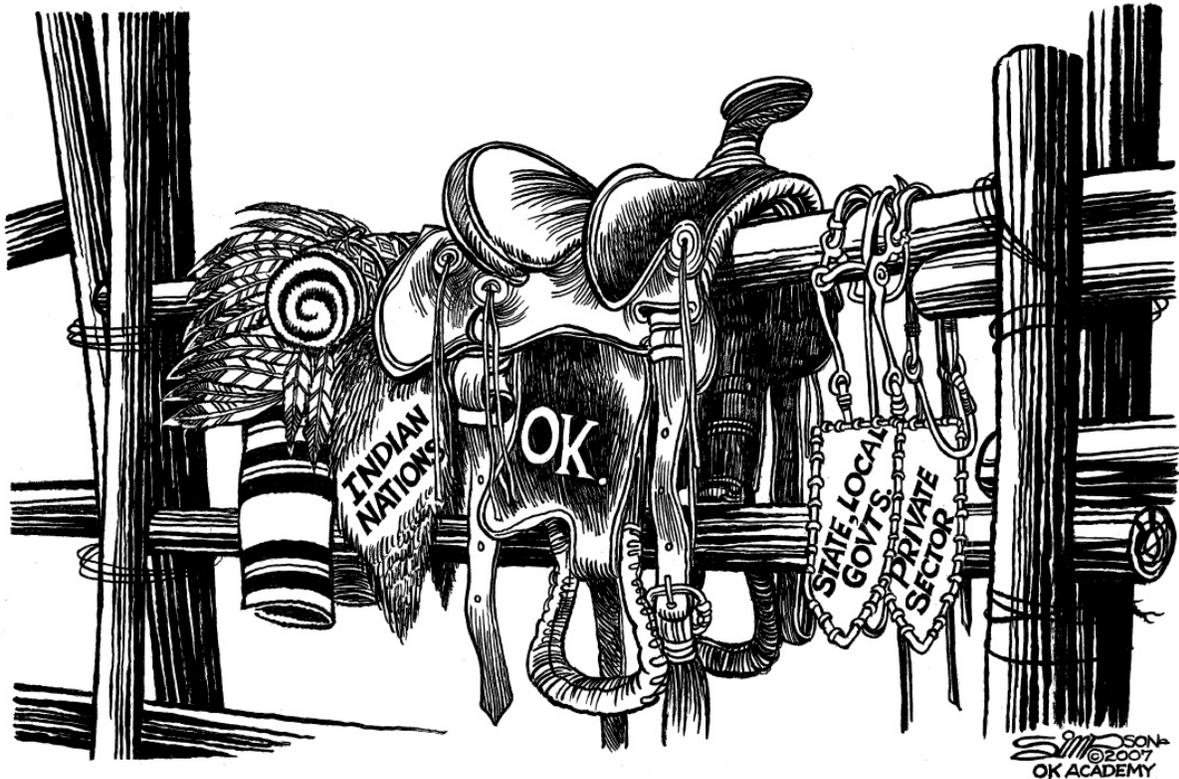


Oklahoma's Second Century

Building Alliances

Tribal Governments and Oklahoma's Public and Private Sectors



LET'S SADDLE THE FUTURE TOGETHER!



The 2007 Town Hall

An Official Oklahoma Centennial Conference

Quartz Mountain Resort Arts and Conference Center, Lone Wolf, OK, October 28-31

The Oklahoma Academy 2007 Town Hall
An Official Oklahoma Centennial Conference



*Julie Knutson
President & CEO
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*Michael Lapolla
Research Coordinator
2007 Town Hall*



*Craig Knutson
Research Coordinator
2007 Town Hall*

This Research Says ... “Saddle Up, Oklahoma”
*Craig Knutson and Mike Lapolla, Academy Research Coordinators and
Julie Knutson, Academy President and CEO*

The Oklahoma Advantage?

There are many things that Oklahoma will never have such as high mountains, blue oceans and deep water ports. These - and other unobtainable civic assets - seem to be contemporary magnets for development. But what DO we have that no other states possess? That would be 37 sovereign tribal governments each with special authority, advantages and responsibility. And we have a public and private sector (very) slowly developing an expertise of working with these tribes.

