateful for the time I got to spend with them. The AITHP team felt honored to be trusted and given Cheyenne and Crow knowledge that could be shared with the general public. In addition, the AITHP team began video recording, audio recording and taking photos of special events, including but not limited to pow-wows, naming ceremonies, and a buffalo skinning.

A Northern Cheyenne elder, who is also a spiritual leader, would often come to the WHC and visit the AITHP staff. One particular day he told me a story of how his grandchildren did not especially like to sit still and listen to him. They preferred to watch television or play video games. However, when he received a copy of his interview and played it on the DVD player, they sat and listened intently to him on the television. I thought how lucky these children were to have him in their lives to teach them about Northern Cheyenne knowledge, and I thought it was funny how they did not listen to him in person, but became very interested in what he had to say once he was on the television. I wondered how other elders, or AITHP participants felt when they received copies of their interviews, and the impact it had on them and their families to share their Northern Cheyenne knowledge in such a manner.

The AITHP staff developed a duplication system and state of the art oral history archival system. All interviews were digitized and placed on a main server, with the
intent that the digitized versions could possibly be downloaded in other formats in the future. In addition, all interviewees were duplicated to ensure that if one format was destroyed or lost, others would exist in DVD and CD formats as well as being transcribed and stored both electronically and within a hanging file system.

Furthermore, each interview was translated if given in Cheyenne or Crow language and transcribed. It was interesting to witness the challenge of translating and transcribing the Cheyenne and Crow language into English. When the English version was typed out, it was often backwards in comparison to the way the Crow or Cheyenne had originally said it. One could say the Crow or Cheyenne way was backwards in comparison to how it was supposed to be structured in English, or that it was broken English. Someone else might say that when the Crow or Cheyenne version became the English version, it became broken Crow and Cheyenne. It was a challenge, especially when subtitles were added to the DVDs. Editing and conforming to English standards was needed so most DVD viewers could understand what the tribal members were trying to share.

Phase 2: Production

In July 2004, AITHP staff went through a three-day exhibit development seminar given by a Native artist and curator. In addition, AITHP staff started meeting with selected tribal guest curators to create the Northern Cheyenne and Crow stationary exhibits. The stationary exhibits were created and primarily told from a Crow and Cheyenne perspective. In addition, AITHP staff continued developing the Northern
Cheyenne and Crow educational DVDs, oral history archive collection, and started developing traveling exhibits.

For outreach programs, the AITHP partnered with the Yellowstone Art Museum to coordinate and celebrate the annual Montana’s American Indian Heritage Day. In addition, several elementary classes, from the School District #2 (Billings), visited the WHC to listen to a Crow and Cheyenne elders explain the structural difference and meaning of a Crow and a Northern Cheyenne tipi. The day ended successfully with a small pow-wow, including one drum group from Northern Cheyenne, a couple dozen young dancers, mostly Crow children, and numerous children, teachers and the general public observing and participating. This was the start of an annual collaboration of local businesses coming together to celebrate Montana’s American Indian Heritage Day (AIHD).

In March 2005, the team started working with Billings School District #2 K-12 teachers, including Native teachers from the Northern Cheyenne and Crow reservations to develop a Teacher Resource Guide CD to accompany the educational DVD sets. The Teacher Resource Guide includes an introduction of the DVD program, biographical information on the interviewees in the program, an outline with the run time of each section, video transcriptions, grade appropriate lesson plans and printable maps, diagrams and images. The teachers were excited to be part of the process. Most of them expressed a desire to teach about the history and culture of Native Americans, but had trouble finding resources from a Native American perspective to help them.
In June 2005, staff and tribal guest curators started working on a catalog to accompany the Northern Cheyenne stationary exhibit, “Coming Home: The Northern Cheyenne Odyssey,” and Crow stationary exhibit, “Parading Through History: The Apsaalooke Nation,” and continued working on the educational DVDs, oral history archival system, outreach programs and traveling exhibits. Some of the outreach programs included a Crow elderly lady giving a public presentation during our monthly lecture series at the Western Heritage Center on medicinal plants, and an elderly Cheyenne woman and her grandson discussing traditional beading techniques of the Northern Cheyenne. These presentations were well received in the Billings community. Primarily non-natives attended the programs at the Western Heritage Center. They expressed genuine appreciation for the knowledge being shared with them by the Crow and Northern Cheyenne tribal members.

In August 2005, the Northern Cheyenne Tribal Council (NCTC) passed a resolution prohibiting the WHC’s AITHP from collecting and utilizing any Cheyenne cultural materials. The resolution conflicted with the support reflected in the Memorandum of Agreement signed by the NCCC, which is part of the Northern Cheyenne Tribe’s governmental structure, in April of 2004. In addition, it conflicted with the release and assignment forms signed by each Cheyenne knowledge holder, who chose to participate and share their knowledge with the project and the general public. One tribal council member, who did not vote for the resolution, advised the project staff to proceed forward since tribal elders had agreed to share their knowledge through the NCCC’s MOA and on an individual basis. Every time the AITHP experienced
opposition towards the WHC or the AITHP from other tribal members, it was extremely stressful on all of us, including the staff, the interns, the board, and tribal member advisors and consultants. However, the situation reinforced the importance of seeking and respecting the guidance of the elders. The advice given during this extremely stressful time fit with how I had been raised to honor and respect elders.

After the MOA with the NCCC was signed in support of the project in April 2004, the AITHP staff did make several attempts to present the AITHP to the tribal council, with the signed MOA, to obtain a resolution to support the project. However, during this time period, some of the council members were trying to impeach the president, who happened to be the first female president of the tribe since the establishment of the Northern Cheyenne government and constitution. As a result, not enough tribal council members were attending the scheduled council meetings, which resulted in no quorum and no council meetings for several months. When the AITHP staff was able to meet with the NCTC, with the MOA, the tribal council tabled the decision.

In August 2005, I helped to recruit and collaborate with several local Billings’ organizations to coordinate a day of activities to help celebrate Montana’s official American Indian Heritage Day, which is held on the fourth Friday of September. Each participating organization sponsored an activity or presentation. Northern Cheyenne, Crows, Chippewa Cree, Assiniboine Sioux and other tribes all shared different aspects of their culture and heritage with other numerous students, teachers and others attending the event. Each year, the event grew bigger drawing hundreds of students and teachers from
local K-12 school system as well as the general public. The event was held at different locations, over five consecutive years from 2005 to 2009, including the Yellowstone Art Museum, South Park, Pioneer Park, Rocky Mountain College and Montana State University-Billings.

In October 2005, an architect firm started to build the Crow and Northern Cheyenne stationary exhibits at the WHC. The exhibit catalog, the Northern Cheyenne and Crow educational DVD sets, Teacher Resource Guide CD, traveling exhibits and the archive collection were completed. The travel exhibits featured selected tribal members’ photos and excerpts from their essays on what it means to be Northern Cheyenne or Crow, adversities they have faced, and where they saw their tribe going in the future.

In November 2005, the Northern Cheyenne Tribal Council went to the Billings Gazette newspaper and reported they had passed a resolution against the project. However, on December 5, 2005, the grand opening of the exhibits, DVDs, archive collection, and traveling exhibits drew over a thousand people, including numerous Crow and Cheyenne. The grand opening brought many fellow tribal members and other tribal members to the WHC with words of encouragement and praise. The stationary exhibits remained open to the public until February 2008.

Everyday I felt blessed to be in the midst of all their shared knowledge. Often, I would walk around the museum listening to and seeing my ancestors and fellow tribal members share their knowledge with all who cared to learn. They were no longer marginalized and oppressed in that space and time. It was then that all the struggle and conflict became worth it.
In December 2005, the AITHP partnered with Billings School District #2, through their Curriculum Director, and developed several professional development sessions. AITHP staff went over how K-12 teacher could use the Northern Cheyenne and Crow educational DVDs and Teacher Resource Guide CDs in their classrooms. They also went over other resources available to them at the WHC, which could help them teach about Native Americans from their perspective, and help them meet the Montana Indian Education For All Act. In addition, several groups of teachers visited the AITHP oral history archive collection to review oral history interviews by reading the transcriptions, listening to CDs or watching DVDs.

Phase 3: Train, Develop Relationships & Gather

In January 2006, staff met with Northern Cheyenne Tribal Council members. It was decided during this meeting to establish a committee consisting of Northern Cheyenne members. They would review the AITHP oral history archive collection, and submit a report on what they considered to be too sensitive for public access. Several meetings were held between tribal members, tribal councilmen and the WHC Executive Director and select board members from January 2006 to June 2006. In a conversation with a WHC staff member in 2013, I found out that after the project was completed even more understanding and acceptance of the project had developed over time.

In January 2006, the AITHP staff visited with the Stone Child College President, and agreed to partner and work on our separate tribal history projects. AITHP staff traveled to Rocky Boy Indian Reservation each week to meet with an advisory group of
tribal elders for eighteen weeks starting in January 2006 and concluding in June 2006. During the often three to four hour meetings, AITHP staff shared meals with the tribal elders and got to know them on a personal level. A talking circle was used to accomplish agenda items. Often, the tribal members shared their personal struggles and concerns. One concern that came up multiple times was how other people had come into their community and attempted to preserve and share their knowledge, but nothing ever came of it. One tribal elder shared a story of how they found collected knowledge in the dumpster. They wanted to know how the AITHP was going to be different. We screened the Northern Cheyenne and Crow educational DVDs. We told them about the exhibits, traveling exhibits, language presentation, on-line exhibits, and the oral history archive collection.

AITHP staff went over the mission of the project, which included letting them know that any knowledge they chose to share with the project would be shared with the general public. We asked them to only share knowledge they felt comfortable sharing with the general public. If they decided not to share their knowledge, we understood and respected their wishes. There were some elders who did not participate in the interviews, but participated in the weekly meetings. The Chippewa Cree tribal elders, who chose to be part of the advisory group, determined which topics they wanted us to focus on, and they decided who should speak on the chosen topics. In addition, a Field Director, who was very knowledgeable in the Chippewa Cree ways, and could speak fluent Cree, was hired in April 2006.
Starting in June 2006, the Chippewa Cree Field Director developed visual treatments consisting of the topics chosen by the focus group. Then, the Field Director went over a packet of information with the chosen tribal members and answered any questions or concerns. The packets included interview questions, release and assignment forms, and the intent of the AITHP. In addition, AITHP staff provided a one-day seminar to students and faculty at Stone Child College who were working on their own Tribal History Project in July 2006. The seminar covered video and audio recording, lighting, interviewing, transcribing, visual treatment creation, and the organization and preservation of information gathered.

