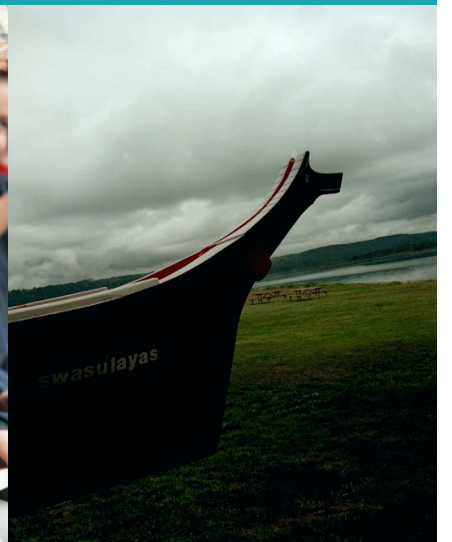




SINCE TIME IMMEMORIAL: TRIBAL SOVEREIGNTY IN WASHINGTON STATE



In partnership with



The Puyallup Tribe



Images courtesy of (top left) Denny Hurtado, (middle left, top right and bottom left) washingtontribes.org, (bottom middle) Suquamish Tribe Communications Office, (bottom right) Denny Hurtado.

TRIBAL HOMELANDS AND THE FIRST NATIONS OF NORTH AMERICA

by Carol Craig, Yakama and Shana Brown, Yakama descendant

If you were born and raised in one town or city, then you might know it as your 'homeland.' You might consider this your 'homeland' because it is where your school is, where your friends are, and where family works and plays.

And your family might call the other countries where your ancestors came from your homelands, too.

This is closer to what tribal people consider their homelands, but there are still differences that make tribal homelands different from other cultures'. Here, you will learn about these differences.

We might think of a nation as being a lot bigger and maybe far across the sea. Each nation has different languages, religions, customs and holidays from our own. Some people find it hard to believe that such nations are right here in the United States, but they are here. In what is now called Washington state, there are over 29 federally recognized Indian tribes or nations, each with its own government, citizens, laws and traditions.



They are the Suquamish and Snoqualmie, the Spokane and the Skokomish. There are many other tribes here in Washington state and each is a separate nation. Their nations may be much smaller than the United States, but still they have their sovereign lands and the responsibility to take care of the land and its people.

A long time ago, probably when your great- great- great- great-grandparents were alive, people traveled to this continent and knew there were other people already living here.

The newcomers did not realize at first that the indigenous tribes had societies just as organized as their own. There were more than 34 different language groups in the Northwest. Each tribe had its own homeland and borders, so each also had its own government, laws, religion, economy and traditions. Tribes did not have passports when

they wanted to travel to another tribal nation. However, there were rules for entering another's homeland that everyone was expected to follow and respect.

When non-Indian people got to the Northwest, they wanted to be able to live on the tribal homelands of these nations, so they made promises and agreements with many of the tribes. The written agreements, known as treaties, had everyone's signature on them to prove that they all agreed. For example, in exchange for millions of acres of land, local tribes received promises of education, healthcare and other things that the U.S. Government would provide forever. These lands, much smaller than their original homelands, and in some cases, far away from their original homelands, are known as reservations.

Whenever the United States signs a treaty with another nation, like England, Russia or the Muckleshoot, the treaty becomes the law that tells the nations how to treat each other. Any other laws they make cannot break any of the promises that were made in the treaties. The



United States Constitution calls treaties "the supreme law of the land."

Tribal people gave up large parts of their original homelands in the agreements, but they wanted to continue to fish, hunt and gather their foods on the original homelands given to them by The Creator. Everyone agreed that tribes could continue their traditional fishing, hunting and gathering on their original homelands, even if it was off their newly-created reservations. Everyone accepted that tribes could continue the traditions they had kept since time immemorial, or since the beginning of time.

These treaties also said the tribal people could continue speaking their own language, keep their own religions, keep their traditions and cultures and continue using their own tribal laws.

