

The State Of The Relationship: A Tribal Perspective

to

**Forty-ninth Legislative Assembly of North Dakota
State Capitol, Bismarck, North Dakota**



by

The Tribes Of North Dakota

January 10, 1985

ACKNOWLEDGEMENT

DEVILS LAKE SIOUX

Chairman Elmer White
Chairman Carl McKay
(Elected in June, 1985)

SISSETON-WAHPETON SIOUX

Chairman Russell Hawkins

STANDING ROCK SIOUX

Chairman Charles Murphy

THREE AFFILIATED TRIBES

Chairman Alyce Spotted Bear

TURTLE MOUNTAIN BAND OF CHIPPEWA

Chairman Richard LaFromboise

FORTY-NINTH LEGISLATIVE ASSEMBLY OF NORTH DAKOTA

RUSSELL HAWKINS

Russell Hawkins, age 33, was elected chairman of the Sisseton-Wahpeton Sioux Tribe in 1982. He is currently in his second term as chairman.

Hawkins was born at Veblen, South Dakota and graduated from Veblen High School. He earned a bachelor's degree in political science from the University of South Dakota at Vermillion. He has completed a year of graduate work at USD.

He and wife, Frances, have two sons: Woodrow and Cyrus.

In addition to serving as the chairman of the Sisseton-Wahpeton Sioux, he also serves as chairman of the United Tribes Educational Technical Center's Board of Directors.

FOREWORD

The significance of this speech made to The Forty-ninth Legislative Assembly at the State Capital in Bismarck, North Dakota is twofold. One, it marks the first time Federally recognized Tribes have been invited and, similarly reciprocated, to officially speak before a state legislative branch of government in the twentieth century. It was and remains a unique opportunity for State government to listen to Tribal government and for the development of communication, and perhaps, understanding between the two entities--at least in the State of North Dakota. The accomplished fact of this event on January 10, 1985, is exemplary to other states and tribes, as well. Moreover, it can serve as a model for present and future generations of leaders--Indian and non-Indian.

Second, the speech is a key statement about the state of affairs of the Tribes in North Dakota, their unique relationship to the Federal government and the State, and some of the fundamental future directions of the Tribes. Yes, there are problems and issues to be resolved between states and tribes. There are problems on each reservation and improvements which are necessary. The speech, delivered separately to the House and Senate, addresses the aspirations by tribal government to improve the social, cultural, economic, health and education needs at each of the five respective reservations in North Dakota. Issues such as civil and criminal jurisdiction are alluded to and the problems over water rights and usage are among the examples cited which need resolution.

The State of the Relations address is really a composite cross section of some of the common denominators of the five tribal governments, their reservations and their peoples. It is a joint message from the tribal leaders, but it does not purport to be the only or final message. Indeed, each Tribe reserves the right to speak singularly for itself with regard to issues, problems, and future goals of their respective populations. That is something non-Indian persons not acquainted with the cultural values and the distinction among Arikara, Mandan, Hidatsa, Sioux and Chippewa may find difficult to understand. In any case, American Indians are not "all alike." Each of the Tribes and their councils are proud of their respective cultures, languages, customs, history and heritage. Yet tribal people and their leaders are able to mutually respect and share these differences in a positive fashion.

And the address does suggest some positive approaches between Tribe and State, including the further development of mutual agreements between governments, and greater and equitable access to capital and banking resources--traditional barriers to positive economic and business development for American Indians.

The address was presented on behalf of the North Dakota Tribes by Russell D. Hawkins, Chairman of the United Tribes Educational Technical Center Board of Directors, Bismarck, North Dakota, and Chairman of his own Sisseton-Wahpeton Sioux Tribe. The North Dakota Tribal leadership selected Chairman Hawkins because of his post and ability. It is noteworthy that he represents a Tribe in North Dakota about which many North Dakotans have little knowledge. Thus, it was appropriate to have this young Indian principal deliver an intertribal (joint) message to the North Dakota Senate and House of Representatives.

The perspective was and is about the government to government relationship. The text is printed here as it was given on January 10, 1985. Interpretation of the address is not provided in this document. Nevertheless, it covers a number of areas relevant to discussion between Indians and non-Indians. It is a key document for those who study the unique relationship between tribal and state governments. American Indians in North Dakota and in many other parts of the country have a special relationship based upon treaties, Federal Indian law enabled by the U.S. Congress, the executive branch, the courts and the states, themselves. First Americans seek to maintain and improve their conditions and self-sufficiency as it affects their populations and governance.

