

Enduring Understandings

Black River Falls School District

Introduction and Overview

Act 31 is the Wisconsin law that resulted, in part, from significant controversies in Wisconsin related to treaty rights in the northern part of the state in the 1980s. Broadly speaking, the law is a soft mandate for educational institutions prescribing several things, as embodied in five specific statutes:

CHAPTER 115.28 (17)(d): Treaty-based, off-reservation rights (focus on Chippewa),

CHAPTER 118.01 (c)(7)(8): *Human relations, understanding different cultures and value systems (notably, American Indian, African-American, and Hispanic)*

CHAPTER 118.19 (8): Pre-service Requirements for Wisconsin teachers (beginning 1 July 1991)

CHAPTER 121.02 (1)(h): *Instructional materials, texts, LMC materials that reflect cultural diversity and pluralistic nature of American society*

CHAPTER 121.02 (L)(4): Beginning September 1991 (specifically) as part of Social Studies curriculum, instruction in history, culture, and tribal sovereignty of the federally recognized tribes and bands located in Wisconsin – 2 exposures in elementary grades (K-8) and at least once in high school.

How districts approach this work, of course, varies greatly. In the Black River district, we have been working with various applications of Act 31 since 1990 and have gradually developed curriculum within various courses to reflect the spirit of the law, including a high school elective specifically devoted to First Nations history, with an emphasis on the Ho-Chunk story. Our students come from diverse backgrounds and nearly 30% are non-white, the majority of those having native heritage. Our ability to help all students understand diversity is important in our community and certainly in the world beyond our community, and we take that role seriously.

The document presented here is designed to more distinctly identify **enduring understandings** we will promote across our curriculum. We are using that expression to mean statements summarizing important ideas and central to a discipline that have lasting value beyond the classroom. Enduring understandings synthesize what students should understand—not just know or do—as a result of studying our history. Our hope is that they serve to guide teachers as they continue to develop various applications within their own curriculum areas.

The inspiration for producing the Enduring Understandings came from two sources: “Native Knowledge 360” produced by the National Museum of the American Indian, and the “Essential Understandings” produced by the Montana Office of Indian Education. Thanks to both for their excellent work. In addition, we are indebted to those members of the Ho-Chunk educational community who offer their support for our efforts and willingness to share. Also, thanks to Dave O’Connor at DPI, and colleagues Lisa Poupart and J.P. Leary at UW-Green Bay for their knowledge and sound direction for this ongoing work. Finally, thanks to my department teammates Tony Boerger, Eli Youngthunder, and Mike Shepard for their persistent efforts at this facet of our curriculum.

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Enduring Understanding 1: First Nations People of Wisconsin

Wisconsin is home to roughly 5.8 million people, 60,000 of whom are Native American (slightly less than 1% of the population). There is great diversity among the twelve tribal nations of Wisconsin in their languages, cultures, histories and governments. Each Nation has a unique cultural heritage that contributes to modern Wisconsin. Three tribes are considered original to the state: the **Ojibwa** (also known as Chippewa or Anishinabe, including six bands: the Lac Courte Oreilles, the Bad River, Red Cliff, and Lac du Flambeau Bands of Lake Superior Ojibwa Indians, the St. Croix Ojibwa Indians, and the Sokaogon Ojibwa Community, the **Ho-Chunk** and the **Menominee**. Two tribes derive origin to New York: the **Oneida** and the **Stockbridge-Munsee (Mohican)**. The **Potawatomi** are an eastern tribe from the Michigan area. The **Brothertown** people are originally from the New England region and are not federally recognized at this time.

