

A Guide to Working with American Indians

Handbook of Information:
Forming Partnerships for Policy Development

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Framing the Issue

According to the United States Census Bureau, 4.3 million people, or 1.5 percent of the total United States population, reported that they were American Indian or Alaska Native. This number included 2.4 million people, or 1 percent, who reported only American Indian and Alaska Native as their race.¹ Assessments of the American Indian and Alaska Native population continually assert the same findings; when compared to the general United States population, American Indians suffer a disproportionate burden of social, economic and health disparities.

Numerous policies and programs have been developed and implemented within the American Indian community to address disparities in economic development, educational attainment, out-of-home placement, juvenile justice and health status. Despite these efforts, numerous challenges persist and “members of this population remain among the poorest and most disenfranchised people in the US.”² The factors contributing to the limited success of previous programs and policies are numerous.

One factor of critical importance is the absence of the American Indian voice in policy development and the political process. Inconsistent and inaccurate representation of the American Indian

¹Ogunwole, S. (2006). *We the People: American Indians and Alaska Natives in the United States*. United States Census Bureau. Available at: <http://www.census.gov/prod/2006pubs/censr-28.pdf>

² Poupart, J. et. al. (2001). *To Build a Bridge: Working with American Indian Communities*. St. Paul, MN: American Indian Policy Center.

experience among policymakers has become more concerning as federal authority and responsibility for public programs devolves to state governments. American Indian communities have historically exercised a government-to-government relationship with the federal government, which has limited the interaction between American Indian communities and states. As a result, both American Indian communities and states lack experience working together and reliable information about how the other's government functions.³

Lack of partnerships, which foster understanding between American Indian communities and policymakers, perpetuate the current cycle of limited success and disparity. This manual has been created to assist policymakers and members of the American Indian community in forming relationships by:

- Summarizing the three fundamental principles which form the basis of the unique relationship between American Indians and the federal government;
- Identifying key factors affecting the formation of relationships American Indians and states; and
- Providing recommendations to policymakers about how to work effectively with American Indian communities.

³ W.K. Kellogg Foundation. (N.d.). Tribes and States Explore Mutual Interests in Devolution. In *Building Bridges Between Policy and People: Devolution in Practice*. Available at: <http://www.wkkf.org/pubs/Devolution/Pub3649.pdf>.

Basis of the Federal Relationship

American Indian tribes have a government-to-government relationship with the United States federal government, which sets them apart from other racial and ethnic groups. The history of this complex relationship is essential to understanding the current conditions present within American Indian communities. The relationship is best described within a legal, political, and governance framework.⁴ It is based upon three fundamental principles, which include: sovereignty, treaty rights and trust responsibility.

Sovereignty

Sovereignty provides tribes authority of self government. This authority allows tribal governments to exercise legislative, judicial, and regulatory powers. More specifically it forms the basis from which tribes form governments, determine membership, maintain law and order, tax and regulate property, domestic relations, commerce and trade. These powers originated in a long history of tribes managing their own affairs. Tribal sovereignty is, therefore, original and inherent. The framers of the United States Constitution acknowledged tribal sovereignty but tribes were sovereign nations long before the formation of the United States. Tribal sovereignty is not delegated by the United States government, but rather an inherent right retained through the treaty making process.

Tribal sovereignty has been affirmed by Supreme Court rulings such as *Johnson v. McIntosh* (1823), *Cherokee Nation v. Georgia*

⁴ Poupart, J. (2003). *To Build a Bridge II: American Indians in Minneapolis and Hennepin County*. St. Paul, MN: American Indian Policy Center.

(1831), *Worcester v. Georgia* (1831), and *Minnesota v. Mille Lacs Band of Chippewa Indians* (1999).

Treaty Rights

The sovereign status of American Indian tribes was the basis for government-to-government actions, such as treaty making, between tribes and the United States government. A common misperception is that the United States government granted special rights to American Indian tribes through treaties. In reality, American Indian tribes relinquished some inherent rights while retaining others through the process of treaty making. The rights retained by American Indian tribes are known as reserved rights.

Treaties detailed what land would be relinquished, how much the tribe would be compensated, and specified the area of remaining Indian land. The 'treaty area' was land that American Indians retained following the transaction. American Indians retained rights to use the treaty area land for their sustenance. In later years, as reservations developed, American Indians still retained their inherent rights over the larger land base known as the 'treaty areas.'

