

TRIBAL AND STATE RELATIONSHIP ADDRESS

Mark Fox, Tribal Business Council Chairman
Mandan, Hidatsa, and Arikara Nation
North Dakota House of Representatives Chamber, State Capitol
Bismarck, North Dakota
January 5, 2021

As printed in the House Journal, edited for paragraphs

Good morning and good to see all of you. My traditional name is Sage Man from the Hidatsa language of my adopted relatives. My father was full blooded Arikara.

I just want to say it's good to see everybody here. Many of you I know. I want to acknowledge everybody, of course the Governor and First Lady. Thank you for your presence here. And thank you for being here. It makes my heart feel very good. To all of legislative leadership, thank you for being here. Too many obviously to name, but I know many of you and work with many of you. Other tribal chairman are here as well. We have tribal chairman that have come as well. Very glad that you're here and council representatives as well. My own council members having come down as well and they're sitting on the balcony and I appreciate your presence and being here for the Mandan Hidatsa Arikara Nation, and some of our members as well too. I thank you all very much for doing that.

I have a reputation for speaking and talking a long time. And I now recognize that because of the procession and things I've got less time now and I'm going to have to do some slicing and dicing here to make sure that I'm respectful towards the procession that is going to occur at eleven o'clock so I'll move as fast as I can.

But I also want to thank first and foremost the drum group for singing "Little Shell", and to my adoptive father who rendered the prayer today. And in our ways, we have many relatives through adoption. When you are adopted, when somebody takes you as their son or as their brother or as their father and you do the same for them, it is the same as the way we look at things biologically. I have other adopted relatives that are now my family over the years. In fact, behind me, Scott, is one of my adopted relatives.

I have a number of things on the screen. I'm not very good at technology, but basically there's the opening ceremony and the color guard as well. Thank you, veterans. The first song that was sung was a United States Marine Corps song and I'm greatly appreciative of that song that was rendered on my behalf. I am a veteran of the United States Marine Corps and served in 1985-1987.

I thank you for allowing us to come to your place of government, to your home so to speak, the legislature. I thank you for allowing us to be here as your guests.

I also want to thank, of course, my escort coming in, two tribal members, one from our very own, Ruth Buffalo. Representative Buffalo and Senator Marcellais, Turtle Mountain, thank you. Also thank you to our home representation, Representative Jones and my good friend, Senator Kannianen, for escorting me in as well.

Just a little bit of my background, that's where I should cut out the most. I have two brothers and a sister alive today of four children born to Isaac and Virginia Fox. And I'm the baby. I am the youngest, they're older, and thankfully they're still around. My parents have passed on, my father in 1989 and my mother in 2002, so I have been on my own, so to speak, for a number of years.

I want to talk about the real important item. As a young boy when things were struggling in my own family, living on the reservation was hard. What ended up happening is a lot of people that surrounded me they always said this phrase: "It takes a village to raise a child." And that's exactly what happened with me. Many people took me in and many people cared for me, looked out for me, and they became my relatives and they became my family in Parshall, North Dakota where I grew up. That was not only true of the native people around me, but was also true of the non-native peoples. I would stay in many of my friends' homes and their parents would feed me and make me feel welcome and good. I have never forgotten

that. I've never forgotten everything that they tried to bestow to me, and taking care of me, and looking at me in a good way, and fostering my relationship with everybody in the community. I will never forget that.

My family moved from Minot, North Dakota. My dad had a dream of being a spiritual leader. He became an ordained minister and in 1968 he moved us to the reservation in Parshall in low rent. He gave up his job at Trinity hospital and he built, with his own hands literally, the Church of God Indian Mission and began to preach for his people. And, of course, all Indian reservations are highly impoverished, but you have to understand it's ten times worse when you are the minister and you're offering a plate outright. And so, I grew up very poor, but I don't look at that as a negative. I look at that as a positive - the way I grew up.

But for my father, my commitment to faith is what he taught me, to continuously believe no matter what and to be humble. I removed my head dress I wore in because that is proper for me to do, because I often feel, sometimes, I don't deserve to wear it, so I took that off and had my little brother grab it and hang on to it for me. That's the way I was raised and will continue to do that.

My father [had] a little bit of fame so to speak. He was a part of Elbowoods which is now under water. Some of you may have seen the documentary by Prairie Public called "Basketball, Water and the Loss of Elbowoods." My father also became a World War II veteran. The part you may find most interesting, being most of you in here are not tribal, is that my mother was non-tribal. My mother actually comes from the Towner area and she was born and raised in that area. And I'm very proud of my mother's side of my life – the combination of bringing two peoples together, Indian and non-Indian. My mother was very hardworking, an awesome cook, but was a homemaker and knew how to do many things. I learned a lot from her, and by all means, I was a momma's boy.