Today we know this as tribal sovereignty, and it allows

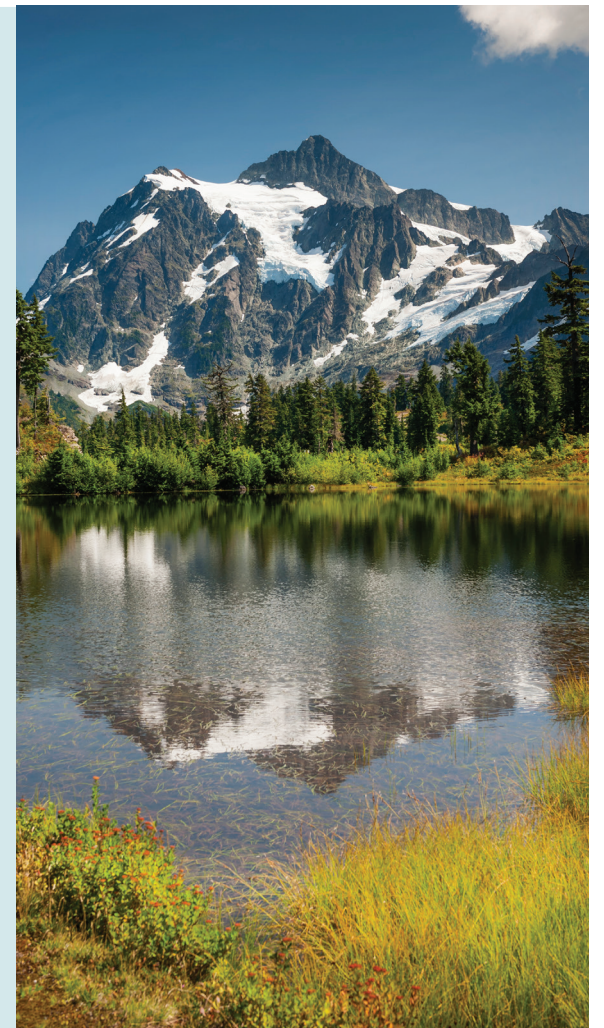
CHECK YOUR UNDERSTANDING

1. What makes tribal homelands different from your own community, town, or city?

2. Treaties are the most important, or _____, law of the land, according to the U.S. Constitution.
3. Tribes are guaranteed _____, _____, or the ability to make their own laws, for their own governments, and practice their own traditions and lifeways.
4. Tribes gave up a lot of their homelands so that non-Indians could live here, too. Now, most tribal homelands are on _____.
5. Tribes believe they were created here and have been here since the beginning of time, or since _____.
6. When tribes agreed to move to smaller reservations, they (circle one) kept/gave up their rights to hunt, fish, and gather on traditional hunting, fishing and gathering grounds that were off their reservations.
7. List the tribe(s) that live in your area:

8. True or False:
The United States deals with tribes in Washington state much like they do with any foreign country.

Answers are available at
http://nie.seattletimes.com/wp-content/uploads/sites/12/2015/11/SinceTimeImmemorialpages2-3answerkey_11-08-15_guide.pdf



today's tribal people the ability to continue their lifeways, or to live the way they want to. This might seem much like how your family lives in your own community, but there is an important difference. Since tribal people believe that The Creator (who many people

call God) gave them this land to live on, they also believe that The Creator's gift comes with their sacred promise and responsibility to take care of the land, its resources, and all its creatures. Some plateau tribes, like the Umatilla, call this their covenant with The Creator.



While tribes may call this sacred responsibility and trust different things, the belief is the same: Tribes need to make sure that their natural resources are not just here for them today, but for their great- great- great- great grandchildren, too. That means tribal people are looking 140 or more years into the future when making decisions on how to care for their people and their homelands today!

But just like not all Canadians live in Canada, and not all Chinese live in China, there are many tribal people who choose to live off their reservations. For example, living in the large cities of Spokane and Seattle are many tribal people from many

different tribes. In fact, Seattle has the largest population of Indian people in the state! Tribal people who live in big cities work to create their own communities to keep their traditions alive, just like the many Asian and Pacific Islanders who live in Seattle's International District.

