

**The 1934 Indian Reorganization Act and Indigenous Governance: A Comparison of
Governance of Santa Clara Pueblo and the Turtle Mountain Band of Chippewa Nations --
1991 – 2000**

Kent A. LaRoque

Thesis submitted to the faculty of the Virginia Polytechnic Institute and State University in
partial fulfillment of the requirements for the degree of

Masters of Art

In

Political Science

Dr. Jeff Cornassel, Chair

Dr. Timothy Luke

Dr. Scott Nelson

June 23, 2004

Blacksburg, Virginia

Keywords: Native American Politics, Federal Indian Policy, Indigenous People

**The 1934 Indian Reorganization Act and Indigenous Governance: A Comparison of
Governance of Santa Clara Pueblo and the Turtle Mountain Band of Chippewa Nations –
1991 – 2000**

Kent A. LaRoque

Abstract

Native American communities are continually impacted by Federal Indian policy. Over one-half of all Native American nations function politically under the provisions of the 1934 Indian Reorganization Act (IRA). There are claims that many of these Native American communities experience intra-tribal conflict due to the lack of congruence between the tribal governments formed under the IRA and cultural traditions of governance. This claim was investigated via a comparative trend analysis of the Santa Clara Pueblo, operating politically under the IRA provisions, and the Turtle Mountain Band of Chippewa, operating under a constitutional form of governance outside of IRA provisions. After an historical analysis, an evaluation of tribal constitutions, and an examination of news media coverage for the period of 1991 – 2000, the project concluded that the legacies of the IRA are not the primary causal agent of intra-tribal conflict.

To Dawn and Tanner, my wife and son –
each, by their nature, discovers possibility.

Acknowledgements

Without the assistance, guidance, and patience of many individuals during this project, I would still be fumbling in the dark.

I would like to thank the following people for their aid. Warren Zuger found a graduate school that suited my family. The librarians at Gloucester High School allowed access to their technological resources, even when inconvenient. Also, the librarians at Gloucester Public Library obtained many essential sources through inter-library loan. Phyllis Harris managed to walk me through a formatting crisis at the last minute. Your assistance has been appreciated more than you know.

I would like to thank the following people for their guidance. Jayne Smith was responsible for my seeking an advanced degree. Warren Zuger talked me out of dark moments while working on this project. The questions of genuine interest by John Moravetz and Scott Shiner were continual sources of encouragement. Dr. Timothy Luke and Dr. Scott Nelson were instrumental in narrowing my initial proposal and forcing me to solidify the final product. Dr. Jeff Cornassel was always kind in his words, but never let me settle for less concerning this project. The guidance of these individuals has been an experience to be cherished and never forgotten.

I would like to thank the following two individuals for their patience. My wife, Dawn, and my son, Tanner, persevered through lean times of interaction as I lost myself in the project. I am immensely thankful that they always pulled me into reality when necessary.

Whatever is deemed well done in this project could not be so without any of you. Whatever is deemed other than well done in this project is my sole responsibility.

My deepest thanks are extended to all of you.

Table of Contents

Chapter 1: An Introduction to the Project	1
Chapter 2 – Historical and Constitutional Comparisons	20
Chapter 3: Santa Clara Pueblo – Adaptive Peoplehood and Governance: 1991 – 2000	41
Chapter 4: Turtle Mountain Chippewa – Adaptive Peoplehood and Governance: 1991 – 2000	56
Chapter 5: Drawing Conclusions – Comparing Santa Clara and Turtle Mountain Adaptive Peoplehood and Governance	76
Epilogue	87
References	95
Appendix A: Santa Clara Constitution	115
Appendix B: Turtle Mountain Chippewa Constitution	130
Vita	148

Chapter 1: An Introduction to the Project

Since the enactment of the Indian Reorganization Act (IRA), June 18, 1934, more than one-half of all American Indian governments have operated via constitutions reflecting U.S. political concepts of majority rule, individual rights, adversarial judicial processes, and hierarchical governmental systems (Alfred 2002: 15-18; Barsh and Henderson 1980: xi; Bee 1999: 285; Deloria 2002: 23; Harris, Sachs, Broome 2001: 114; O'Brien 1989: 83, 199-201). Current reservation politics is marked by substantial schismaticism and discord, which at times has been connected to an incongruent interplay of the administration of IRA constitutions, native traditions, and native values (Bee 1999: 285-287; Harris, Sachs, Broome 2001: 115-116, Porter 1997: 54). IRA constitutions have been associated with intra-tribal conflict and a declining emphasis of traditional governance, resulting in challenges to the legitimacy of native governments (Alfred 2002: 18; Broome 1995: 205; Champagne 1992; Deloria 1991; Deloria and Lytle 1983; 1984: 8-9; Kulchyski 1997: 1; O'Brien 1989: 14-15, 201-202; Philp 1985; Pitawanakwat and Paper 1996: 9). Regardless of their colonial legacies and ongoing intra-tribal disputes, contemporary Native American governments represent indigenous sovereignty and community-building in the "midst of a wholly new and modern civilization that has been transported to their lands" (Deloria and Lytle 1984: 2). This study will examine the possible ties between IRA constitutions and intra-tribal conflict, characterized as continuing incongruities between IRA constitutions and traditional conceptualizations of indigenous governance.

Governance could not be given a succinct definition. However, for the purposes of this study, it is understood to be the following: a means of authoritative community administration, which fosters within community members a sense of faith in, or loyalty towards, not only governmental agencies and institutions themselves but also their course of action (Institute on

Governance 9/2000:1; Graham, Amos, Plumptre 2003: 2; Graham and Edwards 2003: 2). It has been surmised that Native American cultures, regardless of variance in cultural traditions of governance, have experienced heightened intra-tribal conflict because of debate within the native populace over the acceptance of the governance created by the adoption of their IRA constitutions. The news-print media has focused upon such intra-tribal conflicts as the leadership turmoil of the Tigua (Texas), the tribal membership turbulence of the Shakopee Mdewakanton Sioux (Minnesota), and the casino wealth distribution tumult of the Redding Rancheria (California). The media, however, has overlooked how these examples are symptoms of the inadequacy of IRA governance structures to resolve community dispute (Giago 1996; Lurie 1997; May 2004). Therefore, in order to evaluate the extent of intra-tribal conflict as a result of the adoption of culturally incongruent governance systems among diverse Native American nations, Santa Clara Pueblo and the Turtle Mountain Band of Chippewa were selected for comparison. These nations have been selected for this study because each had been involved in IRA congresses held in 1934-35, through direct delegate representation and through discussion of issues directly related to each nation (Deloria 2002: 91, 177). Additionally, the selected nations were suitable for comparison due to their differing perceptions of the proposed IRA. The delegates of Santa Clara Pueblo at the All-Pueblo Council participated in discussions of the IRA and were somewhat unsure of their support for the bill, indicated by the following statement attributed to the Clara delegation:

“Santa Clara is in doubt of the Bill yet, but we will notify the Office later on.

We have to notify the Council first” (Deloria 2002: 200).

The Santa Clara Pueblo eventually ratified the IRA and the pueblo turned to the adoption of an IRA constitution in a time of internal strife (Arnon and Hill 1979: 302). Despite their constitutional adoption, the *Santa Clara Pueblo v. Martinez* (436 U.S. 49 1978) case points towards existence of intra-tribal conflict due to differing views among pueblo member regarding pueblo membership and the related tribal constitutional interpretation (Garrouette 2001). Santa Clara Pueblo was an excellent case study to evaluate the association of IRA constitutions and intra-tribal conflict because of its participation in the discussion of the proposed IRA at the All-Pueblo Council, adoption of an IRA constitution to alleviate internal discord, and later evidence of at least one significant occurrence of intra-tribal conflict.

Just as Santa Clara Pueblo participated in discussions related to the IRA at the All-

Pueblo, the Turtle Mountain Chippewa also sent delegates to participate in the discussions of the IRA at the Rapid City congress. During the congress the Turtle Mountain delegation did not necessarily view the bill's provisions to be in their best interests, as illustrated by the following quote:

“Concerning this self-government I am not quite ready to accept it yet because my people are just starting. I desire to say I will recommend to extend it a few years. That is my desire. Thank you” (Deloria 2002: 87).

According to the 2003 Turtle Mountain Government homepage (www.turtlemountainchippewa.com), the disinterest resulted in the indigenous nation's rejection of the IRA provisions, which was in part due to their adoption of a constitution in 1932. The Turtle Mountain Band of Chippewa, is an excellent point of contrast to the Santa Clara Pueblo, because its delegates appeared hesitant to embrace the IRA bill and the nation's adoption of a constitutional government outside of IRA provisions. These two nations, consequently, offer the study a unique opportunity to compare Santa Clara Pueblo, an indigenous nation governmentally incorporated under the IRA bill from an original perspective of uncertainty and time of turmoil, to the Turtle Mountain Chippewa which developed a constitutional government outside of IRA provisions. Using news reports from Ethnic Newswatch and other sources, this study conducted a comparative trend analysis for the period of 1991 – 2000 in order to determine if recent intra-tribal conflict can be associated with IRA constitutions to a greater degree than Indigenous governance systems adopted outside the policy directives of the IRA means.

What follows is an explanatory progression of this study. First, a general background discussion of the IRA policy will be presented. Secondly, a review of literature correlating the IRA's impact on indigenous communities will be provided, which will identify key concepts and issues for the study to address. Thirdly, a section of this chapter will address the methods to be used in the study. Finally, the organization of the study will be plotted for the reader.

IRA Policy Background

The IRA policy was not generated in isolation from other federal legislation related to Indian affairs. James E. Officer's essay, “The American Indian and Federal Policy”, divided federal Indian policy into four programs. Initially, federal Indian policy followed the British formula of Indian relations, focusing on land cessions. The American government recognized the native groups as sovereign and through the use of treaties acquired more and more land to be

used free from Indian interference (1971: 10 – 11). This policy gave way to a program of removing Indians desiring to “live in a tribal status” from lands East of the Mississippi River to lands West of it (1971: 14). By 1830 this program was “well underway in the states or territories of Ohio, Michigan, Indiana, Illinois, Minnesota, and Wisconsin” and “by 1840 was fairly completed” (1971: 17, 26). During this phase, the American government welcomed the civilization of Indians, typically through urbanization or acculturation of American ways, but it did little to assist Native Americans in their adjustment (1971: 23). The third era of federal Indian policy lasted roughly from the decline in the removal effort to the 1870s (1971: 28 – 30). This period was the era of peace commissions to “carry forward the negotiations of treaties with western tribes and the placement of Native Americans onto reservations” (1971: 28). From 1867 – 1868, ten treaties were signed resulting in the establishment of eighteen reservations, which included the assistance of religious groups that would manage reservation funds and accelerate Indian acculturation (1971: 28). The era of peace commissions and reservations was also distinguished by the 1871 congressional act that unilaterally declared that Indian nations would no longer be recognized by the United States as independent powers with the additional tenet that the tribes would no longer be dealt with via treaties (1971: 30). The last policy prior to the IRA was the Dawes Severalty Act, or General Allotment Act, of 1887 (1971: 34).

The Dawes Act was devastating to native communities. D. S. Otis, in *The Dawes Act and the Allotment of Indian Lands* identified the legislation’s four major provisions (1973: 6 – 7). First, all reservation land would be allotted to members of tribes according to the following method: 160 acres to heads of families, 80 acres to single individuals over eighteen, 80 acres to orphaned children under eighteen and 40 acres to single individuals under eighteen (Otis 1973: 6). The second provision stated that allotments would be held in trust by the federal government for twenty-five years (Otis 1973: 7). Thirdly, reservation communities had four years to allot the land, otherwise selections would be made for them by officers of the federal government (Otis 1973: 7). The final provision stated that American citizenship would be conferred upon allottees and other Indians who had adopted “the habits of civilized life” which was simply characterized as an “independent farmer”. The purpose of the provisions was two-fold: (1) destruction of the reservations, thus increasing the availability of land, and (2) to bring security and civilization to Indians (Otis 1973: 32). However, before its passage into law, forty-nine Indian agents were asked for their “perception of severalty” and “not a single agent believed the Indians under his

charge were ready for allotment, and more than half doubted the policy would succeed” (Washburn 1975: 19). It was not unexpected when the Dawes Act failed.

The Dawes Act never completely destroyed the reservation system, nor did Native Americans obtain security. Non-allotted land was quickly sold and much of the land in trust was leased to whites, with little discouragement from government agents (Otis 1973: 125 – 126; Washburn 1975: 25). Leasing, a natural precursor to land sales, caused a decline in agricultural activity on reservations, insufficient growth in grazing, and low income from extremely low leasing fees (Otis 1973: 140 – 145). Further complicating the issue was the fractionalization of land ownership due to heirs receiving portions of land from deceased relatives (Washburn 1971: 151). Each generation’s holdings became smaller and smaller and less useful for farming and grazing which promoted the sale or lease of land (Washburn 1971: 151). At the time of the Dawes Act’s enactment, the Native American land base was 138,000,000 acres, but by 1934, sixty-percent had “passed out of Indian hands” (Washburn 1971: 145). In 1928, the Merriam Report was issued and revealed the inadequacy of federal Indian policy citing “poverty, poor education, poor health and numerous other problems” (Schneider 1986: 92).

John Collier, having become an ardent advocate of Native Americans through his experience working with the Pueblos of New Mexico in the early 1920s, endorsed significant changes in federal Indian policy (Deloria and Lytle 1984: 46-47; O’Neil 1995: 34-35; Philp 1977: 36-45, 71-91, 113-118). Collier, acting as Indian Commissioner, furthered his goal “that the integrity of Indian life and of Indian lands should be absolutely protected” in the promotion of his proposed Indian Reorganization Act. Collier advocated his proposal in sessions before committees in the House and the Senate, as well as before Native American delegations in regional conferences (Deloria 2002: xi, Deloria and Lytle 1984; O’Neil 1995: 35). However, the Collier bill as discussed at the congresses was not the same as the IRA law passed on June 18, 1934 (Deloria 2002: 8-23).

“The Original Collier Proposal”, as discussed at the Indian Congresses, was delineated by four titles and each contained numerous sections and sub-sections (Deloria 2002: 8 - 19). Title I, Indian Self Government, had thirteen sections and thirty sub-sections. The title called for “Congress to grant to those Indians living under Federal Tutelage and control the freedom to organize for the purposes of local self-government and economic enterprise, to the end that civil liberty, political responsibility, and economic independence shall be achieved among the Indian

peoples...” (Deloria 2002: 8). Title II, Special Education for Indians, had two sections and three sub-sections. The tenets required that “suitable provision for the training of Indian members of chartered communities and other Indians of at least one-fourth degree of Indian blood, in the various services now entrusted to the Office of Indian Affairs...” (Deloria 2002: 13). Title III, Indian Lands, had twenty-one sections. These sections declared that Congress was “to undertake a constructive program of Indian land use and economic development, in order to establish a permanent basis of self-support for Indians living under Federal tutelage ... and for the consolidation of Indian landholdings in suitable economic units” (Deloria 2002: 14). Title IV, Court of Indian Affairs, had twenty-five sections and seven sub-sections that were to establish “a United States Court of Indian Affairs” in service to Indian nations. The Collier bill was intended to be pervasive, as its many sections and sub-sections indicated, in its impact on the relationship between native nations and the federal government. The Congressionally adopted IRA was much less detailed and absent incorporation of aspects from the congresses held with Indian nations from 1934-1935.

The Congressionally adopted IRA addressed all of its concerns in nineteen sections. A summary of highlights revealed the major provisions of the IRA. The first topic addressed was related to land holdings and stated that the federal government would no longer follow the policy of allotting land in severalty to Indians (Deloria 2002: 20). The IRA also allowed reservation communities to organize for “common welfare” and to “adopt an appropriate constitution and by laws...when ratified by a majority vote of the adult members of the tribe, or of the adult Indians residing on such reservation, as the case may be, at a special election authorized and called by the Secretary of the Interior” (Deloria 2002: 22). Additionally, the IRA allocated \$10,000,000 from which loans could be issued to chartered Indian corporations “for the purpose of promoting the economic development of such tribes and their members” (Deloria 2002: 21). There was also a provision that established the policy of Indian preference for hiring, or appointing, individuals for positions in the Indian Office (Deloria 2002: 22). Education, too, was addressed and the law required that no more that \$250,000 be allocated for “tuition and other expenses in recognized vocational and trade schools” (Deloria 2002: 22). The final provision of the IRA defined Indian identity by connecting membership to a required blood-quantum. Its provision stated the following:

“all persons of Indian descent who are members of any recognized Indian tribe now

under Federal jurisdiction, and all person who are descendents of such members who where, on June 1, 1934, residing within the present boundaries of any Indian reservation, and shall further include all other persons of one-half or more Indian blood” (Deloria 2002: 23).

It appeared that though it was far less detailed in its requirements, the IRA covered three of the titles found in Collier’s proposal: self-government, land holdings, and education. The only title from the Collier proposal not addressed was the creation of a special court for Indian affairs. It was in this form that the IRA went to tribal communities for ratification or rejection.

The IRA was ratified by approximately 188 native nations under dubious adoption methods and led to the acceptance of constitutions that tended to be quite similar in that they primarily reflect western political concepts (Deloria and Lytle 1984: 169, O’Brien 1989: 82-83; Wilkins 2002: 134; Willerd 1994: 7). The questionable ratification process imposed on native peoples is attested to by Kenneth R. Philp’s revelation of a “special ruling which counted in favor of the measure all eligible voters who failed to cast a ballot” (1977: 162). Counting actual ballots cast, seventeen tribes, voted down adoption of the IRA. However, when eligible voters abstaining from the elections were counted as votes in favor of adopting the IRA, these native nations found themselves subject to the provisions of the IRA (Philp: 1977: 162). Vine Deloria, Jr. and Clifford M. Lytle compound the discreditable nature of the ratification process by indicating that many individuals in native communities were pressured into adopting the IRA “because there would not be another chance to gain the benefits the law promised” (1984: 152). Once native communities ratified the IRA, resulting constitutions exemplified further influence of non-native pressures due to their similarity. A primary reason IRA constitutions were analogous was that “Indian field agents...brought with them model constitutions that had been developed by the Bureau of Indian Affairs. There was a feeling among the tribes that they were more or less obliged to accept the constitutions which were presented to them” (Bennet 1995: 83), thus they offered tribes a basic political organizational structure to follow (Walkup 1995: 43). Though these constitutions provided a basic governmental structure, David E. Wilkins argues that they “only rarely coincided with tribes’ traditional understandings of how political authority should be exercised” (2002: 114).

Literature Review

Historically, it has not been uncommon for Native American nations to adopt Western-style governmental systems. Deloria and Lytle state that “Contact with the settlers, and the need for a formal organization to deal with the increasing complexity of commercial and political relationships that ensued from these encounters, forced many tribes to adapt their forms of government within several decades of European contact” (1983: 89-90). Native nations in Massachusetts established small town political systems resembling those of the colonist, and nations in the Ohio Valley region altered their traditional governance structures in an “attempt to preserve their lands and independence” (Deloria and Lytle 1983: 90). In *Social Order and Political Change*, Duane Champagne illustrates how the adoption of constitutional forms of government caused the weakening, if not the total loss, of Creek, Cherokee, Chickasaw, and Choctaw governance which was based on the interconnectedness of villages, kinship units, and consensual governance. These four nations typify the problems associated with adopting non-traditional governmental procedures. The traits of traditional governance are lost, or severely minimized, as competing social interests replace emphasis on social harmony.

The adoption of IRA constitutions by Native American nations had similar results as the Creek, Cherokee, Chickasaw, and Choctaw experienced in their earlier attempts to adjust their traditional governance systems to Western political concepts. Robert B. Porter indicates that “in recent years, intra-tribal violence and the number of deadly internal political disputes have increased” as “the Turtle Mountain Chippewas, the Tinkawas, even the 200 member Pomo Tribe of California have fallen prey to the need to fight amongst themselves.” (1997: 54). Conflict within constitutional tribal governments has been associated with concerns of legitimacy to such an extent that some “tribal councils are fighting amongst themselves” (Reifel 1995: 57). At times tribal councils were unable to “write checks, because they are tied up in fussing over who is going to be in control” (Reifel 1995: 57). In Oklahoma, the Comanche had at times been “paralyzed in deciding major issues partly because of the clash in values between their traditional culture and the promise of their contemporary government processes (which were based for the most part upon modern European American understandings)” (Harris, Sachs, Broome 2001: 114). Dispute over constitutional powers has occurred in the Las Vegas Paiute Tribe over the power of the council to terminate tribal membership (Taliman 2002: 8-9). These examples, according to Robert B. Porter suggested, “the inability of Native people to digest the after-effects

of the generations of political and social change that have been forced upon them” (Porter 1997: 54). These examples also implied that the governance of the IRA constitutions has not cultivated a sense of faith and loyalty within native communities.

The United States as an exemplary model of a modern Western nation-state, had been understood in predominantly institutional and political perspectives by fields of economics, sociology, political science, and numerous other disciplines. Native American cultural traditions of governance cannot be evaluated in terms of government alone, due to governmental “coextensiveness with other functions of the community” (Deloria 1992: 211). Holistic societies, centered on community building, transcend the understanding of singular academic disciplines. Therefore a suitable conceptualization is necessary for studying Native American societies. Holistic governance, attempts to coordinate almost every facet of a community and is thus supported by the community. The concept of “Peoplehood”, as presented by Holm, Pearson, and Chavis, is a more proper conceptualization of traditions in Native American holistic governance (2003: 10). Peoplehood is useful as a tool for comparative study of differing Native traditions of holistic governance. The concept is not meant to be a perfect fit for each native group but is suitable in that it provides points for comparing what differing native nations have in common or where they deviate according to those points. The concept of Peoplehood, is to be considered “a holistic matrix that reflects a much more accurate picture of the ways in which Native Americans act, react, pass along knowledge and connect with the ordinary as well as the supernatural worlds” and “does not allow knowledge to be fragmented” (Holm, Pearson, Chavis 2003: 15, 19).

Peoplehood consists of four interrelated social concepts: language, sacred history, land, and religion (Holm, Pearson, Chavis 2003: 12-13). In a holistic example, “group-particular language” revealed the sacred history of a peoples’ origins, while sacred history spoken “in the vernacular” bound people together in relating proper social behavior to ceremonies (Holm, Pearson, Chavis 2003: 12-13). Ceremonies bound communities to special relationships with land areas, and religious beliefs allowed for continual divine intervention as the society fulfills and maintains its sacred responsibilities (Holm, Pearson, Chavis 2003: 12-13). Russell Lawrence Barsh indicates that the concept of Peoplehood included ways to incorporate outsiders into native society, for “when the first Englishmen arrived, Indians tried to assimilate them into the indigenous legal system by making them kinsmen” (1991: 12). It was, therefore, possible to

extend, or build, the community by extending the rights and intricate responsibilities of community members to outsiders. Peoplehood, as described, while suited to traditions of tribal governance prior to tribal constitutions, nevertheless, provides direction for understanding the complex interplay of cultural factors impacting Native American communities that can be useful for the analysis of this study.

Prior to contact with Europeans, all Indian nations had laws and customs that revolved around a communal paradigm, or perception of reality, including views of proper leadership and decision making styles (Barsh 1986: 181; Barsh and Henderson 1980: xi; O'Brien 1989: 201). Leaders of native communities used their persuasive skills to develop consensus on major decisions, thus minimizing inter-tribal conflict and in this way maintained harmony (Alfred 2002: 34; Barsh 1986: 185; Boldt and Long 1984: 545; Harris, Sachs, Broome 2001: 115-117; O'Brien 1989: 15). Similar to leaders building consensus, was the responsibility of leaders to resolve disputes in such a way as to administer justice that would benefit the community, not individual interests (Deloria and Lytle 1983: 80; Porter 1997: 55-56). Thus, in indigenous governance the traditional judicial process of peacemaking was unlike Western litigation. Traditions of indigenous governance, it seemed, were non-adversarial with no representation for individuals. Each of the involved individuals had to engage directly with a leader interested in the issue; the goal was to restore the relationship so the community would remain whole (Champagne 1992: 16-19; Deloria and Lytle 1983: 111; Porter 1997: 55-56). Each individual was to be respected for his/her individuality, as each person had a responsibility to the community and was therefore accountable to the community (Barsh 1986: 185, Champagne 1992: 21). Cultures operating within a holistic framework of governance, or Peoplehood, it would appear, could not endure the incorporation of litigious conflict resolution without discord.

Traditional governance could not be maintained via politics or peacekeeping alone, for in many native societies, political processes and peacekeeping could not be isolated from spirituality – it is in this context that each individual was indispensable to the community (Deloria 1992: 211; O'Brien 1989: 202). Other than leaders, harmony of the native society was to be maintained by the central social unit of most Indian nations – the kinship unit of the clan (Alfred 2002: 34; Champagne 1992: 237; Porter 1997: 56; Kulchyski 1997: 1; Willerd 1994: 8). In some native cultures clan membership determined the responsibilities of individuals to the community, the enacting of retribution for violations of social norms, and maintained

spiritual/religious responsibilities (Alfred 2002: 34; Kulchyski 1997: 1; Perdue 2000: 562-564; Willerd 1994: 8). Individuals had responsibilities to the community from which harmony could be ensured and each had membership in specific clans. Leaders, responsible for community consensus, dared not to ignore clans if they were to fulfill their responsibilities properly. Native American nations that adopted IRA constitutions have become pluralistic in a similar fashion to American politics. Thus, Native American nations that adopted IRA constitutions which emphasized American concepts of factional-pluralism, individual rights, and antagonistic litigation were supposed to be characterized by internal political conflict. The concept of Peoplehood suggested that Native American nations were adaptive and ever changing, but intra-tribal conflict implied that the constitutions of some Native American nations were not in proper alignment with the respective paradigm of Peoplehood.

The concept of Peoplehood, as it stands, falls short of properly depicting current Native American communities in several aspects. The concept can be modified to better suit the contemporary era of Native American communities. For instance, it is certain that many indigenous languages have ceased to exist. It is believed that of the 175 native languages still spoken in 1996, forty-five of them were expected to be extinct by the year 2000 (Crawford 1996). Even the Navajo nation, once in possession of a wide population of native speakers, continues to experience a “rapid erosion” of the numbers of native speakers (Crawford 1996). According to the Ethnologue listing for the Tewa language (1980 census report), of which the Santa Clarans have their own dialect, 49.8% of individuals below age eighteen spoke Tewa and 70% of those above eighteen spoke Tewa. The Ethnologue report for the Tewa further indicates that many younger individuals prefer English. This is another indication of the decline of indigenous languages. Language use within the Turtle Mountain community has changed from the original Algonquian to Michif (blend of French and Algonquian terms) to the modern predominance of English (Schneider 1986: 43). The Ethnologue report for Michif (1990 census) indicates only 390 speakers. Indigenous languages are disappearing and group-specific languages are no longer functioning as the primary form of communication in many contemporary native communities. Language in contemporary native communities may not fit the model of Peoplehood depicted for traditional native communities, but whatever language is in dominant use is the community’s language.

Another concept of Peoplehood, sacred land, does not correctly reflect the fact that many

native nations no longer reside within the bounds of their original homelands. The Dakota, for example, once ranged Minnesota, Wisconsin and Northern Iowa but their lands now consist of reservations as far west as the Dakotas (Schneider 1986: 71, 99-100). However, the value of maintaining a relationship between individuals and land is not stationary. Native societies may desire to regain control of their ancestral burial grounds and other sacred lands, however, in the current reservation situation the spiritual relationship between individuals and land persists wherever the individual reside – all land is due its proper respect (Deloria 1992: 172-175). The relationship between individual and land, though not always on traditional lands as the framework of Peoplehood explained, persists in many contemporary native communities.

The issue of how Native American communities handled outsiders, as addressed by the traditional framework of Peoplehood, can similarly be adjusted to contemporary native societies as well. At one time outsiders used to be non-Indian, but now they are the tribal members who live off of the reservation. Data from the Navajo Nation Washington Office homepage indicates that the Navajo nation has 255,543 enrolled members with only 180,000 of them being residents of the reservation (2003). The homepage for the Turtle Mountain Chippewa indicates that “more than 16,500 enrolled members” live on or near the reservation with “an additional 11,000 members enrolled” living elsewhere (2003). It is estimated that sixty-three percent of Native Americans do not live on lands associated with reservation or tribal land (Wilkins 2002: 36). It is estimated also that since the 1970s, one-half of American Indians have lived in cities (Nagel 1996: 235). The Native Americans living in cities, in comparison to their reservation counterparts, tend to experience “increased income, employment, higher levels of education, lower rates of fertility, greater rates of intermarriage, and native language loss” (Nagel 1996: 235). The situation for some native nations is exacerbated by their allowance of non-resident enrolled members to participate in reservation politics, causing political friction between non-residents and residents (Fahey 2001: 163). *In Real Indians: Identity and the Survival of Native America*, Eva Maria Garrouette points out two factors impacting issues of Native American identity. The combination of a minimum blood requirement by two-thirds of tribes for legal tribal citizenship and the higher rate of Native American and non-Native American intermarriage by urban Indians may be creating a group of “outalucks” (2003: 14). The “outalucks” are, therefore, a “people of Indian ancestry, who are nevertheless unable to negotiate their identity as Indians within the available legal definitions” (Garrouette 2003: 14). Traditional kinship ties,

which maintained proper familial and social relationships, clash with definitions of legal tribal membership and generate political friction within reservation communities. A close-knit community with such circumstances appears unlikely; thus the maintenance of group consensus is complicated. The conceptualization of Peoplehood, as represented by Holm, Pearson, and Chavis, is more suited to analyzing cultural traditions of governance in native communities prior to adoption of tribal constitutions. However, it can be readily modified to serve this project.

As an alternative to Holm et al's version of Peoplehood, the concept of Adaptive Peoplehood is suitable for comparing Native American communities in the contemporary era. Adaptive Peoplehood is used to compare Native American communities holistically according to the interaction of the following components: legacies of colonialism, current political/social institutions, community values, and cultural traditions. Thus Adaptive Peoplehood may be used to identify the colonial legacies, political/social institutions, and cultural values for Native American communities. Intra-tribal conflict occurs when these components do not smoothly interact. Adaptive Peoplehood demonstrates that indigenous peoples within the United States possess a unique legal status as a group part of, yet separate from, general American society.

The difficulties of this situation are revealed by understanding that, because of recent Native American contexts of language loss, modified relationships with historical lands, and member population patterns, "many tribes find themselves facing a severe reduction in the number of tribal members who are cognizant of the inner workings of their culture" (Smith 2000: 64). Joane Nagel adds that "Divisions among tribal populations on reservations along age, kinship, religion, or degree of ancestry" exist in contemporary native communities, conveying the reality that societal structures of native nations are not what they once were. Still, the native nations remain. They stress a historical social and political continuity with a continuous membership that is not only perceived by the community, but also "perceived by others as Indians" (Nagel 2000: 97, Lerch 2002: 32). American society, as well as, state and federal law played a role in reinforcing contemporary indigenous cultural identity (Nagel 2000: 61). The "interplay between external ascription and individual self-identification" caused indigenous identity to be the result of a negotiated identification (Nagel 2000: 94, Lerch 2002: 31). The concept of Peoplehood, thus, did not provide for the consideration of such impacts on Native American communities. For a better understanding of current Native American communities, Adaptive Peoplehood allows for a contemporary identification of community, even though

Native American communities have changed due to the acculturation of non-traditional languages, lands, population patterns, movement to urban areas, and governance structures. Adaptive Peoplehood is vital to this study, as the Adaptive Peoplehood characteristics associated with the Turtle Mountain Chippewa and the Santa Clarans are to be used as a point of social comparison in the evaluation intra-tribal conflict during the 1991 – 2000 period .

As Adaptive Peoplehood suggests, Native American communities became something quite different from that of their pre-reservation way of life. Pre-reservation societies retained their community unity despite competition for prestige and influence along clan ties, band associations, and secret societies (Schneider 1986: 70, 75). Competition for prestige and influence existed in recent times within indigenous societies as well, but the methods and mores for mediating these conflicts were based more significantly upon Anglo-American political practices and values rather than upon indigenous traditions. As a result of this discontinuity between traditions of indigenous governance and Anglo-American governance, many tribal communities experienced intra-tribal conflict (Alfred 2002: 35; Bee 1999: 288; Harris, Sachs, Broome 2001: 114-119). It was the premise of this study that intra-tribal conflict within native nations could have been associated with incongruence between the constitutional forms of governance and other factors of the community's Adaptive Peoplehood.

IRA legislation, was thus, a product of an American society entrenched in the political paradigm of pluralism. In America's pluralistic democracy the only alternative views tolerated are those that do not conflict with the values of the majority, making consensus on any issue almost impossible (Alfred and Wilmer 1997: 31, Barsh 1996: 186-187). David Kettler proposed that the "Establishment" (majority) was most often "indifferent to major human needs, and strong only in the defense of vested interest" (1969: 233). The elite evidently served themselves, and those outside the majority were to be either excluded or transformed to reflect the norm, with the central coercive power in achieving this for Western societies being a top-down hierarchical government established via a written constitution (Walker 1997: 164; Boldt and Long 1984: 540-541). Stephen Cornell provided a succinct statement of the United States' central tenet for assimilating American Indians:

"as the United States expanded westward and encountered Indian Resistance, the treatment of Indians as a largely undifferentiated racial category, and one clearly inferior to Europeans, became both more salient and increasingly important as justification for the White advance" (1988: 109).

Emma Gross explained that “the tribes were asked to model their constitutions after that of the United States, thus oftentimes violating their own cultural norms and practices”, and in so doing the United States furthered the assimilation of Native Americans (1989: 20). Anglo-centric American society has historically asked its First peoples to assimilate; such “cultural imperialism” was, and continues to be, difficult to overcome in a pluralist democracy that protects the maintenance of the power of the elite to dictate governmental policy (Young 1990: 59). American governance through pluralism, either the exclusion of those different from the norm or assimilation to remove difference in members of society, fosters a government that suits one aspect of society. Clearly, American governance is in direct contrast to the traditional governance framework of Native American societies.

A further distinction between American governance and traditional Native American governance is the way each handles social justice. Sharon O’Brien asserts that in American society “social justice is attained through laws protecting the equality of individuals in their exercise of basic political liberties, such as the right to vote, freedom of speech, ownership of personal property and protection from arbitrary arrest” (1991: 44). When these rights are violated, individuals are guaranteed a means of resolving the conflict of interests – litigation. Litigation required that the persons involved have the right to confront one another and plead their case through legal representation (lawyer) to an ultimate authority (judge or jury) that is more interested in maintaining the law than the relationship between the opposing parties. The result is not only the declaration of a winner and a loser, but also, the implementation of punishment (Deloria and Lytle 1983: 111; Porter 1997: 54-58; Webber 2000: 64-65). By declaring a winner or loser, the American system of litigation as conflict dispute does not quench antagonism. Though the disputes may be legally resolved through litigation, feelings of antagonism between the parties remain. This remaining antagonism is the fundamental reason why the concept of litigation in American governance contrasted with conceptualizations of justice found in systems of indigenous traditions of governance. It is the purpose of this project to perform a comparative case study of Santa Clara Pueblo and the Turtle Mountain Chippewa in terms of intra-tribal political tension from 1991 to 2000.