I want to introduce my son. He said that he got up at six o'clock this morning just to be with me. I stayed the night preparing my notes, but my son got up that early and jumped in the car and his mother brought him down and met me at the door. I'm so happy that he's here with me. I always recall my own father, a minister. Sometimes the crowds were small. There were ten and sometimes there were hundreds of people at revivals in camp meetings and things, listening to my father preach and speak about the Lord and God. And I always remember the impact it was to me. I'm hoping it'll have a similar impact on my son – that he was part of something like this and that he follows in the footsteps of his dad. I have no doubt in my mind that my son, and that is my dream, will be a far better man than me. I know he will and I'm so proud that you are here, so thank you.

I graduated from Parshall High School. I also went on into the Marine Corps in 1985-1987. I'm also a VFW member nationally. I'm a charter member of the Dakota Leathernecks of the Mandan-Bismarck area, the first state chartered Marine Corps veterans. I helped start it. I'm very proud of that. I am a charter member of that as well. Graduated from UND Law School in 1993, my undergraduate in 1990. I've been on our council more than fourteen years – eight years as a council representative in 1994-2002 and now I've passed my sixth year as chairman of our tribal nation.

I once swam [in Lake Sakakawea] seven years in a row. The last time I swam 12.6 miles in six-hours and twenty-minutes to raise money for youth programs and to help prevent illegal drug use on Fort Berthold. We bought a drug dog with that money we raised, and we did a lot of advocacy at that time to try to combat that.

But again, I want to say that the most important thing of me being here is being a father. That is something that is an honor and something that God gifted me long ago. I feel committed to the Lord, to the Creator, to always try to do things according to his purpose because he gifted me this at a late age of my life and gifted me this son. And so, I've always committed to God that whatever it takes I will continue to work hard to do that.

Historical Perspectives of the Tribe. I just want to say we've always been here no matter what you read and what you have seen. In fact, the land you stand on today, those are our lands as well. They were our lands for thousands of years. Where we stand, this beautiful capitol and everything, the whole area up the

along the Missouri was our home area. It was our home aboriginal lands. And you know back in those days, quality mattered more quantity. We didn't live long lives, but we lived fulfilling lives. We were not dependent. We had a strong economy and were thriving in that way. And so, what I also want to say is we were very harsh and hard. Very few of us in here, including myself, could have survived very long one-hundred, two-hundred, and three-hundred years ago amongst our people. That's how hard and strong they were at that time.

You have a heritage center and much of the history of our tribe is reflected and provided up there and I really want to commend you, the state, for doing that, for having a place to learn about native Americans playing a significant part in the history of North Dakota. Thank you for doing that. We are building our own heritage center and our own cultural center and will be done within this year. We invite you all to come up there as well.

Our tribes altogether, the Chippewa, Mandan, Hidatsa, Arikara, Lakota and Dakota people, all living in this area, [were] part of an aboriginal trade system, a trade center based primarily at its center. There [were] only two in all of North America at this level. We were one of them. Economically, our tribes were the leader in the economy, the pre-Columbus economy, what they call the prehistoric economy, because we had crops. We were the first farmers and first ranchers of this state and of this area. We grew corn, beans, squash, watermelon and we traded those things with all the other more nomadic tribes. We lived along the river and in semi-permanent dwellings called earth lodges. You have them nearby.

Well very soon when Europeans came, we encountered this problem of virgin soil epidemic. That virgin soil epidemic, one of the worst, hit us early on. Virgin soil means we have no resistance to it. And so, in 1780-1781 is the first time that the Mandan, Hidatsa, Arikara, who at that time estimated a population of forty to fifty thousand people, were reduced in a year-and-a-half by ninety percent, or less than five thousand people. If you calculate that out, that's nearly seventy-five people per day dying. With no means or methods to take care of people. We lost much during that time – our history, our culture, our ways, our languages. Many things were taken away from us because of what's known as virgin soil epidemic.

That's the beginning of something that impacts each and every tribal reservation. I beg for you to understand, and it's called historical trauma. The beginnings of historical trauma, affecting somebody so hard, so difficult that you see the effects generations and generations and generations and generations later. Hundreds of years later we're still dealing with it and that even at a worse magnitude with historical trauma.