The tribal nations themselves also have their own museums and organizations to educate everyone--Indians and non-Indians-- about their traditions, governments and hopes for their futures. Find the tribes in your area and discover their history, traditions, and how their tribal sovereignty affects everyone in Washington state... even you!

THE RIGHT TO FISH IN WASHINGTON

You've learned about tribal sovereignty and the importance of tribes' rights to continue their life ways. One area in which tribal sovereignty has been challenged is fishing. The supply of fish, like the supply of land in Washington, is limited. Since the treaties of the 1850s, there has been a history of disputes over fishing rights between the tribes and the settlers. Review the key events leading up to the significant Boldt Decision of 1974.



1850s The U.S government made treaties with tribes of the Pacific Northwest. Tribes granted the U.S. government land while retaining certain rights like hunting, fishing, and gathering in their usual and accustomed stations. However, the language barriers between the tribes and the non-natives were as such that the tribes were put at a disadvantage. The Treaty of Medicine Creek in 1854, for example, was deemed so unfair that President Franklin Pierce later granted the tribes an additional 4,700 acres in 1857. Over the next 100-plus years the tribes' rights would continue to be challenged.

1887 In the U.S. vs. Taylor, the Yakama tribe filed a lawsuit because settler Frank Taylor fenced off his land and prevented



Yakama access to fishing. In this instance, the courts ruled that tribes had the rights to the land.

1894 Over time, however, the tribes' rights were challenged with the arrival of advanced fishing technology and large fishing boats. In 1894, for

example, three salmon canneries were established in Puget Sound.



1905 Settlers Lineas and Audobon Winans who owned property on both sides of Columbia River acquired licenses to operate four large fish wheels that would prevent salmon from passing through them. The wheels made fish inaccessible to the tribes. The Winans' also prohibited anyone from crossing their land, barring fishing access to the tribes. A trial court decided that the Winans' were allowed to ban others from their property, even if the land had been guaranteed by treaty for the tribes to use. Later, the decision was reversed by the U.S. Supreme Court, restoring the tribes' fishing rights.

1914 Seufert Brothers Company, an Oregon salmon cannery, tried to prevent Yakama Indians from fishing on Oregon-side of Columbia River near Celilo Falls. In U.S. vs. Seufert Brothers Company, the U.S. expanded hunting and fishing rights outside of

territory ceded by the tribes. Fish wheels were later banned in Oregon in 1926 and Washington in 1934 causing Seufert Brothers Company to seek fishing assistance from tribal members. However, the amount of money the Seufert Brothers Company paid tribal members for their fish was not always fair.



1960s As arguments over fishing rights continued, tribal people were often blamed for the dwindling fish populations and so the laws which protected their rights to fish were ignored. On some occasions, tribal people, including women and children, were chased, punched and tear-gassed to prevent them from fishing. At the same time, the Civil Rights movement swept across the United States. As African Americans wanted equality, so did the tribes. Tribal members participated in freedom rides and civil rights marches just as supporters of other groups of people seeking recognition of rights did. Like the sit-ins at lunch counters in the South, tribes participated in fish-ins, when they fished and refused to leave when ordered.

1968 President Lyndon Johnson passed the Indian Civil Rights Act, similar to the Bill of Rights in the United States Constitution. The Civil Rights Act, among other things, ensured that tribal governments had the basic, personal rights of all Natives and non-Natives.

1970-1974 Following the Boldt Decision, 60 people at a Tacoma, Washington landmark trial of U.S. vs. Washington began. Exercising its sovereignty, the U.S. government required the state of Washington to allow tribes to secure treaty rights.

Feb. 12, 1974 Federal Judge George Boldt issued a ruling in Western Washington that gave tribes the salmon catch, and the right to act as co-managers of the harvesting of fish in the state of Washington. This decision restored the state of Washington's fishing rights by non-Natives. This led to the Boldt Decision.

