

Grown From the Same Ground: Music Education, Identity, and Indigenous Sovereignty

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Abstract

In this article, I analyze the interaction between America’s federal Indigenous policy and music education as a distinct policy tool of Indigenous assimilation, tracing the transition from the Allotment and Assimilation Era to the modern Era of Self-Determination. Throughout United States history, music education has served the policy interests of law-makers toward Indigenous Peoples, creating implications for the current practice of music instruction. While it is the case that reauthorizations of the Elementary and Secondary Education Act of 1965 have expanded and emphasized the culturally responsive practices occurring inside American music classrooms—along with professional standard-setting—more work is required to achieve true self-determination and cultural autonomy for Indigenous students. I conclude with reference to the Native American Languages Act of 1990 as a possible mechanism to support that objective.

Keywords

Indigenous, Native American, music education, allotment, assimilation, Native American Languages Act, Title VII, federal preemption

Music has been a preferred spade in the toolkit of colonial and imperial projects. Following Spain's conquest of Mexico in 1521, Hernán Cortés implemented a music education regime to convert the Aztec people to Christianity and promote a population servient to the church (Mark 2008, 7–8). To the north, the French imposed Christianity on Indigenous peoples¹ within the boundaries of New France through the vehicle of music, teaching singing classes in every mission school built as the colonists moved south along the Mississippi River (Mark 2008, 8). Centuries later, after the cessation of Taiwan to Japan in the 1895 Treaty of Shimonoseki, Japanese officials utilized a school music strategy to create loyal, Japanese subjects (Southcott and Lee 2003). Similarly, Western music practices were employed to snuff out Madzimbabwean cultural and spiritual identities in Rhodesia—the successor state to the British colony of Southern Rhodesia—now Zimbabwe (Chikowero 2015). A quick and cursory study of history reveals the long shadow music and music education has cast over cultural sovereignty, dignity, and self-realization.

A parallel practice is present within the history of United States Indigenous education policy, which mirrored the general federal strategy: “The United States government has attempted to accommodate, assimilate, and terminate the Indian since declaring its Independence” (Meza 2015, 353). Music education has played a prominent role in pursuit of that mission. Throughout the period of 1871 to 1928, now recognized as the Allotment and Assimilation Era, music instruction present in off-reservation, federally funded boarding schools acted as an implement to strip young Indigenous Americans from the central core of their culture and identity in the attempt toward assimilation to white society—a defining tenant of Indigenous policy at the time (Newton 2017, § 1.04).

However, music education pursuits concerning Indigenous musical practice reflect the changing federal attitude concerning Indigenous self-determination and governance, informed by statutory guidance and professional standards. Both the Indian Education Act of 1972 and subsequent reauthorizations of the Elementary and Secondary Education Act—the No Child Left Behind and Every Student Succeeds Acts—expressly address the cultural needs of Indigenous children (Meza 2015, 356–58; 20 United States Code § 7401). Additionally, state and professional education standards have adopted concepts of culturally responsive pedagogy as Indigenous students diffuse across the country (Schettino et al. 2019, 27; National

Association for Music Education 2014a; National Association for Music Education 2014b).

In this article, I analyze the interaction between federal Indigenous policy and music education and its impact on Indigenous students. Part I provides a brief overview of the Allotment and Assimilation Era, as well as how music education served the policy interests of American lawmakers at the time. In Part II I discuss the evolving Self-Determination Era, in addition to the legal and policy landscape currently present in the administration of music education. Part III includes conclusory remarks and recommendations.

I. The Allotment and Assimilation Era

Westward expansion is an enduring and disrupting theme in the narrative of Indigenous American history (Getches et al. 2017). The rapid development of the nascent American nation drove increased demand for territory and escalated upward pressure on the federal government to extinguish Indigenous presence on ancestral lands for white exploitation (Newton 2023, § 1.03). The result was the federal policy regime coined “Removal,” first advocated by President Thomas Jefferson in 1803, which loomed over United States-Indigenous treaty relations for over five decades (Prucha 1995, 183; Newton 2023, § 1.03). Throughout the Removal Era, Indigenous nations were forced to surrender their lands east of the Mississippi River in exchange for smaller tracts in the west through a combination of coercion, duress, fraud, and violence (Newton 2023, § 1.03; Getches et al. 2017, 167; Prucha 1995).

By 1854, the majority of Indigenous nations had been expelled from their own eastern territories, “step by step, from mountain to valley, and from river to plain, until they [were] pushed halfway across the continent” (Newton 2023, § 1.03; United States Office of the Commissioner of Indian Affairs 1854, 10). The expulsion would be the first in a series of federal moves that detached the intimate connection between Indigenous Peoples and land, hamstringing the development of Indigenous identity the relationship carried. As migration continued westward, however, displaced Indigenous nations were once again swallowed by the ambitions of white settlement, leading to a shift away from the removal policy. In the 1854 annual report to Congress, then-Commissioner of Indian Affairs George W. Manypenny wrote,

The wonderful growth of our distant possessions, and the rapid expansion of our population in every direction, will render it necessary, at no distant day, to restrict the limits of all the Indian tribes upon our frontiers, and cause them to be settled in fixed and permanent localities, thereafter not to be disturbed. The policy of removing Indian tribes from time to time, as the settlements approach their habitations and hunting-grounds, must be abandoned. (United States Office of the Commissioner of Indian Affairs 1854, 17)

The report signaled the transition of United States Indigenous policy towards “reservations”—a systematized “means of confining Indian occupancy and use of land to specific territory”—that would evolve into a pernicious tool of repression and enforced assimilation, discussed below (Getches et al. 2017, 167).

Yet, the lust for resources sealed within the newly erected reservation territory proved to be a “temptation too great for [white] settlers to resist or for the government to pretend to protect” (Getches et al. 2017, 167). Lacking both the “tactical ability and the political will” to secure reservation boundaries from the breach of homesteaders, and given the absence of remaining locations to which Indigenous nations could be removed, policymakers determined that America’s expansionist policy could not coexist with the system of treaty lands (Getches et al. 2017, 167; Newton 2017, § 1.04).