We move forward to Lewis and Clark in 1804-1806. You know the story. I don't have to say much. That whole expedition could have failed. The whole expedition could have gone the other way. A new route may have been discovered. This area would be quite different today but for the Mandan people who took them in and said, "you can't make it any further you must stay here." The winters are hard. They took care of them and they fed them and they learned from each other. The Arikara and Hidatsa did the same thing. They did not count them as enemies. They were curious about them, but they made sure they were okay. The expedition moved on in 1804 and came back down in 1806.

Smallpox again in the 1830s. It's a sad time in history. But in the 1830's it is the first proven case of what we call biological warfare. Blankets that were deliberately given in 1836-1837 to Arikara women known to have smallpox for the distant purpose of destroying that tribe, and it spread to every other tribe as well. This is a historical fact. I know this. As an undergraduate I studied. I wrote papers on it. This is a sad time of our history, but that's what occurred. So now we go from four thousand people down to less than a thousand combined. Again, losing eighty to ninety percent of our people.

Later on, is the Fort Laramie Treaty of 1851. This map shows the land holdings at that time that the United States government, in sitting down with the number of tribes, said was generally our territory. Despite doing that, and the agreements at that Fort Laramie treaty making, our territory was much more vast than that. It covers basically the states of North Dakota, Montana, Wyoming and the northwest corner of South Dakota - the Black Hills area. That is our land – approximately thirteen-million acres that

United States government says is yours. We recognize that as your territory, in contrast to the other tribes around us.

Moving forward, the General Allotment Act of 1887 forced assimilation and further loss of lands. It basically said we don't want you to think like tribal members any more. You need to think like white people. You need to have individual ownership and farm and not think of your land in common. It was an attempt to assimilate, but it was also a time they said each adult would get forty or so acres. But they then said all the remaining land could be open for sale. Hence today you have checkerboard jurisdiction, checkerboard of ownership on land searches of Fort Berthold. That was pushed upon us beginning with The General Allotment Act of 1887.

And then later on in 1910, 1911, 1913 Homestead Acts that came forward. We didn't become United States citizens until 1924. When I say we, I mean tribal members in general. My father was not born a US citizen. I'm not proud to say that. My father was born in 1922, two years before Native Americans were considered United States citizens. And then, of course, at age two he became one. But even though we became citizens in 1924, we still didn't get an opportunity to vote because it was state controlled in many places throughout America until the 1950s.

In the Reorganization Act of 1934, the current government we have, we called it the IRA government, came in and did their best to try to convince us to have government more similar to your own, so to speak. And in fact, when you look at it, they didn't create governments like your own, three separate branches of government. They came in and said tribes you need a government that can move fast and make decisions quickly. You have to remember what is going on – Great Depression, market crash in 1929. There is the perception that you need to be a different kind of government and we inherited that problem. Now today, we're trying to seat governments that are more like your own with separation of powers.

The Flood Control Act of 1944 flooded our lands. The Garrison Dam flooded our lands. You can watch a documentary on this. We have two hundred documentaries all on DVDs sitting on a table and you are welcome each and every one of you to grab a courtesy copy as well.

And then of course IGRA [Indian Gaming Regulatory Act], very important in 1988, to what I want to mention today. So, I want you to be able to understand that IGRA was created as a means to promote tribal economic development and self-sufficiency, and strong tribal governments. That's why United States government passed it, in addition to trying to protect against organized crime and create a regulatory structure that would [ensure] fair play and that the games are run correctly – a very intense regulatory structure as well.

Where are we today as tribal members? I will just say this, and excuse the way I say it, especially those who are older but living on an Indian reservation can be hell, especially for the young people who have to grow up in this. Many of you don't understand if you've never been there. You don't move amongst us and you don't get a firsthand view. You may not understand that, but it is truly hell. This is pretty similar on what goes on throughout Indian country.

Average life span on Fort Berthold is fifty-three years as a male and sixty years as a female. Most Indian reservations are far less than that because of social economic poverty that exist upon us. One out of every three Native Americans lives in poverty in the United States of America with a median income of twenty-three-thousand dollars a year. In the United States, unemployment can average more than forty-percent on numerous reservations. A few in North and South Dakota have unemployment exceeding eighty-percent. The average in the Great Plains is not that high. It is about fifteen-percent. But you take that into consideration, that's about three times higher than the state of North Dakota would even want to tolerate. The bottom line is lack of jobs. Lack of jobs on our Indian reservations is why we cannot overcome the economic social poverty. We have to have jobs or we're going to continue the cycle of social economic poverty.

Health and educational disparities are rampant leading to diseases and causes of death are heart disease, cancer, accidents, diabetes and stroke. We suffer a high prevalence of mental health and suicide, unintentional injuries, obesity, substance abuse, sudden infant death syndrome, teenage pregnancy, liver disease, hepatitis, and tuberculosis at rates sometimes four times higher than non-Hispanic whites do in the United States of America.