In August 2006, I was invited to Chief Plenty Coup Day of Honor to present the project and to show the Northern Cheyenne and Crow educational DVDs at Chief Plenty Coup state park. I felt honored to be asked to present Crow tribal members knowledge through the AITHP. I also felt a little strange talking to at least a couple hundred Crow tribal members about their tribal elders and knowledge. From October to December 2006, the AITHP staff conducted thirty-one Chippewa Cree oral history interviews at Stone Child College. Most of the interviewees chose to give their interview in Cree. There were days when I sat for hours listening to them speak in Cree, and wanting so desperately to understand what they were sharing. One tribal elder, who chose to do the interview in English, would start each of his answers with, “I do not discredit anyone. This is how it was told to me.” It was profound and simple. I thought about how we spend so much of our time judging, and critiquing others by some standard. It helped me
to become aware how there are many standards by which to measure, and it made me aware that one is not better than the other.

**Phase 4: Production**

Since most of the interviews were in Cree, the project hired and trained two fluent Cree tribal members in how to transcribe interviews. They translated and transcribed the interviews from January 2007 to the end of March 2007. At the request of Stone Child College Board of Directors, we held public forums for the general public to view the oral history interviews in January and February 2007, on the Rocky Boy Reservation. Advertisements for the public forums were placed in the local newspaper. In addition, the Field Director lived and worked in the tribal community and helped to spread the word in person, or was available during office hours for anyone who wished to view the interviews, and give us feedback. We wanted to know if there was any shared Chippewa Cree knowledge that could be too sensitive to share with the general public. Upon receiving no feedback, the team proceeded forward. It was determined by the Field Director that only two out of the four original intended educational DVDs could be completed. There was not enough information from the interviews to cover all the topics in all four original visual treatments. Interviewees either did not know the answer to the question, or they simply chose not to share it.

In July 2007, AITHP staff went forward with the plans to share the Chippewa Cree history and culture through two educational DVDs, a teacher resource guide booklet, an on-line oral history exhibit, oral history archive collection, traveling exhibit, language presentation, and a public viewing station. Starting in September 2007, several
meetings spanning several months were coordinated with the Chippewa Cree Field Director and Chippewa Cree Language Consultant to further develop the visual treatments for the two educational DVDs. Since most of the interviews were in Cree they had to ensure the selected videos excerpts identified and coded in the visual treatments matched the English subtitles, and the spelling of the Cree words were accurate. It would have been a good laugh if some of selected video excerpts did not match the subtitles. In March 2008, we began to work with a local production company in the post-production phase of developing the educational DVDS. In addition, staff worked on finishing up the teacher resource guide booklet, on-line oral history exhibit, oral history archive collection, traveling exhibit, on-line language presentation, and a public viewing station, which housed all of the unedited Chippewa Cree oral history interviews. At the end of October 2008, I was invited to present the AITHP at the Mountain Plains and Midwest Association Annual Conference in Kansas City, Missouri. The presentation was well received and several audience members came up afterward to suggest we apply for national museum awards.

Starting in June 2008 until November of 2008, AITHP staff traveled to Rocky Boy Indian Reservation on four occasions to review three different rough cuts and a final cut of the DVDs. All interviewees, advisory committee members, consultants, Chippewa Cree Cultural Committee, Chippewa Cree Business Council and Stone Child College staff were invited to attend. Feedback was given, and we revised or removed any part of the DVDs they felt were too culturally sensitive, or they felt needed to be changed. After reviewing and revising three rough cuts of the DVDS, including a final version of the
DVDs, they were determined to be suitable to be released for public distribution by the people who attended the meetings.

In November 2008, the Chippewa Cree Business Council notified the WHC they would like to meet as they had some issues with the educational DVDs. They felt some of the material was too culturally sensitive to be in the DVDs. They also addressed the concern that some of the interviewees did not understand the release and assignment form, and they did not understand the material was going to go off the reservation. The business council also requested to have copyright of the Chippewa Cree oral history interviews. In addition, they informed us that if any of the collected Chippewa Cree knowledge and developed resources were released to the public, they would take the WHC to court. The WHC, including the AITHP staff, a few Chippewa Cree interviewees and the Chippewa Cree Business Council met in December 2008, but a suitable resolution could not be made. The Chippewa Cree knowledge shared by the Chippewa Cree elders has not been released to the public. However, the WHC is still working with the Chippewa Cree Business Council towards a suitable resolution. It is my hope that a resolution is reached and some of the Chippewa Cree knowledge can be shared with the general public. It bothers me that I did not fulfill my promise to some of the tribal elders who had shared their concern about nothing coming of their effort to share their knowledge as had happened in the past. Some of them have passed on without being able to view and enjoy the fruits of their effort.

The WHC continues to share Crow and Northern Cheyenne history and culture from Crow and Cheyenne perspectives through ten educational DVDs, two Teacher
Resource Guide – CDs, on-line oral history exhibition, which demonstrates three-minute excerpts from the original interview, oral history archive collection, traveling exhibits, on-line language presentation, public viewing stations housed at Chief Dull Knife College and Little Big Horn College, and an AITHP permanent exhibit.

**Collected Documents**

The Northern Cheyenne Tribe’s Constitution, Northern Cheyenne Tribal Council’s (NCTC) resolutions addressing the WHC’s AITHP and supporting the Declaration on the Rights of Indigenous Peoples, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and the American Tribal Histories Project Proposal have been collected and analyzed in combination with my autobiographical narrative of my experience preserving and sharing Crow, Cheyenne and Chippewa Cree knowledge through the AITHP as an approach to further help understand the themes of this study (see appendices A-E).

According to the Northern Cheyenne Amended Constitution and Bylaws of the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, under Article V, Bill of Rights, Section 2, states:

2. All members of the Tribe may enjoy, without hindrance, freedom of worship, conscience, speech, press, assembly, and association as guaranteed by the Constitution of the United States. (Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation 1996, 6)

However, the Northern Cheyenne Tribal Council Resolution NO. NCT-212 (05) contradicts the Northern Cheyenne Amended Constitution and Bylaws, as follows:
A resolution of the Northern Cheyenne Tribal Council prohibiting the use of Northern Cheyenne cultural materials and intellectual properties such as tribal oral histories, cultural information, visual recordings from being collected and further exploited by the Western Heritage Center until the American Tribal Histories Project’s funding source can be contacted and the appropriate Government-To-Government consultation achieved in order to better utilize the tribal government and its cultural resources. (Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation 2005, 1)

Two years later the NCTC passed Resolution NO. NCT-016 (07), which supports the Declaration on the Rights of Indigenous People, and requests the United Nations adopt the same declaration as per the following quote:

A resolution of the Northern Cheyenne Tribal Council supporting the Declaration on the Rights of Indigenous Peoples and requesting the United Nations to adopt the same Declaration on the Rights of Indigenous Peoples. (Northern Cheyenne Tribe of the Northern Cheyenne Reservation 2007, 1)

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the General Assembly in September 2007. The U.S. government decided to support the UNDRIP in 2010. The following provisions of the UNDRIP supports:

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.
Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 15

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations, which shall be appropriately reflected in education and public information.

2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society. (UN General Assembly 2007, 7)

The NCTC did not support the AITHP’s endeavors in 2005, yet encouraged the United Nations to support the Declaration on the Rights of Indigenous Peoples two years later. The AITHP was implementing what the NCTC supported in 2007, with Resolution NO. NCT-016 (07), what the UNDRIP promoted in 2007, and what the U.S. government supported in 2010, which is to recognize and support Indigenous peoples’ right to self-determine as outlined in the provisions stated in articles 13, 14, 15 of the UNDRIP. In
addition, the NCTC did not support the AITHP’s Indigenous approach to preserve and share Cheyenn knowledge by stating,

Whereas; the Western Heritage Center has received all the benefits of the funding source to perform significant research but bears no accountability or ethics for the way in which their funding were collected or to be used, and furthermore, the American Indian Tribal Histories Project research remains distasteful and a disservice to the Northern Cheyenne Tribe because it is not done by professional scholars or experienced academics but by grant writers and program administrators who have the access to such funds, who are untrained in the discipline of research and who lack the critical eye and the cultural voice to make certain the Tribe is protected from the waste and misuse of research resources. (Northern Cheyenne Tribe of the Northern Cheyenne Reservation 2005, 2)

While Western academic methodology is an approach to preserving and sharing knowledge, there are also Native American approaches to preserving and sharing Native American knowledge. These approaches should be empowered and supported, including by Western educational and governmental structures, including contemporary tribal governments. Furthermore, Native Americans should be empowered to share their Native knowledge in a way they deem appropriate. It is not always necessary to defer to the Western academic approach. Each approach has the potential to bring different knowledge to the forefront.

In addition, a blending of Indigenous and Western methodologies could prove to be a powerful approach to preserve and share Native American knowledge. For example, the AITHP implemented Northern Cheyenne, Crow and Chippewa Cree preservation-related approaches, including the Oral Tradition method, and utilized some of WHC’s non-Native museum preservation-related disciplines and methods. Northern Cheyenne
AITHP staff, Northern Cheyenne tribal elders, on the NCCC, and tribal members from the Cheyenne community guided and supported the AITHP to preserve and share Cheyenne knowledge. Now, their cultural voices are available and will be available for future Cheyenne and non-Cheyenne generations to come. In addition, Crow and Chippewa Cree staff and tribal members from Crow and Chippewa Cree communities guided and supported the ATIHP to preserve and share their Native knowledge.

It is important for the Northern Cheyenne Tribal Council, and other tribal governments to understand the importance of supporting tribal members’ right to self-determination. Tribal governments need to consider including the UNDRIP provisions into their existing governmental structures, and implementing the provisions to further empower tribal members’ right to self-determination and to empower Native individuals to define themselves as they deem appropriate.

Summary of Findings

This project studied why a limited understanding of Native Americans exists in America, what the impacts of a limited understanding of Native Americans are, and why it is important to overcome. In addition, the project studied the challenges that prevent a deeper understanding of Native Americans to take place, and how these challenges and a limited understanding can be overcome.