The outcome was a revision to policy practice and substance. Treaty agreements were supplanted unilaterally with broad legislative actions by the Congress, producing “a steady increase in statutory power vested in Indian service officials,” while simultaneously stripping Indigenous nations themselves of what little autonomy remained (Newton 2017, § 1.04). Collectively, the framework served the interests of two groups: (1) those pursuing the assimilation of Indigenous peoples into white society, calling for “absorb[ti]on into the mainstream of American life” and (2) those seeking to seize reservation land for the benefit of white settlers (Newton 2017, § 1.04; Leonard et al. 2020, 2–3).

Signed into law by President Grover Cleveland, the General Allotment Act of 1887 manifested such desires through statutory codification. The Dawes Act, as it was colloquially labeled, was a congressional effort at forced assimilation (Getches et al. 2017, 194; Newton 2017, § 1.04). Under the Act, Indigenous peoples’ communal and undivided interests in nation lands were dissolved and replaced with individually “allotted” parcels (Newton 2017, § 1.04). While the Act successfully opened land for eager white settlers, resource extraction, and production, the other overarching motivation behind the legislation was to disconnect Indigenous

communities from their communal and cultural core by breaking up the lands held by Indigenous nations (Getches et al. 2017, 195). To many contemporaries, the Dawes Act was the most efficacious method to usher Indigenous Americans into the desired pathway of white life (Newton 2017, § 1.04). Writing in 1877, a Bureau of Indian Affairs (BIA) agent for the Yankton Sioux foreshadowed allotment as a means of achieving such an objective:

As long as Indians live in villages they will retain many of their old and injurious habits. Frequent feasts, community in food, heathen ceremonies, and dances, constant visiting—these will continue as long as the people live together in close neighborhoods and villages... I trust that before another year is ended they will generally be located upon individual lands [or] farms. From that date will begin their real and permanent progress. (Getches et al. 2017, 195)

The policy goal coloring the Allotment and Assimilation Era was to “end the tribe as a separate political and cultural unit,” but the Dawes Act was not the only mechanism employed to accomplish the task (Newton 2017, § 1.04). While allotment was the new blueprint for federal assimilation efforts, education remained a central element of the strategy (Newton 2017, § 1.04).

Schooling was considered the single most important tool of United States Indigenous assimilation policy throughout early American history (Newton 2023, § 1.04). While mission schools for Indigenous children began their operations soon after the birth of the United States, in 1879 the full force of reeducation was brought to bear in the form of boarding schools (Newton 2023, § 1.04; Newton 2017, § 1.04). Under the boarding school regime, federal and state officials coerced Indigenous families to send their children to schools entirely removed from Indigenous land, family, and life, resorting to abduction when students or families were unwilling or resistant (Pember 2019; Newton 2017, § 1.04; Child 2018, 38). Indigenous students were often kept at the boarding schools for eight or more years without access to their families and friends and subjected to emotional, physical, and sexual abuse (Hedgpeth 2023); while there, “anything Indian—dress, language, religious practices, even outlook on life ... was uncompromisingly prohibited” (Getches et al. 2017, 210). While the Dawes Act severed Indigenous peoples from their political and social core, federal policymakers sought to “destroy the Indian’s own heritage and language” and supplant it with a purely “American” one through education (Newton 2017, § 1.04). Here, federal officials, with their sights set on assimilating Indigenous students into white society, secured their hand

through music education—the ever-favored instrument of inculcation. If schooling was to “[k]ill the Indian in him and save the man,” music education was certain to play a prominent role in such a process (Pratt 1892, para. 1).

Surveying Indigenous American Musical Practice and Western Art Music

Understanding the mechanics by which federal actors engaged music instruction to target Indigenous Americans towards the Allotment objectives of extinguishment and assimilation necessitates considering the difference in epistemological and ontological relationships between the traditional musical practices of Indigenous nations and Western art music. Importantly, the musical practices of Indigenous nations are not homogeneous; Indigenous musical practices are as diverse as their histories, languages, and beliefs (Browner 2009; Herndon 1982). Nonetheless, they include common threads, which serve as the basis of this discussion.

To categorize Indigenous musical practices as “music” insufficiently captures the role that musical expression occupies within the social tapestry of Indigenous nations. Such action imposes a term that invokes Western criteria for what constitutes music-making for both the reader and listener (Vázquez Córdoba 2019, 208; Robinson 2020, 46). Instead, Indigenous nations couch musical practices within the larger, inclusive whole of Indigenous communities, positioning them as a societal functionary or form of doing (Vázquez Córdoba 2019, 208; Robinson 2020, 46). Indigenous musical expressions do not simply bear the substance of historical documentation, law, medicine, narrative, and teachings—they are history, law, medicine, stories, and teachings (Robinson 2020, 8, 41, 46; Browner 2009). Thus, Indigenous music-making is indivisibly tangled with spirituality, history, and community.

Vázquez Córdoba (2019) notes that the tangled web of Indigenous musical practices and society favor “the reproduction of culture through maintaining dialogue about its meaningful anchors like ways of doing, saying, and feeling” (209). The life flowing through Indigenous musical practices and culture is dynamic and participatory in contemporary contexts, evolving alongside its peoples and circumstances (Vázquez Córdoba 2019, 209, 215). Adults pass these same musical expressions to younger members of the community, who inherit the body of enduring musical material (Heth 2017, 366; Herndon 1982, 11). Therefore, Indigenous knowledge, citizenship, and culture building—history, law, medicine, stories, and

teachings—constitute a collective enterprise; musical practice is the communal well that nurtures the Indigenous experience across time.

However, the epistemic and ontological web of Indigenous life, musical practice, and peoples may be best summarized by the closing lines of U.S. poet laureate, and member of the Muscogee Creek Nation, Joy Harjo (2008), in her poem “Remember”:

Remember you are all people and all people
are you.