This Research

Veteran Town Hall members and Academy leaders will notice that this document is not as long as in previous years. There are two reasons for that.

One is that we made a conscious decision to reduce the work to 100 pages in order that it be less intimidating and a more “user friendly length”. The other is that we really could not identify a full 100 pages of material relevant to the “alliances” that we hoped to find. Therein lies our major research finding – while there are some alliances, there are not as many as we had presumed.

Therein also lies our opportunity. We know by the existing alliances that “win-win” is very possible. But we could not find an abundance of examples. That should inspire all of us to create “win-win” in any number of civic areas such as health care, oil and gas, banking, economic development, education, infrastructure and other key elements of society.

Alliances

When you cut through all the fog, there are fundamental reasons why there are not already a large number of dynamic alliances. The primary reason is that there is not much knowledge and a lack of understanding about how tribal governments work and how alliances could work. The other reason is that Oklahoma is a very young state and alliances take time to develop. Now comes trust.

Trust

Probably as fundamental - perhaps the MOST fundamental - is TRUST. There is ample evidence that tribes and non-tribal entities are wary of each other. Each presumes the other is seeking advantage - and most have incomplete understandings of the political systems at work. Bob Sullivan and Principal Chief Jim Gray (Osage) will state:

“For Tribal and non-tribal parties to prosper together, rather than to simply coexist, it is essential that this kind of trust be earned by all parties through performance. Otherwise, the barriers that have existed for so long between tribes and government / private sector parties will continue to prevent large scale, mutually beneficial prosperity.”

Politics

It is not well understood or appreciated that tribal officials are involved in the electoral process too! Howard Barnett’s article includes this:

“But a subtle impediment – and one we non-Indians tend to forget – is that the tribal government with which you are negotiating is elected and the elected officials are themselves keenly cognizant of their own tribal politics and how any agreement they might make could affect the next election.

This was vividly brought home to me in a negotiation that had become bogged down over a complicated issue. I proposed a rather complex and I thought elegant solution, to which the Chief of the tribe responded,—“That works. We could do that. Of course I wouldn’t get re-elected, but we could do that.” So much for my elegant solution!

Summary

There it is in one page. The challenge of the Town Hall is to identify tribal and non-tribal alliances that allow each party to accomplish something they could not do alone. These alliances must be politically acceptable to all parties - and leavened with trust; alliances that create a win-win and benefit all



The Guardian

Oklahoma's Symbolic Alliance

Created by Enoch Kelly Haney

-Oklahoma's Capitol was one of only two capitol buildings designed for a dome which didn't have one put on when it was first built. The other was the U.S. Capitol in Washington, D.C. Just as President Lincoln put the dome on the U.S. Capitol as a symbol of the vibrancy of the Union, we in Oklahoma put a dome on our capitol five years ago as a symbol of Oklahoma rising. We were too poor to put a dome on in 1918 but we could do it in the 21st Century.



The 22 foot bronze sculpture "The Guardian" (facing page) was selected by the Arts Standard Committee of the Capital Preservation Commission to top the Oklahoma State Capitol Dome in a dedication ceremony that occurred on November 16, 2002. It was created by Enoch Kelly Haney, the Principal Chief of the Seminole Nation of Oklahoma. His grandfather, Willie Haney, was chief of the Seminole Tribe in the 1940's.

Principal Chief Haney is an internationally recognized artist who has exhibited throughout the United States, Europe, and Asia. As a professional artist, Chief Haney owns and operates Haney, Inc., an art business in Seminole, Oklahoma and has earned the title of "Master Artist of the Five Civilized Tribes".

A member of the Seminole Nation of Oklahoma, Chief Haney has also served in the Native American Community as a business consultant, councilman and planner/business manager for the Seminole nation; and has also served in the Oklahoma State Senate.