A special note of appreciation is made to each of the five Tribes from North Dakota, their respective councils, chairmans and their staff. These groups contributed the valuable information, the direction and advice for the "Tribal Perspective."

In addition, the North Dakota Indian Affairs Commission is to be commended for its support, particularly the commission staff. They worked many hours in compiling and editing data from the Tribes. The result was a reference manual which served as a resource for this address.

The United Tribes Educational Technical Center Board expressed its strong support and participation throughout the months which led to this event. The staff at United Tribes and its public information and printing department worked with dedication to meet the deadline, as well.

Most important, the House and Senate of the Forty-ninth Legislative Assembly of 1985 are to be commended for extending the invitation to the Tribes. Without their willingness to listen to Tribal leadership this event would not have been at all possible. The joint Legislative Procedure and Arrangements Committee listened to numerous presentations on the value of this address, recommending that this first step should be taken. Their action acknowledges the government to government relationship.

Perhaps, this address can further open the door to the common cause of improved human and institutional relations, the dissolution of misunderstandings and disagreements, and become a small cornerstone upon which Indian and non-Indian can constructively build.

David M. Gipp, UTETC President



BRIAN PALECEK



Special thanks are extended to Mr. Brian Palecek of Bismarck who worked with the North Dakota State Legislature and the Tribes to make this address a reality.

Palecek, who moved to North Dakota in 1967, became aware of individual legislator's concerns regarding a lack of information on the Tribes and Indian citizens of this State during the 48th Legislative Assembly.

As a result, Mr. Palecek devoted many personal hours serving as a mediator between legislative and tribal leaders.

Mr. Palecek currently serves as the coordinator of the North Dakota Peace Coalition.

Address to North Dakota House and Senate Members
January 10, 1985

**THE STATE OF THE RELATIONSHIP:
A TRIBAL PERSPECTIVE**
By Russell Hawkins, Chairman
of UTETC & Sisseton-Wahpeton Sioux Tribe

I offer you greetings at the 49th Legislative Assembly of 1985. As indicated, my name is Russell Hawkins, Chairman of the Board of Directors of the United Tribes Educational Technical Center and the elected Chairman of the Sisseton/Wahpeton Sioux Tribe.

I stand before you today, as the spokesperson of the five tribal chairmen of the Tribes which are located all or in part in North Dakota. Those include Chairman Charles Murphy of the Standing Rock Sioux Tribe; Chairman Alyce Spotted Bear, who is with us today from the Three Affiliated Tribes of Fort Berthold; Chairman Elmer White of the Devils Lake Sioux Tribe of Fort Totten; Richard LaFromboise, Chairman of the Turtle Mountain Band of Chippewa; and, of course, myself.

It is, indeed, an honor to be invited here to present this, the first message from the North Dakota Tribes to a key and critical branch of government: the North Dakota State Legislature. I especially want to commend the leadership of both the House and the Senate, and in particular the North Dakota legislative procedures and arrangements committee for providing the support and opportunity for this time.

This first message, entitled "The State of the Relationship: A Tribal Perspective," is a significant step in history. Not only is this a first in the history of North Dakota, but it is the first time that a state legislature of the Union has ever made such an invitation to Tribal Government. Most importantly is the opportunity for Tribes and the State to affirm a positive "government to government" relationship.

In order to reach that affirmation we must communicate, understand, cooperate and coordinate the efforts between Tribe and State.

We recognize the fact that the buffalo economy of the prairies and the earth lodges has vanished and passed to the ages. But like our forefathers - that is our tribal historians, our elders, and our leaders of the past - we continue to seek a healthy, productive, participatory and prosperous society for our Indian people.

We share with you the common goal of improving the quality of life for both the adults and children of our Tribes. We share with you the common goal of seeing that our children will become productive citizens of the Tribe, of the State and of the United States of America.

Unlike the average North Dakotan, however, our population and our governments on the reservation live with three constitutions. Those of course, are the constitutions of the Tribe, State, and the Federal Government.

As a result of treaties, federal Indian law and action by the federal courts, tribal government has a special government to government relationship with the United States and the individual states themselves.

