LESSONS FROM THE PAST, AND PLANNING FOR THE FUTURE:
THE POLITICAL PROCESSES OF EDUCATIONAL POLICY DEVELOPMENT AMONG
NATIVE AMERICAN TRIBAL GOVERNMENTS

By

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ABSTRACT

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This study interviewed political actors from two Native American tribal governments in order to understand the educational problems that these tribal governments choose to prioritize, and the political processes that these governments go through to create educational policy to mitigate their prioritized problems. The political actors who were interviewed were high-ranking officials in their respective governments. The second source of data was primary documents generated by the participating tribal governments. This dissertation utilized a phenomenographic approach to analyze the interview, and document data. This study found that the process of crafting educational policy was heavily influenced by the desire of the political actors in these governments to further their tribes' political, social, and economic interests.

I dedicate this dissertation to my parents, and my husband.

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CHAPTER 1: STUDY OVERVIEW

United States law and policy regard American Indian tribes as quasi-sovereign political entities,[1] with an inherent right to self-govern within the boundaries of their respective reservation territories (Canby, 2006; Gretches, Wilkinson, & Williams 2005; O'Brien, 1993). A set of landmark Supreme Court cases, congressional actions, and treaty negotiations during the early to mid-1800s through the 2000s laid the modern legal groundwork for tribes to maintain autonomous governmental systems that operate independently from state and federal governments (Canby, 2006; Cohen, 1955; Gretches, et al., 2005; Prucha, 1995).

For the sake of providing a quick (and overly-simplified) definition of what a modern tribal government[2] looks like, these political systems are scaled-down nations with governmental functions and responsibilities that are loosely comparable to other democratic nations. I say *loosely comparable* because inherently tribal governments are shaped by the needs, beliefs, and values of their respective societies. As a result, the actual structure and operation of these political systems (numbering in the hundreds) represent a spectrum of political and social practices that may more closely, or less closely, represent the classic understanding of a democratic government. As a result of federal policy interventions, a number of tribes across the United States have governmental systems that frequently include a constitution, laws, policies, court system, police, and an education department (Castile, 1998). Many of these governments

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[1] *Tribal sovereignty* is a legalized term that denotes the inherent right of tribes to self-govern within their territories (Canby, 2006; Gretches, et al., 2005). It has also been defined as the "capacity of tribal people to express their cultural values and live according to them" (Richland & Deer, 2004, p. 3). In the 1831 Cherokee Nation v. Georgia case, the Supreme Court determined that tribal groups were not foreign nations, but rather "domestic dependent nations" (Canby, 2006; Prucha; 1995; Szasz, 1999). The term "domestic dependent nations" means that tribes maintain limited sovereignty within their own territories, but are still subject to federal control (i.e., a quasi-sovereign status) (Canby, 2006; Gretches, et al., 2005).

[2] The contemporary definition of *tribal government* is an externally imposed concept resulting from federal policy intervention. The 1934 Indian Reorganization Act (IRA) "strongly encouraged" tribal communities to adopt formalized governmental systems that reflected the democratic ideals and structures similar to that of the United States (Canby, 2006; Lemont, 2006).

also have elected and appointed government officials who are responsible for overseeing day-to-day governmental operations, including generating policies to mitigate problems within their societies (O'Brien, 1993).

This dissertation examines how tribal governments make educational policy decisions, specifically (1) the educational problems that tribal governments choose to prioritize, and (2) the political processes that these governments go through to create educational policy to address their prioritized problems.[3] This study is a descriptive case study of the educational policy development experiences of two tribal governments in California. The two tribal governments (the Grey Pomo of West River, and the Pine Rancheria) analyzed in this dissertation share the same set of institutional characteristics (i.e., they both have (1) a governing council, (2) an education department that has an existing educational policy (e.g., a policy that governs an education oriented program, funding, or service provided to the society)) and there is not a school located on their reservation. Moreover, these institutional characteristics, and tribal youth attending school off of the reservation, are representative of the population of tribes in California. Since the goal of this study is to understand the political processes that these governments go through to create educational policy for their citizens, this inquiry includes an examination of the educational issues that are deemed important by these governments, the way these issues are defined, and the roles of different political participants (and monetary and human capital resources) in shaping the policy development process.

The overarching research question of this study is, what are the processes that tribal governments go through to make educational policy, and to what extent do these processes differ across the two cases? To answer this question, it is important to know:

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[3] For the purposes of this dissertation, *educational policy* refers to educational programs and services that operate on-reservation, not within the K-12 school setting.

1) What are the phases of educational policy development for each tribal government (e.g., identifying the problem, discussing the problem, locating a solution, and making a decision)?

2) How do educational problems come to be recognized by each tribal government?

3) How are these problems defined, and who defines them?

4) How do problems get prioritized on each tribal government's decision agenda?

5) Who generates agenda alternatives (i.e., policy proposals)?

6) How does a "policy window" open (i.e., an opportunity to push proposals or attention to special problems) for an agenda alternative?

7) How is consensus[4] reached in each tribal government around a particular agenda alternative?

Uncovering the answers to the research questions presented above relied heavily on the interview data generated from eight political actors serving in the two tribal governments. All of the political actors held positions at the highest levels of their respective tribal governments. Additionally, the interviewees also had decades of professional experience serving in their tribal governments. Upon receiving formal approval from each of the tribal governments, the interviewees self-selected to participate in this study (at the recommendation of their tribal councils). The details of the self-selection process are briefly outlined below, and are discussed in depth in Chapter 4, *Research Methods*. Because of the nature and complexity of the interview questions, each of the participants was interviewed on two separate occasions. In some cases, follow-up communication was used to clarify concepts expressed by the political actor. The

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[4] For the purposes of this dissertation, *consensus* does not mean *unanimous agreement* among the political actors. Achieving *consensus* requires political actors to bargain and revise the policy proposal. Consensus for a policy proposal means that political actors feel satisfied enough with the bargaining outcomes to move the policy proposal forward for approval.

interview questions were open-ended, which allowed for a significant level of dialogue during the interviews. Upon completion, the interviews were transcribed and analyzed, using an open-coding schema. This methodology allowed for themes to emerge from a single interview and across multiple interviews (Glesne, 2006). The second source of data (used to provide context) were primary documents generated by the participating tribal governments, including (1) newsletters, (2) program information geared toward parents and youth, and (3) mission and vision statements of government and education programs.

This dissertation used the 2010 text *Agendas, Alternatives and Public Policies,* by John Kingdon, as a theoretical lens in order better to understand the processes that tribal governments go through to develop educational policy. Kingdon argued that policy creation (within the United States government) is a highly contextual process that is shaped by the participants located inside and outside of the government. In terms of political decisions and the political climate, Kingdon outlined the process of crafting federal policy, including the way problems are defined and become part of the governmental agenda (or agenda setting), and how policy solutions to those problems (or agenda alternatives) are selected. According to Kingdon, the agenda is a list of issues that the government is paying attention to. Agenda setting is the process of narrowing the agenda to a shorter list of problems (i.e., the decision agenda), and seeking alternatives to improve those problems.

This framework served as a lens to examine the case study data—including recognizing the similarities and differences between Kingdon's view of the federal policy-making process and the tribal governments' policy-making processes, specifically, the way political actors in a tribal government recognize indicators in the system and define educational problems, and how they determine which of these problems are pressing enough to be placed on the government's

decision agenda, and the manner in which they consider agenda alternatives.

Contribution to Literature

A significant amount of education literature has focused on highlighting the educational inequities and the achievement gaps that are prominent among American Indian students (Belgrade & Lore, 2003; Benjamin, Chambers, & Reiterman, 1993; Guillory & Wolverton, 2008; Huffman, 2009, 2010). Another trend in American Indian education research has been to understand the need for American Indians to have access to tailored educational programming that is culturally appropriate and that recognizes the cultural distinctiveness of these societies (Fletcher, 2008; Hinton & Hale, 2001; Hinton, Vera, & Steele, 2002; Nee-Benham, 2008; Reyhner, 1988; Ward, 2005).

In the area of tribal governments, a significant amount of the literature has sought to understand the legal aspects of exercising tribal sovereignty (Canby, 2006; Deloria, 1984; Garrow & Deer, 2004; Gretches et. al., 2005; Mills, 1997; Richland & Deer, 2004; Richland, 2008; O'Brien, 1993; Wilkins, 2002). There is literature related to understanding the practices of sovereignty that attempts to uncover approaches to economic development and governance for the purposes of strengthening tribal societies (Champagne & Abu-Saad, 2003; Champagne, 2010; Clow & Sutton, 2001; Harvard Project on American Indian Economic Development, 2008; Hosmer & O'Neill, 2004; Jorgensen, 2007; Richland, 2008). A newer trend in describing approaches to economic development and governance in the literature analyzes the way tribal governmental practices have changed as a result of shifting economic and political environments (Cattelino, 2008; Evans, 2011).

A clear need among contemporary tribal societies is for expanded governmental services and programs (i.e., court systems, social welfare programming, and economic development).

Arguably, achieving these governance goals requires access to human capital. Developing

human capital requires a conscious effort on the part of tribal governments to prioritize and

support particular forms of education and training—in other words, to create educational policy

and programs.

This dissertation complements the existing body of literature by examining how tribal

governments make educational-related policy decisions, specifically (1) the educational

problems that tribal governments choose to prioritize, and (2) the political processes that these

governments go through to create educational policy to address their prioritized problems. While

the existing literature has touched on aspects of this study, this dissertation brought together

these streams of literature by seeking to understand tribal governments' political processes

around generating educational policy for the purposes of providing expanded educational

programs and services to tribal youth. This dissertation also produced intellectual and practical

benefits by further diversifying the body of literature around the political practices of tribal

governments with regard to educational issues.

Summary and Chapter Preview

Tribal societies are diverse, as indicated by their differing histories, geographic locations,

enrollments, reservation populations, backgrounds of political actors, and their style of

governance. Tribal societies are further diversified by their differences in wealth, education

levels, and political influence. As a result, tribal governments span the economic, political, and

social spectrums. Naturally, these differences lead to different cultural, political, and social

capital among tribal societies. Without a doubt, these differences influence tribal governments'

educational policy agenda priorities and political processes.

Research that looks at tribal governments in a more tailored manner will ideally translate into federal policy that is more sensitive to the differences prevalent across tribes. Moreover, a better understanding of the diversity in the desires existing across tribal governments is valuable knowledge for federal policy makers, and for practitioners supporting tribal governments. Knowledge of the ways educational needs are conceptualized and the way these understandings are reflected in tribal policy will enhance the ability of practitioners to support and collaborate with tribal governments. In the same way, policy makers will be better able to understand the needs of tribal governments as expressed by their own ideas, beliefs, and circumstances.

As a descriptive case study of two tribal governments (the Grey Pomo of West River, and the Pine Rancheria) in California, the focus of this study was to understand the educational problems that tribal governments prioritize, and the political processes that these governments go through to generate educational policy to address those prioritized problems. The subsequent chapters support these intellectual ends. More specifically, the second chapter provides an overview of the historical and political contexts of tribal governments and reservation education systems. The third chapter provides an overview of the existing literature on tribal governments and their political processes.

CHAPTER 2: POLICY HISTORY OF RESERVATION EDUCATION SYSTEMS AND TRIBAL GOVERNMENTS

Legal scholar Charles Wilkinson wrote that "modern Indian issues cannot be analyzed properly without an appreciation of history" (Wilkinson, 2004, p. 3). Understanding the educational policy development processes of the tribal governments discussed in this dissertation requires knowledge of the historical education and political contexts that shaped these tribal governments. This chapter provides a general survey of the history of reservation educational systems, and the shared federal policy histories of all tribal governments.

Although "traditional tribal governments existed in the United States long before European contact" (National Congress of the American Indians, 2014, p. 12), Congress' legal definition of tribal governments was codified in 1830 when President Andrew Jackson signed the Indian Removal Act (IRA) into law (Schaefer, 2008; Spring, 2004). The IRA required five tribal nations (the Cherokee, Choctaw, Muscogee-Creek, Chickasaw, and Seminole) residing in southern states to move to reservations outside of their traditional territories (Schaefer, 2008; Spring, 2004). In an effort to retain their ancestral land, the Cherokee Nation filed a lawsuit against the State of Georgia, requesting a federal injunction to stop the implementation of IRA, on the basis that Georgia did not have the right to force the Cherokee Nation out of Georgia, because it was a Foreign Nation, and therefore was not subject to state or federal legal jurisdiction (Coffey, & Tsosie, 2001; Schaefer, 2008). In the (1831) Cherokee Nation v. Georgia case, the Supreme Court determined that tribes were not foreign nations, but rather *domestic dependent nations* (Canby, 2006; Prucha; 1995; Szasz, 1999). The Court defined *domestic dependent nations* as tribes that maintain limited sovereignty within their own territories, but are

subject to federal control (Canby, 2006; Gretches, et al., 2005). The view of tribes as dependent nation states influenced the trajectory of federal policy and shaped the way tribal governments were able to exercise sovereignty in legal, political, and economic arenas (Canby, 2006; Gretches, et al., 2005).

Federal involvement in American Indian education began with the treaty-making period from 1821 to 1871 (Canby, 2005). In exchange for ceding millions of acres of land, Congress entered into agreements (also known as treaties) with tribal governments, promising medical care, technology, agricultural training, and education services (Bill, 1990). These treaties remained in effect so long as tribes remained culturally distinct from the rest of American society (Gretches, Wilkinson, & Williams, 2005). The underlying assumption of Congress was that these treaties would only be valid for a short period of time, because the tribes would inevitably assimilate (Szasz, 1999).

By the end of the treaty-making period in 1871, tribes had not assimilated, and they were demanding the goods and services promised in the treaties. Congress was faced with a significant policy problem: how to control and provide services to hundreds of tribes (operating politically and socially independent from the rest of the country). Congress devised a more direct means to quash tribal societies by structuring reservation educational services to teach only American values and to encourage assimilation (Lomawaima, & McCarty, 2006). In 1819, Congress passed the Civilization Fund Act, which gave funding to Christian missionaries to provide education to American Indians to spread Christian values on reservations (Szasz, 1999), and to teach tribes "the habits and arts of civilization" (Bill, 1990, p.4). The Act resulted in a flood of missionaries into tribal territories, and the opening of numerous on-reservation religious schools.

During this period, the United States was also expanding into western territories.

Congress quickly realized that tribes living in the west continued to retain vast amounts of valuable land (Spring, 2004), and that incorporating "Indian lands into the American property system was essential for the realization of 19th-century visions of America's destiny" (Juneau, Flemming, & Foster, 2011, p.13). To aid the United State government in its expansion efforts, Congress ratified treaties and used aggressive military action to remove tribes from the desired territories (Purcha, 1995).

One such military action was the 1874 Red River War, in which seventy-two American Indians were taken prisoner and held at Fort Marion by the United States Army Captain Richard Henry Pratt (Lookingbill, 2006). Pratt was a military officer turned career bureaucrat, with extensive military experience with tribes. To put it mildly, Pratt was in favor of tribes assimilating into American society, and he felt that segregating tribes on reservations and providing federal services would create a permanent welfare state of Indians (Lookingbill, 2006). Pratt believed that the only reasonable solution for the federal government was to use education to promote westernized values (Spring, 2004)—or as Pratt infamously phrased it, "kill the Indian, save the man" (Churchill, 2006). Following his beliefs about assimilation, Pratt piloted a schooling program for the Red River War prisoners. The program taught the prisoners English and Christianity, and within a short time, the program was touted as a success within governmental and military circles (Lookingbill, 2006; Spring, 2004).

The political recognition of Pratt's program resulted in Congressional funding appropriations to expand his vision for Indian education (Szasz, 1999). In 1879, Congress appointed Captain Pratt to open and manage the first federal school for American Indian children—the Carlisle Indian Industrial School. Carlisle was a residential school located in an abandoned Pennsylvania military base (Prucha, 1995). Once opened, Pratt began recruiting

children from the Lakota reservations. Those who refused to attend the school were kidnapped and brought to the school anyway (Szasz, 1999). The curriculum of the school combined military discipline with vocational training. Children spent the majority of the day doing manual labor. In preparation for joining the working class, boys learned trade skills and girls learned domestic skills (Lomawaima, & McCarty, 2006). Instruction was in English; children were forbidden from speaking their tribal languages (Spring, 2004). The labor of the children was used to maintain the school grounds. The conditions in Carlisle were deplorable; a number of children died of starvation or sickness (Szasz, 1999). Even with the high death rates, Congress continued to support Carlisle as a scalable and efficient education model for efficiently assimilating tribes (Lomawaima, & McCarty, 2006). By 1902, Congress appropriated more funding to expand the system to twenty-six schools located across the nation (Szasz, 1999). However, Carlisle closed its doors in 1918 to become a military hospital that treated injured World War I veterans (Canby, 2005). Carlisle students were transferred to other boarding schools, or sent back to their reservations (Juneau, Flemming, & Foster, 2011, p.13).

The first academic critique of the federal educational services provided to tribes originated with the publication of the 1928 Report, *The Problem of Indian Administration*. *The Problem of Indian Administration*, conducted at the request of the United States Secretary of the Interior and authored by the Brookings Institute, was a survey study about the quality of federal services provided to tribes (Szasz, 1999). The Report investigated BIA, health, education, economic conditions, family and community, the problem of assimilation, and the impact of missionary activities (Szasz, 1999). The recommendations were built around correcting the problems of extreme inequity and disenfranchisement. The Report stated that the "most fundamental need in Indian education is a change in point of view" (Meriam, & Work, 1928, p.

346).

The Report advanced the idea that schools needed to be more welcoming toward culture in order better to support student learning—which was different from the previous anti-Indian policies (Hinton & Hale, 2001). Among other things, the Report argued that the education programs used to assimilate students were not effective because many students returned to their reservations after completing school and reemerged themselves into their tribal societies. The Report served as a catalyst to convince Congress to close a number of boarding schools, or to convert them into day schools (McCoy, 2005). It also "set the tone for a reform movement in Indian affairs" (Wilkinson, 2004, p. 11).

The attitudes of congress did not mirror the progressive findings presented in the *Problem with Indian Administration* report. In 1924 Congress enacted the Indian Citizenship Act, which permitted American Indians to obtain US Citizenship. However, in exchange for US citizenship, American Indians had to formally relinquish their tribal citizenship and their rights to federal services (Canby, 2006). American Indians fighting in wars or serving in the military did not get a choice in their citizenship status; those individuals automatically relinquished their tribal citizenship (Lemont, 2006). By 1934, Congress passed the Indian Reorganization Act (IRA), to introduce "a relatively specialized and secular governmental structures" into Indian Country (Alfred, 1999, p. 25). The IRA strongly encouraged (i.e., forced) tribal communities to adopt formalized governmental systems that reflected the democratic ideals and structures of the United States (Canby, 2006; Lemont, 2006). In viewing the IRA through the lens of administrative practicality, instituting a uniform governmental structure among tribes was a simplified way to streamline the decision-making processes and communication between the federal and tribal governments (Canby, 2006). However, the IRA also intended that tribal

groups adopt governance systems that (1) reflected western notions, and (2) diminished the presence and power of traditional forms of decision-making. During this period the federal government provided many tribes with boilerplate constitutions and forced them to adopt a governing board, which would later morph into the types of tribal institutions that are prominent in Indian Country today (Canby, 2006; Lemont, 2006). Approximately 181 tribal governments accepted the boilerplate constitutions provided by the IRA, while 77 tribal governments rejected them (Harvard Project on Economic Development, 2008, p. 19). Those tribal governments accepting the IRA constitutions resulted in a centralized governmental structure with a governing council and a president.

In 1934, Congress enacted the Johnson-O'Malley Act (JOA), to provide funding for basic educational services, and for American Indian students to attend public schools. The JOA put systems in place to require schools to solicit parental and tribal involvement (Davis, 2014). JOA sought to "achieve maximum Indian participation" (Camby, 2006, p. 1467) and "empower Indian people with their participatory rights" (Davis, 2014, p. 281). At the heart of the JOA was creating a "grassroots movement to legitimize the role" of American Indians in reservation schools and to represent the cultural needs of tribes (Davis, 2014, p. 282). Two years after its initial enactment, JOA was amended to add tribal governments and tribal organizations to the list of qualified service contractors eligible for JOA funding (Camby, 2006). Although assimilation continued to be the ultimate goal of the federal government, JOA represented a shift in policy with regard to the purpose of reservation education systems and the role of tribes in the system.

The 1960s brought a new Presidential Administration (which was more responsive toward tribal rights), a growing mainstream presence of American Indian activism, and a more favorable national mood toward bilingual education (Castile, 1998). The Kennedy and Johnson

Administrations resulted in a "new orientation to United States Indian policy" and "set the foundation for contemporary American Indian self-determination" (Clarkin, 2001, p. ix). The aim of self-determination was for the federal government to end the dependency of tribes on programs, by providing them with the legal authority and resources to self-govern better and to assume a greater role in the creation of policy and programs (Clarkin, 2001).

By 1960, when Morris Udall was confirmed as the Secretary of the Interior, his responsibilities included overseeing the tribal programs housed under the Bureau of Indian Affairs (Clarkin, 2001). Udall was a key personnel change for tribal interests in the administration, because he was focused on improving the programming provided to tribes, and he was extremely supportive of tribal self-determination. Udall's agenda included addressing the poor quality of education received by tribes, and the lack of tribal participation in shaping policy and programs (Clarkin, 2001). In 1961 the Congressional Subcommittee on Indian Affairs commissioned a task force to evaluate the quality of programming provided to tribes (Bureau of Indian Affairs, 1961). The taskforce held meetings with tribal governmental representatives from across the country and published the report *Indian Education: A National Tragedy—A National Challenge*. The Report made recommendations similar to the 1928 *Problem with Indian Administration* report, in that education needed to be more responsive to the cultural and linguistic differences prevalent among American Indian populations. It argued that the educational system had failed American Indian students, and the problems in the system were indicated by high drop-out rates and shockingly low achievement, in comparison to other racial groups (Committee on Labor and Public Welfare, 1969).

When Congress passed the 1964 Economic Opportunity Act, it provided funds to develop innovative educational programming in low-income areas (Castile, 1998). This funding aided

the Navajo government, educational activists, and academics in designing a tribally managed school (Lomawaima & McCarty, 2006). By the fall of 1966, the Rough Rock Demonstration School began enrolling Navajo students. Rough Rock was the first BIA school completely managed by a tribal government, with an all-Navajo board of directors, certified Navajo teachers, and the support of a number of academics working in American Indian studies (McCarty, 2002). Rough Rock was considered by participants inside and outside of the government as a highly successful school model, in part because of its focus on infusing Navajo language and culture into the curriculum, and on raising the achievement of its students (McCarty, 2002). Rough Rock was also key in showing politicians that a culturally responsive school model could be supportive of tribal language, and could raise the academic achievement of American Indian students. It also coupled the problem of achievement to schools being welcoming of tribal language and culture.

In 1968 the Navajo tribal council passed a resolution to open Diné College, the first tribally controlled reservation community college in the United States (Thompson, 1975). The college was housed in the same building as Rough Rock. Diné College was chartered and governed by regents appointed by the Navajo tribal council. The College offered several Associate of Arts degrees and certificate programs focused on enhancing the Navajo Nation human capital. By 1976, the College was the first tribal college to receive institutional accreditation. In 1998, the Diné College began offering a teacher education Bachelor of Arts degree, accredited by the University of Arizona in 1998 (Iverson, 2002).

The movement to reform education and federal policy strengthened with the founding of the American Indian Movement (AIM) in 1968 (Smith & Warrior, 1997). AIM (comprised of American Indian academics, scholars, and activists) focused on bringing public awareness to the injustices committed by the federal government against tribes, and on the gross social and

economic inequities suffered by American Indians (Deloria, 2010). The group's protesting

platform included alleviating poverty, strengthening tribal sovereignty, recognizing unfulfilled

treaty rights, and correcting educational inequities. In November of 1968, AIM protested the

federal government's the theft of land by occupying Alcatraz Island near San Francisco (Smith &

Warrior, 1997). The group held Alcatraz for nineteen months, under the claim that it was tribal

territory (Smith & Warrior, 1997). "President Richard Nixon was unwilling to negotiate with the

occupiers at Alcatraz, but refused to take the island by force because the national news media

appeared to be sympathetic with the Indians" (Deloria, 2010, p. 22). Ultimately, the Federal

Bureau of Investigation (FBI) ended the protest with the forcible removal of protesters (Smith &

Warrior, 1997). By the end of the Alcatraz protest, American Indians "had gained the national

spotlight" (Deloria, 2010, p.22). In 1972, AIM organized a march on the US Capital (known as

the Trail of Broken Treaties) (Deloria, 2010). "The Protest was an effort to capitalize on the

increased media coverage associated with the 1972 presidential campaign" (Deloria, 2010, p.