June 24, 1974 A decision composed of representatives of Western tribes met to discuss the Constitution for North America. The Fisheries Commission and bylaws were inter-



Don Baines
Indian Civil Rights
of Rights in the
ution. The Indian
ng other laws,
overnments respect
ights of both
ves.

ng an arrest of
a fish-in, the
vs. Washington
trust responsibility,
argued against the
on behalf of the
y rights.

eral Judge George
entitling tribes
on 50 percent of
abling the tribes
s of the state in
and protection of
s decision forced
on to limit fishing
became known as

harter committee
ntatives from
o develop a
hwest Indian
. The Constitution
nded to develop

fisheries
management
programs
to protect
treaty rights,
track fishing,
create a
forum,
develop working relationships with
agencies and non-Indians and improve
public understanding of
fishing rights.



1975 The Ninth Circuit Court of Appeals upheld Judge Boldt's ruling.

July 2, 1979 The U.S. Supreme Court upheld the Boldt Decision ensuring that Native Americans, with the exception of severe conservation issues, could not be limited by the state as to where they could fish.

The Significance of the Boldt Decision

The effects of the Boldt Decision are widespread and long-lasting, with the overarching result being that tribes in Washington state were empowered with the tools to handle their affairs and act as co-managers of salmon and other fish, as opposed to continually fighting for fishing rights in isolated disagreements and trials. The treaties of the 1850s that had

reserved fishing rights on traditional locations off reservations had been lost to commercial and sport fisherman. After the Boldt Decision, non-Native American commercial and sport fisherman were limited in their ability to fish. Tribes were then able to focus on habitat protection and restoration.

The Makah Indian Nation

A local effect of the Boldt Decision rippled within the Makah Indian Nation in Neah Bay, Washington.



Within the Makah tribe, many songs, dances, rituals and ceremonies centered on the whale hunt, making whaling an integral part of the Makah's culture. The Makah had also reserved the right to hunt whales after the 1855 treaty of Neah Bay. However, this practice was continually threatened by commercial whalers. In 1946, an agreement by the International Whaling Commission essentially made whaling illegal, threatening the Makah's way of life. Beginning in 1994 when the gray whale was removed from the endangered species list, the Makah planned to resume whaling. Their decision was

met with much controversy causing the Makah to look internationally for support.

In Russia the Chukchi indigenous people had a quota for whale catching. The Makah were essentially able to borrow from Russia's whale-catching quota to continue whaling. On May 17, 1999, the Makah resumed whale hunting. This decision both benefitted the Makah and was an inspiration of collaboration of indigenous peoples.

Tribes throughout the United States also looked to the Boldt Decision for inspiration. Both Michigan and Wisconsin tribes used the Boldt Decision to establish co-management of fisheries within state government. Even tribes as far away as the Maori of New Zealand referred to the Boldt Decision in their fisheries management.

Resources:
historylink.org
makah.com/makah-tribal-info/whaling/

Artwork by Louie Gong (left, middle right and right)



BUILDING RELATIONS BETWEEN THE TRIBES AND THE STATE

You've learned the history of tribal sovereignty and fishing rights. Did you know even in the last few decades, major changes have taken place which contribute to the public's and Washington state's public school students' understanding of Washington tribes? As you follow these changes, think about how your understanding of native peoples has been impacted by changes in the law.

There are 29 federally recognized tribes (and some tribes that are currently unrecognized by the federal government), each with its own government, citizens, laws and traditions. Some tribes are comprised of distinct families, communities, and tribal groups.

On Aug. 4, 1989 federally recognized tribes within Washington state and the governor of Washington state gathered to affirm, establish, and improve government-to-government relations between the tribes and the state. The new relationship was outlined in a document called the Centennial Accord. This document provided a framework for government-to-government relationships and an implementation procedure to assure its execution. The Accord

was signed by attending tribes and the governor. The year also marked the Washington state centennial and Paddle to Seattle that began the resurgence of the tribal canoe journeys.