Methods

The comparative case study will contain three components. The initial component will

be a historical overview of each nation in order to identify cultural traditions of governance as well as to contextualize each community's state of harmony, or discord, leading up to the time of constitutional adoption. The second component of the study will be a comparative constitutional analysis, which will attempt to determine which of the constitutions best reflects cultural traditions of the respective community. It is posed that the community having the constitution that best reflects their traditions of governance and has the least disturbed context of constitutional adoption should have the least intra-tribal conflict from 1991 to 2000. The final component of the study will be a comparative trend analysis to assess intra-tribal friction based upon existing news coverage from 1991 to 2000. Each of the study's components is explained below.

An interpretive analysis of the origins of each indigenous nation's constitution will provide a means to determine in what ways the differing community contexts affected the formation of each indigenous nation's constitution. One reference concerning the Santa Clara peoples to be used is Joe S. Sando's *Pueblo Nations: Eight Centuries of Pueblo Indian History* (1991). Sando is in charge of the Pueblo Archives of the Indian Pueblo Cultural Center, as such his book can be considered an authoritative and culturally relative perspective on traditional Santa Clara Pueblo culture. Also of importance to this part of the study will be the *Handbook of North American Indians, v. 9, Southwest* (1979) published by the Smithsonian Institution, which covers the prehistory and general history of the Pueblo peoples. A third text to be consulted, because it is based upon transcripts of primary documents related to early European contacts with Pueblo cultures, is J. Manuel Espinosa's *The Pueblo Indian Revolt of 1696 and the Franciscan Missions in New Mexico* (1988). *The Indian Reorganization Act: Congresses and Bills* will be consulted in order to obtain a general understanding of the pueblo's attitude towards the IRA. Where the sources leave gaps, or point towards a need for further clarification and understanding other sources may need to be included. However, these texts should provide for a sound investigation into the cultural traditions of Santa Clara governance as well as provide insight into the pueblo's view of the IRA. Similarly reliable sources will be used in the historical overview of the Turtle Mountain Chippewa.

The following sources will be used in this project's effort to identify cultural traditions of governance for the Turtle Mountain Chippewa as well as to ascertain the circumstances of related the adoption of their constitution. Gregory Scott Camp's dissertation, *The Turtle*

Mountain Plains-Chippewa and Metis, 1797-1935 (1987), will be used because it should provide insight into traditions of governance and it carries its discussion through the period in which the Turtle Mountain Chippewa adopted their constitution. *The Indian Reorganization Act: Congresses and Bills* will be consulted, also, in order to obtain a general understanding of the attitude held by the Turtle Mountain Chippewa towards the IRA. Correspondingly, *The Plains-Ojibwa or Bungi: hunters and warriors of the Northern Prairie, with special reference to the Turtle Mountain Band* (1965) by James Henri Howard will be surveyed for additional information related to traditions of governance. The listed references should provide the project with sufficient information for an appropriate social contextualization of the Turtle Mountain Chippewa leading to the adoption of the constitution. The identified sources should allow for an interpretive analysis of how much each nation differed in terms of traditions of governance and respective community political/social atmospheres at the time of constitutional adoption.

The actual impact of these circumstances on each nation's constitution can only be determined by comparing each constitution, which is the second component of the study. Each of the nation's constitutions will be succinctly summarized in terms of governmental structure. A discussion of significant similarities and differences between the constitutions will be provided. By providing an overview of the constitutions and discussing their similarities/dissimilarities the project can illustrate the degree to which differing social circumstances affected the formation of the constitutions of each of the nations under investigation. Furthermore, the constitutional analysis will be utilized in conjunction with the historical overview to identify constitutional elements that correspond to factors associated with each nation's traditions in governance.

The third component of the study will be an identification of aspects of Adaptive Peoplehood and an assessment of intra-tribal conflict for each nation based upon available news coverage for the period of 1991 – 2000. Access to the archives of newspapers local to each nation may be difficult to obtain due to distance from each nation and lack of electronic data records. Similarly, there would be difficulty in gaining access to tribal newsletters and interviews with community members. Fortunately, an electronic database exists that is suited to researching and identifying facets of Adaptive Peoplehood and episodes of intra-tribal conflict for each nation. *Ethnic News Watch* (<http://enw.softlineweb.com/>) collects information concerning contemporary cultural issues, cultural understanding, and cultural history related to

ethnic, minority, and indigenous peoples. Collecting documents from over two hundred publications, *Ethnic News Watch* provides this project with an opportunity to identify characteristics of each nation's Adaptive Peoplehood for the period in study. Articles such as these cannot provide as detailed an interpretation of each nation's Adaptive Peoplehood as official tribal documents or tribal newsletters, but what is required for this analysis is only a rough indication of each community's priorities and effective governance in relation to the concept of Adaptive Peoplehood. The articles will be examined to identify common threads of community action towards promoting goals, values, concerns, and interests. These common threads can then be labeled and characterized as being parts of the community's greater Adaptive Peoplehood. The characteristics of Adaptive Peoplehood will indicate that each community has continued in some form of cohesion and can be compared to the historical overviews for aspects of social continuity. Where further information or clarification is required, additional sources will be consulted as needed. The articles will also allow the study to view instances of intra-tribal conflict for Santa Clara Pueblo and the Turtle Mountain Chippewa, which, because they are being presented in outside news agencies, should be considered significant events of intra-tribal conflict. Another element of the analysis will be the study of any amendments to constitutions that may have occurred during the 1991 – 2000 period. If present, amendments may indicate some sort of dissatisfaction with the constitution within the community, and this issue may indicate that there was an issue present in the community or constitution that was not adhering to the community's Adaptive Peoplehood. The episodes of intra-tribal conflict will then be evaluated to determine if there is an association between factors of Adaptive Peoplehood, constitutional provisions, and intra-tribal conflict. The 1991 – 2000 time frame will be broken down into three smaller time periods: 1991 – 1994, 1995 – 1997, and 1998 – 2000 in order to simplify the identification of trends in Adaptive Peoplehood and/or intra-tribal conflict. An analysis of documents for each sub-period will allow for a more parsimonious identification of trends, or changes in trends, within each nation covering the 1991 to 2000 period and therefore allow for a clear flow to the chapter's discussion.

Discussion

Chapter 2 will begin with a discussion of the historical context related to the origins of the Turtle Mountain Chippewa and the Santa Clara Pueblo constitutions. The chapter will then

turn to a comparison of each nation's constitution and an evaluation of the extent to which the differing circumstances of origin resulted in dissimilar constitutions. Chapter 3 will present the document analysis and discussion of intra-tribal conflict within Santa Clara Pueblo. Chapter 4 will present the document analysis and interpretation of intra-tribal conflict for the Turtle Mountain Chippewa. Chapter 5 will turn to a comparison of the similarities and variations of Adaptive Peoplehood and intra-tribal conflict between the two indigenous nations. Additionally, Chapter 5 will contain a discussion of future considerations, which will discuss how future research can help answer, or clarify questions related to Adaptive Peoplehood and/or intra-tribal conflict exposed by this study.

Chapter 2 – Historical and Constitutional Comparisons

A proper period analysis of intra-tribal conflict cannot be performed void of a sufficient understanding of the historical political/social backgrounds and a constitutional comparison of the indigenous nations involved in this study. The background understanding is necessary because it provides an overview of each community's governance prior to the adoption of their constitutions, which will be used as a contextual setting for respective 1991 – 2000 period analyses. A content analysis of each nation's constitution will also be performed. The constitutional content overviews will allow the factors of constitutional governance to be compared to historical issues of governance for each community. The final purpose of this chapter is to determine if there is symmetry between the elements of historical pre-constitutional governance and the elements constitutional governance among the Santa Clara Pueblo and the Turtle Mountain Chippewa. It is the prediction of the study that where there is greater symmetry there should be less of an association between intra-tribal conflict and tribal constitutions during the 1991 – 2000 period analyses.

Historical Overview: Pueblo of Santa Clara

Prior to Spanish efforts to colonize the pueblos, which began in 1598, pueblo societies were theocratic (Sando 1992: 13, 194). One of these Tewa pueblos, was the Pueblo of Santa Clara, whose members are believed to have descended from earlier peoples in the region called Kapo'onwi, or "where the roses grow near the water" (Hill 1982: 1-5). The theocratic leader of each pueblo was the cacique, to whom the warchief and his assistants were responsible. All of these positions were lifetime positions having no line of succession (Sando 1992: 13). It was the responsibility of the war chief and his assistants to enforce "the rule, regulations, and ordinances

of the theocratic system” (Sando 1992: 13). There was also another branch of the theocratic system overseen by the war captain, whose immediate superior was the war chief. The war captain and his staff were appointed annually by the cacique, his staff, the warchief, and society leaders. War captains were responsible for policing ceremonial and social events. A third aspect of the theocratic system of the pueblos was the leadership of the moieties (Sando 1992: 13). These three segments of the theocratic system functioned in conjunction with a complex social system of moieties.

Santa Claran Pueblo, as most Tewa pueblos, were composed of dichotomous moieties such as Winter and Summer, to one of which each member of the pueblo belonged (Arnon and Hill 1979: 298). Along with the issue of moiety membership and responsibility, Tewa cultural traditions recognized six states of existence that organized all human and spiritual existence. An individual’s level of being determined the type of community position that individual could hold (Arnon and Hill 1979: 298). It was the successful interaction of the leadership positions, the practices of the moieties, and the adherence to proper implementation of the levels of being that ensured the “continuity of a harmonious relationship with the world in which man lives” resulting in the continued prosperity of the pueblo community (Sando 1992: 30). Therefore, since every individual had an important role to play in maintaining this harmonious relationship with the world, any individual or group that dissented with the theocratic system was met with coercive force to right his or her ways. If such coercive force did not cause reconfirmation of the offending party to proper behavior, the offender could ultimately be banished from the community. Since banished individuals or groups could not hope to maintain a harmonious relationship with the world on their own, they were risking much to express their individuality (Simmons 1979: 218). Even though such instances indicate that the decisions or actions of the theocratic system were not always fully accepted, there was little recourse. The governance system of the theocracy did not allow the voice of all individuals to “be heard”, and dissatisfied individuals could only hope for a change when a new war captain and his staff were appointed, or possibly indirect change through the influence individuals might have on the leadership of their moiety. The theocratic system stabilized communities and allowed them to prosper to such an extent that when Spanish colonizers first encountered the pueblo peoples they characterized the communities as “peaceful and civilized” (Sando 1979: 194).

As Catholic colonizers, the Spanish determined to dominate the pueblo peoples and force

them into Christianity, thus minimizing their traditional religion. Pueblo religious leaders and war chiefs were continually harassed and some kivas were backfilled (Sando 1979: 194). Even more, the Spanish introduced the secular office of pueblo governor, occupied by a member of the pueblo. The cacique and other pueblo leaders were unwilling to give up power and readily co-opted the pueblo-loyal governor. While the governor was the de jure leader of a pueblo, they were in reality still subject to the cacique and actually served to protect the traditional leaders (Espinosa 1988: 24; Sando 1992: 14-15). Franciscan missionaries, though reporting a great number of Christian converts in the pueblos, were aware of the undiminished influence and power of the traditional pueblo leadership (Espinosa 1988: 18, 24). In 1696, the many pueblos united in an attempt to overcome Spanish political and religious imposition. After several months, the Spanish re-conquered and re-pacified the region of New Mexico (Espinosa 1988: 57). Though the pueblo peoples were re-pacified, the pueblo peoples continued to resist the erosion of their traditional theocratic system using the pueblo governor as a liaison to the outside world (Sando 1992: 14). However, pueblos had to adapt yet again, because of Mexican independence.

Mexican independence was won in 1821 and the new government established territorial governors. The Spanish New World aristocracy was revoked, and native-born New Mexicans advanced (Simmons 1979: 206). Turmoil, nevertheless, dominated the affairs of the new government in Mexico causing the territorial governors to govern the pueblos with indifference. Such lack of attention was a boon to pueblos as they were prospered because it allowed for pueblo autonomy. By the 1830s, due of this autonomy, the pueblos were openly practicing their religious/social ceremonies that had been conducted in secret under Spanish dominance. However, when their land rights were violated due to expanding Mexican population, the indifferent territorial governors provided little support. Thus, while the pueblos had gained Mexican citizenship and equal protection under Mexican law in the international treaty signed by Mexico and Spain, the governors' lack of legal responsibility provided little protection for their rights (Simmons 1979: 206 – 207). The pueblos experienced another shift in relations with non-indigenous governments when Mexican dominance gave way to that of the United States,

After the Treaty of Guadalupe Hidalgo (1848) between Mexico and the United States, resentment among the pueblo peoples grew against the American influence (Sando 1992: 17; Simmons 1979: 209). American officials were unfamiliar with the relationships that existed

between the pueblos and the Spanish, and later, the Mexican governments. Under American domination, pueblo individuals were not granted American citizenship nor were the pueblo peoples offered a means to participate in directing the new American “provincial life” (Simmons 1979: 209). Whether or not the pueblos desired American citizenship, they were not offered autonomy, and the lack of granting citizenship to the pueblos by the United States produced a resentful situation. The pueblo peoples’ claims to water rights and land grants established by the former Spanish and Mexican legal systems were continually overlooked by the American government and they little legal protection. Furthermore, the American decision to not grant citizenship to pueblo peoples was the underpinning of a contentious relationship in which the American government would have to deal with foreign peoples on what America believed to be its soil (Sando 1992: 17). An additional source of resentment for the pueblos was the reintroduction of religious repression by Americans (Arron and Hill 1979: 296). The greatest point of contention between the Americans and pueblo peoples, however, was the “clash between a sedentary, agricultural economy and an economy dependent upon technology, land ownership by individuals, and labor that could be bought and sold” (Sando 1992: 35). The American influence of individual economics and Christianity clashed with the theocratic system of the pueblos and it became much more “preemptory” in comparison to the periods of Spanish and Mexican dominance of the pueblos (Sando 1992: 100).

It was John Collier, in the early 1930s, who came up with an alternative program for America’s relationship with Native Americans calling for the preservation of indigenous societies and for an advancement of their economic prosperity. He presented his proposal to representatives of the pueblos at the All-Pueblo Council held at Santa Domingo Pueblo in spring of 1934 (Deloria 2002: 177). At the meeting the Santa Clara delegation asked questions regarding, not only the IRA bill, but also other issues of significance to the pueblo at the time. In the meeting Santa Clara delegate Joseph Tafoya asked a question related to individual indebtedness, “Suppose now, you borrow that money individually, if you die before you pay it, who is going to pay it back?” (Deloria 2002: 182). Educational issues were raised as well, as Desiderio Naranjo asked, “Another thing, we have some children at Espanola high school and we have been asking for transportation for these children from Santa Clara Espanola, and now as Mr. Collier is here I want to ask if you could give the children this transportation?” (Deloria 2002: 189). The issue of individual water rights was raised also by Victoriano Sisneros who

stated, “I haven’t got a question to ask about this Bill only whether the water rights are attached to this Bill. If one of the settlers lose their claims and the lands come back to the pueblo again, who is going to pay the water rights on any such project as we are having at Espanola?” (Deloria 2002: 189). The discussion indicated that while the IRA was important there were other immediate concerns for Santa Clara Pueblo. At the end of the meetings it was Desiderio Naranjo, who summed up the Santa Clara perspective of the proposed IRA bill, when he stated the following,

“About this bill, we don’t quite fully understand it. We have to study it over and now we are understanding it as Mr. Collier is explaining to us, but the way we feel right now we have to go back to our pueblo and have a meeting with the rest of the members of the pueblo and then we could decide about the Bill” (Deloria 2002: 189).

Of the nineteen pueblos voting whether or not to approve the IRA, only one pueblo voted it down. Eighteen pueblos approved the IRA but only six eventually formed a constitutional government under the provisions of the IRA (Sando 1992: 15; Simmons 1979: 212).

Santa Claran Pueblo was one of those six pueblos that adopted a constitutional government via the IRA provisions, but the circumstances surrounding the occurrence were characterized as peculiar at best (Sando 1992: 15-16). From 1894 to 1935, the Santa Clarans had been unable to heal a political schism between the Winter moiety, which advocated a less pervasive theocratic government, and the Summer moiety, which supported a continuance of the status quo (Arnon and Hill: 1979: 302; Hill 1982: 193). The Winters, consisted of “a considerable number of nonconformists at Santa Clara, whose reason for dissent differed, but who nevertheless felt a common bond” (Hill 1982: 195). The existence of such a group should not be viewed as unexpected, when one looks at the issues of discussion at the IRA Congress: individual indebtedness and individual water rights. The emphasis on individuals, instead of community, could be seen as further indication of the community becoming less committed to the theocratic emphasis on community. Winters were countered by the Summer moiety and a small group of Winter members who had “applied for, and obtained, recognition from the Indian agency in Santa Fe as the de facto governing body of the Pueblo” (Arnon and Hill 1979: 302). The de facto Summer coalition, therefore, dominated governmental and social decisions for the pueblo.

The situation escalated in the early 1930’s as election disputes broke the community into

four factions: two moieties each with two groups with one either in support of the theocratic system or for reforming it (Arnon and Hill 1979: 302). With tensions quite high, the Santa Fe Indian Service offered a method of arbitration “which proposed an elective form of government under the terms of the Indian Reorganization Act of 1934” (Arnon and Hill 1979: 302). W.W. Hill, in *An Ethnography of Santa Clara Pueblo New Mexico*, summarized the situation in the following manner:

“Fortunately for the advocates of the constitution, because of the current political stalemate many of the villagers were receptive to the idea of some type of change. This does not necessarily mean that they desired a constitutional form of government, or that they actually knew what it involved. A large number are on record as favoring a return to the theocracy as it had once existed (1982: 200).”

Until this point, no other pueblo had implemented the provisions of the IRA fearing that if implemented, the IRA would break down their theocratic political/social system, and W.W. Hill’s statement indicated that a portion of the Santa Clarans held such sentiment (Simmons 1979: 217). W.W. Hill, observed further, that after 1936 there was “evidence of greater intermoiety religious cooperation and of a general religious resurgence” (1982: 201). Additionally, W.W. Hill stated that during the 1940s “candidates for secular office were overwhelmingly nominees of the caciques or of religiously oriented groups” (1982: 201). It seemed that though the circumstances regarding the adoption of the Santa Claran constitution suggested a lack of community consensus for the document, the constitution did not appear to outright eliminate the theocratic nature of Santa Clara governance in practice. Alas, the theocratic system of Santa Clara Pueblo had been in continual turmoil since the late nineteenth century. The pueblo, therefore, turned to an IRA constitution as an avenue of governance that would, satisfy a broader sphere of Santa Clarans, or at least get the community past the political impasse. Santa Clara constitutional government has been characterized as “the major factor in its people’s ability to manage change so that it is not disruptive” (Arnon and Hill 1979: 306). However, the Supreme Court case of *Santa Clara Pueblo v. Martinez* provided a different indication of the constitution’s ability to manage change.

At issue in the case, was the pueblo’s 1939 law concerning tribal membership. The case arose because a female member of the Santa Clara Pueblo challenged the 1939 law that only allowed children to become tribal members if their fathers were tribal members. The challenging

individual stated that it was a violation of the Indian Civil Rights Act of 1968, to exclude her children from tribal membership because their father was not a tribal member. She stated that her children, who as adults still resided on pueblo land, were denied property rights and participation in tribal elections. The Supreme Court ruled that tribal membership policies were to be managed by tribal governments and any disputes over the issues were to be resolved via tribal courts; thus the 1939 membership law was supported (436 U.S. 49 1978). Despite the apparent resolution of the tribal concern, Eva Marie Garrouette's article "The Racial Formation of American Indians: Negotiating Legitimate Identities within Tribal and Federal Law", indicated that the issue persisted to be a concern for the pueblo (2001). The danger, according to Garrouette, of conflict over membership issues was that those who identify with the pueblo through cultural ties "cannot tolerate the tenuousness of their position and choose to abandon the pueblo, their relatives, and their intimate participation in the traditional, tribal culture wherein they were born and raised", resulting in family, and cultural, dissolution (2001). Garrouette, also suggested that the tribal government's legal definition of membership has been, and will continue to be, connected to the tribal government's "distribution of certain important resources, such as reservation land, tribal monies, political privileges, and the like" (2001). The 1939 tribal law regarding membership, though it may have been connected to theocratic traditions of Santa Clara governance via the tribal leadership of the period, appeared to be a continuing clash over the acceptance of the theocratic traditions and the desire to limit their scope. Nevertheless, the action of the Santa Clara pueblo peoples to adopt an American system of government was ironic in light of the pueblo's earlier efforts to resist the foreign influence of the Spanish conquerors and the Mexican government.

Historical Overview: Turtle Mountain Band of Chippewa

According to James H. Howard, in *The Plains-Ojibwa or Bungi: Hunters and Warriors of the Northern Prairies with Special Reference to the Turtle Mountain Band*, various groups of Plains-Ojibwa, or Bungi, were officially termed "Chippewa" by the United States Bureau of Indian Affairs", which views them only as an extension of the Woodland Ojibwa (1977: 5). From a list of federally recognized tribes compiled by David E. Wilkins in *American Indian Politics and The American Political System*, nineteen various bands of Chippewa can be identified (2002: 258 – 266). The Bureau of Indian affairs, thus, consolidated a diverse people

into one category. Howard also indicated that this perspective ignored the fact that the Plains Ojibwa “have considered themselves a different and separate tribal entity for at least 150 years” (1977: 6). Further complicating the issue of identity for the Turtle Mountain Chippewa was the existence of Métis, a tribal element with a large percentage of French and Cree background (Howard 1977: 8). The distinction between the established Turtle Mountain Band and their Métis relatives has been an ongoing point of social tension for over 100 years.

In the early 1800s, a group of Chippewa moved into the Red River Valley of North Dakota and began excursions farther west following the trading posts and forts¹ (Camp 1987: 4-5). This group became dependent upon European merchandise and traded fur for their wanted materials. Giving up their woodland ways and connections, the group became a “highly independent mixed-blood population” (Camp 1987: 5-6). It was this interaction with French and Cree fur-traders that gave rise to the Métis – “apart from, yet a part of both with an Indian world, mixed bloods established a culture based on the fur trade and bison hunt” (Camp 1987: 6). An even smaller group, with their Métis relatives, left the Red River Valley region and resettled in the Turtle Mountain area of North Dakota (Camp 1987: 35). As the established Turtle Mountain Chippewa continued interaction with the European traders for their merchandise, another outside influence was gaining hold in the band, Roman Catholicism. The religion, blended with traditional beliefs, became a “cornerstone of their way of life” (Camp 1987: 37-38). While the Turtle Mountain Band continued to adapt and adjust to their new environment, cultural differences grew between them and their Métis relatives.

Governmental structure for the traditional society for the Turtle Mountain Band was a system consisting of a head chief and a council. The head chief was hereditary, but could be “deposed by the tribal council” (Howard 1977: 75). The head chief was limited in scope and, as such, was only obeyed when his orders coincided with the majority. His responsibilities included maintaining order, settling serious disputes, distributing gifts at ceremonies, leading the tribe into “defensive warfare”, and later, dealing with American officials on behalf of the tribe (Howard 1977: 75). The tribal council also included secondary chiefs, who were men of success in warfare and known for their generosity. The tribal council contained four to twelve councilors

¹ Henry Hickerson, in The Chippewa and Their Neighbors: A study in Ethnohistory, verified that the Chippewa moved into new territories in an attempt to meet the increasing demands of the fur trade. He also stated that the new

selected by a general council but with approval of the head chief (Howard 1977: 75 -76). The council served as the judiciary for the tribe and resolved issues that the greater council of the community could not settle (Howard 1977: 76). They were responsible for punishing those individuals found to have violated tribal law, serving as camp police, and were leaders in times of war (Howard 1977: 77-78). At times they disagreed with the head chief, and if the issue could not be resolved a secondary chief and his supporters were allowed to branch out on their own and establish their own independent group² (Howard 1977: 75). Traditional governance for this band of Chippewa satisfied the interests of the community by allowing it to follow only the chiefs decisions that reflected the community's general will. If a greater community general will could not be obtained, the two (or more) disaffected parties were allowed to split. The Métis modified the governance structure and methods of the established Turtle Mountain Band.

The Métis recognized the head chief of the Turtle Mountain Band as their main chief, or le chef but typically the Métis remained aloof. Secondary officers were called "les premiers", but little is know of their official duties or powers (Howard 1977: 78). The Métis "took elements from both the white European culture and combined it with aspects of their Indian background. The result was not so much a mix of the two worlds, as it was a culture apart from both" (Howard 1977: 78-79). Not only did tension exist between the independent Métis and the Turtle Mountain full bloods, but also between the French Métis and the English Métis (Camp 1987: 40). Disharmony between the two groups increased as the Turtle Mountain and the Métis groups, to serve their respective purposes, increasingly interacted with the English and then the Americans.

In the early to mid-1800s, English officials allowed Métis autonomy in the region to lessen hostilities, increasing the Métis desire for a separate identity and their own nationhood (Camp 1987: 54-55). Later, the Métis, having helped develop the Minneapolis/St. Paul area, thought they would gain favors from the American government leading to a separate identity from the Plains-Chippewa (Camp 1987: 80-81). This was not considered too unreasonable an expectation. The established Turtle Mountain Chippewa had begun to view the Métis as a

villages that were created retained the extensive clan kinship ties of their "mother" village and the varied clan membership was unified under tribal councils (49-50).

² Frances Densmore, in Chippewa Customs (a study of the Minnesota Chippewa), provided reinforcement of the chief's status by stating that a chief was a respected individual and that anyone who wished to join his band was at

distinct group, and were becoming upset with what they thought was the encroachment of their hunting grounds by the Métis (Camp 1987: 71-72). Furthermore, the Turtle Mountain full bloods resented the Métis wintering with them but not following traditional laws (Camp 1987; 75-76). The contention between the Turtle Mountain and the Métis would continue to fester as the Turtle Mountain realized the continued expansion of American society and sought a reservation for refuge (Camp 1987: 1).

Though the Métis were present at treaty councils in the mid-1800s between the Turtle Mountain Band and the American government, they were unable to obtain any separate land concessions or recognition (Camp 1987: 9, 98). The Métis did not obtain their own lands, but the American government did recognize them as full members of the established Turtle Mountain Band. By 1882, reservation issues for the Turtle Mountain focused on three items: (1) lack of trust with the American government, (2) exclusion of the mixed bloods from reservation population rolls (Métis would winter with Turtle Mountain and collect annuities in the spring and leave when summer came), (3) the complete exclusion from the reservation of all Métis who spent most of their time in Canada (Camp 1987: 109, 121). However, by 1885, the Turtle Mountain people had incorporated some Métis, and their only resentment was held against the Métis whose main residency was in Canada (Camp 1987: 124). By 1904, issues on the Turtle Mountain reservation were resolved enough that the McCumber agreement allowed for general allotment according to the Dawes Act (Camp 1987: 159).

The amount of land available for allotment satisfied only 300 families with the remaining families receiving lands throughout three other states (Camp 1987: 159). A jumbled population of traditional full bloods and Métis troubled cultural continuity, and this was compounded by the allotment generated diaspora of the Turtle Mountain people. Eleven years later, in 1915, out of 3000 tribal members on the Turtle Mountain reservation only 200 were considered full blood and membership, according to the superintendent, was only by blood quantum and not because the individual “maintained Indian characteristics” (Camp 1987: 173). Though the Turtle Mountain Band sought a reservation to maintain its cultural integrity, the reservation system only further complicated the matter.

Cultural traditions, it was believed, appeared to exist only in the “most rudimentary form

liberty to do so. The chief’s duties included “presiding at councils of his band, the making of decisions that affected their general welfare, and the settlement of small disputes” (131-132).

in 1934”, when Collier’s IRA congresses were being held. (Camp 1987: 189). Since 1910, the reservation superintendent had been promoting individualism in terms of land ownership and economic security. It was thought that individualism had been causing fewer ties to traditional culture each year (Camp 1987: 189). Apparently, as a result of this trend, the Turtle Mountain delegation to the IRA Congress in Rapid City, South Dakota, was not concerned with elements of cultural preservation but primarily with obtaining immediate help in improving their educational system. In connection, the delegates feared having too great a freedom in running their government when they were not properly educated (Deloria 2002: 77, 87). At the end of the congress, the delegation was unsure of whether they should adopt the IRA and chose to report home and let the community decide (Deloria 2002: 77, 87, 91). John Azure, a Turtle Mountain delegate to the Rapid City Congress summed up the delegation’s frame of mind as he said the following:

“Now the way we understand Mr. Collier’s explanation, it sounds rather good to us delegates, but we are not going to say that we are in favor of the new policy or against it. ...The only thing now we wish from the Government is to give us help or relief to get a start. The first thing of all we need is education. We have no education on our Reservation” (Deloria 2002: 77).

The Turtle Mountain community ultimately rejected the IRA fearing a loss of individual property and wealth that might come from tribal ownership (Camp 1987: 199) and also, as stated on the 2003 Turtle Mountain home-page (www.turtlemountainchippewa.com), there was no need to create a new constitution as they had established one a couple of years earlier with congressional approval. Having completed the separate historical overviews of the Santa Clara Pueblo and the Turtle Mountain, it can be determined that though each community has changed overtime each community has retained a cultural identity.

The Peoplehood of each nation has changed, yet persisted. Through Adaptive Peoplehood, cultural change was allowed, but without the loss of identity. Two questions remain. First, in what ways did the Santa Clara Pueblo and Turtle Mountain Chippewa compare in terms of historical overview? Second, how did the elements of each nation’s constitutional governance mesh with pre-constitutional elements of governance? Based on the discussion of each question, the study attempted to interpret the extent of symmetry between elements of pre-constitutional governance and tribal constitutions, which would ultimately be used as a context

for evaluating and understanding the degree of symmetry between elements of Adaptive Peoplehood and tribal constitutional governance for the 1991 – 2000 period.

Historical Comparisons

While the Pueblo and Plains-Ojibwa occupied vastly different areas of North America, there were similarities in their pressures from outsiders. The Santa Clara pueblo experienced three different eras of dominance – Spanish, Mexican, and American. Each dominating group set up quite different trends in the means of domination. The Turtle Mountain Chippewa also experienced the influence of three outsiders – French, English, and American. However, the overlapping of French and English influences caused rifts along these lines in the Métis groups, resulting in more threads of tension for the established Turtle Mountain Chippewa group. It was the American non-conformance to the practices/trends of the preceding dominating governments that caused the greatest havoc in relations with the Santa Clara pueblo and the Turtle Mountain people. The French had encouraged and fostered the growth of the Métis through trade efforts and the English allowed the Métis autonomy for the same purposes. After America gained dominance in the region, however, the independent status of the Métis was brought into question. Thus, the Métis, of their own volition, had been attempting to become a distinct nation from the established Turtle Mountain Chippewa and found that they either had to work themselves back into a proper relationship with the established group that no longer felt much connection to them, or be left out of negotiations with the Americans. It was much the same for the pueblos. The American presence was much more oppressive than that of the Spanish and the Mexicans. Although though the pueblos had been able to maintain their theocratic structure under the Spanish and the Mexicans, under American influence in the mid to late 1800's the Santa Clara community began to experience ever increasing political/social infighting. It appeared, though, that the Santa Clara peoples and the Turtle Mountain Chippewa were constantly working to keep their cultural traditions, and the greatest obstacle was caused by American influence. As the difficulty in keeping their cultural traditions intact increased, Santa Clara Pueblo and Turtle Mountain Chippewa peoples took action to overcome the problem.

Both groups knew that action was needed in order to maintain their traditions of governance. The political infighting of the Santa Clara pueblo that escalated into the twentieth century was resolved, for the most part, by adopting a constitutional form of government via the

provisions of the IRA. Even though the Santa Clarans experienced discord regarding tribal membership, as exemplified in the *Santa Clara Pueblo v. Martinez* case, the impact did not appear to be as debilitating to the functioning of political activities as had the discord prior to the constitution. The Turtle Mountain Chippewa first attempted to obtain a reservation in an effort to isolate themselves on their own lands away from the cultural impact of American society. However, once within the reservation system, Turtle Mountain Chippewa society appeared to become increasingly individualistic. The community apparently turned to a constitutional form of government in an attempt to preserve this individuation. The Santa Claran and the Turtle Mountain Chippewa initial experience with American culture was similar in that internal turmoil increased in each group, but the actions taken to resolve the issues were quite different. Whereas the Santa Clarans tried to restore a sense of community and cultural traditions by overcoming conflict via a constitutional form of government, the Turtle Mountain Chippewa turned to a constitutional form of government as an outgrowth of what appeared to be an Americanized sense of individuation. With the contexts of forming constitutions being different for each indigenous group, a comparison of each nation's constitution is required to determine the contextual impact on the provisions of each constitution.

Constitutional Comparison

One would expect the two constitutions to have different foci since the constitution of Santa Clara pueblo was formed as a means to restore community ties and the Turtle Mountain Chippewa constitution was an extension of individuation one would expect the two constitutions to have different foci. Of the two constitutions, the Santa Claran should have contained the greater number of provisions that preserved governance traditions. The constitutional comparative analysis was done in an outside-to-inside fashion. They were first analyzed according to what was most apparent, the structure or headings, and then by the content, or details, within the explanation of the headings.

Table 1.1 provides a comparison of constitutional organization as well as brief highlights of the tenets for constitutional articles and by-laws. A quick overview of constitutional structure reveals that the two are not cookie-cut copies. Also, Table 1.1 indicates distinct differences. For example, the Santa Clara constitution separated constitutional articles, operational/procedural by-laws, and constitutional amendments, whereas the Turtle Mountain constitution incorporated

operational policies and amendments within the constitutional articles themselves. Further, the actual heading descriptions are not the same. Even though the headings are different and also significantly different in organizational composition, the constitutions addressed analogous constitutional themes.

The constitutions have some direct points of similarity. For instance, Table 1.1 shows that both constitutions address themes of tribal membership, jurisdiction of constitutional authority, adoption of amendments, duties of tribal officers, and ratification of the constitution. Table 1.1 points out other themes addressed in each constitution but via different categorizations as follows: the composition, qualifications, and selection of the tribal councils; council proceedings; and powers of the tribal council. The constitutional organization seems to differ between each nation, but it is significant to understand is that they address the same themes or issues of government. Each nation attempts to ensure that there are proper provisions regarding who could run for office, how they were elected, how the government would operate, and so forth. Notwithstanding the similarity of constitutional themes, it is the actual discussion of the different manner in which each constitution addresses certain themes that indicates each nation's contextual effect on the creation of their respective constitutions.