22).

    In February of 1973, AIM occupied Wounded Knee, a small town on the Pine Ridge

Indian Reservation in South Dakota (Smith & Warrior, 1997). The town was selected because of

its historical significance as the place where the 1890 genocide of American Indians by the U.S.

Army occurred (Johansen, 2013). Again, the protesters wanted to shed light on the violated

treaties between the federal government and tribes. The occupation lasted over seventy days, and

it ended in gun violence between FBI agents and AIM members (Deloria, 2010); several activists

and FBI agents were killed (Johansen, 2013). AIM viewed these causalities as further proof of

the corruption of the federal government (Johansen, 2013). Once again, the actions of AIM (and

the violent response of the federal government) brought nation-wide media coverage to the

incident and furthered public sympathy for the plight of American Indians (Deloria, 2010).

Several months after the Wounded Knee violence, Marlon Brando boycotted the 1973 Oscars

(and his win for his performance in the film *The Godfather*), in solidarity with American Indians.

Sacheen Littlefeather (an American Indian activist) spoke on Brando's behalf at the Oscars,

about the mistreatment of American Indians and the Wounded Knee incident (Johansen, 2013).

The "intellectual and political ferment of the late 1960s and early 1970s" resulted in the

birth of American Indian Studies programs at universities across the country (Kidwell, 2005, p.

3). Activist academics also played a pivotal role in reforming the academy to be receptive to

American Indian Studies programs. At the *First Conference of American Indian Scholars* in

1971, academics created a strategic plan for reforming federal policy and academia (Kidwell,

2005). Meanwhile, Vine Deloria published the satirical book *Custard Died for Your Sins: An*

Indian Manifesto. The text was celebrated for its honest and humorous critique of federal-tribal

relations and the research practices used to study tribes. The value of *Custard Died* would later

be demonstrated by its incorporation into the American Indian Studies literature cannon (Cook-

Lynn, 2007; Kidwell, 2005). The more influential aspects of *Custard Died* were its biting

evaluation of anthropological research. In the fourth chapter, titled *Anthropologists and Other*

Friends, Deloria remarked that "behind each policy and program with which Indians are

plagued, if traced completely back to its origin, stands an anthropologist. The fundamental of the

anthropologist is that people are objects for observation, people are then considered objects for

experimentation, for manipulation, and for eventual extinction" (Deloria, 1969, p. 81). Deloria

also argued that anthropology had crafted an image of American Indians based upon stereotypes,

and "white notions of Indianness" (Deloria, 1969). Furthermore, the anthropological research

derived from tribes was self-serving—only furthering the careers of researchers, not the interests

of tribes (Deloria, 1969). *Anthropologists and Other Friends* ignited protests among American Indian students within academia. In urban areas, protesting American Indian students united with local American Indian activists to push for university curriculum reforms, and to "challenge the academic enterprise to present Indians as real people rather than stereotypes" (Kidwell, 2005, p. 4). Soon after, American Indian Studies programs began to appear at non-tribal universities across the country. The curricular focus of these programs was to study the modern and historical "experiences of American Indians as a people separate from the Euro-American culture" (Snipp, 1995, p. 245), from the perspective of American Indians.

In 1970, the University of Hawaii at Hilo created the Native Hawaiian Language and Culture Bachelor of Arts degree, to increase the level of cultural understanding and language fluency among Native Hawaiians throughout the state (Francis & Reyhner, 2002). By 1982 the University of Hawaii program in Native Hawaiian language and culture graduated its first class of undergraduates (Francis & Reyhner, 2002). The program continued to grow, and by 1998 over 100 students were majoring in Native Hawaiian Studies (Francis & Reyhner, 2002).

The success of post-secondary Native Hawaiian language and culture programming prompted the development of a language and culture curriculum for K-12 schools. In 1987, the Hawaii State Department of Education approved the opening of an elementary and secondary Hawaiian immersion program (Beham & Cooper, 2008). These immersion schools attempted to develop students' identities by using curricula built upon the Native Hawaiian traditions, language and culture. The schools sought to teach students "traditional wisdom of the past in order to pass it on to the future" (Beham & Cooper, 2008, p. 39). During the school day, students engaged in total cultural and linguistic immersion, with the goal of creating a "positive attribute of one's life, where Hawaiian is the primary language of communication and learning"

(Beham & Cooper, 2008, p. 39).

By the early 1980s, several California tribal governments opened on-reservation bingo halls and hosted card games. The state of California attempted to prohibit on-reservation gambling on the basis that it violated state law. In 1987, the Supreme Court ruled in the California v. Capazon Band of Mission Indians that tribal governments had the inherent right to develop economically within reservation boundaries without state interference (Gretches, et al., 2005). Moreover, the right to develop economically including the ability to open reservation casinos. After this case, the subsequent Congressional action was to pass the Indian Gaming Regulatory Act (IGRA), which "diminished the scope of the Cabazon ruling, giving states a more significant role to pale in the regulation of Indian gaming" (Gretches, et al., 2005, p. 722). After the enactment of the IGRA, tribes seeking to open a casino were required to negotiate a state gaming compact with their respective state governments. These compacts outlined revenue sharing with the state, and the size and type of gaming establishment to be open.

The following year Congress passed the 1988 Tribally Controlled Schools Act (TCSA). The Act provided "grants for tribes to open or assume management of federal schools by achieving maximum control with minimal BIA intervention" (Beham, Cooper, 2008, p. 39). The same year as TCSA, the Native American Language Institute (NALI) held a conference on American Indian language endangerment and revitalization practices (Warhol, 2011; Hinton, & Hale, 2001). NALI attendees included tribal leaders, community activists, and academics from different fields, including linguistics, anthropology, and American Indian Studies (Warhol, 2011). A number of these attendees had been deeply involved with the creation of the Rough Rock Demonstration School (Hinton, & Hale, 2001; Warhol, 2011). The conversations among attendees resulted in a draft of a policy proposal that promoted the inclusion of language

revitalization programming in BIA and reservation public schools (Hinton, & Hale, 2001; Warhol, 2011). The conclusion of the NALI conference resulted in the first draft of the Native American Languages Act (NALA) (Hinton, & Hale, 2001; Warhol, 2011). In 1990, President George W. Bush signed NALA into law through an Executive Order (Szasz, 1999). Although NALA was enacted without funding appropriations, it was considered a victory for tribes because it was the first act to advocate for the inclusion of tribal languages in reservation schools.

December 2006 marked the passage of the Esther Martinez and Language Preservation Act (EMLP). The purpose of EMLP was to expand federal funding for language programming, in order "to ensure the survival and continuing vitality of Native American languages" (Esther Martinez and Language Preservation Act, 2006, p. 1), and to increase the culturally responsive efforts to better support American Indian academic achievement. EMLP made competitive grants available to tribes, through the Administration for Native Americans (ANA), in order to support tribal groups and other organizations in funding language and culture programs. In 2012, the ANA conducted an impact study of EMLP in preparation for its reauthorization. ANA found that EMLP was a success. EMLP resulted in the training of 178 language teachers, and in over four thousand tribal youth and adults increasing their tribal language knowledge and fluency (S. Rep. No. 113—266, 2014).

The American Indian achievement gap was again highlighted with the release of *The State of Education for Native Students* report in 2013. In the report, The Education Trust stated that "amidst all this progress, though, one group stands apart: Native students…Unlike achievement results for every other major ethnic group in the United States, those for Native students have remained nearly flat in recent years, and the gaps separating these students from

their white peers have actually widened" (The Education Trust, 2013, p. 3). The *State of Education* went on to highlight the prominent achievement and opportunity gaps of American Indian students as marked by higher dropout rates, lower NAEP scores, and lower college enrollment rates (The Education Trust, 2013). Although the information highlighted in the report was not new in comparison to other governmental reports about the shortcomings of American Indian education, it did revive the policy conversations about improving reservation education systems.

Summary and Chapter Preview

The take-away from this chapter is that the relationship between tribal and US governments was, and continues to be, adversarial. The policy histories of tribal governments and reservation schooling represent a battle for power of control, and a continual negotiation of contested political spaces. Tribal governments have always pushed the boundaries of their externally defined political powers, and they have advocated culturally responsive education practices. Alternatively, the federal government has enacted decades of policy to dismantle tribal governments and to smother their cultural differences. Tribal governments having a voice in policy conversations about reservation educational practices is a new trend. During the boarding school period, tribal governments had little input into the function and structures of schooling for their youth. The role of tribal governments in shaping reservation education began to change in the 1960s through the 1980s, as demonstrated by Rough Rock, Dine College, and the Hawaiian language and culture programming. Today, the role of tribes in reservation schools has increased dramatically; however, the system is still problematic, as demonstrated by the 2013 *State of Education for Native Students* report.

I argue that the shared policy history of tribal governments has influenced the appearance of tribal governmental institutions, as well as the types of educational policies they pursue. Namely, the desire of tribal governments to retain sovereignty and create a culturally responsive educational system may underlie the educational policy related decisions that tribal governments frequently make. Furthermore, the shared history may also influence the types of education that tribal governments find valuable and most needed for their communities.

The next chapter draws upon this background knowledge of the history of tribal governments and reservation schooling, to understand better the existing literature on tribal governments, and the context in which the literature was created. Chapter Three, titled *Literature Review of Tribal Governments*, provides an overview of the existing literature on tribal governments. Chapter Four, titled *Methods and Methodology*, provides an overview of the methods and theoretical lens of the dissertation.

CHAPTER 3: REVIEW OF THE LITERATURE ON TRIBAL GOVERNMENTS

This chapter presents the existing literature on tribal governments and establishes the importance of this dissertation to the larger body of work on tribal governments. The literature presented in this chapter illustrates (1) the structure of traditional and contemporary tribal governments, (2) how traditional and contemporary tribal governments make political decisions, and (3) the pressing societal needs that impact the political decisions of contemporary tribal governments. In order to build a strong understanding of the quality and diversity of the literature on tribal governments, it is also important to present a narrative about the progression of the discourse on tribal governments (in relation to the historical contexts in which these literatures were created). Some of the questions I asked while surveying the literature were, what are the trends in the literature about tribal governments? Who writes about tribal governments? How do academics write about tribal governments? What are the critiques of this body of literature? How might this dissertation contribute to the discourse on tribal governments?

In order to construct a literature review that captures the spirit of the discourse on tribal governments and their political processes, I carried out a digital literature search. Using Google Scholar, ProQuest, and the Education Resources Information Center (ERIC), I employed a targeted keyword search to uncover relevant pieces on (1) tribal governments, (2) tribal politics, (3) tribal governance programs, (4) tribal governmental institutions, (5) American Indian sovereignty, (6) tribal policy, and (7) tribal politics. I also examined the last ten years of the prominent American Indian focused-academic journals, including *American Indian Quarterly*, *Wicazo Sa Review Journal*, *Native American and Indigenous Studies Association*, *American Indian Culture and Research Journal*, *Journal of American Indian Education*, *Indigenous Law Journal*, *Indigenous Nations & Peoples Law*, *Indigenous Nations Journal*, *Indigenous Policy*

Journal, *Tribal Law Journal*, and *the American Indian Law Review*. During the initial review of

the individual texts, I quickly sorted them according to the relevance of their abstract. The

studies that proved to be relevant to this dissertation were set aside for a closer reading. Next, I

looked at the methods and methodology used in the relevant texts. Through a closer reading, I

assessed these texts' quality (on the basis of the methods and methodological rigor). Using these

sorting methods, I was also able to disqualify studies that did not have rigorous methods, or did

not meet methodological standards, or fell outside the area of interest. I also referenced the

bibliographies of the relevant pieces in order to uncover more relevant literature. The most

relevant texts are discussed in this chapter.

What Are the Trends in the Literature on Tribal Governments?

I uncovered several themes during the literature review process. A significant swath of

the literature represents a handful of academic writing genres (i.e., historical accounts, rhetorical

and philosophical inquiries, and critical analyses). The most common methods used in this vein

of work are case study research, participant observation, ethnography, and document and

discourse analysis. The majority of the literature comes from four academic disciplines: history,

anthropology, law, and American Indian Studies. It is important to highlight that there is a newer

(and growing) body of work on tribal sovereignty in the area of critical race theory (Alfred,

2009; Anderson, 2007; Brayboy, 2005). I argue that the reasons for the dominance of these four

disciplines are (1) the role of anthropologists and historians in shaping the early academic

discourse on tribes, (2) the legalized status of tribal governments as quasi-sovereign nation

states, and (3) the impact of American Indian activism during the 1960s.[5]

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[5] See pages 21-25.

There is far more literature on the history, art, culture, religion, and identity of American Indian tribes than on the contemporary governments and politics. I also found that not all tribal governments have been studied equally. Only a handful of tribes have been intensely studied—even though there are hundreds of tribes across the United States (representing a diversity of social, political and cultural identities). Unfortunately, the tribes that have been well studied over the past several decades (e.g., the Oglala Sioux, Navajo Nation, Pueblo, and Hopi) tend to have similar characteristics (i.e., larger reservations, significant citizenship numbers, and complex governmental systems) that other tribes do not share. As a result, there is a lack of diversity in the amount of research on tribal governments, and on the diversity of the types of tribes that have been studied. Arguably, this lack of diversity impacts the case-to-case transferability of many aspects of the existing literature on tribal governments by this dissertation (about small tribal governments in California).

Thematically, I found that much of the literature about contemporary and traditional tribal governments is about these governments making (1) conscious decisions to adapt federally imposed systems, regulations, and policies to reflect tribal cultural values and societal needs, and (2) continued efforts to provide their citizens (i.e., their voting constituents) with quality governmental programs and services. These are not just themes, but rather they represent the reality of tribal governments. Moreover, the argument can be made that the themes of adaptation and quality programs may hold true in the realm of tribal educational policy, where tribal governments seek to create culturally and socially relevant educational policy to provide quality educational programs and services to their citizens.

Who Writes About Tribal Governments?

In the 1987 text *American Indians, Time and the Law*, Charles Wilkinson wrote that "the field of Indian law rests mainly on the old treaties and treaty substitutes. To understand them, one must reach back into aboriginal sovereignty and forward to the epochal changes that have occurred since in law and civilization" (Wilkinson, 1987, p. 120). I found Wilkinson's observation of the legal discipline to be accurate. Given the legalized status of tribal governments, the field of law plays a significant role in the academic discourse on tribal governments. At its core, the legal study of tribal governments is about analyzing power and about the negotiation of contested political spaces. It is also focused on analyzing the application of federal Indian policy, and documenting the way those policy ideologies have progressed across time. The literature presents the struggle of tribal governments to push the boundaries of their externally defined political powers (Canby, 2006; Castile, 1998; Champagne & Abu-Saad, 2003; Coffey & Tsosie, 2001; Deloria, 1984; Wilkenson, 2004). Meanwhile, the federal government is trying to quash those powers (Lomawaima & McCarty, 2006; Singer, 2002; Williams, 2006). As a result, there is a distinctive effort on the part of law academics to understand how tribal governments define and exercise sovereignty in accordance with their own unique cultural, social, and political ideologies (Coffey & Tsosie, 2001; Champagne, 2007; Deloria, 2005; Tso, 1989). There is also an interest in the literature in understanding the ways that tribal governments forge new governmental institutions to meet the changing needs of their communities (Cornell & Kalt, 1998; Fletcher, 2005; Frye, 2014; Kemper, 2013).

There is a long-standing legacy of anthropologists and historians researching tribal lifestyles, including their cultural, religious, language, and artistic practices (Deloria, 1969; Mihesuah, 1998). A common critique of historical writing is that it lacks Native perspectives,

because "each tribe, band or community has its own sovereign history, and these histories do not intersect" (Oritz, 1977, p. 17). Moreover, "overall, the complexity of American Indian life and reality has been underrepresented by scholars and writers" (Fixico, 1997, p. 102). For instance, one of the seminal works on California tribes is the *Handbook of the Indians of California*, published in 1925, which provides a wealth of information about the history of the language and culture of California tribes. However, the text incorrectly states that California tribal governments are non-political groups, connected only by a common language (Kroeber, 1925). In fact, later works found that California tribes actually maintained complex political systems (Bean & Vane, 1997).

Similar critiques have been made about the accuracy and value of anthropological research on tribes (Deloria, 1969; Biolsi & Zimmerman, 1997; Mihesuah, 1998; Snipp, 1995; Kidwell, 2005). As I read the anthropological research on tribal societies that pre-dated 1960, I found that these texts often utilized inappropriately intrusive data collection tactics. Sometimes, the information shared in some of these pieces felt too culturally sacred to be written about in an academic context. Additionally, I found that tribes were portrayed as primitive groups, lacking formal governmental institutions (Mihesuah, 1998). My interpretation of this early literature was that it furthered the paradigm of tribes as inferior, while re-affirming the researchers' assumed superiority of Western society. In many cases, these writings featured rich discussions of art and cultural and religious practices, without acknowledging the tribes' societal contexts. For example, works presenting religious practices present the practices of a particular religious ceremony without a picture of the role of the tribal society in shaping those practices. I found that a significant amount of early anthropological research had limited applicability to this study because of the overly simplistic view of tribal societies. In an effort to understand the early

literature on tribal governmental systems, I was forced to re-analyze these flawed pieces by looking beyond the biases to uncover relevant information about traditional tribal governments.

Contemporary research diverges from a lot of the attitudes of early work by being more aware of researcher bias and the manner in which tribes are presented in the literature (Biolsi & Zimmerman, 1997; Brayboy, 2005). Much of the current anthropological work focuses less on documenting culture and religious practices, and more on the current cultural and societal issues afflicting tribes, including language and culture revitalization and on-reservation economic development. The popularity of conducting research on tribes has been in decline since the 1970s (Biolsi & Zimmerman, 1997). This shift in focus has been to the higher level of academic criticism toward the past research practices of anthropologists, the rise of American Indian Studies, and the expansion of tribal Institutional Review Boards regulating research on-reservations (Biolsi & Zimmerman, 1997). American Indian activism has also shifted the way tribal governments are written about, and the voices present in the literature (Kidwell, 2005).

The emergence of American Indian Studies has challenged the anthropological and historical paradigms about tribes, and has resulted in a stronger representation of American Indian scholars in the discourse about tribal governments (Kidwell, 2005; Snipp, 1995). Current AIS literature offers a fair amount of analysis of tribal sovereignty, economic development, nation building, and political identity. This area of work is particularly valuable to this dissertation because it offers an American Indian perspective on tribal governments and the different ways tribal governments make political decisions with regard to governmental institutionalization (e.g., the creation of tribal courts, on-reservation business enterprises, and government programs). Unfortunately, the newness of this discipline means that there are still many aspects of tribal governments and governmental operations that have not been studied, or

that are grossly understudied.

The voices that comprise the discourse on tribal governments represent the work of several academic disciplines. This diverse collection of disciplines does not share the same research interests, terms, and theoretical and methodological perspectives for studying tribes. This diversity in the literature results in some inconsistencies in the way that the academic literature discusses and analyzes tribal governments. This diversity also means that some aspects of tribal societies are over-studied, while others are understudied. For instance, the body of literature on tribal political processes is extremely limited, whereas the available literature on educational policy development is non-existent.

How Do Academics Write about Tribal Governments?

Writing this section on traditional tribal governments and their political decision-making was a trying process to make the best of a bad situation. The difficulty of writing this literature review was that the amount of literature is extremely limited. In many cases, discussions about traditional tribal governments are embedded in larger historical accounts of a tribal society. Given that the focus of the text was not just tribal governments, but rather characteristics of the broader tribal society, tribal governments were discussed sporadically and in generalities. I came across several examples of 200+ page books discussing a tribe, in which only ten to fifteen of those pages were dedicated to the tribe's governmental structures. With the exception of a hand full of examples, I found myself digging through a collection of texts for discussions, or even mentions, of tribal leadership and decision-making. Few examples offered a rich enough discussion of traditional tribal governments to be meaningfully included in this section.

I also found that a lot of the literature on traditional tribal governments is decades old.

There are few newly published historical accounts of traditional tribal governments. I equate this trend to the progression of the academic study of American Indians (as described above, and highlighted in Chapter 2). Given the age of the literature on traditional tribal governments, much of the older literature exhibits racist, or at minimum extremely dated, beliefs about culture and the complexity of tribal societies (Bean & Vane, 1997). I also found older historical accounts of tribal societies that interpreted data through a western lens of family, gender, and politics—resulting in biased and inaccurate findings. These pieces were also flawed because their biases resulted in analyses of tribal governments that were too simplistic. In an effort to make the best of a less than ideal situation, I was forced to review this flawed literature in light of the context in which it was created, and to make an attempt to extrapolate the valuable information about traditional tribal governments to report in this section. Unfortunately, some pieces were too poisoned by biased ideologies (i.e., viewing tribal societies as insultingly simplistic) to offer any valuable information to this section. As a result, the available pool of literature that is most relevant to discuss in this section of the chapter is sparse. I argue that the existing work on traditional tribal societies is far from comprehensive. The major hole in the literature about tribal governments is the lack of new literature that features a more comprehensive and diverse understanding of race, and culture.

In the 1998 text *Family Matters, Tribal Affairs*, author Carter Revard used historical document analysis to understand the role of individual identity and family within Apache society. Revard argued that "for all the anthropologists can say about differences of high importance between cultures of plains, pueblo, woodlands, coastal and other tribes…there was such a thing as an 'Indian' way beneath the differences" (Revard, 1998, p. 137); specifically, there are societal commonalities among tribes. According to this text, traditional Apache society

was not centered on the needs of individuals, but rather on the connection of an individual to Apache society. Much of the Apache identity is rooted in their five hundred year old creation story, which outlines the birth of their people, the sacredness of their aboriginal territory, and the relationship of an individual to Apache society. The creation story also outlines the meaning of the names of the tribes and clans, thus creating a connection with the "cosmic through geologic to tribal, family, and then, only last and in full context, the individual" (Revard, 1998, p. 127). Individual histories are deeply connected to the broader tribal society histories and cultural and religious identities, as well as their traditional land base. Cultural practices (including ceremonial, religious, and normative) were a means to maintain societal and cosmic order (Revard, 1998). Participation in tribal culture brought an "ordered patterning that placed this person in a certain clear relation to kinfolk, to household tasks, to the working area and sacred areas" (Revard, 1998, p. 135).

Revard's work relates to this chapter's understanding of how traditional tribal governments functioned by highlighting the underlying norms and values governing the function of society. Apache citizens, brought up in a society with a value system, acknowledged and valued the interdependence of everyone in society. Moreover, individual interests came second to the needs of the society. For those elected to serve in the tribal government, their actions were likely influenced by their broader understanding of Apache society.

The 1989 book *American Indian Tribal Governments* echoes Revard's comments about tribal societies by arguing that "although tribes and their governments varied widely, to be a member of a tribe meant sharing a common bond of ancestry, kinship, language, culture, and political authority with other members" (O'Brien, 1989, p. 14). Moreover, "sovereignty is the force that binds a community together and represents the will of the people to act together as a

single entity" (O'Brien, 1989, p. 14). Although the structure and function of traditional tribal

governments varied from tribe to tribe, these governments were consistently determined by the

unique cultures and values of their respective societies (O'Brien, 1989).

According to O'Brien's analysis of traditional tribal governments, there was little

division between the political and religious worlds; rather, "political wisdom was synonymous

with religious power" (O'Brien, 1989, p.14). The religious value systems around harmony

influenced the role of the individual in the larger fabric of tribal society. Many tribal societies

operated by utilitarian principles—that the good of the tribe as a collective group superseded the

desires of the individual. A number of tribal governments functioned as decentralized democratic

systems, where political actors performed specific roles as defined by tribal cultural norms and

religious practices. Political actors were not the source of decision-making; rather, they were

beholden to the desires of their constituents. Political decisions were made through consensus

among tribal leadership as well as among tribal citizens. Thus, the political power of tribal

leaders was in their ability to persuade the citizens of the tribe. Tribal leaders were able to remain

in their governmental positions by maintaining community approval. Those political actors that

were unable to maintain community approval were removed from power.

The Iroquois Confederacy (a collection of five nations, including the Mohawk, Oneida,

Onodaga, Cayuga, and Seneca) was bounded together by a constitution forged in the 1500s

between the political leaders from these five tribal nations. The confederacy was comprised of

three branches of government, with each branch holding different powers within the government.

