

# **NATIVE AMERICAN CULTURAL AWARENESS**

## **INDIAN IDENTITY**

One of the most perplexing issues confronting the indigenous peoples of North America during the early twentieth century was the question “How do you define who is Indian.” The problem developed from confusion as to whether Native peoples were to be understood as distinct nationalities, as their several hundred ratified treaties with the United States and other powers clearly entitle them to be, or to be classified merely as a racial group.

Traditionally, most Native peoples employed concepts of group membership, which much more closely resembled the time-honored ideals of citizenship than notions of race or blood. By the 1930s the government was using the blood-quantum method of identifying who was and was not a Native American.

There are no Federal or Tribal criterion for being a tribal member. An Indian is a person with some amount of Indian blood that is recognized as an Indian by the person's tribe or community. Today, a tribal constitution, tribal law, or tribal rolls typically define membership. Different tribes require varying degrees of blood quantum such as 1/4, 1/2, or 3/4. The Cherokee Nation and the Muskogee Creek of Oklahoma enroll individuals who can prove they are a descendent of a person on a set of historic Dawes Land Allotment rolls. While membership in a federally recognized tribe is the general criterion used by the Bureau of Indian Affairs for participation in most federal programs, a blood quantum is also used for eligibility for some federal programs.

## **INDIAN TRIBE**

There are 351 federally recognized tribes in the lower 48 and 211 federally recognized Alaskan entities. The term “Indian tribe” can be used ethnologically and as a legal–political entity. Ethnologically “a tribe” (a modern term) is a body of people bound together by blood ties that are socially, politically, and religiously organized, live together in a specific territory, and speak a common language. Reservations were set aside for these ethnologically defined groups, bands, or other subgroups and for confederations of several distinct groups or bands. Once placed on a reservation they were referred to as “tribes” for legal purposes. So now you have Indian tribes on a reservation. But what is a reservation?

## RESERVATIONS

A reservation is land that has been reserved by the federal government for a tribe that relinquished other land areas through treaties. Reservations can also be tribal lands created through Executive Orders and Congressional and Administrative Acts. Reservation land is also referred to as Indian Country. The legal term for Indian Country is defined in Title 18 U.S. Code, Section 1151 as “All the land within the limits of any Indian Reservation under the jurisdiction of the Federal government, all dependent Indian communities, all Indian allotments with non-extinguished Indian title.”

Today there are approximately 275 Federal Indian reservations (including pueblos, Rancherias, communities, and tribal towns). There are approximately 56.2 million acres held in trust for Tribes and individuals, most is reservations land but some is trust land. The Navajo Reservation is the largest with about 16 million acres in three states—Arizona, New Mexico and Utah. The smallest reservation has less than 10 acres. Some reservations have a high percentage of non-Indian-owned/occupied lands (results of Allotment Act and other policies).

## TRIBAL SOVEREIGNTY

When explorers first encountered the people of North America they were organized in a wide variety of political structures. These varied in complexity and ranged from small fishing villages in the Pacific Northwest to the complex Iroquois Confederation. What all of these political structures had in common was they were independent, self-governing, and owed allegiance to no other nation. Initially colonial powers had neither the will nor the power to challenge the conception the Indian held of themselves as self-governing, independent political nations in every sense of the word. Throughout the colonial period, the English, French, and Dutch in North America dealt directly with the Indian tribes as nations with which they must negotiate for the sale of land and to arbitrate disputes among peoples. Despite the persistent emergence of military hostilities between the settlers and Indian communities during this period, the most common mechanism for addressing disputes and facilitating land transfers from tribes was the treaty council. At these councils representatives of the colony and the various tribes would negotiate with one another on terms of political equality.

While Indian nations had been legally recognized as sovereign political nations since contact, there was reluctance in the new legal system to recognize them as independent sovereign nations. In the famous case of *Cherokee Nation v. Georgia*, decided by the United States Supreme Court in 1831, Chief Justice John Marshall described the tribe as both a state and a nation and stated that Indian tribes were *domestic dependent nations*. Because of this decision tribes were viewed as sovereign nations and must be respected as such.