In the United States, Native American students have the lowest educational attainment rates of any group in the U. S. One-third of Native American youth will drop out at some point in time in high school. They may come back, but one-third of them will drop out. Only forty-six percent of Native Americans actually graduate from high school.

Seventeen percent of Native Americans attend college and only thirteen percent earn a college degree. Native American students are two-to-five times more likely to be suspended or expelled. And absenteeism rates are far more prevalent than any other student group in United States going to school. I want to say this because education is the very key to making a difference and where we want to go in the future.

Superintendent Baesler, I admire her efforts. Continue to work hard. You know the numbers. You know the difficulties, but I am very, very happy that we have the type of dialogue and communication we have, that you can take the time to understand where we come from. I appreciate all the work that you do.

Crime rates among Native Americans are two-and-a-half to twenty-times the national average. Native American women are more likely to face an armed assailant than female victims of all other races. In particular Native American women are murdered at a rate of ten-times greater than the national average.

Human trafficking is very commonplace including at Fort Berthold. In December 2014, one month after becoming chairman, we passed a resolution in code, a law called Loren's Law to try to address this problem. It is a very terrible problem.

Illegal drug use is so rampant that our own tribal business council this past year declared a state of emergency because of the drug epidemic that is literally killing our people. In one particular year, more than sixty-percent of our MHA newborn babies had illegal chemicals detected in the body. We typically have more than twenty-five hundred arrests annually in our law enforcement system and eighty percent are drug and alcohol related.

Now, those are the negative things that I have the time to share with you. There are also contributions to the state. We provide great contributions to the state tax revenue. More than two-billion-dollars in tax revenue has come to the state in the form of oil and gas production on Fort Berthold to your coffers. We have jobs. We create jobs. Other tribes create jobs and those are jobs not just for tribal members, but jobs for non-Indians that lived on Fort Berthold, that work at our casinos, work in our schools, work all the different things that we do, and they pay taxes as well.

Infrastructure – we improve roads and recreational development. Come to Lake Sakakawea. We are building more and more. We want people to come from afar to recreate. Bring your checkbook, your cash. We also have a new law enforcement center, new court, new code development – for protection, not only of ourselves, but non-tribal people who live amongst us as well. An example is DEA coordinating with your state agencies to push back illegal crime coming our way.

All these things that we continue to do add billions to the state's economy. Two studies, one in 2000, show that all five tribal nations, by being in the state of North Dakota, have a two-billion-dollar economic impact to the state of North Dakota. Two-billion, not million, two-billion. In 2012, the same person that conducted that study on behalf of the state media in 2000 did a study again just on Fort Berthold MHA Nation and he showed that we have 3.4-billion-dollar impact to the economy of the state of North Dakota, positive impacts.

But what are some of the impediments to this progress? Lack of capital investment on all reservations, inequitable tax agreements, state gaming expansion that has now undermined one of the

very important tools that we have to try to build ourselves out under federal law. And for the last twenty-five years, regulatory intrusion and ambiguity coming on tribal lands and saying all these laws apply, causing great confusion. You get an oil company, think well, state law or tribal law and being confused to that effect. These are the types of intrusion that don't help. Then of course unlawful taking of lands, lands that have belonged to us for thousands of years, remains a concern of ours as well.

Solutions to the impediments. We want to stimulate capital investment partnerships. The state could help us with that. If we had a partner, an industry partner. A manufacturer says we'll go on to that reservation if you're not going subject us to tax for three, four years or a lower rate. They might be willing to make that investment. Might be willing to work with our population and hire our employable people.

We also need you to help fund infrastructure – roads, housing, electricity, law enforcement, irrigation, gas capture. We all know that too much is being wasted. We're a tribe that elected to maximize its trust resources of oil and gas, but we are burning the gas into the air. We are losing revenue. Collectively let's work together to figure a way to capture it and get it to market so that everybody's realizing a net revenue to both the land owners, the tribe, the oil companies, the state - everybody.

Well, these are some of the solutions, but I also need your advocacy with the federal government. We need you to demand support from federal representatives so they help tribes as well. They listen to you. They represent you as well as us. And so, your advocacy is very important. I would like for you to support us. If you recall the many times that the United States government contemplated closing down military bases – Minot Air Force Base, Grand Forks Air Force Base, and what did we do? What did the state do and its representatives on a federal level? Fought like hell and said no. Leave them alone. Get additional funding. Keep them there. They are important to national security. But they are also important to the economy. So are the tribal reservations. We play that same kind of role. You need to view it differently if you don't already do so and I'm begging for you to do that. I need to move on because of time.