Trust Responsibility

Trust responsibility is one of the most significant and motivating concepts in federal Indian law.⁵ It is the United States government's moral obligation to uphold promises made to American Indian nations in treaty negotiations. It is viewed as a

⁵ Pevar, Stephen L. (2002). *The Rights of Indians and Tribes. Third Edition.* Carbondale and Edwardsville, IL: Southern Illinois University.

federal responsibility to American Indians. The responsibility is for the United States to honor its obligations, as agreed to in the treaties, to represent the best interests of American Indian tribes and their members.

“The purpose behind the trust doctrine is and always has been to ensure the survival and welfare of Indian tribes and people. This includes an obligation to provide those services required to protect and enhance Indian lands, resources, and self-government, and also includes those economic and social programs which are necessary to raise the standard of living and social well being of Indian people to a level comparable to the non-Indian society.”⁶

⁶ American Indian Policy Review Commission. (1977). *Final Report*. Washington, DC: GPO.

History of State Relations

The direct relationship between American Indians and the federal government has historically limited the interaction between American Indians and state governments. The federal relationship, however, does not nullify the relationship between American Indians and the states in which they reside. American Indians are citizens of their tribe, the state in which they reside and the United States. Despite this dual citizenship status, a number of factors have affected the provision of services and the development of effective relationships. Some of these factors include the influence of various federal policies, disagreements between tribes and states, and availability of funding.

Influence of Federal Policies

The unique relationship between the federal government and American Indian tribes resulted in a significant number of policies and legislative acts. Although these policies were passed at the federal level of government, many ultimately influenced the working relationship between American Indian communities and states. The execution of policies which promoted assimilation into mainstream culture by: terminating federal recognition, removing children from Indian homes and encouraging abandonment of Indian communities and culture resulted in mistrust for institutions and providers. As other policies emerged and more American Indians became removed from tribal communities, debates about jurisdiction and responsibility for service delivery emerged. Knowledge of federal policies is essential for understanding the current conditions present within American Indian communities but it is also critical for understanding the historic relationship between American Indian

communities and states, which will contribute to meaningful and productive partnerships.

Disagreements

In addition to disagreements about jurisdiction and service delivery, other conflicts have arisen between American Indian communities and states regarding issues such as treaty rights, resources, gaming, and land use. Historically, some of these disagreements have resulted in litigation. Such disagreements pose a barrier to forming successful partnerships between American Indian communities and states because they can promote distrust and make both parties apprehensive. Employing mutually respectful conflict resolution approaches to address issues and disagreements before they reach litigation or result in detriments to either government is essential to building productive government-government relationships between American Indian communities and states.

Funding

Access to funding sources presents another significant barrier to forming successful partnerships between American Indian communities and states. Despite the trust responsibility, American Indian communities have historically lacked resources for program development and service delivery. In addition, resources and funding opportunities available to American Indian communities typically differ from what is available to states and local governments. Understanding these differences is essential for the development of successful relationships between American Indian communities and state governments.

Forming Effective Relationships

American Indian communities and states share common purposes and interests. Both entities are concerned with protecting the health and welfare of their constituency by: effectively and efficiently utilizing public resources; providing comprehensive programs and services; protecting the natural environment; and engaging in economic development opportunities.⁷ These mutual interests can serve as a foundation for forming relationships between American Indian communities and policymakers. The following sections include suggestions for building effective working relationships between policymaker and the American Indian community.

Connecting

Invest time to build trust. Distrust is common in American Indian communities due to a long history of broken promises. As a result, building trust is very important in forming good working relationships. Trust building, however, is a process that requires time. As a result, it is important for individual to first break down feeling of distrust by investing time for honest communication to occur.

Engage in relationship building. Get to know individuals from the American Indian community. Person-to-person relationships are important to American Indians. If an individual presents

⁷ Child Welfare Information Gateway. (2006). *Issue Brief: Tribal State Relations*. Available at: http://www.childwelfare.gov/pubs/issue_briefs/tribal_state/index.cfm.

himself as a representative of an organization, the community may not accept him because American Indians may identify that individual with organizations and institutions that they have learned to distrust. It is, therefore, more beneficial to build relationship on a personal basis. Success depends on the quality of interactions and relationships that are established within the community.

Ask individuals to meet for lunch or for coffee. American Indians respond to people, not positions. As a result, this is an excellent way to build relationships. As this occurs, the range of leadership within the American Indian community becomes evident.

Focus less on finding official American Indian leaders. Leadership within American Indian communities can differ from the mainstream perspective of leadership. Community leaders often view themselves as leaders to the extent that a community regards them as such. Often they will go to the community to seek advice and input.