The Northern Cheyenne Tribe’s Constitution, Northern Cheyenne Tribal Council’s resolutions addressing the AITHP and supporting the Declaration on the Rights of Indigenous Peoples, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and the American Tribal Histories Project proposal have been
collected and analyzed in combination with my autobiographical narrative of my experience preserving and sharing Crow, Cheyenne and Chippewa Cree through the AITHP as an approach to further help understand the themes of this study.

The AITHP intent was created, supported and implemented by Native Americans from the each of the respective tribal communities. The project’s intent is to preserve, maintain, and share American Indian histories and cultures, or cultural heritage knowledge from an American Indian perspective. In addition, the project trained tribal members in preservation-related disciplines, recorded tribal traditions through American Indian perspectives, and maintained flexibility in programmatic design as each tribe was engaged in the project. Then, the project created publications, exhibits, and programs to share the cultural heritage of American Indians from their perspective (Western Heritage Center, Bear Don’t Walk, and Kooistra-Manning 2003).

The Northern Cheyenne Tribe’s Constitution, under Article V, Bill of Rights, Section 2, promotes all tribal members enjoying, without hindrance, freedom of worship, conscience, speech, press, assembly, and association as guaranteed by the Constitution of the United States. However, in 2005, the Northern Cheyenne Tribal Council passed a resolution, which prohibited the WHC and the AITHP from utilizing its tribal resources, which included tribal members sharing their Cheyenne knowledge. Two years later, the Northern Cheyenne Tribal Council passed another resolution supporting the Declaration on the Rights of Indigenous Peoples. The council requested that the United Nations adopt the same Declaration on the Right of Indigenous Peoples. The United Nations Declaration on Rights of Indigenous Peoples (UNDRIP) came into effect in 2007, and the
U.S. government showed its support of it in 2010. The UNDRIP, under articles 13, 14, 15 supports:

- Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
- Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
- Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
- Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations, which shall be appropriately reflected in education and public information. (UN General Assembly 2007, 7)

Furthermore UNDRIP, under articles 13, 14, 15 suggests:

- States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.
- States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.
- States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society. (UN General Assembly 2007, 7)

**Conclusion**

The challenge is the perpetuation of a limited understanding of Native Americans, and the negative impacts it has on Native Americans, non-Native Americans and the American society, as a whole. The purpose of this study is to provide ways to overcome a limited understanding and its negative impacts. An autobiographical narrative of my experience of preserving and sharing Crow, Northern Cheyenne, and Chippewa Cree
history and culture, from their perspective, through the American Indian Tribal Histories Project (AITHP) is used to further understand the themes of the study. In addition, the Northern Cheyenne Tribe’s Constitution, Northern Cheyenne Tribal Council’s resolutions addressing the AITHP and supporting the Declaration on the Rights of Indigenous Peoples, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and the American Indian Tribal Histories Project (AITHP) proposal have been collected and analyzed to further help understand the themes of this study.

Non-Native Americans and Native Americans, within current structures, including U.S. government, educational, and legal structures, and tribal government structures need to support Native American peoples’ right to self-determination, and to empower them to define themselves in ways they deem appropriate. This support and empowerment can be fostered by incorporating and implementing the UNDRIP’s provisions into current governmental, educational, and legal structures. However, it is critical that individuals operating within current structures actively support and implement the provisions on a daily basis.

In addition, individuals, within existing structures, must also actively implement structures created to support Native American peoples’ right to self-determination, and to empower Native Americans’ to define themselves, including the Northern Cheyenne Constitution (Bill of Rights), UNDRIP, American Indian Tribal Histories Project, and the Montana’s Indian Education For All Act. By supporting Native Americans’ right to self-determine, including approaches to define themselves, a limited understanding of them as the Other and its negative impact could be overcome. This deeper understanding could
help raise the collective level of consciousness of individuals, within the American society. Thus, raising the quality of life for everyone. In addition, a deeper understanding could help develop new ideologies. These new ideologies could help create new structures, which in turn could help to value, include and perpetuate Native American knowledge and ideologies.
Implications for Further Research

There are several potential areas of future research that could focus on overcoming a limited understanding of American Indians in America. Further inquiry into tribal members’ perspectives on whether tribal governments should have the power to grant, or deny access to tribal members holding Native American knowledge, including tribal council members’ and more traditional forms of government members’ perspectives would be beneficial. In addition, inquiry into other Native American and non-Native researchers’ perspectives on controlling and protecting Native American knowledge will help to get other important perspectives. Reviewing a variety of other tribal governments structures and constitutions to see how they restrict or empower tribal members would be helpful. In addition, it would be beneficial to know how Indigenous people in America, Canada, Australia, New Zealand are utilizing the UNDRIP to implement self-determination.

Another area worth focusing on is the U.S. higher educational structure. It is important to understand how it has helped and continues to limit or empower the access of Native American knowledge and ideologies. In addition, it is important to further understand different Indigenous approaches to preserving and sharing Native American knowledge. It would be helpful to understand who is teaching Native American knowledge, and who develops Native American content. Furthermore, it would be
beneficial to consider the impacts of Montana’s Indian Education For All Act on students, administration, and teachers, within the academy.

Summary

Gregory Cajete eloquently talks about a journey we are all on, a coming-to-know, a coming-to-understand a process, and a quest for knowledge. He states, “Coming-to-know is the best translation for education in Native traditions. There is no word for education, or science, or art in most Indigenous languages. But a coming-to-know, a coming-to-understand, metaphorically entails a journey, a process, a quest for knowledge and understanding” (Cajete 2000, 80). Because a perpetuation of a limited understanding of Native Americans exists, this study explored why a limited understanding of Native Americans exists in America, the impacts of a limited understanding can have, and why it is important to overcome. In addition, the project identified some of the challenges that prevent a deeper understanding of Native Americans from taking place, and provided ways to overcome these challenges and a limited understanding.

The impetus for this study stemmed from my life experience as a Northern Cheyenne woman, a citizen of the U.S. government, and Northern Cheyenne tribal government, a student within the U.S. educational system, and my experience helping to preserve and share American Indian history and culture from an American Indian perspective through the American Indian Tribal Histories Project.

I would come to understand how the processes of colonialism impacted and continues to impact the value and access of Native American knowledge and ideologies. During the process of preserving and sharing Northern Cheyenne, Crow and Chippewa
Cree knowledge through the American Indian Tribal Histories Project, I became fully aware of the controversy of sharing Native American knowledge. While obtaining a Master of Arts degree in Native American Studies, at Montana State University, I started to research where this need to control and protect Native Americans and their knowledge came from, how it was perpetuated, and its impact. In addition, as a Graduate Teaching Assistant facilitating an Introduction to Native American Studies course over three semesters, I became aware of the magnitude of the misconceptions and negative stereotypes most students had of Native Americans as well as their lack of knowledge about Native American history and culture from an Native American perspective, within the context of American history. Furthermore, my younger brother passed away during my first semester of teaching due to complications of alcoholism. Through these experiences, I became fully aware of the importance of overcoming the dispossession of Native American knowledge. If Native American knowledge and ideologies can be valued, shared, learned, and included in current structures, a deeper understanding of each other and a deeper understanding of ourselves could happen. A deeper understanding could contribute to a higher quality of life for everyone.
REFERENCES CITED


Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation. 1996. Amended Constitution and Bylaws.

---------. 2005. Northern Cheyenne Tribal Council’s Resolution Addressing the American Indian Tribal Histories Project.


APPENDICES
APPENDIX A

AMERICAN INDIAN TRIBAL HISTORIES PROJECT PROPOSAL
The American Indian Tribal Histories Project
The Western Heritage Center, Billings, Montana

The Western Heritage Center, in downtown Billings, Montana, is a history museum interpreting and reflecting life in the Yellowstone River region, an interpretive area defined by the 72,000 square miles of the Yellowstone River watershed. Since being incorporated in 1969, the Western Heritage Center has moved from being a community center, displaying a private collection of artifacts, to an accredited museum providing long-term exhibits with interactive components, nationally recognized educational outreach programs, and climate-controlled archival storage.

The Western Heritage Center has long been recognized as an innovative interpretive center. In 2000, the American Association of Museums selected the Western Heritage Center as a presenter for the National Interpretation Workshop in Santa Fe, New Mexico, on account of exemplary interpretive practices. In 2001-2002, the Western Heritage Center was one of two museums nationally to participate in a pilot program of the American Composers Forum and Museum Loan Network, in which a composer worked with Center staff on our 30th anniversary exhibit, entitled Life By Comparison: The Stories of Frederick and Parmly Billings.

Besides long-term exhibits on American Indian culture, developed through extensive consultation with the Crow and Northern Cheyenne tribes, the WHC features quality public programs that share the history of American Indian tribes. Programs include lecture series, workshops, suitcase and traveling exhibits, cultural events, and the Museum Without Walls outings, such as Ethnobotany on Horseback, a popular one-day program on the Northern Cheyenne reservation, done in partnership with Cheyenne Trail Riders, an outfitting business owned by tribal members. WHC also acts as a cultural liaison to tourists coming to Crow Fair and Chief Plenty Coups Day of Honor on the Crow Reservation.

The American Indian Tribal Histories Project

Mission Statement:
A program dedicated to preserving and maintaining American Indian tribal histories and cultures

The American Indian Tribal Histories Project proposes to train tribal members in preservation-related disciplines, record tribal traditions through American Indian perspectives, and maintain flexibility in programmatic design as each Indian tribe is engaged in the project. The project will then create publications, exhibits, and programs to share the cultural heritage of American Indian tribes.

The celebration of the Lewis and Clark expedition brings us an opportunity to view the region they explored from a perspective of those who lived here long before the expedition. It is important to preserve the American Indian history and culture from an American Indian view for future generations. There are tribal histories of many Indian
tribes, but non-Indian historians most often write them. It will be educational to both Indians and non-Indians and will bring about more understanding of America’s first people.

Maintain flexibility in programmatic design as each Indian tribe is engaged in the project.

The first two tribes for this project will be the Northern Cheyenne and Crow. Both tribal reservations are in close proximity to Billings, MT, the project’s home base. The project and basic framework could be expanded to other tribes located in Montana, Wyoming, Idaho, North Dakota, and South Dakota, and any other states. The first phase of this project will include a Project Director, two Tribal Field Directors, an Administrative Officer, and a Marketing and Technology Officer. Our goal is to fill these positions with American Indian tribal members. Staff from the Western Heritage Center, including the museum director, the Senior Fellow, the museum educator director, and the St. Labre Native American Fellow, will work with the staff of The American Indian Tribal Histories Project.