Ten years later, on Nov. 1, 2 and 3, 1999, a majority of leaders from Washington state's federally-recognized tribes gathered again with the State of Washington in Leavenworth, Washington to create the Millennium Agreement. The Millennium Agreement spelled out tangible goals whereas the Centennial Accord mainly outlined a way to work together and have mutual respect. Those gathered desired to strengthen relationships and cooperation on issues of mutual concern between the signatory tribes and the state. One of the most significant effects of the Millennium Agreement was the necessity of educating youth about Washington tribes.

A major commitment established between the tribes and the state in the 1999 Millennial Agreement read: "Educating the citizens of our state, particularly the youth who are our future leaders, about tribal history, culture, treaty rights, contemporary tribal and state government institutions and

relations and the contribution of Indian Nations to the State of Washington to move us forward on the Centennial Accord's promise that, 'The parties recognize that implementation of this Accord will require a comprehensive educational effort to promote understanding of the government-to-government relationship within their own governmental organizations and with the public.'" (Source: www.goia.wa.gov/Government-to-Government/Data/agreement.htm)

Six years later House Bill 1495 was established to build government-to-government relationships between school boards and tribal councils to teach about tribal history. The original Bill read "Requiring that Washington's tribal history be taught in the common schools."

During this same time the legislators recognized that the education commitment of the 1999 Millennial Agreement had not been achieved in the six years since its creation. They found that most schools and districts in Washington were not educating students about tribal history, culture, or treaty rights. Some legislators believed that

the lack of accurate and complete curricula might contribute to the achievement gap between American Indian/Native American/Alaskan Native students and non-native students. Some legislators also believed that the Bill could not pass into law with the word "required" and suggested the word to be changed to "encouraged."

On April 28, 2005, House Bill 1495 with the new language was signed into law by then-Governor Christine Gregoire. The new law established the setting to create a curriculum about Washington's tribal history, culture and government. HB1495 brought about a memorandum of agreement between the Tribal Leaders Congress on Education (TLC), the Washington State School Directors Association (WSSDA), and the Office of Superintendent of Public Instruction (OSPI). These three groups worked together to create the Since Time Immemorial: Tribal Sovereignty Curriculum. The curriculum strives to provide a more balanced history of the State of Washington and focuses on Since Time Immemorial: Tribal Sovereignty Curriculum as a free, state-provided and tribal-vetted resource for teachers.

A NEW ERA OF WASHINGTON STATE INDIAN EDUCATION

In 2015, 10 years since the passing of HB 1495, legislators revisited the implementation of tribal history being taught in the public school system. With only two school districts formally adopting the Since Time Immemorial: Tribal Sovereignty Curriculum and a low percentage of teachers utilizing the teaching tool, legislators

decided to return the language of the original bill. The new bill introduced by Sen. Steve Litzow on Jan. 21, 2015 and signed into law by Governor Jay Inslee on May 8, 2015 read: "Requiring Washington's tribal history, culture, and government to be taught in the common schools."