All federally recognized tribal governments today, despite their form of government, are recognized by federal and state governments as possessing inherent sovereignty. The United States recognition of tribal sovereignty is implicitly inferred from the United

States decisions to negotiate more than 370 treaties and agreements with Indian nations, and it is explicitly recognized in hundreds of Supreme Court cases dating from as early as 1830. Tribes are recognized as quasi-sovereign, domestic, dependent nations.

As sovereigns, tribes possess the right to (1) govern their own affairs, including the authority to structure their governments; (2) regulate membership; (3) maintain justice; (4) provide for public safety and welfare; (5) develop tribal economies and regulate businesses; and (6) tax. As inherent sovereigns, these governing powers are not powers given to tribes by the federal government but are powers of government that tribes have possessed forever. If these tribes are sovereign nations what is their political makeup?

## **TRIBAL GOVERNMENT STRUCTURES**

Many tribal governments were organized under the Indian Reorganization Act of 1934. The Alaska Native Claims Settlement Act created village and regional corporations under state law. The Oklahoma Tribes organized under Oklahoma Indian Welfare Act of 1936, while other Tribes organized under a variety of documents approved by the Federal Government.

American Indian tribal governments, in what is now the United States, have existed for thousands of years in some form or another.

Tribal governments changed most dramatically in the 1800s because they had to respond to external and internal pressures generated by their interaction with non-Indians. The degree of evolution depended on the circumstances and nature of the tribe's contact with non-Indians. Every tribe responded differently. The Indian nations of the Southeast reacted to pressure from settlers who wanted their lands by adopting many of the political and social institutions of their non-Indian neighbors. The Pueblos of the Southwest erected public governments to deal with outsiders, leaving important tribal matters in the hands of traditional leaders. Many of the plains tribes used armed resistance.

Opposition, however, for most tribes proved ineffective. By the end of the century, the federal government had effectively weakened the powers of a majority of the tribal governments. The BIA superintendent or agent on reservations had assumed most of the tribal governing responsibilities. The agents distributed rations, handled the tribe's finances, and managed programs aimed at assimilation. Toward the end of the century, schools were constructed to teach civilization. The practice of one's tribal ceremonies and religion could bring a prison term. BIA regulations forbid many traditional practices, including Indian marriages, burial practices, and the wearing of long hair by men. This movement to assimilate Indians continued until the mid-1930s when the Wheeler-Howard Act (Indian Reorganization Act [IRA]) of 1934 was passed.

Tribal councils (or legislature or business committees) govern tribes. Tribal council members are elected at-large or by district, depending on the size of the reservation.

## **CULTURE**

What is culture? Culture is the integrated pattern of human behavior that includes a shared history and language, values, attitudes, religion, laws and legal systems, and social, economic and political systems. It is the sum total of people's living experience. Culture is ever changing; it is not static. Culture is not racially defined. In a broad concept it includes organizational groups, professional groups, and agencies. As such, the Corps of Engineers is a culture. Being a part of any of these cultures can affect how one interacts with another culture. The best way to understand another culture is to immerse yourself into that culture, but that is not realistic for most people. It is not possible for anyone in this room to immerse themselves into an Indian culture. So the next best thing is to have direct interactions with the tribe to ask questions and to learn as much as possible (by reading) before establishing any type of relationship.

In order to understand any new culture you must be open-minded and receptive to new stimuli. You must have the willingness and ability to communicate thoughts and feeling and a willingness and ability to listen carefully to what is being said or done. You must have flexibility and the ability to adapt to uncertain/ambiguous situations and to minimize judgmental behavior and attitudes.

The potential for misunderstandings between cultures increases when dialogue is opened between people from markedly different cultural backgrounds. A culture determines how its members communicate with one another and how they communicate with those outside their particular culture. This is equally true for Corps culture and Tribal culture. People who are agenda/schedule driven find it more difficult to work in Indian Country than more laid back types.

## **RELIGION**

American Indian religions have undergone considerable change in the twentieth century, under threat from the non-Indian culture. Many have become Christians, and today there is a wide range of religious orientations in Indian communities.