Because this project has respect for the wisdom and knowledge of each tribe, an advisory representative or team will be identified for each tribe. This advisory team will hold meetings in Crow Agency, Lame Deer, and Billings to discuss and coordinate the project. It is expected that a basic framework for completing the work with each tribe will be firmly established. It is also acknowledged that each tribe engaged in the project will offer new ways of defining their own unique history and culture. This need for flexibility will be most apparent in programming and the finished exhibit design for each tribe.

Train tribal members in preservation-related disciplines

The Project Director and the two Tribal Field Directors will train and coordinate training for tribal members (student trainees) in a range of historic preservation methods, including oral history interview procedures, museum archival practices, historic research, and exhibit construction. American Indian college students, or recent graduates, from Chief Dull Knife College (Northern Cheyenne) and Little Bighorn College (Crow) will be our initial target group to receive training. Staff and trainees in the program will receive instruction from distinguished Indian scholars, attend one-week internships at the Western Heritage Center and/or attend eight-week internships at the Smithsonian Institute, as well as receive scholarships to history, anthropology, and museum conferences. After an initial program of training, the student trainees will begin to participate in the oral history project and in the creation of the publications and exhibits.

Record tribal traditions through American Indian perspectives

Field Directors and student trainees will begin by researching and documenting archives in local repositories for existing American Indian oral history interviews. Field Directors will access the condition of taped interviews for transfer to another format if, for example, a reel-to-reel audio tape or cassette tape of an interview from the 1970s is in jeopardy of
becoming inaudible. Field Directors and student trainees will determine if a transcript exists for earlier taped interviews. Some of the interviews that are not transcribed will be transcribed as part of the oral history training. Project Director and Field Directors will begin the initial process of identifying potential interview candidates, make visits with tribal members, share the project's goals, and learn about each individual's interest in the project. The oral histories will incorporate a cross-section of tribal members, including elders, working professionals, and young people, both on and off the reservation. The student trainees will assist, and on occasion work independently, in recording the Crow and Northern Cheyenne oral histories. Each student trainee will also learn the how to use audio recording equipment, digital video equipment, and transcribers.

Each oral history participant will be recorded, with permission, on audio-tape. Several of the oral history participants will be re-visited and taped using digital video equipment. The taped audio oral histories and digital video histories will be done with proper training and professional recording equipment. The oral history participants will be photographed, with permission, by the professional photographer hired for the project.

The oral history tapes and transcripts will be archived into the permanent collections of the Western Heritage Center. Duplicates of the tapes and transcripts will be made available for the respective tribal college archives. Each individual being interviewed will also receive a duplicate tape and transcript of their own interview.

These are some of the most prominent subjects we plan on focusing on for each tribe:

- Tribal origins and prominent stories.
- Tribal chiefs and leadership past and present.
- Traditional societies and clans
- Art: painting, beadwork, star quilts, and dancing outfits
- Music: drum groups, flutist, and hand game
- Dance: pow-wow and gourd dances
- Entertainment and athletics: hand game, pow-wows, basketball
- Traditional life skills: food, tanning hides, tipi construction
- Ethnobotany: plants and other remedies used for healing purposes
- Family relations: traditional vs. contemporary, courtship and marriage
- Government: traditional and contemporary
- Education: elementary, high school and colleges, on and off the reservation
- Language: traditional place names and the survival of tribal language
- Religion and spirituality

*Create publications, exhibits, and programs to share the cultural heritage of the Crow and Northern Cheyenne*

The recording and sharing of tribal traditions are not only key to the preservation of history and cultural heritage for younger generations of American Indians but also to broaden the perspective and understanding of tribal life ways for others in American society. We will
develop publications, exhibits, and public programs that preserve and share the histories and cultures of Crow and Northern Cheyenne.

The first publication would include an expanded photographic essay, in a book format, with the oral history consultants, as well as short biographies and commentary from a diverse spectrum of tribal members. We will call this *Native America 2004;* one for the Crow and one for the Northern Cheyenne. This photographic essay will include short essays from Indian artists, educators, business people, council leaders, scholars, elders, and war veterans from both on and off the tribal reservations. Each person will write a short essay on where they came from, what it means to be American Indian today, and where they are going.

The second publication will be an interactive DVD that presents photographic images, digital video, and text that shares both the unique history and culture of the Crow and Northern Cheyenne. This DVD presentation will include oral history excerpts, photographs and short essays, and digital video that shares many of the subjects listed above in the oral history interview process. The Crow and Northern Cheyenne DVD's would be like that of an encyclopedia rooted in the technologies now available. The DVD presentation would represent a slice of time (2003-2004) that reflects on past achievements, shows present-day spirit and energy, and presents a strong cultural legacy as a bridge for building a great future. The DVD presentation for each tribe will be made available to reservation schools.

The collection of oral histories, photographs, essays, and DVD presentations, will be incorporated into two exhibits at the Western Heritage Center, which shares the cultural heritage of each tribe. Each exhibit will include contemporary photographs and short essays, text from the oral histories with historic photographs, examples of artwork and recorded music, and some artifacts that help interpret the cultural heritage of each tribe. Tribal guest curators and Western Heritage Center staff will help in the final design and execution of each exhibit. Each tribe will have its own unique exhibit.

The project will also develop public programs to help share the project with a wider audience. The American Indian scholars that help in the training of the Indian students with both tribes will also present public programs on and off the reservations, as well as at the Western Heritage Center, to help with the promotion of the project. The Project Director and Tribal Field Directors will also attend national conferences to help promote the project. Student trainees will report on their work at regional history and museum conferences. Oral history participants will be contracted to share aspects of their culture with audiences in the Billings region. For example, a Crow drum group or local Indian artists will present public programs to area schools and the Western Heritage Center to share aspects of their cultural heritage. Representatives of the project will travel to Washington D.C. for meetings with the Department of the Interior.

A community reception and American Indian feast will be hosted at the Western Heritage Center to announce the creation of *The American Indian Tribal Histories Project.* All local newspapers will be contacted and sent press release materials on the project. The
museum will also feature the project in public service announcements on public radio station and community television. The museum’s web site, linked to web sites of regional partners, will also feature a linked site for information and updates on the project.

**Staff**

The **Project Director** will oversee all the administrative aspects of the project, including project plan, staff hiring, marketing, public programs, budget, and initial contact with the respective tribal representatives. The Project Director will work in partnership with the Museum’s Executive Director and Museum’s Senior Fellow in developing the student-training program, project publications, exhibits, and programs.

The two **Tribal Field Directors** will direct the student-training program and organize the oral history projects for each respective tribe. The Field Directors will work under the supervision of the Project Director.

The **Administrative Officer** will maintain the technical accounting records, prepare financial reports, process payroll, and perform secretarial duties under the supervision of the project director.

The **Marketing and Technology Officer** will direct marketing strategies, help create promotional materials, and be instrumental in coordinating training for technology for both staff and student trainees.
APPENDIX B

AMENDED NORTHERN CHEYENNE CONSTITUTION AND BY LAWS
AMENDED
CONSTITUTION AND BYLAWS
OF THE
NORTHERN CHEYENNE TRIBE
OF THE
NORTHERN CHEYENNE INDIAN RESERVATION

PREAMBLE

We, the members of the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation in Montana, in order to establish a more unified tribal organization and to insure and promote the best interests of our society, industry, prosperity, and the general welfare of ourselves and our posterity do hereby establish this Constitution and Bylaws.

ARTICLE I -- TERRITORY

The jurisdiction of the Northern Cheyenne Tribe under this Constitution and Bylaws shall extend to the territory within the confines of the Northern Cheyenne Indian Reservation boundaries as established by Executive Order dated November 26, 1884, under the administration of Chester A. Arthur and extended March 19, 1900, under the administration of William McKinley and to such other lands as may be hereafter added thereto by any law of the United States. except as otherwise provided by law.

ARTICLE II -- MEMBERSHIP

Section 1. The membership of the Northern Cheyenne Tribe shall consist of as follows:

(a) All persons of Northern Cheyenne Indian blood whose names appear on the official census roll as of January 1, 1935, provided that by January 1, 1962, corrections shall be made in said roll by the Tribal Council, subject to approval of the Secretary of the Interior.

(b) Each person of one-half (1/2) or more Northern Cheyenne Indian blood, regardless

This document sets forth the text of the original Constitution and Bylaws adopted in 1935, as amended by amendments adopted in 1960 and 1996.
of residence, born heretofore or hereafter to any member or descendant of a member of
the Northern Cheyenne Tribe whose name was or is on the census roll referred to in
Section 1(a) shall automatically be entitled to membership in the Northern Cheyenne
Tribe.

(e) All children heretofore born to any member of the Northern Cheyenne Tribe who
was a resident of the Northern Cheyenne Indian Reservation at the time of the birth of
said children.

Section 2. The Tribal Council shall have power to promulgate ordinances, subject to
review by the Secretary of the Interior, covering future membership including adoptions and the
loss of membership.

ARTICLE III — GOVERNING BODY AND OFFICERS

Section 1. The governing body of the Northern Cheyenne Tribe under this Constitution
and Bylaws shall be a council which shall hereafter be known as "The Tribal Council of the
Northern Cheyenne."

Section 2. The Tribal Council shall consist of eleven members holding the following
seats:

(a) One at-large seat held by the Vice President of the Tribe, except when the Vice
President is presiding over the Tribal Council due to the absence of the President.

(b) Five seats allocated one each to the Reservation districts of Ashland, Birney,
Busby, Muddy and Lame Deer.

(c) Five seats allocated among the five districts in accordance with the percentage of
the Tribal membership associated with each district, with fractional seats being rounded
off to the nearest whole number. The allocation of these five seats shall be determined
for the regular election of 1996, and redetermined for the regular election held every four
years thereafter. By ordinance, the Tribal Council shall establish standards and methods
for the implementation of such allocations.

(d) The Tribal Council shall have power to change the boundaries of the districts.

(e) The members of the Tribal Council holding the ten seats allocated among the
districts shall be selected through district primary elections followed by a general election
conducted at-large, as provided in Article VI, Section 4. The Vice President holding the
at-large seat shall be selected through a primary election followed by a general election,
both conducted at-large as provided in Article VI, Section 3.