(see www.kellyhaney.com)





2007 Town Hall

An Official Oklahoma Bicentennial Event

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NEW MEXICO
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American Indians in New Mexico

Report of the 21st New Mexico First Town Hall, June 4-7, 1998, Albuquerque, New Mexico

INTRODUCTION

The Twenty-First New Mexico First Town Hall convened in Albuquerque on June 4, 1998 to explore the state of individual and governmental relations and to identify ways to overcome challenges to achieving better relations between the 19 New Mexico pueblos, the Jicarilla Apache Tribe, the Mescalero Apache, and the Navajo Nation as well as other American Indians residing in New Mexico and their neighbors. The Town Hall recognizes that while there are many obstacles to better relations, many opportunities exist for developing more productive, positive relations between New Mexico American Indians and their neighbors to take steps to communicate better and turn opportunities into successes.

PERCEPTIONS AND BELIEFS

The history of relationships between American Indians and their neighbors in New Mexico is long and complex. Much of the current relationship is the result of ignorance, broken promises and violent conflict. Today, among both American Indians and their neighbors, there remains ignorance, fear, mistrust and misunderstandings. This history and atmosphere of mistrust and misunderstanding is responsible for many present conflicts, which can be initiated by either American Indians or non-Indians. Sometimes, actions taken by federal, state, and local governments encroach or threaten to encroach upon tribal sovereignty, which includes the inherent right of tribes to self-govern. Other times actions taken by tribes in defense of their sovereignty are perceived as threats, or at least inconveniences, by the non-Indian public. Both may result from misunderstanding and lack of communication.

The Town Hall acknowledges that many American Indians and non-Indians hold certain negative stereotypes and generalizations about each other – many of them perpetuated by institutions, including the media – which interfere with the establishment of better relationships. American Indians pay taxes and contribute significantly to the economy of New Mexico, particularly in communities near the pueblos and reservations through commerce and trade, which includes professional services, tourism, arts and crafts, economic development, including gaming, and natural resources.

Inaccurate and unfair generalizations fail to take into account that American Indian people have faced many challenges as a result of their unique history. Education for American Indians is often below non-Indian school standards. American Indians who live off their reservation in urban communities have special needs which often are not recognized or met by the public, private, or non-profit sectors. Urban Indians are rapidly increasing in number and their presence has been largely invisible to state, local, tribal, and federal governments. Moreover, American Indians struggle constantly to uphold deeply held spiritual and familial traditions while attempting to adjust to non-Indian business, education and social systems.

The Town Hall strongly urges American Indians and non-Indians alike to become more educated about American Indian people and tribal governments in order to become more sensitive to their interests and concerns and how they affect all New Mexicans.



The Town Hall made some general observations about how American Indians and their neighbors could expand their understanding of each other. A constant effort to increase mutual sensitivity to American Indian issues can begin at the earliest ages. Young Americans and their neighbors can be encouraged to form relationships with each other through organized personal interaction in schools and sports. School curriculum should strengthen the accuracy of historical instruction and appreciation of the diverse cultures. The Town Hall also recognizes the need for more effective, positive use of the media; the drafting of educational materials focusing on Indian history and current issues, perspectives, and accomplishments. In addition, the New Mexico Board of Education should be encouraged to adopt an approved curriculum prepared by Indian educators that promotes Indian history, culture, values and perspectives as part of our overall educational process.

Non-Indians should take some relatively simple steps to include tribal governments in public affairs of the outside world. For example, inviting participation of tribes and pueblos in appropriate regional governmental organization would be an effective way to build state/tribal relations with respect to New Mexico's issues of water and land use planning.

There are 22 unique tribal entities in New Mexico, each with autonomous governments. In addition, significant numbers of American Indians from these and other tribes, numbering approximately 33,000 persons, live in our urban areas. These peoples and entities are also comprised of families, chapters and bands, each with distinct customs, values, and practices. The tendency to generalize about American Indian tribes and pueblos in New Mexico is central to problems non-Indians face when attempting to establish business or service relationships with American Indian tribes.

Difficult issues often appear to be insurmountable. But difficult issues are opportunities for cooperative, consultative work.