Enduring Understanding 2: Cultural Identity, Kinship, and Clan Structure

The identity of American Indian people is defined by culture and redefined by other influences over time. Unique social structures, such as clan systems, rites of passage, and traditions for developing individual roles within the tribe, characterize each First Nations culture. A continuum of Indian identity, unique to each individual, ranges from assimilated to traditional. There is no generic American Indian. The Ho-Chunk people have a unique kinship system and clan structure. The kinship system extends what we know as the immediate family by having multiple mothers and fathers, which creates a system that ensures children have a place in society and someone to take care of them. There are twelve clans, four Upper (Thunder, Eagle, Hawk, and Pigeon), and eight Lower (Bear, Wolf, Buffalo, Deer, Elk, Waterspirit, Fish, and Snake). Historically and traditionally, clans have specific roles to maintain the well-being of the tribe.

Enduring Understanding 3: History Facing East

One of the mistakes we make when studying history is to simplify the story. Indigenous people played a significant role in the history of the Americas, a role that has often been minimized in the American memory. Beginning in 1492, European incursion resulted in devastating loss of life, disruption of traditions, and enormous land loss for American Indian people. In short, their world was shaken to its foundations. Over time, acculturation – a blending of cultures – brought changes to the increasingly complicated American experience. Hearing and understanding American Indian history from Indian perspectives is essential to understanding the larger American story. Historian Daniel Richter refers to this as history “facing east,” a counter-narrative to the common story of westward expansion. By including more and varied voices from our past, we recover portions of what has been lost, and emerge with a richer and more meaningful understanding.

Enduring Understanding 4: First Nations, Oral History, and Language Revitalization

American Indian history is one of cultural persistence, creative adaptation, renewal, and resistance. Traditional beliefs and spiritual practices persist into modern day life. The Ho-Chunk people have a distinct oral history that carries as much validity as written history and goes back thousands of years. Traditions, history, and spiritual practices are communicated through language, and language loss diminishes and, in fact, threatens traditional understandings. Because of that, language revitalization is an essential component of the contemporary Ho-Chunk experience.

Enduring Understanding 5: Federal Indian Policies

The relationship between American Indian tribes and the US Government is a complicated story. Federal Indian policy, for the most part, naturally falls into the following periods – note that the first period predates the establishment of the US Government under its present Constitution:

- 1492-1787: Tribal Independence
- 1787-1828: Agreements Between Equals
- 1828-1887: Removal Period
- 1887-1934: Allotment and Assimilation
- 1934-1953: Indian Reorganization
- 1953-1968: Termination
- 1968-Present: Tribal Self-Determination

The Ho-Chunk people faced a series of devastating removals beginning in 1832. The Federal Government removed tribal members to Iowa (1832-46), Minnesota (1846-55, 1855-59, and 1855-63), South Dakota (1863-65), and Nebraska (1865). In each case, factions of the tribe resisted removal and returned to Wisconsin, the land of their ancestors. The Treaty of 1837, the last of three Ho-Chunk land cessions to the US Government, resulted in a split in the tribe between the treaty-abiding faction and the non-abiding faction, a division that ultimately led to the current situation of the Hochungra people. The Wisconsin people refer to themselves as Ho-Chunk (based on the original name), while the Nebraska branch retained “Winnebago” as their name. Though they have common ancestry, they are separate tribes today.

(A note on names and terminology: The name “Winnebago” was what the Algonquin people called their Ho-Chunk neighbors, and it means “people of the stinky waters” – referencing the area near Green Bay where Ho-Chunk people lived. The French picked up on what they heard and spelled it “Ouenibegous,” and the term came into common usage. The word “Hochungra” means “people of the big voice,” or “people of the parent speech,” and is what Ho-Chunk people called themselves. In 1994, with the adoption of their revised Constitution, the Wisconsin Winnebago returned to the use of the term “Ho-Chunk.” The Nebraska faction retained the use of “Winnebago.” Also, it is appropriate to use a variety of terms, including “American Indians” when discussing these topics: First Nations People, Indigenous People, and Native Americans. Perhaps better, though, is to simply use the tribal name).