These branches provided the confederacy with checks and balances—similar to that of the

United States. This confederacy maintained the governing Council of Fifty Chiefs, which was

comprised of 10 representatives from each tribe. On a regular basis, these leaders would come

together to discuss political matters and make political decisions.

In the Iroquois Confederacy, women were not able to maintain formal leadership positions within the government. However, this is not to say that women did not play a sizable role in the function of government. Clan mothers (i.e., the oldest women in the family) were responsible for nominating politicians to the Council of Fifty Chiefs. Clan mothers would consult with other women in the clan to identify the men most "suited for leadership by virtue of their generosity, truthfulness, reliability, courage, and religious spirit" (O'Brien, 1989, p. 20). Those men nominated by the clan were forwarded to the Council for final approval. In cases in which an extremely young man was accepted to serve on to the Council, the clan mother would serve in his position on the council until he was mature enough to assume the leadership role. Clan mothers also had the ability to remove men from the Council. Clan mothers functioned as the judges when a political actor had committed an infraction.

In the 1986 text, *Spirit of the New England Tribes: Indian History and Folklore, 1620-1984*, William Simmons offered a different take on traditional tribal governmental structures from O'Brien's. It is important to note that the majority of the book is not about the New England tribal governments, but rather a broader historical account of these societies. According to Simmons' analysis, New England tribal governmental structures were monarchies where "title passed generally in the male line from father to son or from elder brother to younger brother—or to a daughter or sister in absence of male heirs" (Simons, 1986, p. 12). Simmons did cite that there were female political leaders among these tribes; however, the majority of these leaders were men. Unfortunately, Simmons did not provide an explanation of the presence of female leadership beyond that it was a discrepancy. Arguably, Simmons' interpretation of the process of selecting tribal leadership adheres to the western paradigms of politics and gender, as

demonstrated by his lack of attention to the political conditions resulting in the appointment of female tribal leaders. The role of tribal leaders was to head religious practices and ceremonies, allocate land and resources to citizens, and oversee diplomatic relations with surrounding tribes. The tribal leaders also oversaw commerce with other tribes, and mitigated grievances among tribal citizens within the tribe. Leaders made decisions through societal consensus, and leaders could be removed from power if the populous was unhappy with their performance.

The 1994 text, *Eagle Down is Our Law: Witsuwit'en Law, Feasts, and Land Claims*, authored by anthropologist Antonia Mills, is an ethnographic historical account of the Witsuwit'en political practices. The Witsuwit'en government was based upon a clan structure and a head leader. A significant characteristic of the political structure was the annual feasts, which brought together tribal leaders. "The institutions of the Witsuwit'en—namely clans, houses, and chiefly titles are integrally related to the feast system" (Mills, 1994, p.101). Clans would elect a leader to attend the feasts to represent the clan and conduct political negotiation on behalf of the clan. The feasts functioned as a cultural and religious exercise, but also as a means to have a leadership conference. During feasts, Witsuwit'en interacted with the political leaders from other tribes to establish peace agreements, settle grievances, and announce political successions within the tribal governments. The feasts were also a place to hold public events, such as weddings and funerals, and to announce inherences. For instance, when a husband passed-on, his wife brought his bones to the feast to announce publically his death, and formally to assume ownership of his assets.

The 1997 article *The California Culture Area* outlines the traditional structures of California tribal governments and society. There were several hundred tribes in California, and the territories of these tribes ranged from fifty miles to several thousand miles. Within tribal

territories, each tribe had a central town that served as its capital (Bean & Vane, 1997). Capitals served as the central location for hosting political, cultural, and religious events. Tribal governments within a close proximity would participate in joint rituals, political gatherings, and feasts (Bean & Vane, 1997). Tribes would use these events for military and trade alliances with neighboring tribes (Bean & Vane, 1997).

California tribal societies also maintained a rigid class structure based upon familial wealth and status (Bean & Vane, 1997). Powerful families within the tribe held political and important religious roles, and they controlled the distribution of wealth across the community. A family's power and influence was also determined by occupation (Bean & Vane, 1997). Families producing high-valued items held a privileged role in the economy. Political positions within these tribal governments were established through clans. The clans holding the highest status and wealth in society assumed political positions (Bean & Vane, 1997). These tribes were led by a chief, a vice chief, and a council (comprised of several older men) from prominent clans. The role of the council was to support the chief in making day-to-day decisions, and to communicate the desires of the citizens to the chief. The council also appointed people to temporary leadership positions. The role of the chief was to mitigate internal conflict and form political alliances with surrounding tribes (Bean & Vane, 1997). The role of the vice-chief was to make political appearances and manage rituals on behalf of the chief (Bean & Vane, 1997).

The themes prevalent in the literature described above are that traditional tribal governments were complex institutions, making political decisions based upon political actors, societal desires, and the norms and value systems of these tribal societies. My interpretation of the literature is that many tribal governments functioned as either centralized or decentralized democracies. These systems were built upon the social and cultural identities of these societies.

As a result, clan lines played a central role in determining the political actors who were in power. Granted, the role of clan lines functioned differently from tribe to tribe, but they still played a central role in governmental operations and the political decision making process. For the Apache, the function of their government was governed by their creation story—which outlined the roles of clans in governance. For the Iroquois Confederacy, the clan system was a branch of government that could check and balance political powers within the system, as well as vet future political actors and remove political actors from their governmental positions. Alternatively, the clan system among California tribal governments was built upon a rigid class system. Those clans holding the most cultural and financial wealth were most likely to assume leadership roles in the tribal government.

Clans also played a significant role in the governmental decision-making processes of traditional tribal governments. Generally, political actors elected by the tribe's clan systems were unable to make key political decisions without the support of their constituents. If politicians chose to make decisions without the support of their clans, the clan elders would remove them from power. As a result, the required skills of political actors in these systems were to understand the desires of the clans, and to convince these citizens of the most appropriate course of action. The process of understanding the desires of the clans and gaining the political support of new initiatives occurred through cultural events (i.e., feasts, and religious ceremonies). A good example of this process was the role of the Witsuwit'en feasts in governmental affairs. For the Witsuwit'en government, the feasts represented a time to come together for ceremonies, but equally important, it was a time to conduct business. Politicians would meet with clans, strengthen their political alliances with other tribal governments, and mitigate strife among clans. The feasts provided political actors with an opportunity to get a

sense of public opinion as well as to rally political support for certain initiatives.

The literature on traditional tribal governments and their political decision making processes gives insight into the function of contemporary tribal governments, because many aspects of traditional tribal governments are present in contemporary tribal governments. Namely, tribal political actors today are still beholden to their traditional cultural norms and clan systems. Although these cultural institutions and norms may not be referred to by the same terms among contemporary political actors, these continue to influence societal power. Along the same lines, traditional tribal governments functioned as democracies representing the interests of the people, not the individual. This is also present in the contemporary literature about tribal governments. Tribal political actors cannot make decisions without the support of the people. Political actors who do not maintain the support of the people are removed from power in a similar manner as traditional governments. However, the most powerful overarching theme of traditional and contemporary tribal governments is that these systems have always made, and continue to make, decisions to create high-quality government programs and services that are culturally responsive and that meet the needs of their citizens.

The difficulty in writing this section on contemporary tribal governments was that the amount of literature is extremely limited. This is not surprising, given that there are many aspects of tribal societies that are understudied. Much of the literature about contemporary tribal governments advocates that tribal governments better their societies by creating political systems that reflect tribal cultural values and needs. A significant percentage of the literature is about the importance of social, economic, and political investment in human capital development. Achieving this ideal described in the literature requires tribal governments to prioritize and

support particular forms of educational investments, in other words, create educational policy and programs. Although the importance of cultivating human capital is represented throughout the literature on contemporary tribal governments, there are not any studies about the ways that tribal governments generate educational policy and programs.

Today, "Native Communities in the United States, like all contemporary governments, are confronted with globalized markets, politics, and culture" (Champagne, 2006, p. 11). Contemporary tribal governments are tasked with the important responsibility of providing citizens with quality governmental programs and services (Champagne, 2006; Fletcher, 2005; Kemper, 2013). As a result, much of the current literature on contemporary tribal governments focuses on (1) the importance of sustained economic development (Cornell & Kalt, 1998; Cornell & Kalt, 2000; Stull, 1990; Frye, 2014; Light, & Rand, 2014), and (2) functional and culturally relevant governmental institutions (Coffey & Tsosie, 2001; Nagel, 1997). In this section, I have identified several strong pieces that illustrate the role of tribal governments in supporting the betterment of tribal societies.

In the political realm that intersects tribal governmental interests and federal policy makers, the most current policy problems faced by tribal governments center on empowering tribal governments to provide quality programs and services for their citizens. The 2013 *White House Tribal Nations Conference Progress Report* outlined the initiatives supported by the Obama administration to further tribal self-governance, by improving (1) economic development, (2) tribal justice systems, and (2) educational opportunities (Executive Office of the President, 2013). The National Congress of American Indians, a nonprofit organization that advocates the interests of tribal governments, reflects a similar policy platform by supporting initiatives that seek to increase economic development and employment, improve governmental

infrastructure, and provide tribes with expanded business financing opportunities (National Congress of American Indians, 2015). The Harvard Project on American Indian Economic Development (HPAIED) echoes similar initiatives as NCAI and the Executive Office of the President, about the importance of tribal governance in relation to community betterment. HPAIED, a research center within the Harvard John F. Kennedy School of Government, conducts research on tribes across the nation, to understand ways that tribes can foster sustained economic development. HPAIED's pedagogical stance is that tribal governments play a significant role in the success of reservations' economic development, specifically "for development to take hold, assertions of sovereignty must be backed by capable institutions of governance," and that tribal leadership and cultural responsiveness play a central role in economic development (Harvard Project on American Indian Economic Development, 2015).

One of the few quantitative studies on tribal governments is *Social and Economic Change on American Indian Reservations: A Databook of the US Censuses and the American Community Survey, 1990–2010*. The study, supported by a Senior Research Fellow from HPAIED and funded by the University of San Diego Research Center for the Sycuan Institute on Tribal Gaming, reported demographic information from the United States Census. Although the paper only reported descriptive data, it provided some valuable insights into contemporary tribal societies. According to the paper, over ninety percent of tribal governments maintain a gaming establishment (Akee & Jonathan, 2015). "Given revenue-sharing, intertribal gaming-device leasing (which transfers gaming revenues to nongaming tribes) and intertribal philanthropy, virtually every American Indian reservation may be affected to some degree by gaming operations" (Akee & Taylor, 2015, p. 6). Arguably, gaming funds are the source of a significant percentage of operating budgets for tribal governments, and the success of gaming impacts the

type and quality of services tribal governments are able to provide to their citizens. Although reservations' per capita income has risen since 1990, this income remains low in comparison to other racial groups (Akee & Jonathan, 2014). The study also stated that the "greater Indian control and economic self-sufficiency on reservations has been accompanied by rising social investment" (Akee & Jonathan, 2014, p. 11). These social investments include business ventures, tribal court systems, and constitutional reform (Akee & Jonathan, 2014). Tribal governments are also "making more-conventional investments in human and social capital," including funding for college, opening post-secondary institutions, and assuming a greater role in K-12 education (Akee & Jonathan, 2014, p. 11).

The 2008 text *The State of the Native Nations Conditions Under U.S. Politics of Self-Determination* parallels a number of trends highlighted in the *Social and Economic Change on American Indian Reservations* article. *The State of the Native Nations* is a collection of descriptive cases studies that thematically illustrate the day-to-day challenges faced by Native Nations, and it offers solutions to these challenges. The topics covered in the text include changing governmental structures, the need for coherent governmental systems, the relationship between tribal governments and nation building, and social and economic development. Tribal governments are the backbone of societal welfare and the success of economic development. The text argues that tribal governments are "as heterogeneous as the tribes themselves" (Harvard Project on Economic Development, 2008, p. 18). Tribal governments display a range of institutions that are on a spectrum of being more, or less, institutionalized. "Notwithstanding examples of continuity through history, the predominant forms of tribal governments in Indian Country are those that have been heavily influenced by U.S. federal policies and funding requirements" (Harvard Project on Economic Development, 2008, p. 19). The text argues that

although there is variation in tribal governmental structure, due to the 1934 IRA many governments are institutionalized with a governing council and a chairperson.

The presence of a strong tribal government reduces federal intervention, which is a positive outcome for tribal governments, given that tribal political actors are most attuned to the desires and needs of their citizens. A strong government empowers a tribe to "take advantage of federal legislation" and to expand their "scope of law and policymaking" (Harvard Project on Economic Development, 2008, p. 24). Alternatively, governmental "institutional weaknesses increase conflict not only within tribal communities but also among neighboring non-Indian communities who resent and resist the newfound tribal political powers" (Harvard Project on Economic Development, 2008, p. 26).

According to the text, the success of tribal governments hinges on their ability to design a governmental system that reflects tribal values while meeting the societal needs of the tribe. For many tribes, this is a struggle because these systems lack human capital, and they struggle with funding governmental institutions. It is vital for tribal governments to cultivate a workforce that is able to further tribal economic and political endeavors. As a result, educational investment becomes a key ingredient in strengthening governmental systems, because "a tribe can only be as successful and competent as their citizens" (Harvard Project on Economic Development, 2008, p. 132). Strategic investments in education are therefore important to their overall societal health. The text found that "most Native nations that have gained significant revenues from gaming and other economic ventures have poured dollars into education, investing in developing their own human capital" (Harvard Project on Economic Development, 2008, p. 213). Moreover, as the population becomes more educated, the reservation economy is able to provide those individuals jobs to return to the reservation and enhance the system with their knowledge end experience.

The close relationship between strong tribal governments and the importance of human capital development is echoed in the 2007 text, *Rebuilding Native Nations: Strategies for Governance and Economic Development*. The concept of Nation Building is where tribal governments act sovereign according to their own "decision-making power" (Cornell & Kalt, 2007, p. 19). The characteristics of Nation Building are that tribal governments make political decisions that are supported by organized and strong governmental institutions; these governmental institutions match the culture of the society, and political decisions are made strategically (Cornell & Kalt, 2007). Strong tribal governments are also marked by their stability, and their ability to manage day-to-day operations, by keeping decision-making powers "in the hands of elected leadership" Cornell & Kalt, 2007, p. 19).

The contemporary political decision making process hinges on the ability of tribal governments to meet contemporary societal needs with culturally relevant and functional governmental systems. The 2006 text *American Indian Constitutional Reform and the Rebuilding of Native Nations* discusses the overwhelming desire of tribal governments to establish sustainable forms of economic development, while sustaining tribal cultural values. However, many tribal governments are ill equipped to assume hands-on governmental roles. The text argues for having strong governmental structures that are culturally relevant and capable of supporting the needs of the tribal society. To achieve this, trial governments must "solve the crisis in tribal government organizations" (Champagne, 2006, p. 11), namely by designing a government that has built-in checks and balances among its governmental branches. Unfortunately many tribal governments lack checks and balances, and in fact, most of the political power is held in the governing council. Other branches of government are underdeveloped, including the executive and the judicial. Even in cases when those branches are

developed, without checks and balances the governing council cripples the power of these other branches of government. Constitutions play an important role in tribal governments because constitutions provide an over-arching governing document that is fixed and relatively not impacted by personnel changes in the governing council. It ensures that the political decision making process remains consistent and balanced across the government. Namely, the judicial and executive branches maintain a separate domain of power in relation to the governing council. It also ensures that tribal governments continue to reflect the desires and values of the tribal society. The process of designing a tribal government requires thoughtful attention to the needs of the tribe and the culture of the society.

A case study example of a tribal government designing an institution, based upon cultural values and needs, is the 2008 text *Arguing with Tradition: The Language of Law in Hopi Tribal Court*. In *Arguing with Tradition*, author Justin Richland presented a rich ethnography of the Hopi Indian Nation court system. This study is unique and one of the few examples of ethnographic work about tribal governmental institutions (Walsh, 2010). One of the reasons that there are only a few ethnographies like *Arguing with Tradition* is that tribes have chosen to restrict researcher access (Walsh, 2010). Richland gained access to the Hopi court because he was a clerk for the Hopi appellate court. Given Richland's relationship with the tribal government, he was able to be immersed in the court system, and he was equipped to write a thoughtful and accurate piece about this tribal court. Richland found that, although the concept of the Hopi court system is steeped in American notions of law, it is heavily influenced by Hopi cultural traditions, and notions of tradition shape the court's role in Hopi society. Richland argued that the infusion of Hopi culture was a conscious decision to make a culturally incongruent, externally imposed institution more suited to Hopi society. He also highlighted that

there are still conflicts between Hopi traditions and American notions of law, as demonstrated by the actions of the Hopi legal actors.

In the article, *American Indian Customary Law in the Modern Courts of American Indian Nations,* Justice Austin used document analysis methods to examine a collection of primary and secondary sources to understand the process that the Navajo Nation went through to infuse cultural, social, and linguistic traditions into their court system. The article covers the process that the Navajo Nation went through to distill their culture and values into written common and customary legal ordinances that could be applied to litigation. Austin also carefully described the process of admitting cultural testimony into court proceedings. The requirements to act as a Navajo court judge are to have legal experience, citizenship in the Navajo Nation, Dine language fluency, and an intimate knowledge of culture and traditions. Tribal courts are a part of the nation building process; they support tribes in cultivating culturally congruent governments, and they support the expansion of their sovereignty. Austin argued that the use of Navajo common law in its legal interpretation of current cases fosters an organization that furthers self-governance (Austin, 2009). Tribal courts are a part of the nation building process; they support tribes in cultivating culturally congruent governments, and they support the expansion of their sovereignty.

Other case studies and discourse analyses have similarly examined the unique ways that tribal governments have adapted to externally imposed governmental systems and regulations in hopes of bettering the needs of their communities (Florey, 2013; Hand, Hankes, & House, 2012; Nesper, 2007). There is also a large amount work describing of reemergence of traditional forms of dispute resolutions used within tribal courts (Austin, 2011; Pevar, 2012; Valencia-Weber, 1994), which is arguably a conscious effort to honor traditional forms of governance and

political decision-making.

How Might This Dissertation Contribute to the Discourse on Tribal Governments?

As I have said from the beginning of this chapter, the underlying themes of nearly all of the literature on tribal governments and political decision making are related to (1) developing culturally responsive systems, and (2) instituting governmental programs and services that seek to better society. These themes result from broader cultural and religious understandings of the relationship of individuals to their families, clans, and the history of the tribe. A clear need among contemporary tribal societies is for expanded governmental services and programs (i.e., court systems, social welfare programming, and economic development). Arguably, achieving these governance goals requires access to human capital. Developing human capital requires a conscious effort on the part of tribal governments to prioritize and support particular forms of education and training—in other words, to create educational policy and programs. This dissertation complements the literature by examining how tribal governments make educational-related policy decisions, specifically (1) the educational problems that tribal governments choose to prioritize, and (2) the political processes that these governments go through to create educational policy to mitigate their prioritized problems.

Summary and Chapter Preview

Chapter Four, titled *Methods and Methodology*, provides an overview of the methods and theoretical lens of the dissertation. The fifth chapter describes the unique political contexts of the two cases described in this study. Both chapters draw upon this background knowledge of the literature on tribal governments.

CHAPTER 4: RESEARCH DESIGN AND METHODS

This chapter outlines the methods and methodology of this case study of two tribal governments (i.e., the Grey Pomo of West River and the Pine Rancheria tribal governments), focusing on the educational policy development processes across the two cases. First, this chapter discusses the ways that the research design supported the collection of data to answer the research questions above, for instance, by outlining the case selection procedure that illustrates how the pool of California tribal governments was narrowed from one hundred and ten to two. This chapter also describes the procedures for recruiting participants within the Grey Pomo and the Pine Rancheria governments, and it describes the types of data that were collected (i.e., interview and document analysis). It also identifies the role of the researcher's subjectivity during the data collection process. This chapter outlines the study's epistemological approach (i.e., phenomenographic) to analyzing the data. It also covers the role of political theory in the research design and data analysis. Lastly, this chapter gives a contextual description of the Grey Pomo and Pine Rancheria tribal governments.

Honoring Tribal Sovereignty through Ethical Research Methods

Historically, researchers have mistreated tribes, by ignoring the political rights of tribal governments through conducting studies in a culturally inappropriate manner, or without permission (Deloria, 1997; Brayboy, 2006). This victimization of tribes by unethical researchers spans decades, and it has taken the form of completely disregarding and disrespecting tribes as sovereign nations (Deloria, 1997; Brayboy, 2006). Given the history of research conducted in tribal communities, this study was committed to being sensitive to that history and the political status of tribes, by using methods and a research framework that are rooted in a theoretical belief

that tribes are sovereign entities with the right to protect their political, social, religious, cultural, and economic interests. The implication of this belief that underlies this study is that the methods were intentionally designed to interact with these tribes as sovereign nation states—rather than as a typical organization (like a school, an office, or a non-profit organization). Interacting with tribes as sovereign nation states means respecting **all** tribal laws, norms, and values that speak, or indirectly speak, to how research is to be conducted within these governmental systems. Therefore, the government officials and council members represented in this study were interviewed only after the tribal council gave formal approval for this research to be conducted. The process for gaining formal approval from each case is described in detail below. Although gaining governmental approval from tribal councils proved to be a lengthy process, arguably this route was the only way to ensure that the tribal governments represented in this study were respected.

In addition to respecting sovereignty by approaching tribal governments for formal approval, I also respected the candor shared by many tribal council members and government officials about the experiences of their tribal government in the area of education policy creation. Along with this respect for sovereignty and the participation of the participants, I have chosen to give participants and the tribal governments pseudonyms. The use of pseudonyms is intended to protect the identity of the participants, and to mask the identity of the tribal governments. However, even with the application of pseudonyms, the description of the two cases that is provided below gives enough contextual information to understand the policy-making processes of these governments.

Case Selection

This dissertation is a comparative case study of the policy-making processes of two tribal governments (i.e., the Grey Pomo and the Pine Rancheria) located in California. In general, a case study method is used to "understand complex social phenomena" (Yin, 2003, p. 1). Examining multiple cases is done "in order to investigate a phenomenon, populations, or general condition" (Stake, 2000, p. 437). The study of multiple cases also adds validity and supports the generalizability of the findings to theory (Gomm, Hammersley, & Foster, 2000). For this dissertation, the phenomenon under study was the tribal government's political processes around creating educational policy. Given this, the case selection methods were also theory-driven (according to the Kingdon framework, as described in detail below). Theory-driven sampling seeks out "examples of a theoretical construct and thereby elaborates and examines it" (Miles & Huberman, 1994, p. 28). Thus, the sampling method for this dissertation focused on selecting two tribal governments that could provide insight into the propositions of Kingdon (i.e., examining governments that have (1) a council, (2) an education department, (3) an educational policy, and (3) youth that attend school off of the reservation).

There are 110 federally recognized tribes in California (Federal Register, 2014). The populations of these tribes range from one person to several thousand people (Tiller, 2006). The first stage of the case selection process was narrowing the pool of California tribal governments (N=110) by removing the tribes with populations that were too small to be relevant to this study. Unfortunately, the available data on the populations of individual tribes is dated. Using the population alone to narrow the pool of tribal governments was not appropriate. As a result, governmental institutionalism (e.g., the size and complexity of the government as determined by the number of council members and departments) was used as a proxy to denote the population

size of the community. Arguably, more complex government bureaucracies naturally serve larger communities, because larger communities have more significant social, political, and economic needs than smaller communities. For instance, a community with 4,000 members has a more extensive need for governmental services (such as emergency services) than a community that has 25 members.

To narrow the pool of California tribes, this study used a two-stage sampling method comprised of (1) the *discovery phase* and (2) the *focus phase*. The goal of the discovery phase was to conduct a landscape analysis of the tribes in California in order to gain general knowledge about their governmental structures and the types of educational policies they have enacted.[6] Conducting a landscape analysis included referencing tribal and city newspapers and websites, in order to get a larger understanding of the types of tribal governments that are currently operating within California. During the discovery phase, I kept track of potential cases by outlining basic demographic information about tribal governments (including location, contact information, governmental structure and size, and educational policies and programs).

From the information collected in the discovery phase, I narrowed the pool of potential cases to four tribes (two from Northern California and two from Southern California) that share similar governmental characteristics (as described above). My initial reasoning for selecting cases from Northern and Southern California was to allow for a representation of tribes from across the state. To create this pool of cases representing Northern and Southern California, I bisected California in half at the San Luis Obispo, Kern, and San Bernadino county lines. I refer to this line as the boundary between "Northern California" and "Southern California." Using the data collected during the discovery phase as a guide (which outlines the tribal governments'

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[6] See *Appendix 2: Educational Programs in California.*

demographic information), I narrowed the pool to four cases, with two located above and two

below the San Luis Obispo, Kern, and San Bernadino county lines (i.e., two cases from

"Northern California" and two cases from "Southern California").