The worldview and religion of many tribes is a major part of their culture that must be understood, or at least, not judged. The worldview of many tribes is different from that of non-Indians. These differences, if not known, can lead to misunderstandings and miscommunication between people. It is important to have at least a general overview of each tribe's culture. For example, religious rituals can structure interactions with outsiders, deities, ancestors, and spiritual forces, and structure the daily life of tribal members. Rituals must be performed at particular places, at particular times, and in a particular manner. Therefore, activities that may affect sacred sites or interfere with their accessibility may be of grave concern to Native Americans.

Fundamental to many Native religions is the belief in the sacred character of physical places such as mountain peaks, springs, and burials. In many religions, including Christianity, worship can occur anywhere. The loss of a church does not affect the belief

system. However, the loss of a sacred site can damage the validity and balance of a Native religion. Deities are often described as living in specific locations. Specific geographic areas may be the places a tribe identifies as their place of origin or the central axis of their physical world. Sites of religious or cultural importance to Native Americans may include mountain peaks, springs, prehistoric archaeological sites and artifacts, plant-gathering areas, and areas that have materials used for production of sacred objects and traditional implements. Although archaeological sites may lack significance under federal law it may be of extreme cultural importance to native groups.

It is also important to remember that health, religion, and the environment are all connected. Many different animals and plants are used for medicine, and many different places are considered sacred. The power from these animals, plants, and places depend on their purity, and if a federal activity threatens any of these natural resources, it may also be a threat to the continuity and wholeness of a tribal culture. So when dealing with any culture, other than your own, you must have an open mind and the willingness to accept foreign concepts and listen carefully.

Native American religions are performative and oral, and they vary within each community. At the turn of the twentieth century Indian religious traditions were under restrictions. Many forms of native religion were outlawed, such as the sun dance. Yet, there was religious persistence in many communities, especially those with organized social structures, priesthoods, and institutionalized means of apprenticeship. The Pueblo ritual year continued to address the needs of their tightly knit communities. Navajo singers continued to treat numerous diseases with rituals based on mythological models, and Lakota holy men continued to smoke their prayer-filled pipes. But today the religious patterns of the contemporary Indian people vary from place to place and often from person to person. Today many Native Americans have chosen to compartmentalize their religious lives, keeping separate their Native and Christian faiths, and employing them alternatively as the need arises. Others have combined their Indian and Christian beliefs and practice into a single religious way of life.

Traditionally, tribal governments and religious functions were intermixed, and decisions were made after considering all aspects of a problem, including religious aspects. Today, a tribal governing body that is recognized by the federal government may have little association with the traditional religious leaders. But that does not mean that the persons sitting on the tribal council are not traditional thinkers. This division between tribal governments and traditional religious leaders is partially the result of the significant assaults on tribal cultures and the pressures placed on Native Americans to assimilate and to abandon traditional lifeways. Federal policies such as allotment, termination, and reorganization have left deep scars in many tribal cultures. Preservation of a tribe's heritage may have strong support within a given tribe. However, members can still be divided on specific tribal issues such as the importance of traditional religious practices and the role they should have in government decisions.

That is why it is so important to consult with Native Americans before you initiate any project to determine if any sacred sites will be disturbed. So why do you have to consult with Native Americans to determine if you are going to destroy a sacred site and why must you consult on a government-to-government level?

## **CROSS CULTURAL COMMUNICATION**

How you conduct yourself at any meeting with tribal members will make or break your relationship with the tribe.

Consultation should be conducted in a culturally sensitive manner. In many tribal settings there are proper ways in which traditional leaders should be approached and in which information can be transmitted. The details of culturally sensitive consultation will vary from one group to another. Acceptable procedures should be identified through discussions with tribal points of contact. Some of the discussions may need to be conducted in a Native language, in which case provisions for an interpreter will have to be made.

Talk early and talk often. Communication should begin before there is a problem not because of a problem. Effective communication requires ongoing Tribal involvement.

Above all, avoid at all cost the approach “Decide, Announce, and Defend.” Provide Tribes with information and access to information.

Avoid secret activities.

Be flexible about schedules and deadlines.

But remember that conflicts will arise; some of these conflicts may include the following.

Time it takes for a written response.

Different value systems.

Meeting agendas will not always be followed.

Immediate response at a meeting will not always happen.

Deadlines will not always be met.