The areas of tribal concern and improvement include (1) land and resource development, (2) economic development, (3) education, (4) health, (5) social services, (6) transportation and (7) jurisdiction.

With an estimated population of more than 24,000 American Indians in the State of North Dakota, you will find that unemployment rates range from a low of 43% of the working labor force at Turtle Mountain to 51% unemployed at Fort Berthold, another 62% unemployed at Fort Totten, and some 80% unemployed at Sisseton-Wahpeton to a high of 87% unemployed on the Standing Rock Sioux Reservation.

No matter how such statistics and data are interpreted or construed, the consequences are dire, creating a wake of other major problems for Indian society. If the general population of this country faced these conditions, a national disaster would have been declared. In terms of our allies, a Lend Lease program would have been enacted again and a Marshall Plan would have been swiftly implemented.

Land, water and other resources are among Tribal priorities in turning these negative situations around. For example, at Fort Berthold the Tribe has plans to develop their existing and potential resources including water, minerals and agricultural resources. For these resources, the Tribe looks forward with plans for irrigation, stock, dams, recreational and tourism development. To further such development, the Three Affiliated Tribes recently reached a cooperative arrangement with the North Dakota Parks and Recreation Division to develop two recreational sites on the shores of Lake Sakakawea.

All of the five Tribes remain concerned about maintaining the existing land base of the Tribe and individual Indian allottees. For the Standing Rock Sioux, the Devils Lake Sioux, and the Sisseton-Wahpeton Sioux, this has meant participation in the FMHA program to maintain or increase the land base on each reservation. In some instances Tribal resources are also being made available to acquire lands. The Devils Lake and Standing Rock Sioux presently have ongoing irrigation farms. Further cooperative steps will be necessary between the State, and Tribes and the Federal government in the use of water and the maintenance of rights. As we approach the end of the 20th century, Tribal use of land, water and other natural resources will be on the increase - particularly on the larger land based reservations.

Along with our Tribal concern and respect for the land, water and other natural resources, we believe that economic and business development are a key to constructive Indian society and Tribal government. There is a need to increase the numbers of individually owned Indian businesses and Tribal enterprises within the State. At present, there are some 180 individually owned Indian retail, manufacturing, construction and specialized service businesses in the State. Two tribally owned enterprises, the Turtle Mountain Manufacturing Company at Belcourt and the Devils Lake Sioux Manufacturing Company at Fort Totten, are prime examples of success and a cooperative effort between the Tribe, the private sector and the federal government. The result is to provide vitally needed jobs to Indian individuals and the beginning of economic development in highly depressed areas.

Another area of interest by Tribes is that of the gaming industry. While research of the gaming industry continues by tribal officials, bingo operations are already authorized within the confines of tribal jurisdiction.

With the past and anticipated loss of federal dollars for education, health, social services and other basic services, gaming revenues hold the potential to at least partially offset federal cuts in services. As planned by the Reagan Administration, there will be increasingly greater federal dollar cuts in domestic programs which are available to American Indians and other populations. There is a national trend to shift the financial burden of responsibility from the Bureau of Indian Affairs and other federal agencies to Tribal government. Similarly, there will be an increasingly greater responsibility cast upon the state itself. Thus, it is critical and to the advantage of North Dakota that it seeks to assist, and support the development by Tribes - in every manner - the reservations economies and the tribal governments in assuming these responsibilities.

Without question there are numerous barriers to economic self sufficiency for Tribes and Indian individuals. Some of these include geographic isolation, transportation and, most importantly a lack of access to capital. A review of the banking practices and guidelines ought to be seriously considered as it regards access by Indians and Tribes to private lending agencies. Creative methods need to be developed to assure fair treatment to Indians and Tribes for guaranteed loans from state banks.

To be sure, each of the North Dakota Tribes are committed to attracting and enticing more business and industry on the reservations. The Tribal Councils and their respective committees work with the tribal employment rights offices and development corporations existing on each reservation to facilitate such development. In addition, a cooperative arrangement has existed between United Tribes Educational Technical Center and the North Dakota State Highway Department for nearly 10 years to assist Indian and other minority businesses in competing for and obtaining contracts in the highway construction industry. The Special Programs Department at United Tribes provides a variety of technical assistance to new and existing Indian businesses. A new office is being established to attract and procure defense industry contracts to "Indian Country" in the Upper Midwest.

