

THE STATE OF THE RELATIONSHIP A TRIBAL PERSPECTIVE

By
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North Dakota House of Representatives Chamber, State Capitol
Bismarck, North Dakota
January 10, 1985
As printed in the House Journal

I offer you greetings at the Forty-ninth 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 in all or part of 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 is the first time that a state legislature of the Union has ever made such an invitation to Tribal Government. Most important 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 have 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 both the Tribe and 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 to varying degrees. Those, of course, are the constitutions of the Tribe, State, and the Federal Government.

As a result of treaty, 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 forty-three percent of the working labor force at Turtle Mountain to fifty-one percent unemployed at Fort Berthold, another sixty-two percent are not working at

Fort Totten, and some eighty percent unemployed at Sisseton-Wahpeton to a high of eighty-seven percent 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. In this respect the Tribe looks forward to such plans in the area of irrigation, stock dam development, recreational and tourism development.

Recently, the Three Affiliated Tribes 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. At Standing Rock, the Devils Lake Sioux, and Sisseton-Wahpeton, these Tribes have been participating 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, the Tribes and the Federal government in the use of water and the maintenance of rights. As we approach the end of the twentieth 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 one hundred eighty individually Indian owned 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 signs of economy in highly depressed areas.

Another area of interest by tribes is that of the gaming industry. Research of the gaming industry continues to by tribal officials. Bingo operations are already authorized within the confines of tribal jurisdiction.

With the past and anticipated losses 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 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 important 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, the tribal employment rights offices and a number of development corporations exist on each reservation to facilitate such development. In addition, there is a cooperative arrangement between the United Tribes and the North Dakota State Highway Department, which has existed for nearly ten 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 such an approach, the state and its political subdivisions stand to benefit, along with the tribal 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 fifteen years. Public schools provide a large part of that education, as well. Impact aid and other federal funds are generally available to public schools. Today, some thirty schools, which represent these different systems, provide education to more than fourteen thousand Indian children at elementary and secondary levels. This student population figure also includes children South Dakota portion of Standing Rock and Sisseton-Wahpeton Indian Reservations.

The history of tribally controlled postsecondary education is recent - since 1969. At this time 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 two-hundred-twenty full-time adult students and some one-hundred-fifty children on a campus, immediately located south of Bismarck.

On another front, the Tribes in North and South Dakota took the leadership throughout the nation by establishing their own community colleges, beginning in 1972 in North Dakota. Today all five tribes have locally operated tribal community colleges on their reservations. Each are at varying degrees of accreditation. Standing Rock and Turtle Mountain Community Colleges are fully recognized. Little Hoop at Fort Totten and Fort Berthold and Sisseton-Wahpeton Community Colleges are at the candidate stage of development. 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 four year degree from one of the state colleges or universities. More than one thousand 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 six years has been the increasing communication in the area of vocational education concerns. The 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 as 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 has been working reasonably well through its county delivery systems.

Finally, there are the mutual concerns involving jurisdiction between the Tribes and the State of North Dakota. These include hunting and fishing, taxation, court jurisdiction, civil rights and general jurisdictional issues between the individual 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 judgments are not given the full face 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. This is in regard to the Indian Child Welfare Act. There are instances of cross-deputation 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 Forty-ninth 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!

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