Section 3. The officers of the Tribe shall be a President and Vice President who shall
be elected by popular vote as hereinafter provided: a Sergeant at Arms elected by the Tribal Council from within its own number; and a Secretary and a Treasurer appointed by the Tribal Council from outside its number. The Secretary and the Treasurer shall have no vote. Other officers and committees shall be appointed as provided in Article I, Section 1 of the Bylaws.

Section 4. All regular elections for President, Vice President and Tribal Council seats allocated to Reservation districts shall be held in even numbered years on the date set for regular Congressional elections, including the regular election of 1996 which shall be held on Tuesday, November 5, 1996. The President and Vice President shall serve for four years, and the members of the Tribal Council holding the ten district seats shall serve for four years in staggered terms, provided that in the regular election of 1996 five members of the Tribal Council shall be elected for two-year terms, as set forth in Article VI, Section 4(d). After each regular election for the Tribal Council, the Council shall appoint the Sergeant at Arms, Secretary and Treasurer, each of whom shall serve at the pleasure of the Council.

Section 5. It is contemplated that the President, Vice President, Secretary and Treasurer, and all members of the Tribal Council ("Tribal Officials") will serve on a full-time basis, and will receive therefor a salary commensurate with the responsibilities of office and other appropriate emoluments of office, to the extent prudent in light of available Tribal financial resources. No Tribal Official may receive additional compensation or other financial benefits for serving on any committee of the Tribal Council; serving on boards, commissions or bodies governing or managing instrumentalties or programs of the Tribe; or undertaking while in office tasks which would ordinarily be performed on behalf of the Tribe or an instrumentality or program of the Tribe by an employee or contractor.

ARTICLE IV -- POWERS OF THE TRIBAL COUNCIL

Section 1. Enumerated Powers. The Tribal Council of the Northern Cheyenne shall exercise the following powers, subject to any limitations imposed by the applicable statutes of the United States and subject further to all express restrictions upon such powers contained in this Constitution and the attached Bylaws:

(a) To negotiate with the Federal, State, and local governments, on behalf of the Tribe, and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Northern Cheyenne Indian Reservation.

(b) To employ legal counsel for the protection and advancement of the rights of the Northern Cheyenne Tribe and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or prevent any sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets, including minerals, gas and oil.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates
or Federal projects for the benefit of the Northern Cheyenne Tribe prior to the submission
of such estimates to the Bureau of the Budget and to Congress.

e) To engage in any business that will further the economic well-being of the
members of the Tribe and to undertake any economic activity of any nature whatever not
inconsistent with law or any of the provisions of this Constitution.

f) To administer any funds within the control of the Tribe; to make expenditures
from available funds for tribal purposes, including salaries and expenses of tribal officials
or employees. All expenditures of tribal funds under control of the Tribal Council shall
be by resolution duly approved by a majority of the Tribal Council in legal session and
the amounts so expended shall be a matter of public record at all times.

The Tribal Council, subject to the approval of the Secretary of the Interior, or his
authorized representative, shall prepare annual budget requests for the advancement to the
control of the Tribe such money as is now or may hereafter be deposited to the credit of
the Tribe in the United States Treasury or which may hereafter be appropriated for the
use of the Tribe.

g) To levy taxes or assessments upon members of the Northern Cheyenne Tribe and
to require the performance of community labor in lieu thereof, and to levy taxes or license
fees, subject to review by the Secretary of the Interior, upon nonmembers doing business
within the Reservation.

h) To exclude from the restricted lands of the Northern Cheyenne Indian Reservation
persons not legally entitled to reside therein, under ordinances which shall be subject to
review by the Secretary of the Interior.

i) To promulgate and enforce ordinances, which shall be subject to review by the
Secretary of the Interior, governing the conduct of members of the Northern Cheyenne
Tribe and any other person or persons coming within the jurisdiction of the reservation,
and providing for the maintenance of law and order and the administration of justice by
establishing a reservation court and defining its duties and powers.

j) To purchase, under condemnation proceedings in courts of competent jurisdiction,
land or other property needed for public purposes, subject to the approval of the Secretary
of the Interior.

k) To protect and preserve the property, wildlife, and natural resources of the Tribe
and to regulate the conduct of trade and the use and disposition of property upon the
reservation, provided that any ordinance directly affecting nonmembers of the Tribe shall
be subject to review by the Secretary of the Interior.

l) To cultivate and preserve native arts, crafts, culture, and Indian ceremonials.
(m) To administer charity and to protect the health and general welfare of the Tribe.

(n) To establish subordinate organizations of members of the Tribe for economic purposes.

(o) To regulate the inheritance of property, real and personal, other than allotted lands, within the territory of the Northern Cheyenne Indian Reservation, subject to review by the Secretary of the Interior, and to consult with the Examiner of Inheritance in all heirship findings before they are submitted to the Secretary of the Interior for determination.

(p) To regulate the domestic relations of members of the Tribe and of nonmembers married into the Tribe.

(q) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution subject to review by the Secretary of the Interior.

(r) To adopt resolutions regulating the procedures of the Council, other tribal agencies, and tribal officials of the reservation.

(s) To delegate to subordinate boards or officers or to cooperative associations which are open to all members of the Tribe any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers.

Section 2. Future Powers. The Tribal Council of the Northern Cheyenne Tribe may exercise such future powers as may in the future be given to the Council by members of the Tribe through the adoption of appropriate Bylaws and Constitutional amendments.

Section 3. Reserved Powers. Any right and powers heretofore vested in the Northern Cheyenne Tribe but not expressly referred to in this Constitution shall not be abridged by this article, but may be exercised by the people of the Northern Cheyenne Tribe through the adoption of appropriate Bylaws and Constitutional amendments.

Section 4. Manner of Review. Any resolution or ordinance which pursuant to this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation within ten (10) days of enactment by the Tribal Council, and the Superintendent shall, within ten (10) days after receipt, approve or disapprove same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within ninety (90) days from the date of enactment rescind the said ordinance or resolution for any cause by notifying the Tribal Council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him within ten (10) days after its receipt, he shall advise the Tribal Council of his reasons therefor. If these
reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may within ninety (90) days from the date of its enactment approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE V — BILL OF RIGHTS

Section 1. All members of the Tribe shall be accorded equal opportunities to participate in the economic resources and activities of the Tribe.

Section 2. All members of the Tribe may enjoy, without hindrance, freedom of worship, conscience, speech, press, assembly, and association as guaranteed by the Constitution of the United States.

ARTICLE VI — ELECTIONS

Section 1. All members of the Tribe eighteen (18) years of age or over shall have the right to vote at all reservation elections, except when the Federal law requires the voter to be twenty-one (21) years of age or over.

Section 2. Election Ordinances. Subject to the provisions of this Constitution and Bylaws, all elections and other membership votes, whether primary, regular, special, referendum, or other election or vote, shall be conducted in accordance with such ordinances and resolutions as may be adopted by the Tribal Council.

Section 3. Election of President and Vice President. Candidates for President and Vice President shall be determined, and the President and Vice President shall be elected in at-large general elections, as follows:

(a) A person desiring to run for President or Vice President shall file a Declaration of Candidacy which certifies the intent to run for the office and the possession of all qualifications for the office, and shall pay a $200 filing fee. For each regular election for President or Vice President after the 1996 election, the Tribal Council may adjust the filing fee to account for inflation or other factors. Any person qualifying for a general election for President or Vice President by write-in vote in a primary election shall promptly file a Declaration of Candidacy and pay the filing fee.

(b) If more than two qualified persons file to run for President or for Vice President, there shall be a primary election among such persons, conducted at large and held at least 30 days before the general election. Write-in voting shall be permitted in the primary. The two top vote-getters in the primary shall be the only candidates for such office in the general election, provided that if more than two persons tie for top vote-getter, or if there is one top vote-getter and a tie for second place, all such persons shall be the candidates. Write-in voting shall not be permitted in such general election. If a candidate dies,
withdraws or is disqualified prior to the general election, the candidates shall be redetermined on the basis of the primary results without considering votes cast for the former candidate, provided that if this yields less than two candidates, write-in voting shall be permitted in such general election.

(c) If no more than two qualified persons file to run for President or for Vice President, there shall be no primary election for such office. The person(s) who filed for such office shall be the only candidate(s) for such office in the general election. Write-in voting shall be permitted in such general election.

(d) On Tuesday, November 5, 1996, and on the date set for regular Congressional elections every four years thereafter, there shall be regular elections for President and Vice President. The top vote-getter in every regular election shall be elected for a four-year term.

Section 4. Election of Council. Candidates for the ten Tribal Council seats allocated among the Reservation districts shall be determined, and the Council members shall be elected in at-large general elections, as follows:

(a) A person desiring to run for a Tribal Council seat allocated to a district shall file a Declaration of Candidacy which certifies the intent to run and the possession of all qualifications for the office, and shall pay a $50 filing fee. For each regular election for the Tribal Council after the 1996 election, the Tribal Council may adjust the filing fee to account for inflation or other factors. Any person qualifying for a general election for the Tribal Council by write-in vote in a primary election shall promptly file a Declaration of Candidacy and pay the filing fee.

(b) If the number of qualified persons filing to run for the Tribal Council from a district is more than twice the number of open Council seats allocated to the district, there shall be a primary election among such persons, conducted within the district and held at least 30 days before the general election. Only the voters of the district may vote in the primary. Write-in voting shall be permitted in the primary. In descending order of votes received, the top vote-getters in the district primary shall be included in the general election as the only candidates for the open seat(s) in the district, until the number of such included candidates equals twice the number of such open seat(s); provided that if there is a tie for lowest vote-getter among such persons, the tied persons shall be included among the candidates. Write-in voting shall not be permitted in such general election. If a candidate dies, withdraws or is disqualified prior to the general election, the candidates for the open seat(s) in the district shall be redetermined on the basis of the primary results without considering votes cast for the former candidate, provided that if this yields a number of candidates which is less than twice the number of such open seat(s), write-in voting shall be permitted in such general election.

(c) If the number of qualified persons filing to run for the Tribal Council from a
district is no more than twice the number of open Council seats allocated to the district. There shall be no primary election for such seat(s). The person(s) who filed for such seat(s) shall be the only candidate(s) for such seat(s) in the general election. Write-in voting shall be permitted in such general election.