The North Dakota State Economic Development Commission, the Bank of North Dakota and other agencies need to actively assist and support Tribes in their effort to attract new business ventures.

With this approach, the state and its political subdivisions will benefit with the Tribes and the people of North Dakota.

As a footnote about present economic impact by Tribes and their populations, the major share of dollars immediately leave the reservation with little or no recovery. Therefore, few or no jobs are created by such incoming dollars. There is no major economic multiplier effect to further generate a local economic base. Nevertheless, the North Dakota economy directly benefits from major Tribal and government expenditures.

Another facet is a long difficult history of Indian education. The accepted American concept of "Local Control" by the immediate community was foreign and not available to Indian systems. Religious and federal schools initially

dominated the education of our population. Tribally controlled or contract schools have only developed during the past 15 years. Public schools provide a large part of Indian education. Impact aid and other federal funds are generally available to public schools. Today, some 30 schools, which represent these different systems, provide education to more than 14 thousand Indian children at elementary and secondary levels. This student population figure also includes children being served on the South Dakota portion of Standing Rock and Sisseton-Wahpeton Indian Reservations.

The history of tribally controlled postsecondary education is recent. In 1969, the Tribes of North Dakota established United Tribes Educational Technical Center. The center was designed to provide technical and vocational training to Indian individuals and their families. Today, it is an accredited institution serving an average of 220 full time adult students and some 150 children on a campus, located immediately south of Bismarck.

In 1972, the Tribes of North and South Dakota assumed a national leadership role by establishing their own reservation based community colleges. Today all five tribes have locally operated tribal community colleges on their reservations at varying degrees of accreditation. Standing Rock and Turtle Mountain Community Colleges are fully accredited. Little Hoop at Fort Totten and Fort Berthold and Sisseton-Wahpeton Community Colleges are at the candidacy stage. The demand for these institutions was a result of the cultural, academic and geographic isolation of the populations from mainstay universities and colleges. The Indian student who attends a two year program of study at a tribally controlled community college is more likely to graduate with a 4 year degree from one of the state colleges or universities. More than 1,000, students, both Indian and non-Indian, attend these colleges on the five different reservations. All six of these postsecondary education institutions represent a means to break the cycle of poverty, hopelessness and dependency.

North Dakota has been a leader in Indian education. Nevertheless, there is much more to accomplish. For example, there is a need to further develop Indian curriculum and to update materials that are available in school systems throughout the state. The State Department of Public Instruction's Office of Indian Education will need more substantial support in carrying out this mission.

On another front, there is an increasing demand for the North Dakota State Indian Scholarship. This is because of the increasing number of Indian students competing for the scholarship, as well as the diminishing number of dollars available through the Bureau of Indian Affairs and other financial aids. One option might be to consider increasing appropriations, and another might be to review a tuition waiver or reduction plan for such students.

Another sign of progress throughout the past 6 years has been the increasing communication in the area of vocational education concerns. United Tribes and four of the community colleges have worked cooperatively in standards and certification of vocational education programs through the North Dakota State Board of Vocational Education. Moreover, with recent funding shortfalls at each of these North Dakota schools, the state board was instrumental in providing some federal pass through dollars to assist in maintaining ongoing courses. Recently an American Indian was appointed to that board.

The roster of concerns for Indian Health care and social services is lengthy. That Indian adult and infant mortality rates are significantly higher than the North Dakota general population is noted in our report to the legislature.

Heart disease, diabetes, alcoholism, cancer and circulatory health problems tend to be higher among the Indian populations.

Services are provided by the Indian Health Services at each of the five tribal reservations. But with cutbacks, contract care services for surgery are taken care of only in an emergency or a life threatening situation.

One example of North Dakota assistance is the Maternal and Child Health Program with a focus toward decreasing infant mortality rates. This program has been operating since 1978.

For the most part, social services are provided to Indian citizens through the Bureau of Indian Affairs. In those states and localities where the Indian living on tax-exempt land would not receive the general assistance and social services needed, the Bureau of Indian Affairs provides the necessary funds and services. Although Indian trust lands are exempt, Indians do pay sales, excise, and gasoline taxes. Studies have shown these taxes comprise a significant contribution to state and county revenue.