We can always agree to disagree. It is better for federal, state, local, and tribal governments as well as citizens to work cooperatively, to seek a common ground.

FINANCING AND DELIVERY OF SERVICES

Health care, education, housing, economic development, business regulations and taxation all affect the quality of life on American Indian reservation and in surrounding communities. The Town Hall recognizes a clear need for improved collaboration and coordination among state and tribal governments to improve delivery of services, increased funding in certain areas, and greater participation by individuals and groups who are the beneficiaries of healthcare and education funding.

The Town Hall consensus is that dual taxation – tribal and state taxation of identical activities on tribal lands – is inappropriate because it can infringe on tribal sovereignty and can hurt both tribes and the state by discouraging business development on pueblos and reservations. Many options were considered for resolving the problem: from the outright elimination of state taxation on American Indian land, to revenue sharing, to comprehensive evaluation of state government expenditures for programs benefiting Indians compared with the state tax revenues generated from American Indian lands, American Indian activities, and individuals. The town Hall recommends that the state and tribes work on a government-to-government basis to propose legislation to eliminate the negative consequences of the total tax structure on American Indian governments, communities, and New Mexico businesses.

Moreover, the Town Hall recognizes a need for state and tribal governments to acknowledge each others' law-making, regulatory, and enforcement authorities. Expanded use of joint powers' agreements within the legislative, executive, and judicial branches could do much to establish format, government relations among American Indian tribes and pueblos and state and local governments.



The Town Hall recommends that state personnel and contracting codes be amended to increase American Indian employment and contracting opportunities on state projects involving Indian country.

Health care funding and delivery are evolving nationwide in the direction of a managed system which affects health care choices and negatively impacts health services to American Indians and New Mexicans. This movement toward controlled cost containment is causing great dissatisfaction among American Indian leaders and beneficiaries about how financing decisions are made, how funding is controlled, and whether Americans Indians' health care needs are the primary interest being served. The Town Hall recommends that the Public Regulation commission and the Legislature establish a task force representative of all tribal entities and urban Indians to implement a formal consultation process to adopt, regulate, and implement state/federal mechanisms to improve health care service delivery to American Indian people, including long-term care services for those with disabilities.

American Indians and their neighbors alike have concerns about acquiring quality education for their children. The quality of that education should be consistent regardless of the child's community or the location of his or her school with particular emphasis on improving American Indian student achievement. Student competency and understanding of cultural diversity shall be required as part of the State Board of Education Content Standards and local educational plans for student success.

The Town Hall recommends that individuals become more active, organize themselves as parents and communities, and run for elective office on school boards to make the greatest possible impact on educational services in their communities. Of specific focus are programs that reaffirm multiculturalism and multilingual education, and reject English-only curricula while recognizing the importance of English proficiency.

Additionally, programs that focus on helping young people in preparation for competency exams, and help them make the transitions from secondary and post-secondary schools to university settings are recommended.

American Indians and non-Indians concerned about the quality of education for all American Indian students will form a statewide coalition to address the numerous issues raised at this Town Hall and to develop an implementation plan. It is further recommended that the State Board of Education and Department of Education be responsible for facilitation this process.

The Town Hall recommends that teacher compensation, training and recruiting all be consistent and improved for all New Mexico schools. Of special importance is the requirement of education teachers in diversity and American Indian culture and history. The tribes, private sector, and legislators will be called upon to appropriate new revenues to education, including transportation and capital improvements.

The Town Hall recommends that tribal, educational and all leaders examine state funding for public schools and the factors taken into consideration to equalize that funding for all schools serving American Indian students.

A VISION OF NEW MEXICO

The Town hall expressed its vision of New Mexico clearly and eloquently: That People of all cultures treat each other with respect and understanding; multiculturalism is celebrated for the differences it displays and for the strength it provides; American Indian communities continue to govern themselves without threat from their neighbors; disadvantaged communities are provided the educational and technological tools to improve their economic wealth, and opportunities for economic prosperity are shared; religions and spiritual beliefs are mutually recognized and respected; quality health care and housing are universally available; the environment is protected for the common good; the earth, air, water, wildlife, and other natural



resources are utilized responsibly and respectfully; and sacred lands are preserved; American Indians and non-Indian reach out and communicate in a spirit of cooperation to prevent and resolve disagreements.