**Table 1.1
Constitutional Comparison**

^A Santa Clara: Constitutional Organization	Santa Clara: Tenets of Constitution Articles/By-Laws	^B Turtle Mountain: Tenets of Constitutional Articles/By-Laws	Turtle Mountain: Constitutional Organization
1. Preamble	Establish justice, promote common welfare, preserve self government	Enjoy democratic process, promote general welfare, education, prosperity, create law-abiding citizens	1. Preamble
2. Article I: Jurisdiction	Within exterior boundaries present or added lands	Name of the organization is the Turtle Mountain Band of Chippewa Indians	2. Article I: Name
3. Article II : Membership	Census roll of 1935, children with both parents members, children of mixed marriage who are adopted by council, naturalization	Extends to all land on the reservation in North Dakota and all other lands that may be acquired by the Tribe	3. Article II: Jurisdiction
4. Article III: Organization of the Pueblo Council	Governor, Lt. Governor, Representatives (8), Secretary, Treasurer, Interpreter, Sheriff	All persons on the prepared census roll, all descendant of those on the roll having ¼ or more Indian blood	4. Article III : Membership
5. Article IV: Pueblo Council Powers	Legislative power, judicial power, common law of the community	Tribal council composed of 8 district representatives and one Chairman	5. Article IV: Governing Body
6. Article V: Governor, His Powers, and Duties	Executive head of government, enforce laws (written and unwritten), oversee community work	Plurality required to be elected, candidates at least 25 and member-residents, eligible voters 18 and over	6. Article V: Nomination and Elections
7. Article VI: Vacancies and Impeachments	Majority vote of council to fill vacancies, charged officers tried before the council	Chairman preside over meetings, enforce resolutions, Vice-Chair serve in absence of Chairman, Secretary-Treasurer keep minutes and tribal accounts	7. Article VI: Officers and Their Duties
8. Article VII: Land	Title to all lands belongs to the pueblo, individual rights to possession, council power of land assignments	Council meeting open to the public, quorum of at least 5 members, thorough accounting system required, council members paid	8. Article VII: Tribal Council Procedures
9. Article VIII: Amendments	Secretary of the Interior will present proposed amendments for a vote of qualified voters 21 years or over, with at least 30% of electorate participating	Requires petition of 20% of resident voters or affirmative vote of 5 council members, referendum vote is affirmative by majority, council sets regulations for recall	9. Article VIII: Referendum and Recall
By Laws Included as Separate Articles 10. Article I: Duties of Officers	Details responsibilities of all seven types of official government officers	Negotiate with Federal, State, Local governments, employ legal counsel, regulate/license businesses, set regulations for residency, land management	10. Article IX: Powers of Tribal Council
11. Article II: Qualifications of Office	<u>Governor and Lt. Governor</u> : 25 – 65 years old, members and residents of the pueblo, speak Tewa fluently <u>Representatives</u> : at least 25 years old, members of pueblo, residents of their area, speak Tewa fluently <u>Secretary, Treasurer, Sheriff</u> : 25-65 years old, members and residents of the pueblo, speak Tewa fluently <u>Interpreter</u> : 25-65 years old, member and resident of pueblo, translate Tewa into English and Spanish, and opposite	Tribal Council may exercise powers as they may be granted to the Council by tribal members or the Secretary of the Interior, reserve the right to exercise powers not expressly referred to in the Constitution as long as appropriate amendments are adopted	11. Article X: Future and Reserved Powers
12. Article III: Conduct of Council Meetings	Regular meetings, attendance of officers, general interest matters, meetings of grievances, council may consult the pueblo's attorney	Secretary of the Interior has 10 days to review tribal ordinances/amendments and approve/disapprove	12. Article XI: Manner of Review
13. Article IV: Personal Liberties	Private rights of individuals, no preference given by council members, considerations for the elderly	Constitution adopted if a majority of tribal members vote to adopt it in a special meeting called by the Secretary of the Interior	13. Article XII: Adoption
14. Article V: Intoxication	Intoxicated individuals cannot participate at council meetings	Constitution can be amended my majority vote where at least 20% of electorate participated	14. Article XIII: Amendment
15. Article VI: Stock	Fines imposed for not securing livestock	Create a separate and equal judicial branch of government free from political interference and conflicts of interest, selection of judges and chief clerk of the court	15. Article XIV: Separation of Powers/Judiciary
16. Article VII: Ratification	Majority vote of members over 21, in a special election called by the Secretary of Interior with 30% of eligible voters participating		N/A
Amendments One: Amendment I			Amendments At least twenty-two, written within the body of the constitution

^AConstitution is Appendix A and was referenced on 10/22/03 at <http://thorpe.ou.edu/IRA/nmscons.html>

^BConstitution is Appendix B and was referenced on 10/22/03 at <http://thorpe.ou.edu/constitution/Turtlemtn/TMconst.html>

Previously in this discussion, it was mentioned that based on the historical overviews of each nation the Santa Clara constitution would be more likely to reflect, or protect, traditional ways of life; this might not be true. Table 1.1 lists the areas of the Santa Clara and Turtle Mountain constitutions that are reflective of cultural traditions. Article II of the Santa Clara constitution focuses on membership and permits the following: (1) individuals whose parents are members of the Santa Clara pueblo, (2) children of mixed marriages of members and non-members with proper council approval, (3) individuals who have been naturalized per the Santa Clara naturalization process. Thus, the constitutional membership policy of Santa Clara appears to preserve the right of the community to make the determination of community membership, which is the precursor to participation in community governance. Another traditional element of their constitution is associated with common law. Article IV, Section 3 indicates that “all matters not covered by the written constitution, bylaws, and ordinances” and applicable laws of the United States are to be interpreted according to the “customs and usages of the pueblo”. This common law provision appears to be a protection and validation of Santa Clara’s traditional governance. Article IV – Section 3 of the by-laws hints at the workings of common law requirement of community work, stating that “Retired members will not, however, be able to fill the places of sons who are of working age and not justified in refusing to serve on community work and ditch work”. Furthermore, the Santa Clara constitution protects the centralized element of the traditional theocratic system of the pueblo in Article IV because it centralizes all legislative and judicial power in the hands of the tribal council. Another significant preservation of pre-constitutional Santa Clara governance is the fluency of traditional language requirements for all council members: governor, lieutenant governor, representatives, secretary, treasurer, sheriff, and interpreter (By-law Article II, Sections 1-4). The membership policy, common law clause, and judicial centralization of the Santa Clara constitution appear to be constitutional tenets connected to cultural traditions of governance when viewed separately. However, it is the way the three issues interacted regarding the issue of tribal membership that harbors suspicions regarding the compatibility of the constitution and Santa Claran traditions of governance.

The constitutional requirements allow for a variety of ways for individuals to be accepted as tribal members. Children with one parent a tribal member, according to the constitution, could be accepted as tribal members as long as the tribal council recognized and adopted the children. The 1939 law, an example of common law, states that only children of male tribal

members would be allowed to become tribal members. This is a blanket statement indicating the tribal council would not recognize, nor adopt, children whose fathers were not tribal members. A gap in interpretation therefore exists. Is the constitution policy of membership the truer reflective of cultural traditions, or was the 1939 law the more accurate reflection? As stated earlier, the pueblo had experienced a resurgence of religiosity and that most candidates for tribal offices were religiously affiliated. It, therefore, appears that the 1939 law is more likely to reflect cultural traditions than did the constitution. Furthermore, if the candidates for tribal office at that time were religiously affiliated, and thus linked to cultural tradition, the tribal courts upholding of the 1939 law are additional evidence of the possibility that the Santa Clara membership is reflective of cultural traditions. Though the Santa Clara constitution appears to contain more elements reflecting cultural traditions of governance than does the Turtle Mountain constitution, the issue of tribal membership might be an indication that the Santa Clara constitution is not responsive to changes in community values. Thus, it is suggested that there is a disharmonious interplay of the facets of Adaptive Peoplehood within the community.

Regarding issues of tribal membership, the Turtle Mountain constitution is a mixed bag of governance elements. The Turtle Mountain constitution protections of pre-constitutional governance are limited. Article III of the Turtle Mountain addresses membership, but its provisions do not appear to reflect pre-constitutional traditions to the same degree as the Santa Claran constitution. The only pre-constitutional requirement appears to be that membership is determined by descent from a person, or persons, on the original membership roll. Membership does not require both parents to be on the rolls, but only requires that, through one parent, individuals satisfied the one-quarter blood quantum requirement. There are no provisions regarding tribal adoption or naturalization for membership. Though one aspect of pre-constitutional tradition does require familial descent, cultural traditions do not appear to require a specified blood quantum. Membership as a requirement for participation in the Turtle Mountain governance system seems to be a mix light of pre-constitution traditions and heavy on constitutional law. Furthermore, the historical overview of the Chippewa indicates that when members were in discord the part of the community that was not in agreement with a tribal decision was allowed to branch out on their own. Such action for tribal members is not indicated in the constitution. There is evidence that the constitution, at least regarding tribal membership, did reflect an aspect of pre-constitutional governance prior to the 1991 – 2000 period. In terms

of the cultural tradition of allowing dissenting community members to branch out on their own the constitution is silent. The Turtle Mountain constitution, however, does have another area reflective of cultural traditions of governance.

The constitution reveals that the concentration of council power that existed prior to the constitution for the Turtle Mountain is upheld by the constitution until the amendment of 1992 (Article XIV). Prior to 1992, the judicial system of the Turtle Mountain Chippewa was established via the authority of the tribal council. Therefore, the tribal council indirectly controlled the judiciary by having the power to determine the “powers and duties” of the tribal court. As such, provision was somewhat reflective of the traditional council having the power to resolve disputes within the community, as was discussed in the Turtle Mountain historical overview (Article IX, Section 5). Prior to the 1992, amendment the constitution retained the pre-constitutional governance element of centralized power of the tribal council. Consequently, there was at least one element of pre-constitutional governance protected by the constitution. There is, however, the issue of constitutional amendments in 1962, 1975, and 1990.

What do the 1962, 1975, and 1990 amendments tell us? Amendments can be viewed as a means to fix a constitution. Following the adage, “if it is not broken do not fix it”, it is natural to conclude that the Turtle Mountain community was in some way not satisfied with the constitution. While it appears that the amendments indicate dissatisfaction with the constitution, there is also the possibility that the amendment provision of the constitution allows such problems to be fixed without future questions of constitutional legitimacy. However, when one understands that, according to Article XIII, amendments can be ratified by a mere majority of twenty percent of eligible voters participating in a special election, it is also apparent that the amendment provisions may not resolve questions of constitutional legitimacy. To judge the efficacy of the amendment process for the 1962, 1975, and 1990 amendments, the amendment election results would need to be obtained. The amendments in question were attempts to fix questions of constitutional governance and the amendments, due to the ratification process may, or may not, have resolved the issue. The question remaining is what were the amendments attempting to fix?

The 1962 amendments appear to be mundane. The first, Article V - Section 7, expressly states the term of office for district representatives and the number of representatives for each district. Article VI – Section 1 identifies tribal officers and their length of term. The 1975

amendment, Article V – Section 2a, states that enrolled tribal members over eighteen can vote as long as they had resided for at least thirty days in Rolette County prior to the election. Article V- Section 6, is a 1975 amendment, and it too appears to be mundane. It specifies the when/how redistricting of the four districts should occur. The final amendment prior to the 1991 – 1990 period, is the 1990 amendment. In Article IX – Section 10, the amendment outlines the business powers of the tribal council in areas pertaining to the management of tribally owned lands “within and outside the Turtle Mountain Reservation”. It can be loosely determined that the Article VI – Section 1 and Article IX – Section 10 amendments solidify the power of the tribal council, which can be associated with preserving the tribal governance tradition of centralized tribal council power. However, when the Article V – Section 7 and Article V – Section 6 amendments are scrutinized more closely, it appears as though the amendments are clarifying the following issues: contention related to tribal council length of terms, when to elect council members, and redistricting to represent equal portions of members. It might be that certain amendments can be associated with preserving elements of pre-constitutional governance, but one must also understand that the existence of amendments may suggest that the Turtle Mountain Community was dissatisfied with elements of the constitution. By extending this thought progression, the fact that amendments were passed may indicate that the constitution is flexible enough to change in order to satisfy the community. However, as discussed earlier, the amendment procedures suggest that amendments, though ratified, may themselves be cause for community discord. The 1991 – 2000 analysis for the Turtle Mountain Chippewa provides evidence that may clarify whether the constitution, though at times insufficient to the community, may actually have been able to adapt to the requirements of the community. Therefore, it is possible to perceive the constitution as an imperfect representation of cultural traditions of governance, but at least potentially responsive to pressures resulting from cultural change. In the community there appears to be a degree of incongruence within Turtle Mountain Adaptive Peoplehood.

The Turtle Mountain constitution does not seem to be deeply linked with cultural traditions of governance, while the Santa Clara constitution appeared to be embedded with more elements of governance based on cultural traditions. Except for the issue of tribal membership, the Santa Clara constitution seemed to indicate that significant elements of pre-constitutional governance were retained and protected: community work requirement, concentration of tribal

council power, common law principle, and language proficiency requirement. This appeared to be the natural outcome of the pueblo's purpose in creating the constitution – overcoming the factionalism of the split moieties. The Turtle Mountain constitution seemed to have few elements of pre-constitutional governance and this, along with the several amendments prior to the 1991 – 2000 period suggested community dissatisfaction with the constitution. It, therefore, seemed that of the two constitutions the Santa Clara constitution has the better symmetry of between pre-constitutional governance and constitutional governance.

Conclusion

Pre-constitutional governance for Santa Clara Pueblo revolved around its theocracy. There was little that a person, not in a position of power, could do to force the theocratic system to make a certain decision or cause it to change. Overall, the worldview that the community needed each individual to do its part created strong interpersonal commitments throughout the pueblo. Even though dissent did occur by individuals, or groups, the community valued the theocratic system enough that the governance system persisted via accommodation through the domination of three outside peoples. The Santa Clara idea of Peoplehood changed dramatically over time and the adoption of a constitution had a roll in this as well. However, the Santa Clarans, though operating somewhat different from their pre-constitutional governance, are still Santa Clarans. Their constitutional method of governance has retained elements of cultural traditions, which, in the area of tribal membership seems to have come in conflict with period-related Santa Clara Adaptive Peoplehood. Similar to the Santa Clara people, the Turtle Mountain concept of Peoplehood has changed and is not as it was before the turmoil involving the involvement of the Métis, French, English, Americans, and the impact of their existence on the reservation. Yet, the Turtle Mountain Chippewa are still the Turtle Mountain Chippewa, but with an Adaptive Peoplehood. Unlike the Santa Clara constitution, the Turtle Mountain constitution did not contain many elements related to cultural traditions of governance. The amendments prior to the 1991 – 2000 period, not only suggested some community dissatisfaction with the constitution, but also, that the constitution could have been amended in response to changes in Adaptive Peoplehood. With the understanding that the Santa Clara and the Turtle Mountain Chippewa can be said to exist in an Adaptive Peoplehood context due to colonial legacies, implementation of constitutions, and changing cultural values, the study must now turn

to the period analysis of each group to determine if their respective constitutional governance system is leaving too many individuals dissatisfied, with the consequence being intra-tribal conflict.

Chapter 3: Santa Clara Pueblo – Adaptive Peoplehood and Governance: 1991 – 2000

The purpose of Chapter 3 is to conduct the study's analytical exploration of current news sources in an attempt to determine if intra-tribal conflict can be associated with constitutional governance. Governance, as identified in Chapter 1, can be understood as a means of government which fosters a sense of faith, or loyalty, in community members towards the government and its direction. It is proffered that intra-tribal conflict is related to the inability of tribal constitutions to adequately create the requisite faith, or loyalty, to constitutional governance. Even more, the study will ultimately try to determine if the Santa Clara IRA constitution can be associated with intra-tribal conflict more than the non-IRA constitution adopted by the Turtle Mountain Chippewa. Also important to the analytical process is the concept of Adaptive Peoplehood, which is useful in determining if there is intra-tribal conflict related to the interplay of legacies of colonialism, current political/social institutions, community values, and cultural traditions. Essentially, the study must focus not only on points of conflict, but also, there must be a discussion of the facets of Santa Clara Adaptive Peoplehood. As such, the study will select journal essays and articles within the Ethnic Newswatch electronic database and newspaper articles from the LexisNexis Academic electronic database that discuss topics that revealing the pueblo's Adaptive Peoplehood. These articles will provide overviews of events and issues related to Santa Clara Pueblo and can be used as a guide in determining the community's Adaptive Peoplehood. When appropriate, additional sources will be consulted, i.e. books, court cases, and journal articles, to further verify or cover gaps in understanding. The overviews the articles provide should prove sufficient to discuss the relationship between Adaptive Peoplehood and intra-tribal conflict. It is within this general discussion of Adaptive Peoplehood where, if discovered, any issues of constitutionally related intra-tribal conflict will

be scrutinized. The 1991 – 2000 time frame will be broken into three sub-periods: 1991-1994, 1995 – 1997, 1998 – 2000. Sub-periods will be useful in allowing elements of Adaptive Peoplehood to be more readily identified, as the total number of documents will be delineated into more manageable groupings. Furthermore, the sub-group analyses can be used to ascertain trends in elements of Adaptive Peoplehood and intra-tribal conflict that can be used in conjunction with information from the historical overview in Chapter 2, all of which is necessary to the final summation of the 1991-2000 Santa Clara analysis. However, before the sub-period analyses can begin, a reminder of the historical overview for the Santa Clara will be provide in order to help contextualize this chapter's conclusions.

The people of Santa Clara pueblo have adapted their concept of group identity throughout Spanish colonization, Mexican jurisdiction, and American domination. Yet even as the Santa Clara people adapted, they remained Santa Claran. Though the Santa Clarans have maintained a community identity and set of values, the community has experienced a process of continuously changing their Adaptive Peoplehood. The late 1800 Santa Claran concept of governance was apparently not supported by community consensus. In other words, a group of pueblo members were becoming dissatisfied with the decisions/actions of governing officials and the inability of the governance system to alleviate the dissatisfaction brought about community turmoil. Evidently, the intra-tribal conflict of the historical period was associated with a clash between a group that supported the theocratic nature of pueblo governance and a group that wanted to establish changes in pueblo governance. The issues brought by the pueblo's delegation to the IRA congress revealed an emphasis on individuals, more so than a promotion of communal interests. In an attempt to resolve the disorder of the late 1800s and early 1900s the Santa Clara peoples further distinguished their Adaptive Peoplehood by adopting a constitutional form of government in 1934. Similar intra-tribal conflict reached the Supreme Court in the 1978 case of *Santa Clara Pueblo v. Martinez*, at issue was the determination of tribal membership. With this background in mind, the study turns to an analytical effort to evaluate if the adoption of a constitutional government was associated with intra-tribal conflict, and if so to what degree, using a more recent conceptualization of Santa Clara peoples' Adaptive Peoplehood.

Santa Clara: 1991 – 1994 Sub-Period Analysis

The purpose of this section of the project is to analyze the documents related to the 1991-

1994 sub-period. In doing so, the analysis attempts to identify elements of importance to the Santa Clara peoples as indicated by either the number of articles addressing the issue or merely by the significance of the content in a single article. If possible commonalities in topics are used to categorize areas of Santa Clara Adaptive Peoplehood. Once the issues of importance are identified and discussed they are considered in terms of what they reveal about Santa Clara Adaptive Peoplehood. The analysis of this sub-period reveals that Santa Clara Adaptive Peoplehood can be characterized as a “balancing act”.

The first component of the balancing act identified in the documents can be labeled as political activism. An article in *Indian Country Today*, discussed the BIA plans to “decentralize decision-making” so that BIA funding was under more direct tribal control and maximizes tribal authority and flexibility (Anquoe 1993). In this process, the article provided a statement from the Santa Clara Pueblo economic development specialist, Bernie Teba, indicating that it was the responsibility of the tribes to get involved in the formation of the new BIA policy. Otherwise, Teba suggested, they could not complain about the adopted policy (Anquoe 1993). Furthermore, another article in *Indian Country Today* indicated that Santa Clara Pueblo was participating in a pueblo coalition in an attempt to have a high degree of involvement in monitoring the environmental and cultural impact of the nearby Los Alamos National Laboratory (Anquoe 1994). These two examples of political activism implied that Santa Claran officials were aware of outside issues that directly impacted their pueblo. More importantly, the examples suggested that awareness alone was not important unless it was followed by effective action. The pueblo appears to have deemed it important enough to establish the government position of economic development specialist and to participate in an area coalition to develop and protect the livelihood and their pueblo culture. While the first element of Adaptive Peoplehood focused on political affairs, the second element appeared concerned with preserving cultural values from the direct impact of outside interaction with the general populace of the Santa Clara peoples.

The pressures of daily interaction between the Santa Clara peoples and outsiders provided the potential for the Santa Clara peoples to acculturate more outsider values, ideologies, and concepts thus changing Santa Clara Adaptive Peoplehood. In an article for *Native Americas*, it was stated that as such:

“tourism and its associated institutions have enormous power to shape and reshape culture according to the values of international capitalism. These values are frequently in

contrast to those of the Pueblo communities in the Southwest. ... Interdependence, interconnectedness, harmony, and balance are primary concepts upon which all of life is based. Within this philosophy, community is acknowledged as essential to any individual sense of well-being” (Swentzell 1994).

The article acknowledged that Santa Clara art served as an economic function, and not as a way for the Santa Clara peoples to understand and nurture themselves (Swentzell 1994). The author lamentably admitted that the acculturation of elements from Western world would continue, but also suggested the value of self direction in that “any changes Pueblo people make should be in response to our own changing needs and understandings and not in response to external demands”. One example found in the documentation could be correlated to this principle. The action addressed interaction with outsiders, but on the terms of Santa Clara Pueblo. The action allowed candidates running for political office in Espanola to place campaign signs on pueblo land, but only after the candidate submitted a “\$100 deposit” (Roy 1994). Thus, there was an impression that Santa Clara people were aware that they could not cut off all ties with the outside world and political steps had been taken towards influencing the impact of such interaction. This was the “balancing act” suggested at the beginning of this sub-period analysis.

During the 1991 – 1994 sub-period, it appears that the Santa Clarans were trying to balance the preservation of their sense of Adaptive Peoplehood and their modern self-identification and worldview, with the necessity to interact with the outside world. At times interaction with the outside world was required so that the Santa Clara people could have input in determining the actions of the outside world which will impact the pueblo, i.e., the Los Alamos research facility. Furthering this effort to monitor the facility the pueblo joined a coalition with other pueblos and the United States Department of Energy to ensure proper monitoring of the facility in terms of environmental impact. The pueblo also appeared to be committed to political/economic activism as evidenced by establishing the position of economic development specialist. In addition, when interaction with outsiders was more direct, the Santa Clara government attempted to ensure that they could have a voice in the interaction.

Intra-trial conflict was not revealed by the sub-period analysis. It may have been unreasonable to conclude that every decision of the pueblo government regarding the outside world went unchallenged. However, it was worthwhile noting that whatever issues of contention there may have been, the discord was certainly not enough to make significant noise in journals

or local papers. Consequently, Santa Claran Adaptive Peoplehood of the 1991-1994 sub-period, apparently was marked by an emphasis on political activism to enhance the community's position of influence with outside agencies as well as an attempt to regulate the effect of interaction with outsiders on the community.

Santa Clara: 1995 – 1997 Sub-Period Analysis

The sub-period analysis of 1995 – 1997, following the same method as the previous sub-period, alluded to educational emphasis for cultural preservation and improved student instruction, political mobilization for the protection of community interests, and economic advancement as characteristics of Santa Claran Adaptive Peoplehood. The Santa Clarans looked as though they deemed educational activism was vital to their community. An article in the *Fort Apache Scout*, indicated that Santa Clara Pueblo has adopted a policy to seek out educational methods of teaching mathematics and science that was best suited to the cultural needs of their students (1996). Similarly, an article in the *Santa Fe New Mexican*, tells how Santa Clara Pueblo was working with the Americorps program to have pueblo elders train pueblo youths. They worked together in order to learn traditional practical farming techniques as well as traditional values of “consistent hard work” and to “revitalize” the community (Leaken and Vigil 1995). The interviewed elders indicated that a generation gap existed between the elders and the youths, but they believed the Americorp program would go a long way towards ensuring the continuance of traditional Santa Clara culture (Leaken and Vigil 1995). Thus, it appeared as though the educational practices of the community were associated with the pueblo's sense of Adaptive Peoplehood. Moreover, Santa Clara Adaptive Peoplehood regarding formal and informal educational practices, generated an impression of irony as current educational innovations were being used to maintain and preserve aspects of cultural traditions. While educational activism may be one sphere of influence in Santa Clara Adaptive Peoplehood, the pueblo appeared to operate within other spheres as well, including political and economic action.

Santa Claran political mobilization and economic advancement, as a means to moderate the impact of outsider interaction on Adaptive Peoplehood, were at times difficult to delineate due to their extensive interrelation. In such instances, the actions were best viewed as one activity: political-economic activism. The documents related to this sub-period analysis implied that Santa Claran political-economic activism had two aspects. The first issue was dealing

directly with outsiders who were continuously on pueblo land and/or those who frequent pueblo land. The second aspect related to actions or decisions of outsiders that may impact the pueblo. An example of the former is how the Santa Clara Pueblo handled the issue of taxation for non-pueblo businesses that reside on pueblo land. Taxation issues were considered political-economic actions because the political determination of taxation jurisdiction was directly responsible for the economic impact of garnering monies generated from taxation. Bruno J. Navarro, writing for the Santa Fe New Mexican, discussed how the Santa Clara government negotiated a tax-sharing deal with the governor of New Mexico allowing the pueblo to share taxes with businesses within the city limits of Espanola that were also within Santa Clara lands (1997). Instances such as this apparently showed that the Santa Clara people were willing to interact with outsiders, but that they desired to ensure their contributions to the interaction. The documents provided some support for the second aspect of political-economic mobilization as well.

Actions taken by the Santa Claran peoples to gain influence amongst outsider groups that have the ability to make decisions impacting the pueblo is the second aspect of political-economic mobilization. The documents analyzed loosely traced a six month political effort of the Santa Clara to obtain state and federal approval for Indian gaming in New Mexico, potentially providing an economic stimulus to the pueblo (Griego 1997; Melmer 1997; Nez 1997; The Ojibwe News 3/1997, 6/1997). The Santa Clara, it seemed, successfully lobbied their state representative and therefore, caused her to alter her personal renunciation of gambling in general and to vote in favor of the state legislation that would approve Indian gaming (The Ojibwe News 3/1997; Melmer 1997, Nez 1997). According to an article in The Ojibwe News (6/1997) the governor of Santa Clara Pueblo was in communication with then Interior Secretary Bruce Babbitt. Pueblo officials appeared to be attempting to persuade the Interior Secretary to become actively involved in support of all New Mexican Pueblos desiring to initiate Indian gaming in New Mexico. The pueblo's political-economic mobilization broadened as they worked with other pueblos in an effort to renegotiate aspects of the state gaming legislation with the New Mexican governor (Griego 1997). Just as the previous sub-period analysis had intimated, the Santa Clara continued to work in concert with other pueblos on important

political-economic issues³. As such, it seems a reasonable example of the Santa Claran determination to sustain community advancement and self-preservation.

The 1995 – 1997 sub-period analysis offered evidence that Santa Clara Pueblo remained, as was similarly suggested in the first sub-period analysis, active in endeavoring to be free from outside dominance. The 1995 – 1997 sub-period analysis, however, shows an extension of the pueblo's efforts into areas related to economic advancement. Even more, the social concern of education was introduced in the second sub-period analysis. Thus, education had become a method encouraged by the pueblo to preserve traditional culture, even if it involved new educational techniques and practices. It was now, nonetheless, time to turn to the 1995 – 1997 analysis' discovery of social aspects that had no correlation to the first sub-period analysis – political turmoil.

While it was impossible to guarantee in the first sub-period analysis that the Santa Clara peoples did not experience political turmoil, it was possible to conclude that if such tumult did exist, it was not significant to draw the attention of the press. However, in the second sub-period analysis evidence of political turmoil was found. The discussion will begin with the example of political that was least controversial. In articles in the Santa Fe New Mexican, November 21 and November 21, 1997, Bruno J. Navarro described how the Santa Clara Pueblo sheriff and a Santa Clara Pueblo appellate judge were served with a tribal search warrant for supposedly illegally hunting elk on pueblo lands. However, another tribal judge overruled the approval of the warrant, thus relieving the sheriff and the accused judge from further prosecution. The judge accused of illegal hunting and had previously contested a petition claiming he had abused his judicial powers. The accused judge hinted that fellow tribal judge, Norman Singer, approved the warrant as a backlash against contestation of a petition. Navarro did not provide any further resolution for the situation, but the two-day story did indicate that there was some political turmoil between judges and between a judge and the community. The magnitude of the political turmoil however, cannot be obtained and the turmoil did not suggest that there had been, or will

³ Dale Mason, in chapter 3 of *Indian Gaming: Tribal Sovereignty and American Politics* (See works cited for complete reference), provides a thorough discussion of the political events pertaining to Indian gaming issues in New Mexico during the late 1980s and through the 1990s. His discussion verifies that Santa Clara Pueblo were politically involved with other pueblos in their attempt to broaden the scope of Indian gaming in New Mexico. While Santa Clara was represented at the signing of the state law to allow the broadening of India gaming, the degree of action for the Santa Clara may have been less than that of other pueblos. The Santa Clara pueblo was not

be, any prolonged judicial/political turmoil. This situation may have been an isolated incident, but another political issue had been more contentious and persistent.

Another issue of political turmoil that could not be ignored dealt with determining tribal membership eligibility for Santa Clara Pueblo. The issue was the same as the essential debate in the *Santa Clara Pueblo v. Martinez* case of 1978. In the case, the Supreme Court ruled that the issue of pueblo membership was out of the jurisdiction of federal courts. Therefore, the formation and enforcement of Santa Clara laws regarding pueblo membership were a tribal affair. According to one article, the issue had continued to cause “discord in the pueblo for three generations” and touches every family in the pueblo (Peterson 5/11/97). The source of the pueblo discord comes from a 1939 pueblo law that allowed “children of Santa Clara men who marry outside the pueblo” to claim tribal membership but not children of Santa Clara women who marry outside the pueblo (Peterson 5/11/97). Some Santa Clara members believed that the law violated the Santa Clara constitution “which specifies that children...who are born to ‘mixed marriages’ between a Santa Clara tribal member and a nonmember, can become Santa Clara members if they are recognized by the council” (Peterson 5/11/97). Families were split along member/nonmember lines, as nonmembers could not participate in some traditional ceremonies. Apparently, this had caused some women not to marry the fathers of their children so that the children would be tribal members (Peterson 5/11/97). There was a group of “about 100 people seeking tribal membership”, but they must work to have either the tribal law or constitution changed if they are ever to gain membership. A former Santa Clara governor was participating in this lobbying group and believes the issue to be the most pressing issue in the community (Peterson 5/15/97). This appeared to be rather contentious and pointed towards the conclusion that the Santa Clara model of membership did not satisfy the entire community, which could have been viewed as a lack of tribal consensus on Adaptive Peoplehood. Even more, the law concerning membership may have been excluding some individuals from participation in the ongoing formulation of the pueblo’s Adaptive Peoplehood. However, even though the issue of membership was emotionally heated, it did not appear to have broken down the overall functioning of the government or political system.

The interpretation of the pueblo’s constitution and the purported political maneuvers of a

listed as a state registered lobbyist nor was Santa Clara pueblo listed as a significant contributor to candidates running for state offices or to a specific political party.

pueblo judge represented political turmoil. In spite of this, it could not be concluded that the political system and the pueblo's constitution are in crises. The second sub-period analysis has revealed turmoil not found in the first sub-period and indicates some dissatisfaction with the pueblo's Adaptive Peoplehood aspects of membership determination and expectations of judicial officers. At the same time, though, the second sub-period analysis has provided further evidence of what could be considered the Santa Claran commitment to finding ways to ensure that interaction with outsiders is limited in its ability to change the community and also, the desire to advance the community's economic standing.

Santa Clara: 1998 - 2000 Sub-Period Analysis

The finding of the 1998 – 2000 sub-period, following the same process as the previous sub-period analyses, was similar to the previous two. The analysis revealed evidence suggests the Santa Clara people desire to determine their Adaptive Peoplehood by educational emphasis on cultural preservation and improving student opportunities, political mobilization for community protection, and advancement of the economy. The third sub-period differed from the second, as there was no indication of political turmoil or constitutional tumult. A discussion of these findings will follow.

Articles used for the third sub-period analysis pointed to a Santa Claran emphasis on education for two purposes. The first purpose was to improve educational opportunities. The second purpose was to preserve the pueblo language. These emphases of their Adaptive Peoplehood required the Santa Clarans to draw on the knowledge of experts for cultural preservation and concurrently use modern technology for education to fulfill the dual purposes of culture preservation and advancement. The Santa Clara partook of federal grants to provide internet service to their day schools, which not only, allowed for student research opportunities, but also for the students to preserve their culture in electronic museums for the Smithsonian Institution (Albuquerque Journal 10/3/99; Johnson 1999). In addition, the pueblo gained assistance from the Southwestern Indian Polytechnic Institute in an effort to increase the number and types of courses offered at its community college via distance educational courses presented through satellites or the internet (Tribal College 4/30/99). Thus, it seemed that the educational improvements were taken in order that pueblo children would be better educated and, by projection, be better prepared for the future.

Along with their general efforts for educational preparation there was a simultaneous effort for language preservation. The Santa Clarans, as the articles indicated, turned to the assistance of outside experts in the area of language preservation. It was the view of Santa Clarans that their traditional language was required for cultural survival because their world view could not be completely understood, or sustained, without the connective power of their language (Albuquerque Journal 6/19/98; The Ojibwe News 6/19/98). Having placed such importance on the preservation of their language, the Santa Clara peoples hosted a conference involving indigenous nations from across the nation to share their ideas and methods of preserving their traditional language. As could be seen by these examples of educational development and language preservation, the Santa Clara were aware of the outside world and appeared to be willing to interact with it. They were aware of outside technologies and educational methods that could have assisted in cultural preservation. They were likewise aware that their continued interaction with the outside world had caused difficulty in maintaining the use of their culturally pivotal traditional language. These efforts to better the education of their citizens and to preserve their traditional language were examples that lead one to suspect that their Adaptive Peoplehood placed much value on the incorporation of education for cultural preservation, as well as for educational advancement for the community.

Another feature of Santa Clara Adaptive Peoplehood suggested by the 1998 – 2000 period analysis was that of political action for the preservation of sacred lands. In 1998, and again in 2000, wildfires were threatening pueblo land. As the fires grew closer to the pueblo, the Santa Claran officials began to participate with local, state, and federal fire experts to determine what should be done (Lee 2000; Norrell 2000; Towers 1998). The greatest fear of the Santa Clara peoples was that the fire would destroy the sacred Puye cliff dwellings either by direct burning or by burning the nearby Los Alamos research facility and chemically contaminating the area (Lee 2000; Naranjo 2000; Towers 1998; Westerly 2000). Thus, the discussion revealed that Santa Clara Adaptive Peoplehood retained a connection to traditional sacred lands. Political actions were exercised by working closely with outside agencies to ensure the preservation of their sacred areas from natural disasters.

Additionally, articles indicated that Santa Clara Pueblo mobilized politically in an attempt to resolve a jurisdictional dispute with a neighboring town that had the potential to impact the pueblo's economy. The town of Espanola is situated largely on the land of Santa

Clara Pueblo. Therefore, the actions of Espanola appeared to have had a direct impact on Santa Clara Pueblo. Officials, therefore, interacted with Espanola officials to ensure that pueblo interests were protected and/or advanced. One illustration of this was the negotiations between the Santa Clara Pueblo council and Espanola town officials concerning building a regional jail on pueblo property (Neary 1999; Smith 1999). The council apparently had an agreement in principle regarding the cost of leasing the land and the real-estate taxes that would be levied on the jail structure (Neary 1999; Smith 1999). However, the Santa Clara people petitioned the council to reject the deal; indicating they thought the proposed jail site was too close to a new middle school. As a result, the pueblo governance system allowed the people to speak and then, apparently, the council responded. The council removed the pueblo from the jail plan because the council viewed the petitioner's concern of social impact by the jail outweighed its economic impact (Neary 1999, Smith 1999). The response of the council suggested that Santa Claran governance involved the pueblo citizenry, therefore indicating that the governance system was at times effective in minimizing political conflict over some issues. The council actions represented the pueblo's Adaptive Peoplehood tenets of political action for economic development, but also the example introduced the idea of balancing the two tenets against a third – social responsibility. The sub-period analysis, however, revealed an even more exemplary example of political action combined with a desire for economic advancement.