In North Dakota, aside from general expected problems, the General Assistance Program of the Bureau and the State Social Services program have been working reasonably well through its county delivery systems.

Finally, there are the mutual concerns involving jurisdiction between the Tribes and the Senate, and in particular the North Dakota Legislative Procedures and Arrangements Committee for providing the support and opportunity for this time. Tribes and the State. These represent problems which could conceivably be negotiated rather than litigated.

In such instances, the Tribes have a sovereign governmental and legal responsibility to their members and for their resources.

As an example, Tribal court judgements are not given the full force and credit due to them by North Dakota courts. In addition, the State levies certain taxes on tribal members, property and lands, including some Tribal lands owned in fee. In light of United States Supreme Court decisions, these levies are clearly invalid.

The North Dakota Legislature needs to more closely examine this and other situations. A dialogue on such matters between the State and Tribes should begin, immediately.

There are obviously methods to resolve issues. One of those is the State-Tribal Agreements Act, enabled by the last state legislature. This authorizes state and local governmental entities to enter into negotiated and written agreements with Tribal governments.

One case in point includes agreements between Tribal courts and the State Human Services Department in regard to the Indian Child Welfare Act. There are instances of cross-deputization between state and reservation law enforcement agencies. We have mentioned these and other examples today.

We do not say that litigation is out of the question, but we believe dialogue enhances steps toward positive resolution between the Tribes and the State.

Once again we commend the Senate and the House of Representatives of the 49th Legislative Assembly for this opportunity today. It is an important benchmark in the history between Tribes and States.

We invite you to visit us at our respective council chambers. Together we can grow and prosper in this Great State of North Dakota if we properly communicate, understand and cooperate.

As one First American and medicine man said from Standing Rock:

"I HAVE ADVISED MY PEOPLE THIS WAY . . . WHEN YOU FIND ANYTHING GOOD IN THE WHITE MAN'S ROAD, PICK IT UP. WHEN YOU FIND ANYTHING BAD, DROP IT AND LEAVE IT ALONE."

These words were spoken by Sitting Bull. May I say we continue to follow that advice.

Thank you and we wish you great success!

Let us pray.

Great Spirit, God the Father of us all.

We thank You for this special gathering of government and citizens considering the needs of Your Native American people.

You created Your people in a state of justice and want to restore justice among us. Give us the wisdom to know how to act with justice and compassion as we hear the plight of Your people.

You commanded us to love one another as You love us. Keep Your love ever before our eyes so that we may be compassionate, as You are compassionate.

You have called us together to serve You by serving all of Your people. Make us leaders in seeking social justice and workers seeking human rights and dignity.