Enduring Understanding 6: Tribal Sovereignty and Governance

Native American tribes are sovereign nations, meaning they have the power to govern themselves, and they have a government to government relationship with the Federal Government. Their sovereignty predates the establishment of the US political system, and was acknowledged by the Framers in Article I, Section 8, Clause 3 of the US Constitution in 1787. To help our students understand their political identity, we teach the concept of simultaneous jurisdictions. All our students are citizens of the United States and Wisconsin. Additionally, our Ho-Chunk students are citizens of their tribal nation. We fly the flags of the three jurisdictions in front of our schools to illustrate and honor that.

Between 1778 and 1871, the Federal Government signed over 500 treaties with various tribal nations, the vast majority of which were broken at some point. The Ho-Chunk Nation signed 11 treaties between 1816 and 1865, three of which led to the tribe ceding its land to the Federal Government (1829, 1832, 1837). Tribal governments operate under self-chosen traditional or constitution-based governmental structures. They enact and enforce laws, and manage judicial systems, social programs, natural resources, economic activities, and educational systems, among other things. The Ho-Chunk Constitution was rewritten in 1994 and its Nation's political headquarters are located in Jackson County. The Nation operates under a four-branch government including a unicameral legislature made up of 11 members that represent 5 areas, the executive branch (Presidency), the General Council made up of all qualified voters within the Nation, and the judiciary, comprised of the Supreme Court and the Trial Court.

Enduring Understanding 7: Loss of Territory, Reservations, and Trust Lands

The story of American Indians in the Western Hemisphere is intricately connected with places and environments. Native knowledge systems resulted from long-term occupation of tribal homelands. Wars, displacement, and treaties meant dramatic land loss for indigenous people over time. Regaining land remains a complex and ongoing process. Many tribes live on Reservations -- lands that have been reserved by the tribes for their own use through treaties, statutes, or executive orders. After the final removal attempt in the early 1870s, the remaining Ho-Chunk people in our area were able to secure forty-acre homesteads east of the Black River, though many were lost to foreclosure in the early 20th Century due to tax liability. The Ho-Chunk Nation is unique among Wisconsin tribes in not having a Reservation. Instead, the tribe has a non-contiguous land base, holding land "in trust" within fourteen counties. Trust land is defined as land that is held by the United States government "in trust" for the benefit of existing and future generations of tribal populations. Land that is designated as trust land is not taxed by the Federal or State governments. This lack of a unified land base provides a unique challenge for the Nation.

Enduring Understanding 8: First Nations People and Treaty Rights

Treaty rights have caused much debate in American and Wisconsin history. The Voigt Decision of 1983 provides a significant and far-reaching example. In that decision, the 7th Circuit US Court of Appeals agreed with the Lake Superior Ojibwe that hunting, fishing, and gathering rights, also known as usufructuary rights, were reserved and protected as negotiated in the 1837 and 1842 treaties with the US Government. The US Supreme Court allowed the decision to stand and the ruling remains in effect today. Reactions to the Voigt Decision were mixed and tensions ran high leading to confrontational racism related to spear-fishing in northern Wisconsin. In response, American Indian educational leaders and advocates persuaded the Legislature to pass Act 31 during the 1989-91 biennium. Signed by Governor Thompson, the law mandates improved curricula within the public schools to build greater awareness and understanding of First Nations history and tribal sovereignty among citizens of Wisconsin. The complete story of Act 31 is chronicled in J.P. Leary's 2018 book, [The Story of Act 31: How Native History Came to Wisconsin Classrooms](#).

Enduring Understanding 9: American Indians and U.S. Citizenship

Ideals and practices of citizenship have always been part of First Nations societies. American Indians today are citizens of the states in which they live and the United States. In addition, they may be citizens of their tribe. Prior to 1924, the prevalent opinion by those in power was that native people could not be both tribal members and U.S. citizens, and the road to citizenship was complex and often meant revoking tribal affiliations. In the post-Civil War period, some native people acquired U.S. citizenship through a variety of means, including treaties, land allotments, and marriage. This piecemeal approach eventually changed when the Federal Government passed the Indian Citizenship Act of 1924, in part, as a response to the high rates of military service during World War I by American Indian people. As U.S. citizens, American Indians have often been denied the same rights and privileges as other U.S. citizens. Various pan-Indian movements and organizations dating back to the early 20th Century have fought for the rights of native people, including the Society of American Indians, the Indian Claims Commission, the National Congress of American Indians, the American Indian Movement (A.I.M.), and the National Indian Education Association.