Phase two of the selection process, the *focus phase*, included narrowing the pool of

potential cases to two, namely, selecting two cases that (1) represented the characteristics (as

described above) as determined by discovery phase, and that (2) provided formal approval from

the tribal council to participate in this study. The focus phase continued through the participant

recruitment process, because gaining approval from the tribal councils for the pool of four cases

took several months. The reason for this lengthy time period to receive approval was because (1)

three of the four tribal councils were holding elections at the time that I contacted them, (2)

government bureaucracy moves slowly, and (3) it took time to build rapport with tribal council

officials to gain approval. Tribal elections made it difficult to connect with the tribal chairman

and other council members in these four governments, because council members up for election

were preoccupied with campaigning for their position, were newly elected to their position, or

were leaving their position. Since tribal governments are sovereign (and therefore determine

their own election timelines and processes), it would have been difficult to anticipate this type of

roadblock prior to contacting these governments to participate in this study.

Bureaucracies move slowly—the same holds true for tribal governments. Using the

recruitment procedures described below, it often took eight to ten weeks for me to get on a tribal

council's meeting agenda (for them to hear and vote on participating in the study). All four

councils did approve participating in the study. However, there were significant differences in

the level of access that came with the tribal council's approval. Two of the four cases were

interested in participating in the study; however, their councils' approval came with a prescribed

low-level of access to the tribal council and government officials. For instance, one case gave approval, but would only allow one person to be interviewed. The other council would only allow two people to be interviewed. In these two cases, the data would be so limited that I could not meaningfully or ethically represent the policy processes of that tribal government in this dissertation.

The two remaining tribal governments (i.e., the Grey Pomo and the Pine Rancheria) from the pool of four cases were interested in participating in the study, and they provided high-level access. The high-level of access was defined by the ability to interview a number of officials and council members, and to have access to educational policy-related documents. It is important to highlight that the Pine Rancheria council provided me with a list of council members and government officials that I was permitted to interview. The Grey Pomo tribal council allowed me to interview whomever was interested in participating. The section below provides a more detailed discussion of the recruitment process within these two cases.

Participant Recruitment Process

This is a phenomenological study; this type of methodology "uses sampling which is idiographic, focusing on the individual or case study in order to understand the full complexity of the individual's experience" (Bailey, 1992, p. 30). As a result, this study relied heavily on the data generated from interviews with tribal council members and other political participants from the Grey Pomo and the Pine Rancheria tribal governments. The interviews focused on understanding each government's policy-making processes. Tribal council members were vital to interview because they are the elected officials responsible for prioritizing policy problems, setting the government policy agenda, and generating policy. Tribal council members are able to

provide valuable insights into the policy-making process. In addition to interviewing tribal

council members, this study also interviewed senior leadership from the tribal education

department, because they also have insight into the process and educational policy. Other

relevant government participants that were interviewed included personnel educational program

coordinators, outside government consultants, and leadership from other relevant departments

(e.g., economic development or strategic planning departments).

The sampling method for recruiting participants for this study was to obtain s*ufficient*

representation of the tribal officials (e.g., tribal council members and senior department

leadership) from the Grey Pomo and the Pine Rancheria. Sufficient representation is defined as

interviewing enough participants to reflect the population (Seidman, 2006). During the landscape

analysis, I found that California tribal councils range in size from three to twelve people. One

individual frequently leads the departments within tribal governments. This governmental

demographic trend held true for the Grey Pomo and the Pine Rancheria tribal governments.

Therefore, for each site I interviewed two to three political actors from the tribal council (as

described above), and one from each of the other areas of the government (e.g., the educational

department, and administrative support).

I recruited participants (i.e., tribal government officials) from the Grey Pomo and the

Pine Rancheria using the contact schema described below. During the *initial contact stage*, I

called tribal government offices in order to create a personal connection with the executive

secretaries within the selected tribal governments. In my experience, tribal executive secretaries

are the principal gatekeepers for the tribal council members and other high-level government

officials, because they manage the officials' calendars, and they author the agendas for council

meetings. Once I reached the executive secretaries over the phone, I explained the study and

asked targeted questions about gaining access to the tribal government officials. After the phone call, I moved to the *incentive stage*. The incentive stage was marked by the follow-up mailing of an invitational packet (which is comprised of the *Invitational Packet Letter to Tribal Government Contact Person*, and *Invitational Packet Letter to Potential Interviewees*) and a two-dollar bill to the executive secretaries. The purpose of the two-dollar bill was to incentivize the executive secretary (the contact person) to aid in delivering the invitational letters to all of the tribal council members. I choose a two-dollar bill as an incentive because it is a low-cost and memorable incentive item. The invitational packet contained (1) a two-dollar bill for the contact person, (2) a letter with instructions addressed to the executive secretary, and (3) individually addressed letters to all of the tribal council members in the tribal council. Once the invitational packet was delivered, I followed up with a phone call to the executive secretary. During the *government approval stage* (after the executive secretary delivered the letters to the tribal council members), the executive secretaries placed me on the tribal council meeting agenda. The Grey Pomo and the Pine Rancheria tribal councils met, discussed, and voted on participating in the study. Once the Pine Rancheria tribal council had approved my study, I was notified by the executive secretary of their approval and of the list of tribal officials that I was permitted to interview. In the case of Grey Pomo, the Chairwoman notified me about the approval of the research. During the *scheduling stage*, I asked the Grey Pomo Executive Secretary to schedule interviews with tribal officials. I also asked to get the potential interviewees' email and phone information to follow up with them. For Pine Rancheria, the Executive Secretary scheduled the meetings using the prescribed list of interviewees provided by the tribal council.

Once the participants agreed to be interviewed, I used an *in-depth interviewing* technique for engaging with tribal political actors. In-depth interviewing is marked by one-on-one

interaction between the interviewer and the participant (Johnson, 2002). This technique calls for interview procedures oriented around "uncovering personal matters, such as an individual's self-lived experiences, values and decisions" (Johnson, 2002, p. 103). In essence, this means learning the meaning of particular actions, understandings, and participation within the context of the participant's daily life. Simply stated, the concept of "in-depth" means mining for data that goes "beyond commonsense explanations for and other understandings of some cultural form, activity, event, place, or artifact" (Johnson, 2002, p. 106).

An in-depth interviewing technique hinges on the ability of the interviewer to "develop and build intimacy" with participants (Johnson, 2002, p. 103). To do this requires intentional planning and preparation (Johnson, 2002). I created an interview procedure and protocol that intentionally fosters intimacy (through interviewer-participant rapport), while gathering a deeper level of data from the participant. For each interview, I followed a semi-structured protocol, which outlined general questions. The protocol was used as a guide to ensure that all topics of interest were covered. The majority of the interview questions were open-ended. Structuring a protocol with open-ended interview questions allows the interviewer to explore the experiences of the participant within a given area of study (Seidman, 2006). To build rapport during the interview, I asked participants general questions about their professional background and experiences in the tribal government. The interview protocol was designed for each question to build on the preceding one. Structuring an interview protocol to move interview questions from a general to a more in depth level aids in getting more insight into the experiences of an interviewee (Seidman, 2006).

To build rapport during the interview, I also leveraged my knowledge of, and background experiences with, tribal governments. As an undergraduate at UC Berkeley, I worked with the

Native American Recruitment and Retention Center (NARRC). The Center specializes in recruiting low-income and first-generation Native students from across the United States. As the Community College Transfer Coordinator, I was highly involved in Bay Area American Indian activism. Throughout my undergraduate program, it was not unusual for me to attend multiple events related to the local Native community in a given week. I frequently attended cultural gatherings, protests, powwows, and honoring ceremonies throughout the Bay Area. After graduating from UC Berkeley, I spent a year living and teaching first grade on the Navajo reservation in New Mexico. In the fall of 2008, I was a first-year Master of Arts student in the UCLA American Indian Studies program. I belonged to the program track "law and tribal governance." A requirement of this focus was to work in the UCLA School of Law Tribal Legal Development Clinic (TLDC). My role in TLDC was to aid local California tribal governments in creating coherent and culturally appropriate legal ordinances to govern on-reservation activities.

In general, the interview procedures remained consistent across the two cases. At minimum, I interviewed each participant twice. The Grey Pomo Education Department Director was interviewed three times. All of the interviews were audio-recorded. Generally, interviews were with a single participant at a time. However, I found that this was not always possible due to scheduling constraints on the part of the participants; so two interviews had two people. All of the interviews took place over the telephone.

Document Collection Schema

"Interviews alone do not reveal all of the elements and nuances of policy inception" (Boggs, 2014, p.55). Additionally, "in-depth interviews rarely constitute the sole source of data

in research" (Johnson, 2002, p. 104). Therefore, this study also employed the information

provided through tribally generated documents and records. Records attest to formal transactions

(e.g., a law or policy) (Hodder, 2000). Documents serve more informational purposes, by

reporting less formal information (e.g., memos, and newsletters) (Hodder, 2000). In the tribal

government context, examples of documents are (1) annual reports, (2) newspapers or

newsletters, (3) educational program information for parents and students, and (4) long-term

strategic plans for government or education programs. Examples of records are (1) policy

documents, and (2) council meeting minutes. For the purposes of this study, all tribally generated

documents and records are called *tribal documents*.

Interviews and tribal websites served as the two main sources for gaining access to tribal

documents. Prior to interviewing any political actors from the selected tribal governments, I

examined the public resources available on the tribal websites. I also gained access to tribal

documents as I interviewed political actors. Without a doubt, the interviews led to conversations

about educationally related programs and policies. After those particular interviews, I requested

access to the internal documents discussed in those interviews (provided the documents and

records were non-sensitive in nature).

Data Analysis through Theory

Generally, a theoretical lens is an important component of the research framework of a

case study (Yin, 2002). To collect and analyze the data (in order to understand the processes that

tribal governments go through to develop educational policy), this dissertation used the 2010 text

Agendas, Alternatives and Public Policies, by John Kingdon, as its theoretical lens. As

demonstrated throughout this chapter (and throughout this dissertation), Kingdon's political

theory played an integral role in shaping the research design and analysis procedures of this study, because it is a dynamic theory that puts forth a number of ideas that are relevant to tribal contexts.

Kingdon views policy creation at the Federal level as a highly contextual process that is shaped by participants inside and outside of the government, and by the political climate. Kingdon outlined the process of crafting federal policy, including the way problems are defined and become part of the governmental agenda (or agenda setting), and how policy solutions to those problems (or agenda alternatives) are selected. According to Kingdon, the agenda is a list of issues that the government is paying attention to. Agenda setting is the process of narrowing the agenda to a shorter list of problems (or the decision agenda), and seeking alternatives to improve those problems.

"Problem recognition is critical to the agenda setting process" (Kingdon, 2010, p. 198). The government recognizes and defines problems as a result of indicators present in the system. "Indicators are used to assess the magnitude of the condition (e.g., the incidence of a disease or the cost of a program), and to discern changes in a condition" (Kingdon, 2010, p. 197). Indicators also suggest that governmental intervention is needed. However, indicators alone are not always sufficient for a problem to get recognized by government officials and to be placed on the agenda, let alone the decision agenda. Problems need to be pushed to get on the agenda; "that push is sometimes provided by a focusing event like a crisis or disaster that comes along to call attention to the problem" (Kingdon, 2010, p. 95). Focusing events have the ability to draw attention to a problem, and to put pressure on government participants to find a solution (Kingdon, 2010). As these problems are recognized and defined, they become part of the government agenda. However, an issue being placed on the agenda does not guarantee that an

agenda alternative will be selected. Once an issue gains a level of prominence on the agenda, and a number of variables are aligned (the process of variable alignment is outlined later in this chapter), politicians consider agenda alternatives (or solutions to the defined problem). Agenda alternatives come from many places, including participants outside of the government, such as academics and bureaucrats. The process of government participants shopping for agenda alternatives provides an opportunity for other participants (inside and outside of the government) to push their pet policy proposals as potential agenda alternatives.

There are three policy streams in the creation of policy, including the problem, politics (i.e., political circumstances), and policy proposals (i.e., solutions to the problem) (Kingdon, 2010). The problem stream is the path that an issue takes to get recognized by government participants as a problem. As discussed previously, indicators are used to identify and measure how pressing a problem is. Focusing events like a crisis, or a powerful symbol, bring attention to the condition and the severity of a problem. Conditions indicating the problem come to define the problem. Participants in the government learn about the problem through formal means (such as evaluations from existing programs) and informal means (complaints from constituents). The process of problem recognition by government participants leads to an issue rising on the agenda.

The second policy stream is the political circumstances surrounding the problem (or the politics stream). The politics stream "flows along according to [its] own dynamics" (Kingdon, 2010, p. 198). "Developments in this political sphere are powerful agenda setters" (Kingdon, 2010, p. 198). For example, a new presidential administration can bring to light new agenda items and can reprioritize existing agenda items. In the politics stream, agenda items shift to higher and lower priorities based on the number of variables, including perceptions of the

national mood, changes in administration, and shifts in congressional ideologies.

The policy proposal stream generates policy proposals to be considered as agenda alternatives (i.e., the policy solutions considered to solve defined problems) for the decision agenda. Kingdon described the policy proposal stream as a primeval soup in which policy proposal ideas float around among participants inside and outside of the government. These ideas "bump into one another, encountering new ideas and forming combinations and recombinations" (Kingdon, 2010, p. 200). In this primeval soup, policy proposals fade and come into prominence. The criteria for a policy proposal to become an agenda alternative are based upon its technical feasibility and budget (can the proposal be reasonably implemented), public acceptability, and political support (Kingdon, 2010). Proposals that are evaluated as politically supported, feasible, and appropriate agenda alternatives survive in the soup until a policy window opens (i.e., an opportunity for a proposal to be pushed), so that government participants can consider the proposal as an agenda alterative to a problem on the decision agenda.

When the three policy streams (problems, politics, and policy proposals) come together, it "dramatically enhances the odds that a subject will become firmly fixed on the decision agenda" (Kingdon, 2010, p. 202). The decision agenda is a shortened list of problems from the agenda that the government is actively seeing agenda alternatives for. Thus the emergence of the three streams creates a policy window for participants inside and outside of the government to "push their pet solutions" (Kingdon, 2010, p. 203) into becoming policy. *Figure 1* illustrates the results of the three policy streams coming together:
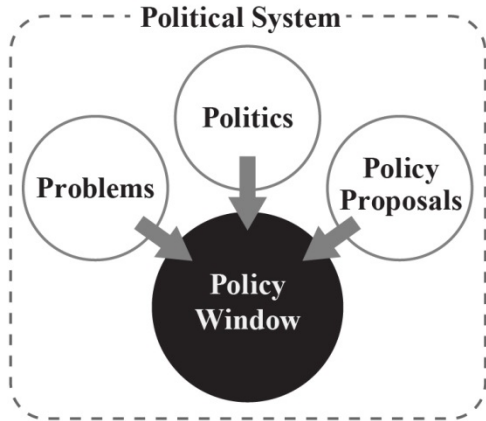
Figure 1. The Merging of the Three Policy Streams.

In summary, I used Kingdon's conceptual framework as a guide to analyzing the

processes that tribal governments go through to create educational policy.[7] Kingdon served as a

lens to examine the case study data—including recognizing the similarities and differences

between Kingdon's view of the federal policy-making process and the tribal governments'

policy-making processes, specifically, the way political actors in a tribal government recognize

indicators in the system and define educational problems. Additionally, how they determine

which of these problems are pressing enough to be placed on the government's decision agenda,

and the manner in which they consider agenda alternatives, was addressed.

Data Analysis Procedures

All interviews were recorded and transcribed. Using the theoretical propositions of

Kingdon (as described above) as a guide, I analyzed the interview data line-by-line for (1) events

(e.g., tangible procedures around policy development and enactment), and (2) the verbal

behavior of the participant (e.g., the manner in which concepts, themes and processes were

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[7] See *Table 2: Theoretical Framework of Concepts* in the Appendix.

described).[8] Using a theoretical orientation to drive data analysis "helps focus attention on certain data and to ignore other data" (Yin, 2003, p. 112). The purpose of this analytic schema was to draw out relevant themes within each interview, as well as to identify the patterns present across interviews and cases. This method focused the analysis around understanding the policy-making processes of tribal governments.

Generally, documents are a valuable source of data because they provide added contexts for the experiences that the participants have (Bowen, 2009). Document analysis provides an opportunity; tribal documents were used to provide context for the tribal government, and policy-making processes were analyzed as a piece of material culture. The study of material culture is the interpretation of texts and artifacts within the context of production as well as the context in which the reader is reading it (Fairclough, 2003; Hodder, 2008). "Some material culture is designed specifically to be communicative and representational" (Hodder, 2000, p. 706). This analysis treated the tribal documents as artifacts that indicated a particular view of reality (Fairclough, 2003; Hodder, 2008). Documents provided context into the experiences of participants, and they aided in triangulating data to support the findings better (Bowen, 2009). In relation to this study, the tribal document analysis aided in corroborating the findings present in the interview data.

Using Kingdon as a means to construct preconceived categories (e.g., problem definitions, agenda, agenda alternatives, etc.), the tribal documents were analyzed at three levels. First, the documents were superficially examined by skimming their content. Documents that were found relevant to the research questions were kept, while documents that were less relevant were discarded. Next, documents were more closely read for broader themes that corresponded

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[8] See *Table 2: Theoretical Framework of Concepts* in the Appendix.

with the Kingdon table of concepts. This process of document analysis "combines elements of content analysis and thematic analysis" (Bowen, 2009, p. 32). The thematic analysis aspect of this process drew out relevant broad themes within the text (Bowen, 2009). Finally, the documents were read line-by-line in order to parse out relevant concepts and themes related to the policy-making processes of the Grey Pomo and the Pine Rancheria tribal governments, according to the theoretical lens.

Interpretation of Data

The "interview process and the interpretation of interview material must take into account how social and historical factors especially those associated with race mediate both meanings of questions that are asked and how those questions are answered" (Dunbar, Rodriguez & Parker, 2001, p. 280). Tribal governments are not a mainstream group. Although many of the participants were categorized under the general label of "politician" (thus sharing in some similar commonalities and experiences as politicians in other forms of government), they were in fact still culturally and socially distinctive communities. Therefore, the interview data could not be interpreted without recognizing the unique racial, kinship, political status, and history that these tribal governments shared as belonging to the broad category of "American Indians." Moreover, the interview data could not be wholly interpreted from a Westernized perspective on political processes. Although I used a theoretical framework that was built on American notions of politics, I still made a concerted effort to recognize the distinctiveness of tribal governments and the potential differences that might exist between tribal governments and other mainstream governmental institutions. Moreover, there were no other theories speaking to the political processes of tribal governments—leaving me with few options outside of mainstream political

theory.

"Too often, qualitative researchers have neglected discussions of the subjective lenses through which they view their research" (Dunbar, et. al, 2001, p. 283). I made a conscious effort to acknowledge my subjectivity in this area of research (e.g., understanding how my assumptions might shade my interpretations of the interview data); I also realized that because of my background and professional experiences, I have very strong opinions on certain topics within this subject area, including American Indian education and tribal governments. These strong opinions have the potential to make it difficult to see beyond my own beliefs about American Indians and tribal governments. Given my background, my subjectivity in this area of work was high. I had to work to temper my existing beliefs about tribal governments in order to examine the data in a reasonably unbiased manner.

Summary and Chapter Preview

Using Kingdon's theory of policy development as a conceptual framework for my analysis (and the methods described in this chapter), the following chapters discuss the contexts and policy making processes of the Pine Rancheria and Grey Pomo tribal governments in detail, present my findings, and provide an in-depth discussion of those findings. More specifically, chapter five presents the political and social contexts of the two cases. Chapter six examines the experiences of the two tribes around educational policy development, and the common themes across those two cases. Chapter seven digests and analyzes the political processes of these governments, using the Kingdon framework.

CHAPTER 5: CONTEXTUAL INFORMATION ON THE SELECTED TRIBAL GOVERNMENTS

An aerial view of the environments that the Grey Pomo of West River and the Pine Rancheria governments are operating in, and the ways that these environments shape their political processes, is invaluable knowledge. Without a deep understanding of the unique situations experienced by each of these two cases, it would be difficult to formulate a well-supported set of findings about the policy-making processes of the Grey Pomo and the Pine Rancheria governments, and to be able to generalize these findings to theory.

In order to provide the reader with a rich amount of insight into each of the two cases, this chapter presents contextual information about the Grey Pomo and the Pine Rancheria, including membership size, general information about the surrounding reservation community, the schools serving the tribal youth, and the reservation economy (i.e., the industries in which these two cases are engaged, and the businesses that they own).[9] Lastly, the chapter describes the governmental institutions (i.e., departments, and structure of the tribal council) of the cases. The role of this chapter in the broader goals of this dissertation is to present the background information on the two cases, in order to cultivate a deeper understanding of the themes discussed in the later chapters (such as how policy agenda items are selected, the ways that problems become recognized by the government, and how policy proposals flow through the tribal political systems).

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[9] The contextual information described in this chapter was gathered through interviews, document analysis, and tribal governmental websites. In order to protect the identity of the participating tribes, the citations that would identify participants have been omitted (i.e., references to tribal government websites, documentaries, news articles and digital documents).

<center>**Case 1: Grey Pomo of West River**</center>

History and Community

Throughout history, the Grey Pomo of West River government has struggled to defend their political and economic interests from external governmental forces. The contemporary story of the Grey Pomo government begins in 1907, when the federal government set aside territory for the landless band of the Grey Pomo of West River. Today, the Grey Pomo retain only a small portion of their reservation territory—about 60 acres. The reason for the smallness of the reservation is that the tribe was one of a number of California tribes that had their political rights (i.e., their status as a quasi-sovereign nation state) terminated by the federal government under the 1954 California Rancheria Termination Act.[10]

In 1960, the Bureau of Indian Affairs (BIA) developed a plan to re-allocate the Grey Pomo assets under the authority granted by the California Rancheria Termination Act. In 1961, the Secretary of the Interior approved the BIA's asset distribution plan to dismantle the tribe. However, the Grey Pomo fought against termination by filing a lawsuit in 1979. The core of the case was to present the tribe's grievance against the Federal government for wrongful termination of tribal rights, and to argue that these rights are inalienable rights. Even after their tribal rights were revoked, the Grey Pomo remained a coherent community, so much so that in 1980 the tribe elected their first council since having their tribal rights terminated in 1975. In 1983, the Grey Pomo won their lawsuit against the federal government; they regained their federal recognition, tribal rights, and a small portion of their reservation territory.

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[10] The 1954 California Rancheria Termination Act dissolved the tribal rights of 41 California tribes. The Bureau of Indian Affairs (BIA) redistributed tribal land assets to individual tribal members (Camby 2006). The tribal members that received redistributed land were no longer viewed as American Indian by the federal government. This Act resulted in a number of tribes losing their reservations and their federal recognition as a tribe. Through a series of legal battles during the 1960s and 1970s, many of these terminated tribes regained their federal recognition (Camby, 2006).

The tribe has a small population of 181 tribal members (of these members, 70 are under the age of 18). The tribe's reservation is located near the rural City of Upper Lake in Northern California. The City of Upper Lake, located next to a US National Forest, is 45 minutes north of the highly urbanized area of the San Francisco/Bay Area. The population of the City of Upper Lake is about 989 people; 3.14 percent of the Upper Lake population is American Indian. The annual median household income of the surrounding area (i.e., Lake County) is $38,145 dollars (United States Census Bureau, 2015). It is important to highlight that the median income for Lake County (the area that encompasses the Grey Pomo reservation) is nearly half of the annual median household income of California, which is $61,400 dollars (United States Census Bureau, 2015). Additionally, the unemployment rate in Lake County is 9.7 percent of the population (United States Census Bureau, 2015).

Schools Serving Grey Pomo Youth

There are no schools located on the Grey Pomo reservation. Grey Pomo youth are served by two small and rural public school districts located off of the reservation: (1) the Upper Lake High School District (comprised of a single high school and three alternative schools), and (2) the Upper Lake Union Elementary School District (comprised of a single elementary and middle school). These districts do not exclusively serve the Grey Pomo reservation, as a result, Grey Pomo youth are spread across several schools (i.e., each school enrolls a small number of Grey Pomo youth). These two districts maintain a total of six schools, including an elementary school, middle school, high school, and three alternative schools.