(d) On Tuesday, November 5, 1996, there shall be a regular election to fill the ten Tribal Council seats allocated among the districts. The top vote-getter among the candidates for the seat(s) allocated to a district shall be considered elected to the seat allocated to the district under Article III, Section 2(b) and shall serve a four-year term. The other five successful Council candidates in that election shall be considered elected to the seats allocated under Article III, Section 2(c) and shall each serve a two-year term.

(e) On the date set for regular Congressional elections in 1998, and on the comparable date every two years thereafter, there shall be a regular election to fill five open Council seats, each for a four-year term.

(f) In every regular and special election for Tribal Council, the top vote-getter(s) among the candidates for open Council seat(s) allocated to a district shall, in descending order of votes received, be considered elected to such seat(s) until the open seat(s) have thereby been filled.

Section 5. Miscellaneous Election Rules.

(a) A person may not simultaneously file Declarations of Candidacy for more than one position. A person may not be listed as a candidate for more than one position in the general elections. If a person qualifies as a candidate for more than one position in the general elections, such person promptly shall advise the Tribal Secretary as to the single position for which such person is to be listed as a candidate in such elections.

(b) Lists of all persons running in elections, whether primary or general, for President, Vice President or the Tribal Council, shall be posted by the Secretary in each of the Reservation districts at least three weeks before the date of the election.

(c) No person may simultaneously hold more than one elected office. While holding an elected office a person may run for a second office, provided that, if such person is elected, the first office shall become vacant when such person is sworn in to the second office. While employed or retained by the Tribe or an instrumentality of the Tribe a person may run for office, provided that, if elected, such person shall resign from such employment or position.

(d) In all elections for President, Vice President or the Tribal Council other than primary elections, tie votes shall be resolved by a public drawing of lots by the Tribal Secretary.
(e) If a person who is elected to office in any regular or special election dies, withdraws or is disqualified before being sworn in to the office, candidates for the office shall be redetermined and a general election shall be held in a manner which, in the judgment of the Tribal Council, is most appropriate under the circumstances and in light of the policies underlying Section 3 or 4 above, as the case may be. The decision of the Tribal Council shall be final and not subject to judicial review in any court.

(f) A person elected as President, Vice President, or Tribal Council member shall be elected for the term of office specified in this Constitution and Bylaws and until his or her successor is sworn into office.

ARTICLE VII – REMOVAL FROM OFFICE, FILLING VACANCIES

Section 1. Forfeiture of Office.

(a) Any officer or councilman found guilty of a felony in any tribal, county, State or Federal court shall automatically be removed from office and may not stand for election for three (3) years thereafter.

(b) Any officer or councilman found guilty of a misdemeanor involving moral turpitude in any court shall automatically be removed from office, but such member may stand for nomination and re-election.

Section 2. Removal from Office. Any officer or councilman who shall fail to perform the duties assigned to him or shall be guilty of gross neglect may be removed by a two-thirds (2/3) vote of the Tribal Council, after affording the accused member a fair opportunity to be heard in his own defense. The decision of the Tribal Council shall be final.

Section 3. Any complaint against the President, a member or officer of the Tribal Council must be in writing and sworn to by the complainant.

Section 4. Filling Vacancies in Office. If the office of President or Vice President, or a seat on the Tribal Council allocated to a Reservation district, becomes vacant due to death, resignation, removal, or other cause, the Tribal Council shall schedule a special election to fill the vacancy for the remainder of the term of office as follows:

(a) In the case of a vacancy in the office of President or Vice President, candidates for office shall be determined and the special election shall be held in accordance with Section 3 of Article VI. If the office of President is vacant, the Vice President shall serve as acting President in the interim. If the offices of both President and Vice President are vacant simultaneously, the Tribal Council shall appoint from within its own number an acting President who shall serve in the interim. While the Vice President or appointed Tribal Council member serves as acting President, such person’s seat on the Tribal Council shall be considered temporarily vacant, and upon completion of such service such
person shall resume occupancy of the seat.

(b) In the case of a vacancy in one of the ten seats on the Tribal Council allocated among the districts, candidates shall be determined and the special election shall be held in accordance with Section 4 of Article VI.

(e) An election to fill a vacancy shall occur no later than 90 days after the occurrence of the vacancy, provided that, if the vacancy in office occurs when there is less than 180 days remaining in the term of office, the Tribal Council in its discretion may choose not to hold the election. The decision of the Tribal Council shall be final and not subject to judicial review in any court. If the Tribal Council so chooses not to hold an election as to a vacancy in a Tribal Council seat allocated to a district, the Council promptly shall publicly solicit the filing of Declarations of Candidacy by qualified persons desiring to be appointed to the seat for the remainder of its term. No filing fee shall be required. Promptly after the close of such filing period, by majority vote the Tribal Council shall make such appointment from among all qualified persons filing a Declaration of Candidacy.

(d) Subject to the provisions of this Constitution and Bylaws, all elections and other proceedings to fill a vacancy shall be conducted in accordance with such ordinances and resolutions as may be adopted by the Tribal Council.

ARTICLE VIII -- REFERENDUM

Section 1. Upon a petition, signed by at least ten (10) percent of the registered voters from each district, a referendum may be demanded on any tribal adoption of a person or the elimination of a person from the tribal roll, or on any proposed or enacted ordinance or resolution of the Tribal Council and the vote of the majority of the qualified voters voting in such referendum shall be conclusive and binding upon the Tribal Council, provided at least thirty (30) percent of the eligible voters shall vote in such referendum.

ARTICLE IX -- LAND

Section 1. Allotted Lands. Allotted lands, including heirship land, within the Northern Cheyenne Indian Reservation shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Northern Cheyenne Tribe. Likewise, it is recognized that under existing law the Secretary of the Interior may, in his discretion, remove restrictions upon such land upon application by the Indian owner, whereupon the land will become subject to State taxes and may be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this Constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Northern Cheyenne Tribe either in exchange for a money payment or in exchange for an assignment covering the same land or other
land, as hereinafter provided.

Section 2. Tribal Lands. The unallotted lands of the Northern Cheyenne Indian Reservation and all lands which may hereafter be acquired by the Northern Cheyenne Tribe or by the United States in trust for the Northern Cheyenne Tribe shall be held as tribal lands and no part of such land shall be mortgaged, sold, or ceded. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Northern Cheyenne Tribe, or leased, or otherwise used by the Tribe, as hereinafter provided.

Section 3. Leasing of Tribal Land.

(a) Tribal land may be leased by the Tribal Council, with the approval of the Secretary of the Interior, for such periods as permitted by law.

(b) Grazing permits covering tribal lands may be issued by the Tribal Council, with the approval of the Secretary of the Interior, for such periods of time as permitted by law.

Section 4. Assignments of Tribal Land.

(a) The Tribal Council may by ordinance approved by the Secretary of the Interior provide for the granting and tenure of assignments of tribal land to members of the Tribe, provided, the rights of all members of the Tribe be not violated.

(b) Any member of the Tribe who owns an allotment or any share of heirship land or patent-in-fee land may voluntarily transfer his interest in such land to the Tribe in exchange for an assignment to the same land or for other land or a proportionate share in a larger grazing unit.

Section 5. Use of Unassigned Tribal Land. Tribal land which is not leased or assigned, including tribal timber reserves, shall be managed by the Tribal Council subject to the approval of the Secretary of the Interior, for the benefit of the members of the entire Tribe, and any cash income derived from such land shall accrue to the benefit of the Tribe as a whole.

Section 6. Purchase of Land by Tribe. The Northern Cheyenne Tribal Council is hereby authorized and empowered to use tribal funds to purchase lands or interests in lands for and on behalf of the Northern Cheyenne Tribe under such terms as may be agreed upon provided the purchase is approved by the Secretary of the Interior.

ARTICLE X — AMENDMENTS

This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the Tribe, voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the
interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of two-thirds (2/3) of the Tribal Council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters of the Tribe.

**ARTICLE XI — SEPARATION OF POWERS**

**Section 1.** Three Branches of Tribal Government. The power of the government of the Tribe shall be divided into three distinct branches — Legislative, Executive and Judicial. No person or entity charged with the exercise of power of one branch shall exercise a power belonging to another branch unless expressly authorized to do so in this Constitution and Bylaws, Tribal law, or applicable federal law.

(a) The Legislative Branch shall consist of the Tribal Council and all committees of the Tribal Council. The Tribal Council shall exercise the legislative power of the Tribe, subject to the right of referendum reserved to the Tribal membership under Article VIII.

(b) The Executive Branch shall consist of the Tribal President, Vice President, Secretary and Treasurer, and all administrative agencies, departments and other instrumentalities of the Executive Branch.

(e) The Judicial Branch shall consist of all courts established by ordinance under Article IV, Section 1(l) or any other provision of this Constitution and Bylaws.
BYLAWS

ARTICLE I — DUTIES OF OFFICERS

Section 1. The President may, if he desires, preside over all meetings of the Tribal Council. He shall, with the advice and consent of the Tribal Council, appoint delegates, representatives, committees, or other officers as are deemed proper from time to time. He shall have power to fill all vacancies, not otherwise provided for in this Constitution and Bylaws, that may occur when the Tribal Council is not in session and then he shall submit the names of such appointees at the following session. It shall be his duty to convene the Tribal Council for extra sessions. It shall be his duty to see that all enactments, orders, and resolutions are properly executed. He shall have the further right of conferring with any Federal or State official on any matters that affect the welfare of the Tribe. And he shall also have the further right to confer with the several district councils.

Section 2. The Vice President shall act as presiding officer of the Tribal Council whenever the President does not so preside. Whenever the President does not preside he may delegate any or all of his powers to the Vice President. In the event that the office of the President becomes vacant, the Vice President shall become temporary President and shall perform the duties and execute the powers of President until the office of President is filled.

Section 3. The Tribal Council Secretary shall keep a full report of all proceedings of each regular and special meeting of the Tribal Council and shall perform such other duties of like nature as the Council shall from time to time by resolution provide, and shall transmit copies of the minutes of each meeting to the President of the Council, to the Superintendent of the Reservation, to the Commissioner of Indian Affairs, and to all recognized District Councils of the reservation.

Section 4. The Tribal Council Treasurer shall be the custodian of all moneys which come under the jurisdiction or control of the Tribal Council of the Northern Cheyenne. He shall pay out money in accordance with the orders and resolutions of the Council. He shall keep accounts of all receipts and disbursements and shall make written reports of same to the Tribal Council at each regular and special meeting. He shall be bonded in such an amount as the Council by resolution shall provide, such bond to be approved by the Commissioner of Indian Affairs. The books of the Tribal Council Treasurer shall be subject to inspection or audit by the direction of the Council or the Commissioner of Indian Affairs.