This example of Santa Claran political/economic actions was related to the pueblo's attempt to build a casino on pueblo land that was also within the jurisdiction of Espanola. The issue became heated as both sides debated who had jurisdiction over building permits, zoning, and policing (Neary 11/09/00, 11/21/00; Albuquerque Journal 11/17/00). Contentiousness, however, gave way to mutual coordination as both sides dialogued the issues and realized that both had justifiable concerns and that both would benefit from the casino's construction (Neary 11/21/00; Mason 2000). The casino construction was a goal of the Santa Clara peoples and they seemingly worked effectively through the outside political arena to put the construction on the right path. Santa Clara Adaptive Peoplehood allowed for political and economic alignment for the enhancement of the community. The examples discussed by the three sub-period analyses appeared to have revealed that political activism took place only at a local, state, or national level. The third sub-period analysis presented information that the political activism of the Santa Clarans had entered the international level.

The 1998-2000 sub-period document analysis provided some evidence that the Santa Clara peoples were beginning to look at their position, or situation, in terms of international relations. In 1998, Dave Warren, a Santa Clara scholar, suggested that indigenous peoples in North America should begin to “pay close attention to the burgeoning cultural movements of Indians in Central and South America” because they are beginning to gain control of the governments (Barriero). The implication was that the Santa Clara people may have learned how to improve their influence in the American government by learning from the political activism of the southern indigenous peoples. It seems that the Santa Clara may have taken Mr. Warrens advice, as in 2000 the pueblo hosted a meeting of government officials from the United States, Mexico, and Canada. The pueblo hosted the event, but it was sponsored by the North American Institute, “think tank devoted to improving connections between the three countries” (Lezon 2000). The key representative for the United States was Secretary of State Madeleine Albright who spent time alone with pueblo officials before the sponsored event (Lezon 2000).

In this instance Santa Clara officials took their political activism to the international arena. Other than attempting to gain some type of political inroad by hosting the international meeting, what else would have motivated the pueblo’s participation? Richard Simonelli, in an article in *News From Indian Country*, provided an answer. He summarized Santa Clara Pueblo author Gregory Cajete’s views on universal interconnectedness. It was Cajete’s cultural belief that indigenous cultures have a responsibility to teach nations of the Western World that there is connectivity between all things that must be properly maintained if the world is to survive, something he believes western nations have lost. In the essay, “Look to the Mountain”, Cajete added that universal interconnectedness comes from a “theology of place” that refers to more than a respect for the environment but includes “a place of consciousness and orientation to sacred ecology” (1999: 3). In addition, Cajete stated that “indigenous peoples must be supported in their collective attempts to restore their traditions while also recreating and revitalizing themselves in ways they feel are appropriate in contemporary society” (1999: 19). It appeared that Warren and Cajete saw a need for indigenous peoples to learn from each other in an attempt to retain their culture, as well as to fit into an ever-changing world. However, Santa Clara Adaptive Peoplehood has been associated with political activism in all three sub-period analyses, as has the emphasis on retaining traditional ways and beliefs. Therefore, the extending of political activism to the realm of international relations and extending the Santa Clara

Adaptive Peoplehood tenet of community harmony into the realm of international harmony and connectivity are not too farfetched. The third sub-period analysis appeared to further support the trends found in the previous two. It did not provide, however, any further credence to the limited context of political turmoil and constitutional debate found in the 1995 – 1997 sub-period analysis.

Conclusion: Similarities and Singularities Among the Sub-period Analyses

The three sub-period analyses of the news coverage indicated some of the priorities of the Santa Clara Pueblo, which may be connected to the nation's Adaptive Peoplehood. The analyses seemed to contain similarities of governance strategies found within news coverage, as well as appearing to point out singularities within respective sub-period analyses. This summative discussion was necessary as it allowed for a conclusion to be drawn concerning whether the Santa Clara constitution was responsible for, or associated with, intra-tribal conflict. Community emphasis on maintaining the community through political, educational, and economic action, which can be considered examples of community values within Santa Clara Adaptive Peoplehood, existed across the sub-periods. At times, this appeared to be simply adopting outside educational methods and ensuring that they fit within the pueblo's cultural context. Other times this meant direct negotiation with outsiders in order to establish a framework of cooperation that is suited to both sides, as exemplified in the negotiation of the casino construction. Santa Claran officials have even begun to exercise this value into avenues of international affairs. Another element of Adaptive Peoplehood was the preservation of culture traditions, which prompted the Santa Claran government to put in place programs for language persistence, protection of sacred lands, and the education of youths in traditional farming techniques. The way of life of the Santa Clara continued to change, but the foci of their Adaptive Peoplehood remained the same throughout the 1991- 2000 period. The pueblo not only had a sense of community, but also, community preservation. As such, the documents suggested that the political, economic, and educational actions taken by the pueblo were attempts to maintain the community's cultural traditions and continuance of tribal viability. It was important to note that throughout these actions, the Santa Claran governance system appeared stable. There was, however, an example of disharmony in the community's Adaptive Peoplehood.

The 1995 – 1997 sub-period analysis was the only analysis that discovered evidence of

some degree of governance instability, or at least some community dissatisfaction with the Santa Clara constitutional governance system. First, there was the purported political conflict between two Santa Clara judges. One judge overruled another on the determination that the first judge's order was beyond his jurisdiction. It appeared that either pueblo law, or its constitution, was unclear on the powers of the pueblo justices, as both judges obviously had a differing interpretation of judicial power. There was no evidence indicating the conflict persisted, which could mean that the issue was quickly resolved. Even if blame for the turmoil could have been placed on the Santa Clara constitution, the lack of further news coverage seemed to indicate that the magnitude of the dispute was minimal. The second example of political turmoil, tribal membership, looked as if it were more connected to dissatisfaction with Santa Clara law. The differing treatment of women compared to men in terms of passing on tribal membership through heredity was a point of contention between tribal members. While the issue seemed emotionally heated, the policy of membership had not been altered. Furthermore, the issue of membership was only found in one sub-period analysis, which led to the reasonable conclusion that intra-tribal conflict over the issue was not extensive enough to force a change in pueblo constitutional governance.

In the period leading up to the adoption of the constitution, the Santa Clara community was beset with political turmoil and instability. The Santa Clara people chose to adopt a constitutional form of government. Though this type of written government was not the social norm, it allowed for the pueblo to rule by the "Common law of the pueblo" (Article IV, Sec 3). Therefore, the practices of their indigenous laws were for the most part allowed as long as they followed the constitution. Furthermore, the constitution laid out the requirements for membership. These membership requirements were quite different from the Turtle Mountain constitutional membership requirements, which proffered that at least in the area of tribal membership the constitutions were not carbon-copied documents imposed by the federal government officials. The ratification of the constitution by Santa Clara Pueblo in 1934 implied that there was at least community ascension to the membership requirements. As discussed in Chapter 2, the formation of the 1939 membership law appeared to coincide with a period of theocratic resurgence; a possible signification that the 1939 law was a proper fit with the community's Adaptive Peoplehood of the time. The turmoil of the last thirty years, related to tribal membership, suggests that a group of Santa Clarans believed the constitutional

requirements should have superceded the 1939 tribal law pertaining to pueblo membership. The Supreme Court ruled that such issues were tribal matters, and therefore credence was given to tribal law being in accord with pueblo custom. It had to be said that the constitution of the Santa Clara, or more accurately the application of the constitution, could have been associated with political turmoil in recent years. Whatever turmoil existed since the inception of the IRA constitution, the turmoil did not appear to have seriously threatened, at least since *Santa Clara Pueblo v. Martinez*, a peaceful co-existence between the community's facets of Adaptive Peoplehood.

Chapter 4: Turtle Mountain Chippewa –

Adaptive Peoplehood and Governance: 1991 – 2000

The evaluation of the constitution and its association with intra-tribal conflict requires a proper contextual understanding. The first piece to establishing the contextual framework for this chapter's analysis will be a brief summation of the historical overview from Chapter 2. Another part of this contextual understanding relates to understanding the facets of Turtle Mountain Adaptive Peoplehood as well as their interaction. Of special interest to the analysis is the determining of the relationship between the tribe's constitution and other components of Adaptive Peoplehood. The analysis will concentrate on the time frame of 1991 – 2000. Documents related to Turtle Mountain ideals, goals, values, etc., will be identified through the Ethnic NewsWatch database so that components of the people's Adaptive Peoplehood can be discussed. A third aspect of establishing a proper contextual analysis will be a discussion of constitutional amendments that occurred during the analysis period. A discussion of the amendments will provide insight into what the Turtle Mountain Chippewa believe is a suitable form of governance. Furthermore, the 1991 – 2000 period will be analyzed via three sub-periods: 1991 – 1994, 1995 – 1997, 1998 – 2000. The use of three sub-periods will break the documents and constitutional amendments into more manageable numbers, but more importantly the sub-period analyses will allow for trends in ideals, values, goals, to be identified and tracked for possible changes, continued tribal emphasis, and/or points of intra-tribal conflict. The overall 1991 – 2000 period analysis will then allow for an evaluation of the interplay between aspects of Turtle Mountain Adaptive Peoplehood. First, the chapter will provide an historical summary to preface the analysis.

Historical Summary

The Turtle Mountain Band of Chippewa experienced cultural interaction with three non-Indian peoples. The cultural interchange with the French and English resulted in the Métis branching off from the established Turtle Mountain Band of Chippewa. The Turtle Mountain Chippewa and their Métis relatives', dealings with the American government were sometimes complicated by the differing goals each of the groups brought to the negotiating table. While the Métis were pushing for independence via American recognition, the established Turtle Mountain Chippewa were concerned with preserving their way of life from American encroachment. The established group, consequently, wanted to deal with American officials without regard to Métis desires. American officials dissatisfied both groups as they recognized the Métis as an acceptable group within the established Turtle Mountain Band. It appeared though, that the Métis (at least those not from Canada) were eventually incorporated into tribal membership on the reservation by the members of the established Turtle Mountain. The Turtle Mountain Chippewa, as suggested in Chapter 2, were believed to have become increasingly individualistic due to the activism of the BIA superintendent. Apparently, as a result of this individualism, the tribe moved to a constitutional form of government. The questions that remained were will the Turtle Mountain Chippewa's non-IRA constitution be associated with intra-tribal conflict as was the expectation for the IRA constitution of the Santa Clara, and if so, why?

Turtle Mountain Band of Chippewa: 1991 – 1994 Sub-period Analysis

Perusing the documents related to the 1991- 1994 sub-period analysis of the Turtle Mountain Chippewa revealed several areas of community focus. These areas were identified by common threads of topics and/or issues as revealed in the documents used for analysis of this sub-period. The common threads of community focus were education, tribal leadership, and economic development. These foci appeared to be characteristics of Turtle Mountain Adaptive Peoplehood. The Turtle Mountain constitution contained several amendments that occurred during the sub-period as well. Analysis of these amendments can be interpreted as an indication of tribal consensus on issues of government power and/or action. After the discussion of education, leadership, and economic development in conjunction with the examination of constitutional amendments, the sub-period analysis then looked for any evidence of intra-tribal conflict associated with issues of Adaptive Peoplehood.

Turtle Mountain Adaptive Peoplehood, as revealed by the documents, had several facets. One identified facet was the value placed upon education as a means of preserving traditional culture. According to an article in *Indian Country Today*, the means of preserving culture by passing it on to new generations was the educational system on the reservation (5/12/93). The article went on to relate that at the local high school and middle school, students were offered courses and programs teaching traditional culture as well as “tribal-member responsibility”. A Lisa Erdrich article in the *Tribal College Journal of American Indian Higher Education* indicates that the emphasis on cultural preservation through education carried into the realm of higher education, signifying that this emphasis was one of the primary areas of effort by the Turtle Mountain Community College (1991). The importance of education for cultural preservation was a possible indication that the community held a strong connection to their past and the cultural traditions that it contained. While the educational system of the Turtle Mountain Chippewa was determined by the community to have a significant role in preserving cultural traditions, this element of Turtle Mountain Adaptive Peoplehood was also viewed as essential to bettering the community.

Other than by preserving traditional culture, how did education advance, or better, the Turtle Mountain community? It did so by developing local citizens into experts in areas of service that the community needed. Drawing from the *Indian Country Today* article “Education: The Best Resource of the People”, the community’s emphasis on education has increased the number of tribal members obtaining post-secondary degrees and then “bringing their knowledge home” to serve the community (5/12/93). The *Indian Country Today* article, “Doctors Bring Their Medicine Home to the People”, discussed the excitement two Turtle Mountain tribal-members working as doctors at the local Indian Health Service hospital had about the “six students from Turtle Mountain either in medical school or completing residencies” and the potential of those students either serving their home reservation or another one day (5/12/93). An article in *Tribal College Journal of American Indian Higher Education*, described the extended role of the Turtle Mountain Community College serving the community as “think tanks”, helping the community to “focus on the necessary battles, zero in on them and take care of them instead of trying to continuously do crisis management” (10/31/93). The importance of education held by the Turtle Mountain Chippewa was focused on using their system to concurrently preserve traditional culture by teaching it to new generations of students and to

advance, or improve, the services and decision making of the community. There was, however, inklings of political discord within the Turtle Mountain community were found in some articles.

For the most part, specifics of the political discord were never directly addressed, but there were some articles that hinted at turmoil. Larry Belgarde's article "Seize the Day: Tribal Colleges Must Focus on the Future", indicated there was "a blurring of college-community boundaries" that made the Turtle Mountain Community College susceptible to community turmoil (1994). The article went on to indicate that the college established a board that "helped insulate the Turtle Mountain College from tribal politics". In the *Tribal College Journal of American Indian Higher Education*, an article suggests that the Turtle Mountain Community College should remain politically neutral if it was to serve the community, and not just a portion of it (10/31/93). In the *Indian Country Today Article*, "Many Cultures Passed This Crossroad", the then president of the community college seemed to recognize that the community was still at times separated along differing cultural and political lines according to the varying Métis/traditional tribal member background (1993). There was only one other article that provided more insight on the turmoil. The article, "Going to Battle: Twila Martin Considers the Power and Limitations of Leadership", indicated that the Turtle Mountain people had no clear perspective of what they wanted a leader to be (1993). Continuing, the article indicated that most tribal members agreed that a leader should serve the community. On the other hand, there was no apparent consensus on how a leader was to maintain values associated with the original established Turtle Mountain Band, yet conduct the business of the tribe in the typical business context where indigenous peoples and businesses are a minority. The article further suggested that because leaders had difficulty successfully meeting both of these conditions, the leaders did not satisfy all parts of the community. It was possible that officials of the community college were aware of a lack of consensus on leadership qualities and, even more, that political turmoil existed.

Another article highlighted the political turmoil related to the issue of tribal leadership. It summarized how a group of approximately 300 tribal members were attempting to break away from the Turtle Mountain Band. Their grounds were that the group of 300 was descendent from the established group that possessed treaty rights. The group believed that the treaty rights did not belong to the Métis descendents that were supposedly in current domination of the reservation (Lone Fight 1993). The article did not indicate that the attempted breakaway was

imminent. Chapter 2 indicated that a tradition of governance held by the Turtle Mountain Chippewa was the ability of community members who were dissatisfied with tribal leadership, or their decisions, to branch out on their own. Chapter 2 also put forward the idea that the community's tribal constitution did not allow for this tradition of political action to occur. The article's significance, therefore, came from its indication of tribal tension over determining the manner in which the tribe should be governed and what group of people should be governing. The choice, it appeared, was between perspectives held by two groups – those who supposedly follow cultural traditions or those who appear to be less committed to traditions.

Unlike the implicit turmoil related to the framework of governance to be followed by the tribal leadership, the Turtle Mountain emphasis on economic development did not appear to be associated with intra-tribal discord. Documents implied that the Turtle Mountain Chippewa implemented their economic actions on the principle of independence. The article “Nobody's Business but Our Own: Turtle Mountain Profits by Buying Indian”, indicated that the Turtle Mountain people were looking to increasingly draw outside business activity into tribal businesses (1993). Similarly, the article “Turtle Mountain Leads the Way to Self-Determination” suggests that the tribal government was attempting to establish new types of businesses, such as a casino. Even though such businesses required outside expertise, the tribal government only expected the outside professionals to stay long enough to train tribal members to do the jobs themselves (1993). Another example of this policy of fostering independence and economic development was found in the article “Technology Opens World to the Turtle Mountain” (1993). The article stated that the Turtle Mountain government purchased a portion of a non-Indian data entry business that was located on the reservation and later bought out the other party to run it solely as a tribal business independent of outside influence, other than the outside businesses that use the ventures services. Economic development within a context of tribal independent operation seemed to have been a goal of the Turtle Mountain Chippewa. Based on the available articles, it looked as though the characteristics of educational emphasis, and economic development, within the nation's Adaptive Peoplehood did not generate intra-tribal discord. There appeared, however, to have been some unsettled issues related to appropriate modes of leadership. An examination of constitutional amendments during the sub-period imparted further insight into the Turtle Mountain perspective on tribal leadership.

During the 1991 – 1994 sub-period, the year of 1992 was a year of constitutional reform.

All constitutional amendments were approved on November third and affected the following areas: (1) Article IV, Sections 3 and 4, (2) Article V, Section 5, and (3) Article XIV, Sections 1 through 8. Article IV, Section 3 required the Tribal Council to “establish a Code of Ethics that will govern all elected officials and tribal personnel” and Section 4 required that Tribal Council members must vote by roll call on issues. Article V, Section 5 required Tribal elections to be held on “the First Tuesday in November in even numbered years” unless there were a holiday, then the elections would coincide with “National, State, and County election dates”. Article XIV, Sections 1 through 8 established the “Separation of Powers” between the Tribal Council and the Judiciary. Section 1, of Article XIV, stated the purpose was “to provide for a separate branch of government free from political interference and conflicts of interest for the development and enhancement of the fair administration of justice.” Section 2, of Article XIV, stated that the Judicial Branch was to be equal to the Tribal Council. Section 6, of Article XIV, established the Judicial Board to be composed of voting members which were lay district representatives, one lay at large representative, and one member of the Tribal Council. There would be two attorneys and one member of the Turtle Mountain Judicial Branch (tribal judge) who would serve as non-voting members of the Judicial Board. The duties of the Judicial Board included the following: (1) to develop/implement general policy of the Judicial Branch, (2) to develop/implement “a code of judicial and professional ethics”, (3) to establish rules for court procedure, (4) to develop/implement impeachment procedures, and (5) to recommend legislation to the Tribal Council regarding operation of the Judicial Branch. It was not the intention of Article XIV to have the Judicial Board “regulate the day-to-day activities of the court, develop the court’s budget or to interfere with the administration of justice.” The significance of the 1992 constitutional amendments was how all, except Article V, Section 5, were associated with establishing constitutional oversight of Tribal Council members.

The 1992 constitutional changes imply dissatisfaction amongst the Turtle Mountain tribal members toward tribal officials. Article IV, Section 3 and Article XIV, Section 6, required codes of ethics to be instituted as conduct controls on tribal officials. Section 3, of Article IV, required roll call voting by Tribal Council members, which was a constitutional procedural requirement that can be interpreted as a desire by tribal members to be aware of each council member’s position and action on issues. However, it was Article XIV, Section 1, which was the most foreboding constitutional change. Its wording, “to provide for a separate branch of

government free from political interference and conflicts of interest for the development and enhancement of the fair administration of justice”, was a strong implication that tribal politics had somehow interfered with what the community thought was fair justice. These three additions to the Turtle Mountain constitution possibly suggest that before they existed there was limited effectual constitutional recourse for tribal members to deal with officials deemed to have surpassed the mandate of their tribal electorate. The discussion of the 1992 constitutional changes suggests that prior to these changes, though not the direct cause of tribal discord, the constitution was insufficiently articulated to manage what tribal members perceived as abuses, or inadequate application, of power by government officials.

The 1991 – 1994 sub-period document analyses revealed trends of community focus. These themes of Turtle Mountain Adaptive Peoplehood were the community emphases of education, leadership, and economics. The Adaptive Peoplehood characteristics of education were identified as cultural preservation and the betterment of community services. Also gleaned from the articles, was the Adaptive Peoplehood characteristic of improving their economic self-sufficiency, or solidifying their ability to provide for their own needs. Leadership, too, was a topic of community interest. Even though the actual leadership style of preference for the community was still too fuzzy to clarify, the analysis alluded to community debate over the issue. The debate was interpreted as a possible indication that effective leadership in general was a trait of Turtle Mountain Adaptive Peoplehood. The community, according to the articles, was trying to balance the desire of leaders to follow values associated with tribal practices of the established Turtle Mountain group against the need to operate government in Americanized situations. The analysis of constitutional amendments implied that the tribal members knew, regardless of preference to leadership perspective, when tribal officials had acted inappropriately. The constitutional changes suggested something else as well – the constitution was not as effective as need be in dealing with inappropriate actions or conduct of tribal officials. The amendments point to, but do not overtly state, that tribal discord had occurred due to the ineffective application of fair justice. The 1991 – 1994 sub-period analysis revealed that members of the Turtle Mountain Chippewa appeared to have sought cultural preservation, the betterment of community through services, economic development, and effective leadership – tenets of their Adaptive Peoplehood. While it seemed as if the Turtle Mountain Chippewa retained a cultural unity, Adaptive Peoplehood, an element of discord existed in terms of

clarifying what perspective of leadership to follow. Furthermore, the constitution was altered during the period to ensure that the constitution would allow for the maintenance of a proper governance relationship between the power and actions of tribal officials and tribal members; something that the constitution might not have been doing well.

Turtle Mountain Band of Chippewa: 1995 – 1997 Sub-period Analysis

The 1995 – 1997 sub-period analyses of documents identified trends that separated Turtle Mountain Adaptive Peoplehood into several categories: economic development, educational emphasis, and tribal leadership. Documents will be analyzed to discuss each of the categories of Peoplehood. Just as with the prior sub-period analysis, during the years of 1995 – 1997 the Turtle Mountain constitution was amended in several ways. The tenets of Adaptive Peoplehood identified during this sub-period analysis will be analyzed in conjunction with an analysis of period-related amendments to the tribal constitution. From the discussion the sub-period tenets of Adaptive Peoplehood and an examination of constitutional amendments, the analysis tried to determine if issues of Adaptive Peoplehood were associated with intra-tribal conflict.

Documentation related to Turtle Mountain economic development for the 1995 – 1997 sub-period was limited and focused on two elements of Adaptive Peoplehood. One element, the same as for the prior sub-period analysis, was the assurance of tribal independence, or self-sufficiency. A single article by Logan J. Davis illustrated how the tribal data entry operation continued to seek outside business and had obtained contracts from various federal agencies, state governments, and local governments which had not only increased the venture's payroll to \$18 million dollars but had brought profit to the business for the first time (1996). In contrast to this is another article by Logan J. Davis, "North Dakota Tribes Concerned with Welfare Reform Proposals", which stated that Turtle Mountain government officials were attempting to gain a participating role in the state's efforts to reform the welfare system (1996). The article goes on to indicate that Turtle Mountain officials were concerned that if they did not have input to the reforms then they would lose out on receiving welfare assistance for tribal members. This was an example of political activism intended for the economic benefit of tribal members, which seemed to clash with the Turtle Mountain Adaptive Peoplehood tenet of independence. Dependence upon an outside agency's assistance was obviously the opposite of economic development for self-sufficiency. However, whether this dependence upon outside welfare

assistance was to continue as an inconsistency in Adaptive Peoplehood tenets or recede to oblivion as the Turtle Mountain Chippewa develop their economy, will have to be determined by a different analysis. Consistent in this discussion of Turtle Mountain Adaptive Peoplehood was the value of doing what was necessary for the economic benefit and security of the community.

The documents for the 1995 – 1997 sub-period revealed educational emphasis as an instrument for advancing the community and preserving culture. The community college continued to develop courses that taught the sciences in conjunction with cultural values (Ambler 1996). The article, “Turtle Mountain Celebrates Another Milestone,” also implied the community’s commitment to education by discussing the breaking of ground on a brand-new “multi-million dollar college campus” (Davis 1997). Thus, it appeared that education maintained a role in servicing the community through educational programs and by tribal leadership decisions to build a new college campus.

Tribal leadership also seemed to be concerned with improving the health of the community. Logan J. Davis’ article “New Horizons in Health: HealthPlex and Wellness Center at Turtle Mountain” revealed that the Turtle Mountain community built a modern wellness center to promote a healthy lifestyle for tribal members (1997). Addressing community health from another perspective, Logan J. Davis’ article “Domestic Violence is a Community Disease”, indicates that Turtle Mountain officials were attempting to initiate policies and programs to diminish domestic abuse (1997). In similar manner, the article “Child Support Tough to Enforce on Reservations” in *The Ojibwe News* pointed out that Turtle Mountain officials were trying to ensure that child support policies were properly enforced on the reservation so that those in need received proper support (1997). Tenets of Turtle Mountain Adaptive Peoplehood appeared to be concerned with improving the community by bettering its educational experience and by preserving culture by incorporating it into modern science. Also, the nation’s Adaptive Peoplehood involved an expectation that government officials not only be aware of social problems, but to try to fix them. Even though the 1995 – 1997 sub-period analyses did not reveal turmoil regarding these Adaptive Peoplehood issues, the analysis did uncover what appeared to be a break down of the Turtle Mountain Chippewa’s constitutional government.

The break down of the Turtle Mountain constitutional government, as introduced in David Melmer’s article, “Turtle Mountain Chairman Replaced by Wide Margin”, covered a two-year span – beginning in November of 1994 (1996). The political turmoil read much like a

docudrama. Melmer's article, "Exiled Chairperson Occupies Turtle Mountain Tribal Building", suggested that political problems arose after the November elections due to issues related to the "Separation of the judiciary, three constitutional amendments that were not approved by the BIA and the length of time between the election and taking office". According to the article, the new tribal chairman and two new council members had withdrawn tribal funds to receive pay as consultants as they educated themselves on tribal government policies and procedures. Such action caused a tribal judge to feel obligated to issue a court order restraining the three individuals from further action as government officials. Melmer's article, "Turtle Mountain Negotiations Break Down: Two Judges Suspended", summarized how the council members' actions and the court order resulted in a weeklong series of events in the following manner:

"A tribal chairperson, vice-chair and a councilman spend a night in jail, an election board chairperson is suspended, the vice-chair is sentenced at a hearing, legal recall petitions were held up, two judges were suspended, a BIA superintendent has asked to be removed, and negotiations between the council factions broke down" (1995).

The turmoil, as the article further clarified, was generated by a series of actions including a tribal member petition to recall six current tribal council members, the tribal court's ruling to stop the recall, the tribal chairman's refusal to stop it, and the removal of judges by a judicial board appointed by the tribal chairman's faction. With the tribal chairman and her allies split against six tribal council members, the Turtle Mountain community experienced the constitutionally unthinkable, "two tribal governments working simultaneously and cooperatively" (Buckles 1995). However, the cooperative nature of the situation changed quickly.

The cooperative effort of the split council eroded as both sides began to accuse the other of wrongdoing. In the article "Turtle Mountain Chippewa on Political Merry-go-round", the six affiliated council members charged the chairman with "misconduct, neglect of duty, malfeasance and gross incompetence". The article provided the chairman's perspective as she claimed the six were "operating in collusion" with the tribal court and the BIA superintendent. Additionally, the chairman championed her cause as being based in tribal tradition and values, unlike the constitution, which removed the people from involvement with the government. The chairman, in Melmer's article "A Revolution for the Chippewa", claimed that her emphasis of the "seven teachings of the seven grandfathers of the Chippewa" would revolutionize the "everyday work of the tribal government" (1995). The chairman championed herself as the preserver of culture and

reformer of the government. In “Turtle Mountain in Turmoil: Money at Root of a Nation Divided”, Melmer stated that community members readily identified the chairman as the cultural preserver and the six council members leaning “more towards the French side of the Metis” emphasizing the economy over everything else (1995). The article “Election Question Up in the Air” by Melmer indicated that the turmoil between both groups was extensive enough to halt the tribal council’s official work for four months (1995).

The interpretive analysis of the 1995 – 1997 sub-period suggested that the Turtle Mountain Chippewa constitutionally based political system was not satisfying the interests of all tribal members. Though the tribal chairman kept her position for the duration of her term, she was promptly removed in the next election, according to the article “Turtle Mountain Chairman Replaced by Wide Margin” (Melmer 1996). It was unclear in the interpretive analysis if tribal members were unhappy with her emphasis on implementing culturally historic methods of governance, or if they were dissatisfied with her representing a period of political upheaval. For some reason, the Turtle Mountain constitutional governance appeared to be ineffective in allowing tribal members to reach a consensus on which ideology of leadership – the traditions of the established Turtle Mountain Band of Chippewa, or the perspective of the Métis – the government should follow. It seemed as if Turtle Mountain Adaptive Peoplehood was unsettled on the issue of responsible and effective government leadership.

In 1995 and 1997, several constitutional amendments were placed within the Turtle Mountain constitution and may have been an attempt to clarify what the community thought in terms of responsible and effective tribal leadership. In 1995, Article IV, Section 2 was amended and delineated the powers of the Tribal Council in terms of delegating power to “subordinate committees, delegates, and employees not otherwise provided for in the constitution”. Article VI, Section 2 was amended as well and declared the Tribal Chairman as the Executive Officer of the Tribe and stated his responsibilities in terms of implementing ordinances and his/her power to veto council resolutions or ordinances. Another 1995 change was within Article VII, in which Section 1 listed the procedures the Tribal Council must follow in relation to public and special closed meetings. The final aspect of the 1995 changes was found in Article XIV, Section 6, which required that district representatives must reside “within the district he/she represents and must not serve in any tribal elective or appointive position”. While Article XIV, Section 6 attempted to eliminate conflict of interest by limiting the number of offices a district

representative could have, most of the 1995 amendments had the commonality of demarcating the powers and responsibilities of government officials (Article IV, Section 2; Article VI, Section 2; and Article VII, Section 1). The 1995 amendments dealt with clarifying the powers and responsibilities of government officials, and it seems as if they were an attempt to mollify concerns of tribal members regarding appropriate actions by tribal leaders. The 1995 amendments appeared to have resolved little, as the political turmoil persisted throughout 1995 and into 1996. The amendments of 1997, however, addressed different issues.

The amendments of 1997 did not appear to be concerned with delineating the powers of government officials, but rather, they appeared to be changes implemented to ensure that problems associated with electing or removing officials were minimized. Article V, Section 1, stated the required vote margins for candidates to prevail and addressed what to do if a district required more than one representative to be elected during the same election (top vote getter is first selection, next highest is the second representative. Another 1997 amendment, Article V, Section 4, was related to Section 1 in that it stated the eligibility requirements for candidates of tribal office as membership requirement, minimum age, absence of felony conviction, and residency requirement. Article VII, Section 5 is another 1997 amendment and it stated that “newly elected district representatives” must be duly installed at the “first regular meeting of the Tribal Council after certifications” of their election have occurred. The final 1997 amendment was Article VIII, Section 2 which required the Tribal Council to establish ordinances related to the “removal or recall of a district representative or officer”, and furthermore, that “Conviction of a felony is grounds for automatic removal of a district representative or other elected official”. It seemed apparent that the 1997 amendments, because of their repetitive reference to felony convictions, were indicating that the Turtle Mountain members do not believe that felons were suitable for leadership positions. Moreover, the 1997 amendments apparently were an attempt to ensure proper candidates would run for office, officials would be elected in a proper manner, officials would be properly installed in office, and that if officials were believed to have been improper there would be a method of removing them from office. The 1997 amendments evidently were intended to work in tandem with those of 1995. The 1995 amendments looked to be attempts to eliminate political turmoil by establishing clear powers and responsibilities of government officials, while the 1997 amendments seemed to be efforts to minimize intra-tribal conflict over which candidates are elected and how. The amendments, when looked at in

conjunction to the political turmoil of 1995 and 1996, lead one to believe that the political turmoil was at least associated to inadequacies within the tribal constitution to resolve the turmoil and unresolved community debate over the proper perspective of governance.

The 1995 – 1997 sub-period interpretive analyses identified commonalities in document topics, which suggesting trends of emphases within Turtle Mountain Adaptive Peoplehood. The trends were educational emphasis, economic development, and tribal leadership. Turtle Mountain Adaptive Peoplehood, on one hand, appeared to emphasize the continued advancement of community self-sufficiency and thus sought to bring in outside clients for tribal business ventures. On the other hand though, a contradiction existed. The tribal government desired to ensure the well being of community members but did so by attempting to ensure as much state welfare money reached the Turtle Mountain community as possible. While this was not a condemning action, its purpose was to benefit the community and appeared to be a polar opposite to the self-sufficiency through economic development tenet of Turtle Mountain Adaptive Peoplehood. Tribal leadership looked to emphasize community well being as evidenced by the building of a wellness center, programs to assist victims of domestic violence, and programs to ensure that others received their required child support payments. Effective and caring leadership as part of Turtle Mountain Adaptive Peoplehood seemed to mesh well with the identified tenet of emphasizing education. Tribal leadership chose to build the new community college facility and education continued to be used as a means to maintain cultural values. There was, however, political turmoil that split the community along values associated with the governance of the established Turtle Mountain chieftain council and Métis lines. Furthermore, the tribe's constitutional government was unable to quickly resolve the turmoil between ideologies. Turtle Mountain governance was not satisfying all tribal members. The political intra-tribal conflict indicated a lack of consensus and the amendments indicate that the constitution was, at one point, inadequate in resolving the turmoil. However, the amendments point to something else as well. The Turtle Mountain Chippewa came to the realization, at two different points in time that the constitution could, and should, be altered. More importantly though, even during and after the turmoil, the Turtle Mountain people were in agreement enough to make changes to the constitution.

Turtle Mountain Band of Chippewa: 1998 – 2000 Sup-period Analysis

The interpretive document analysis for the Turtle Mountain 1998 – 2000 sub-period was conducted in the same manner as the other two. Like the others, the 1998 – 2000 sub-period analyses identified topical commonalities within the documents. These apparent trends of Turtle Mountain Adaptive Peoplehood were development, education, and leadership. The documents associated with this sub-period were analyzed to determine the tenets of Adaptive Peoplehood emphasized by the Turtle Mountain people and to discover if any intra-tribal conflict occurred. Unlike the previous sub-period analyses, there were no constitutional amendments to the Turtle Mountain Constitution, and therefore, an explicit analysis of the document was not part of this sub-period analysis.

The documents for the 1998 – 2000 sub-period analysis indicated two general areas of economic development. Logan J. Davis's article, "Is the Well Going Dry", indicated that the Turtle Mountain Chippewa established a Tribal Water Resource department in order to lobby the state of North Dakota to ensure protection of the tribe's water rights (1998). The article suggested that the Turtle Mountain Chippewa created this government department as a means to protect its members from a potential water shortage and become independent from the dictates of the North Dakota Water Commission. The implication here was that overregulation by the North Dakota Water Council possibly could interfere with tribal funds management for tribal water services. In the article "Clinton Vows to Work with Tribes", Logan J. Davis provided another example of economic activism (1998). The article summarized how Turtle Mountain officials were sent to hear President Clinton's speech, but even more importantly the officials were sent to make connections with potential clients for tribal businesses. Another example related to economic development was found in the article "Turtle Mountain Chippewa Seek \$40 Million as Empowerment Zone and Enterprise Community". It related how Turtle Mountain officials were attempting to form a regional economic development association with other local communities (1998). This example differed from the creation of the Tribal Water Resources department and the efforts of tribal officials to lure business clients at Clinton's speaking event. These appeared to be examples of efforts to achieve self-sufficiency. The Empowerment Zone was identified as an effort for economic development that would create dependence upon outside funding as well as outside governments. Turtle Mountain Adaptive Peoplehood appeared to place an emphasis upon self-sufficiency and the documents provided examples of tribal officials attempting to achieve it. However, there was also an example of efforts to develop the Turtle Mountain

economy resulting in entanglements with other local communities, which was difficult to characterize as an effort towards self-sufficiency. The contrasting examples suggested that the more accurate characterization of Turtle Mountain Adaptive Peoplehood was advancing the interests of the community even if self-sufficiency could not be maintained.