The Upper Lake High School District is the district that serves the majority of the Grey Pomo high-school aged students, and it is a recipient of Title 1 funding (Upper Lake High

School, 2015). The Upper Lake High School is in the first year of Program Improvement[11] (Upper Lake High School, 2015). In the 2012-2013 school year, 29 percent of students at the high school were proficient on the California Standardized Testing and Report (STAR)[12] exam in English-Language Arts, and 6 percent of students were proficient in Mathematics. Moreover, 36 percent of students were proficient in science and 27 percent of students were proficient in History-Social Science state standards. The Upper Lake High School has a 10.2 percent American Indian population. During the 2012-2013 school year, 4 percent of American Indians were proficient in English-Language Arts, and 7 percent were proficient in History-Social Science. On the 2012-2013 California High School Exit Exam (CASEE)[13], 26 percent of all of the Upper Lake High School students were proficient in English Language Arts and 21 percent of students were proficient in Mathematics. Unfortunately, zero percent of American Indian students were proficient on CHSEE (Upper Lake High School, 2015). .

The Upper Lake Middle School is located in the same district as the Upper Lake Elementary School (Upper Lake Union Elementary School District, 2015). The Upper Lake Middle School is a rural school that enrolls students in sixth through eighth grades (Upper Lake Union Elementary School District, 2015). Upper Lake Middle has also not made Adequate Yearly Progress in several years, and it is in its fourth year of Program Improvement (Upper Lake Union Elementary School District, 2015). The School has a population of 145 students, with about 120 of those students deemed socioeconomically disadvantaged (Upper Lake Union

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[11] In California, schools are placed in Program Improvement list because their students are determined to be underperforming according to California State Education Standards. The Program Improvement status seeks to identify schools and support improve student-learning outcomes, as measured by the California State Standards Testing, in the area of Math and English, and higher pass rates on the California High School Exit Exam (CASEE). Student proficiency is determined by the annual California Standards Test, which tests students up to eleventh grade on the California State Standards.

[12] California Standardized Testing and Report (STAR) test is given to students on an annual basis. The exam measures students' proficiency on California educational standards.

[13] The California High School Exit Exam (CASEE) is an education standards-based test that is given to all twelfth-grade students attending school in California.

Elementary School District, 2015). Like the Upper Lake High School, the Middle School also receives Title 1 funding for further support of their large low-income student population. Currently, there are 24 American Indian students enrolled in the School. The Middle School is academically struggling, according the students' performance on the STAR. During the 2012-2013 school year, 36 percent of the students were proficient in the California English Language Arts standards, and 25 percent of the students were proficient in the Mathematics standards. However, among the American Indian student population, only 11 percent of American Indian students were proficient on the English Language Arts standards. Additionally, only 15 percent of the American Indian population were proficient on the Mathematics standards.

The Upper Lake Elementary School serves students from Kindergarten through fifth grade. It is a rural school that has not made Adequate Yearly Progress in several years, and it has been in Program Improvement status since 2009 (Upper Lake Union Elementary School District, 2015). Upper Lake Elementary has 211 students enrolled, with about 181 of those students deemed socioeconomically disadvantaged (Upper Lake Union Elementary School District, 2015). Given that a significant percentage of the student population is low-income, the school receives Title 1 funding. The school has approximately 29 American Indian students enrolled. According to the STAR, in 2012-2013, 38 percent of all of the students at Upper Lake Elementary were proficient in the English language arts. Approximately, 34% of the American Indian student population were proficient in California reading standards as measured by the STAR. Moreover, 45% of the American Indian students were rated proficient on the mathematics standards as measured by the STAR (Upper Lake Union Elementary School District, 2015).

Grey Pomo Economy

Prior to 2012, the Grey Pomo had little economic development occurring on the reservation, and it was dependent on grant funding, volunteer work, and, in some instances, the donation of goods (i.e., food, clothes, and books) and services (i.e., discounted services, and use of facilities) from the surrounding, non-Native community. In 2011 the tribe put 11 acres into federal trust,[14] in order to build a casino on it. However, the process of opening of a casino was not without roadblocks. Before 2011, the tribe had unsuccessfully attempted to negotiate a gaming compact[15] with Governor Schwarzenegger. On January 7, 2010, Governor Schwarzenegger signed a gaming compact with the Grey Pomo with a number of stipulations— one of which was that California would receive a significant portion of the casino revenues. The gaming compact was submitted to the United States Department of the Interior for final approval, which would allow the tribe to break ground on the casino. Unfortunately, in August of 2010, the Department of the Interior rejected the gaming compact. The reason that the Department rejected the compact was that it was determined that the compact, as drafted, would result in a significant economic loss for the tribe because of California's requirements of demanding a large portion of the future gaming revenue.

After the Grey Pomo gaming compact was rejected, the tribe turned back to the drawing board to re-think their plans for opening a casino. Fortunately, there was a change in the California administration when governor Jerry Brown came into office in 2011. Governor Brown had a more positive perspective on tribal casinos than Governor Schwarzenegger, and a track

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[14] To "put land into trust" means that the United States government retains the legal title to the land; however, the tribe has legal rights to the benefits produced, or residing upon, that land (Camby, 2006).

[15] A gaming compact is an agreement between the state and the tribe that allowed the tribe to build a casino. Federal law requires that tribes negotiate a gaming compact with their respective states prior to building a casino. Federal law also requires that states must negotiate with tribes in a "good faith effort" (Camby, 2006). The good faith effort clause of the gaming compact regulation is to encourage states to negotiate fairly with tribes (Camby, 2006).

record of negotiating a fair gaming compact. In essence, the election of Governor Brown provided the Grey Pomo with a more favorable political climate to re-negotiate a new, and more profitable, gaming compact with California. Shortly after taking office, Brown signed the Grey Pomo's gaming compact. This same compact was later approved by the Department of the Interior.

On May 25, 2012, the Grey Pomo opened the Raging Brook Casino. The 33,000 square-foot casino provided 150 new jobs. Raging Brook was considered a modest casino in comparison to other tribal gaming operations in California. The opening of Raging Brook required the tribe to go into 30 million dollars of debt. According to Chairperson Fey, the debt was from (1) land purchases for the casino to reside on, (2) building the casino, and (3) the legal and legislative services required to negotiate the compact (multiple times). At the time of Raging Brook's opening, Chairperson Fey estimated that the casino would generate about 20 million dollars in profit annually for the tribe. This projected profit from the casino was going to be used to support tribal government operations, provide reservation jobs, and provide expanded governmental services for tribal members. Unfortunately, several neighboring tribes also negotiated gaming compacts, and opened casinos geographically near Raging Brook. Moreover, several of these other casinos were located in more high-traffic areas than Raging Brook. These new casinos flooded the market, and provided patrons with gaming options that were located in more convenient places than Raging Brook. The changing gaming market resulted in Raging Brook's actual profits being significantly lower than initially projected. Even with the revenues with Raging Brook, the Grey Pomo was still financially struggling and highly dependent on grant money and donations.

The less-than-expected gaming revenue from the Raging Brook led the tribe to seek

alternative forms of economic development. In 2013, the Grey Pomo joined a conglomerate of other tribes from across the nation, to open an online payday lending business. A tribal government official described the history of the online payday lending venture as a business that came about as a result of the tribal council members attending conferences and meetings related to tribal gaming. The tribe met with a Native American owned lending company that specializes in online payday lending. The payday lending proved to be very lucrative for the Grey Pomo. According to several tribal officials, their online payday lending business has provided a significant amount of the discretionary money available for the tribal government to re-invest in the reservation, and further to diversify the reservation economy.

Grey Pomo Government

The Grey Pomo government is directed by a constitution. The constitution was drafted by the tribal council and voted on by the tribal membership in 1998—just after the tribe regained its federal recognition. The way that the constitution is written delegates legislative authority to the tribal council over day-to-day operations and economic development affairs. The tribal council is made up of a Chairperson, Vice-Chairperson, Treasurer, Secretary, two Executive Council Members at Large positions, and one member at large—a total of seven members. The responsibilities of the tribal council are extensive because they are the principal body of the government that makes and enacts laws and policies that govern on-reservation activities.

Outside of the tribal council, the tribal government is comprised of several departments that execute tribal council policy and programs. The current departments operating in the Grey Pomo government include the Fiscal Office, Housing Department, Education Department, Enrollment Department, and Indian Child Welfare Act (ICWA) Advocate. The Education

Department is small—comprised of three people: the Director, Assistant Director, and a

Coordinator. Figure 1 below illustrates the governmental arrangement.
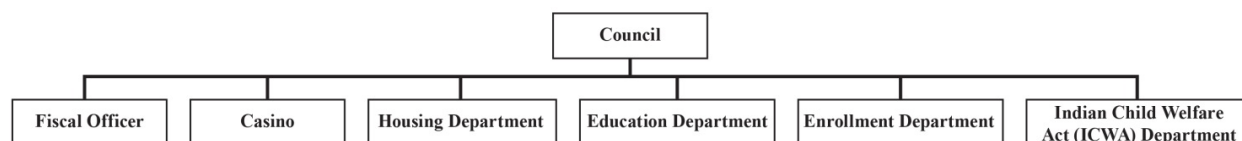
Figure 2. The Organizational Chart of the Grey Pomo of West River Government.

Case 2: Pine Rancheria

History and Community

In 1922, the federal government set aside land to provide a reservation for Pine

Rancheria. The tribal rights of Pine Rancheria were terminated, in July of 1956, through the 1954

California Termination Act. Following the termination, the reservation territory of Pine

Rancheria was dissolved by the Department of Interior. Land and assets were sold off to private

parties, or redistributed to tribal members (in order to promote private land ownership among

American Indians). According to Pine Rancheria, they were one of 17 other tribes that filed

lawsuits to regain federal recognition. In 1983, a California District Court of Appeals ruled that

Pine Rancheria, and several other California tribes, should regain their federal recognition and a

small portion of their previously held territories. Today, the Pine Rancheria is a small tribe of

about 300 members, with approximately 150 members under the age of 18.

Pine Rancheria is located near the rural City of Redding, California, and it is located

about three hours north of the highly urbanized area of the San Francisco/Bay Area. The

population of the City of Redding is 89,861. American Indians comprise 2.4 percent of the City's

population (United States Census Bureau, 2015). Shasta County, which surrounds the City of

Redding, has a population of 177,223. The median annual income for the City of Pine residents

is $44,614. In contrast, the median annual income of California is $61,400 dollars (United States

Census Bureau, 2015). The unemployment rate in the City of Redding is 14.7 percent (United States Census Bureau, 2015).

Schools Serving Pine Rancheria Youth

Youth attend school off of the reservation because there are no schools located on the reservation. The reservation is served by two school districts, Shasta Union High School District (which is comprised of four high schools) and Redding School District (which is comprised of four elementary schools and three middle schools). The Redding School District provides Pine Rancheria with two elementary and middle school options. These districts do not exclusively serve the Pine Rancheria reservation, and as a result, Pine Rancheria youth are spread across several schools (i.e., each school enrolls a small number of Pine Rancheria youth).

With the exception of a handful of students attending alternative schools, the majority of Pine Rancheria youth attend Shasta High School. Shasta High School is located in the City of Pine (Shasta Union High School District, 2015). The school has an enrollment of 1497 students across grades 9th through 12th; 34 percent of Shasta High School's students are low-income (Shasta Union High School District, 2015). During the 2012-2013 school year; 69 percent of the Shasta High students were proficient in English language arts content standards. 42 percent of its students were proficient in mathematics content standards; 67 percent of its students were proficient in science content standards; and 62 percent of Shasta students were proficient in history and social science content standards (Shasta Union High School District, 2015). School-wide, of the students taking CASEE, 72 percent were proficient in English language arts, and 73 percent were proficient in mathematics (Shasta Union High School District, 2015). American Indians comprise 4.7 percent of the Shasta High School student population. During the 2012-

2013 school year, 42 percent of the American Indian population was proficient on the English language arts content standards, and 23 percent of American Indians were proficient on the mathematics content standards (Shasta Union High School District, 2015). On the CASEE, American Indians were 38 percent proficient on the English language arts and 48 percent proficient on mathematics (Shasta Union High School District, 2015).

The majority of Pine Rancheria youth attend Sequoia Middle School. The Sequoia Middle School serves grades 6th through 8th, and it has an enrollment of 808 students; 53 percent of the student population is low-income, and as a result, Sequoia receives Title 1 funding. On the 2012-2013 STAR test, 63 percent of Sequoia students were proficient on the English language arts standards, and 56 percent of students were proficient on the mathematics standards (Pine School District, 2015). American Indians comprise 4 percent of the student population. On the 2012-2013 STAR test, 59 percent of American Indian students were proficient on the English language arts standards, and 53 percent of American Indian students were proficient on the mathematics standards (Pine School District, 2015).

The Pine Rancheria tribal youth have the choice of attending two elementary schools located near the reservation, (1) Bonny View Elementary School, and (2) Cyprus Elementary School. Bonny View elementary serves grades K through 5, and it has an enrollment of 286 students; 65 percent of the students are low-income, and as a result, Bonny View receives Title 1 funding (Pine School District, 2015). Bonny View did not make AYP for the 2012-2013 school year (Pine School District, 2015). According to the 2012-2013 STAR testing, 59 percent of the students were proficient in the English language arts standards, and 64 percent of students were proficient on the 2012-2013 STAR mathematics standards. American Indians comprise 7 percent of the school population; 33 percent of American Indians were proficient on the English

language arts standards, and 58 percent of American Indian students were proficient on the mathematics standards (Redding School District, 2015).

Pine Rancheria youth also attend Cypress Elementary School. Cypress Elementary School serves grades K through 5, and it has an enrollment of 252 students; 90 percent of its student population is low-income (Redding School District, 2015). Cypress did not make AYP in the 2012-2013 school year (Redding School District, 2015). According to the 2012-2013 STAR testing, 50 percent of the students were proficient on the English language arts standards, and 64 percent of students were proficient on the mathematics standards. American Indians comprise 5 percent of the student population (Redding School District, 2015). On the 2012-2013 STAR, 55 percent of American Indian students were proficient on the English language arts standards, and 48 percent of American Indian students were proficient on the mathematics standards (Redding School District, 2015).

Pine Rancheria Economy

The Pine Rancheria government maintains a number of businesses located on and off of the reservation. Previously, Pine Rancheria owned a storage unit facility. According to the interview data, the government chose to sell the business because it was not in alignment with their long term economic development plans. Currently, the tribe operates a large casino. Pine Rancheria also owns several off-reservation businesses, including a gas station and mini-market (called Red Rock Mini Mart), a fine dining restaurant, a Hotel, and an 18-hole golf course. Although the tribe owns a number of successful businesses, a significant amount of the tribal government's revenue comes from their on-reservation casino.

In 1993, the Pine Rancheria opened a 2.7 million dollar gaming establishment, known as

Red Rock Casino. To further the success of the Casino, the tribal government created the Pine Rancheria Economic Development Corporation (PREDCO), which oversees the casino (as well as other tribally owned businesses), and any economic development related strategic planning. From the Casino's initial opening, it proved wildly successful, and it provided the tribal government with the financial revenue to benefit tribal members with a number of programs and services.

In 2002, the tribal government elected to do a 32 million dollar expansion of the casino. According to the Redding Bee newspaper, the new 85,000-square-foot gambling facility would make Red Rock among the largest American Indian casino north of Sacramento. In May of 2008, the tribal government announced plans to invest 90 million dollars to expand the reservation casino into a resort that would feature a sports park, an aquatic center, a parking garage, a 2000 seat multipurpose center, and an expanded hotel. Unfortunately this large expansion plan was put on hold in 2009 due to the Economic Recession. During the Recession of 2008-2011, the Redding Bee reported that gambling at Red Rock dropped 30 percent.

Although the tribe is currently able adequately to fund the government programs and services for tribal members, since the Recession the tribal council and PREDCO have been "getting even more aggressive" in trying to diversify the tribally owned businesses. Additionally, the several members from the tribal government remarked that Pine Rancheria will soon have to renegotiate the gaming compact with California, and they feel that it is important to find a business venture that is capable of replacing those funds, should the compact negotiations with California go sour.

Pine Rancheria Government

Pine Rancheria government is comprised of several departments, and it is governed by a constitution. The tribal council authored the constitution, and it was voted on by the tribal membership in 1987. The way that the constitution is written delegates legislative authority to the tribal council. Effectively, the council is responsible for day-to-day operations and economic development affairs, and it remands judicial issues to the tribal court.

The structure of the Pine Rancheria government includes a governing tribal council comprised of six political actors, including two alternate members. The positions on the council include Chairperson, Vice-chairperson, Secretary, Treasurer, and two alternative members. The principal responsibility of the council is to generate policy and oversee tribal businesses (including a hotel, gas station, mini-mart, storage company, and casino). The tribal government also has an Executive Team comprised of three people (including the Chief Operations Officer, the Chief Executive Officer, and the Chief Financial Officer). This team oversees all of the administrative operations of the businesses and departments, including the Education Department. The Education Department is comprised of a Director and Assistant Director. Figure 2 that is listed below illustrates the governmental arrangement.
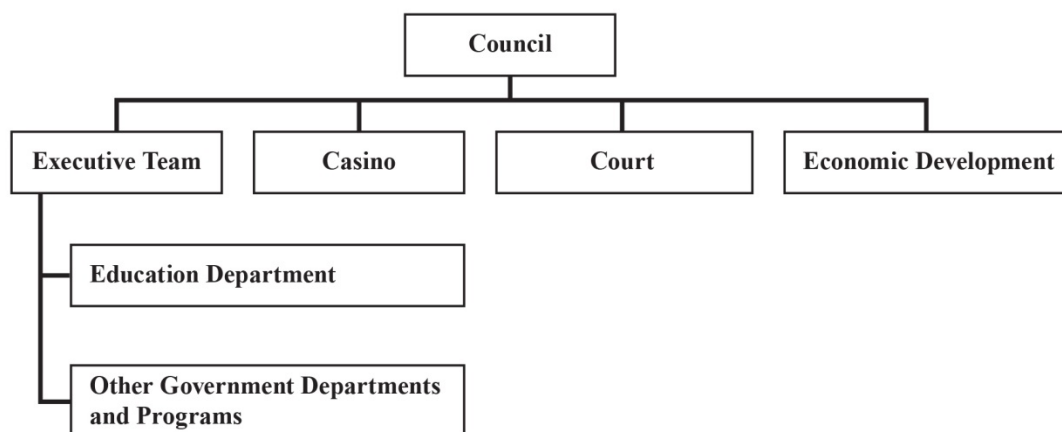
Figure 3. The Organizational Chart of the Pine Rancheria Government.

Concluding Thoughts: the Similarities and Differences among the
Grey Pomo and Pine Rancheria

The take away from this chapter is that tribal governments operate in different historical, social, and economic contexts—even if these governments superficially share in similar histories and governmental institutions, and participate in the same business industries. For instance, both Pine Rancheria and the Grey Pomo governments share similar historical interactions with the State of California, and they suffered in a similar way at the hands of federal policy (i.e., the Termination Act). Like many other California tribal governments, both tribes run gaming establishments. However, as the interviewees from both communities reported, the amounts of revenue produced from these two casinos are very different. Namely, not all casinos are equally profitable. The Grey Pomo maintains a casino that produces a modest amount of income. They also operate a payday lending business that produces some revenue to help pay for basic government operations. However, the Grey Pomo government struggles to fund many programs and services for their membership. As the Chairperson Fey described, the tribal government has regularly to make tough decisions based upon funding, and to "get creative" with putting on programs. The economic development experiences of the Pine Rancheria are very different from the Grey Pomo tribal government. Although the Recession significantly impacted the Pine Rancheria economy, the government is still capable of funding programs and services for their membership. Interviewees from the Pine Rancheria tribal government official described that the organization relies very little on grant funding. As described in more detail in the Findings Chapter, the issue of funding and its role in the policy-making process will be a theme throughout the chapter.

An interesting characteristic shared by these two tribes is that their tribal youth attend

underperforming schools (as determined by California education standards and testing measures). Two districts (the Upper Lake High School District, and Upper Lake Union Elementary School District) serve the Grey Pomo reservation. As discussed above, many of these schools have large populations of low-income students, and they receive Title 1 funding. STAR testing results indicate that the students from these schools display lower-rates of proficiency than other schools in California. For the American Indians enrolled in these schools, they score at even lower rates than the general school population. A number of Pine Rancheria youth also attend schools with large populations of low-income students—with some schools reaching student populations of 90 percent low-income. Several middle and elementary schools serving the Pine Rancheria youth have not achieved AYP in several years.

Arguably, the tribal youth from these two reservations may be receiving a less than high-quality education, and they have access to less school resources than youth attending other schools. What might tribal youth attending underperforming schools have to do with the tribal educational policy making-process? The answer is a lot. Both tribal governments expressed a desire to develop further economically, and to diversify economically. Strengthening an economy, regardless of size or location, requires access to a pool of human capital that is educated, skilled, and trained (Cornell, & Kalt, 1998). An economy that does not have access to high-quality workers can be stunted (Cornell, & Kalt, 1998). Arguably, the schools that educate the Grey Pomo and Pine Rancheria youth have the ability to constrain or expand the tribes' long-term access to human capital. If these schools are producing graduates that are ill-prepared to enter the workforce, or are unable to attend college, tribal access to human capital is diminished. In turn, the tribe might be forced to take policy-related actions to mitigate this educational problem, by creating educational policies focused on academic support.

Chapter Preview

The next chapter draws upon the background knowledge presented in this chapter in order to answer the previously described research questions. Chapter six, titled *Findings and Discussion*, presents the policy-making processes of these two cases based upon the interview data and tribal documents. This chapter includes a discussion about the ways that tribal governments set the decision agenda, recognize policy problems, and create and consider the policy proposals, and the ways that policy windows open for issues. Next, the seventh chapter delves into the themes of the data across the Grey Pomo and the Pine Rancheria governments, in order to use the experiences of these two cases to generalize these processes to theory about tribal governments.

CHAPTER 6: FINDINGS AND DISCUSSION

This chapter presents the findings from the Grey Pomo of West River data and from the Pine Rancheria data (including the interview data and the material-culture data collected from tribally generated documents). The chapter is split into two parts. The first part of the chapter presents a glimpse into the policy-making processes of the Grey Pomo and the Pine Rancheria governments, by providing a vignette of the process and the commonalities in the policy development processes across the two cases. The second part of the chapter presents and analyzes the findings of the policy-making processes for the Grey Pomo and Pine Rancheria governments.

The overarching research question of this study is, what are the processes that tribal governments go through to make educational policy, and to what extent do these processes differ across the two cases. *Part One* of the chapter is focused on understanding the extent to which the policy creation processes differ across the two cases. *Part Two* of the chapter is structured around the research questions:

1) What are the phases of educational policy development for each tribal government (e.g., identifying the problem, discussing the problem, locating a solution, and making a decision)?

2) How do educational problems come to be recognized by the tribal government?

3) How are these problems defined, and who defines them?

4) How do problems get prioritized on the tribal government's decision agenda?

5) Who generates agenda alternatives (i.e., policy proposals)?

6) How does a "policy window" open (i.e., opportunity to push proposals or attention to special problems) for an agenda alternative?

7) How is consensus reached in the tribal government around a particular agenda

alternative?

Following the discussion of the findings, this chapter concludes with a summary discussion of the findings and a preview of the Conclusion chapter.

Role of Theory in the Findings and Discussion Chapter

This study is built on the theoretical framework of John Kingdon, presented in the 2010 text *Agendas Alternatives and Public Policies*. Prior to delving into the findings, it is important to define the role of Kingdon's theoretical lens in this Chapter. This short commentary is different from the discussion of Kingdon's work in *Chapter 4: Research Design and Methods*, because this section speaks to the specific relationship of Kingdon's work to the findings and discussion of this Chapter. Generally, Kingdon's theory proved to be valuable in organizing the processes that tribal governments go through to generate educational policy for their community, because Kingdon sees this process as highly contextual, involving political actors throughout the government. Moreover, Kingdon asserted that policy enactment (i.e., the creation of a policy window) functions through three independent streams (i.e., problems, policy proposals and politics). In my work with the two cases, I found that the three policy streams played a role in the opening of a policy window. However for the two tribal governments, these streams function more sequentially (i.e., in phases), not independently (as described by Kingdon). I argue that the difference in the function of the three streams between Kingdon's work and this study of tribal governments is the low-complexity of the bureaucracies of the tribal governments in comparison to the federal government. The lower complexity of tribal political systems means that there are fewer stakeholders to consult about the educational policy development process (in comparison

to the federal government).