Section 5. The Sergeant at Arms shall be present at all regular and extra sessions and shall keep order in such meetings and shall perform such other duties as the Tribal Council may by resolution provide.

ARTICLE II — QUALIFICATIONS

Section 1. In order for a person to be eligible for the office of President of the Tribal
Council he must be at least thirty (30) years of age and a member, by blood, of the Northern Cheyenne Tribe.

Section 2. Any person elected as a member of the Tribal Council must be at least twenty-one (21) years of age and a member of the Northern Cheyenne Tribe.

ARTICLE III -- CERTIFICATION

Section 1. The Tribal Council shall appoint an election board which shall certify to the election of all members elected and this shall be done within five (5) days after the election.

Section 2. (Oath) I, , do solemnly swear that I will support and defend the Constitution of the United States against all enemies; carry out faithfully and impartially the duties of my office to the best of my ability; promote and protect the best interests of my Tribe, the Northern Cheyenne, in accordance with this Constitution and Bylaws.

This oath of office shall be administered by a Notary Public or Judge.

ARTICLE IV -- SALARIES

Section 1. The salaries of the members or other officers of the Tribal Council of the Northern Cheyenne Tribe may be paid out of available funds within the exclusive control of the Tribal Council or out of any other available tribal funds with the approval of the Secretary of the Interior in accordance with ordinances duly enacted, provided that no Tribal Council shall enact any ordinance increasing the salaries of councilmen during the existing term of office.

ARTICLE V -- MEETINGS AND PROCEDURE

Section 1. The Tribal Council shall assemble on the first and third Mondays of each month.

Section 2. A majority of two-thirds (2/3) of the members of the Tribal Council must be present in order to constitute a quorum to do business.

Section 3. Extra sessions may be called by the President or by three members of the Tribal Council in writing to the President and when so-called two-thirds (2/3) of the members of the Tribal Council must be present to constitute a quorum, and the Tribal Council shall have power to transact business as in regular meetings.

Section 4. The presiding officer in meetings of the Tribal Council shall vote only in the case of a tie.

Section 5. Every order, resolution, or vote to which the concurrence of the Tribal Council may be necessary (except on the question of adjournment) shall be presented to the President of the Tribal Council, and before the same shall take effect it shall be approved by him
or being disapproved by him may become effective by being repassed by affirmative vote of seven members of the Tribal Council.

ARTICLE VI -- ADOPTION OF CONSTITUTION AND BYLAWS

Section 1. This Constitution and the attached Bylaws when approved by a majority of the adult voters of the Northern Cheyenne Tribe voting in a special election called by the Secretary of the Interior in which at least 30 percent of the eligible voters vote, shall be submitted to the Secretary of the Interior for approval and shall be effective from the date of such approval.

ARTICLE VII -- CODE OF ETHICS

Section 1. It is declared that the observance of high ethical standards by the President, Vice President, Secretary and Treasurer, and all members of the Tribal Council ("Tribal Officials") is essential to the conduct of Tribal government. In order to promote such high standards of public service and to strengthen the confidence of the Tribal membership in Tribal government, the principles set forth in Section 2 below are adopted as a Code of Ethics for Tribal Officials.

Section 2. Every Tribal Official shall be guided by the following principles in discharging the duties and exercising the powers of office. Except as may be otherwise specifically required or permitted by Tribal or federal law, while in office every Tribal Official shall:

(a) discharge the duties and exercise the powers of office in good faith and in a manner which the Tribal Official believes will best serve the interests of the Tribe;

(b) not accept any compensation, gratuity, benefit or advantage (other than duly authorized emoluments of office) from any source other than the Tribe in return for exercising or abstaining from exercising any duty or right of office in any particular way;

(c) not use Tribal money, property or personnel for personal benefit;

(d) not disclose or use for personal gain any confidential information of the Tribe;

(e) not knowingly falsify, alter, conceal or destroy any official book, record, account or other document of the Tribe;

(f) not present, allow or pay any charge or claim against the Tribe which the Tribal Official knows to be improper; and

(g) not knowingly make any false statement in any official statement, report, certificate or other document, presented to or on behalf of Tribal government or the Tribal membership, which has an adverse effect on significant interests of the Tribe or its membership.
CERTIFICATE OF ADOPTION

The foregoing Amended Constitution and Bylaws have been ratified and approved in the following manner, pursuant to and in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended:

The Constitution and Bylaws of the Northern Cheyenne Tribe were originally approved by the Secretary of the Interior on November 23, 1935, after they were ratified by vote of the Tribal membership in which 394 voted in favor and 53 voted against.

On July 8, 1960, the Assistant Secretary of the Interior approved certain amendments to the Constitution and Bylaws, after the amendments were ratified by vote of the Tribal membership in which 273 voted in favor and 67 voted against.

Pursuant to an order dated March 27, 1996, issued under delegated authority by the Billings Area Director, Bureau of Indian Affairs, further amendments of the Constitution and Bylaws were submitted to the Tribal membership for ratification. These further amendments consisted of Amendment A (Governmental Reform), Amendment B (Separation of Powers), and Amendment C (Code of Ethics). On May 10, 1996, the Tribal membership ratified each of the amendments by the following votes: Amendment A, 492 in favor and 74 against; Amendment B, 474 in favor and 91 against; and Amendment C, 494 in favor and 64 against.

In each of the above-described ratifying votes of the Tribal membership, ballots were cast by more than 30% of those Tribal members entitled to vote.

Llevando Fisher, President
Northern Cheyenne Tribe

Debra Bearquiver, Secretary
Northern Cheyenne Tribe

John White, Acting Superintendent
Northern Cheyenne Agency
APPROVAL

I, Keith Bearpaw, Area Director, Billings Area Office, Bureau of Indian Affairs, by virtue of authority delegated to me under the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the foregoing Amended Constitution and Bylaws of the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, as amended by ratifying vote of the Tribal membership on May 10, 1996.

[Signature]

Keith Bearpaw, Area Director
Billings Area Office

Billings, Montana, May 31, 1996
APPENDIX C

NORTHERN CHEYENNE TRIBAL COUNCIL’S RESOLUTION ADDRESSING THE AMERICAN INDIAN TRIBAL HISTORIES PROJECT
United States Department of the Interior

Executive Direction
Code 100

Eugene Little Coyote, President
Northern Cheyenne Tribe
P.O. Box 128
Lame Deer, MT 59043

Dear President Little Coyote:

Enclosed is the original of Northern Cheyenne Tribal Resolution No. NCT-212 (05) enacted by the Council on August 15, 2005 and received in this office on August 26, 2005.

Resolution No. NCT-212 (05) – the Northern Cheyenne Tribal Council prohibiting the use of Northern Cheyenne Cultural Materials and intellectual properties from being collected and exploited by the Western Heritage Center until appropriate government-to-government consultation has been achieved.

Resolution No. NCT-212 (05)- is hereby noted. The Northern Cheyenne Tribal Council has the authority to take this action pursuant to Article IV., Section 1 (a) & (f) of the Northern Cheyenne Tribe’s Amended Constitution and Bylaws.

All necessary copies of this resolution have been retained for our files.

Sincerely,

[Signature]
Superintendent

Enclosure
A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL PROHIBITING THE USE OF NORTHERN CHEYENNE CULTURAL MATERIALS AND INTELLECTUAL PROPERTIES SUCH AS TRIBAL ORAL HISTORIES, CULTURAL INFORMATION, VISUAL MATERIALS, ARTIFACT NARRATIVES, TRIBAL ARCHIVES AND ALL FORMS OF MEDIA RECORDINGS FROM BEING COLLECTED AND FURTHER EXPLOITED BY THE WESTERN HERITAGE CENTER UNTIL THE AMERICAN TRIBAL HISTORIES PROJECT'S FUNDING SOURCE CAN BE CONTACTED AND THE APPROPRIATE GOVERNMENT-TO-GOVERNMENT CONSULTATION ACHIEVED IN ORDER TO BETTER UTILIZE THE TRIBAL GOVERNMENT AND ITS CULTURAL RESOURCES.

WHEREAS; the Northern Cheyenne Tribal Council is the governing body of the Northern Cheyenne Indian Reservation by the authority of pursuant to the Amended Constitution and Bylaws of the Northern Cheyenne Tribe as approved by the Secretary of the Interior on May 31st, 1996; and,

WHEREAS; the Northern Cheyenne Tribal Council under Article IV, Section 1, part (a), is empowered to negotiate with the Federal, State, and local governments on behalf of the Tribe; and,

WHEREAS; the Northern Cheyenne Tribal Council under Article IV, Section 1, part (l), has the authority to cultivate and preserve native arts, crafts, culture, and Indian ceremonies; and,

WHEREAS; the Western Heritage Center is a non-Indian museum recipient of federal funds located in Billings, Montana that houses an extensive collection of American Indian artifacts and has received a federal grant of $2.25 million from the United States Department of the Interior to help the center collect and preserve Montana’s American Indian tribal histories and cultures, and more recently the center has received another $1.25 million in federal funding to continue and expand the American Indian Histories Project, which is a pilot program of the Western Heritage Center that is focused the research and collection of tribal oral histories from the Northern Cheyenne Tribe and the Crow Indian Tribe; and,

WHEREAS; the Northern Cheyenne Tribe did not support, approve or authorize the Western Heritage Center and the American Indian Tribes Project to conduct research on the Northern Cheyenne Indian Reservation, or collect Tribal oral histories, nor did the Tribe officially designate or identify any authority on Tribal culture and religion to work with or advise the Western Heritage Center and the American Indian Tribal Histories Project; and,

WHEREAS; the American Indian Tribal Histories Project is not a well-considered project because the Northern Cheyenne Tribe has not been properly consulted in the government-to-government fashion which gives the impression that the project’s efforts seem to be designed primarily to spend federal funds and not to learn anything that would be helpful to the Northern Cheyenne people; and,

WHEREAS; the Northern Cheyenne Tribe and the Western Heritage Center have not entered into an agreement and an understanding that would have collectively defined the purpose of the project, the
best collection method of cultural materials and intellectual properties, the Tribe’s access to and disposition of cultural materials and intellectual properties after the project’s completion, the Tribe’s ownership rights of cultural materials and intellectual properties, and the Tribe’s share of any revenues that might be generated as a result of the project; and,