Enduring Understanding 10: Tribal Enterprises and the Advent of Gaming

American Indians developed a variety of economic systems that reflected their cultures and managed their relationships with others. Prior to European arrival in the Americas, First Nations people produced and traded goods and technologies using well-developed systems of trails and widespread transcontinental intertribal trade routes. Today, American Indians are involved in a variety of economic enterprises and set economic policies for their nations, including management of natural resources. Contemporary gaming is certainly an important feature of Indian Country and dates back to the landmark Supreme Court case of *California v. Cabazon Band of Mission Indians* (1987). Of the 573 federally recognized tribes in 2018, roughly 40% are involved in gaming of some kind, while 60% are not. Wisconsin is one of 28 states that have

tribal gaming. The Ho-Chunk, Potawatomi, Oneida, Menominee, and Stockbridge-Muncee nations all support tribal members, in part, through gaming, as do the six bands of the Ojibwe people. Gaming operations operate under the umbrella of the 1988 Federal Statute known as the Indian Gaming Regulatory Act (IGRA). As sovereign nations, tribes are not taxed, but do negotiate gaming agreements or “compacts” with their respective Governors. Tribal Gaming contributes significantly to local and regional economies, as well as the state treasuries. In Wisconsin, nearly 80% of people employed in gaming are non-native. For a detailed overview of some of the complexities of tribal gaming in our state, consult the periodic updates issued by the Wisconsin Legislative Fiscal Bureau.

Enduring Understanding 11: The UN Declaration of the Rights of Indigenous People

Though the history of American Indian people is unique, it must also be viewed from a global perspective. Throughout history, indigenous people around the world faced similar challenges due to what historians refer to as “settler colonialism,” a system characterized by relationships of domination and subjugation, often driven by competition for resources or land. Such domination was often framed benevolently – in other words, what was being done was “in the best interests” of the people who were being stripped of their sovereignty. The forced placement of native children in government or private boarding schools, provides one such example of that dynamic. The story is complex, however and cultural clashes also produced “acculturation,” a process by which previously separate cultures adapted and changed to meet new circumstances, thereby producing new cultural forms. Transnational efforts at moving beyond settler-colonial history remains one of the great challenges of our time, and progress has been made. In 2007, the United Nations General Assembly adopted the UN Declaration on the Rights of Indigenous People, a landmark document enunciating universal cultural and political aspirations of indigenous people. Though initially opposed to the Declaration, the U.S. Government offered its support for the UNDRIP in 2010.

Enduring Understanding 12: An Ongoing Story of Tradition, Change, and Resilience

The story of First Nations people continues to evolve. Since the mid-1970s, increasing progress toward self-determination has changed Indian Country in positive ways, though much work remains to be done. The collision of cultures which began centuries ago created complex relationships between native and non-native people in the Americas. Wisconsin serves as a microcosm for the larger American story. Historian Colin Calloway puts it this way: “The clash of Indians and Europeans was a conflict between two ways of life, but even as protagonists fought to preserve or impose their way of life, each way of life was undergoing substantial changes as a result of contact with each other.” The Ho-Chunk people were nearly wiped out in the 17th Century, but they survived. They were forced from their homeland time and again during the 19th Century, but a remnant returned in each case to the land of their ancestors, and they survived. Since 1839, our community has experienced a complex shared history, at times contentious, at other times cooperative. Relationships continue to evolve in the early years of the 21st Century. As we confront our past, and authentically help our students understand their shared history in all its complexity, we build the foundation for enduring understandings. This is the work we must do as educators.