

TEACHING NOTES

for

New Mexico's Legislative Imperative: How has the Tribal Collaboration Act Impacted State-Tribal Relations in the State of New Mexico?

By

Linda Moon Stumpff

Learning Objectives

- Explain the historical context of state-tribal relations in New Mexico leading to the Tribal Collaboration Act of 2009.
- Describe the key provisions, goals and requirements of the Tribal Collaboration Act.
- Explain how this law emerged and was implemented in New Mexico.
- Ability to describe various ways to build effective intergovernmental relations between tribes and the state.
- Understand factors that stand in the way of effective intergovernmental relationships

Intended Audience. This case can be used in a variety of courses in multiple disciplines. It is especially appropriate in political science, public administration and policy, law, sociology, education, natural resources, Native studies, and history. Depending on the questions posed it is suitable for students at the high school or any college level including graduate studies.

Themes: activism, intergovernmental relations, law and justice, policy, cultural preservation, health, Federal Indian Law, water law, sovereignty, law and justice, health and wellness, education reform, education for Native students.

Implementation: The case can be taught in a variety of ways including inviting in speakers, role playing, and small group discussion around themed questions as outlined below. To teach the case using small groups, randomly divide the students into small groups of 3-7 people with each group discussing and later reporting out on different questions. This approach allows greater depth in analyzing the case. Each group should have a large poster paper pad and markers to record their conclusions. This helps the group stay on task.

Table 1: Analyzing New Mexico State-Tribal History

1. Make a timeline that captures the major events in state-tribal relations in New Mexico
2. What were the crucial turning points in state-tribal relations?
3. Based on this case what value shifts did you see?
4. What shifts happened in the power and governance relationships of the major players (tribes, elected officials and government agencies) in this case?
5. What were the important steps and institutions created to ensure that the goals of the Tribal Collaboration Act as it was first implemented
6. How and why were changes later made in the actual implementation of the Tribal Collaboration Act? What changes obstructed the capacity to meet the goals of the Act?

Table 2: Leadership

1. Who were the major leaders and leadership institutions that helped put state-tribal relations on the road to progress in New Mexico? Make a list of the leadership institutions and the key roles within the institutions.
2. What specific roles did they play in the successes and failures in tribal-state relations?
3. What were some of the cultural roles and governmental differences among the players and how did these impact the negotiations between them?
4. What are the important lessons you learned from this case about leadership in New Mexico?
5. What were the various strategies pursued to create productive intergovernmental relationships without sacrificing tribal sovereignty? What happened when political support was withdrawn? Were sufficient measures of accountability built into the Tribal Collaboration Act?

Table 3: The process of implementation

1. Sometimes good policies are developed but never successfully implemented. Do you think the Tribal Collaboration Act has been successfully implemented? Why or why not?
2. How do you define and assess “success?” What were the key ingredients of success?
3. What were the factors that promoted and impeded successful implementation?
4. Do you agree with the statement that incrementalism is an important way to pursue successful implementation?
5. What are the important lessons you learned from this case about the process of implementing change?

Table 4: Challenges

1. Make a checklist to evaluate the effectiveness of the Tribal Collaboration Act.
2. What were the key challenges in meeting the goals of the Tribal Collaboration Act?
3. How were your identified challenges met?
4. What might be the future challenges?
5. Should political change affect the implementation of law?

6. What were the factors that promoted the effectiveness of the Act and the factors that impeded its goals? Was the explanation of the “budget crisis” sufficient to explain the Governor’s vetoes?

Table 5: Arenas of legislative change

1. Looking at the three arenas of change in the case---education, natural resources and health—identify what you see as the important lessons in each of these relating to the New Mexico Legislature? Why were these important? How important was an existing federal framework to meeting objectives?
2. How would you describe the evolution of applied tribal sovereignty in New Mexico and the role of the Legislature in New Mexico?
3. Do the kinds of intergovernmental agreements and processes described in this case threaten tribal sovereignty? Why or why not?
4. What would be the ideal relationship between tribes and the Legislative body and how could the legislature hold the Governor accountable for meeting the goals and programs outlined by the Tribal Collaboration Act?
5. What are the important lessons you learned from this case about making legislative change?
6. Do you think the Legislature can find areas of mutual benefit for Tribes and the rest of the state? How might they do this? How might a Governor do this?

Additional research opportunities

Have the students do research on one or more agency’s implementation and major issues with the Tribal Collaboration Act by, among other things, reviewing the annual reports on the website of the Governor’s IAD over time. Alternatively, look at the Policy Unit section or the Infrastructure component on the website for the IAD to review and analyze the direction of policy or infrastructure projects over a period of time.

Students might select one or more Tribes to explore their views of the Tribal Collaboration Act and the IAD and their approach to working with these components of tribal-state relations. Be sure to follow any tribal protocols. You might want to focus on a particular operation such as education, natural resources, health or water.

Evaluation and assessment

Student understanding can be assessed in a variety of ways through position papers, tests, essays, research papers, in class performances, etc. We recommend that students write and hand in their answers to short reflection questions at the conclusion of doing the case where they also assess their group’s performance.