Remember you are this universe and this
universe is you. (35)

In contrast, the practice of Western art music engages both the performer and listener in a far more isolated, internal endeavor. Western perspectives largely situate music-making not as an activity of collaborative engagement or social functionary, but as an artistic object concerned with “aesthetic contemplation” (Robinson 2020, 8, 41): “What is valued is not the action of art, not the act of creating, and even less that of perceiving and responding, but the created art object itself” (Small 1998, 4). Musical meaning therefore exists solely within the work, independent of the community that fosters its performance (Small 1998, 5).

Deviating from Indigenous musical practice, Western art music composition arises from the introspective—perhaps inspired—efforts of solitary individuals, reflecting their values alone (Herndon 1982, 70). These intentions are then incised in the work, and performance serves only to realize them. Because musical meaning is predetermined and concretely decided, “performance plays no part in the creative process” (Small 1998, 5). In fact, the more transparent and detached from distinct interpretations, the better the manifestation of compositional intent. Performers can present musical meaning, but they do not contribute to it (Small 1998, 5).

Similar to the performer, the listener is not involved in the construction of musical meaning for any given work. Performances of Western art music stage “a one-way system of communication, running from composer to individual listener through the medium of the performer” (Small 1998, 6). The role of the listener is only to contemplate the work—even the perennial performance space reaffirms such a conclusion (Small 1998, 19–29).

Consequently, ownership over the music is hermetically sealed as the composer's ink dries, belonging only to the composer, while barring performers and listeners from contributing. Musical meaning is "simply there, floating through history untouched by time and change, waiting for the ideal perceiver to draw it out" (Small 1998, 5).

This discussion illustrates the gap between Indigenous and Western art musical practices. For Indigenous students, supplanting the former with the latter musical practices extends beyond replacing style, instrumentation, modality, and rhythm. Foisting Western art music on Indigenous children subordinates Indigenous epistemologies and ontologies to Western conceptions, cuts Indigenous students from the fountainhead of nations' knowledge, and strips them of their cultural heritage. Thus, the music education present in the Allotment and Assimilation Era boarding schools contributed to achieving the federal strategy of cultural extinguishment and assimilation.

Music Education: An Allotment and Assimilation Tool

In 1879, federally operated boarding schools for Indigenous students became a focal point of United States Indigenous policy and were tasked with the goal of dismantling Indigenous infrastructure—culturally, politically, and economically (Lomawaima et al. 2000, 19). Consequently, federal boarding schools forbid Indigenous practices, including musical expression, on campuses (Shipley 2012, 3).² The governing Office of Indian Affairs viewed student participation in Indigenous musical practices as a failure of educational programming, evincing an eagerness to separate Indigenous students from their cultural and civic wellspring (Shipley 2012, 4–5). Displacing Indigenous music practices, boarding schools implemented Western art music in their place (Winston 2019; Parkhurst 2014). As a result, Western music education functioned as a tool of assimilation, with Indigenous students placed in music coursework—including Western band, choir, orchestra, and general music programming and curriculum—that mimicked schools populated by white children (Shipley 2012, 3; Winston 2019, 106). Facially, Indigenous boarding school music instruction rejected Indigenous musical practices through its conscious curricular and performance emphasis on Western art music as a means of assimilation. Deeper, though, the music education of captive, young Indigenous

children worked to destructively redefine their connection to musical practices and thus their relationship to indigeneity itself.

Displacing Indigenous Musical Practices through Curriculum and Performance

Programmatically, Indigenous boarding school music education served the allotment objectives of federal officials.³ Indigenous musical practices made no curricular appearances in theoretical, aural, or performance capacities, as it was barred from boarding school campuses alongside other facets of Indigenous life (Shipley 2012, 3). Instead, Western musical techniques, literature, and performance teachings consciously displaced those of Indigenous Peoples. Such a practice fogged the familiarity Indigenous students possessed with their mother culture; Indigenous children were left unable to engage with their ancestral musical practice, and in that communicative crack, conceptions of Western composition and construction were forcibly wedged.

Boarding school instruction emphasized Western technique and sonorities over Indigenous musical practice. At the height of federal boarding school involvement, the United States Secretary of the Interior spoke to the strategic displacement of Indigenous musical practice:

During the year the students have received class instructions in vocal music. They are learning to sing by note and are drilled regularly in chorus-singing. The singing exercises are a great profit, and our hymns⁴ and choruses seem now to afford more pleasure than did formerly the meaningless monotones and minor wails of their savage life. (United States Office of the Commissioner of Indian Affairs 1881, 185)

Boarding school music curriculums discarded the characteristics common to the musical practices of Indigenous nations, including vocables and the melodic contours distinct to each nation (Levine 2022), to impress the Western performance doctrine appearing in American and European concert halls. Similarly, Indigenous students coercively attending boarding schools did not study the Indigenous instruments of traditional practice (Shipley 2012, 3). Instead, music educators taught customary Western instruments, such as the bassoon, flute, piano, trombone, and violin, all foreign to the musical practices of Indigenous Peoples (Choate 1891, 1895; *Rebecca Sawyer and Female Student Having a Music Lesson* 1896).⁵

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These teachings manifested in performances of the Western art canon, in which concerts containing Indigenous students in Western conceptions of the ensemble, performing Western works, wearing Western concert attire were the ultimate act of assimilation. Public performances at the 1893 World Fair in Chicago, the Longfellow Memorial Association, the White House, and town centers across the country affirmed Indigenous students as “model Indians—either so far assimilated into Western culture that they donned the concert apparel of white musicians, or tamed savages who were capable of learning traditionally white instruments” (Winston 2019, 115–16). The performances featured works from the Classical, Baroque, and Romantic periods of Western art canon, programming composers such as Giuseppe Verdi and Jacques Offenbach (Winston 2019, 111; United States Carlisle Indian School Band 1915; United States Indian Industrial School 1908).⁶ Audiences attending the public appearances of ensembles, composed of Indigenous students, were left to conclude that assimilation had proceeded successfully. The sentiment was expressed throughout the country, and shared by one local newspaper after an evening performance by the Carlisle Indian Band:

The Carlisle Indian band gave a high class concert to an audience that filled the New Theatre to its utmost capacity. All lovers of music in the audience were delighted with the concert. The Carlisle School has every reason to be proud of such an organization of musicians. It reflects great credit upon the school and the Indian race. (*Carlisle Band at Chambersburg* 1911, 4)

When Indigenous children were taken from their families, communities, and homes, American sentiment was that they “were without and beyond the reach of civilization” (*Red Man* 1896, 6). Concerts, however, provided the notable evidence to white Americans that music education could fashion the model Indigenous citizen—one whose Indigenous identity is left as only a husk to hold that of the cultured white American (*Red Man* 1896, 6).