Leadership decisions appeared to be connected to actions associated with outside agencies or programs that would create or improve services that the Turtle Mountain community needed. In the article, “North Dakota Tribes Teaming Up On Compulsive Gambling Program”, it was revealed that the Turtle Mountain Tribal Council was participating in an inter-tribal association that would study compulsive gambling issues on North Dakota reservations (1998). The article stated that the study of compulsive gambling was an attempt to identify how best to help reservation communities with the issue (1998). Participation in such an agency indicated how Turtle Mountain officials were aware not only of problems held by tribal members, but also, that the officials were willing to do something about the problems. In a similar manner, Turtle Mountain officials were aware of the sub-par performance of their tribal police, which often times allowed criminals to go free due to improperly following procedures (Pierpont 2000). Realizing this problem existed, Tribal officials acted to improve the performance of tribal police by joining a regional tribal government to establish a tribal police academy to train police officers who would then serve reservations in the region (Pierpont 2000). Furthermore, according to the article “COPS Grants Total \$25 million”, Turtle Mountain officials sought to increase the number of tribal police officers by obtaining federal grant monies to cover the additional salaries (1999). Tribal leaders acted to establish programs and improve community services in an effort to lessen the magnitude of community problems. Turtle Mountain Adaptive Peoplehood included not only economic development, and possible movement towards self-sufficiency, but also the desire to lessen the impact of community problems, such as compulsive gambling or ineffective police.

Turtle Mountain was found to have a continued emphasis on preserving culture through the Turtle Mountain educational system (DeLong 1998). The middle school and high school had elective courses that taught traditional language and the high school had required courses such as Turtle Mountain Tribal History (DeLong 1998). Even more significant than the emphasis on courses that preserved heritage, was the emphasis on instruction following cultural norms associated with the pre-reservation era (DeLong 1998). Maintaining an effective educational

system carried over to the community college as well. College officials have developed a student centered college assessment survey used to identify the weaknesses and strengths of the college in an effort to serve as many students in the best way possible (Yellow Bird 1999). Similarly, in an article by Carol Davis, the community college has moved towards offering on-line courses so that tribal members could take courses from anywhere (1999). The community college understood that though the internet courses could be offered, teaching cultural traditions to tribal members, the courses also had the potential to reveal aspects of cultural knowledge to outsiders that was meant to stay within the community (Davis and McLeod 1999). Turtle Mountain Community College officials had the responsibility not only to preserve cultural traditions by teaching them to new generations of tribal members, but also to protect the community from exposing cultural knowledge to outsiders (Davis 1999, Davis McLeod 1999). Turtle Mountain Adaptive Peoplehood, from the perspective of inside activism, appeared to focus on the preservation of cultural traditions and seemed to expect the community's educational system to play a significant role in achieving this preservation. As such, the community appeared to continue the expression of their connection to, and regard for, cultural traditions.

Turtle Mountain educational activism, for the 1998 – 2000 sub-period analyses, was also associated with bettering the community. In Marjane Ambler's article "A Community Responsibility for Welfare Reform", the community college gained another responsibility – to train tribal members to be part of an effective workforce for tribally owned business and private businesses owned by tribal members (1998). The article suggested that by improving the available work force existing business would improve and other business requiring a better-trained workforce could be initiated. Another characteristic of the value associated with bettering the community was found in the article "Casino Losing Revenue: Changes, Wage Reductions Loom at Turtle Mountain", which indicated that the Tribal Council was willing to step in on tribally owned ventures that were not operating effectively or productively (1998). The article went on to indicate that when the tribally owned casino was losing revenue, the Tribal Council stepped in and made changes that improved the organizational efficiency of the operation because the council believed that the long-term benefit of the change on the community outweighed the immediate discomfort caused to a few casino workers. Internal activism in these examples, improving the workforce and reorganizing ineffective tribal

businesses, was instigated by the Turtle Mountain Adaptive Peoplehood ideal of bettering the community.

The 1998 – 2000 sub-period interpretive analysis revealed that Turtle Mountain Adaptive Peoplehood was concerned with serving the interests of the community. Turtle Mountain officials took action to recruit clients for tribally owned businesses, to bring in outside agency funding to improve community services, and to protect community interests by preserving water rights. At times it seemed these actions promoted self-sufficiency; at other times the actions seemed to improve the opportunity for prosperity, yet in a manner that brought the Turtle Mountain community into a position of interdependence with outside communities. The interests of the Turtle Mountain community were served by the educational system as well. Turtle Mountain Adaptive Peoplehood emphasized preserving cultural traditions through the programs and methods of the community's formal education system. Also, the education system looked to improve the economy by improving the skills of the community's workforce and by attempting to assist tribal businesses that were losing revenue. The 1998 – 2000 sub-period analyses did not indicate political turmoil. The analysis only found what appeared to be a community, and its government, focusing on serving the interests of the entire community.

Turtle Mountain Band of Chippewa: 1991 – 2000 Conclusions

Adaptive Peoplehood for the Turtle Mountain Chippewa during the period of 1991 – 2000 was comprised of many values. While the analyses of the news coverage and the constitution cannot be said to reveal the entire breadth of Turtle Mountain Adaptive Peoplehood, they do reveal, across the sub-period analyses, what appears to be consistent patterns of community emphasis and governance strategies. The values of Adaptive Peoplehood that carried across the three sub-period analyses appeared to consist of the preservation of cultural traditions through formal education, the advancement of economic prosperity, and the improvement of community services to resolve social problems. Though the advancement of economic prosperity for the community persisted throughout the 1991 – 2000 period, there were instances in which tribal officials attempted to obtain economic self-sufficiency for the tribe while simultaneously attempting to improve economic prosperity through decisions that created interdependence with other communities. The conflicting methods of economic development chosen by Turtle Mountain officials were possibly a reflection of the ambiguity of the

community's Adaptive Peoplehood towards economic development – they appeared to be following two divergent paths simultaneously. There was further evidence that may imply that officials were somewhat unclear of how they should determine their course of actions.

The articles gave the impression that the community felt the need to preserve cultural traditions of governance, but as was discussed earlier, there were times that the modern government context did not allow for decisions to be made according to cultural traditions. Turtle Mountain officials discovered that the incongruity of the leadership decision making progress, regardless of the leaders' intent, often left some members of the community dissatisfied with the government. The 1991 – 2000 analysis extended this difficulty further when it showed the factionalization of the tribal council and their respective supporters, along the lines of those who appeared to desire the operation of the government according to cultural traditions and those who preferred the apparent economic emphasis of the Métis from 1994 to 1996. There were claims that the Turtle Mountain constitution was to blame for the turmoil. Some of the blame for the turmoil must reside on the individuals involved on both sides of the council discord.

The 1992 amendment of Article XIV called for the separation of power between the Tribal Council and the Judiciary. The amendments ratified in 1995, during the period of unrest, appeared to be attempts to clarify which powers the Tribal Council had and a listing of provisions to hold it accountable to the tribal members. The 1992 amendments and the 1995 amendments did little to either prevent or abate the intra-tribal conflict. From the description in the articles, it appeared as though the individuals chose to escalate the conflict rather than move towards reconciliation. More importantly, neither side turned to the tribal constitution as justification for their positions. Only one side claimed that the constitution was not a proper governing document because it improperly limited the involvement of tribal members. If this accusation were true, then it could have been concluded that an issue of constitutional legitimacy existed within the Turtle Mountain Community. Intra-tribal conflict, consequently, could have been associated with the constitution.

Since the adoption of the tribal constitution, amendments have been ratified in 1962, 1975, 1990, 1992, 1995, and 1997. The numerous changes indicated that the constitution has persistently been a work in progress. The amendments also suggested that, when necessary, the Turtle Mountain Chippewa generated enough of a consensus to address the issue through ratification of constitutional amendment. While this hinted at community cohesiveness, it was

noticed that according to Article XIII, Section 1 an amendment could have been approved by a simple majority of twenty percent of the eligible resident voters (resulting in a required consensus of only 11% of eligible voters). Furthermore, the amendments of 1992, 1995, and 1997 implied that there was community discord with the leadership and its practices in the time frame of the period analysis. This discord ultimately suggested that there was a disconnection between tribal members, leadership, and the constitution at some level, and the intra-tribal political conflict of 1994 – 1995 provides a glimpse of this disconnection.

Chapter 2 indicated that at times there was social disharmony between the established Turtle Mountain Chippewa and their Métis relatives. At one point the Métis were not wanted on the reservation. However, the literature for the historical overview suggested that a part of the reservation population was composed of incorporated Métis. This apparent unity was somewhat evidenced by the Turtle Mountain people's sending of a delegation to the IRA Congress, in Rapid City, S.D. However, the duration of the 1994 election dispute was an apparent indication that there remains some discord between the two groups in recent times.

Despite this intra-tribal discord, the community seemingly maintained an Adaptive Peoplehood concept in terms of consensus on cultural preservation through education, economic development for self-sufficiency, and the improvement of services to the community. The Turtle Mountain Adaptive Peoplehood also appeared to value effective leadership. At the IRA Congress, the Turtle Mountain delegation voiced a concern for improving their educational training and the need for having educated leaders to better serve the community. It appeared, that the Turtle Mountain have, in a couple facets of community emphasis, retained continuity in their Adaptive Peoplehood. Evidently, the issue of leadership discord existed because there were at least two views on the proper perspectives for guiding leadership decisions – leadership based on cultural traditions or that of the Métis. Both sides, however, gave the impression that they knew when government was not working and/or when officials were functioning improperly in their service to the community. The numerous amendments to the tribal constitution suggested that there had been dissatisfaction within the community regarding elements of the constitution, as well as what perspective of governance government officials should have followed. The analysis of the constitution, during the 1991 -2000 interpretive document analysis and the historical contextualization, intimated that the Turtle Mountain Chippewa have retained a sense of community as evidenced by the tenets of their Adaptive Peoplehood. Even more, the same

analysis suggested that intra-tribal conflict has occurred, which could have been associated with a community disconnect with the tribal constitution.

Chapter 5: Drawing Conclusions – Comparing Santa Clara and Turtle Mountain Adaptive Peoplehood and Governance

Santa Clara Pueblo and the Turtle Mountain Band of Chippewa created their constitutional governments under different circumstances and both peoples have similarities and distinctions in Adaptive Peoplehood. The focus of this study is to evaluate the impact of the IRA on each nation's recent political experience as determined by evaluating each nation's Adaptive Peoplehood. The recent period of concentration for this interpretive analysis was 1991 – 2000, broken into three sub-periods: 1991 – 1994, 1995 – 1997, and 1998 – 2000. Analysis of each sub-period allowed for easier identification of characteristics of Adaptive Peoplehood, and tracking these characteristics across sub-periods allowed for a general understanding of the overall 1991 – 2000 period analysis. Each indigenous nation had characteristics of Adaptive Peoplehood that persisted across the sub-periods. Elements of political tension also existed during the 1991 to 2000 period. A comparison of the similarities and dissimilarities of Adaptive Peoplehood and political tension for Santa Clara Pueblo and Turtle Mountain peoples was provided, followed by the discussion of the impact of constitutional government of that period's social fabric for each indigenous nation. The final portion of this chapter will address future research considerations that expand on the findings of this project.

Adaptive Peoplehood Comparison

In Chapter 1, Adaptive Peoplehood was identified as a concept used to compare constantly evolving Native American communities in the holistic sense of how they digest the interaction of the following facets: legacies of colonialism, current political/social institutions, community values, and cultural traditions. Within the Adaptive Peoplehood concepts of Santa

Clara Pueblo and the Turtle Mountain Chippewa many similarities can be found. Based upon a categorization of similar actions identified through the document analyses, the Adaptive Peoplehood for each nation was separated into three topical spheres: politics, economics, and education. Therefore, it is suggested that each community emphasized government and community action in each sphere and can be considered parts of each community's Adaptive Peoplehood. The Santa Clarans and the Turtle Mountain Chippewa emphasized political action through the recruiting of outside clients and/or the establishment of cooperative arrangements with other governments. Santa Clara established tribally owned businesses off of pueblo land in the enmeshed city of Espanola, and the Turtle Mountain Chippewa created a regional economic development association and attempted to gain clients for tribally owned businesses by networking at conferences in Washington, D.C. Furthermore, both peoples were active in lobbying state governments to ensure that their economic needs and rights were protected. Santa Clara desired to establish a casino in order to develop their economy and believed that as an indigenous nation, they had the right to establish one. As such they lobbied state representatives and the governor to achieve this goal. Similarly the Turtle Mountain Chippewa lobbied state agencies to preserve treaty rights to water and also to ensure that state welfare benefits were properly dispersed to tribal members. The political activism of the Santa Clara and the Turtle Mountain Chippewa revolved around the goal of advancing, or improving, the current socio-economic status of each tribal community.

Adaptive Peoplehood for each indigenous nation also seemed to contain an emphasis on education as a means to community betterment. Both the Santa Clarans and the Turtle Mountain Chippewa valued education. It was emphasized as a means to advance the general education of the community and as a way to preserve cultural traditions. Receiving grants and technological assistance enhanced the Santa Clara education system. Thus the Santa Clara schools could provide better access to educational material, as well as increase the number and types of course offerings at their community college. The Turtle Mountain Chippewa matched this effort as well by seeking to better their education infrastructure via opening a new community college and encouraging high-school dropouts to return to school through the community college. The emphasis both peoples placed on education transcended into cultural preservation as well. The Santa Clarans married their educational system to traditional culture by implementing an educational program in which elders taught youths traditional methods of farming.

In a similar manner, the Turtle Mountain Chippewa believed that their educational system could be used as a tool for preserving culture. At almost all levels, elementary through community college, students were exposed to traditional language and culture through either elective courses or required courses. The hope for each group was that cultural traditions concerning values, ways of life, and tribal knowledge would be passed to the each new generation. Education, therefore, was not only a resource for bettering individuals and the community by increasing skills and knowledge, but also, was an implement to foster the continuation of traditional culture. In addition to economic development and education, the Santa Clara and the Turtle Mountain Chippewa were similar in another aspect of Adaptive Peoplehood.

The Santa Clara and Turtle Mountain each placed importance on the issue of economic development. The Santa Clara planned to develop a casino and other businesses within the pueblo boundaries in an effort to improve their local economy. Likewise, the Turtle Mountain Chippewa established their own casino on reservation land and sought further develop. The business developments of the Turtle Mountain Chippewa had already created more jobs for tribal members and begun to return monetary profit as well. Each nation, within their Adaptive Peoplehood, focused on political action, economic development, and education in an effort to ensure that the needs of the community were met, including the preservation of cultural language, values, and knowledge. There appeared to be an interrelation among the three foci:

- political mobilization to gain opportunities for economic development and social services
- economic development to bring monies into tribal coffers
- the use of monies from political and economic action to improve educational services and opportunities for tribal members who would in return serve the community.

Santa Clara Pueblo and Turtle Mountain Chippewa were similar in their general foci of Adaptive Peoplehood, but there were some deviations in the scope of these characteristics.

The deviations in Adaptive Peoplehood that existed between the Turtle Mountain Chippewa and the Santa Clarans were not glaring differences in emphasis, but appeared to be differences in extent. For instance, the political activism of the Santa Clara included establishing cooperation with outside governments, just as for the Turtle Mountain Chippewa. However, where the Turtle Mountain Chippewa emphasized local, state, and national action, the Santa Clarans were taking steps into the international realm. Santa Clara scholars were watching

indigenous political activism in the politics of South America and it appeared that that Santa Clara people were taking initial steps along those lines. Additionally, they hosted of an international conference addressing the need to improve relations between the United States, Mexico, and Canada revealing the Santa Clara people's interest in international participation. The interpretive analysis of documents for the Turtle Mountain Chippewa revealed no such interest in extending political activism to the international arena. An additional example of dissimilarity related to educational emphasis. Whereas both nations emphasized the two-pronged benefit of education, education for community service and cultural preservation, the interpretive analysis indicated that the Turtle Mountain Chippewa community encouraged tribal members to obtain advanced degrees hoping that some would bring their expertise back to the reservation for the benefit of the community. These differences were not, as had been suggested, glaring differences in the Adaptive Peoplehood conceptualization held by each group. They were only differences in the methods and extent to which each people would go to follow the identified principals of their Adaptive Peoplehood. The 1991 – 2000 interpretive analysis indicated that for Santa Clara Pueblo and the Turtle Mountain Chippewa there was consensus on encouraging political action, furthering economic development, and advancing educational opportunities. There was, however, some disagreement within each group regarding governing and other aspects of each nation's Adaptive Peoplehood.

Intra-Tribal Tension

It was an issue of governance that had brought about intra-tribal tension for each indigenous nation. In Chapter 1, proper governance was described as a means of governing that fosters a sense of loyalty, or faith, in the governance within the community. Connected to this was the approval for general participation of individuals within the Santa Clara community according to the 1939 membership law. As discussed in Chapter 2, though the Supreme Court ruled that the interpretation of membership was a concern best resolved by the Santa Claran community and its government, community tension persisted. After the *Santa Clara Pueblo v. Martinez* case, conflicting views of determining who could be tribal members existed based upon differing interpretations of the Santa Clara constitution. The interpretation, as acted upon by the tribal government, excluded children of women married to men who were not tribal members. These children were not allowed to participate in political or certain traditional community

events. The excluded members and their supporters, because of this governing interpretation, turned to the Santa Clara constitution and identified a constitutional provision allowing for these excluded children to become official members. However, the governing interpretation remained, and intra-tribal conflict on the issue continued. The legal definition of membership for the pueblo would limit the number of people who could participate in tribal politics, and therefore, potentially limit the differing perspectives impacting tribal governance. It was also noted in Chapter 2, that the 1939 law pertaining to tribal membership appeared to coincide with a resurgence of community dedication to theocratic governance. The fact that the issue went to the Supreme Court and the continued debate over it suggests that the community's ability to determine membership was another characteristic of Adaptive Peoplehood. It seemed that the conflict over tribal membership could be associated with changes in values by a portion of the community members. Though intra-tribal conflict on the issue existed during the 1991 – 2000 period, as presented in Chapter 3, there did not appear to be a breakdown of government operation or a decline in the adherence of the economic, political, and educational characteristics of Santa Clara Adaptive Peoplehood. Friction over membership serves as an instance in which constitutional methods presumably failed to develop a sense of faith in governance, yet community ties persisted and Santa Clara governance persevered. Though the Santa Clara constitution was related to tribal tension, it cannot clearly be considered the cause of the tension. What was the context of intra-tribal conflict for the Turtle Mountain Chippewa?

The issue of governance related to the people's conceptualization of Adaptive Peoplehood for the Turtle Mountain Chippewa was not concerned with who should be a tribal member, but selecting a suitable perspective of governance from those held by differing groups of community members. The number of amendments to the Turtle Mountain constitution indicated the selection of a suitable perspective of governance was an issue. As indicated in Chapter 2 and Chapter 4, there were few amendments prior to the 1991 – 2000 period of analysis. Most amendments, however, occurred during the period of analysis and tended to have greater impact on the content of the constitution and thus, the functioning of the tribal government. The amendments suggested that the Turtle Mountain community was dissatisfied with their constitutional governance, a further implication that the constitution was not appropriately meshing with other pieces of the community's Adaptive Peoplehood. The Turtle Mountain community saw the benefit of continued economic advancement and also the need for

the preservation of cultural traditions. Trying to balance these two community demands generated turmoil. As discussed earlier, there was no community consensus as to the qualities leaders needed in a leader.

Additionally, community members contested whether a leader's actions should be based entirely on a perspective embedded in cultural traditions, or if the leader should be allowed to act outside that perspective. The political turmoil of 1994 – 1996 provided evidence that community members following a Métis perspective were ideological, opposed to those who held a perspective of following cultural traditions. Individuals holding a Métis perspective apparently thought government leaders following cultural traditions too closely were negatively impacting the community by being too reserved in their decision-making. The reserved decision making, it was feared, might cause the community to miss economic opportunities. In like manner, it appeared that those adhering to cultural traditions believed the Métis perspective would lead the community continually away from the preservation of their culture. Turtle Mountain governance, it would seem, did not readily rectify the intra-tribal conflict, as attested to by the contentiousness of the 1994 election. The constitution of the Turtle Mountain Chippewa offered resolution through recall, though not effectively, and the tribal council's control of the judiciary board only inflamed the divisive atmosphere. Ultimately, full functioning of the tribal government did not exist for four months, illustrating the extensive disruption of the turmoil. Even though the Turtle Mountain constitution was not effective in resolving the conflict, it clearly was not the cause of the turmoil. The turmoil appeared to be caused by people competing to determine which ideological perspective should have the greatest weight in determining the governing direction of the community. Intra-tribal conflict within Santa Clara Pueblo and the Turtle Mountain community was interrelated to areas of discontinuity in the community's Adaptive Peoplehood.

Constitutional Legacies

The Santa Clara and Turtle Mountain communities experienced intra-tribal conflict that appeared to be generated by a lack of community census regarding the governing direction of the community as a result of dissonance in each community's Adaptive Peoplehood. While constitutional governments, IRA or otherwise, cannot be considered the primary causal agent of the discord, they have been unable to resolve the intra discord and are therefore, at least to be

associated with the intra-tribal conflict experienced within each nation. The historical overview of the Santa Clara insinuated that the pueblo's constitution was established to resolve intra-tribal conflict that persisted from the late 1800's to the early 1930's. From 1991 to 2000, other than the membership issue, the constitution seems to have resolved the debilitating intra-tribal conflict of the late 1800's through the early 1930s. Santa Clara Adaptive People appears to have consensus in such areas as economics, politics, and education. The contentious issue of membership within the Santa Clara community was evidently the result of a governmental interpretation based upon theocratic traditions of community membership that has not meshed completely with more recent perspectives of membership. Unlike the claims that IRA constitutions were based upon non-Indigenous cultural elements, and therefore difficult for indigenous nations to incorporate within their traditional ways, the difficulty for the Santa Clara community appeared to have been based upon something else. The lack of consensus on the Adaptive Peoplehood concept of tribal membership and an inability of constitutional governance to allay intra-tribal conflict on the issue appears to have caused difficulty for Santa Clara governance. This situation was somewhat similar for the Turtle Mountain Chippewa.

The Turtle Mountain constitution was established for different purposes than the Santa Clara constitution. Turtle Mountain people desired to establish a reservation in order to stop losing land. Within this effort was the attempt to eliminate the inclusion of Métis as landholders, because the established Turtle Mountain Chippewa resented the Métis lack of commitment to the indigenous nation. Concurrently, the Métis wanted their own tribal independence, but could not achieve it. Reconciliation via toleration between traditional group and non-Canadian Métis was finally established. The Turtle Mountain constitution appeared to be created in an atmosphere of individualism, and there it was supposed that the constitution emphasized the preservation of individual rights. The Turtle Mountain constitution, it seemed, was not established as a tool for preserving traditions of tribal governance. At the IRA Congress, the Turtle Mountain delegation did not appear to be in favor of the proposal and stressed that the greatest need for the community was better educational opportunity (an issue stressed by the current community). Also, it was pointed out that because the Turtle Mountain community had already adopted a constitution, there apparently was no need to revise it or adopt a new one. This was a possible indication that, at that time, the community was satisfied with their constitution. More currently, though the Turtle Mountain community recognized a commonality in emphasis on economics,

politics, and education throughout the 1991 – 2000 period, the impression was that community consensus did not exist regarding what characteristics a leader should have and what perspective of governance the tribal government should follow. The number of constitutional amendments appeared to be examples of the community debate over proper governance. The contention of which types of leaders should be in power and how they should lead appeared to be most connected to intra-tribal conflict. What exasperated the situation was the constitutional concentration of power, allowing the tribal council to dominate the judicial board that oversaw the tribal judiciary. This aspect of the constitution, concentration of power, was a carryover of a traditional concentration of power as indicated in the historical overview of the Turtle Mountain Chippewa in Chapter 2.

An element of governance tradition not present in the constitution was the allowance of dissatisfied members to strike out on their own and form their own community. Without the ability to completely separate from contested issues, political tension will continue for as long as the issue remains unresolved. Though the Turtle Mountain constitution was not created within IRA legislation it was quite similar in content to the IRA constitution of the Santa Clara. Just as the Santa Clara's was unable to resolve political turmoil concerning the tribal membership element because of an altered Adaptive Peoplehood, the Turtle Mountain Chippewa appeared to have difficulty developing consensus on an issue of governance. It was not the difficulty of the adjust, but apparently a difficulty in developing a solid community consensus on the appropriate perspective of their Adaptive Peoplehood. One example was the friction over the proper perspective for governing appeared to be a continuation of the historical tribal disharmony between the Métis and the established Turtle Mountain Chippewa. In the analysis of the Santa Clara it appeared as if there was some merit to the claims of the reviewed literature about IRA constitutions being connected to intra-tribal conflict. However, the connection to intra-tribal conflict and the IRA constitution of the Santa Clara pueblo did not appear to be any more or less causal to, or associated with, intra-tribal conflict than the constitution of the Turtle Mountain Chippewa that was formed outside of the IRA provisions. While the Santa Clara and Turtle Mountain communities have experienced intra-tribal conflict that seemingly could be connected to their constitutions, their intra-tribal conflict did not appear to be something out of the ordinary considering each community's historical experience.

There was community discord in Santa Clara Pueblo due to differing views of tribal

governance prior to the adoption of their IRA constitution, just as there was community discord between the Turtle Mountain Chippewa and their Métis relatives before the adoption of their non-IRA constitution. The recent membership issue in Santa Clara Pueblo was deemed to be loosely associated with the impact of the community's theocratic resurgence at the time of the 1939 membership law and differing views on the community's recent Adaptive Peoplehood. Similarly, the intra-tribal tension within the Turtle Mountain Community over the acceptance of a Métis perspective of governance or a perspective based more on cultural traditions of governance can be identified loosely as a dispute over the community's Adaptive Peoplehood. The governance structure of both communities changed and it appeared their Adaptive Peoplehood changed in certain aspects as well. Even though the Santa Clara and the Turtle Mountain appeared to change in these regards, each experienced intra-tribal conflicts that looked as if they were to be viewed as a continuation of historical issues of intra-tribal conflict. Santa Clara pueblo intra-tribal conflict appeared to be a continuation of discord over theocratic principles of governance, and the Turtle Mountain intra-tribal conflict appeared to be a continuation of discord related to differences in the Métis perspective of governance and the perspective of governance based upon cultural traditions. Therefore, in these case studies, the Santa Clara IRA constitution did not appear to be associated more with intra-tribal conflict than did the non-IRA constitution of the Turtle Mountain Chippewa. Even more, the Santa Clara IRA constitution did not appear to resolve governance issues any more than can be said of the non-IRA constitution. Finally, the literature claiming the causal relationship of IRA constitutions and intra-tribal conflict appeared to be brought into question. It appeared that intra-tribal conflict was more associated with historical issues of discord and the inability of constitutions, regardless of their process of adoption, to resolve discontinuities between tribal governance and cultural values.

Future Considerations

This project was an exploratory comparative trend analysis of the connection of IRA tribal constitutional governments and non-IRA tribal constitutional governments to intra-tribal conflict. The project purported that both types of constitutional tribal-governments could be associated with intra-tribal conflict. However, as this exploratory analysis found a concern with constitutional tribal government, other avenues of study could further the research on the issue.

Each nation in this study could be evaluated for intra-tribal conflict from a closer perspective by reviewing tribal council minutes and/or tribal court records. An up-close analysis of this kind would better clarify issues of intra-tribal conflict in terms of their relationship to constitutional elements. Moreover, to determine the pervasiveness of intra-tribal conflict, an up-close analysis could be applied to a larger number of indigenous nations, which would allow for a more conclusive analysis of the impact of IRA constitutions on intra-tribal conflict.

Furthermore, if intra-tribal conflict can be more precisely associated with tribal constitutions, then remedies for overcoming the turmoil need to be explored. Additional analysis will need to determine if revising constitutions would be sufficient to resolve constitutional governance issues, or if constitutions need to be rewritten entirely. In making this determination, future research should investigate indigenous nations that have modified (amended) their constitutions in comparison to indigenous nations that have ratified new constitutions in order to understand the ramifications for each action and predict the best course of action for other indigenous nations. In a broader perspective, researchers with an international relations interest, should investigate the cultural and political situations and governing strategies of indigenous peoples in other countries as a means to identify which methods and strategies of governance work and translate into similar success for Native Americans. As examples the peoples of the autonomous regions of Spain could be studied in terms of governance institutions and policies. It may also be significant to investigate how the dismantling of homelands in South Africa is impacting indigenous groups in terms of maintaining community identity and political mobilization. The study of the autonomous regions in Spain and the contemporary situation of indigenous peoples in South Africa could then be used as comparisons to Native American communities. This project seemed to find an association between constitutional tribal governments and intra-tribal conflict and, therefore, set a basis for future study regarding issues of indigenous governance within the United States or in an international context. The project did not intend to suggest that cultural traditions of indigenous governance and ways of life should be forced to perish in order to quell intra-tribal conflict. It is the hope of the author that cultural traditions of governance will be incorporated in new governance strategies in such a way as to limit intra-tribal strife and concurrently promote Adaptive Peoplehood in indigenous communities.

Final Statement

This project found that, despite intra-tribal conflict, the Santa Clara and the Turtle Mountain peoples appeared to have maintained a community sense of Adaptive Peoplehood. Even though elements of cultural traditions were incorporated in their constitutions to various degrees, neither community was absent of intra-tribal conflict. Nevertheless, the intra-tribal conflict did not appear to indicate that the Santa Clara and the Turtle Mountain Chippewa were fading away as a distinct people. Their heritages had been represented in their Adaptive Peoplehood, which meant they were changing, not disappearing. In order to resolve intra-tribal conflict, it appears as if the Santa Clara and the Turtle Mountain Chippewa communities need to find a way to generate a consensus regarding how they want to guide, or direct, social change in their community – something their constitutions, apparently, were unable to accomplish. Answers to such community problems may be found by performing more direct research within the specific communities via surveys, interviews, and analysis of tribal government records. Additionally, answers may be found by examining the governing strategies and institutions of other indigenous nations within the borders of the United States, as well as indigenous nations throughout the world.

Epilogue

Following is an overview of documents related to each community for the period 2001 through early 2004. The major focus of this project has been the document analyses for the Santa Clara Pueblo and the Turtle Mountain Chippewa from 1991 to 2000. Therefore, the purpose of the overview is intended to provide an extension of the project's discussion into a more recent period, along the categories identified in the document analyses in Chapters 3 & 4. The categorization of information by common themes reveals that each community gave importance to economic development, political mobilization for community interests, and improved formal and cultural education services. It was also found in the 1991 to 2000 analyses that each community has intra-tribal conflict related to constitutional issues. The overview will gather its information from Ethnic NewsWatch, as in the general analysis of the study, and is intended to provide a brief discussion of these categorizations and issues beginning with the Santa Clara, followed by the Turtle Mountain Chippewa, and concluding with an identification of what ways the new documents are, or are not, related to the 1991 – 2000 categories.

The documents concerning the Santa Clara Pueblo from 2001 to the early part of 2004 can be classified in the same manner as that of the primary 1991 – 2000 analyses: economic development, political mobilization, and educational preparation. Addressing economic development first, it appears that the 2001 – 2004 economic trend revolves around the promotion of tourism. In "Protecting Traditions While Promoting Tourism", Suzanne Westerly relates the statements of Calvin Tafoya, Santa Clara's director of economic development at the time. Tafoya states that one of the community's first actions in developing tourism was the opening of the Puye cliff dwellings. He adds that the Santa Clara also opened three lakes to fishing and camping for economic gain through tourism. Moreover, he points out that the community has a

“financial management plan” so that all incoming money coming has a purpose. According to Tafoya, the economic development of the community is tempered against the effort of community leaders “to make sure any development wouldn’t interfere with the way of life we have – to protect it”. Mark Fogarty’s article, “2003 Rural Economic Development Through Tourism Conference”, reveals Calvin Tafoya’s participation in “New Mexico’s 2003 Rural Economic Development Through Tourism Project (REDTT)”. In the article Tafoya is listed as a speaker for the “Developing Tourism Partnerships with Tribes” workshop where he can share his expertise with others, which may allude to his ability in economic development and potential benefit for the Santa Clara community. Mark Fogarty discusses one of Tafoya’s successes in economic development in “Santa Clara Pueblo Opens Spectacular Golf Course”. The article relates how Tafoya persuaded an individual seeking to create a different project to join the pueblo on the golf course project instead. The golf course manager deems the venture a success, and plans exist to add another course and a resort to the endeavor. From the information in the articles, it appears as if the emphasis on developing tourism has improved the economy of the community within an operating framework of cultural preservation. Keeping the apparent success of the Santa Clara community in developing their tourism in mind, the discussion will now turn to the community’s political actions for the 2001 – 2004 period.

The documents regarding political mobilization of the Santa Clara for the 2001 – 2004 period suggests that this aspect of community action was not completely successful in its dealings with the government of New Mexico. An area of political action where the community appears to be having difficulty in resolving political discord with the state is found in the *Wind River News* article, “Judge Rules Against Pueblo in Gaming Compact”. The pueblo opened the Big Rock Casino “under terms of a 1997 tribal-state compact”, which is apparently under litigation between the state government and twelve pueblos over unmade payments at the 1997 sixteen percent rate. According to the Santa Clara, they never operated a casino under the 1997 compact, their casino began operation under the new compact and therefore the pueblo does not owe back payments. It is the claim of the pueblo that the litigation between the state and the twelve pueblos in apparent arrears should not hinder operation of the Big Rock Casino. However, the state district judge hearing the case of the Santa Clara stated that the state’s attorney general has “broad powers to settle lawsuits” and that it is within the attorney general’s power to refuse new compacts from going into effect until the litigation is resolved. The

apparent success of political action on the casino issue found in Chapter 3 appears to have been stymied by this later occurrence. Although the gaming issue seems to be at a point of political stasis, the documents indicate that the Santa Claran community did have at least one aspect of political achievement in the 2001- 2004 period.

The area of success for the Santa Clarans involves the return of thousands of acres of ancestral lands. First, according to “Foundation Enables Land Reacquisition”, the community found that land “alienated from the tribe since 1860” was to be for sale and it sought a way to purchase the land. They turned to “Lannan, a family-based foundation” that runs an “Indigenous Communities Program, targeted to helping rural Native people with education, cultural, language, legal and environmental concerns”. With the funding in place, Santa Clara was given purchasing rights by the federal government and then had the land converted to trust status. The article “4,484 Acres Returned to Santa Clara and San Ildefonso Pueblos” indicates the communities continued success in re-obtaining ancestral lands. In working with state senators and congressmen to reacquire land, the Santa Claran community was able to gain the land as President Bush signed “Bill 246 into law”, returning nearly 2,000 acres of land to the community. Thus, as the article suggests, there are times when pueblo peoples can effectively act in the political realm to achieve community goals. While the documents for the 2001 – 2004 period seem to indicate a focus of activity in the economic and political realms, the documents suggest that in the area of education the community’s emphasis was more diverse in its action.