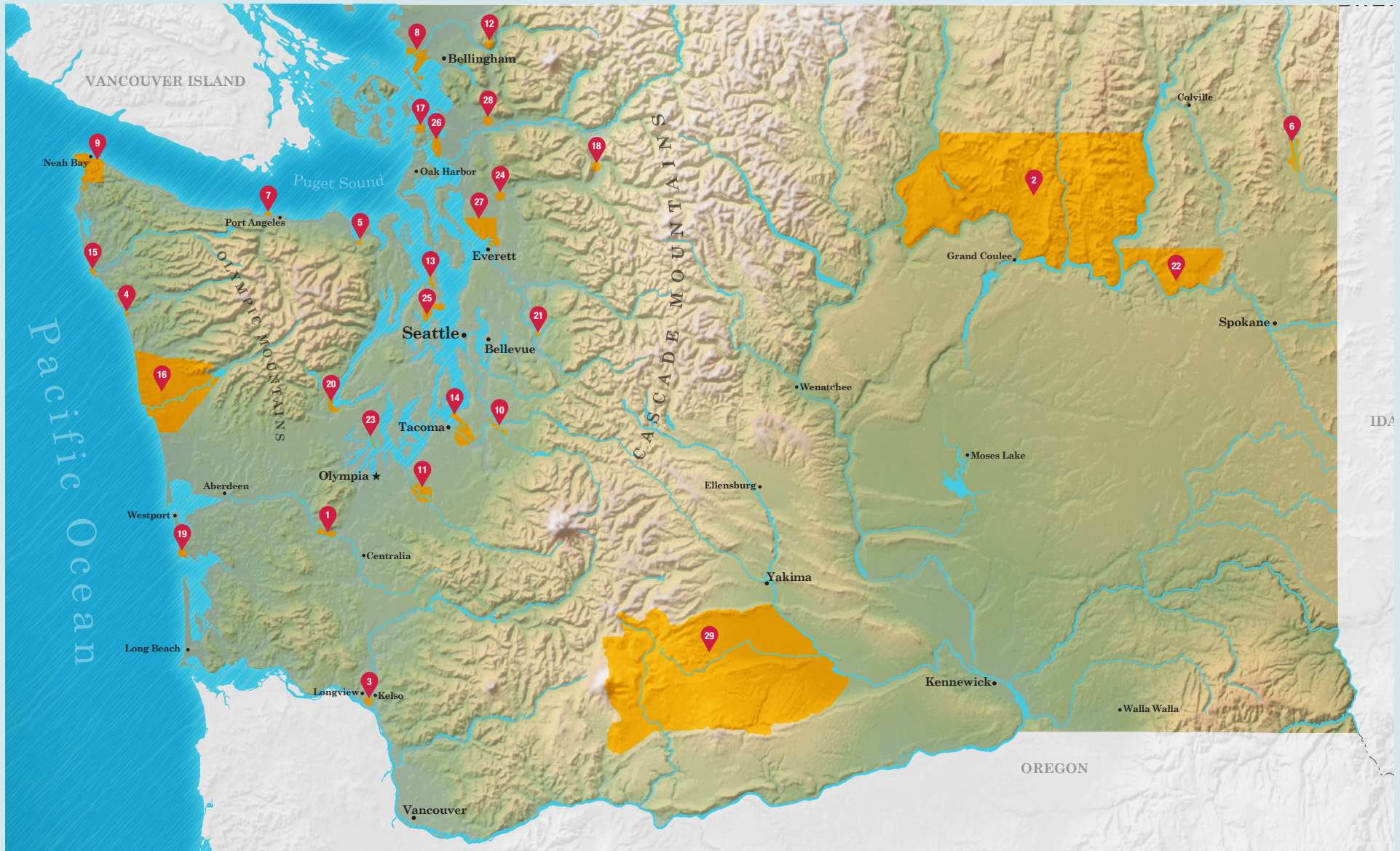
This new bill ushers in a new era of understanding the American Indian/Native American communities in Washington state. Under the new law, school districts will seek to build stronger relations with federally recognized tribes. The law also focuses on the Since Time Immemorial: Tribal

Sovereignty Curriculum, available at www.indian-ed.org/curriculum.

For further resources visit www.k12.wa.us/IndianEd/ and contact Michael Vendiola and Joan Banker, Office of Native Education/OSPI, (360) 725-6160.