A more critical perspective on the applicability of Kingdon's theoretical framework to the political processes of tribal governments is about the role of political actors' individual interests in their political decision-making. An underlying assumption of Kingdon's theoretical framework is that political actors (i.e., politicians, lobbyists, civil servants, bureaucrats, and staffers) are participating in the political process with their own interests in mind (i.e., getting re-elected, climbing the political latter, pushing pet policy proposals, and expanding their political turf). Political actors making decisions based upon their self-interests do not always produce a political process that is focused on solving a policy problem.

For the tribal governments that participated in this study, the role of self-interest in the political process played out differently from Kingdon's theoretical lens. Arguably, this difference in the role of self-interest (between the tribes and the federal government) is related to a cultural difference in the way that individual political actors view their relationship to the broader society. For the political actors serving in the tribal governments who were interviewed, these individuals are bound by their familial ties to the society, by the painful history of marginalization, and by their longstanding fight for survival. Serving in a tribal government is a respected job, not for the status that comes with being elected or appointed, but by virtue of having the responsibility of furthering the tribal society. This is not to assert that tribal political actors never operate out of self-interest—that would be naive. Instead, I am asserting that the relationship of the tribal political actors to their government and society is deeply personal (i.e., cultural, linguistic, historical, and familial). Thus, political actors' participation in the tribal political process focuses not on furthering one's career, but on furthering one's society. By contrast, Kingdon's discussion of the function of political actors in the federal government does

not view these individual abiding by a deeply personal commitment to the society—a notable discrepancy when examining the data and discussing the findings of the two cases in this study.

This dissertation views Kingdon's theoretical lens as a means to organize the data and findings in a conceptually coherent manner. However, given the differences in size and function between tribal governments and the federal government, many aspects of this theoretical lens have been adapted to fit better the political contexts of tribal governments, because it would be inappropriate to apply carelessly the Kingdon theoretical lens without examining the philosophical and structural differences between tribal governments and the federal government. As a result, the Kingdon theoretical framework (i.e., concepts, process and definitions) has been adapted to fit the tribal governmental contexts. Moreover, the adaptation of Kingdon's work has been discussed in depth throughout the sections of this *Findings and Discussion* Chapter.

PART ONE

Glimpses into the Educational Policy Development Processes

The analysis of the tribal documents created a detailed picture of the types of programs and services that the Grey Pomo and the Pine Rancheria governments value, and the conversations with political actors from these two governments resulted in a rich dialogue about the policy development process. As a way to bring the tribal governmental policy-making process to life, I have presented a thick description of the enactment of an educational policy from each of the cases. Each vignette of policy development covers the process of problem recognition, agenda alternative, and policy enactment. The purpose of these two vignettes is to support the discussion of the similarities and difference among the policy-making processes of these tribal governments, in the subsequent sections of this chapter. Additionally, these vignettes

enhance the discussion of the findings outlined in this chapter.

Grey Pomo Policy Development Vignette

In approximately 2012, the Education Director of the Grey Pomo received a number of complaints from Grey Pomo citizens about the need for K-12 students to have access to computers in order to complete their schoolwork. The college-aged citizens attending universities also echoed similar concerns about technology access. The Education Director saw a general issue of technology access across school-aged students. She described the problem as related to academic achievement, because students who did not have regular access to a computer were having difficulty completing school assignments that required access to a computer (such as writing assignments, and assignments involving basic internet research on a topic).

In 2013, the Educational Director brought an agenda alternative to the Grey Pomo government, to provide all high school graduating seniors with an allowance to purchase a laptop. Given that this agenda alternative was the brainchild of the Education Director, she tasked herself with doing research on the costs of the program, and with developing a budget for the program. In 2014, the Grey Pomo government approved the Laptop Program. For the Grey Pomo, the Laptop Program was the first educational policy of its kind. The Educational Director and a couple of political actors from the council remarked that enacting the Laptop Program took multiple conversations and policy revisions between the Education Department and the council, in order to define the parameters within which students were eligible for a laptop. For the council, a major concern was also the budget for the Laptop Program, because it was one of the more expensive educational programs offered by the tribe. Kingdon described this back and

fourth process of battling against issues of budgetary constrains as a process in which "policy makers anticipate costs and revenues, and if necessary trim back initiatives to make them financially manageable" (Kingdon, 2010, p. 109).

The problem definition of equitable access to resources resulted in the enactment of the Laptop Program. The ability of the Laptop Program to be enacted among the Grey Pomo is in part because it is in alignment with the tribal government's value system about supporting tribal youth by providing added resources to ensure that they have access to an enriching childhood that has the potential to improve their life prospects. It is also in alignment with the tribal government's effort to work continually to cultivate human capital within their society. This policy relates to the larger narrative about the community being politically and economically prepared for the worse by developing human capital, because there is a known issue of low-academic achievement and high-drop out rates among Grey Pomo youth. Related to the issue of achievement is the issue of equitable access to technology. The concept of access was indicated in several different ways by the Education Director and by the educational and political actors from the tribal government. For instance, the struggle for access spanned from access to clothing, to having the ability to play sports. As the Chairwoman highlighted, there are special funds available to citizens from the tribal government to fund extra curricular activities, so that students are able to become more invested in their school attendance and academics, by participating in school and club sports. There was also a discussion of the struggle of younger tribal youth to have access to playgrounds and places to exercise—this need resulted in the creation of a partnership between a local gymnasium and the tribal government, through which young children are transported to the facility once a week to play for an hour.

Pine Rancheria Policy Development Vignette

Pine Rancheria offers an array of educational programming focused on college readiness, including after-school tutoring, standardized test preparation, support with the college application process, and financial support to defray the costs of attending college. For the purpose of this case analysis, I discuss the creation of the Standardized Test Preparation Support Program (STPSP). STPSP is an opportunity funded by the tribal government to provide college bound students who need to have required entrance exams, such as the SAT, ACT, and other graduate level tests (like the GRE, MCAT, and LSAT), with test tutoring opportunities and preparation courses.

Tribal members, including college-bound youth and their parents, find it difficult for tribal youth to find local test preparation courses. This is particularly problematic for students because the nearest test preparation course is located over an hour and a half away. Naturally, this distance to the nearest test preparation course places a hardship on high school students interested in applying to college. Although students are interested in enrolling in these preparation courses, they are unable to access them due to the distance. This places students at a disadvantage for college entrance exams, which creates a policy problem for the tribal government.

STPSP came about as a result of feedback from the tribal community regarding the unreasonable distance to the nearest test preparation course. Once the tribal government became aware of this problem, the tribal council began brainstorming solutions. The first proposed agenda alternative was paying for mileage associated with attending these test preparation courses. Although this solution proved to be lucrative to many tribal members, the tribal government found that offering mileage reimbursement was not enough to ensure that youth had

access to these test preparation courses. Tribal youth were still struggling with various problems of this particular agenda alternative, beyond just the transportation costs, including finding a reliable form of transportation, and making the commute several times a week.

Once the tribal government became aware of the flaws of the mileage reimbursement agenda alternative (through community feedback), they revised the policy and began to offer test preparation courses after school at the tribal government offices, and funding for private test preparation tutoring that would be done at the students' leisure. This new agenda alternative proved to be successful because it provided tribal youth with an assortment of opportunities to receive test preparation tutoring.

There were two entities involved with the creation of STPSP, tribal political actors and the broader tribal community. Tribal political actors became aware of the problem of access to test preparation programs through feedback from the community. The community also served as a barometer for the "public mood" toward the larger problem of the lack of college readiness of tribal youth. The problem of access to test preparation courses in tutoring became defined according to the broader governmental desires to increase the number of tribal youth attending and graduating from college. As a result, the problem of access to test preparation moved to the top of the government's decision agenda. The perception of the tribal community's "public mood," in conjunction with the existing interest of tribal political actors in cultivating college readiness among tribal youth, created a window of opportunity for the creation of STPSP.[16]

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[16] During the interviews, the Pine Rancheria political actors did not indicate whether the STPSP had an effect on youth's SAT sores.

To What Extent Do the Policy Creation Processes Differ across the Two Cases?

The psychological literature describes emotional trauma resulting from a negatively

distressing event, which impacts an individual's behavior (Van der Kolk, 2003; Wilson, &

Keane, 2004; Gootzeit, & Markon, 2011). The changes in behavior as a result of a traumatic

event presents itself in a number of different ways—one of which is hypervigilance. Generally,

hypervigilance is defined as a psychological response to trauma in which an individual maintains

a heightened sense of alertness to potential threats that mirror, or tangentially remind the

individual of, the original traumatic event (Dalgleish, Moradi, Taghavi, Neshat-Doost & Yule,

2001; Horwitz, 1998).

Although these are clinical concepts that fall outside of the boundaries of this

dissertation, I would like to examine the experiences of tribal governments (as a collective

organization) in a different light, by applying the concepts of trauma and hypervigilance to the

experiences of the interviewed tribal governments. I believe the interview data illustrate a long

history of trauma for both tribal governments. Each of these governments displays (as an

organization) a sense of hypervigilance (as indicated by their discussion of their traumatic

histories and fear of repeating traumatic historical events). Moreover, the practice of

hypervigilance is conveyed through their views on strengthening governance, societal

betterment, and human capital development.

Many tribes share a similarly painful history around federal policy and federal-tribal

interactions.[17] This history illustrates a continual struggle on the part of tribal governments to

safeguard their sovereign status from state and federal impositions. The desire of tribal

governments to protect their governmental and societal interests (through economic self-

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[17] See the "Historical Overview" Section in *Chapter 2: Policy History of Reservation Education Systems and Tribal Governments*.

sufficiency, in order to provide expanded governmental programs and services to their citizens)

is also echoed throughout the literature on tribal governments. Similarly, the interview data from

the Grey Pomo and Pine Rancheria governments reflected (1) the negative impact of their

traumatic histories on the current function of their governments and societies, and (2) their desire

to protect their societal and governmental interests. There were several instances during the

interview process in which political actors discussed the impact of federal policy on the ability of

their government and society to flourish, by way of governance and economic development. The

political actors from the Pine Rancheria and the Grey Pomo governments also cited that the

human capital development of their citizens (i.e., teaching citizens about the tribe's culture,

history, and economy, and receiving secondary, vocational, and post-secondary education) is a

key ingredient in strengthening the tribal economy and government, and in insuring the future

health of the tribe. Political actors from both governments indicated that educational investments

(i.e., educational policy, programs, and services) were at the highest priority of their respective

governments' policy agendas. Arguably, the educational problems that are currently perceived as

most pressing by these two governments have been influenced by the history of their interactions

with the federal government.

Across the two cases, the interviews and document analysis data revealed that their

respective histories (i.e., political actors' conceptualization of the negative history of federal

policy and federal-tribal interactions) influenced the policy decisions of these governments.

Namely, the act of political actors remembering the tribal governments of history (i.e., discussing

the negative history through tribally produced documents and in interviews, and with tribal youth

during educational programming) functions as a reminder for political actors and citizens to be

prepared for the worst (i.e., work continuously to strengthen the society and government in order

to weather negative federal policy shifts). The political actors described their desire to prepare for the worst by leveraging policy decisions in order to cultivate human capital development.

For the Grey Pomo government, the importance of remembering history (i.e., the negative impact of federal policy and federal-tribal interactions on their society) is conveyed by its prominent placement on the homepage of the government website. The government homepage features a detailed account of the negative federal policy history as it relates to Grey Pomo government and society. This website description is accompanied by a PDF pamphlet titled The Tribe's History. The pamphlet, authored by the Grey Pomo government, outlines the history of the tribe, from pre-contact through the enactment of the California Rancheria Act, and the emergence of the contemporary governmental structure. The Tribe's History discusses the crippling effect of federal policy on tribal governance

In 1956 the federal government (California Rancheria Act) terminated forty-one California rancherias, of which Upper Lake Rancheria was one. In 1975 the Tribe filed a Federal lawsuit against the US, alleging that termination of the [Grey Pomo] Rancheria was unlawful. In 1983 the Tribe prevailed, and the federal court restored its federal recognition. The federal government proceeded to make policy decisions that delayed the Tribe's reorganization process, and prevented them from restoring their land. This, combined with lack of financial resources and unified tribal government, delayed the Tribe's move forward.

As illustrated by the quote above from The Tribe's History, the Grey Pomo government viewed the federal government as having a negative impact on the health and well being of the tribe. The quote "the federal government proceeded to make policy decisions that delayed the Tribe's reorganization process, and prevented them from restoring their land" portrays the federal

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government as the aggressor, making policy decisions intended to hinder the ability of the tribe to self-govern. In examining the website and the pamphlet as pieces of material culture produced by the actors within the tribal government, this quote provides deep insight into the perspective of the Grey Pomo government. It illustrates the pieces of history that the Grey Pomo find most important to acknowledge publicly (i.e., make a statement about this history and publish it on a platform that can be accessed by anyone), to themselves (as a society) and to any interested parties. It is also telling that the history of federal policy is told alongside the earlier history of the tribal society and culture--illustrating the importance and incorporation of this historical narrative in the larger Grey Pomo political identity.

The importance of historical remembrance was echoed by the Grey Pomo Chairwoman. During our interview, she recalled the history of the tribe being dissolved by the California Rancheria Act. She framed the impact of the Act as having a rippling effect on her tribe. When Congress enacted the California Rancheria Act, it declared the Grey Pomo (and a number of other California tribes) to be no longer American Indian. As a result, the Grey Pomo was stripped of its sovereign rights, political identity, and territory:

> Our tribe, like a lot of California tribes, went through various obstacles in their history. We were one that was subjected to the California Rancheria Act so we were terminated in the 50s. Prior to that, we had about 550, 560 acres in Upper Lake, first recognized in the early 1900s. So upon termination, you know...all the assets...were distributed amongst the recognized members at that time. (Grey Pomo of West River Political Actor, Personal Communication, May 17, 2014)

The Grey Pomo Chairwoman went on to describe the legal battle between the Grey Pomo and the federal government, in order to regain their tribal status:

A group of members banded together, sued the federal government for unlawful

termination. We won that suit in the early '80s and from '83 to '98 we attempted to

reorganize. (Grey Pomo of West River Political Actor, Personal Communication, May

17, 2014)

Once the Grey Pomo were reinstated as a tribe by the federal government,

Seven executive council members hit the ground running with trying to find a partner,

get funding in place, starting that effort to put land into trust because at that point,

because of termination, although we were, our status was reinstated, we were landless. So

without land, there is very little that you can do. (Grey Pomo of West River

Political Actor, Personal Communication, May 17, 2014)

As a result of the favorable case ruling, the Grey Pomo eventually had their tribal rights

reinstated by Congress. Unfortunately, the reservation land had been redistributed to individual

members during the implementation of the California Rancheria Act. When the tribe regained its

quasi-sovereign status, it lacked territory to govern—they were considered landless Indians. The

Grey Pomo remained without reservation territory for several years, until the Grey Pomo

government was able to purchase and place land into trust with the federal government. The

Grey Pomo Chairwoman went on to discuss the capacity and financial struggle for the Grey

Pomo to put governmental systems and economics in place, and to purchase land to put into

trust. For the Grey Pomo, the policy history of the tribe continued to impact their governmental

function, as well as their ability to develop economically, long after the enactment of the

California Rancheria Act. Given that the tribe did not regain its federal recognition until the late

1980s, this negative history is still fresh, and it is not easily forgotten by the Grey Pomo

government.

The homepage of the Pine Rancheria government website lists information about the governing council, the branches of government, the mission of the government, and a documentary about the history of the Pine Rancheria. The documentary, titled *With the Love of Our Ancestors*, retells the history of the interactions between the federal government and Pine Rancheria. The forty-five minute documentary outlines the pre-contact history of the Pine Rancheria, as well as the hardships endured by the tribe during implementation of the California Rancheria Act. In the documentary, tribal elders discussed their personal experiences and feelings of loss during the enactment of the California Rancheria Act. Several elders discussed the deplorable living conditions (i.e., lack of adequate housing, running water, and sewage), which resulted from the substandard services received by Pine Rancheria from the federal government. *With the Love of Our Ancestors* represents a personal historical account of the painful history, outlining loss and marginalization. When I asked the Pine Rancheria CEO and CFO about the purpose of having the documentary posted on the tribal government website, they responded that the documentary was to aid tribal citizens, and the larger non-Native community, in understanding the history of Pine Rancheria. In essence, the documentary, like the Grey Pomo pamphlet, is to ensure that the citizens and the government do not forget the impact that federal action had on their community.

The Pine Rancheria CEO also discussed the importance of tribal youth in understanding the history of the Pine Rancheria, and the impact of that history on the function of the Pine Rancheria government today. When asked what skills or knowledge Native youth need to be productive members of the tribe and government, the CEO responded with

Tribal community, tribal government, I think probably the history of the tribes and understanding how the tribal government works because it's not taught in any school and

each tribe is different...So I think teaching our tribal youth how our government runs,

what the role of the tribal council is, how our administration works so if they don't know

that...they'll struggle...[Being] a citizen of the tribal community is...knowing how your

tribal government works, the politics, and the history. (Pine Rancheria Political Actor,

Personal Communication, May 21, 2014)

The Grey Pomo and Pine Rancheria governments share similar histories of negative

interactions with the federal government. It is important to remember that these histories are not

from the distant past; rather, many of these events, particularly those surrounding the California

Rancheria Act, are fairly recent (i.e., in the last 30-40 years). Many of the political actors that

were interviewed had first-hand experiences, or their parents had direct experiences, with the

implementation of the California Rancheria Act. The visible role that this policy history plays in

the way that the Grey Pomo and Pine governments interact with this period of history is a

reminder to be prepared for the worst, which means to strengthen the society and government in

order better to weather future negative federal policy shifts.

The CEO and the COO expressed that the Pine Rancheria government will continue to

diversify economically. When asked to describe the Pine Rancheria's future economic plans, the

CEO and the COO described the goal of moving away from casino gaming revenue. These

political actors expressed the fear that gaming would not be a long-term economic solution

because of the political instability (i.e., changing federal policy attitudes toward tribal gaming) of

the gaming industry. As the CEO described,

I think I just see the tribe getting even more aggressive and trying to diverse, diversify

away from, not away from the casino but in conjunction, you know, so that we're not

relying totally on the casino. As the compact, because our compact right around the corner as far as having to renegotiate that at that time, you know, that we need to get those funds replaced in a different way. (Pine Rancheria Political Actor, Personal Communication, March 19, 2013)

This quote provides a glimpse into the way these actors think about the "next steps" that their tribal government needs to take in order to protect their interests, and to promote the betterment of their society, which includes being (1) strategic about business expansion and diversification, and (2) able to exercise sovereignty through economic stability.

The Grey Pomo Chairwoman echoed a similar view about the importance of economic development in supporting the needs of their community:

Federal aid....that's what our mainstay has been. And it's not until you actually have some kind of economic development opportunities that can supplement those sorts of programs that you really start addressing the needs of the full tribe, and not just, you know, what you're limited to in the way of grand funding. (Grey Pomo of West River Political Actor, Personal Communication, April 17, 2014)

The process of strengthening the Grey Pomo government, and bringing in funding to enhance services, requires difficult policy decisions:

It's not a cheap effort at all, putting land, you know, going through the process of land trust, the casino. The compacts—all of that is an enormous undertaking. So we started to look at other opportunities, internet based and we know, you know, become successful in some of them, and that's really helping us to prioritize the needs of our people and how we can use the revenues we have to move the tribe forward. To provide jobs. To provide

education. To provide the things, you know, that most folks take for granted. (Grey Pomo

of West River Political Actor, Personal Communication, April 17, 2014)

Human Capital Development Through Educational Policy

The Grey Pomo and Pine Rancheria governments focus on a set of similar educational

policy problems. Arguably, this similarity in educational policy may be related to their shared

history that influences their perceived need to work toward political and economic preparedness.

In the area of educational policy, the two governments are concerned with (1) the educational

quality received by their children (e.g., having access to technology, educational enrichment

programming, culturally responsive and academically focused childcare, after-school

programming and tutoring, and academic and financial support for post-secondary education

endeavors); (2) the impact of that educational quality on individual life prospects (i.e., the ability

of tribal citizens to graduate from high school, to be prepared for college, and to have access to

higher education); and (3) the impact of educational quality on the future economic and political

health of the tribe (i.e., cultivating a future workforce for the tribe, educating citizens,

strengthening the government with citizens having a specialized skill set in law, lobbying, and

business). All of the political actors interviewed touched on the relationship between educational

quality and the cultivation of human capital for the tribal society. The need for cultivating human

capital was reflected through the interviewees' ideological value of expanding tribal

governmental business enterprises, and protecting tribal sovereignty.

Among the political actors, the role of tribal youth is seen as a key piece in strengthening

the government and ensuring a positive economic future. In Pine Rancheria, tribal youth are

described as being an important factor in future economic endeavors. The COO described the role of youth:

> I think the education of tribal youth sort of leads to everything, economic development being one of them. I mean, if they're not educated and don't understand why you would want to diversify your businesses or how to even get there, then obviously that's not gonna happen...if they're not educated about those things, then we wouldn't be, our tribe may not move forward as fast as we want it to or, you know, or be as successful as we want them to be. (Pine Rancheria Political Actor, Personal Communication, March 19, 2013)

The COO described two types of knowledge in this quote. The first type of knowledge is that youth must learn a level of business savvy that equips them to understand what it takes to build on the success of an organization. This knowledge includes having a general grasp of "best business practices." The second type of knowledge expressed in this quote is that youth must be able to digest and apply general business knowledge to the tribal context. For example, applying business knowledge in the tribal context is different from using it in other circumstances. Additionally, the quote connects the knowledge of tribal youth to ensuring the welfare of the community.

The Grey Pomo council describes "education [as] a big priority." Moreover, the use of governmental revenue in a responsible manner to develop the capacity of the citizens is vital to cultivating a healthy society:

> We, I don't know if it's because we were late getting to the game but we've seen so many tribes, you know, give per capita revenues and then just fall a part when the economy has a downturn or another tribe opened a casino neighboring to them, and you

know, you've got a full generation of folks that have, that are not educated, completely

dependent on the revenues from their tribes and you have not helped your people at

all...we try to develop our folks and make sure they're well educated and productive and

have a job that's--that's really what it's all about. (Grey Pomo of West River

Political Actor, Personal Communication, April 14, 2014)

Pine Rancheria political actors expressed concerns about the quality of education that

tribal youth are receiving in their schools, as well as parents having an understanding of the

school system. Moreover, they expressed the need for better relationships between the tribal

government and the schools, and for fostering a culturally responsive classroom environment.

The COO related the lack of college readiness to the difficulties of youth in meeting the basic

college requirements:

I think an issue in general is just keeping kids in the classes that they need to, to go on to

college...So the big discussion up here is, you know, once you're a freshman,

everybody's in college prep but then when it gets, we go through high school and we're

not in the classes that allow us to go on to college. We have to go to a JC or

remedial just to get caught up, you know, to go to college and then you don't do it

because by then, you're so far behind. (Pine Rancheria Political Actor, Personal

Communication, March 19, 2013)

The COO highlighted larger inequities in the system around planning for college. Without the

correct classes, tribal youth are at a disadvantage in gaining admission into a university. The

CFO related this inequity to parents' lack of knowledge about college readiness:

In our case, we've got a lot of parents who haven't been to school, or been to college so they don't know. So I don't know whose job that is to educate them, if it's the schools. I think it's counselors, high school counselors in the school is a big problem too. (Pine Rancheria Political Actor, Personal Communication, March 19, 2013)

Arguably this inequity has the potential to have a long-term impact on the human capital development efforts of Pine Rancheria.