The focus of the Santa Clara community’s educational emphasis appears to be preserving cultural traditions and values, but the avenues for achieving this, as the articles suggest, are diverse. First, the article “Indigenous Language Institute Announces New Board Members”, states that the vice president of the organization is Tessie Naranjo of the Santa Clara Pueblo. The article further asserts that each member was selected because of their ability to speak their native language and because they are committed to the purpose of the institute, “preserving, protecting, and perpetuating” the indigenous languages of the United States. That Tessie Naranjo is the vice president suggests the community has been able to retain its language by ensuring its survival through current generations. Stephanie Woodard’s article, “Permaculture Course in Santa Fe Starts July 23”, is similar in that it presents a Santa Clara member as a significant participant in the endeavor. The article indicates that Roxanne Swentzel, of Santa Clara, is an instructor, director, and co-founder of the Flowering Tree Permaculture Institute

where students receive hands on training in “sustainable approaches to activities...gardening, housing and solar design, business, nutrition and medicinal-plant use, habitat restoration, appropriate technologies, pattern recognition, and astronomy.” It is the goal of the institute that participants will take the learned principles back to their community for appropriate use. While not solely a Santa Clara activity, the article indicates that Roxanne Swentzel has gained knowledge of cultural traditions, further suggesting that the community she lived in valued these customs, or at least, allowed them to endure.

The article “Native Science: Natural Laws of Interdependence” , by Leta Rector, provides yet another instance in which a member of the Santa Clara Community is attempting to spread an awareness and understanding of indigenous world perspectives. Gregory Cajete wrote his book as a “beneficial bridge and dialogue between Indigenous and Western scientists and communities”. The book-as-a-bridge is an attempt to show how indigenous societies have always been scientific, but not always in the same sense, or manner, as the science of western societies and indigenous science have an important role in the contemporary world. Cajete’s book can be used as an educational tool for indigenous peoples, and in that sense meshes well with the activities of Swentzel and Naranjo. However, Cajete’s bridge means that the book serves those on both ends of the bridge, whereas the actions of Swentzel and Naranjo appear mostly to serve indigenous peoples alone. Preparing individuals for an understanding of both worlds as a part of Santa Clara educational emphasis is further alluded to in the article “Junior Golfers Tee Up for Game and Lessons in Life” by L.A. Shively. The purpose of the Native American youth golf experience is to teach participants “time management, patience, getting along with one another, discovering other cultures and discovering alternative avenues for finding success in life”. Thus, it appears that the golf experience serves as a cultural bridge much like Cajete’s book. The article does not indicate that any community members directly participated in the activity, but it does point out that the community sanctioned the activity by letting the community’s golf course be used as part of the event. It would seem that the educational focus of the Santa Clara community is two-fold: preserve cultural traditions while preparing pueblo members for effective participation with outsiders and the world outside of the community.

Participation with the outside world, according to the documents found for the 2001 – 2004 period, seems to be an accepted practice within the Santa Clara community. It also appears

that cultural preservation is a community goal. Developing tourism has required the interaction of tribal officials with outsiders, and the articles suggest that this is done in an atmosphere of respect for cultural traditions. Political mobilization also appears to be culturally motivated at times, evidenced by political actions required to regain ancestral lands and also because political action is often intertwined with furthering economic development. Even more, it seems as though the educational emphasis of the Santa Clara attempts to maintain a balance between the preservation of cultural knowledge and traditions and the need to be effective participants in economic, political, and cultural interactions with outsiders. Just as the Santa Clara documents can be classified in terms of economic development, political mobilization, and education improvement, so can the documents for the Turtle Mountain Chippewa.

In the articles concerning economic development for the Turtle Mountain Chippewa for the 2001 – 2004 period a focus of emphases is apparent. The article “Wind Power Projects Fueling Emerging Opportunities for Tribal Entities” by Kay Humphrey, points out that the Turtle Mountain Chippewa have turned to wind powered turbines to generate “about one-third of the power for the water treatment plant”. The article suggests that the Turtle Mountain Chippewa are acting to resolve a wide problem of high energy costs found on most Native American reservations. Sam Lewin’s article, “Western Tribes Harness Power of Wind”, reveals that in 2002 the Turtle Mountain community studied the economic benefits of wind powered turbines to establish their own business endeavor. The apparent advancement of such projects suggests an economic focus on the development of wind powered turbine operation for the 2001 – 2004 period. In terms of these projects the community seems to have adopted a sense of purpose in regarding economic development; such a sense of focus, or commitment, seems to be lacking in the area of political action.

The articles suggest that the Turtle Mountain community has not developed a unified sense of purpose in the area of political mobilization. Jim Kent, in “Great Plains Water Rights Conference”, states that the Turtle Mountain Chippewa have had limited ability to claim water rights because of their inadequate access to water resources. The article suggests that though the Turtle Mountain Chippewa have land holdings in three states, they have done little to ensure, and/or establish, their water rights in these areas because they fear the general court atmosphere on such matters is unfavorable to Native American communities. A similar example of this non-action to politically address community needs is found in Logan J. Davis’ article, “New Hope for

Turtle Mountain”. In the article Davis reveals that a Miami law firm specializing in class action suits has contacted officials of the Turtle Mountain Chippewa government to discuss an opportunity for the tribe to obtain proper payment for lands improperly purchased from the tribe by the federal government. Tribal council members have been briefed on the issue and are aware that no money is to be paid to the law firm upfront. As such, some council members have indicated an interest in pursuing the matter. However, the council issued no formal commitment to the law firm. Again, it would seem that hesitancy exists within the community’s leadership to take action on issues relevant to the community needs or community protection. In “Building on Who We Are, One Step at a Time”, Felicity Kurth provides a community perspective on the Turtle Mountain political system. Kurth indicates that Project Peacemaker, a program funded by the U.S. Department of Justice to provide “legal studies courses to students” and to facilitate the community’s evaluation and revision of the tribal constitution. Kurth quotes the program’s director, Susan Davis Decateau, as stating that “This is really a big deal because the old constitution is so outdated and hard to follow. The executive and legislative branches are mixed, it’s hard to hold anyone accountable for anything, and it’s just really confusing”. The revised constitution would go to the tribal membership for a vote of ratification. An Associated Press article found at www.GrandForksHerald.com indicates that in October of 2002, the Turtle Mountain Community voted against ratifying the constitution 2,050 votes (51 percent) to 1,993 votes (49 percent)⁴. According to the documents there appears to be hesitancy in leadership action for the community, but whether the community perceives the hesitancy or views it as inappropriate cannot be determined at this point. Also, some of the tribal membership seems to believe that the community’s tribal leadership, at times, has been ineffective and irresponsible to the community. Additionally, this group seems to blame the tribal constitution for the inability to hold tribal leaders accountable. However, specific examples are not provided to evaluate this belief, but the fact that there appears to be a portion of the community believing tribal leadership to be ineffectual and the constitution to be inadequate implies that during the 2001 – 2002 period intra-tribal discord existed. Unlike the seeming lack of focus in political action and apparent discord over political leadership, the educational emphasis of the Turtle Mountain community appeared to be more effective.

⁴ The GrandForksHerald.com article was used in order to determine the outcome of the Turtle Mountain vote of ratification for the revised constitution.

Articles related to the Turtle Mountain educational emphasis for the 2001 – 2002 period suggest there were indirect and informal educational actions. First, referring to Felicity Kurth’s article again, the Turtle Mountain Community College has used its resources in an indirect educational method. Rather than the benefits of direct instruction to community members, the community college has created a Center for New Growth and Economic Development allowing the tribe to gather grant money and use it to study economic issues and trends according to the needs of the community. Similarly, the community college created its “infrastructure to efficiently channel resources...to reflect the tribe’s value system, they designed it around the four directions and the medicine wheel.” Thus, when grant money comes, it revolves around the differing departments, “represented by the four categories within the four directions”, until the best match is found. Thus, the formal educational institution uses its educational and organizational expertise to serve the community in an informal or indirect manner. Secondly, as Sararesa Begay’s article, “Target: Drunk Drivers”, the Turtle Mountain community supports the informal educational methods of the Mothers Against Drunk Driving (MADD) organization to educate tribal members about alcoholism and drunk driving. During the 2001 – 2004 period, it looks as though the educational actions of the Turtle Mountain Chippewa appear to have focused on the indirect educational assistance of the community college and informal methods of the outside organization of MADD.

The documents related to the Turtle Mountain Chippewa for the 2001 – 2004 period can be categorized in to the areas of economic development, political mobilization, and importance of education. The community’s actions in economic development appeared to be focused on wind power turbine generators and the articles suggest that this has been a sustained and advancing effort. The political actions of the community are characterized by hesitant leadership in certain issues of community concern. Also, there seems to be a portion of the community that believes the tribal leadership has been ineffective or irresponsible to the needs of the community members and blames the tribal constitution for an inability to resolve the leadership issue. This belief within a portion of the community, though not specific in nature, alludes to intra-tribal discord over political issues. In terms of educational emphasis, the 2001 – 2004 period seems to be signified not by an emphasis on formal educational practices but on the informal benefits of educational organization and community service programs. While the specifics of economic development, political discord, and educational emphases appear to have changed from the 1991

– 2000 period analysis the same themes hold true for the 2001- 2004 period.

As far as the articles point, the issues of importance to Turtle Mountain Chippewa seem to remain the same, quite similar to the situation of the Santa Clara community. The Turtle Mountain Chippewa and the Santa Clarans remain focused on economic development, and during the 2001 – 2004 period both communities seem to have adopted one area for greater emphasis than others. The Turtle Mountain Chippewa are primarily focused on the development of wind generated energy for economic prosperity, while the Santa Clara focus on developing tourism. Both communities have political issues connected to outsiders. The Turtle Mountain Chippewa have had contact with an outside law firm regarding a potential class action suit and they also have water right issues to address related to their land holdings off of the reservation. However, their course action has been limited, which is in contrast to the apparent extensive interaction of the Santa Clara. The Santa Clara Pueblo has had interaction with private foundations as well as state and federal officials to obtain ancestral lands. Unlike the Turtle Mountain Chippewa, the articles do not appear to attest to any intra-tribal conflict in terms of political action. Additionally, the Turtle Mountain Chippewa and the Santa Clara appear to turn to education for community service. The emphasis for the Turtle Mountain has an informal direction in which the community college serves the community as a means to direct and implement grant programs. The Santa Clara have a combination of formal and indirect education, supporting permaculture classes as well as experiential opportunities; such as the golf program. Within the documentation for each community is a commitment to the acknowledgement of, and adherence to, cultural values. While the documentation of such instances is found more readily for the Santa Clara in terms of guiding political mobilization, economic development, and educational opportunities, evidence of cultural values is also found in the educational infrastructure of the Turtle Mountain Community College. It appears that the communities remain much as they had during the project's major period of focus.

References

- Alfred, G. R., & Wilmer, F. (1997). Indigenous Peoples, States, and Conflict. In D. Carment & P. James (Vol. Eds.), *Wars in the Midst of Peace. Pitt Series in Policy and Institutional Studies* (pp. 26-44). U Pittsburg Press.
- Alfred, T. (2002). Native American Political Traditions. In J. M. Meyer (Ed.), *American Indians and U.S. Politics: A Companion Reader* (pp. 15-37). Westport, CT: Praeger Press.
- Ambler, M. (1998). A Community Responsibility for Welfare Reform. *Tribal College*, IX(3), 8. Retrieved October 6, 2003 from Ethnic NewsWatch.
http://enw.softllineweb.com/record.asp?msel_from=50&msel_to=99&preview=&move=&returnPage=list.asp&articleID=882&recNum=77
- Ambler, M. (1996). Biology with an Ojibwe Component. *Tribal College*, VII(4), 28. Retrieved September 28, 2003 from Ethnic NewsWatch.
http://enw.softllineweb.com/record.asp?msel_from=0&msel_to=19&preview=&move=&returnPage=list.asp&articleID=932108&recNum=17
- Anaya, S. (1997). On Justifying Special Ethnic Group Rights: Comments on Pogge. In I. Shapiro & W. Kymlicka (Eds.), *Ethnicity and Group Rights: Vol. 39. Nomos* (pp. 222-231). New York: New York UP.
- Anquoe, B. (1993, Jan. 4). BIA Reorganization Criticized During Panel Hearing . *Indian Country Today*, 12(32), A1. Retrieved October 7, 2004 from Ethnic NewsWatch.
http://enw.softllineweb.com/record.asp?msel_from=0&msel_to=8&preview=&move=&returnPage=list.asp&articleID=203719&recNum=8
- Anquoe, B. (1994, Nov. 10). Pueblos, Energy Department Set to Sign Historical Accord: Ensures Tribal Participation in Nuclear Weapons Complex. *Indian Country Today*, 14(20), A6. Retrieved October 7, 2003 from Ethnic NewsWatch.
http://enw.softllineweb.com/record.asp?msel_from=0&msel_to=8&preveiw=&move=&returnPage=list.asp&articleID=410091&recNum=6
- Arnon, N.S. and Hill, W.W. (1979) Santa Clara Pueblo In S. Sturtevant (Ed.), *Handbook of North American Indians: Vol 9* (pp. 296-307). Washington, D.C.: Smithsonian Institution Press.

- Barriero, J. (1998). First Words: A Continuous Emergence. *Native Americas*, 15(2), 2. Retrieved October 7, 2003 from Ethnic NewsWatch.
http://enw.softlineweb.com/record.asp?msel_from=40&msel_to=49&preview=&move=&returnPage=list.asp&articleID=565512&recNum=44
- Barsh, R. L. (1991). "Indian Law", Indian's Law, and Legalism in American Indian Policy: An Essay on historical Origins. In D. E. Green & T. V. Tonnesen (Eds.), *American Indians: Social Justice and Public Policy: Vol. 9. Ethnicity and Public Policy Series* (pp. 8-43). U Wisconsin System.
- Barsh, R. L. (1996). The Nature and Spirit of North American Political Systems. *The American Indian Quarterly*, 10(3), 181-197.
- Barsh, R., & Henderson, J. (1980). *The Road: Indian Tribes and Political Liberty*. Berkeley, CA: U California P.
- Bee, R. L. (1999). Structure, ideology, and tribal governments. *Human Organization*, 58(3), 285-295. Retrieved September 30, 2002, from Ethnic NewsWatch:
<http://proquest.umi.com/pqdweb?INT=0&SelLanguage=0&TS=1033960801&Did=000000045300624&Fmt=6&Deli=1&Mtd=1&Idx=7&Sid=1&RQT=309&Q=1&IE=x.pdf>
- Begay, S. (2003, Feb. 27). Target: Drunk Drivers; Crownpoint Opens MADD Chapter in Battle Against Drunk Driving. *Navajo Times*, XXXXII(9), A1. Retrieved April 7, 2004 from Ethnic NewsWatch.
http://enw.softlineweb.com.ezproxy.lib.vt.edu:8080/record.asp?msel_from=0&msel_to=3&preview=&move=&returnPage=list.asp&articleID=1188747&recNum=4
- Belgarde, L. (1994). Seize the Day: Tribal Colleges Must Focus on the Future. *Tribal College*, V(4), 7. Retrieved September 13, 2003 from Ethnic NewsWatch.
http://enw.softlineweb.com/record.asp?msel_from=40&msel_to=59&preview=&move=&returnPage=list.asp&articleID=931891&recNum=41
- Bennett, R. L. (1995). Implementing the IRA. In K. R. Philp (Ed.), *Indian Self-Rule: First-Hand Accounts of Indian -White Relations from Roosevelt to Reagan* (pp. 79-91). Logan, UT: Utah State UP.
- Boldt, M., & Long, J. (1984). Tribal Traditions and European-Western Political Ideologies: The Dilemma of Canada's Native Indians. *Canadian Journal of Political Science*, 17(3), 537-553.

- Broome, B. J. (1995). Collective Design of the future: structural analysis of tribal vision statements. *The American Indian Quarterly*, 19(2), 205-28. Retrieved September 29, 2002, from Ethnic NewsWatch: http://web2.infotrac-custom.com/pdfserve/get_item/1/Saf17a9w2_6/SB857_06.pdf
- Buckles, M. G. (1995, March 31). Turtle Mountain Dispute Mixes Constitutional Perspective, Tribal Politics. *News From Indian Country*, IX(6), 3. Retrieved September 13, 2003 from Ethnic NewsWatch. http://enw.softllineweb.com/record.asp?msel_from=20&msel_to=39&preview=&move=&returnPage=list.asp&articleID=288755&recNum=38
- Cajete, G. (1999). Look to the Mountain. In G. Cajete (Ed), *A People's Ecology: Explorations in Sustainable Living* (pp. 1-12). Santa Fe, NM: Clear Light Publishing.
- Camp, G. S. (1987). The Turtle Mountain Plains-Chippewa and Metis, 1979 - 1935 (Doctoral dissertation, The University of New Mexico, 1987).
- Casino Losing Revenue: Changes, Wage Reductions Loom at Turtle Mountain. (1998, July 31). *Ojibwe Akiing*, 2(7), 4. Retrieved October 6, 2003 from Ethnic NewsWatch. http://enw.softllineweb.com/record.asp?msel_from=0&msel_to=49&preview=&move=&returnPage=list.asp&articleID=55549&recNum=5
- Champagne, D. (1992). *Social Order and Political Change: Constitutional Governments among the Cherokee, the Choctaw, the Chickasaw, and the Creek*. Stanford, CA: Stanford UP.
- Child Support Tough to Enforce on Reservations. (1997, July 11). *Ojibwe News*, 9(39), 2. Retrieved September 28, 2003 from Ethnic NewsWatch. http://enw.softllineweb.com/record.asp?msel_from=0&msel_to=19&preview=&move=&returnPage=list.asp&articleID=467316&recNum=5
- Conference to Focus on Dying Native Languages. (1998, June 19). *Ojibwe News*, 10(36), 2. Retrieved October 7, 2003 from Ethnic NewsWatch. http://enw.softllineweb.com/record.asp?msel_from=20&msel_to=29&preview=&move=&returnPage=list.as&articleID=551710&recNum=22

Conference to Study Changes in Math and Science Instruction Slated for November 19 and 20.

(1996, Nov. 8). *Fort Apache Scout*, 35(15), 5. Retrieved October 7, 2003 from Ethnic NewsWatch.

http://enw.softlineweb.com/record.asp?msel_from=0&msel_to=9&preview=&move=&returnPage=list.asp&articleID=416096&recNum=8

Constitution and Bylaws of the Pueblo of Santa Clara, New Mexico. (1935). Retrieved October 22, 2003 from the University of Oklahoma Law Center.

<http://thorpe.ou.edu/IRA/nmsccons.html>

Constitution and Bylaws of the Turtle Mountain Band of Chippewa Indian North Dakota.

Retrieved October 22, 2003 from the University of Oklahoma Law Center

<http://thorpe.ou.edu/constiution/Turtlemtn/Tmconst.html>

COPS Grants Total \$25 Million. (1999, Oct. 18). *Indian Country Today*, 16(19), B1.

Retrieved October 6, 2003 from Ethnic NewsWatch.

http://enw.softllineweb.com/record.asp?msel_from=100&msel_to=149&preview=&move=&returnPage=list.asp&articleID=667796&recNum=119

Cornell, S. (1988). *The Return of the Native*. NY: Oxford UP.

Crawford, J. (1996). *Seven Hypotheses on Language Loss: Causes and Cures*. Retrieved March

12, 2003, from <http://www.ncbe.gwu.edu/miscpubs/stabilize/ii-policy/hypotheses.html>

Davis, C. (1999). Tribal College Research: North Dakota Spiritual Leaders Give

Guidance for Distance Learning. *Tribal College*, X(3), 20. Retrieved

October 6, 2003 from Ethnic NewsWatch.

http://enw.softllineweb.com/record.asp?msel_from=0&msel_to=49&preview=&move=&returnPage=list.asp&articleID=648904&recNum=34

Davis, L. (2004). New Hope for Turtle Mountain. *Ojibwe Akiing*, 8(1), 9.

Retrieved April 7, 2004 from Ethnic NewsWatch.

http://enw.softlineweb.com.ezproxy.lib.vt.edu:8080/record.asp?msel_from=0&msel_to=2&preview=&move=&returnPage=list.asp&articleID=1309488&recNum=1

Davis, L. J. (1998, Sept. 30). Clinton Vows to Work With Tribes: A Solemn Pledge

Made to Honor Broken Treaties. *Ojibwe Akiing*, 2(9), 1. Retrieved October 6,

2003 from Ethnic NewsWatch.

http://enw.softllineweb.com/record.asp?msel_from=0&msel_to=49&preview=&

move=&returnPage=list.asp&articleID=568178&recNum=38

Davis, L. J. (1997, Aug. 31). Domestic Violence is a Community Disease. *News From Indian Country*, X(16), 14A. Retrieved September 28, 2003 from Ethnic NewsWatch.

http://enw.softllineweb.com/record.asp?msel_from=0&msel_to=19&preview=&move=&returnPage=list.asp&articleID=480606&recNum=13

Davis, L. J. (1998, Jan. 31). Is the Well Going Dry? Turtle Mountain Chippewa Seek to Exercise Water Reserve Rights. *Ojibwe Akiing*, 2(1), 12. Retrieved October 6, 2003 from Ethnic NewsWatch.

http://enw.softllineweb.com/record.asp?msel_from=0&msel_to=49&preview=&move=&returnPage=list.asp&articleID=512635&recNum=11

Davis, L. J. (1997, Nov. 15). New Horizons in Health: HealthPlex and Wellness Center at Turtle Mountain. *News From Indian Country*, XI(21), 12A. Retrieved September 28, 2003 from Ethnic NewsWatch.

http://enw.softllineweb.com/record.asp?msel_from=0&msel_to=19&preview=&move=&returnPage=list.asp&articleID=496021&recNum=14

Davis, L. J. (1997, March 3). North Dakota Tribes Concerned With Welfare Reform Proposals. *Indian Country Today*, A7. Retrieved September 28, 2003 from Ethnic NewsWatch.

http://enw.softllineweb.com/record.asp?msel_from=0&msel_to=19&preview=&move=&returnPage=list.asp&articleID=500555&recNum=4

Davis, L. J. (1997). Turtle Mountain Celebrates Another Milestone. *Tribal College*, IX(2), 48. Retrieved September 28, 2003 from Ethnic NewsWatch.

http://enw.softllineweb.com/record.asp?msel_from=0&msel_to=19&preview=&move=&returnPage=list.asp&articleID=914&recNum=3

Davis, L. J. (1996, Nov. 25). Uniband Inc. Injects Millions Into Reservation Economy. *Indian Country Today*, 16(21), C6. Retrieved September 28, 2003 From Ethnic NewsWatch.

http://enw.softllineweb.com/record.asp?msel_from=0&msel_to=19&preview=&move=&returnPage=list.asp&articleID=138267&recNum=9

Davis, T. & Mcleod, M. (1999). Designing the Tribal Virtual College of Tomorrow.

- Tribal College*, X(3), 10. Retrieved October 6, 2003 from Ethnic NewsWatch.
http://enw.softllineweb.com/record.asp?msel_from=150&msel_to=195&preview=&move=&returnPage=list.asp&articleID=648902&recNum=191
- DeLong, L. (1998). Indian Controlled Schools – The Unrealized Potential. *Tribal College*, IX(4), 13. Retrieved October 6, 2003 from Ethnic NewsWatch.
http://enw.softllineweb.com/record.asp?msel_from=0&msel_to=49&preview=&move=&returnPage=list.asp&articleID=868&recNum=18
- Deloria, V., Jr. (1992). *God is Red: A Native View of Religion: The Classic Work Updated*. Golden, CO: Fulcrum Publishing.
- Deloria, V., Jr. (Ed.). (2002). *The Indian Reorganization Act: Congresses and Bills*. Norman, OK: U Oklahoma Press.
- Deloria, V., Jr., & Lytle, C. M. (1983). *American Indians, American Justice*. Austin, TX: U Texas P.
- Deloria, V., Jr., & Lytle, C. M. (1984). *The Nations Within: the Past and Future of American Indian Sovereignty*. New York: Pantheon Books.
- DeMeyer, T. A. (1998, Aug. 31). Turtle Mountain Chippewa Seek \$40 Million as Empowerment Zone and Enterprise. *Ojibwe Akiing*, 2(8), 4. Retrieved October 6, 2003 from Ethnic NewsWatch.
http://enw.softllineweb.com/record.asp?msel_from=0&msel_to=49&preview=&move=&returnPage=list.asp&articleID=560718&recNum=13
- Densmore, F. (Ed.) (1929). *Smithsonian Institution Bureau of American Ethnology Bulletin 86*. Washington, DC: US Government Printing Office.
- Doctors Bring Their Medicine Home to the People. (1993, March 12). *Indian Country Today*, 12(46), 20. Retrieved September 13, 2003 from Ethnic NewsWatch.
http://enw.softllineweb.com/record.asp?msel_from=0&msel_to=19&preview=&move=&returnPage=list.asp&articleID=202520&recNum=19
- Education: The Best Resource of the People. (1993, March 12). *Indian Country Today*, 12(46), 6. Retrieved September 13, 2003 from Ethnic NewsWatch.
http://enw.softllineweb.com/record.asp?msel_from=0&msel_to=19&preview=&move=&returnPage=list.asp&articleID=202519&recNum=2
- Erdrich, L. (1991). Education as a Spiritual Journey: Like All Tribal Colleges, Turtle

- Mountain Community College Emphasizes Respect for Native Culture. *Tribal College*, II(3), 8. Retrieved September 13, 2003 from Ethnic NewsWatch.
http://enw.softlineweb.com/record.asp?msel_from=0&msel_to=19&preview=&move=&returnPage=list.asp&articleID=931833&recNum=3
- Espanola Council to Consider Casino Plans (2000, Nov. 17). *Albuquerque Journal*, 4. Retrieved October 23, 2003 from LexisNexis.
http://web.lexis-nexis.com/universe/document?_m=208ac730a3865c343d6356321875982a&_docnum+128&wchp=dGLbVlz-zSkVb&_md5=1917f7659c8c62b5f7c83cbcafd6491d
- Espinosa, J. M. (1988). *The Pueblo Indian Revolt of 1696 and the Franciscan Missions in New Mexico: Letters of the Missionaries and Related Documents*. Norman, OK: U Oklahoma P.
- Ethnologue.com. *Michif: a language of USA*. Retrieved February 5, 2004 from Ethnologue.com:
http://www.wthnologue.com/show_language.asp?code=CRG
- Ethnologue.com. *Tewa: a language of USA*. Retrieved February 5, 2004 from Ethnologue.com:
http://www.ethnologue.com/show_language.asp?code=TEW
- Fahey, J. (2001). *Saving the Reservation: Joe Garry and the Battle to be Indian*. Seattle: Univ Washington Press.
- Fogarty, M. (2003). Foundation Enables Land Reacquisition. *Indian Country Today*, 22(40), C1. Retrieved April 5, 2004 from Ethnic NewsWatch.
http://enw.softlineweb.com.ezproxy.lib.vt.edu:8080/record.asp?msel_from=0&msel_to=9&preview=&move=&returnPage=list.asp&articleID=1189802&recNum=6
- Fogarty, M. (2003). Santa Clara Pueblo Opens Spectacular Golf Course. *Indian Country Today*, 22(48), 12. Retrieved April 5, 2004 from Ethnic NewsWatch.
http://enw.softlineweb.com.ezproxy.lib.vt.edu:8080/record.asp?msel_from=0&msel_to=0&preview=&move=&returnPage=list.asp&articleID=1211288&recNum=1
- Fogarty, M. (2003). 2003 Rural Economic Development Through Tourism Conference. *Indian Country Today*, 22(45), B1. Retrieved April 5, 2004 from Ethnic NewsWatch.
http://enw.softlineweb.com.ezproxy.lib.vt.edu:8080/record.asp?msel_from=0&msel_to=1&preview=&move=&returnPage=list.asp&articleID=1211352&recNum=2

- Garrouette, E. M. (2001). The Racial Formation of American Indians: Negotiating Legitimate identities within Tribal and Federal Law (25)2. *American Indian Quarterly*. Retrieved March 30, 2004 from Ethnic NewsWatch:
<http://enw.proquest.com.ezproxy.lib.vt.edu:8080/record.asp?recNum=1>
- Garrouette, E. M. (2003). *Real Indians: Identity and the Survival of Native America*. Berkley: U California P.
- Giago, T. (1996, Jan. 11). Mdewakanton Sioux Elder Continues Her Struggle. *Indian Country Today*, 15, A4. Retrieved June 9, 2004 from Ethnic NewsWatch.
<http://proquest.umi.com.ezproxy.lib.vt.edu:8080/pqdweb?index=1&did=000000495624521&SrchMode=1&sid=4&Fmt=3&VInst=PROD&VType=PQD&RQT=309&VName=PQD&TS=1087241548&clientId=8956>
- Going to Battle: Twila Martin Considers the Power and Limitations of Leadership. (1993, Oct. 31). *Tribal College*, 5(2), 24. Retrieved September 13, 2003 from Ethnic NewsWatch.
http://enw.softllineweb.com/record.asp?msel_from=0&msel_to=19&preview=&move=&returnPage=list.asp&articleID=931719&recNum=15
- Graham, J., Amos, B., and Plumpre, T. (2003). Governance Principles for Protected Areas in the 21st Century. Retrieved August 19, 2003 from Institute of Governance:
http://www.iog.ca/publications/pa_governance2.pdf
- Graham, J. and Edwards, H. (2003). Options for Commercial Enterprise in First nations. Retrieved August 19, 2003 from Institute of Governance:
<http://www.iog.ca/publications/FNenterprises.pdf>
- Griego, T. (1997, August 26). Indian Gaming. *Albuquerque Tribune*, A1. Retrieved October 21, 2003 from LexisNexis.
http://web.lexis-nexis.com/universe/document?_m=1407dee5f92ff6fe613ce755665c2d91&_docnum=323&wchp=dGLbVlz-zSkVb&_md5=42f1b494e1ab761ac292ac5ec0223011
- Gross, E. R. (1989). L. W. Doob (Series Ed.), *Contemporary Federal Policy Toward American Indians: Vol. 25. Contributions in Ethnic Studies*. NY: Greenwood P.
- Harris, L., Sachs, S. M., & Broome, B. J. (2001). Wisdom of the people: potential and pitfalls in efforts by the Comanches to recreate traditional ways of building consensus. *The*

- American Indian Quarterly*, 25, 114-35. Retrieved September 30, 2002, from Ethnic NewsWatch: http://web2.infotrac-custom.com/pdfserve/get_item/1/Saf17a9w2_7/SB857_07.pdf
- Hickerson, H. (1970). *The Chippewa and Their Neighbors: A Study in Ethnohistory*. New York: Holt, Rinhart and Winston, Inc.
- Holm, T., Pearson, J., & Chavis, B. (2003). "Peoplehood": A Model for American Indian Studies. *Wicazo Sa*, 18(1).
- Howard, J. H. (1977). *The Plains-Ojibwa or Bungi: Hunters and Warriors of the Northern Prairies with Special Reference to the Turtle Mountain Band*. In *Reprints in Anthropology, Volume 7*. Lincoln, NE: J & L Reprint Company.
- Humphrey, K. (2001). Wind Power Projects Fueling Economic Opportunities for Tribal Entities. *Indian Country Today*, 21(13), B1. Retrieved April 7, 2004 from Ethnic NewsWatch.
http://enw.softlineweb.com.ezproxy.lib.vt.edu:8080/record.asp?msel_from=0&msel_to=3&preview=&move=&returnPage=list.asp&articleID=750473&recNum=1
- Indian Leaders Tell Babbitt That Gaming Compacts are Flawed (1997, June 6). *Ojibwe News*, 9(34), 2. Retrieved October 7, 2003 from Ethnic NewsWatch.
http://enw.softlineweb.com/record.asp?msel_from=0&msel_to=9&preview=&move=&returnPage=list.asp&articleID=461798&recNum=7
- Indigenous Language Institute Announces New Board Members. (2002). *Native Voice*, 1(2), 4. Retrieved April 5, 2004 from Ethnic NewsWatch.
http://enw.softlineweb.com.ezproxy.lib.vt.edu:8080/record.asp?msel_from=0&msel_to=4&preview=&move=&returnPage=list.asp&articleID=1090018&recNum=2
- Institute on Governance (2000), *Governance Models to Achieve Higher Levels of Aggregation: Literature Review*. Retrieved August 19, 2003, from Institute on Governance:
<http://www.iog.ca/publications/AggregationLiteratureReview.PDF>
- Johnson, J. (1999, Sept. 28). Net Links Santa Clara Students with Other Tribes. *Albuquerque Journal*, 4. Retrieved October 21, 2003 from LexisNexis.
http://web.lexis-nexis.com/universe/document?_m= b29611288e6c21f5bbc3a4dcee015cc8&_docnum=227&wchp=dGLbVlz-zSkVb&_md5=044939d022b6f9ffc84801cb0451c6

- Johnson Says He's Likely to Sign Gambling Bill. (1997, March 28). *Ojibwe News*, 9(24), 2. Retrieved October 7, 2003 from Ethnic NewsWatch. http://enw.softlineweb.com/record.asp?msel_from=10&msel_to=19&preview=&move=&returnPage=list.asp&articleID=444809&recNum=11
- Kelly, L. C. (1968). *The Navajo Indians and Federal Indian Policy: 1900-1935*. AZ: U Arizona P.
- Kent, J. (2002). Great Plains Water Rights Conference. *News From Indian Country*, XVI(17), 12A. Retrieved April 7, 2004 from Ethnic NewsWatch. http://enw.softlineweb.com.ezproxy.lib.vt.edu:8080/record.asp?msel_from=0&msel_to=9&preview=&move=&returnPage=list.asp&articleID=1120555&recNum=4
- Kettler, D. (1969). The Politics of Social Change: The Relevance of Democratic Approaches". In W. E. Connolly (Ed.), *The Bias of Pluralism* (pp. 213-30). New York: Atherton.
- Kulchyski, P. (1997). From Appropriation to Subversion: Aboriginal Cultural Production in the AGE of Postmodernism. *The American Indian Quarterly*, 21(4), 605-615. Retrieved September 17, 2002, from Ethnic NewsWatch: http://web2.infotrac-custom.com/pdfserve/get_item/1/S1fdcf9w3_5/SB185_05.pdf
- Kurth, F. (2002). Building on Who We Are, One Step at a Time. *Tribal College Journal of American Indian Higher Education*, 12(3), 10. Retrieved April 7, 2004 from Ethnic NewsWatch. http://enw.softlineweb.com.ezproxy.lib.vt.edu:8080/record.asp?msel_from=0&msel_to=5&preview=&move=&returnPage=list.asp&articleID=1045360&recNum=6
- Lee, M. (2000, May 15). Efforts Made to Shield Cherished Indian Ruins. *Albuquerque Journal*, A2. Retrieved October 21, 2003 from LexisNexis. http://web.lexis-nexis.com/universe/document?_m=dbd0149ba736742fd7a25722189bf394&_docnum=169&wchp=dGLbVlz-zSkVb&_md5=a6aa2614a4c6a53ee7e68c14cdf54014
- Lerch, P. (2002). Considerations of Context, Time, and Discourse in Identity Politics for Indians of the Carolinas. In M. V. Angrosino (Series Ed.), F. W. Gleach (Vol. Ed.) & L. J. Lefler (Ed.), *Southern Indians and Anthropologists: Culture, Politics, and Identity: Vol. 35. Southern Anthropological Society Proceedings* (pp. 31-42). Athens, GA: Univ Georgia P.
- Lewin, S. (2003). Western Tribes harness Power of Wind. *Native American Times*, IX(13), 3A. Retrieved April 7, 2004 from Ethnic NewsWatch.