TRIBES OF WASHINGTON STATE



- | | | |
|---|---|---|
| 1. Chehalis (chehalis-tribe.org) | 11. Nisqually (nisqually-nsn.gov) | 21. Snoqualmie (snoqualmi-tribe.us) |
| 2. Colville (colville-tribes.com) | 12. Nooksack (nooksack-tribe.org) | 22. Spokane (spokane-tribe.com) |
| 3. Cowlitz (cowlitz.org) | 13. Port Gamble S'Klallam (pgst-nsn.us) | 23. Squaxin Island (squaxin-island.org) |
| 4. Hoh (hoh-tribe-nsn.org) | 14. Puyallup (puyallup-tribe.com) | 24. Stillaguamish (stillaguamish.com) |
| 5. Jamestown S'Klallam (jamestown-tribe.org) | 15. Quileute (quileute-nation.org) | 25. Suquamish (suquamish-nsn.us) |
| 6. Kalispel (kalispel-tribe.com) | 16. Quinault (quinault-indianna-nation.com) | 26. Swinomish (swinomish.org) |
| 7. Lower Elwha Klallam (elwha.org) | 17. Samish (samish-tribe-nsn.us) | 27. Tulalip (tulalip-tribes-nsn.gov) |
| 8. Lummi (lummi-nsn.org) | 18. Sauk-Suiattle (sauk-suiattle.com) | 28. Upper Skagit (goia.wa.gov/tribal-information/Tribes/upperskagit.htm) |
| 9. Makah (makah.org) | 19. Shoalwater Bay (shoalwaterbay-nsn.gov) | 29. Yakama (yakama-nation-nsn.gov) |
| 10. Muckleshoot (muckleshoot-nsn.us) | 20. Skokomish (skokomish.org) | |

To request a free poster size color print of the map, e-mail your name and address to info@washingtribes.org.

Map provided courtesy of washingtribes.org

RESOURCES FOR LEARNING ABOUT WASHINGTON'S FEDERALLY-RECOGNIZED TRIBES

Continue your study of Washington tribes by exploring the following resources:

STATE

Governor's Office on Indian Affairs (GOIA)

www.goia.wa.gov

GOIA serves as liaison between state and tribal governments in an advisory, resource, consultation, and educational capacity.

Office of Native Education (ONE) Office of the Superintendent of Public Instruction (OSPI)

www.k12.wa.us/IndianEd/default.aspx

The Office of Native Education advocates for the academic success of all students. They create and promote strategies that integrate the teaching of Native American history, culture, language and government.

TRIBAL

Affiliated Tribes of Northwest Indians (ATNI)

www.atnitribes.org

In 1953, farsighted tribal leaders in the Northwest formed the Affiliated Tribes of Northwest Indians, and dedicated it to tribal sovereignty and self-determination. Today, ATNI is a nonprofit organization representing 57 Northwest tribal governments from Oregon, Idaho, Washington, southeast Alaska, Northern California and Western Montana.

National Congress of American Indians (NCAI)

www.ncai.org

The National Congress of American Indians, founded in 1944, is the oldest, largest and most representative American Indian and Alaska Native organization serving the broad interests of tribal governments and communities.

Northwest Indian Fisheries Commission (NWIFC)

www.nwifc.org

The NWIFC was created following the U.S. v. Washington ruling (Boldt Decision) that re-affirmed the tribes' treaty-reserved fishing rights and established them as natural resources co-managers with the State of Washington.

FEDERAL

Bureau of Indian Affairs (BIA)

www.bia.gov

The Indian Affairs offers an extensive scope of programs that covers the entire range of federal, state and local government services.

Bureau of Indian Education (BIE)

www.bie.edu

BIE's mission is to provide quality education opportunities from early childhood through life in accordance with a tribe's needs for cultural and economic well-being, in keeping with the wide diversity of Indian tribes and Alaska Native villages as distinct cultural and governmental entities.

MEDIA

Northwest Indian News (NWIN)

www.nwin.tv

NWIN programs are designed to be relevant to viewers of all age ranges and backgrounds for many years after they are first released. As a result, the very first NWIN program, produced in March of 2003, is still being used as curriculum in public schools and is being broadcast on various television networks.

washingtontribes.org

Washingtontribes.org is an educational initiative sponsored by tribes belonging to the Washington Indian Gaming Association. Find stories, photos and videos on Facebook and at washingtontribes.org.



Images courtesy of: (top to bottom) Denny Hurtado, washingtontribes.org and Denny Hurtado.