The Grey Pomo council discussed the struggle of ensuring that their tribal youth have access to basic resources to be successful in schools:

One of the other small programs that we have, we also recognize some of the families, particularly in this community are relatively poor, and so we provide, you know, assistance with school clothes for grade school kids...just for the self-esteem aspect. (Grey Pomo of West River, Personal Communication, March 14, 2014)

The Grey Pomo also places value on the ability of high school students to engage in enrichment programming to motivate tribal youth's interest in school and their access to technology to support their school work:

We've sponsored local high school programs. I think that their junior, I don't know, junior [basket] ball and I think middle school their computer workroom, we've added some computers there. (Grey Pomo of West River Political Actor, Personal Communication, March 14, 2014)

All of the political actors interviewed indicated that quality education for tribal youth should include a stronger relationship between the tribal government and local schools. Many of the tribal political actors expressed a level of difficulty in developing a relationship with local

schools for the purpose of supporting student academic achievement. In the majority of cases, it was unclear about what was the principal reason for the difficulty. For Pine Rancheria, one cause for the lack of a relationship between the tribe and the school is due to logistics. Students are spread across three small districts, with each school having only a handful of tribal youth. As a result, schools are sometimes unaware that they have tribal youth in their schools. The CFO also described the opposite experiences, where the school becomes aware of a tribal member:

> And then other than that, I think because by virtue that we're in a small town, I think that we'll sort of get wind that a tribal member kid, you know, is at their school and that can be good and bad. You know, depending on the perceptions that they think about the tribe. (Pine Rancheria Political Actor, Personal Communication, March 19, 2013)

The CFO continued by describing that the general perception of the tribal government is both positive and negative, due to the success of the tribal businesses, including its casino. This perception might have an impact on the tribal government's relationship with local schools. However, she also went on to describe a positive experience with a local charter school that requested her to come into the school and talk about the tribal government and its history. She was also able to share the documentary on the tribe with the school, which was later shown to students. She stated that she has been going into the school and sharing about the tribal government for several years, and she enjoys it because the school is recognizing the presence of the tribe.

Although there is overlap in the types of problems that are recognized by these tribal governments as most pressing, these problems were defined differently, and consequently resulted in different types of policies. The ways that problems are defined and the types of proposals that are seen as viable options are greatly influenced by the political climate (i.e., the

goals of the administration, the financial stability of the government, and the types and number of tribal governmental business enterprises). The political stream heavily influences the dynamics and functions of the other two streams (i.e., the problems, and the policy proposals streams).

The problem stream appears to function simultaneously with the politics stream. However, the policy proposal stream does not come together until a problem has risen on the decision agenda. The reason for this phenomena is that tribal councils and bureaucrats working within these governments are often forced to address problems only after they "flair-up." There is not a lot of opportunity to reflect on policy problems in the system, or to predict problems and shop around for pet proposals to make to the tribal council. The function of these streams is influenced by fiscal instability and the vastness and complexity of the jobs held by each bureaucrat and council member.

PART TWO

What Are the Phases of Educational Policy Development?

The phases of educational policy development in the Grey Pomo and the Pine Rancheria governments reflect many aspects of Kingdon's view of policy development (i.e., the politics, policy, and problems streams). However, the policy development processes in these cases do not reflect all aspects of the Kingdon framework. The complexity and the number characteristics of policy development identified in this chapter are significantly less than Kingdon's theoretical framework outlines. This is not to assert that the phases of policy development within the Grey Pomo and Pine Rancheria are a simplistic process. Instead, the complexity (meaning the layers of policy development, and the number of political actors steeped in the process) is simplified (in

comparison to Kingdon) by virtue that the Grey Pomo and the Pine Rancheria governments are small organizations (i.e., a small number of departments, and a small number of political actors working within these departments).[18] However, much like Kingdon described,[19] the streams of policy development for the Grey Pomo and the Pine Rancheria flow similarly to the three policy streams (i.e., problems, policy proposals, and politics streams) described by Kingdon. For both cases, I found that there are five phases to the policy development process. Table 1, titled *Phases of the Grey Pomo and the Pine Rancheria Policy Development Processes*, outlines the five phases of the policy development process, the description of each phase, and how the phases relate to Kingdon's three policy streams (i.e., problems, policy proposals, and political circumstances streams). Each phase (listed in Table 1) corresponds with one of Kingdon's three policy streams. The table frames the processes of policy development using the terms and definitions outlined in Kingdon's theory on policy-making:

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[18] See the *Grey Pomo Government*, and the *Pine Rancheria Government* Sections, in *Chapter 5: Contextual Information on the Selected Tribal Governments*.

[19] See the *Data Analysis Through Theory* Section in *Chapter 4: Research Design and Methods*.

Table 1. Phases of Tribal Governmental Policy Development

Policy Streams	Phase	Title	Characteristics of the Phase
Problems Stream	1	Problem Recognition	Political actors inside of the government become aware of a problem (as illustrated by an indicator in the system) that can be solved through policy.
Problems Stream	2	Problem Definition	Political actors inside of the government (i.e., council members, and Education Director) define the problem according to their understanding of the larger problems plaguing the society.
Policy Proposals Stream	3	Decision Agenda Placement	Political actors inside of the government define the importance and time sensitivity of the problem. Problems then are ranked on the decision agenda according to their perceived importance as defined by the political actors inside of the government.
Policy Proposals Stream	4	Responsive to Potential Agenda Alternatives	Once a problem has been placed on the decision agenda, the council is responsive to considering agenda alternatives. Alternatives come about through discussions between tribal council members, and from the Education Department.
Political Circumstances Stream	5	Evaluation, Adaptation & Enactment	Potential Agenda Alternatives are evaluated according to their acceptability to the value systems of the individual political actors and the broader aims of the government. Next, the potential Agenda Alternatives are selected. Once an Agenda Alternative has been selected, the selected Agenda Alternative is reviewed and revised among council members and the Education Director until consensus is met. Once consensus is met, the policy is voted on, and if approved, adopted as tribal law.

Table 1. Phases of the Tribal Governmental Policy Development describes the Phases of the Grey Pomo Policy Development Process. The framework is adapted from the 2010 text *Agendas, Alternatives and Public Policies* by John Kingdon.

Problem Stream, Phase 1: How Do Educational Problems Come To Be Recognized By The Tribal Government?

To reiterate Kingdon briefly, the *problems stream* is the process by which policy

problems in the system become recognized as a problem by the government. This phase is

marked by the act of political actors inside of the government becoming aware of a problem (as illustrated by an indicator, crisis, or symbol in the system). Problems that are recognized in the problem stream (see Table 1) are issues that can be solved through policy action—thus the focus of this stream is not to solve less than ideal situations, but rather policy problems that can be corrected through governmental action. According to Kingdon, "fairly often, problems come to the attention of governmental decision makers not through some sort of political pressure of perceptual slight of hand but because some more or less systematic indicator simply shows that there is a problem out there" (Kingdon, 2010, p. 90). Problems also surface through assessment and monitoring of programs, services, and activities (Kingdon, 2010). Moreover, "studies are often conducted on a particular problem at a given point in time, either by a government agency...such studies may also suggest a problem that might need governmental attention" (Kingdon, 2010, p. 91). Public opinion also influences the problem recognition process; it "can have either positive or negative effects. It might thrust some items onto the governmental agenda because the vast number of people interested in the issue would make it popular for vote-seeking politicians" (Kingdon, 2010, p. 65).

The Grey Pomo and the Pine Rancheria governments come to recognize problems in several different ways, including problems that are (1) reported by the tribal citizens to the tribal council, (2) recognized by individual tribal council members and reported to the rest of the council, (3) reported by the education department to the tribal council, (4) informally reported by tribal citizens to other areas of government, and (5) through programmatic monitoring and data collection by tribal governmental departments.

Grey Pomo problem recognition process. The *Problem Recognition Phase* (see Phase 1 described in Table 1) of the Grey Pomo educational policy development process focuses on

recognizing the problem in the system through monitoring participation in programming, and through surveys conducted by the tribal government. The Tribal Administrator for the Grey Pomo government describes the focus of his work as increasing communication between the tribal citizens and the government, in order to facilitate the development of more targeted governmental programs and services. The Tribal Administrator describes the process of cultivating an open line of communication between the tribal government and citizens as a serious policy problem:

> My goal this year has been to find a way to promote communication between the tribal council and members. It has been the Achilles Heel of the government. It is hard to get them to say what they want and what is on their minds. It's the million dollar question for the council...We can't help if we don't know what they need. (Grey Pomo of West River Political Actor, Personal Communication, May 14, 2014)

Often, the Tribal Administrator finds himself in the role of communicating problems from the citizens to the council:

> The membership uses me as a conduit. Everyone has different needs and now that we have opportunities [with the casino] with economic development, we are looking at what we can realistically do to help our people...We need to help our people but we are trying to figure out what that really means. (Grey Pomo of West River Political Actor, Personal Communication, May 14, 2014)

To understand better the desires of the membership, the Tribal Administrator partnered with the Grey Pomo Housing Director to develop a survey to get a clearer sense about what the Grey Pomo citizens desire from their government. The purpose of the survey was to solicit the

opinions of the citizens "to better understand their needs and wants and then prioritize those desires" with the tribal council (Grey Pomo of West River Political Actor, Personal Communication, May 14, 2014). The surveys presented a number of questions regarding goals for economic development, housing and general programs, and services they would like to see. The tribal government mailed out 132 surveys to Grey Pomo citizens and posted the survey on the Grey Pomo government website. Unfortunately, the Tribal Administrator only received 20 completed surveys. Even with using diverse methods to elicit survey responses, the Tribal Administrator was unable to increase the response to the survey.

As the Tribal Administrator described during the interview, the survey method affirmed to the tribal government that there was a clear communication problem--as indicated by the low survey response rate. The Tribal Administrator went on to state that the low survey response rate does not indicate that the citizens do not have needs; rather, their needs are vast. The low survey response rate also indicates that there are clearly cultural ways in which it is appropriate to communicate needs between the citizens. The Tribal Administrator discussed that many citizens cannot afford homeowners insurance. The inability to pay for insurance for many members came to the forefront after a large storm, during which a number of fallen trees damaged several homes of tribal elders. The Tribal Administrator recalled receiving a phone call from an upset elder who needed help removing a tree from her home. The Tribal Administrator offered funds to aid the elder in paying for the damage to her home from the storm. She responded that she "doesn't need help with money...there isn't any men that live out here." Namely, for the elder, the issue was not about money, it was about having the support, and in essence communication, with the tribal government in a more informal way.

The struggle for the tribal government to forge new ways to communicate with the

membership about their needs from and desires for the government represents a couple of

systemic problems. One, it illustrates the emergence of a policy problem through system

monitoring.[20] The Grey Pomo government affirmed that they have difficulty figuring out the

desires of the citizens from the tribal government. As a result, the struggle to communicate to

citizens has pushed the tribal government to seek alternative practices to communicate to

citizens. Much of the communication, between tribal government and the citizens, takes place in

more informal interactions between the individual council members and citizens around

problems or needs they are having in the community. The Grey Pomo Tribe is a close-knit group.

As the Tribal Administrator described, "Everyone knows everyone here." Therefore, the tribal

government has their hand on the pulse of the community because the community is small, and

most of these individuals are family and extended family. The Tribal Administrator plays a

significant role in relaying the concerns and desires of the tribal citizens to the council. As

highlighted in the quotes above, the Tribal Administrator functions as a conduit; tribal citizens

come to his office to relay their concerns about housing, economic development, or other issues

to the tribal council. In turn, the Tribal Administrator reports these concerns in an official

capacity to the tribal council during their regular business meetings. From that point, the council

assesses the reported problems and forwards them to the appropriate department within the tribal

government (i.e., housing concerns are reported to the Housing Director, education concerns are

reported to the Education Director).

The Grey Pomo Education Director plays a similar role in the problem recognition

process. As discussed by the Tribal Administrator, and echoed by the Grey Pomo Education

Director, the problem recognition process (Phase 1) frequently occurs through every-day

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[20] See *Table 2. Theoretical Framework Concepts* in the *Appendix*.

communications and interactions with citizens. Given the structure of the Grey Pomo government, higher-level bureaucrats have regular contact with tribal citizens through their daily work—quite unique to tribal governments (this differs from Kingdon's definition of the problem recognition process). Interaction and communication between tribal citizens and the government occur in formal and in informal settings. For the Education Director, she interacts with tribal citizens in multiple ways on a daily basis. Through her management and implementation of educational policy (i.e., education related programs and services), she regularly engages with tribal youth and parents.

Interestingly, the Education Director is not from the Grey Pomo reservation; rather, she is married to a tribal citizen and has two children who are also tribal citizens. During the interview, she remarked that once she took the job (as the Education Director), it took several months for her to build rapport with the tribal youth and the parents of the tribal youth. Once she built rapport with the tribal citizens, citizens felt comfortable to come to her in formal settings (i.e., interactions at the Educational Department and educational programming), and in informal settings (i.e., interactions at her home and over the phone during non-business hours). The communication between her and tribal citizens supported her in better understanding the educational needs and desires of the community. Namely, citizens discuss with her their concerns for their children. Through her personal interactions with tribal citizens, she is able to recognize problems within the system. She discusses noticing tribal youth having issues of academic achievement, health, and access to technology. In turn, the Education Director uses this information about the problems present in society to inform her work (i.e., better understanding the types of educational policy that are needed, and the types of educational policy that are less useful).

The Education Director also collects data on the academic achievement of students participating in educational programming. In her role as the Education Director, she also functions as a liaison between tribal youth and their schools. She acts as an advocate between students, parents, and schools, to ensure that students are successful in classes. She also has permission to discuss academic needs and instructional differentiation with the school directly. She has created a set of programming incentives for students to report grades to the Education Department—which allows the Education Department to recognize the achievement of students, and to have a better sense of the academic needs of the students.

The Education Director is also able to collect data on tribal youth through the publication of a monthly Education Department newsletter, which is sent to all tribal citizens and is posted on the tribal government website. The newsletter features a discussion of current programmatic offerings and services of the Education Department. The newsletter also highlights the academic and extracurricular achievements of Grey Pomo youth. The positive focus of the newsletter encourages youth and parents of youth to stay connected with the Education Department-- facilitating another layer of communication and data on student educational needs. She forwards this information to the tribal council for review, and the council uses this information to advocate for educational policy initiatives (i.e., educational programs and services).

Oftentimes, the Grey Pomo council receives information about educational problems in the system through formal information reporting from high-level bureaucrats (i.e., the Education Director and the Tribal Administrator). The exchange of this information occurs through formal interactions of the council with bureaucrats (i.e., council committee meetings, budget meeting, progress meetings, and meetings initiated by the bureaucrat). The formal reporting of information about problems in the system is from the bureaucrats (i.e., during budgets,

discussing requests for funding, progress reports). For the Tribal Administrator, he reports his data about system monitoring (i.e., the survey on housing needs) to the tribal council. The Tribal Administrator also reports information collected from citizens through his reporting in general council meetings. The Education Director reports her data regularly through the publication of newsletters. She also reports a significant amount of data (on educational program participation, school advocacy work, and academic progress of students through report card reporting) through her data collection from educational policy implementation and monitoring (i.e., the administration of education program and services).

The council also receives a significant amount of data about the problems in the system through the presence of tribal citizens in the general election process (i.e., elections which feature the opportunity for tribal citizens to elect council members and vote on larger policies around issues of membership, economic development, and governance) and in the general tribal council meetings (i.e., members have the opportunity to discuss with council members). The information about problems in the system are also reported to the Grey Pomo council through informal means (i.e., daily interactions with citizens in their personal life). As remarked by the Tribal Administrator, the Grey Pomo community is closely knit; everyone knows everyone else—and that type of closeness between tribal council members and tribal citizens is a result of the cultural relationship of the individuals to their clans and society. Within the government, the Grey Pomo council informally receives information through informal interactions between bureaucrats (i.e., the Tribal Administrator and the Education Director). These types of interactions take place through community and cultural events, and through daily interactions within the tribal government building.

Pine Rancheria problem recognition process. The Pine Rancheria Education Director plays a pivotal role in Phase 1 (*Problem Recognition*) by forwarding the following types of information to their council for review: (1) collecting data on the academic needs of tribal youth, (2) receiving input from parents and youth, and (3) forwarding parental requests for education services to the Executive Team or Council. The Education Director filters and repackages this information to support better the tribal governments' recognition of problems.

During the interview with the Pine Rancheria Education Director, she identified that an important responsibility of her position is maintaining regular contact with youth and parents, in order to understand better the citizen's educational needs (i.e., detect educational problems within the system). However, maintaining regular contact is difficult because parents and students sometimes do not always respond to her communication efforts (making communication for the Educational Department somewhat of a policy problem, similar to the experiences of the Grey Pomo Tribal Administrator):

> It's [communication with community members] really just getting out there. You gotta know your people. You've gotta be able to go out and just talk to them whether they're up at the front desk, you know, and you happen to be walking up to check your mailbox. That's kind of how I've always done it. Even at general membership meetings, if a parent hasn't been returning my phone calls, I'll just walk up to them. So I'm known as a hounder. (Pine Rancheria Political Actor, Personal Communication, May 14, 2014)

The Pine Rancheria Education Director regularly conducts system monitoring by surveying the Pine Rancheria citizens about the types of educational programming and issues they value most. Moreover, the Education Director utilizes this information to shape and tailor

the educational programming to fit societal needs:

> We offer surveys once a year and I'm actually looking for it right now...So it's offered to the parents once a year and it basically gets the information back to them so we do an initial mail out to them. I've been implementing Facebook, like under my just private Facebook. I'm friends with a majority of the parents. So I'll put the survey up on Facebook and it's like, hey, I just sent out a reminder for our survey. You know, please get that back to us. A membership meeting is coming up....I'm walking around to parents, please fill the survey out, you know. So that's where I hound them. (Pine Rancheria Political Actor, Personal Communication, May 19, 2014)

Through system monitoring, the Education Director discovered that the Pine Rancheria citizens valued educational opportunities that centered on whole-family participation. Through system monitoring, the Director was able to recognize a problem, which led to the development of alternative educational initiatives focusing on family educational experiences:

> Youth activities programs [are a priority], we also do like field trips for the families and the youth. And I would say that's probably one of my top three ones (i.e., education issues)...There's a lot of documentation...a lot of surveys done where the families said they wanted to do family oriented type activities, not so much just strictly for the youth so that's one thing that I took into consideration, and all of our activities now are family oriented to where the entire family in the household can attend, including non-member kids, you know. (Pine Rancheria Political Actor, Personal Communication, May 19, 2014)

Educational problem recognition also occurs through continuous programmatic monitoring for all Pine Rancheria education programs. The Education Department collects data on program

participation. This data informs which programs are being utilized and which programs are not being utilized: "I have a tracking sheet on my computer that I created as an advocate, which tracks all of the program attendance. I can tell you if it's being utilized or not. Programs that are being under-utilized or not utilized, constitute an indicator of a problem" (Pine Rancheria Political Actor, Personal Communication, May 19, 2014). Once the Education Director recognizes a problem, this information is then reported to the tribal council through formal interaction (i.e., quarterly and annual reporting, and budget requests).

Problem recognition for Pine Rancheria also occurs through funding requests (i.e., requests for extracurricular activities, and academic support) from the citizens to the Education Department. Through these requests from citizens, the Education Director is able to recognize a programmatic need in the educational system (i.e., problem recognition):

When you get those requests for funding your job to make sure the requests are allowed for the program....To make sure they follow the policies and the procedures and everything. For example, you can get a request for a student wanting to buy a trampoline. So I mean, that's just a simple request. It's definitely an outdoor activity so getting the student up, not watching TV, you know, being physically active, basically so that would be a request that would be allowed to come through the program....where we can purchase it for them or they can get reimbursed for it. Let's see what other sorts of requests, like a laptop, for instance. (Pine Rancheria Political Actor, Personal Communication, May 19, 2014)

In addition to the work of the Education Department, system monitoring is also conducted by the Pine Rancheria Council, and the Executive Team:

It would be like executive team or tribal council...so if there's a need, they'll [the

Executive Team and Council] do surveys, you know, out to the membership and it's like, oh, that's how these programs are doing. I actually do a survey for education too. You know, oh, where do you think we can improve? You know, I always look at things like there's always an area to improve. (Pine Rancheria Political Actor, Personal Communication, May 19, 2014)

Outside of system monitoring and communication with the citizens, the Education Director, the Executive Team, and the Pine Rancheria Council also come to recognize problems through their own experiences in their work, and through their pedagogical beliefs about the Pine Rancheria's educational needs. For the Education Director, her views on education also play a role in the types of problems that get recognized in the system. In the quote (below), the Educational Director discusses her goal for opening a library because of the value she places on reading skills. She perceives reading skills and comprehension as a problem among the students, and as a result, is sensitive to recognizing problems related to reading:

Well, I would definitely say opening the library is a personal thing. I have a library at home and I feel it's extremely important for the kids to be able to know how to read and it's important for them to have the opportunity, too, to where they can check out books...So I really want to get the library going and up and running so we can kind of convert our tutor room into like a lounge area for the kids to come down. I'm looking into also getting licenses for the accelerated reader program because a lot of our kids, they have struggled completing their goal and, you know, some of it is because they struggle with reading itself and so they don't, and also their comprehension...but then there are some students who...have no problem with it so I want be able to offer those

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resources for the students so they can come down here and they can practice reading and

when they go to school, they'll be able to take their test and have more confidence in it.

(Pine Rancheria Political Actor, Personal Communication, May 19, 2014)

Similarly, for the Executive Team and Council, education ideas are discussed through the

lens of feasibly and level of need:

[CEO] and I, our executive team, we sort of sit down with input from the education

department and with the education director, we sort of go over [educational

Issues]...Well, so in the beginning, ideas were just thrown out. Our program has a budget

called a 40% programs and a lot of ideas thrown out, a lot of ideas were kind of vetted

through the general membership as a whole. And then it kind of got narrowed down to a

set of programs. (Pine Rancheria Political Actor, Personal Communication, May 19,

2014)

Problem Stream, Phase 1: Models of the Problem Recognition Process

According to Kingdon's view on recognizing indicators in the system, the flow of

information (i.e., problem indicators) enables policy makers to "use the indictors in two major

ways: to assess the magnitude of a problem and to become aware of changes in the problem"

(Kingdon, 2010, p, 91). Using the interview data and analyzing the tribal documents, I

formulated three models that correspond with the Phase 1 of *Problem Recognition* process, and

Kingdon's *Problem Stream.*[21] *Phases of the Tribal Governmental Policy Development*). These

three models illustrate the ways that the tribal government comes to recognize problems (i.e.,

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[21] See *Table 2: Theoretical Framework of Concepts* in the Appendix.

indicators, crisis, and perception of need as defined by above) through the pathways that

indicators (of a problem) flow through the political system. The models are a visual

representation of the interview findings and discussions described above. I found it valuable to

create a visual representation of these processes in order to depict and explain the findings of the

interviews and the document data. This visual representation also illustrates the similarities in the

policy creation process between the Grey Pomo and the Pine Rancheria governments. These

models range from simplistic to complex forms of the ways information (i.e., indicators of

problems) flows through the systems.

Model 1: citizens and governmental interactions. "Elected politicians judge their

constituents' mood from such communications as mail, town meeting, smaller gatherings, and

delegations of people or even individuals coming to them during their office hours in the district"

(Kingdon, 2010, p. 149). *Problem Recognition Process* (PRP) *Model 1: Citizens and*

Governmental Interactions, presented below, represents the simplest form of how problems get

recognized by the tribal council. Namely, tribal citizens communicate with the tribal council

through formal interactions (i.e., citizens voting for particular initiatives, and voicing concerns at

council meetings), and through informal interactions (i.e., speaking with tribal council members
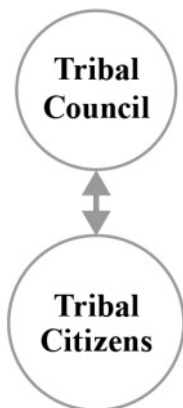
about their concerns).

Figure 4. PRP Model 1: Citizens and Governmental Interactions.

Model 1 also represents the personal experiences of the individual council members in interacting with citizens. These individual interactions with individual council members and citizens result in tribal council members formulating their own understandings and perceptions of problems in the system (which is shaped by their own value systems and the initiatives they value the most). In this model, information is reported from the citizens to the council.

Model 2: citizens, education director, and tribal council interactions. According to Kingdon, problems become recognized by "important people in and around government," by those individuals looking for indicators in the system (Kingdon, 2010, p. 91). In model 2, the Educational Department shares its indicator of a problem (as identified through data collected through education program participation, school advocacy, interactions with tribal youth, and the bureaucrat perception of problems in the system). These interactions between the Education Department and the Tribal Council occur through formal interactions (i.e., budgetary requests, annual department reporting, student achievement tracking, and education program participation) and through informal interactions (i.e., general conversation within the office context, educational programs, and cultural and social events).

Figure 5. PRP Model 2: Citizens, Education Director, and Tribal Council Interactions.