- http://enw.softlineweb.com.ezproxy.lib.vt.edu:8080/record.asp?msel_from=0&msel_to=1&preview=&move=&returnPage=list.asp&articleID=1237229&recNum=1
- Lezon, D. (2000, Aug. 13). Albright Visits Santa Clara for Feast Day. *Albuquerque Journal*, 1. Retrieved October 21, 2003 from LexisNexis.
- http://web.lexis-nexis.com/universe/document?_m=208ac730a3865c343d6356321875982a&_docnum=147&wchp=dGLbVlz-zSkVb&_md5ef6863ce809e45b78e2c87685d51f64d
- Lone Fight, T. (1993, Jan. 21). Pembina Band Members Seeks Split From Turtle Mountain. *Indian Country Today*, 12(30), B7. Retrieved September 13, 2003 from Ethnic NewsWatch.
- http://enw.softlineweb.com/record.asp?msel_from=0&msel_to=19&preview=&move=&returnPage=list.asp&articleID=203697&recNum=5
- Lurie, J. (1997, Jan. 15). Tigua Offer \$50,000 for Return of Sacred Objects. *News From Indian Country*, XI(1), 11A. Retrieved June 9, 2004 from Ethnic NewsWatch.
- <http://proquest.umi.com.ezproxy.lib.vt.edu:8080/pqdweb?index=3&did=000000482340871&SrchMode=1&sid=3&VInst=PROD&VType=PQD&RQT=309&VName=PQD&TS=1087241093&clientId=8956>
- Many Cultures Passed This Crossroad. (1993, March 12). *Indian Country Today*, 12(46), 2. Retrieved September 13, 2003 from Ethnic NewsWatch.
- http://enw.softlineweb.com/record.asp?msel_from=0&msel_to=19&preview=&move=&returnPage=list.asp&articleID=202518&recNum=4
- Mason, D. (2000). *Indian Gaming: Tribal Sovereignty and American Politics*. Norman, OK: U of Oklahoma P.
- Mason, K.C. (2000, Nov. 21). Espanola Council, Tribe Cooperating. *Albuquerque Journal*, 1. Retrieved October 21, 2003 from LexisNexis.
- http://web.lexis-nexis.com/universe/document?_m=208ac730a3865c343d6356321875982a&_docnum=126&wchp=dGLbVlz-zSkVb&_md5=0f37c8961ba00170c5179c14e02857fb
- May, J. (2004, Feb. 25). Disenfranchised Tribal Members Stage Protest. *Indian Country Today*, 23(37), A1. Retrieved June 9, 2004 from Ethnic NewsWatch.
- <http://proquest.umi.com.ezproxy.lib.vt.edu:8080/pqdweb?index=1&did=000000>

622389901&SrchMode=&sid=8&Fmt=3&VInst=PROD&VType=PQD&RQT
=309&VName=PQD&TS=1087242495&clientId=8956

Melmer, D. (1995, June 1). Election Question Up in the Air. *Indian Country Today*, 14(49), 1. Retrieved September 13, 2003 from Ethnic NewsWatch.
http://enw.softllineweb.com/record.asp?msel_from=20&msel_to=39&preview=&move=&returnPage=list.asp&articleID=710732&recNum=37

Melmer, D. (1995, March 2). Exiled Chairperson Occupies Turtle Mountain Tribal Building. *Indian Country Today*, 14(36), A1. Retrieved September 13, 2003 from Ethnic NewsWatch.
http://enw.softllineweb.com/record.asp?msel_from=20&msel_to=39&preview=&move=&returnPage=list.asp&articleID=283917&recNum=22

Melmer, D. (1995, June 1). A Revolution for the Chippewa. *Indian Country Today*, 14(49), A1. Retrieved September 13, 2003 from Ethnic NewsWatch.
http://enw.softllineweb.com/record.asp?msel_from=20&msel_to=39&preview=&move=&returnPage=list.asp&articleID=710420&recNum=34

Melmer, D. (1997, April 7). Tribal Gaming Survives New Mexico Legislature: Final Approval is Now in the Hands of the New Mexico Governor and U.S. Interior Department. *Indian Country Today*, A1. Retrieved October 7, 2003 from Ethnic NewsWatch.
http://enw.softllineweb.com/record.asp?msel_from=0&msel_to=9&preview=&move=&returnPage=list.asp&articleID=500389&recNum=1

Melmer, D. (1996, Nov. 25). Turtle Mountain Chairman Replaced by a Wide Margin. *Indian Country Today*, 16(21), A6. Retrieved September 13, 2003 from Ethnic NewsWatch.
http://enw.softllineweb.com/record.asp?msel_from=20&msel_to=39&preview=&move=&returnPage=list.asp&articleID=138254&recNum=11

Melmer, D. (1995, March 23). Turtle Mountain Negotiations Break Down: Two Judges Suspended. *Indian Country Today*, 14(39), A1. Retrieved September 13, 2003 from Ethnic NewsWatch.
http://enw.softllineweb.com/record.asp?msel_from=20&msel_to=39&preview=&move=&returnPage=list.asp&articleID=747151&recNum=27

Melmer, D. (1995, June 1). Turtle Mountain in Turmoil: Money at Root of a Nation

- Divided. *Indian Country Today*, 14(49), A1. Retrieved September 13, 2003 from Ethnic NewsWatch.
http://enw.softllineweb.com/record.asp?msel_from=20&msel_to=39&preview=&move=&returnPage=list.asp&articleID=710731&recNum=26
- Nagel, J. (1996). *American Indian Ethnic Renewal: Red Power and the Resurgence of Identity and Culture*. NY: Oxford UP
- Nagel, J. (2000). False Faces: Ethnic Identity, Authenticity, and Fraud in Native American Discourse and Politics. In J. E. Davis (Ed.), *Identity and Social Change* (pp. 81-108). New Brunswick: Transaction Publishers.
- Nancy, S. A., & Hill, W. W. (1979). Santa Clara Pueblo . In A. Ortiz (Ed.), *Handbook of North American Indians, Volume 9: Southwest* (pp. 296-307). Washington, DC: Smithsonian Institution.
- Naranjo, J. Fire Will Have Long-Lasting Effects on Santa Clara Pueblo. *Santa Fe New Mexican*, 1. Retrieved October 21, 2003 from LexisNexis.
http://web.lexis-nexis.com/universe/document?_m=dbd0149ba736742fd7a25722189bf394&_docnum=158&wchp=dGLbVlz-zSkVb&_md5=20db2b634729fo1e07c96fba40f0267c
- Navajo Nation Washington Office. (n.d.). *The Navajo Nation Profile*. Retrieved April 5, 2003, from <http://www.nnwo.org/nnprofile.htm>
- Navarro, B. (1997, April 20). New Law Gives Pueblo Economic Tool. *Santa Fe New Mexican*, B1. Retrieved October 21, 2003 from LexisNexis.
http://web.lexis-nexis.com/universe/document?_m=dabfcd23ebf3e7c4b1eeb03b7243e31&_docnum=345&wchp=dGLbvlz-zSkVb&_md5=09ae4889383dc2b88e336419f4clb52e
- Navarro, B. (1997, Nov. 20). Two Men, Including Judge, Suspected of Illegal Elk Hunting. *Santa Fe New Mexican*, B1. Retrieved October 21, 2003 from LexisNexis.
http://web.lexis-nexis.com/universe/document?_m=1407dee5f92ff6fe613ce755665c2d91&_docnum=320&wchp=dGLbVlz-zSkVb&_md5=a0ded28ce72cc53f65b4f3fe33ebfd79
- Navarro, B. (1997, Nov. 21). Warrant Naming Judge Invalidated. *Santa Fe New Mexican*, B1. Retrieved October 21, 2003 from LexisNexis.

http://web.lexis-nexis.com/universe/document?_m=1407dee5f92ff6fe613ce755665c2d91&_docnum+319&wchp=dGLvVlz-zSkVb&_md5=8ce19362c0f0222a911514ac00f6d3bd

Neary, B. (1999, Nov. 9). Casino Plan Tests Espanola's Jurisdiction. *Santa Fe New Mexican*, B1. Retrieved October 21, 2003 from LexisNexis.

http://web.lexis-nexis.com/universe/document?_m=208ac730a3865c343d6356321875982a&_docnum=131&wchp=dGLbVlz-zSkVb&_md5=93be291d8e3ba9bccf72712dce00d660

Neary, B. (1999, Sept. 28). Espanola Wants Jail-Site Decision Soon. *Santa Fe New Mexican*, B1. Retrieved October 21, 2003 from LexisNexis.

http://web.lexis-nexis.com/universe/document?_m=b29611288e6c21f5bbc3a4dcee015cc8&_docnum=228&wchp=dGLbVlz-zSkVb&_md5=ab746f03201ef50089a414a391d95a07

Neary, B. (2000, Nov. 21). Pueblo Agrees to Casino-project Review. *Santa Fe New Mexican*, B1. Retrieved October 21, 2003 from LexisNexis.

http://web.lexis-nexis.com/universe/document?_m=208ac730a3865c343d6356321875982a&_docnum=127&wchp=dGLvVlz-zSkVb&_md5=1ece244a0fb5bee2ce2cfed36da65081

Nez, C. (1997, April 15). Slot Machines to Continue Ringing in New Mexico Casinos. *News From Indian Country*, XI(7), 1A. Retrieved October 7, 2003 from Ethnic NewsWatch.

http://enw.softlineweb.com/record.asp?msel_from=10&msel_to=19&preview=&move=&returnPage=list.asp&articleID=453669&recNum=16

Nobody's Business but Our Own: Turtle Mountain Profits from Buying Indian. (1993, March 12). *Indian Country Today*, 12(46), 21. Retrieved September 13, 2003 from Ethnic NewsWatch.

http://enw.softlineweb.com/record.asp?msel_from=0&msel_to=19&preview=&move=&returnPage=list.asp&articleID=202521&recNum=10

Norrell, B. (2000, May 24). Santa Clara Cliff Dwellings Saved as Fire Rages: American Indian Firefighters Battle Blaze Devouring Pueblo Forest. *Indian Country Today*, 19(49), A1. Retrieved October 7, 2003 from Ethnic NewsWatch.

- http://enw.softlineweb.com/record.asp?msel_from=0&msel_to=9&preview=&move=&returnPage=list.as&articleID=41053&recNum=1
- North Dakota Tribes Teaming Up on Compulsive Gambling Problem. (1998, Sept. 18). *Ojibwe News*, 10(40), 2. Retrieved October 6, 2003 from Ethnic NewsWatch. http://enw.softlineweb.com/record.asp?msel_from=0&msel_to=49&preview=&move=&returnPage=list.asp&articleID=573035&recNum=39
- O'Brien, S. (1989). *American Indian Tribal Governments: Vol. 192. The Civilization of the American Indian Series*. Norman, OK: U Oklahoma Press.
- O'Brien, S. (1991). The Concept of Sovereignty: The Key to Social Justice. D. E. Green & T. V. Tonnesen (Eds.), *American Indians: Social Justice and Public Policy: Vol. 9. Ethnicity and Public Policy Series* (pp. 44-82). U Wisconsin System.
- Officer, J. E. (1971). The American Indian and Federal Policy. J.O. Waddell & O. M. Watson (Eds.), *The American Indian in Urban Society*. (pp. 8 – 65). Boston: Little, Brown, and Co.
- On Campus. (1999, April 30). *Tribal College*, X(3), 26. Retrieved October 7, 2003 from Ethnic NewsWatch. http://enw.softlineweb.com/record.asp?msel_from=60&msel_to=65&preview=&move=&returnPage=list.asp&articleID=648905&recNum=66
- O'Neil, F. A. (1995). The Indian New Deal: An Overview. In K. R. Philp (Ed.), *Indian Self-Rule: First-Hand Accounts of Indian-White Relations from Roosevelt to Reagan* (pp. 30-46). Logan, UT: Utah State UP.
- Otis, D. S. (1973). *The Dawes Act and the Allotment of Indian Lands*. F. P. Prucha (Ed.). Norman, OK: U Oklahoma P.
- Parman, D. L. (1976). *The Navajos and the New Deal*. New Haven: Yale UP.
- Perdue, T. (2000). Clan and Court: Another Look at the Early Cherokee Republic. *The American Indian Quarterly*, 24(4), 562-664. Retrieved September 18, 2002, from Ethnic NewsWatch: http://web2.infotrac-custom.com/pdfserve/get_item/1/S1fdcf9w3_1/SB185_01.pdf
- Peterson, K. (1997, May 11). Exiles in Their Own Land. *Santa Fe New Mexican*, A1. Retrieved October 21, 2003 from LexisNexis.

http://web.lexis-nexis.com/universe/document?_m=dabfcd23ebf3e7c7b1eeb03b7d243e31&_docnumb=342&wchp=dGLbVlz-zSkVb7_md5=17e2a7c6b3efb832e76024d5f60a1882

Peterson, K. (1997, May 15). Tribal Officials Don't Attend Membership Meeting. *Santa Fe New Mexican*, B4. Retrieved October 21, 2003 from LexisNexis.

http://web.lexis-nexis.com/universe/document?_m=dabfcd23ebf3e7c4b1eeb03b7d243e31&_docnum=341&wchp=dGLbVlz-zSkVb&_md5f=3a37f645f6f90070 a0c5a7d4eebe1bbd

Philp, K. (1977). *John Collier's Crusade for Indian Reform: 1920 -- 1954*. Tucson, AZ: U Arizona P.

Pierpoint, M. (2000, March 29). 'Floating Police Academy' Possible Crisis Solution. *Indian Country Today*, 19(41), L1. Retrieved October 6, 2003 from Ethnic NewsWatch.

http://enw.softllineweb.com/record.asp?msel_from=100&msel_to=149&preview=&move=&returnPage=list.asp&articleID=36930&recNum=117

Pitawanakwat, K., & Paper, J. (1996). Communicating the intangible: an Anishnaabeg Story. (Speical Issue: To hear the Eagles Cry: Contemporary themes in Native American Spirituality). *The American Indian Quarterly*, 20(3), 451-466. Retrieved September 17, 2002, from http://web2.infotrac-custom.com/pdfserve/get_item/1/S1fdcf9w3_8/SB185_08.pdf

Porter, R. B. (1997). Through Peacemaking: How the Anglo-American Legal Tradition Destroys Indigenous Societies. *Red Ink*, 5(2), 54-60.

Rector, L. (2002). Native Science: Natural Laws of Interdependence. *News From Indian Country*, XVI(14), 9B. Retrieved April 5, 2004 from Ethnic NewsWatch.

http://enw.softlineweb.com.ezproxy.lib.vt.edu:8080/record.asp?msel_from=0&msel_to=9&preview=&move=&returnPage=list.asp&articleID=1105715&recNum=9

Riefel, B. (1995). Federal Indian Policy. In K. R. Philp (Ed.), *Indian Self-Rule: First-Hand Accounts of Indian-White Relations from Roosevelt to Reagan* (pp. 70-78). Logan, UT: Utah State UP.

Roy, D. (1994, Sept. 29). Pueblo Forces Cleanup. *Santa Fe New Mexican*, B1. Retrieved October 21, 2003 from LexisNexis.

- http://web.lexis-nexis.com/universe/document?_m=89828433a870929ec739cb47099a&docnum=415&wchp=dGLbVlz-zSkVb&md5=b1c9defffde93eeb374e25326c4d97ff
- Russell, S. C., & Henderson, E. (1999). The 1994 Navajo Presidential Election: Analysis of the Election and Results of an Exit Poll. *American Indian Quarterly*, 23(2), 23-37.
- Sando, J. S. (1992). *Pueblo Nations: Eight Centuries of Pueblo Indian History*. Santa Fe, NM: Clear Light Publishers.
- Sando, J. S. (1979). The Pueblo Revolt. In A. Ortiz (Ed.), *Handbook of North American Indians, Volume 9: Southwest* (pp.194-197). Washington, DC: Smithsonian Institution.
- Santa Clara Pueblo v. Martinez*, 436 U.S. 49 (1978). Retrieved January 19, 2004 from FindLaw. <http://laws.lp.findlaw.com/getcase/US/436/49.html>
- Schneider, M. (1986). *North Dakota Indians: An Introduction*. Dubuque, Iowa: Kendall/Hunt Publishing.
- Session Will Focus on Native Languages. (1998, June 16). *Albuquerque Journal*, 5. Retrieved October 21, 2003 from LexisNexis. http://web.lexis-nexis.com/universe/document?m=1407dee5f92ff6fe613ce755668c2d91&_docnum=301&wchp=dGLbVlz-zSkVb&md5ee7548e520ed242616266efe493fe2bd
- Shively, L. A. (2003). Junior Golfers Tee Up for Game and Lessons in Life. *Indian Country Today*, 23(10), 1. Retrieved April 5, 2004 from Ethnic NewsWatch. http://enw.softlineweb.com.ezproxy.lib.vt.edu:8080/record.asp?msel_from=0&msel_to=0&preview=&move=&returnPage=list.asp&articleID=1251142&recNum=1
- Simmons, M. (1979). History of the Pueblos. In A. Ortiz (Ed.), *Handbook of North American Indians, Volume 9: Southwest* (pp.206-223). Washington, DC: Smithsonian Institution.
- Simonelli, R. (2000, Sept. 30). Native Science: Natural Laws of Interdependence. News From Indian Country, XIV(18), 9B. Retrieved October 7, 2003 from Ethnic NewsWatch. http://enw.softlineweb.com/record.asp?msel_from=20&msel_to=29&preview=&move=&returnPage=list.asp&articleID=75843&recNum=28
- Smith, B. (1999, Nov. 30). Santa Clara Tribal Council Backs Out After Receiving Hundreds of Complaints. *Albuquerque Journal*, 1. Retrieved October 21, 2003 from LexisNexis.

http://web.lexis-nexis.com/universe/document?m=c97d45bda45a3da45a3da4f37780ec7845be16&_docnum=218&wchp=dGLbVlz-zSkVb&_md5=e2bac0cf90f9b289e005b5b0a9d14243

- Smith, D. (2000). T. Johnson & D. Champagne (Series Eds.), *Modern Tribal Development: Paths to Self-Sufficiency and Cultural Integrity in Indian Country: Vol. . Contemporary Native American Communities: Stepping Stones to the Seventh Generation*. Walnut Creek, CA: Altamira Press.
- Taliman, V. (2002). Termination by Bureaucracy: Membership Denials in the New Economic Era. *Native Americas: Hemispheric Journal of Indigenous Issues*, 19(1,2), 8-17.
- Technology Opens World to Turtle Mountain. (1993, March 12). *Indian Country Today*, 12(46), 25. Retrieved September 13, 2003 from Ethnic NewsWatch.
http://enw.softllineweb.com/record.asp?msel_from=0&msel_to=19&preview=&move=&returnPage=list.asp&articleID=202522&recNum=12
- Towers, D. (1998, July 27). Santa Clara Pueblo Unites to Battle Out of Control Fire. *Indian Country Today*, B7. Retrieved October 7, 2003 from Ethnic NewsWatch.
http://enw.softllineweb.com/record.asp?msel_from=0&msel_to=9&preview=&move=&returnPage=list.asp&articleID=563140&recNum=2
- Turtle Mountain Band of Chippewa: Constitution Backers Not Giving Up. (2002, Oct. 30). Retrieved April 30, 2004 from GrandForksHerald.com.
<http://www.grandforks.com/mld/grandforks/4400648.htm?template=contentModules/printstory.jsp>.
- Turtle Mountain Band of Chippewa Indians. (2003). *Introduction*. Retrieved April 19, 2003, from <http://www.turtlemountainchippewa.com>
- Turtle Mountain Chippewa on Political Merry-go-round. (1995, March 31). *Red Stick Press*, 2(1), 3. Retrieved September 13, 2003 from Ethnic NewsWatch.
http://enw.softllineweb.com/record.asp?msel_from=20&msel_to=39&preview=&move=&returnPage=list.asp&articleID=
- Turtle Mountain Leads the Way to Self-determination. (1993, Aug. 11). *Indian Country Today*, 13(7), A4. Retrieved September 13, 2003 from Ethnic NewsWatch.
http://enw.softllineweb.com/record.asp?msel_from=20&msel_to=39&preview=&move=&returnPage=list.asp&articleID=214048&recNum=24

- Walker, G. (1997). The Idea of Nonliberal Constitutionalism. In I. Shapiro & W. Kymlicka (Eds.), *Ethnicity and Group Rights: Vol. 39. Nomos* (pp. 154-184). New York: New York UP.
- Walker, H. (1995, Oct. 10). Programs Work to Preserve Culture. *Santa Fe New Mexican*. Retrieved October 21, 2003 from LexisNexis.
http://web.lexis-nexis.com/univers/document?_m=63379e387533b4729a782025efb44741&_docnum=399&wchp=dGLbVlz-zSkVb&_md5=1c342baa32150bd38d584c4d1cb29b
- Walkup, C. (1995). Felix Cohen and the Adoption of the IRA. In K. R. Philp (Ed.), *Indian Self-Rule: First-Hand Accounts of Indian -White Relations from Roosevelt to Reagan* (pp. 70-78). Logan, UT: Utah State UP.
- Washburn, W. E. (1975). *The Assault on Indian Tribalism: The General Allotment Law (Dawes Act) of 1887*. In H. M. Hyman (Ed.), *The America's Alternative Series*. Philadelphia: J. B. Lippincott.
- Washburn, W.E. (1971). *Red Man's Land/White Man's Law: A Study of the Past and Present Status of the American Indian*. NY: Charles Scribner's Sons.
- Webber, J. (2000). Beyond Regret: Mabo's Implications for Australian Constitutionalism. In D. Ivison, P. Patton, & W. Sanders (Eds.), *Political Theory and the Rights of Indigenous Peoples* (pp. 60-88). Cambridge UP.
- Westerly, S. (2001). Protecting Traditions While Promoting Tourism. *News From Indian Country*, XV(6), 13A. Retrieved April 5, 2004 from Ethnic NewsWatch.
http://enw.softlineweb.com.ezproxy.lib.vt.edu:8080/record.asp?msel_from=0&msel_to=2&preview=&move=&returnPage=list.asp&articleID=113529&recNum=2
- Westerly, S. (2000, June 15). Sacred Lands and Sites Scorched: New Mexico Fire Burns Tribal Watershed and Ancient Center of Art. *News From Indian Country*, XIV(11), 1A. Retrieved October 7, 2003 from Ethnic NewsWatch.
http://enw.softlineweb.com/record.asp?msel_from=0&msel_to=9&preview=&move=&returnPage=list.asp&articleID=45561&recNum=3
- Wilkins, D. E. (2002). *American Indian Politics and The American Political System. The Spectrum Series: Race and Ethnicity in National and Global Politics*. NY: Rowman and Littlefield.

- Willard, W. (1994). Self-Government for Native Americans: the Case of the Pascua Yaqui Tribe. In L. H. Legterst & F. J. Lyden (Vol. Eds.), *American Indian Policy: Self-Governance and Economic Development: Vol. 329. Contributions in Political Science* (pp. 3-13). Westport, CT: Greenwood Press.
- Woodard, S. (2001). Permaculture Course in Santa Fe Starts July 23: Indigenous Participants from Throughout Hemisphere are Welcomed. *Indian Country Today*, 21(4), B1. Retrieved April 5, 2004 from Ethnic NewsWatch. http://enw.softlineweb.com.ezproxy.lib.vt.edu:8080/record.asp?msel_from=0&msel_to=0&preview=&move=&returnPage=list.asp&articleID=722858&recNum=1
- Yellow Bird, D. (1999). Turtle Mountain Faculty Helps Build Model Assessment Tool. *Tribal College*, X(2), 10. Retrieved October 6, 2003 from Ethnic NewsWatch. http://enw.softllineweb.com/record.asp?msel_from=0&msel_to=49&preview=&move=&returnPage=list.asp&articleID=648889&recNum=1
- Young, I. (1990). *Justice and the Politics of Difference*. Princeton: Princeton UP.

Appendix A

**UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS**

**CONSTITUTION AND BYLAWS
OF THE PUEBLO OF
SANTA CLARA
NEW MEXICO**

APPROVED DECEMBER 20, 1935

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1936

**CONSTITUTION AND BYLAWS OF THE PUEBLO OF
SANTA CLARA, NEW MEXICO**

PREAMBLE

We, the people of Santa Clara pueblo, in order to establish justice, promote the common welfare and preserve the advantages of self-government, do ordain and establish this constitution.

ARTICLE I-JURISDICTION

This constitution shall apply within the exterior boundaries of Santa Clara pueblo grant and to such other lands as are now or may in the future be under the jurisdiction of the pueblo of Santa Clara. This constitution shall apply to and be for the benefit of all persons who are members of the pueblo of Santa Clara.

ARTICLE II-MEMBERSHIP

SECTION 1. *Conditions of membership.*-The membership of the Santa Clara pueblo shall consist as follows:

(a) All persons of Indian blood whose names appear on the census roll of the Santa Clara pueblo as of November 1, 1935, provided that within one year from the adoption and approval of this

constitution corrections may be made in the said roll by the pueblo council with the approval of the Secretary of the Interior.

(b) All persons born of parents both of whom are members of the Santa Clara pueblo.

(c) All children of mixed marriages between members of the Santa Clara pueblo and nonmembers, provided such children have been recognized and adopted by the council.

(d) All persons naturalized as members of the pueblo.

SEC. 2. *Naturalization.*-Indians from other pueblos or reservations who marry a member of Santa Clara pueblo may become members of the pueblo, with the assent of the council, by naturalization. To do this they must (1) go before the pueblo council and renounce allegiance to their tribe and declare intention of becoming members of the Santa Clara pueblo. They shall swear that from that date on they will not receive any benefits from their people, except through inheritance. (2) A year later they shall go before the pueblo council again, swear allegiance to the pueblo of Santa Clara and receive membership papers; provided, they have kept their promise from the time of their first appearance before the pueblo council.

ARTICLE III-ORGANIZATION OF THE PUEBLO COUNCIL

SECTION 1. *Officers.*-The governing power of the pueblo of Santa Clara shall be vested in the pueblo council which shall consist of the following officers:

Officers:	Number
Governor.....	1
Lieutenant Governor.....	1
Representatives.....	8
Secretary.....	1
Treasurer.....	1
Interpreter.....	1
Sheriff.....	1

and such other officers as the council may recognize or appoint.

SEC. 2.-*Election of Governor, Lieutenant Governor, secretary, treasurer, interpreter, and sheriff.*-On the first Saturday of each year an election shall be held within the pueblo of Santa Clara, at which a Governor, Lieutenant Governor, secretary, treasurer, interpreter, and sheriff shall be elected by secret ballot to serve for the ensuing year.

SEC. 3. *Who may vote.*-Every member of the pueblo of Santa Clara who is of sane mind and over 18 years of age, may vote at any election. Any member who is absent from the pueblo on the date of any election shall have the right to vote by mail under such rules as may be prescribed by the pueblo council.

SEC. 4. *Candidates.*-Candidates for Governor, Lieutenant Governor, secretary, treasurer, interpreter, and sheriff shall be nominated at least fifteen (15) days before the date upon which each election is to be held. Nominations for the first election shall be made by the recognized parties now existing within the pueblo. Thereafter nominations shall be made in a manner prescribed by the council of the pueblo.

SEC. 5. *Representatives.*-Two representatives shall be appointed to the pueblo council upon the date of the first election, for a term of 1 year by each of the four recognized parties now existing within the pueblo, and in all future elections eight representatives shall be chosen in a manner to be prescribed by the council.

SEC. 6. *Manner of elections.*-All nominations for office and elections shall be made and held in a manner prescribed by the council of the pueblo.

ARTICLE IV-THE PUEBLO COUNCIL AND ITS POWERS

SECTION 1. *Legislative power.*-The legislative power shall be vested in the pueblo council, and the said power shall be exercised in accordance with, and not in conflict with, the constitution or any laws of the United States of America.

The pueblo council shall have the following rights and powers:

1. To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.
2. To prevent the sale, disposition, lease, or encumbrance of pueblo lands, interests in lands, or

other tribal assets.

3. To negotiate with the Federal, State, and local governments, and with the councils and governing authorities of other pueblos or Indian tribes.
4. To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the pueblo prior to the submission of such estimates to the Bureau of the Budget and to Congress.
5. To enact ordinances, not inconsistent with the constitution and bylaws of the pueblo, for the maintenance of law and order within the pueblo and for the punishment of members, and the exclusion of nonmembers violating any such ordinances, for the raising of revenue and the appropriation of available funds for pueblo purposes, for the regulation of trade, inheritance, land-holding, and private dealings in land within the pueblo, for the guidance of the officers of the pueblo in all their duties, and generally for the protection of the welfare of the pueblo and for the execution of all other powers vested in the pueblo by existing law: *Provided*, That any ordinance which affects persons who are not members of the pueblo shall not take effect until it has been approved by the Secretary of the Interior or some officer designated by him.
6. To delegate any of the foregoing powers to appropriate officers of the pueblo, reserving the right to review any action taken by virtue of such delegated power.

SEC. 2. *Judicial power.*-The pueblo council shall also adjudicate all matters coming before it over which it has jurisdiction. In all controversies coming before the pueblo council, the council shall have the right to examine all witnesses and ascertain full details of the controversy, and after the matter shall have been sufficiently commented upon by the interested parties, the council shall retire to a private place to make a decision. All of the members of the council except the Governor and the Lieutenant Governor shall have the right to vote upon a decision, and a majority shall rule. In the event of a tie, the Governor shall have the right to cast a vote, thereby breaking the tie. It shall be the duty of the Governor and the Lieutenant Governor to express to the other members of the pueblo council their views regarding the case before a vote is taken.

SEC. 3. *Common law of pueblo.*-With respect to all matters not covered by the written

constitution, bylaws, and ordinances of the pueblo of Santa Clara, nor by those laws of the United States of America which are applicable to the pueblo of Santa Clara, the customs and usages of the pueblo, civil, and criminal, as interpreted by the council, shall have the force of law.

ARTICLE V-THE GOVERNOR, HIS POWERS AND DUTIES

The Governor shall be the executive head of the pueblo government. It shall be his duty to enforce the laws of the pueblo, civil and criminal, written and unwritten. If any person considers that any ruling of the Governor is unjust, he shall have the right to demand through any representative of the pueblo council or directly to the pueblo council that the matter be brought before the pueblo council for adjudication at the next meeting of said officers.

In all community work the Governor shall be the sole overseer unless he is unavoidably absent, in which event the Lieutenant Governor shall have the same rights and duties as the Governor.

ARTICLE VI-VACANCIES AND IMPEACHMENTS

SEC. 1. *Vacancies*.-Should any vacancy occur in any of the offices or any member of the council, the council shall, by a majority vote, have the right to name a successor for the said office, except that in the event the office of Governor becomes vacant for any reason, then and in that event the Lieutenant Governor shall thereupon become the Governor with all duties and powers of the said office, and further, that the successor to any pueblo representative appointed by a particular group shall be chosen by the same group.

SEC. 2. *Impeachment*.-Any officer charged with grave offenses may be tried before the other members of the council. The manner of conducting impeachments shall be prescribed by the council. The council shall act as the trial court, and if they decide, by a two-thirds vote, to remove the accused member from office he will be removed.

ARTICLE VII-LAND

SECTION 1. *Pueblo title.*- Title to all lands of the pueblo, whether assigned to the use of individuals or withheld for the common use of the members of the pueblo, shall forever remain in the pueblo itself and not in the individual members thereof. All the members of the pueblo are declared to have an equal right to make beneficial use, in accordance with ordinances of the council, of any land of the pueblo not heretofore or hereafter assigned to individual members. For the purpose of this article the word "member" shall be defined by the council.

SEC. 2. *Individual rights of possession.*- The right of full possession shall be guaranteed to every member of the pueblo, holding lands assigned to him by the Pueblo Council, for cultivation or other purposes: *Provided*, That no member holding said lands shall sell or will same to an alien. All lands assigned to individuals of the pueblo must be completely fenced within three years. Any violation of the above provision shall be sufficient cause for the council to dispossess him of said land. He shall have the right, however, to rent to a pueblo member or, with the approval of the council, to an alien, all lands under his possession, for a term not to exceed two years. He shall have the right to sell his interest in said lands to any other member of the pueblo after his assignment has been finally approved, subject to such regulations as the council may prescribe.

SEC. 3. *Council to have power of granting assignments.*-When any member of the pueblo desires a piece of unimproved pueblo land, he shall select his land, and then make his application for same to the council of the pueblo. If the council decides to grant him the land, or any part thereof, they shall mark out the boundaries of same. The grantee shall thereafter have full possession of said land, unless the council shall, in accordance with the constitution, bylaws, and ordinances of the pueblo, dispossess him of the same.

SEC. 4. *Prior assignments recognized.*-All assignments of land heretofore made by the pueblo authorities are hereby recognized and confirmed.

ARTICLE VIII-AMENDMENTS

No amendments or changes shall be made in the constitution or bylaws of the pueblo except by a decision of the general pueblo. At the request of the council the Secretary of the Interior shall submit any proposed amendment to the said constitution or bylaws to a vote of the people.

If such amendment is approved by a majority of the qualified voters of the pueblo, 21 years old or over, voting at an election in which at least 30 percent of those entitled to vote shall vote, it shall be submitted to the Secretary of the Interior, and if he shall approve the same it shall become effective.

BYLAWS OF THE PUEBLO OF SANTA CLARA, NEW MEXICO

ARTICLE I-DUTIES OF OFFICERS

SECTION 1. *Governor.*-The Governor shall be in full charge of all meetings of the pueblo council. It shall be his duty to see that perfect order is preserved in every respect. In the discussion of all business but one person shall be allowed to speak at a time, and the Governor shall have the right to set a time limit upon speakers. When any member of the pueblo council or any other person desires to speak at a meeting of the pueblo council, such person shall first ask permission of the Governor to do so before proceeding. It shall be the duty of the Governor to see that all business presented to the council within any month be disposed of, if possible, before the beginning of the next month.

SEC. 2. *Lieutenant Governor.*-The Lieutenant Governor shall be next in rank to the Governor. In case of the death, resignation, absence, impeachment, or other disability of the Governor, the Lieutenant Governor shall become Governor or act as Governor during such disability or absence. As long as the Governor is at the pueblo holding office, the Lieutenant Governor shall have the power only of a representative in the council, except as otherwise provided in the constitution and bylaws of the pueblo.

SEC. 3. *Representatives.*-Representatives shall represent their people in the pueblo council. They shall bring before the council at every meeting the matters that their people want brought before the council and such other matters as each representative believes should be presented to the council. Such matters may originate with any member of the pueblo or may originate with the representative himself.

SEC. 4. *Secretary.*-The secretary shall keep a record of all council proceedings and all business authorized or transacted by the council. At the beginning of each regular meeting, he shall call the roll of councilmen and all specially summoned persons expected to be present. He

shall then read the minutes of the previous meeting and the officers shall then decide as to whether they should be approved as they stand, and all persons present shall have the right to suggest corrections. After the minutes of the previous meeting have been accepted, the secretary will then mark them approved. The secretary shall attend to all official correspondence as directed by the pueblo council and the Governor.