Pandemic 2020 called COVID19. I'll tell you with great sadness, the day I feared most, was when we begin to get sick and started dying. It began to occur in September, October, November, December. Very sad for myself to attend funerals, to go to grave sites, of the people that have passed on that I know, who would otherwise be here, maybe listening to what we're talking about today. But they have now moved on. People younger than myself. Veterans that served in the Gulf War passing on. Some very, very good people and relatives. This pandemic has had its toll on us. We know this from experience. I already mentioned smallpox and what it did to us before. We have a great fear that this will do the same thing it did to us hundreds of years ago.

We have learned and continue to learn some very hard lessons. Two very hard lessons. One is that we're so heavily intertwined with the state that anything the state does directly impacts us on Indian reservations. Your mitigation policies – if you don't utilize those, we suffer as well, even if we had mitigation in place. Our numbers begin to go up. We interact on a daily basis, so what the state does impacts us.

Regarding economic losses caused by the pandemic, we found out this at MHA Nation that when it comes to the federal government and their trust responsibility, we were left out in the cold. And that's the reason that we have lost, compared to last year, more than seventy-percent of our revenue. We went to the federal government and said we didn't cause this pandemic, but we're suffering from the price of oil going minus thirty-seven. The governor and lieutenant governor were on the phone that day. We are watching it happen and yet when we turned to the federal government, they said what are you going to do to help us offset that? The federal dollars we received were less than thirty-percent of that. It was really devastating and continues to be that way until we get the relief we deserve.

But I do want to, in contrast, to commend the state government, the governor and others. When a pandemic began in North Dakota you were there. You called us. You didn't not include us. You were there. You did everything. You made sure that we were at the table. You made sure we were on the call. What is going with the tribes? Governor, I thank you so much. Appreciate you doing that and all the hard work.

But now we need some help. We need tremendous help with this vaccine. I'm getting so many calls. We are one of two tribes who elected to go with the state for the administration of the vaccine if possible. Other tribes went with IHS. Our medical staff said we prefer going with state based upon the testing we did together and based upon a relationship we created. That's what they did and so we went that way. But now there is great concern that we're not vaccinating fast enough. So, I beg you, Governor, and your staff to look at that more strongly because of the great fear that we're going to be left behind in that regard too, and that we're going to continue suffering death like we've been suffering these last few months.

The two primary areas we would like to see addressed are adjusting the state gaming expansion, what we call E-Tab machines. We would like very much to figure a way to resolve this because that expansion has severely undermined the economies of all five tribes. We've got to figure out a balancer. We have to figure a way to not totally take away all the gains made by gaming in the last twenty-five years.

Tax agreements - we need to propose a workable agreement that all five tribes are willing to sign. We need to get that done. We need to get that done for alcohol. And of course, we have a number of wells that intersect and straddle our boundary, that come into our reservations that are not included as part of the agreement. It is millions and millions of dollars we don't have access to because it is not part of the agreement and we need to fix that.

I know I'm coming to the end of my comments now and I want to just basically, you know, say that this last year was so hard, not only because of the pandemic but also in lost revenues. We had a national election. A lot of people suffered greatly. We began to find out how divided we are as people and that some of our people, especially people of color, feel this racism. Racism exists. It is an ugly word but it exists. Make no doubt in your mind. I don't know easy answers to how you deal with it or how we change it. I really don't. All I know is we need to put in the effort to try. The world is changing rapidly. It is better for us to do it together – all peoples working hard together as human beings to get this done because if we don't do that it is going to be worse. The year 2020 will be nothing compared to the next pandemic, the next catastrophe that impacts all of us. And so, I want to beg each and every one of you to work towards that effort. So, despite all the difficulty, you know, we're forever grateful for everything that we've got going on.

I think there's a solution as I conclude my comments. We have to use our differences. First, we have to understand that we are different. Native people and non-Native are different, but respect those differences in people. Respect our differences and then understand them and then move forward together to get things done. State wins, Tribes win. Together we can do that. I am confident of that.

I am looking forward to the next few months to work very hard with you. We will have our differences. We will have our problems, but I am fully confident in all that we are going to find a way, not just this year, but in the decades to come on behalf of my small son and his future and everybody else, your children, your grandchildren, your great-grandchildren. We can figure a way to get things done differently here North Dakota so that the rest of the nation says, "what do you do differently in North Dakota that the tribes are doing so well, that your economy continues to thrive?" That's an example we need to set for reformation. They will follow our lead.

Thank you for giving me this chance to speak to you for this short period of time. It has been my honor.

Thank you.

<><><><><>