

K. Ehrlich

Building Better Citizens: An Innovative Curriculum Contest (2025)

**Lesson Title:** Is the federal tribal recognition process fair?

**Lesson Overview:**

This lesson is intended to teach students about the current process for obtaining federal tribal recognition. Students will begin by answering a citizenship test question about American Indian tribes in the United States. They will then learn about the current criteria used by the Office of Federal Acknowledgment (OFA) to determine which tribes are federally recognized. Students will review five sources and formulate a claim regarding the fairness of the federal tribal recognition process. In a written response, students will justify their claim using source evidence. As a closing activity, students will revisit the citizenship test and develop a new test question based on what they learned in the lesson.

**Target Grades:** 9-12

**Suggested Time Frame:** One 90-minute instructional block

**Common Core Standard:**

CCSS.ELA-Literacy.RH.11-12.7

Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.

**Outcomes for Student Learning:**

Students will formulate and justify a claim regarding the fairness of the federal tribal recognition process using source evidence.

**Materials Provided:**

- Tribal Recognition Documents Set (pages 4-7)
- Tribal Recognition Prompt (page 8)

**Procedures:**

1. (5 minutes) To engage students in today's lesson, the teacher will begin by having them answer an American history question that appears on the United States citizenship test.
  - a. *Name one American Indian tribe in the United States?*

*Correct answers: Cherokee, Navajo, Sioux, Chippewa, Choctaw, Pueblo, Apache, Iroquois, Creek, Blackfeet, Seminole, Cheyenne, Arawak, Shawnee, Mohegan, Huron, Oneida, Lakota, Crow, Teton, Hopi, Inuit*

2. (15 minutes) After reviewing the correct answers, the teacher will share [this video](#) with students in which Donald L. Fixico, Regents and Distinguished Foundation Professor of History at Arizona State University, provides background information about federal tribal recognition. While watching, students should answer the questions below in their notes. When finished, the teacher will direct students to discuss each question with a partner before engaging in a whole-group discussion of the answers.
  1. *How many federally recognized tribes are there in the United States?*
  2. *What are the three ways that tribes are recognized legally by the United States government?*
  3. *How did passage of the American Indian Education and Self Determination Act of 1975 impact the legal recognition process?*
  4. *What are currently three of the seven criteria involved in gaining federal recognition?*
  5. *What is the “bottom line” of what these tribes must prove according to Professor Fixico?*
3. (55 minutes) The teacher will explain to students that there is disagreement in the United States as to whether the current system of tribal recognition is fair. To investigate this issue, students will review a collection of sources to help them answer the following extended response question: ***Are current requirements for gaining federal tribal recognition fair?***
  - a. (35 minutes) The teacher will begin by distributing the sources (*Tribal Recognition Document Set*) which students can examine individually, in pairs, or in small groups. As they read/watch, the students should highlight/underline key information or take notes that will help them answer the extended response question.
  - b. (20 minutes) After examining the sources, students will work individually to complete their written response to the *Tribal Recognition Prompt*.
4. (5 minutes) The lesson began by answering a question from the United States citizenship test related to Native American history. As a closing activity, the teacher will ask students to formulate a new question that could be added to the test, which would relate to the federal tribal recognition process.

**Extension Option:**

To look deeper into these issues, students can investigate the Lumbee Tribe of North Carolina and its efforts to gain full federal recognition. Students can examine the Lumbee's past efforts to achieve federal recognition and the current arguments for and against Lumbee acknowledgment. After researching the issues involved, students can engage in an academic debate regarding the merits of the Lumbee's claim. They should consider the perspectives of different stakeholders, including other American Indian tribes.

**Modifications for Differentiation:**

In Step 3 of the lesson, students are asked to review a set of five sources. Teachers could separate these sources and place students in groups, based on abilities and strengths, to examine a smaller number of sources. For example, struggling readers could be assigned to watch Source B or read Source E (which includes significantly less text). Then, students who examined different sources could come together to share what they learned. Teachers could also adjust the number of sources provided to students and/or the number of sources that students must incorporate into their written response.

Both videos included in this lesson provide closed captioning as an option. The second video, from *In The Margins*, also includes a transcript which can be read rather than listened to. These features can be useful for all students but are particularly helpful for those who are hard-of-hearing or learning English as a second language.

## **Tribal Recognition Document Set**

### **Introduction**

A student is researching the process by which Native American tribes gain federal recognition and has located five sources to answer the following question:

*Are current requirements for gaining federal tribal recognition fair?*

### **Source A**

Source: The excerpt below comes from remarks delivered by U.S. Congressman Chuck Edwards (NC-11) on the floor of the U.S. House of Representatives on September 25, 2024.

As Members of Congress, one of our most sacred duties is making sure that laws are drafted and implemented in an objective and equal manner.

For over 40 years, the Department of the Interior has carried out a merit-based process, as set out by Congress and administered by the Office of Federal Acknowledgment (OFA), to make determinations on federal recognition of tribes.

...We need the OFA process to protect Indian country and the public. The process requires verification that the persons who claim to be tribal members actually have Native American descent.

Believe it or not, the OFA has determined that some petitioning groups are comprised entirely of people that cannot demonstrate Native American ancestry. Not a single person.

...As a member of the Interior & Environment Subcommittee on House Appropriations, I'm proud that we funded the needs of the Indian Health Service and other critical priorities for our nation's tribes in the FY25 bill recently approved in the House.