WHEREAS; the Western Heritage Center has received all the benefits of the funding source to perform significant research but bears no accountability or ethics for the way in which their findings were collected or to be used, and further more, the American Indian Tribal Histories Project research remains distasteful and a disservice to the Northern Cheyenne Tribe because it is not done by professional scholars or experienced academics but by grant writers and program administrators who have the access to such funds, who are untrained in the discipline of research and who lack the critical eye and the cultural voice to make certain that the Tribe is protected from the waste and misuse of research resources; and,

WHEREAS; the American Indian Tribal Histories Project is geared on the research and collection of oral histories of the Northern Cheyenne and such research is justified to provide information that did not previously exist or that existed but in an unusable form, and as for the Northern Cheyenne, there already exists an immense body of information produced throughout the past centuries, and any further research on the Tribe should not be mere redundancies of recycled and plagiarized information, and if published and distributed should be subject to investigation on its quality and accuracy; and,

WHEREAS; the American Indian Tribal Histories conducted their research with ambiguity, carelessness and poor quality in comparison to the methods of research and styles of scholarship that are used by academics and social scientists to ensure that ethical implications are addressed in order to reflect the value of such research, to protect the integrity of the project, and uphold the cultural sensibility of Tribe; and,

WHEREAS; the Western Heritage Center and America Indian Tribal Histories Project acted naïve and uninformed by neglecting to effectively utilize the Northern Cheyenne Tribe’s cultural and technical resources for the project’s purpose such as the use of Tribal departments and personnel, the application culturally appropriate methods of research, the hands-on access to Tribal archives, the advise of Chief Dull Knife College’s cultural resources and scholars, and the discussion of any possible restriction or censorship of certain Tribal information; and,

WHEREAS; the Northern Cheyenne are rapidly losing their language and the oral tradition is fading very fast in this generation and the Western Heritage Center feels that the best way to use cultural materials and intellectual properties is by exploiting the Northern Cheyenne culture and oral histories as forms of entertainment and not tools of education by the creation of a Northern Cheyenne museum exhibit, the creation a Northern Cheyenne traveling exhibits of contemporary Tribal members, the production of educational DVDs, and an archive collection of recorded interviews, transcripts, and photographs that will be permanently housed at the Western Heritage Center for the public; and,
WHEREAS; the Northern Cheyenne Tribe’s governmental and cultural resources have made repeated attempts to raise numerous concerns by producing written correspondence for the past two years about the American Indian Tribal Histories Project with the Western Heritage Center and its staff as an effort to encourage government-to-government consultation which such correspondence have not been properly addressed and continue to be completely ignored.

NOW, THEREFORE BE IT RESOLVED that the Western Heritage Center and the American Indian Tribal Histories Project’s information gathered and research conducted pertaining to Northern Cheyenne culture and tribal history has not been approved or authorized for any publication or distribution and remains inaccurate, fruitless and artificial according to the Northern Cheyenne Tribe.

BE IT FURTHER RESOLVED that the lack of Tribal government consultation and participation in the American Indian Tribal Histories Project, combined with the inconsistency of the research methods, has made it is clear and evident that popularity, not accuracy, is the standard by which the contents of the project should be judged and that non-Indians and Indians alike will ultimately view the American Indian Tribal Histories Project as proven and endorsed by the Tribe and will be the source where future generations of Montanans will derive their knowledge of the Northern Cheyenne from, and as a result, over the long term, this project will be more harmful and damaging to the Northern Cheyenne because the project perpetuates a mass of misinformation and improper interpretations for the mainstream society.

BE IT FURTHER RESOLVED that the Northern Cheyenne Tribe views the funding of the Western Heritage Center and the American Indian Tribal Histories Project as the continuation of the historical betrayal by the United States Government against the Northern Cheyenne Tribe’s cultural sovereignty by not allowing the Tribe and its cultural resources to be included in the telling of the Tribe’s own history.

BE IT FINALLY RESOLVED that the Northern Cheyenne Tribal Council does not approve of the Western Heritage Center’s American Indian Tribal Histories and hereby prohibits the Western Heritage Center and the American Indian Tribal Histories Project from using Northern Cheyenne cultural materials and intellectual properties such as any and all Tribal oral histories, cultural information, visual materials, artifact narratives, Tribal archives, and all forms of media recordings for research, publications, and further exploitation until the project’s funding source can be contacted and the appropriate government to government consultation can be achieved in order to effectively utilize the Tribal government and its cultural and technical resources.

PASSED, ADOPTED AND APPROVED by the Northern Cheyenne Tribal Council by 8 votes for passage and adoption and 0 votes against passage and adoption and no abstentions this 15th day of August 2005.

Eugene Willie Coyote, President
Northern Cheyenne Tribe

ATTEST:

Sharlene Evans, Secretary
Northern Cheyenne Tribe

NOTED:

Superintendent SEP 13 2005
APPENDIX D

NORTHERN CHEYENNE TRIBAL COUNCIL’S RESOLUTION SUPPORTING THE DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES
United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
NORTHERN CHEYENNE AGENCY
P.O. BOX 40
LAME DEER, MONTANA 59043

IN REPLY REFER TO:

Executive Direction
Code 100

MAR - 6 2007

Eugene Little Coyote, President
Northern Cheyenne Tribe
P.O. Box 128
Lame Deer, MT 59043

Dear President Little Coyote:

Enclosed is the original of Northern Cheyenne Tribal Resolution No. NCT-016 (07) enacted by the Council on February 5, 2007 and received in this office on February 20, 2007.

Resolution No. NCT-016 (07) – supports the Declaration on the Rights of Indigenous Peoples and requesting the United Nations to adopt the same declaration on the Rights of Indigenous Peoples.

Resolution No. NCT-016 (07) is hereby noted. The Tribal Council has authority to take this action pursuant to Article IV, Section 1 (r) of the Northern Cheyenne Tribal Constitution and Bylaws.

All necessary copies of this resolution have been retained for our files.

Sincerely,

Superintendent

Enclosure
TRIBAL COUNCIL OF THE NORTHERN CHEYENNE TRIBE
NORTHERN CHEYENNE RESERVATION
LAME DEER, MONTANA

RESOLUTION NO. NCT-016 (07)

A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL SUPPORTING THE DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES AND REQUESTING THE UNITED NATIONS TO ADOPT THE SAME DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES.

WHEREAS; the Northern Cheyenne Tribal Council is the governing body of the Northern Cheyenne Indian Reservation by the authority of the Amended Constitution and Bylaws of the Northern Cheyenne Tribe as approved by the Secretary of the Interior on May 31, 1996; and,

WHEREAS; the Northern Cheyenne Tribal Council under Article IV, Section 1, part (i) has the authority to promulgate and enforce ordinances; and,

WHEREAS; the Northern Cheyenne Tribal Council feels that as one of the original peoples of the Northern American Continent, and in solidarity with all indigenous peoples located in the Western Hemisphere, including the United States, have suffered and continue to endure discrimination and injustice by the colonizer of indigenous lands; and,

WHEREAS; the Northern Cheyenne Tribal Council, the Tribal Government representing the Northern Cheyenne Tribe and its membership, have enjoyed from time immemorial a sacred and inherent commitment and responsibility of protecting and preserving our lands, resources, environment and cultures, heritages, ceremonies, values and languages from the colonization of our lands by the new comers of the continental United States; and,

WHEREAS; the Northern Cheyenne Tribal Council, in solidarity with all indigenous peoples, finds it urgently necessary that our traditional way of life, cultural values, native language and ceremonial practices be respected and promoted as inherent rights which originate from our political, economical, social and spiritual structures and systems that are deeply rooted in our culture, spirituality, histories and philosophies, especially our right to our land, territory and resources; and,

WHEREAS; the Northern Cheyenne Tribal Council feels it is crucial and necessary that the World community forever respect and promote the rights of indigenous peoples, more specifically the United Nations organization in adopting the Declaration on the Rights of Indigenous Peoples; and,

PASSED, ADOPTED AND APPROVED by the Northern Cheyenne Tribal Council by 11 votes for passage and adoption and 0 votes against passage and adoption and no abstentions this 5th day of February 2007.

Eugene Little Coyote, President
Northern Cheyenne Tribal Council

ATTEST:
Sharlene Evans, Secretary
Northern Cheyenne Tribe

SUPERINTENDENT
APPENDIX E

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES
United Nations Declaration on the Rights of Indigenous Peoples
Resolution adopted by the General Assembly
[without reference to a Main Committee (A/61/L.67 and Add.1)]


The General Assembly,

Taking note of the recommendation of the Human Rights Council contained in its resolution 1/2 of 29 June 2006,¹ by which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling its resolution 61/178 of 20 December 2006, by which it decided to defer consideration of and action on the Declaration to allow time for further consultations thereon, and also decided to conclude its consideration before the end of the sixty-first session of the General Assembly,

Adopts the United Nations Declaration on the Rights of Indigenous Peoples as contained in the annex to the present resolution.

107th plenary meeting
13 September 2007

Annex

United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,

Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Recognizing also the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social
progress and development, understanding and friendly relations among nations and peoples of the world,

Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

Considering that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

Considering also that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as the Vienna Declaration and Programme of Action, affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

Emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

2 See resolution 2200 A (XXI), annex.
3 A/CONF.157/24 (Part I), chap. III.
Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

Recognizing that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

Article 1
Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights\(^4\) and international human rights law.

Article 2
Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3
Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4
Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to

\(^4\) Resolution 217 A (III).
their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

2. States shall provide effective mechanisms for prevention of, and redress for:

   (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;

   (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;

   (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;

   (d) Any form of forced assimilation or integration;

   (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

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Article 9
Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Article 10
Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11
1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12
1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.
Article 13
1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14
1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 15
1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 16
1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.
2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

Article 17
1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.

2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.

3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

Article 18
Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19
States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 20
1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 21
1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22
1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 23
Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24
1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.
Article 25
Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26
1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27
States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples’ laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28
1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources
equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29
1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 30
1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 31
1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 32
1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Article 33
1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.

2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 34
Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 35
Indigenous peoples have the right to determine the responsibilities of individuals to their communities.
Article 36
1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 37
1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

Article 38
States, in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39
Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Article 40
Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.
Article 41
The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 42
The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 43
The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44
All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 45
Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

Article 46
1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law
and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.