Disconnected from musical practices of Indigenous Peoples, American nationalism could be further layered upon the suppression of Indigenous children’s identity. While exposure to specific music does not direct an individual’s actions, it can deeply influence the subconscious and move people in directions desired by the facilitator (Hebert and Kertz-Welzel 2012, 2; Urbain 2008, 2). In this case, the music education of Indigenous boarding schools served to instill a sense of American exceptionalism, made clear in a Carlisle Indian School report:

The Band ... furnished music during clear weather for “Flag Salute”—an innovation which has been begun during the past year at [Carlisle Indian Industrial School]. This is an inspiring exercise which takes place each evening before supper-time, when, to the strains of “The Star Spangled Banner,” and with heads uncovered, “Old Glory” is lowered from the staff. *There can be no question that this salute teaches greater reverence for the flag and imbues the students with more ardent patriotism.* (Friedman 1909, 49, emphasis added)

Patriotism,⁷ however, often accompanies the implicit assumption of cultural superiority, subordinating all others (Hebert and Kertz-Welzel 2012, 11). Making the assimilation efforts more pernicious, boarding school music instruction—by virtue of boarding school music instructors—not only subjugated Indigenous identities, but also aimed to instill the belief that the cultures of Indigenous students’ families, friends, and communities were inferior to those of their oppressors.

The accounts above of music education in Indigenous boarding schools illustrate a clear picture of its use as a tool for assimilation. Indigenous musical practices and tenets were rejected and replaced with Western musical doctrine and custom. However, a deeper cultural assimilation strategy emerges out of music education’s role within the Indigenous boarding school system, mirroring the objectives animating the Dawes Act.

Mirroring the Dawes Act: Recasting Relationships

On February 8, 1887, President Grover Cleveland signed into law the Dawes Act, which divided and allotted reservation land to Indigenous families—usually in 160-acre parcels (Leonard et al. 2020, 2). Much of the divided, newly titled reservation land was held in trust by the federal government for twenty-five years, or when an Office of Indian Affairs agent deemed the Indigenous allottee “competent and capable”⁸ (25 United States Code § 349), at which point it was released and transferred (Leonard et al. 2020, 2). Other Indigenous territories were instantly titled and available for sale (Leonard et al. 2020, 2). In both cases, much of the land was sold to white settlers and speculators, leaving many Indigenous individuals landless, and communal reservations disconnected and checkered (Newton 2023, § 1.04). However, while the legislation served the purposes of breaking up Indigenous nations and releasing land for white development, it also intentionally supplanted the Indigenous relationship with land for one as owner over property (Getches et al. 2017, 194–96).

The conversion of land to property was fueled by the enduring American perception that Indigenous land relations had been grounded in sentiments of waste, formally expressed as far back as 1823 in the United States Supreme Court decision *Johnson v. M'Intosh*.⁹ The entrenched belief perniciously promoted “little sympathy for the preservation of a way of life that left farmlands unturned, coal unmined, and timber uncut” (Newton 2017, § 1.04). Acting on both the doctrinal and political will of the United States, the Allotment Era federal government viewed the Indigenous ontological and epistemic relationship to land as a relic of the past without application in the present (Tuck and McKenzie 2015, 66). Such a worldview was symptomatic of the entrenched white, Euro-American belief that man is sovereign, staged at the center of all else, and that “nature must be made to acquiesce to society’s choices” (Herndon 1982, 61–71). Thus, the Dawes Act recast land as property, accompanied with the duty to extract from the land any and all bounties it offers.

Indigenous ontologies, however, do not contemplate the hierarchy of owner over land, but rather engage with it in a partnership of circularity, reciprocity, and interconnectivity that informs the Indigenous experience (Booth 2003, 331; Booth and Jacobs 1990, 33–35; Vázquez Córdoba 2019, 211). Resembling the relationship between Indigenous Peoples and musical practices discussed above, the cultures and histories of Indigenous Americans “are based in the land and their lives are inseparably intertwined with it” (Booth and Jacobs 1990, 34). The interaction is clearly discussed by Paula Gunn Allen (1979), member of the Laguna Pueblo Nation:

We are the land ... that is the fundamental idea embedded in Native American life ... the Earth is the mind of the people as we are the mind of the earth. The land is not really the place (separate from ourselves) where we act out the drama of our isolate destinies. It is not a means of survival, a setting for our affairs... It is rather a part of our being, dynamic, significant, real. It is our self. (191)

The Indigenous relationship to land staged a barrier to the American project of colonialism. Without the unfettered ability to exploit land and its resources, the federal policymakers’ belief was that the country’s development would stagger. Therefore, Indigenous cultural, societal, and political remnants would need to be erased (Tuck and Yang 2012, 6). And if not erased, they would need to be incorporated and assimilated, because the enduring development demands of settler colonialism desire “Indigenous lands, not Indigenous peoples” to accommodate invasive settlement (Tuck and McKenzie 2015, 66). The Dawes Act initiated both

the former and latter by means of epistemic and ontological violence, repressing Indigenous relationships to land and inflicting cultural extinguishment. Through the legislation, Dawes not only dispossessed previously promised Indigenous land for white settlement free of Indigenous bodies, but subjugated Indigenous ontologies and epistemologies to privatization.

In the process of settler colonialism, land is remade into property and human relationships to land are restricted to the relationship of the owner to his property. Epistemological, ontological, and cosmological relationships to land are interred, indeed made pre-modern and backward. *Made Savage*. (Tuck and Yang 2012, 6)

If the Indigenous experience is inseparably intertwined with the land, then the privatization and parceling of land denied access to a complete understanding of one's Indigenous self.