Following are some excerpts from vision statements drafted by the eight panels of the 21st Town Hall: “A place where individuals, communities, institutions, their values, beliefs and traditions are respected, valued and honored; a place where future generation of New Mexicans have a forum where each can dialogue and create avenues for compromise, enabling individuals and communities to maximize their potential while respecting the differences within each group.”

“A New Mexico where:

- All citizens and legislators understand the special issues involved in American Indian education;
- Tribal sovereignty is mutually understood and respected;
- All parties are included in the processes so that our diversity can be our strength;
- The media accurately reflect American Indian issues;
- Barriers to economic development are eliminated, while maintaining our cultures and preserving what is unique about New Mexico;
- “The special community known as New Mexico increasingly will require its resident American Indians and their non-Indian neighbors to pursue common solutions while recognizing each others’ inherent differences and desire for independence.”
- “Where all people recognize that the diverse and interlocking nature of New Mexico’s cultures is dependent on cooperation and respect.”

- “A future in which sovereignty is not a defense of land base threats to tribes, where sovereignty is an inherent right to govern ourselves and allow tribes to continue to educate themselves about what sovereignty is.”
- “A partnership of cultures rather than a “melting pot” approach.”
- “A genuine respect for our environment and a conscious effort by all parties to prudently use non-renewable resources.”
- “A healthy community, in body and soul, that inspires hope for all people not only here but as a national whole and as members of the human family. A vision that the state does not view the American Indian culture as a historical relic but as a thriving and healthy, contributing culture that adds to our lives as residents and the nation as a whole.”
- “Health care and education that are affordable and accessible to all communities, focusing on prevention as well as treatment.”
- “Acting as role models for our youth.”
- “Learning from our mistakes and planning a more caring community. Not repeating the mistakes of overdevelopment in our communities. Respect the spiritual sites of individual tribes.”

The Town Hall recognized many examples of programs that will help New Mexico achieve its vision: the most ideal future that can be described. The success stories cover many aspects of life in the modern era. There are many widespread, but little-known efforts to build bridges of understanding. The number and diversity of ongoing projects and one-time initiatives clearly offer many models of cooperation and participation that can be implemented by other tribal and non-Indian governmental leaders to foster better communication and relations.

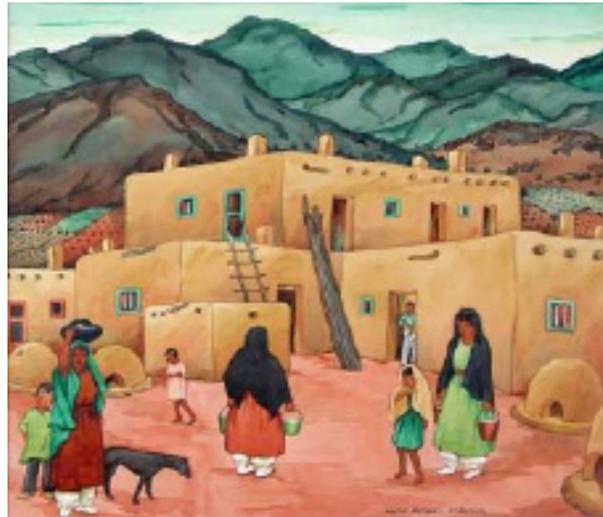


Because these successes are numerous, and because specific details could not be fully developed during the Town Hall, they are listed in the appendix.

BUILDING BRIDGES

The Twenty-First Town Hall produced a number of process improvements and new relationship frameworks to advance the building of relationships between American Indians and non-Indians. The recommendations include better communication and establishment of personal and business relationships as well as those that would improve the government-to-government relationships that are so important to providing services to New Mexico residents.