SEC. 5. *Treasurer.*-It shall be the duty of the treasurer to receive all money due to the pueblo and to give a receipt for the same. He shall deposit the pueblo money in a bank which should be approved by the pueblo council. He shall keep a record in his books of all moneys received and paid out. Moneys of the pueblo shall be paid by check signed by the treasurer and countersigned by the Governor. No moneys shall be paid out unless the same shall have been authorized to be expended by the council and vouchers for same shall have been signed by the Governor and the secretary. At each regular meeting of the pueblo council, the treasurer shall present to them a statement of receipts and disbursements made by him since the last regular meeting and he shall submit to the pueblo council at each regular meeting all of his books and a statement of the financial condition of the pueblo funds.

SEC. 6. *Interpreter.*-The interpreter shall translate from the Tewa language into the English language or from English into the Tewa language whenever directed to do so by the pueblo council. He shall also assist the secretary with the official correspondence of the pueblo.

SEC. 7. *Sheriff.* -It shall be the duty of the sheriff to assist the Governor in keeping law and order in the pueblo. He shall maintain order at all meetings, also in the village and on the pueblo lands. He shall report on disorders to the council. He shall have authority to stop trouble immediately wherever he finds it, without special authorization from the Governor. In case of disputes or difficulties the sheriff shall bring the parties in controversy before the council for a decision. He shall bring before the council for punishment all violators of the laws of the pueblo. He shall serve notices or summons upon all persons required to be present before the council in criminal or civil proceedings.

ARTICLE II-QUALIFICATIONS OF OFFICE

SECTION. 1. *Qualifications of Governor and Lieutenant Governor.*-The Governor and the

Lieutenant Governor must be at least twenty-five (25) years of age and shall not be over sixty-five (65) years of age. They must be members of the pueblo of Santa Clara and be residents of said pueblo at the time of their election. They must be able to speak the Tewa language fluently and also be able to speak either the English or Spanish languages well enough to be understood.

SEC. 2. *Qualifications of representatives.*-The representatives must be at least twenty-five (25) years of age. They must be members of the pueblo of Santa Clara and residents thereof at the time of their selection. They must be able to speak the Tewa language fluently.

SEC. 3. *Qualifications of secretary, treasurer, and sheriff.*-The secretary, treasurer, and sheriff must be not less than twenty-five (25) years of age and not over sixty-five (65) years of age. They must be members of the pueblo of Santa Clara and residents thereof at the time of their election. They must be able to speak the Tewa language fluently and speak, read, and write the English language, and it will be preferable to have those who can also understand the Spanish language.

SEC. 4. *Qualifications of the Interpreter.*-The interpreter shall be not less than twenty-five (25) years of age, and not over sixty-five (65) years of age, and must be a member of the pueblo of Santa Clara and a resident thereof at the time of his election. He must be able to speak the Tewa language fluently and to translate the said language into English and Spanish and the English and Spanish languages into the Tewa language.

ARTICLE III-CONDUCT OF COUNCIL MEETINGS

SECTION 1. *Regular meetings.*-Regular meetings of the pueblo council shall be held at least once a month, at such time and place as shall be fixed by the council, and special meetings shall be held at such times and places as shall be fixed by the council. No action shall be taken by the council at any meeting unless at least a majority of the members are present.

SEC. 2. *Attendance of council members.*-Every member of the pueblo council shall be required to be present at each regular monthly meeting and at each special meeting of the pueblo council unless it should be impossible for such member to be there, in which event said member shall notify the Governor of his inability to attend, giving reasons therefor. The Governor will then refer the matter to the pueblo council who, if the reasons given are found to be justifiable,

shall excuse the absence of the said member. In the event that members of the council receive compensation for their services from the pueblo funds, an unexcused absence shall be punished by a fine to be fixed by the pueblo council.

SEC. 3. *Matters of general interest to pueblo.*-In all matters in which all of the people of the pueblo of Santa Clara are interested, the pueblo council shall cause the sheriff to notify all members of the pueblo of the time and place at which such business is to be transacted. At least three days' notice of such general meeting of the pueblo council shall be given in such manner as shall be prescribed by the bylaws of the pueblo. If any member of the pueblo wants a special meeting for all the people in the pueblo, he will first get permission from the pueblo council through a representative, or through the Governor.

SEC. 4. *Special meetings on grievances.*-If any member of the pueblo of Santa Clara has any grievance against any other member of the said pueblo which cannot await settlement at the regular pueblo council meeting, he shall report the same to the Governor who, if he deems that the case requires speedy attention, shall call a special meeting of the council at such time and place as the Governor shall fix, to pass upon the said matter.

SEC. 5. *Advice of counsel.*-If any cause cannot be fully understood by the pueblo council, the pueblo council may consult the special attorney for the Pueblo Indians and ask for his advice.

ARTICLE IV-PERSONAL LIBERTIES

SECTION 1. *Private rights of each member of the pueblo.*-Each member of the pueblo of Santa Clara shall be assured his private rights as a citizen of the United States, and no attempt shall be made by the officers of the pueblo to enforce any order upon him depriving him of said rights.

SEC. 2. *Preference to relatives.*-Preference to relatives shall not be given by council members under any circumstances. If they clearly show preference they will be exposing themselves to impeachment.

SEC. 3. *Old members of the pueblo.*-All members of the pueblo who have completed their 75th year shall not be compelled to work on community work (pueblo cleaning, fencing, etc.),

and ditch work. If, however, they of their own accord attend to community work they will be free to work as they please.

Retired members will not, however, be able to fill the places of sons who are of working age and not justified in refusing to serve on community work and ditch work.

ARTICLE V-INTOXICATION

Any person showing signs of intoxication will not be allowed to take part in a council meeting. Council members who attend meetings while intoxicated or who have missed a meeting because of intoxication will face a charge of impeachment.

All liquor charges will be decided by the pueblo council and fines will be made by the council when cases come up before the council.

ARTICLE VI-STOCK

From March 1 to November 1 of each year it shall be the duty of all members of the pueblo to report all loose animals found in cultivated fields of the pueblo to the Governor. The Governor will then notify the owners. If they do not remove the animals from the fields at once, they will be subject to a fine. The fine will be made according to the amount of damage done. If the Governor cannot by himself settle a question like this he will be free to bring the case before the pueblo council.

ARTICLE VII-RATIFICATION

This constitution and bylaws, when ratified by a majority vote of the members of the pueblo over twenty-one years of age at a special election, called by the Secretary of the Interior, in which at least thirty percent (30%) of the eligible voters shall vote, shall be submitted to the Secretary of the Interior for his approval and shall be effective from the date of such approval. The constitution and by-laws of the pueblo may thereafter be amended or revoked in the manner provided under article VIII of the constitution.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 23, 1935, by the Secretary of the Interior, the

attached constitution and by-laws was submitted for ratification to the Indians of the Santa Clara pueblo and was on December 14, 1935, duly adopted by a vote of 145 for and 8 against, in an election in which over 30 per cent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (Pub., No. 147 , 74th Cong.).

PATRICI GUTIERREZ,

Chairman of Election Board.

CLETO TAFOYA,

Secretary of Election Board.

NESTOR NARANJO.

JOHN NARANJO.

ANASTACIO NARANJO.

AGAPITO NARANJO.

JOSE G. NARANJO.

JOSEPH FILARIO TAFOYA.

S. D. ABERLE,

Superintendent in charge the United Pueblos Agency.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and by-laws of the pueblo of Santa Clara.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution or by-laws are hereby declared inapplicable to the pueblo of Santa Clara.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and by-laws.

Approval recommended December 18, 1935.

JOHN COLLIER,

Commissioner of Indian Affairs.

HAROLD L. ICKES,

Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., *December 20, 1935.*

**AMENDMENT-CONSTITUTION AND BY-LAWS OF THE
PUEBLO OF SANTA CLARA, NEW MEXICO**

AMENDMENT I. Section 2 of Article III shall be amended to read :

"Within the first five days of each year an election shall be held within the Pueblo of Santa Clara, at which a Governor, Lieutenant Governor, secretary, treasurer, interpreter, and sheriff shall be elected by secret ballot to serve for the ensuing year."

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment I, amending Section 2 of Article III of the Constitution and By-laws of the Pueblo of Santa Clara, New Mexico.

Approval recommended December 27, 1939.

F. H. DAIKER,

Assistant to the Commissioner.

OSCAR L. CHAPMAN,

Assistant Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., *December 29, 1939.*

CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 21, 1939 by the Assistant Secretary of the Interior, the attached Amendment to the Constitution and By-laws of the Pueblo of Santa Clara was submitted for ratification to the qualified voters of the Pueblo, and on December 19, 1939 was adopted by a vote of 124 for, and 12 against in an election in which more than 30 per cent of those entitled to vote cast their ballots in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

JOSEPH F.

TAFOYA,

Governor, Pueblo Council of Santa Clara.

ALLAN LAFLIN,

Acting Superintendent, United Pueblos Agency.

U. S. GOVERNMENT PRINTING OFFICE : 1940

Appendix B

Constitution and Bylaws of the Turtle Mountain Band of Chippewa Indians, Belcourt, North Dakota

Date amended: With 1962, 1975, 1990, 1992, 1995, 1997, 2000 and 2001 amendments.

PREAMBLE

We, the people of the Turtle Mountain Band of Chippewa Indian of Belcourt, North Dakota, in order to develop and enjoy the advantages of democratic processes and opportunities to promote our general welfare, education, and prosperity, to promote good and law-abiding citizens, do ordain and establish this constitution and Bylaws for the Turtle Mountain Band of Chippewa Indians.

ARTICLE I - NAME

Section 1. The name of this organization shall be the Turtle Mountain Band of Chippewa Indians.

ARTICLE II - JURISDICTION

Section 1. The jurisdiction of this organization shall extend to all land on the Turtle Mountain Indian Reservation in the State of North Dakota and to such other lands as may be acquired by or in behalf of said Tribe and be added thereto under the laws of the United States.

ARTICLE III - MEMBERSHIP

Section 1. The membership in the Turtle Mountain Band of Chippewa Indians shall consist of:

- a) All persons whose names appear on the roll prepared pursuant to Section 2 of the Act

of May 24, 1940 (54 Stat. 219), and approved by the Secretary of the Interior on March 15, 1943.

b) All descendants of persons whose names appear on the roll defined in Section 1(a) of this Article, provided that such descendants possess one-fourth or more Indian blood, and provided further that such descendants are not domiciled in Canada.

Section 2. Current Roll. The membership roll shall be kept current by the Secretary of the Interior or his designated representative by striking therefrom the names of deceased persons and adding thereto the names of persons who qualify for membership under Section 1 (b) of this Article. A copy of such additions and deletions shall be furnished to the Tribal Council.

Section 3. Definition. The word "domicile" as used in this Article means a permanent residence.

ARTICLE IV - GOVERNING BODY

Section 1. The governing body shall be the Tribal Council and shall consist of nine (9) members, eight (8) of whom shall be district representatives and one (1) shall be Chairman elected by the tribe as a whole, regardless of the districts.

Section 2. The Tribal Council shall have the authority to regulate its own procedure, except as specified in Article VI, to appoint a Vice-Chairman from its membership, to act in the absence or disability of the Chairman, to appoint subordinate committees, delegates, and employees not otherwise provided for in the constitution, and to provide tenure and duties; provided that any delegation of authority described in this Constitution shall be granted only by written resolution or ordinance and shall be withdrawn in the same manner. (Amendment XIV, Approved February 3, 1995)

Section 3. The Turtle Mountain Tribal Council shall establish a Code of Ethics that will govern all elected officials and tribal personnel to become effective May 1, 1993. (Amendment XV,

Approved November 3, 1992)

Section 4. Voting on Council actions shall be by roll call. (Amendment XV (b) Approved November 3, 1992)

ARTICLE V - NOMINATION AND ELECTIONS

Section 1. All elections shall be conducted by secret ballot. The candidate or issue receiving the greatest number of votes cast shall prevail. In the event more than one representative is required to be elected for a district, the positions shall be filled by the candidates receiving the most votes in descending order. (Amendment XX, Approved February 5, 1997).

Section 2.

a) Any enrolled member of the tribe, eighteen (18) years of age or over shall be entitled to vote in any Tribal election. (Amendment XXIV, Approved August 7, 2001)

b) All eligible resident voters shall register in the district of their residence as provided by tribal ordinance. All eligible nonresident voters shall register with the district of their former residence or affiliation.

Section 3. Absentee ballots shall be furnished to eligible nonresident members upon their request to the Secretary-Treasurer provided that all such ballots shall be returned to the Secretary-Treasurer on or before the date of the election in order that the ballots may be counted. "Eligible member" is defined as:

a. Those non-resident members who are attending off reservation higher education facilities or serving in the United States Services; or

b. Those resident members who maintain Rolette residency, but have to leave the county for employment purposes; or

c. Those members that are physically and medically disabled.

Any non-resident member may vote non-absentee in the district of their former residence or affiliation. (Amendment XXV, Approved August 7, 2001)

Section 4.

a) To become a candidate for an elected position, a person must (1) be an enrolled member of the Turtle Mountain Band of Chippewa Indians, (2) be twenty-five years of age or over, (3) have not been convicted of a felony, and (4) must reside within Rolette County. In addition, candidates for District Representative must reside in the district they seek to represent. (Amendment XIX, Approved February 5, 1997).

b) Eligible candidates shall file their notice of intent to run for office with the Secretary-Treasurer of the Tribal Council, identifying the office for which he is a candidate at least fifteen (15) days before the election date. The Secretary-Treasurer shall post a list of eligible candidates at least twelve (12) days before the election in each voting district.

Section 5. There shall be a primary election held two weeks prior to the general election. The general elections shall be held on the first Tuesday in November, in even numbered years commencing in 2000. If a holiday, the tribal election will coincide to National, State and County election date. In descending order of votes, the top three (3) candidates receiving the majority, which shall mean the greatest number of votes cast, in the primary shall be included in the general election and the top two (2) candidates for Chairman receiving the majority of votes, in the primary election shall be included in the general election corresponding to the number of vacancies in the district and the candidate for the Chairman's vacancy receiving the majority of votes shall be considered elected. (Amendment XXIII, Approved March 22, 2000)

Section 6. The Reservation shall consist of four (4) district. The districts are described as follows:

a) District 1 - Fishlake Road East to the town of Rolla and open North and South. Two (2) representatives.

b) District 2 - Fishlake Road West to Rolette Road, and open North and South. Two (2) representatives.

c) District 3 - Rolette Road West to Suckerlake Road or Morin Road, and open North and South. Two (2) representatives.

d) District 4 - Suckerlake Road or Morin Road West to St. Paul Butte, and open North and South. Two (2) representatives.

Within three (3) months after each general election, the Tribal Council will convene at the call of the Chairman, as a redistricting board, and redesignate the boundaries of the four (4) districts by majority vote, so that the districts shall be as regular and compact in form as practicable and as substantially equal in, eligible voters as possible. A map of Rolette County, North Dakota, shall then be prepared by the Tribal Secretary with the boundaries of the four (4) districts drawn thereon, which map shall then be certified to by the Tribal Chairman and the Tribal Secretary and kept on file in the Office of the Tribal Secretary with a copy thereof posted in the Tribal Office. (Approved April 3, 1975)

Votes for candidates for district representatives shall be cast at large. Eligible voters may vote for two (2) representatives from each of the four (4) districts for a combined total of eight (8) votes cast. (Approved February 3, 1995)

Section 7. District representatives to the Tribal Council shall be elected in even numbered years commencing in the year 1962 and shall hold office for two (2) years and each district shall be entitled to elect two (2) representatives. (Amendment III, Approved April 26, 1962)

ARTICLE VI - OFFICERS AND THEIR DUTIES

Section 1. There shall be the following Tribal Officers: A Chairman, Vice-Chairman, and a Secretary-Treasurer. The Chairman shall be elected on a reservation wide or at large basis for a term of two (2) years or until a successor shall have been elected and qualified. The Vice-Chairman shall be elected from within the Tribal Council and his only duty shall be to serve as presiding officer of the Council in the absence of the Chairman. The Secretary-Treasurer shall be

selected by vote of the Tribal Council and the Chairman shall vote on same also if his vote is necessary to break a tie. (Amendment V, Approved April 26, 1962)

Section 2. Chairman. He shall preside at all regular and special meetings. He shall vote only in the case of a tie. He may veto any resolution and ordinance that is passed by the Tribal Council members, however, he must provide a written rationale for the veto. Such vetoed resolution or ordinance must then be presented for a reconsideration vote of the Tribal Council at the next regularly scheduled meeting, but no later than thirty (30) days after the veto. Should the resolution or ordinance fail to pass with at least five (5) affirmative votes or in the event the Tribal Council fails to reconsider the vote within the required thirty (30) daytime period, such resolution or ordinance shall be deemed vetoed and may not be reconsidered for ninety (90) days. The Chairman shall see that all resolutions and ordinances of the Tribal Council are carried into effect. He shall exercise general supervision of all other officers and employees and see that their respective duties are performed. He shall be the Chief Executive Officer of the Tribe. (Amendment XVI, Approved February 3, 1995)

Section 3. Secretary-Treasurer. He shall keep the minutes at the principal office of the Tribal Council of all meetings of the Tribal Council. He shall keep the tribal roll, showing all changes therein as required by this Constitution or ordinance duly approved by the Tribal Council. He shall attend to all correspondence, distribution of tribal information or other duties incidental to his office including the reproduction of minutes, resolutions and ordinances and see to their distribution within the deadlines, if there be deadlines. He shall keep and maintain adequate and correct accounts of the properties and business transactions of the Tribal Council. He shall have care and custody of the funds and valuables of the Tribal Council and deposit same in the name of and to the credit of the Band with such depositors as the Tribal Council may direct and which are acceptable to the Area Director. Disburse funds of the Tribal Council as may be ordered by the Tribal Council, taking proper signed invoices, vouchers or other recordable data. Render to the Tribal Council a monthly statement and report of all his transactions as Treasurer and render also an annual financial statement in the form and with the detail required by the Tribal Council.

ARTICLE VII - TRIBAL COUNCIL PROCEDURES

Section 1. All Tribal Council meetings shall be open to the public and held in a publicly accessible place. A published agenda will be noticed to the Tribal membership at least three (3) days prior to the meeting time. A 30 day comment period must be provided prior to the adoption of any ordinances or amendments to the Tribal Code, whether proposed by resolution or otherwise. Adoption must occur through a roll call vote of the Tribal Council at a publicly held meeting. Special closed meetings of the Tribal Council may be held without public attendance for matters regarding protected personnel privacy considerations and governmental contract concerns that require confidentiality. The Chairman or any three (3) members of the Tribal Council may call special meetings. (Amendment XV, Approved February 3, 1995)

Section 2. A quorum shall consist of five (5) members and no business shall be conducted in the absence of a quorum.

Section 3. The Tribal Council shall cause to be installed, maintained and audited, a complete and detailed accounting system.

Section 4. All officers and employees of the tribe responsible for the safety of property and money shall be bonded in an amount sufficient to insure the tribe from loss.

Section 5. The newly elected district representatives (councilmen) and officers shall be installed in office at the first regular meeting of the Tribal Council after certifications of their election have been issued by the Secretary-Treasurer. In no event shall an individual convicted of a felony be installed into office. (Amendment XXI, Approved February 5, 1997).

Section 6. The duties of any and all other officers or employees shall be prescribed by the Tribal Council. At all general or special meetings of the Tribal Council the members of the Tribal Council shall be paid at hourly rates set by resolution of the Tribal Council. All other officers

will be paid per month.

ARTICLE VIII - REFERENDUM AND RECALL

Section 1. Upon receipt of a petition by twenty percent (20%) of the resident voters, or by an affirmative vote of five (5) members of the Tribal Council any enacted or proposed resolution or ordinance of the Tribal Council shall within thirty (30) days be submitted to a referendum of the eligible voters of the Turtle Mountain Band of Chippewa Tribe. The majority of the votes cast in such referendum shall be conclusive and binding on the Tribal Council and if the resolution or ordinance is rejected by such vote, such resolution or ordinance shall be null and void, as of the date of the referendum, and shall not be reconsidered for a period of at least six (6) months. The Tribal Council shall call such referendum and prescribe the manner of conducting the vote.

Section 2. The Tribal Council shall enact ordinances which shall prescribe regulations, charges, and reasons for removal or recall of a district representative or officer. The grounds for removal, right of petition, and other factors shall be carefully framed to protect the interest of the Turtle Mountain Band of Chippewa Indians. Conviction of a felony is grounds for automatic removal of a district representative or other elected official. (Amendment XXII, Approved February 5, 1997).

Section 3. The Tribal Council by an affirmative vote of the majority shall appoint a replacement to fill any vacancy of a district representative or other elected officer, caused by removal, death, or resignation, provided the term of the replacement shall not extend beyond the next regular election regardless of the length of the unexpired term.

ARTICLE IX - POWERS OF THE TRIBAL COUNCIL

The Tribal Council shall exercise the following powers, subject to any limitations imposed by this Constitution and Bylaws or the laws and regulations of the Federal Government:

(a) Governmental Powers.

Section 1. To represent the Band and to negotiate with the Federal, State, and local governments

and with private persons.

Section 2. To employ legal counsel, subject to the approval of the Secretary of the Interior, or his duly authorized representative, so long as such approval is required by federal law.

Section 3. To regulate and license where permitted by law all business and professional activities conducted upon the reservation, provided that any assessment upon non-members trading or residing within the jurisdiction of the Band shall be subject to review of the Secretary of the Interior, or his duly authorized representative, where required by law.

Section 4. To enact ordinances to remove from the reservation persons not legally entitled to reside thereon and whose presence may be injurious to the peace, happiness or welfare of the members of the Band, subject to the review of the Secretary of the Interior, or his duly authorized representative.

Section 5. To enact ordinances, subject to the review of the Secretary of the Interior, or his duly authorized representative, governing conduct of the members of the Band and Indians from other tribes on the reservation, providing for the maintenance of law and order and the administration of justice by establishing a police force and a tribal court and defining their powers and duties; and regulating the inheritance of property of the members of the Band except trust land.

Section 6. To enact ordinances to provide rules and regulations governing fishing, hunting and trapping on the reservation.

(b) Administrative Powers.

Section 7. To administer any funds within the control of the Band; to make expenditures from available funds for tribal purposes, including salaries and expenses of tribal officials or

employees. All expenditures of tribal funds under the control of the Tribal council shall be authorized by resolution duly enacted by the Tribal Council in legal session and the amounts so expended shall be a matter of public record to the members of the Band at all reasonable times.

Section 8. The Tribal Council of the Band shall prepare annual budget requests for advancement to the control of the Band such money as now or may hereafter be deposited to the credit of the Band in the United States Treasury or which may hereafter be appropriated for the use of the Band.

Section 9. To deposit to the credit of the Band of Chippewa Indians tribal funds, without limitation on the amount in any account, in any approved National or State Bank whose deposits are insured by an agency of the Federal Government, or with a bonded disbursing officer of the United States whenever the conditions prescribed by the Secretary of the Interior, or his authorized representative, in connection with such advances required the advance to be so deposited.

(c) Business Powers.

Section 10. To manage, lease, permit or otherwise deal with Tribal Land, interest in lands and other lands or assets under tribal jurisdiction; and to purchase or otherwise acquire lands, or interest in lands within and outside the Turtle Mountain Reservation, in accordance with law; or dispose of such land, or interest in lands, as authorized by laws. (Amendment X, approved 10/25/90)

Section 11. To engage in any business that will further the economic well-being of the members of the tribe, or to undertake any programs or projects designed for the economic advancement of the people. The services of a licensed attorney with training and experience in corporate law shall be secured and initiated to oversee programs or projects designed for the economic advancement of the tribe, on a continuing basis. (Amendment XXVI, Approved August 7, 2001)

Section 12. To borrow money from the Federal Government, or other source, and to direct the use of such funds for productive purposes, or to loan the money thus borrowed to members of the tribe, with the approval of the Secretary of the Interior, or his authorized representative.

Section 13. To pledge or assign chattel or future income due or to become due, provided such agreement, pledge, assignment or extension thereof shall be subject to the approval of the Secretary of the Interior, or his authorized representative.

Section 14. To make and perform contracts and agreements of every description, not inconsistent with law or the provisions of this Constitution and Bylaws, provided that any contract shall be subject to the approval of the Secretary of the Interior, or his authorized representative.

ARTICLE X - FUTURE AND RESERVED POWERS

Section 1. The Tribal Council may exercise such powers as may in the future be granted to the Council by members of the Turtle Mountain Band or the Secretary of the Interior or by any other duly authorized official or agency of the Federal Government, provided such power is accepted by the Tribe by appropriate amendment of this Constitution.

Section 2. Any right of power heretofore vested in the Turtle Mountain Band of Chippewa Indians, but not expressly referred to in this Constitution, shall remain in the Band, and may be exercised by the Turtle Mountain Band of Chippewa Indians or by the Tribal Council through the adoption of appropriate constitutional amendment if that be the wishes of the people.

ARTICLE XI - MANNER OF REVIEW

Section 1. Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior shall within ten (10) days of its enactment be presented to the Superintendent of the Turtle Mountain Agency who shall within ten (10) days after its receipt by him approve or disapprove it.

Section 2. If the Superintendent approves any resolution or ordinance it shall thereupon become effective, but the Superintendent shall transmit the enactment bearing his endorsement to the Secretary of the Interior, who may, within ninety (90) days of the date of its receipt by him rescind the resolution or ordinance for any cause by notifying the Turtle Mountain Tribal Council of his veto.

Section 3. If the Superintendent disapproves any resolution or ordinance, he shall within ten (10) days after its receipt by him advise the Tribal Council of his reasons therefore, and if these reasons appear to the Council insufficient, it may, by vote of the five (5) members, refer the resolution or ordinance to the Secretary of the Interior, and if approved by him in writing, it shall become effective.

ARTICLE XII - ADOPTION

Section 1. This (revised) Constitution, when adopted by a majority vote of the tribal members voting at a special meeting called by the Secretary of the Interior, shall be submitted by the Secretary of the Interior, and shall be in full force and effect from the date of such approval.

ARTICLE XIII - AMENDMENT

Section 1. This Constitution and Bylaws may be amended by a majority of the qualified voters of the Turtle Mountain Band of Chippewa Indians at an election called for that purpose; provided that at least twenty percent (20%) of the resident voters of the Tribe 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 or his delegated representative.

Section 2. It shall be the duty of the Tribal Council to call such election on any proposed amendment upon receipt of a petition signed by twenty percent (20%) of the qualified resident voters of the Tribe or the Tribal Council may call such an election by an affirmative vote of five (5) members of the Tribal Council.

ARTICLE XIV - SEPARATION OF POWERS

(Amendment XI approved November 3,1992)

Judiciary

Section 1. Purpose:

To provide for a separate branch of government free from political interference and conflicts of interest for the development and enhancement of the fair administration of justice.

Section 2. Establishment:

This section shall create a separate and equal judicial branch of government. All judicial powers of the Turtle Mountain Band of Chippewa Indians shall be vested in the Judicial Branch of government (exhaustion of any applicable administrative remedy requirement is still required) and such branch shall consist of the Turtle Mountain Appellate Court, the Tribal Court, the Judicial Board and the elected officials, appointees and employees of said courts.

Section 3. Powers:

a) The Judicial Branch of government of the Turtle Mountain Band of Chippewa Indians shall have jurisdiction, as determined by legislative action pursuant to Chapter 1.05 and Chapter 2.01 of the Turtle Mountain Tribal Code and applicable federal law, to adjudicate actual cases and controversies that arise under the Turtle Mountain Constitution, statutes, resolutions, civil and criminal causes of action and legal decisions, and to ensure due process, equal protection, and protection of rights arising under the Indian Civil Rights Act of 1968, as amended, for all persons and entities subject to the criminal and civil jurisdiction on the Turtle Mountain Tribe.

b) The Judicial Branch shall have authority to independently develop its operating budget and independently secure funding for its operations directly from funding sources. Nothing within this section shall prohibit the Tribal Council from providing funds from its general accounts to supplement the budget of the court or assist the court in obtaining needed funding.

Section 4. Selection of Judges and Chief Clerk of Court:

a) The Office of Chief Judge shall be filled as follows:

Persons who possess the requisite qualifications as developed by the Judicial Board and approved by the Tribal Council, shall file their intention of seeking such office with the Secretary/Treasurer in the manner described in ARTICLE V, Section 4(b) of the Turtle Mountain Constitution. Properly registered candidates for the Office of Chief Judge shall then be subjected to a reservation-wide or at large election. The candidate receiving the most votes, as determined by the vote of the people at a duly held election held in conjunction with the tribal general election, shall then be seated as the Chief Judge of the Turtle Mountain Tribe.

b) The position of Associate Judge shall be filled as follows:

Persons who possess the requisite qualifications as developed by the Judicial Board and approved by the Tribal Council, shall file their intention of seeking such office with the Secretary/Treasurer in the manner described in ARTICLE V, Section 4 (b) of the Turtle Mountain Constitution. Properly registered candidates for the Office of the Associate Judge shall then be subjected to a reservation-wide or at large election. The candidate receiving the most votes, as determined by the vote of the people at a duly held election held in conjunction with the tribal general election, shall then be seated as the Associated Judge of the Turtle Mountain Tribe. The candidate in the general election for the position of Associate Judge who shall receive the second largest popular vote for this position shall also be seated as an Associate Judge of the Turtle Mountain Tribe if more than one Associate Judge is required. The determination of the number of Associate Judges needed to serve the court shall be made by the Judicial Board prior to the election.

c) The position of Chief Clerk of Court shall be filled as follows:

Persons who possess the requisite qualifications as developed by the Judicial Board and approved by the Tribal council, shall file their intention of seeking such office with the Secretary/Treasurer in the manner described in ARTICLE V, Section 4 (b) of the Turtle Mountain Constitution. Properly registered candidates for the office of Chief Clerk of Court shall

then be subjected to a reservation -wide or at large election. The candidate receiving the most votes, as determined by the vote of the people at a duly held election held in conjunction with the tribal general election, shall then be seated as the Chief Clerk of the Tribal Court of the Turtle Mountain Tribe. The Chief Clerk of court shall not serve in any judicial capacity.

d) All Tribal and/or Special judges shall be appointed in the manner as presently provided in Section 1.0506 of the Turtle Mountain Tribal Code.

e) The term of office of the Chief Judge of the Turtle Mountain Tribe and all other judges and Chief Clerk of Court shall be four years. Vacancy in the office of Chief Judge by reason of impeachment, illness or incapacity shall be filled by appointment of one of the currently sitting judges of the Judicial Branch by the Judicial Board. This appointment shall be effective only for the remaining term of the duly elected chief judge. Associate Judges, during the first election term of judges pursuant to this amendment, shall serve for a period of two years. Thereafter, all terms of Associate Judge(s) shall be for a four-year term. The effect of this provision to provide continuity to the court by providing staggered terms for the Chief Judge and Associate Judge(s). Vacancy in the Office of Associate Judge(s) shall be filled by appointment in the manner presently provided in Section 1.0506 of the Turtle Mountain Tribal code. This appointment shall be effective only for the remaining term of the duly elected Associate Judge.

f) Appellate Court Judges shall be appointed by the Judicial Branch of Government and ratified by the Tribal Council.

g) No justice of the appellate court or judge of the tribal court shall engage in the practice of law before the Turtle Mountain Tribal or Appellate Court nor shall they hold any public office, elective or appointive, not judicial in nature.

h) All other employees of the judicial branch of government shall be deemed staff employees and shall not serve in any judicial capacity.

Section 5. Impeachment of Judges, including Chief Judge:

a) All judges of the judicial branch of government shall be subject to impeachment based only

upon cause, as developed by the Judicial Board, only after due process of law is provided. The applicable standard shall be clear and convincing evidence.

b) Impeachment proceedings shall be heard before an impeachment judge empowered to hear only impeachment hearings and who shall serve in no other capacity in the Turtle Mountain Judicial Branch of Government.

c) Qualifications of said special Impeachment Judge: This judge must be currently licensed to practice law in any State with previous experience as a tribal, state or federal judge. This position shall be appointed by the Judicial Board and ratified by the Tribal Council. Funding for this position shall be provided by the Tribal Council.

Section 6. Judicial Board:

a) This section shall establish a Judicial Board that shall consist of the following voting members:

(i) one lay person from each district; and

(ii) one lay person elected at large who shall serve as the Chairperson of the Judicial Board; and

(iii) one member of the Turtle Mountain Tribal Council; and

The following non-voting advisors:

(iv) two attorneys; and

(v) one member of the Turtle Mountain Judicial Branch.

The lay members of the Judicial Board must be enrolled members of the Turtle Mountain Tribe residing within the district he/she represents and must not serve in any tribal elective or appointive position. Attorneys must be licensed in the Turtle Mountain Tribal Court and be members in good standing with any state or federal court. (Amendment XVII, Approved February 3, 1995)

b) Duties:

The Judicial Board shall have authority to develop, and implement the overall general policy of the Judicial Branch of government, to develop and implement a code of judicial and professional ethics, to establish rules of procedure for the court, develop and implement impeachment procedures and to recommend legislative change to the Tribal Council for the enhancement and development of the Judicial Branch of Government. Nothing within this policy shall be construed to grant the Judicial Board authority to regulate the day-to-day activities of the court, develop the court's budget or to interfere with the administration of justice.

c) Selection of Judicial Board members and terms of Office

District lay members shall be enrolled members of the Turtle Mountain Band of Chippewa, residents of the districts they represent (See also Section 6(a) above) and shall be elected by majority vote of eligible voters of each district at the regularly scheduled general election. Candidates for the Judicial Board shall file their candidacy with the Secretary/Treasurer in the manner described in ARTICLE V, Section 4(b) of the Turtle Mountain Constitution. Attorney Positions shall be appointed by the Judicial Branch of government by consensus of the Chief Judge and Associate Judge(s). The Judicial Branch representatives shall be appointed by consensus of all judges, except the impeachment judge, of the judicial branch of government. The Tribal Council representative shall be appointed by the majority vote of the Tribal Council. Terms of office shall be for a two-year period. No member of the Judicial Board may serve more than two consecutive terms but may be reappointed after their absence from the Judicial Board by at least one term.

d) A special election shall be held no later than 45 days after the effective date of ARTICLE XIV for the purpose of selection the lay members of the Judicial Board. Thereafter, the election of lay members shall occur in conjunction with the regularly scheduled general election.

Section 7. Implementation and Saving Clause:

This amendment establishing an independent Judicial Branch of Government shall take effect 30 days after affirmative vote by the voters of the Turtle Mountain Tribe subject to the following

limitation: Section 4 (a) Selection of Judges; The Missouri Plan of judicial appointment shall remain in effect until the next regularly scheduled general election at which time all judicial appointments made pursuant to the Missouri Plan, except for trial and/or special judges shall terminate.

Section 8. Reservation of powers by Tribal council and saving provision of the Tribal Constitution:

- a) Only those sections and articles of the current Constitution and Tribal Code are repealed that are necessary to give effect to the above provisions. The Turtle Mountain Tribal Council retains any and all power not provided to the Judicial Branch of Government under this Article. Nothing within this amendment is or shall be construed as a waiver of the sovereignty currently enjoyed by the Turtle Mountain Tribe.

Vita

Kent A. LaRoque

Academic:

Virginia Polytechnic Institute and State University
M.A. Political Science, July 2004

Christopher Newport University
B.A. History, May 1993

Professional Experience:

Rappahannock Community College, Glens Campus
Adjunct Professor, Political Science
August 2003 – Present

Gloucester High School
Instructor, August 1997 – Present
Social Studies Department Chair, August 2001 - Present