As discussed above, Indigenous musical practice acts as a similar ontological and epistemic yoke, inextricably linked with Indigenous social and civic life. Just as land is indistinguishable from Indigenous identity, musical practices weave through the fabric of Indigenous existence; Indigenous history, law, medicine, stories, and teachings are vested both within the land and musical practices, while land and musical practices operate as those resources concomitantly (Booth and Jacobs 1990, 33–35; Robinson 2020, 8, 41, 46). While the music education of Indigenous students present in boarding schools was not focused on the physical displacement of Indigenous peoples, the same mechanics undergirding the Dawes Act were employed to suppress Indigenous ontologies and epistemologies. Where the settler “sees himself as holding dominion over the earth and its flora and fauna” (Tuck and Yang 2012), Western art doctrine presupposes composers’ province over musical interpretation and performance (Small 1998, 5), shirking Indigenous expressions of a collective throughline. Through curriculum, programming, and performance, boarding school music education reinforced traditions of Western art music to the exclusion of Indigenous musical practice, obscuring Indigenous students’ familiarity with a portion of their cultural vocabulary, detaching them from the communal knowledge carried within, and barring self-realization.

Together, the Dawes Act’s privatization of land and the music education of Indigenous students within boarding schools sought to disconnect the Indigenous connection to the body of Indigenous knowledge by subverting the relationship to land and musical practice. Repressing Indigenous musical practices within

boarding schools—just as the federal government subjugated the relationship of Indigenous peoples to the land through the Dawes Act—severed the Indigenous ability to fully participate in communal and social life, leaving Peoples politically and culturally disempowered. Without access to the ongoing dialogue shaping the Indigenous experience through musical practices and land relationships—to fully peer into the knowledge bank of what it means to be Indigenous—Indigenous identities face extinction. Such a prospect is a direct attack on the sovereignty of Indigenous nations, but also the overall objective of the settler colonial endeavor: Indigenous peoples are to be erased (Tuck and Yang 2012, 6).

II. Self-Determination and Cultural Autonomy

Following the Allotment and Assimilation Era, Indigenous nations and peoples persevered through the subsequent periods of Reorganization and Termination, a policy regime shamelessly labeled by Congress itself (Newton 2023, § 1.07; Newton 2017, §§ 1.05, 1.06). At the end of this timeline, federal policy shifted to what would eventually become the Self-Determination Era in 1958 (Newton 2017, § 1.07). Premised on the “principle that Indian Tribes are ... the primary or basic governmental unit of Indian policy,” the new era emerged and evolved as a result of Indigenous voices’ continuous pursuit of reform (Newton 2017, § 1.07). More, the recognition of nations as separate governmental entities endowed with inherent sovereign powers has received the official support of every United States President since 1960 (Newton 2023, § 1.07).

Today, the principles embodying the Self-Determination Era operate through various channels “to promote the practical exercise of inherent sovereign powers possessed by Indian tribes” (Newton 2023, § 1.07). Much of this autonomy expansion was the result of activism efforts from Indigenous leaders and supporters in the 1950s, 60s, and 70s, “result[ing] in an unprecedented volume of Indian legislation, most of it favorable to Indian interests, and all of it enacted at the behest of tribes or at least with their participation” (Getches et al. 2017, 252). Examples of Self-Determination policy include the Indian Self-Determination and Education Assistance Act of 1975 and the Tribal Self-Governance Act of 1994, which expressly provide broad authority to nations for budgeting and contracting of social services, including health, education, and economic development.

That is not to say, however, that self-determination has been fully realized. Issues of substantive self-governance remain and have yet to be delivered to Indigenous nations. Limitations on the jurisdiction of Indigenous courts have been imposed by the United States Supreme Court, while the exercise of governance over nation resources is burdened by onerous requirements not implemented elsewhere, for example (Newton 2023, § 1.07). More work is required to achieve actual self-determination, but the policy trend has increasingly placed more power under their purview of Indigenous Peoples themselves.

Indigenous education has taken a similar pathway through the Self-Determination Era, and music education has pursued a culturally responsive role in the development of young Indigenous students as they cultivate their autonomy. Throughout modern history the federal government has explicitly provided for supports in addressing these cultural needs, impacting music education's presence in classrooms where Indigenous students are served.

Indian Education Act of 1972

In 1972, the Indian Education Act employed the United States Department of Education to meet the educational and cultural needs of Indigenous students. It included funding for “research activities and various discretionary programs” and “public school districts, tribes, and Bureau [of Indian Affairs]-funded schools based on eligible student enrollment” (Meza 2015, 357).¹⁰ In order to access the funds, programs were required to address “the culturally related academic needs of Indian children ... and [were] developed with the active involvement of the Indian community and approved by a committee selected by Indian parents and students” (Meza 2015, 357).

The congressional action was a turning point in the history of education for Indigenous students, as it was the legislative impetus towards rectifying the cultural degradation of Indigenous communities caused by the federal government throughout American history (Still 2013). In addition to increasing the monetary assistance for Indigenous classrooms, the law created the National Advisory Council on Indian Education, an administrative body consisting of fifteen Indigenous American members tasked with advising the U.S. Secretary of Education concerning federal education programming involving Indigenous students (Still 2013; 20 United States Code § 7471).

While the legislation does not explicitly address music education, the United States Congress clearly affirmed the cultural needs of Indigenous students for the first time in the federal government's historical relationship with Indigenous nations. The increased administrative attention provided a safety valve against the prior practices found in the previous boarding school model, preempting acts of cultural suppression by requiring attention to the distinct cultural needs of Indigenous students and communities as a precondition to access funds (Meza 2015, 357). However, the Indian Education Act of 1972 may have more importantly laid the groundwork for future legislation targeting the issue of culturally responsive education, including "Title VII, which would preserve and promote the protection, use, and teaching of cultural ... education in public schools" (Still 2013).