That said, if the overall tribal population covered by these services is allowed to swell by tens of thousands of people, many of whom have no Native ancestry, I fear that necessary appropriations cannot feasibly keep pace.

...I urge all of my colleagues to take these concerns into account, and I hope that the merit-based process put in place by Congress decades ago on federal tribal recognition will be adhered to.

### **Source B**

Source: This video is from Season 1, Episode 11 of PBS's *In the Margins* and is titled "What Does it Take to be a Federally Recognized Tribe?" This episode originally aired on November 5, 2024 and was produced by PBS Digital Studios. Follow the link below to the image to watch.



<https://www.pbs.org/video/tbd-mowa-choctaw-kxgfzr/>

### Source C

Source: The excerpt below comes from the article “Cherokee chief testifies against Lumbee recognition.” It was published on January 7, 2020 in the *Smoky Mountain News*. The article was written by Holly Kays, a writer and journalist from western North Carolina.

“We are Cherokee not because we woke up one day and decided to be,” [Chief Richard] Sneed said. “We are Cherokee because we always have been, from time immemorial. As the elected leader of the Eastern Band of Cherokee Indians, I represent a nation of citizens who are the direct descendants of those who survived one of the most calculated genocides in the history of mankind, the Trail of Tears. When a group of people falsely claim our identity, whether it’s to gain fame, financial gain or federal recognition, it is our duty and responsibility to defend the identity our grandmothers and grandfathers.”

... [Sneed stated] that the administrative process is designed to “ensure the integrity of those groups that claim native identity.” Currently there are nine Southeastern groups that claim to be Cherokee but are not federally recognized, he said. The administrative process ensures that only groups with valid claims receive recognition.

...It’s important to verify such claims not only to protect cultural integrity, but also to protect funding for existing tribes, Sneed said. The Bureau of Indian Affairs and Indian Health Services are chronically underfunded, with their budgets increasing by only about 3 percent annually and IHS having never been fully funded. Full IHS funding would amount to approximately \$32 billion, he said, but in the past fiscal year the agency received only about \$6 billion....

### Source D

Source: The excerpt below comes from an opinion piece titled “Rules for Acknowledging a Broken Trust,” which was published on April 6, 2021, in *The Regulatory Review*—a publication associated with the University of Pennsylvania Law School. The piece was written by Judith A. Shapiro, a lawyer specializing in Indian Law who has practiced for 35 years.

The United States currently recognizes 574 sovereign tribes, each of which is eligible to receive services from the Bureau of Indian Affairs. Without this federally recognized status, tribes lack homeland protections and face impediments to exercising sovereign powers to protect their people. Unacknowledged tribes are also denied access to health care, education, protection of tribal children, and protection of tribal ancestors’ resting places.

For those tribes whose history has left them outside the federal system, the path to “federal acknowledgment”—whether through the U.S. Congress, the courts, or the Bureau of Indian Affairs’ administrative process—reveals the uneven power dynamic between the United States and Indian tribes....

The federal acknowledgment process demands that a petitioning tribal entity provide comprehensive documentation and a supporting narrative adequate to satisfy seven mandatory criteria, collectively intended to demonstrate the entity’s continuous existence from historic times through the present. These criteria include: identification as an Indian entity by federal officials; continuous existence as a community; continuous political authority; a governing document; current members’ descent from a historic tribe; unique members who are not principally members of a recognized tribe; and that the tribal entity has not previously been terminated by Congress....

To have any chance of success, a petitioning entity must conduct a multidisciplinary research project and package it as conclusively satisfying the [Office of Federal Acknowledgement’s] criteria—despite that OFA’s interpretation of those criteria may shift over time, even while the review of a single petition is ongoing. Furthermore, many petitions take decades to resolve.

### Source E

Source: This table includes information from an article written by James Ennis Street, a J.D. Candidate at Duke University School of Law, titled “Federal Recognition of Native American Tribes in the United States and the International Right to Self Determination.” Other points are pulled from the commentary article titled “Challenges tribes face for federal recognition,” published by *Verite News* on May 27, 2024 and written by Brandi Liberty, an enrolled member of the Iowa Tribe of Kansas and Nebraska.

*Are current requirements for gaining federal tribal recognition fair?*

Yes

No

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|  | <ul style="list-style-type: none"> <li>• The current criteria is standardized---meaning any tribe applying for federal recognition must meet the same standards.</li> <li>• Through federal recognition, tribes gain access to certain federal funding and services, which should not be available to non-Natives.</li> <li>• It is important to verify that groups seeking federal recognition actually have genuine historic and cultural claims to tribal membership.</li> </ul> | <ul style="list-style-type: none"> <li>• It takes significant financial and legal resources for a tribe to gather the information needed to petition the OFA for legal recognition. Poorer tribes may not be able to gather those resources.</li> <li>• The process of gaining federal recognition can take decades.</li> <li>• Tribes have been negatively impacted by federal policies and colonization in ways that may make it difficult for them to provide the needed documentation.</li> </ul> |  |
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## Tribal Recognition Prompt

After reviewing sources A, B, C, D, and E, respond to the following extended response question:

*Are current requirements for gaining federal tribal recognition fair?*

- Develop a clear claim in response to the question.
- Cite evidence from at least three sources in support of your claim.
- Use your knowledge of American history to enhance your response.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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Attach additional sheets as needed