The Town Hall strongly recommends that the governor issue an executive order and the State Legislature memorialize that the state adopt a policy similar to 'EO 13083 and 13084 directing consultation and coordination with Indian tribal governments. The state must assure that this policy is implemented at all levels of government.



The Town Hall recommends the continued pursuit of options and processes to develop an integrated health care delivery system for American Indians that will not abrogate the federal trust responsibility. The health care industry is changing and is becoming more difficult to understand. These changes are especially challenging for Indian people because of cultural and language differences. The effect is that it is becoming harder for American Indian people, particularly the elderly, to acquire health care services.

The Town Hall recognizes that one of the greatest handicaps of the Indian Health Service is its severely inadequate appropriations. There is no assistant secretary position in IHS that is analogous to the assistant secretary position in BIA, for example, and therefore there is no one with the authority or mandate to advocate on behalf of HIS. Because HIS has suffered tremendously as a result and because Indian health is a trust responsibility, the Town Hall believes this position should be created and staffed, that our congressional delegation sponsor this initiative with appropriate legislation, and that New Mexico tribes should spearhead and follow through to support this legislation.

The Town Hall also recommends that cultural sensitivity training be required of all new and existing state and local government employees, in order to foster understanding of American Indian issues among the government work force. This training should be done through a diversity program of qualified trainers. Additionally, all newly elected officials should be

encouraged to attend special training on American Indian issues of tribal sovereignty and intergovernmental relations.

The Town Hall also recommends that courses in New Mexico's cultural diversity be required for teacher certification. All education licensure, new and renewal must include multicultural competency.

The State Board of Education shall ensure that state-adopted instructional materials thoroughly cover American Indian history, sovereignty, and



intergovernmental relations. The statewide Indian Education Coalition will develop specific recommendations for publishers and writers of American Indian history textbooks and materials to ensure that all their materials are historically and culturally accurate and appropriate.

The New Mexico First Town Hall recommends that existing state and local agencies be responsive to all American Indian religions and sacred sites for preservation. It is further recommended that all sites be preserved in spite of economic pressures that may cause desecration of these sacred sites. Many of these sites are still continuously being utilized by American Indian people.

The Town Hall recommends that the Office of American Indians Affairs be empowered to take on additional duties aimed at improving the framework and developing protocols for better government-to-government relationships. The Town Hall recommended that new procedures be formalized and institutionalized by which the state, local and tribal governments can work through conflicts and resolve them before resorting to litigation. Also the Town Hall found the need for evermore communication and meetings during times of transition in state, local and tribal governments.

The Town Hall recommends that New Mexico's executive and legislative branches work on a government-to-government basis with tribal governments to conduct tactical studies and then to recommend mutually acceptable solutions to:

- dual taxation on American Indian reservations
- sharing of revenue derived from activities including by not limited to gross receipts taxes, tourism, severance taxes, and law-enforcement revenue.
- support pending legislation and ²Title 8 PL 874 (impact aid) funding; that provides for direct support and augmentation of American Indian education

- the addition of pre-schools for all pre-kindergarten students below the poverty level to be funded by the Legislature.
- address the problem of American Indian student school attendance
- Encourage representation of American Indians on rural and urban school boards.

The Town Hall recommends that state, local, and tribal governments cooperatively undertake a campaign presenting examples of possible contributions of American Indians to help foster better relation with non-Indian people in New Mexico. Furthermore the town Hall recommends effective use of media to reach the general public and create a positive self-image for young American Indian people.

The Town Hall also identified a number of activities that American Indian communities should undertake to help foster better relations with non-Indian people in New Mexico. More effective use of the media, including mainstream newspapers, radio talk show, as well as electronic media on the Internet.

The Town Hall leaves it to the citizens of New Mexico to find more innovative and appealing ways of reaching out. Suggestions include establishing an in-state sister city program between American Indian and non-Indian communities and creating a "United Nations" concept in New Mexico.

The Town Hall also urges greater interaction between American Indians and their neighbors on a personal level, which will result in less mistrust and greater understanding and will lead to better overall relations. For example, activities as simple as community potluck dinners would encourage working together through the traditions of "breaking bread" and sharing physical, spiritual, mental, and emotional nourishment, while recognizing there remain some tribes who wish to continue to be private as a means of preserving their culture.