No Child Left Behind and Every Student Succeeds Act and Title VII

President George W. Bush reauthorized the Elementary and Secondary Education Act—the landmark American education bill—under the No Child Left Behind Act (NCLB) in 2001. The bill included Title VII, which directly addressed gaps in culturally responsive pedagogy for Indigenous students. Subsequently reauthorized in 2015 under President Barack Obama as the Every Student Succeeds Act (ESSA), the Statement of Policy and Purpose explicitly speaks to the culture needs of Indigenous students:

It is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children. The Federal Government will continue to work ... toward the goal of ensuring that programs that serve Indian children are of the highest quality and provide for not only the basic elementary and secondary educational needs, but also the unique educational and culturally related academic needs of these children. (20 U.S.C. § 7401)

Further, Title VII provides supports for meeting "the unique educational and culturally related academic needs of Indian students" and ensuring that Indigenous students acquire a "knowledge and understanding of Native communities ... traditions, and cultures" (20 United States Code § 7402). Title VII also aims "to ensure that teachers ... who serve Indian students have the ability to provide culturally appropriate and effective instruction and supports to such students" (20 United States Code § 7402).

To consider whether the federal government has fulfilled its legislative commitment under Title VII, I examine schools overseen by the administrative arm of the Bureau of Indian Education (BIE)—formerly a division of the Bureau of Indian Affairs. Operating as an agent of the federal government, these schools are subject to its policy priorities. In practice, Bureau schools have adjusted their music education programming in response to the shifting legislative landscape of culturally responsive pedagogy for Indigenous students.¹¹ Working alongside the federal government, Indigenous nations have exercised their educational prerogatives in varying ways to meet their cultural objectives. In New Mexico, the Dzilth-Na-O-Dith-Hle Community School incorporated music education into a class on culture, in which musical engagement is couched within a comprehensive education on Indigenous cultural life (Dzilth-Na-O-Dith-Hle Community School n.d.). The Fond du Lac Ojibwe School in Cloquet, Minnesota exchanged traditional Western ensembles for performance groups responsive to the student population’s musical heritage, including the Ojibwe School Drum Circle and opportunities to participate in the community Powwow each October (Fond du Lac Ojibwe School n.d.). However, other schools, such as the Nah Tah Wahsh Public School Academy in Wilson, Michigan, have opted for dual music programming, which pairs Indigenous culture coursework with traditionally Western art musical practices, including choir, orchestra, or wind band (Nah Tah Wahsh Public School Academy n.d.).¹² In each instance, the Indigenous community arrived at the music programming offered to Indigenous students in partnership with the federal government (20 United States Code § 7401). While not absolute self-determination, the current legislative framework surrounding music education in federally administered schools is trending away from the oppressive boarding school practices that employed music education as an overt tool of assimilation.

The Changing Legal and Policy Landscape: The Anti-Critical Race Theory Movement, Professional Music Standard-Setting, and Moving Beyond Inclusivity

The adoption of Title VII is exemplary of the broader federal push towards incorporating culturally responsive practices into more classrooms across diverse school settings. In 2015, ESSA moved further forward by introducing the ability of states to create distinct, individualized accountability standards that can capture

objectives outside the traditional measurements of standardized test scores, with the majority choosing to consider culturally responsive teaching as a component (Schettino et al. 2019, 27). However, even where culturally responsive teaching practices flourish, the rise of the anti-critical race theory movement threatens to chill culturally responsive teaching generally (Naiarro 2022). With a lack of understanding related to both concepts and their distinctions, critical race theory antagonists have conflated the framework with culturally relevant pedagogy (Naiarro 2022). For example, “culturally responsive teaching and equitable practices” is one of the performance standards in which the State of Virginia assesses its teacher force (Naiarro 2022).

But in January 2022, Virginia Governor Glenn Youngkin issued an executive order directing the state’s Superintendent of Public Instruction Jillian Balow to identify “inherently divisive concepts like critical race theory and its progeny” within the Virginia public school system (Naiarro 2022). What resulted was a removal of materials related to the development of culturally responsive teaching deemed “divisive” (Naiarro 2022). As of 2022, state-level lawmakers in twenty-eight states have adopted at least one anti-critical race theory measure. Moreover, every state except Delaware has been subject to at least one anti-critical race theory proposal at some level of government (Alexander et al. 2023, 5). The enactment of such policies threatens the development, incorporation, and maintenance of culturally responsive practices within music classrooms across the country, as seen in Virginia.

In contradiction to the current policy trend of states and localities, the American professional organization for music education, the National Association for Music Education (NAfME), has begun to recognize the implications of culture and context similarly contemplated by the Self-Determination Era federal government—albeit slowly and not without flaws. One year prior to the passage of ESSA, NAfME redesigned the national music content standards, moving closer to implementing considerations of varied musical practices in the music classroom. Under standard 7.2, for example, music lessons should create opportunities for students to interact with the idea that “response to music is informed by analyzing context (social, cultural, and historical) and how creators and performers manipulate the elements of music” (National Association for Music Education 2014a). Combined with the remaining NAfME standards, however, these are a far stretch from supporting meaningful implementations of culturally relevant pedagogy. The

standards neither direct the music instructor to foreground the musical heritages of students within a diverse classroom, nor call for a reimagining of American music education's Eurocentric framing. After all, the standards still assume that compositions are qualitatively owned or "personal" (National Association for Music Education 2014b), musical ideas can house purpose, but are not purposive themselves (National Association for Music Education 2014c), and divisions between performer and audience—even when thin—remain (National Association for Music Education 2014a).

In practice, music teachers acting in good faith to engage with ideas of culturally relevant pedagogy often resort to inclusive curriculum programming. This may take the form of pieces such as Indigenous composer Brent Michael Davids' *Grandmother Song*, a musical work written for young musicians that provides "an introduction to the Mohican tradition of 'sung syllables' or what indigenous Americans call 'vocables'" (Davids 2002). Further, in *Grandmother Song*, "band instruments are performed less as musical instruments and more as talking sticks, singing reeds, rustling winds, and shooting thunder" (Davids 2002). Pieces like *Grandmother Song* attempt to provide young musicians with "the materials to understand how Native Americans celebrate the world around them through the blending of words and song" (Davids 2002).¹³

Such examples are a positive addition to the progressive aim of a culturally responsive education. However, they fall short of disrupting the Western art music norms found in music classrooms across the United States. Inclusive programming practices value diversity over reconceptualization, functioning as a form of multicultural enrichment in which interaction opportunities serve as a comparative resource to Western art music doctrine without disturbing its tenets (Robinson 2020, 8). While inclusionary practices can benefit students, they concurrently work to "normalize the terms of engagement" and formalize the epistemic and ontological relationships dictated by the relative venue—in this case, Western musical practice (Tuck and Yang 2012, 19; Robinson 2020, 8). For example, a teacher programming Davids' work in a performance likely adheres to the established norms of Western art music discussed above.