Communicating

Acknowledge and respect differences in communication style. American Indian communication styles differ from communication styles in mainstream society. Whereas mainstream society values directness, American Indian culture values non-interference. While there are exceptions, traditional American Indian communication styles emphasize patience, listening, observation and non-competitive interactions. These

differences often affect communication between Indians and non-Indians.

Understand the different value given to verbal skills. The purpose of conversation and dialogue emphasizes consensus building versus persuasion. Sharing of narratives and personal experience is a powerful practice within Indian communities. The principle of non-interference is also reinforced by language and forms of intrusion, even if subtle, are considered improper behavior.

Understand differences in non-verbal communication. Other aspects of non-interference include non-verbal behaviors. Direct eye contact is desired in mainstream society but is not always welcome among American Indians. Do not misconstrue such non-verbal behaviors as shyness, lack of interest or social deficiency.

Exhibit patience and respect at meetings. American Indians tend to communicate in story form. In addition, they will take their time in making points. Sometimes non-Indians may perceive this as pointless discussion. It is not, but it requires patience and a perceptive attitude.

If it is not clear what is being said, pursue the point respectfully. People often attempt to translate what American Indians say into their frame of reference. Do not attempt to try to translate what is being said by using language such as, "What I hear you saying is..." This will not be well received and may lead individuals to stop sharing information.

Be aware of the subtle messages conveyed with language.

Honest, clear communication is an essential component to long term working relationships. The words 'if possible', 'depending upon', and 'we'll see what we can do' convey vague messages. American Indian communities perceive this as lack of commitment.

Utilize personal forms of communication. Letters, memorandums, and other formal notices are not as effective as personal communication. Face to face interactions and meetings are well received by American Indian communities. This requires effort to meet and interact with people within the American Indian community.

Participate in culturally appropriate forums. Culturally appropriate forums provide an opportunity for American Indian communities to share information about programs, policies, and service. Such environments are usually comfortable environments because they provide a space where differences in communication styles are acknowledged and valued.

Cooperating

Promote mutual understanding and respect. Facilitate understanding of both government structures involved in the process. Develop and articulate an understanding of common purposes and interests. Acknowledge that each partner is a government entity working to promote a similar agenda to benefit a particular population. This also requires partners to be aware of

individual biases and stereotypes and open to other viewpoints and experiences.

Acknowledge and respect differences in leadership styles.

Many leadership techniques typical to mainstream society are not successful or effective when working with American Indian people. Competitive or aggressive leadership styles are desirable in some mainstream settings, but voluntary cooperation may be more acceptable in American Indian communities.

Promise only what can be delivered. As previously mentioned, American Indians are often distrustful of non-Indian institutions. This distrust is due to concrete historical evidence. For this reason, it is very important to communicate honestly about what can and cannot be accomplished. This also includes sharing information about the intended purpose and objectives of programs, policies, and research.

Incorporate an approach of working with not for. American Indian communities have historically been subject to paternalism. As a result, many ineffective decisions regarding services and programs have been made on their behalf. American Indian communities are increasingly exercising self-determination to address, manage, and implement culturally appropriate responses to the day to day challenges within their individual communities. As a result, it is essential to develop cooperative planning and research strategies with American Indian communities. It is also important to build consensus between organizational decision makers and community participants. This requires the inclusion of ongoing evaluation of activities.

Integrate Indian participation. The most effective way to address issues within the American Indian community is to involve American Indian participants directly. Effective programs and projects will include American Indian participation from the beginning. Many professionals conceive and design projects and then seek participation and approval from the community. It is difficult for members of the Indian community to claim ownership of programs, policies and initiatives when they have no part in conceptualizing or developing the project. Indian advice and/or participation is essential; the earlier this happens in a project's development the more effective the outcome.

Summary

American Indians are valuable decision makers about issues impacting their communities. Despite possessing invaluable knowledge and experiences, the voice of American Indians remains largely unheard in the policy making arena. Without such insight, the cycles of insufficient resources, ineffective programming and disparity are sure to continue. This publication was created to facilitate relationship building and understanding between American Indian communities and policy makers. More specifically, the manual aims to educate about the historic relationship between American Indians and the federal government and the implications of this relationship for tribal-state interactions. Recommendations for fostering connections, communication and cooperation with American Indian communities are also presented. While the implementation of such recommendations can be challenging and time consuming, the contributions of effective partnerships are invaluable to the development of successful policies and programs.

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