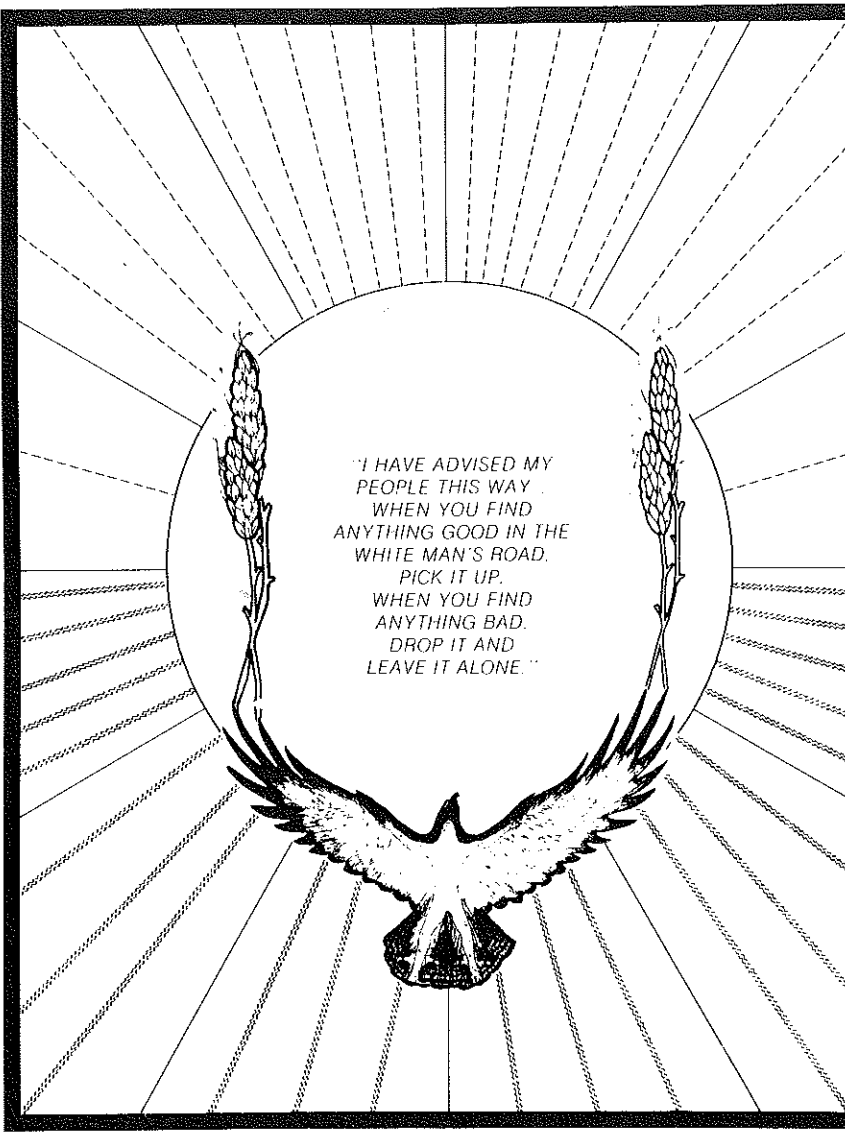
Help us hear the cries of your people, Father. Make us aware of the needs, the hurts, the frustrations of Your people who will tell their story here today.

Fill us with Your grace, so that we may spread Your truth, act with Your love, and reflect Your light, leading us to Your glory.

You sent Your Son, our Lord, Jesus Christ, to establish peace between all people. Thank You for calling us to equality and dignity.

Great Spirit, God the Father, we pray for an end to all racial and ethnic prejudice and bigotry, that all persons may learn to live as brothers and sisters in Your family.

A prayer was offered by Ed Johnson prior to the Address. Johnson is a Roman Catholic Deacon, an enrolled member of the Turtle Mountain Band of Chippewa, and Support Services Director for United Tribes Educational Technical Center.



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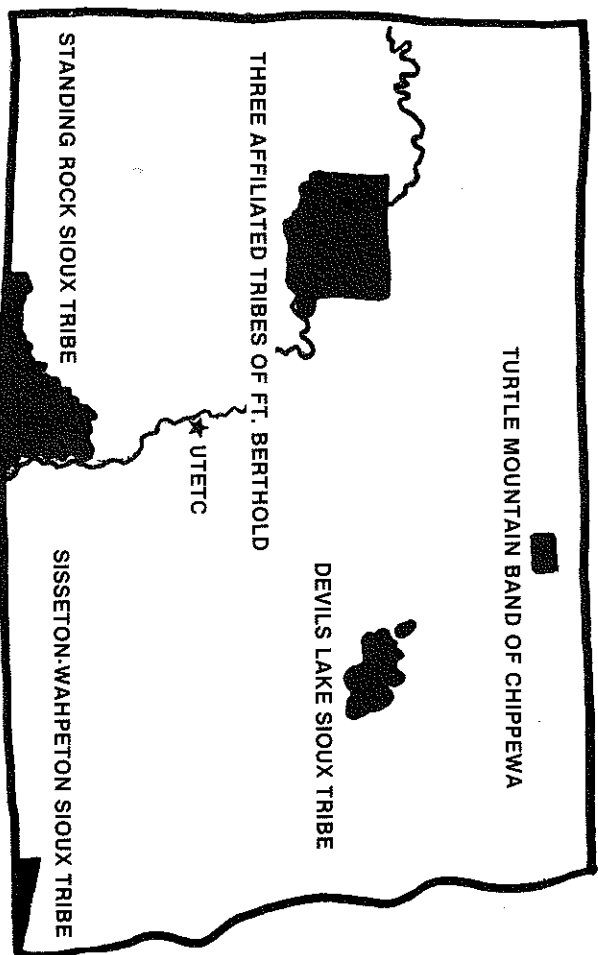
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NORTH DAKOTA



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*Elected in 1985