Of course the performance will take place on a proscenium stage, in a concert hall; of course all musicians ... will wear black; of course the audience will clap not firstly for the music but for the concertmaster's ... entrance onto the stage, and then tune all the instruments to make sure there is no variation between instruments playing the same pitches (or "out of tune-ness"); of course we will then

clap again once the conductor enters the stage; of course the [band] will read notated music scores where every note will be performed exactly as written; of course there will be an intermission; of course there will be applause after every composition. (Robinson 2020, 7–8)

When viewed through the lens advanced by Robinson (2020), current music performance and education practices do not stray far from the performance of the aforementioned 1911 Carlisle Indian Band. Utilizing inclusive musical practices in the classroom without purposeful reconceptualization can affirm the same assimilatory and extinguishing strategies they attempt to eschew. Yet, creators of inclusive curricula and programs—as well as the NAFME standards—do not currently contemplate such a reorientation. Rather, they maintain isolated interactions with Indigenous musical practices from the vantage point of Western art music. Imagine instead a framework of music standards that fully realizes the socio-political vitality of Indigenous musical practices, securing the tether between Indigenous students and Indigenous life, knowledge, and self.

III. Conclusion

A Wintu proverb states that songs, myths, and people all grow out of the same ground (Herndon 1982, 175). Musical practices, though, may be some of the most fertile soil, providing a cultural wellspring for Indigenous Peoples. Songs and performances are physical manifestations of perspectives and worldviews, heritages and histories, community and society, which connect Indigenous peoples to notions of identity. Smothering the musical practices of Indigenous Peoples poured salt on the earth where these all grow. It is the reason why music was weaponized as a tool of settler colonialism in the Indigenous boarding schools of the Allotment and Assimilation Era—music-making shapes the Indigenous experience. Supplanting Indigenous musical practices for Western art music doctrine severed the cultural throughline, planting the seed of identity elsewhere.

However, victories and progress—at times limited—have emerged since the Self-Determination Era of present. The Indian Education Act of 1972 paved the way for Title VII, the stand-alone ESSA provision obligating the federal government to work in partnership with Indigenous nations and organizations towards achieving a culturally responsive music curriculum and teaching practice. Simultaneously, NAFME's music content standards ostensibly aspire to embody the same

principles at the center of music lesson design, moving music classrooms away from the cultural repression of Indigenous students.

More must be done, though, to achieve *actual* self-determination. In addition to the thoughtful reconsideration of professional standards, Indigenous communities should be free to implement a music curriculum of their choosing, reflective of their students' cultural needs, without federal intrusion or "partnerships" present in the verbiage of Title VII. The federal government can play a role in safeguarding Indigenous musical practices, however, so that future generations may draw from them. Similar to the Native American Languages Act of 1990, the federal government could pass an explicit protection of Indigenous musical practices and obligate itself to safeguarding those expressions. Much of the 1990 legislation can be applied to Indigenous musical practice without much revision:

The Congress finds that—

- 1) the status of Native [American musical practices are] unique and the United States has the responsibility to act together with Native Americans to ensure the survival of [these distinct musical practices];
- 2) special status is accorded Native Americans in the United States, a status that recognizes distinct cultural and political rights, including the right to continue separate identities;
- 3) the traditional [music practices] of Native Americans are an integral part of their cultures and identities and form [a] basic medium for the transmission, and thus survival, of Native American cultures, literatures, histories, religions, political institutions, and values;
- 4) there is a widespread practice of treating Native [American musical practices] as if they were anachronisms;
- 5) there is a lack of clear, comprehensive, and consistent Federal policy on treatment of Native American [musical practice] which has often resulted in acts of suppression and extermination of Native American [] cultures;
- 6) there is convincing evidence that student achievement and performance, community and school pride, and educational opportunity is clearly and directly tied to respect for, and support of, [the culture] of the child or student;
- 7) it is clearly in the interests of the United States, individual States, and territories to encourage the full academic and human potential achievements of all students and citizens and to take steps to realize these ends;
- 8) acts of suppression and extermination directed against Native American [musical practices] are in conflict with the United States policy of self-determination for Native Americans;

- 9) [musical practices] are [a] means of communication for the full range of human experiences and are critical to the survival of cultural and political integrity of any people; and
 - 10) [music] provides a direct and powerful means of promoting international communication [through exposure to different musical practices].”
- (25 United States Code § 2901)

The proposed legislation would safeguard one medium of the enduring cultural conversation for Indigenous Peoples, ensuring the “meaningful anchors” of the Indigenous experience are guaranteed the cultural space to flourish and live through the additional supports of statutorily diverted resources and attention (Vázquez Córdoba 2019, 209). The proposition is imperfect, as it contributes an additional layer between Indigenous Peoples and the realization of Indigenous sovereignty. However, such a legislative act should be construed as a fulfillment of the United States trust relationship obligation, a doctrine establishing a legal relationship between the United States and Indigenous nations that affirmatively advocates for the promotion of nation self-governance (American Law Institute 2022, § 4). Moreover, federal protections legislation offers an engaging case for a defense of federal preemption—a doctrine referencing the juridical concept that a higher authority of law will displace the lower authority law when the two conflict—in face of the increased anti-critical race theory legislation working through state legislatures and festering within state and local education policies (Cornell Law School n.d.). Federal preemption can be stated explicitly within the proposed legislation to further protect Indigenous musical practices from anti-critical race theory measures, but the potential for a case on implied preemption of critical race theory bans by passage of the legislation above alone raises interesting questions for research and jurisprudence.