We all tend to evaluate new ideas, new ways of doing things, new situations, and new information through the eyes of our own culture, which can include the culture you work in and the culture you live in. Problems arise from assuming that elements of your culture are appropriate and acceptable to others.

You must leave your stereotypes, prejudices, biases, and ethnocentric ideas at the door.

You must consider elements of your culture and elements of the culture you are going to be working with. You need to look for the differences and similarities, and the components that are most likely to have different interpretations—religious values, social

roles and status, customs and methods of decision-making, concepts of time and personal space, and body language.

Keeping an open mind helps prevent ethnocentric reactions and keeps cultural arrogance to a minimum; reacting ethnocentrically prevents you from being able to understand.

You need to pay attention, stay alert, and listen carefully. You need to be patient enough to wait for an answer, as tribal people will often use a story or analogy as part of an answer.

Here are some very important tips for working effectively with tribal governments.

Learn about a Tribe's government system and infrastructure. Find a POC within the Tribe who can advise you on issues of protocol and politics. It is important to understand the political environment in which the Tribal government operates. Remember that changing priorities often accompany changes in the tribal administration, which may affect the way you interact with the tribe.

Learn about Tribal customs, and remember you are a guest when onsite. You must also be sensitive to tribal customs no matter where you meet. Learn about customs and tribal laws, and respect them. Allow time to participate in a social or cultural event when invited, as this is one way of learning more about a culture.

Remember that meetings and decisions may take longer than anticipated; be patient. Flexibility will be a great asset.

***Don't promise what you can't deliver.*** Most Tribes have a history of mistrusting the Federal government. Trust will be earned when you take a proactive interest in the Tribe's welfare and follow through on comments.

Explain terms and procedures, as your vocabulary, abbreviations/acronym, and procedures may be unfamiliar. Some Tribes will need explanation, some will not. Be sensitive to the lack of symmetry or continuity.

Above all, avoid tribal politics. Becoming involved is both unwise and inappropriate because any involvement can have a lasting and damaging effect on your ability to work effectively with the Tribe.

Remember that silence often is a sign of respect; so don't take it personally if tribal members don't say much at a meeting. Don't assume you were not heard or that people do not understand because they are silent. Above all, silence does not mean consent or agreement

Creating a friendly atmosphere at any meeting will help ensure your success. Select the right place, which should be a non-threatening, neutral location, or go to the Tribe. Making the right opening statement will establish a partnership and will not put anyone

on the defense. But be sure that you prepare yourself and your attitude. Do not go into a meeting with your mind made up about any aspect of the meeting. Deal with value conflicts, clarify perceptions of the other party, and avoid stereotypes. Listen, feel, and ask questions. Don't assume you know what the Tribe needs; ask them. Tell them what the Corps needs and why.

In some tribes, certain types of information are restricted by gender and are inappropriate for cross-gender discussion. Some topics deemed joking by one tribe may be considered offensive by another. Prior to consultation information should be gathered on whether certain subjects should be discussed with women or between men and women. These restrictions may also apply to discussions that might be overheard.

Native American tribes have great respect for their elders, and many tribes have certain protocols and ways of addressing them. If interactions will occur with elders, ask the tribal POC if there are any protocols to follow. These may include manners of addressing or not addressing elders, appropriate or inappropriate clothing, language, or mannerisms, or topics that would be offensive. Lack of knowledge concerning good manners is no excuse. Offense may be given without awareness, but the effect will still be detrimental. Efforts made by you to act in a respectful manner are noted and appreciated by tribal members.

Certain information, usually religious, ceremonial, or societal, will not be given to anyone outside of the tribe. This is something that is understood within the tribe and will be reiterated if this information is requested. If the tribal representative suggests that they cannot give out that information, respect the decision.

Building trust with tribes is a long process and one that must be continually worked, at times for years, before information will be provided by a tribe. Thus, many meetings may occur before a tribe provides the information requested, especially if it is within a religious context (e.g., sacred sites, traditional cultural sites, or even plant gathering sites). Gaining trust and respect takes time. One way to build trust and respect is to try to understand and respect tribal culture.

**↔ Working in Indian Country can be one of the most professionally exciting and personally rewarding experiences you will have.**

**↔ Approach this challenge without fear, with respect, and speak the truth, and you will be effective.**