The Town Hall recognizes and supports the process and protocols identified in the July 1996 State/Tribal Memorandum of Agreement to work cooperatively on a government-to-government basis.

The Town Hall recommends that tribes consider enhancing economic development through adoption of business and commercial codes, ensuring that tribal courts have fair and understandable procedures, and that they explore opportunities to partner with business and other governments.

The Town Hall recommends that the New Mexico Congressional Delegation secure funding for tribal courts as authorized but not yet appropriated under the Tribal Justice Act.

The entities that are responsible for these bridge-building efforts are too numerous to mention. The list includes every person, every business, every school every media organization, every governmental agency, every tribe, every pueblo and every religious leader. That is because building truly productive and positive relationships takes everyone's work over a long period of time.

CONCLUSION

The Twenty-First New Mexico First Town Hall began with a remark that American Indians are always having to fight for what they need. The Town Hall recognizes the truth in this statement. It concludes that more consistent two-way communication and understanding will make it possible to establish the government-to-government relationships that will reduce the need to fight and bring more positive action for New Mexicans.

American Indian people have many emerging challenges that are unacceptable: suicide among youth, very high dropout rates from school and juvenile crime. The Town Hall concluded that they should not have to fight to protect their right to govern themselves and determine their destiny.

This town Hall was convened in a loving spirit of hope and unity. It ended with a hopeful call for American Indians and non-Indians to communicate better, to recognize that their differences are their strengths, to face problems together, and to work together for the benefit of New Mexico. And finally, but most importantly, the Town Hall believes that American Indian tribes and American Indian people have a right to exist and thrive as a distinct culture, with a unique histories and government, and that the preceding discussions, positions, and recommendations reflect this belief.

¹ Federal Executive Order referring to the issue of federalism and the unique legal relationship of tribal governments with the federal government and the order to executive agencies to consult and coordinate with tribal governments on all issues directly affecting them.

² At this time the State of New Mexico takes 95% of the Title VIII PL-874 (Impact Aid) funds from the Native American Student living on tribal lands. They equalize this funding among all school districts. The Title VIII

PL-874 was intended to be used to offset the lack of property tax.



American Indians in Arizona

*“American Indian Relationships In a Modern Arizona Economy”
Sixty-Fifth Arizona Town Hall, October 30 - November 2, 1994*

A Message from the Chairman

In the rapid pace of today’s living, men and women of stature and ability too often are tied solely to the particular sphere of their own everyday activities. Yet the very qualities that have made these people leaders in their fields of endeavor are those essential to the understanding and solution of many of the broad concerns that face all Arizonans.

With this in mind, the Arizona Town Halls began in October 1962 to bring together different groups of leading citizens periodically for a thorough consideration of various issues and concerns facing our state. These groups are selected carefully to constitute a valid cross section of state leadership – geographically and occupationally – representative of a wide diversity of political, social and economic philosophies.

There have been sixty-five Town Halls to date. The sixty-fifth, held at Grand Canyon on October 30-November 2, 1994, addressed - “American Indian Relationships in a Modern Arizona Economy.” More that fifteen years had passed since the last Town Hall on a similar topic in 1979.

Since that time we have seen a strengthening of tribal governments as tribes have sought and assumed a greater role in administering their own affairs for their benefit. In most recent years we also have seen the passage of the 1988 Federal Indian Gaming Regulatory Act and the struggles and

disagreements that tribes across the country have encountered as they have worked to expand gaming operations on a number of their reservations. As this background report went to press in late August of 1994, each day was bringing further events that would affect the Town Hall discussions.

The U.S. Senate had recently scrapped a proposal that was the result of months of tribal/state negotiations seeking to establish new standards for casinos on reservations and was attempting to draft a substitute bill. The Salt River Pima-Maricopa Indian Community (bordering on Scottsdale) had just voted to establish casino gambling on their reservation; the Navajo Nation and the Hopi Tribe have voted against the establishment of casino gaming.