Above all, while music education can operationalize the American settler colonial project, it can also support the growth of cultural identity for Indigenous students. The ground only need be tended to for the songs, dreams, and people to flourish.

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Notes

¹ This article follows the Native Governance Center's terminology guidance when discussing Indigenous nations and peoples. "The term Indigenous Peoples (uppercase I and P) refers to Indigenous People as groups with distinct legal rights. Indigenous peoples (uppercase I, lowercase p) refers to Indigenous peoples with individual rights." For a comprehensive discussion of Indigenous terminologies, see <https://perma.cc/8T5K-CJXT>.

² Contrarily, the Hampton Normal and Agricultural Institute allowed Indigenous students to sing Indigenous songs in their local language (Shipley 2012).

³ Examples in this discussion are heavily drawn from the Carlisle Indian Industrial School because of its prominence as the operational model for Indigenous American instruction during the Allotment and Assimilation Era. Practices employed at Carlisle were recreated elsewhere with vigor, given its high public praise at the time (Newton 2017, § 1.04).

⁴ To federal actors, cultural assimilation and conversion to Christianity were viewed synonymously (Lambert 2022). Much of the federal assimilation pursuit was conducted through partnership with religious institutions and organizations (Newton 2023, § 1.04; Lambert 2022), where the federal government would pay the religiously affiliated boarding schools per pupil (U.S. Bureau of Indian Affairs 2022, 48). While seemingly breaking the Constitutional barrier between church and state, the Supreme Court held that the prohibition against federal spending on religious schooling did not apply to Indigenous treaty funds in the 1908 case *Quick Bear v. Leupp*.

⁵ A broad collection of images illustrating the ongoing music education of Indigenous American students at the Carlisle Indian Industrial School are available through the Carlisle Indian School Digital Research Center, see <https://perma.cc/TV8D-BNA9>.

⁶ Sample programs from the Carlisle Indian Industrial School are available through the Carlisle Indian Digital Research Center, see <https://perma.cc/TV8D-BNA9>.

⁷ As articulated by Hebert and Kertz-Welzel (2012), there is little difference between the terms “nationalism” and “patriotism,” despite their qualitative connotations in the English language (2–3).

⁸ In 1906, Congress amended the Dawes Act, authorizing the Secretary of the Interior to issue land titles to allottees deemed “competent and capable of managing his or her affairs” (Newton 2023, § 16.03). The legislation did not, however, define “competent and capable.” The broad discretion afforded to the Secretary enabled a great deal of latitude to dispense land titles, ultimately resulting in drastic land loss for Indigenous nations after the titles were subsequently sold (Fain and Nagle 2017, 837–38). ‘Competency and capability’ were often perniciously found in individuals with less than fifty percent of Indigenous blood levels (LaVelle 1999, 259). Presently, blood quantum measures problematically persist in American Indigenous policy. For more information on blood quantum, see Kat Chow’s primer, *So What Exactly is ‘Blood Quantum’?*, at <https://www.npr.org/sections/codeswitch/2018/02/09/583987261/so-what-exactly-is-blood-quantum> (<https://perma.cc/B6XK-R3AC>).

⁹ “The tribes of Indians inhabiting this country were fierce savages ... whose subsistence was drawn chiefly from the forest. To leave them in possession of their country, was to leave the country a wilderness” (U.S. Supreme Court 1823).

¹⁰ The Indian Education Act of 1972 is a result of the 1967 “Special Senate Subcommittee on Indian Education,” whose findings were published in the 1969 report, “Indian Education: A National Tragedy—A National Challenge” (U.S. Department of Health, Education, and Welfare 1981, 2). Per-pupil funding disparities between federally operated schools educating Indigenous students and others were a Congressional concern, with federally educated Indigenous students receiving forty-five percent of the national average on textbook and supply spending, and per-pupil spending at federally operated schools ranging as low as eleven percent of general student expenses in certain peer situations, such as the “Jobs Corps” (U.S. Senate Committee on Labor and Public Welfare 1969, XIII, 56). At the time of writing, per-pupil spending reports, disaggregated by race, across federally operated, public, private, and mission schools in 1972 is not clearly available. In the first years of the legislative rollout, the Indian Education Act funded such projects as a “bilingual/bicultural program,” a teacher training project, and a “comprehensive education program” for Indigenous communities (U.S. Department of Health, Education, and Welfare 1981, 6).

¹¹ The schools referenced in this discussion are “tribally controlled,” which is not to be confused with schools operated directly by the Bureau of Indian Education (BIE). As the BIE explains,

The BIE serves in the capacity of a State Education Agency and administers and oversees the education programs in BIE-funded schools. The Department of Education transfers funds to educate and provide services to students attending BIE-funded elementary and secondary schools. Schools funded by the BIE are either operated by the BIE or by tribes under contracts or grants. BIE-operated schools are under the direct auspices of the BIE, and tribally operated schools are run by individual federally recognized tribes with grants or contracts from the BIE. (U.S. Bureau of Indian Education n.d.)

¹² The Nah Tah Wahsh Public School Academy began as the Hannahville Indian School and was first established in 1975 to serve the Indigenous community located within the area of the Hannahville Potawatomi Reservation (Northern Michigan University n.d.). In 1995, the school partnered with Northern Michigan University to achieve authorization as a public school academy, the charter school term in the State of Michigan (Northern Michigan University n.d.). However, Nah Tah Wahsh Public Academy maintains dual status as a public school academy and tribally controlled school (Northern Michigan University n.d.). In practice, Nah Tah Wahsh operates under a limited regulatory scheme compared to its non-charter peers within the state, given its charter status, and is accountable to both the authorizing partner, Northern Michigan University, and the Bureau of Indian Education (Levin 2023). Additionally, the dual status allows the school to receive Bureau of Indian Education funding, in addition to its budget mostly supported by state tax revenue (Levin 2023).

¹³ A video of Brent Michael Davids teaching ‘vocables’ to a student ensemble is available for viewing online at <https://perma.cc/399V-2NJ>.