In addition to formal interactions, *PRP Model 2: Citizens, Education Director, and Tribal Council Interactions* demonstrates informal interactions between the Education Director and the Tribal Council. These informal interactions provide an opportunity for the Education Director to engage in discussions around problem recognition and reporting with individual tribal council members during more casual interactions. The relationship between the Education Department and the council is vital to the problem recognition process because of the familiarity and regular interactions between the Department and the Grey Pomo citizens. As a result, the Director assesses problems through various points of contact with the citizens. This information is filtered through the beliefs and value systems of the Education Director, and given the smallness of the Education Department, the voice of the Education Director encompasses almost the entirety of the bureaucratic voice of the Education Department (fundamentally different than Kingdon's view of the relationships and interactions among bureaucratic policy communities).

Model 3: citizens, tribal bureaucrat, and tribal council interactions. *PRP Model 3: Citizens, Tribal Bureaucrat and Tribal Council Interactions,* is a visual representation of the

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flow of information through formal and informal interactions between the council and tribal

bureaucrat (i.e., an Executive Team Member, or Tribal Administrator). Information flows from

the tribal membership to the non-education, high-level Tribal Bureaucrat through formal

interactions (i.e., through governmental meetings, surveys, meetings with individual citizens),

and through informal interactions (i.e., community events).

Figure 6. PRP Model 3: Citizens, Tribal Bureaucrat Interactions, and Tribal Council.

Once the information flows to the non-education, high-level Tribal Bureaucrat, the non-

education, high-level Tribal Bureaucrat evaluates the information (according to his interests,

ideologies, and values). The non-education, high-level Tribal Bureaucrat conveys this

information to the Tribal Council through formal and informal means. This information is then

taken in by the council, which marks the formal recognition of the problem.

Problem Stream, Phase 2: How Are These Problems Defined And Who Defines Them?

Political actors' "interpretation of indicators turns out to be a process more complicated than straightforward assessment of facts. *Focusing events*,[22] including disasters, crises, personal experiences, and symbols, are important, but need accompaniment of preexisting perceptions which they reinforce" (Kingdon, 2010, p. 113). Phase two of the policy development process focuses on the process for political actors inside the government to define the problem according to their understanding of its indicators (i.e., *Problem Definition*). The phase of *Problem Definition* is related to Kingdon's definition of the *Problem Stream*.[23] Much of the focus of the general policy-making efforts for tribal governments are centered on strengthening governance and economic development for the purpose of protecting tribal governmental interests in the current and perceived future contexts, and out of fear of federal policy shifts. In the area of education, there is a clear push for human capital development, because human capital is recognized as a key ingredient in supporting the betterment of the tribal government and society. The struggles of these communities to achieve economic, governance, and human capital development goals is conceptually related by these governments to the history around federal policy and federal-tribal interactions. Thus, policy problems are almost always defined in context with these broader goals, and with their historical narrative of federal policy and federal tribal interaction. Additionally, problems are also defined with the understanding of the impact of that history on the current health and function of the tribal society. Generally, many of the policies that are enacted within the Grey Pomo and the Pine Rancheria governments reflect this desire of strengthening and bettering tribal society. For the Grey Pomo and the Pine Rancheria, problems are not interpreted independent of the tribes' contexts.

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[22] See *Appendix 1: Theoretical Framework of Concepts.*
[23] See *Appendix 1: Theoretical Framework of Concepts.*

Beyond the ideological conceptualization of the way policy problems are defined, the Grey Pomo and Pine Rancheria governments have a process for applying definitions to recognized problems. Phase 2, for the *Problem Definition Process*,[24] focuses on the ways that political actors inside of the government define a recognized problem according to their understanding of the issue, and the larger problems plaguing the society. For the Grey Pomo and the Pine Rancheria governments, the process by which problems are defined is an interaction between two governmental entities: (1) the tribal council, and (2) the education department. Since there are two major entities that comprise the "educational policy specialist community" in the tribal government (i.e., the tribal council, and Education Director), with the only specialist being the Education Director, the process of problem definition hinges on the flow information of how the problem came to be recognized and the manner in which the indicator of the problem was filtered through the system to the tribal council (i.e., the process of recognizing the problem and reporting it to tribal council).

The flow of information influences the way that information about the problem is presented to and the types of indicators are recognized by (i.e., problem identification through data, through personal experiences, and through feedback from citizens) the tribal council, which inevitably shapes its definition. Problem indicators that are reported to the Education Director and that are presented to the tribal council for definition are pre-defined by the Education Director (by virtue of the manner in which she chooses to frame the problem with the available information). That process of reporting to the tribal council requires the Education Director to make value judgments about problems and about indicators of the problems. The Education Director is forced to determine which indicators of the problem are most relevant to accompany

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[24] See *Table 1. Phases of the Tribal Governmental Policy Development on page 113.*

the reporting of the problem to council. Thus, the process of defining the problem begins with the political actor reporting the indicator to the tribal council.

Once the tribal council receives the information about the problem and the pre-definition of it, the tribal council then conceptualizes the problem according to their understanding of the broader needs of the society, their personal ideologies, and their understanding of the government and future constraints (i.e., available resources, human capital, the gravity of the problem, the ability for the problem to be solved through tribal policy). However, much like Kingdon frames federal policy makers as generalists (relying heavily on policy specialists for information to define the problem), tribal council members are similar toward a diverse array of problems across the government. Tribal council members must address a diverse set of social and political issues. These systems are also small, which means individuals must wear multiple hats, and they have little time for reflection. Thus, the information that is provided through the Education Department plays a significant role in the manner in which the problem is defined.

In other cases, in which the information about indicators of a problem flow through the governmental system through other means (i.e., through the Tribal Administrator, or directly from the citizens), the tribal council contextualizes the problem indicators according to their understanding of the broader needs of the society, their personal ideologies, and their understanding of the government and future constraints (i.e., available resources, human capital, the gravity of the problem, and the ability for the problem to be solved through tribal policy). However, the tribal government still refers to the Education Department to support the process of problem definition.

The definition of these recognized programs appears to be a process of cultivating a somewhat coherent definition and buy-in into the definition of the problem among political

actors (i.e., bureaucrats and council members). This is not to say that the final definition of the

recognized problem is the same definition among all political actors, or that political actors buy

into the definition of the problem for the same reasons. Instead, it is a definition that reflects

general concepts and ideologies that are collectively shared by the political actors, while slightly

differentiated by individual interests and beliefs. This definition is formulated through interaction

among political actors in discussing the indicators and cultivating an informed understanding of

the problem definition through the process of sense making.

Policy Proposal Stream, Phase 3: How Do These Problems Get Prioritized On The Government's Decision Agenda?

Phase 3, the *Decision Agenda Placement*,[25] is marked by the process through which

political actors inside of the government define and determine the importance and gravity of a

defined problem. Phase 3, the *Decision Agenda Placement*, is a part of Kingdon's definition of

the *Policy Proposal Stream*.[26] For the Grey Pomo and the Pine Rancheria governments, the

decision agenda setting process is deeply related to the problem definition process. During the

process of problems becoming recognized and defined, through the process of problem

recognition, political actors inside of the government begin to develop a more comprehensive

understanding of how pressing the problem is for their society. Thus, bureaucrats play a role in

setting the decision agenda, to the point of alerting the tribal council to the gravity of the problem

by providing information about the problem (i.e., through data, contact with the constituents,

budgetary reporting, and annual reporting), and by supporting the definition process (i.e.,

influencing the process through filtering and organizing information about the problem

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[25] See *Table 1. Phases of the Tribal Governmental Policy Development on page 113.*
[26] See *Table 1. Phases of the Tribal Governmental Policy Development on page 113.*

according to their own understanding of the problem). The formal setting of a particular problem as a high priority for the tribal council on its decision agenda requires the tribal council somewhat collectively to understand the problem through interaction with information about problem indicators, and through the development of a problem definition that is solvable through policy. This is not to imply that understanding of the gravity of the defined problem is shared across the council; rather, council members have cultivated enough understanding of the defined problem and its importance to be responsive to placing it on the decision agenda.

Much like Kingdon described, the role of public opinion can also thrust a problem on to the decision agenda. This process of public opinion thrusting a problem onto the decision agenda (as discussed by Kingdon) functions in a similar way among tribal governments. Tribal political actors have their general focus on societal betterment (i.e., strengthen economic development, and governance). When citizens express a problem (i.e., make requests for services to the tribal council or to a tribal governmental department, discuss issues during tribal council meetings, and vote on initiatives). If enough citizens express enough interest or take issue with a defined problem, this will cause the council to prioritize the defined problem. Conversely, if a defined problem loses grounding (i.e., is no long perceived as pressing, or a related policy has been enacted directly or indirectly, to mitigate the problem), a defined problem can be bumped off the decision agenda for a more pressing problem. The prioritization of a problem on the decision agenda means beginning to seek a feasible agenda alternative.

Policy Proposal Stream, Phase 4: Who Generates Agenda Alternatives, and How Does A "Policy Window" Open For An Agenda Alternative?

The next phase of the Policy Development Process[27] is Phase 4, *Responsive to Potential Agenda Alternatives*. Phase 4, *Responsive to Potential Agenda Alternatives*, is a part of Kingdon's Policy Proposal Stream. This phase is marked by the process of council members being responsive to considering agenda alternatives to mitigate prioritized defined problems. The creation of agenda alternatives frequently comes from the Education Department as a result of the Education Director taking initiative to develop an Agenda Alternative according to their ideological education focus, anticipated resources or budget, and perceived definition of the problem. This potential agenda alternative is presented to the tribal council when it is an appropriate time (i.e., the council has prioritized a problem which the alternative mitigates). In those cases, once the tribal council has prioritized a problem, the Education Director can provide an agenda alternative to mitigate the prioritized problem to the tribal council for evaluation of its feasibility (i.e., its ideological fit in the government's agenda, its alignment with the pool of available resources, and its long term sustainability according to perception of future need).

In some cases, an agenda alternative is not floating around in the political system that can meet the needs of a prioritized problem. In those cases, the tribal council works with the education department to define a problem. During the process of defining a prioritized problem, the tribal council develops a definition of the problem and then begins to craft an alternative, either formally (i.e., holding a targeted brainstorming session during a tribal council meeting aimed at crafting an agenda alternative to mitigate the problem) or informally (i.e., casually discussing the problem and potential avenues to correct the prioritized problem). In the cases where the tribal council formally seeks to develop an agenda alternative, the council members

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[27] See *Table 2*. Theoretical Framework of Concepts on page 113.

will craft an agenda alternative and revise the alternative, to ensure that it is feasible, in alignment with the tribal government's goals, and to ensure that the new policy is in alignment with the constitution and current ordinances. In those cases, Phase 4 (*Responsive to Potential Agenda Alternatives*), and Phase 5 (*Evaluation, Revision & Enactment*) are streamlined by the nature of the council working independently to develop and enact an alternative. In this case, the enacted alternative (i.e., policy) is referred back to the Education Department for implementation. This is not to say that this process is quick. The quickness of the location and the enactment of an agenda alternative hinges on its nature (i.e., the expense and the complexity of the policy), and its level of contention (i.e., how controversial the agenda alternative is to enact). Often times, because the nature of many educational initiatives is less contested and less controversial than other areas of government (such as issues of engaging in a new business venture, or revising membership criteria), the speed of its enactment is quickened, comparatively.

Politics Stream, Phase 5: How Is Consensus Reached Around A Particular Agenda Alternative?

The presentation of an agenda alternative to the tribal council marks Phase 5 of the Policy Development Process.[28] Phase 5 (*Evaluation, Adaptation, & Enactment*) is a part of Kingdon's Policy Stream.[29] Phase 5 is marked by the process of evaluating an agenda alternative according to its feasibility and value-match with the tribal government. Agenda alternatives that are found to be potentially feasible and that match the values of the tribal government are then revised accordingly. For alternatives crafted by the tribal council, the revision process occurs within the

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[28] See *Table 1. Phases of Tribal Governmental Policy Development* on page 113.
[29] See *Data Analysis Through Theory* Section, in *Chapter 4: Research Design and Methods*.

tribal council, where the tribal council discusses and revises the developed alternative until consensus is reached. When consensus cannot be reached, an alternative is tabled. The tabling of an alternative may be temporary (i.e., dependent upon changes to the administration, or financial constrains) or permanent (i.e., consensus cannot be reached because the alternative is not feasible or is too contentious).

For alternatives brought by the Education Director, there is a revision process between the Education Director and the Council. The revision process focuses on hammering out the exact purpose, process, and budget of the agenda alternative. During this process, the Education Director leads in implementing changes to the agenda alternative. Once feedback (i.e., where the agenda alternative is work-shopped by the Education Director and council members) has been given from the tribal council (frequently during a business meting), the Education Director makes the requested changes to the agenda alternative and brings the revised alternative back to the tribal council (during a business meeting). This circular process continues until consensus is reached. Figure 7 (*Agenda Alternative: Information Flow, Feedback, and Enactment*) illustrates the circular revision process of an agenda alternative.
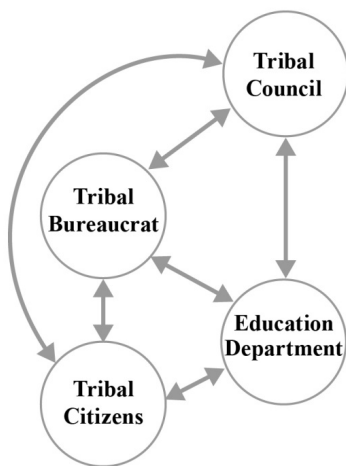

Figure 7. Agenda Alternative: Information Flow, Feedback, and Enactment.

Once consensus is reached around an agenda alternative, the tribal council approves the initiative, and budgetary funds are directed to support the newly enacted agenda alternative (i.e., policy).

Summary and Chapter Preview

As demonstrated by this chapter, the Pine Rancheria and Grey Pomo governments have similar historical experiences with federal policy and federal-tribal interactions. This painful history has impacted and continues to impact these two societies similarly. The political actors from these two governments share similar attitudes toward the need for being prepared (i.e., strengthening the government and economic development, through the cultivation of human capital, in order better to weather federal policy shifts). Moreover, this shared history impacts the focus of their education policy decision agendas. However, differences in economic resources result in different agenda alternatives being enacted. There are a number of similarities across the educational policy development processes of the Grey Pomo of West River, and the Pine Rancheria governments. These similarities are reflected by the way problem indicators flow through the political system. There are also similarities in the processes by which problems are prioritized, and the manner in which agenda alternatives are formed and vetted by the tribal council for viability.

The next chapter provides an overview of this study, including a general discussion of the methods, the historical background of reservation education and tribal governments, and the literature on tribal governments. The conclusion chapter summarizes the key findings of this study's knowledge about these two cases. It presents areas for future research and the role of this study in supporting the thinking and work of academics, policy-makers, tribal officials, and

policy practitioners.

CHAPTER 7: CONCLUSION

Contemporary tribal governments are confronted with an array of complex policy problems related to the process of Nation Building. The literature discussed in *Chapter 3: Literature on Tribal Governments* demonstrated that issues of governance and economic development impact the health and welfare of tribal societies. Moreover, the success of tribal governments relies on their ability to address these complex policy problems in ways that align with their respective capacities, needs, and values. The literature has identified that a key ingredient for many tribal governments to succeed at mitigating a number of policy problems related to governance and economic development is human capital (Coffey & Tsosie, 2001; Champagne, 2006; Fletcher, 2005; Kemper, 2013). To cultivate human capital requires that tribal governments prioritize educational issues and make strategic financial and political investments in educational policy and programs.

The core of this study was to understand the educational problems that tribal governments choose to prioritize for their policy decision agendas, and the political processes that these governments go through to create educational policy to mitigate their prioritized problems. This study focused on the current educational issues that are recognized as important by the Grey Pomo of West River and the Pine Rancheria governments. Specifically, the study addressed how these issues are defined, and the roles of different political participants (inside and outside of the government) in shaping policy-making processes to mitigate these defined issues. The overarching research questions of this study were what the processes are that tribal governments go through to generate educational policy, and to what extent these processes differ across the two cases. To answer these questions, it was important to answer these sub-questions:

1) What are the phases of educational policy development for each tribal government

   (e.g., identifying the problem, discussing the problem, locating a solution, and

   making a decision)?

2) How do educational problems come to be recognized by each tribal government?

3) How are these problems defined, and who defines them?

4) How do problems get prioritized on each tribal government's decision agenda?

5) Who generates agenda alternatives (i.e., policy proposals)?

6) How does a "policy window" open (i.e., opportunity to push proposals or attention to

special problems) for an agenda alternative?

7) How is consensus reached in each tribal government around a particular agenda

   alternative?

To answer the research questions presented above, this study employed a descriptive case study research method to examine the educational policy-related experiences of the Grey Pomo and the Pine Rancheria. Both tribal governments are located in California, and they maintain similar governmental structures (a governing council, an education department, and an implemented educational policy), and economic endeavors (i.e., operating a gaming establishment). These governments also have similar Federal Indian Policy histories.

This study interviewed eight political actors serving in the two tribal governments. The political actors who were interviewed were high-ranking officials in their respective governments, and they had decades of professional experience working in their tribal governments. The second source of data was primary documents generated by the participating tribal governments, including (1) newsletters, (2) program information geared toward parents

and youth, and (3) mission and vision statements for government and education programs. The tribal governmental documents functioned as a piece of material culture (or data), and they provided contexts for interpreting and understanding the policy-making processes.

The 2010 text *Agendas, Alternatives and Public Policies*, by John Kingdon, served as a lens to examine the case study data, and it supported the findings of this dissertation. In summary, Kingdon's theory on policy development presents it as a process that is steered by participants inside and outside of government, the national mood, and the political climate (Kingdon, 2010). The enactment of policy (i.e., opening of a policy window) occurs after the emergence of three independent policy streams: (1) problems, (2) policy proposals, and (3) political circumstances (Kingdon, 2010). The problem stream is the process by which the government participants recognize and define a problem based upon the indicators present in the society (e.g., crisis, trend data, and perceptions of the national mood). As these problems are recognized and defined by government participants, these problems become part of the government policy agenda. The policy proposal stream generates policy proposals to be considered as agenda alternatives (i.e., the policy solutions considered to solve the defined problems) for the decision agenda. The political circumstances stream is the political circumstances surrounding the problem (or the politics stream). When the three policy streams (problems, politics, and policy proposals) come together, a political window is opened for policies to get enacted.

Summary of the Study's Findings

The Grey Pomo and Pine Rancheria governments prioritize similar educational policy problems related to the broader themes of (1) a general concern about the quality of education

received by their children (e.g., having access to technology, educational enrichment programming, culturally responsive and academically focused childcare, afterschool programming and tutoring, and academic and financial support for post-secondary education endeavors); and (2) the impacts that the quality of their children's education have on their life prospects, and on the future economic and political health of the tribe. All of the political actors who were interviewed discussed the relationship between educational quality and the cultivation of human capital for the tribal society. The need for cultivating human capital was reflected through the interviewees' perceptions of the government's need for expanding business enterprises and protecting tribal sovereignty. The problem definition process was also influenced by the demographics of these tribal societies. For instance, the Grey Pomo of West River has a large population of young children, and as a result, a significant percentage of their enacted educational policies address the needs of early childhood education. Conversely, the Pine Rancheria has a significant number of high-school aged children, and as a result, many of their educational policies center on college readiness.

Although there is overlap in the types of problems that are recognized by these tribal governments, these problems are defined differently by each government, and consequently they have resulted in different agendas, and ultimately in different types of agenda alternatives. The ways that problems are defined and the types of proposals that are considered are greatly influenced by the political climate (i.e., the goals of the governmental administration, the fiscal stability of the government, and the types and number of tribal governmental business enterprises).

Among the two tribal governments, I found that the politics circumstances stream heavily influences the dynamics and functions of the other two streams (i.e., the problems and the policy

proposals streams). The problem stream appears to function simultaneously with the politics stream. However, the policy proposal stream does not come together until a problem has risen on the agenda. The reason for this phenomenon is that tribal councils and bureaucrats working within these governments are often forced to address problems only after they "flair-up." There is not a lot of opportunity to reflect on policy problems in the system, or to predict problems and shop around for pet proposals for the tribal council. The functions of these three streams are also influenced by fiscal stability, and the roles held by each bureaucrat and council member in the government (i.e., the amount of job responsibilities maintained by the political actor).

Implications, Limitations and Future Research

Understanding the way that tribal governments make decisions about educational policy is an interesting and largely unexplored topic. It is invaluable to have a grasp of the processes that contemporary tribal governments go through to generate educational policy, and to make educational investments in their societies. It is equally important to understand tribal governments' perceptions of their societies' human capital needs. This dissertation could be seen as only an introduction into this area of study, but hopefully it will draw attention to other areas that might be useful intellectually and from a policy perspective.

This research views tribal governments as nation states operating in, and governed by, their unique political, social, and economic contexts. Investigating what tribal governments desire for their youth (as demonstrated by the problems these governments choose to prioritize and the types of educational policies they pursue) provides a basis for academic and policy communities to understand better the diversity and themes across different governments, and the processes that these governments use to generate policy. In turn, this allows for understanding

better how to produce research that is more relevant to the current needs and values expressed by tribal communities, which in its own right is a valuable intellectual endeavor.

A limitation of this work is that this analysis is based on a handful of political actors from two tribal governments. There are over 100 tribes in California, and over 500 tribes across the United States. Each of these tribes represents a different governmental structure, culture, history, and political climate. As a result, it is not possible to draw broad conclusions about the population of tribal governments based upon the limited scope of this data. To make larger assertions about the way tribal governments make education-related political decisions requires more data collected from political actors operating across multiple communities. However, these findings are generalizable to the broader theoretical understanding of, and distinction in, the ways that governments select, define, prioritize, and pursue educational policies for their societies. Generalizing to theory does not rely on sample sizes; instead, it relies on fostering a clearer understanding of the phenomena present in a case study (Firestone, 1993; Yin, 1989). These findings are also valuable in their case-to-case transferability (i.e., when the characteristics of a case are applicable to the circumstances of another case) (Glesne, 2006). Thus, these findings are valuable in understanding the way tribal governments think about education in relation to their unique political, economic, and social contexts.

Many aspects of the functions and actions of tribal governments have been understudied or not studied. Only a small number of tribal governments have been intensely studied. Due to the fact that only a handful of tribes have been studied, the existing body of literature on contemporary tribal governments is not a complete representation of the rich diversity that exists among the hundreds of tribal governments and tribal political systems residing across the United

States. There are numerous ways to explore the political processes of tribal governments using a variety of qualitative and quantitative methods—all of which could add significant value to the field of American Indian studies because of the newness of the topic.

A larger-scale qualitative study can provide a more expansive set of data to analyze. This can be achieved by (1) having a number of political actors participate from a single tribal government, or (2) interviewing multiple actors across a number of governments. Either research schema can produce interesting information about the ways political actors define educational quality. A more quantitative study (such as a survey of tribal political actors from multiple governments) would allow for controlling the particular characteristics of the political actors (such as education level and income), as well as the characteristics of the broader tribal government and community (such as wealth of the community, distance from an urban area, and language fluency).

APPENDIX

Table 2, titled *Theoretical Framework of Concepts*, outlines the major concepts (and their definitions) from the Kingdon text. I used these concepts to (1) generate the interview questions, and (2) guide the analysis of the interview data.

Table 2. Theoretical Framework of Concepts

Concept	Definition
Participants	"Participants" are political actors inside and outside of the government. This category includes media, interests groups, political parties, politicians, researchers, and the general public.
Problems	Problems are issues that can be solved through action.
Agenda	The agenda is defined as a list of problems that government officials, and those closely associated, view as important (p. 3). Government agenda is a list of problems that are getting attention. Decision agenda are problems up for active decision within the government.
Agenda Alternatives	Agenda alternatives are proposed solutions to solve the problems on the agenda (i.e., policy proposals).
Bureaucrats	The focus of the bureaucrats is implementing existing policy, and usually not creating new policy. Bureaucrats play an important role in the implementation and the specification of alternatives. Bureaucrats' resources include understanding the way the system functions and key players in the system. Bureaucrats have a long-term role in the system that withstands elections and changes.
Problem Definition & Indicators	A problem is something that can be potentially corrected by action. A problem definition is how the problem is defined.
Events, Crisis, Symbols	Events, crises and symbols support the indicators and gain attention of political actors.
Feedback	Government officials generally receive feedback in a number of ways about a policy or program. Feedback illuminates problems with the program, or implementation difficulties.
Policy Window	Policy window signifies the opportunity to push proposals or bring attention to special problems. Windows stay open for a short period of time.

Note: The concept and the definitions listed in *Table 2. Theoretical Framework of Concepts* were adapted from the 2010 text *Agendas, Alternatives, and Public Policies* by John Kingdon.

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