Each of these actions serves to highlight the need to develop more positive working relationships between Arizona Indian and non-Indian communities for the future.

To provide all the participants in the Town hall with fundamental background information from which to launch their detailed discussions, The University of Arizona, working together with Northern Arizona University, developed the following background on the subject. Our sincere



thanks go to the universities and to the many individuals involved who contributed long, concentrated hours of work to prepare this thoughtful and informative report. Please keep in mind that this volume has been developed to give laypeople a broad background on the subject.

There were a number of Town Hall participants who work daily within this subject area for whom this text served primarily as a good review. On the other hand, it provided a solid introduction to the topic for the majority of the participants who were not that familiar with many aspects of this topic.

The Town Hall recommendations regarding American Indian relationships have been combined with the universities' background information into this final document that will be circulated widely throughout the state.

It is our belief that the total report will be of lasting value to Arizona's public officials and other citizens as we all strive to develop a win/win relationship'— a win for Arizona's Indian tribes in securing long-term prosperity for a greater number of their people and consequently a win for all Arizonans in improving the state's overall economy and well being.

Sincerely,

Barbara Ralston
Chairman of the Board

Forward

Indian gaming, which has increased dramatically throughout the state over the past two years, has become the catalyst for heated discussion among Arizona's citizens, including those who took part in the June 1993 discussion to select topics for the 1994 Town Halls.

However, those discussions quickly brought to light the fact that Indian gaming is serving as the "lightening rod" to highlight issues that have existed since the founding of our country: the many and diverse issues of American Indian/non-Indian relationships.

The Sixty-fifth Arizona Town Hall background report outlines some of these numerous and diverse issues.

In the state of Arizona, 21 sovereign Indian nations reside on 20 reservations that together constitute approximately 28 percent of the state's land base — a greater proportion than in any other state. Historically, American Indians living on reservations have formed the poorest minority population in the United States.

Yet, in spite of their physical remoteness and, often, a lack of modern infrastructure, several Indian communities have recently implemented successful economic development projects that have reduced unemployment, increased individual and tribal incomes, and subsequently reduced overall tribal poverty. Included in these successful development activities are Indian gaming operations.

In the state of Arizona, 16 tribes are establishing, or are in the process of establishing, gaming facilities on their reservations. In the views of many tribal leaders, gaming represents the first real hope of building substantial economies on



the reservations by using gaming revenues as a catalyst for other long-term economic development projects. But not all tribes can benefit from gaming; many reservations are located in remote areas of the state and cannot be readily accessed by potential customers. (A detailed discussion on Indian gaming can be found in Section 3 of this background report).

The Sixty-fifth Town Hall focused approximately one-fourth of its discussions on Indian gaming issues, but not on the question of whether Arizona should have gaming; Indian gaming on the reservations already is specifically permitted by federal legislation and has been in practice to a limited extent in other areas throughout the state for some time. The concerns that were discussed revolve around the legal and political issues involved, state and federal regulation of gaming, and the impacts and potential impacts on reservation economic development now and for the future.

The greater portion of the three-day discussions considered the numerous other concerns that brought to the forefront the circumstances of economic development on Indian reservations: how to maintain strong sovereign governments that can effectively manage the responsibility for strengthening and maintaining physical infrastructures, health care, education, housing, law enforcement and social services on reservations while working with other local governments in Arizona.

The background report, prepared for careful study by participants before arriving at the Town Hall, sought to provide information, to delineate contentious issues that may present obstacles to viable economic development on Indian reservations, and to provide focus subjects to stimulate discussion at

the Town Hall. Throughout the report, you will find examples of Indian/non-Indian cooperation, disagreement, joint undertakings, political compromise and misunderstandings.

Indian gaming, as well as other effective economic development projects on reservations, offers multiple and diverse opportunities for new approaches to working through both Indian and non-Indian concerns, and not just those concerns directly related to development and the economy but also those related to interpersonal issues.

How can we mutually recognize the problems presented by the commingling of Indian and non-Indian cultures?

How can we, together, best deal with those problems? There are, and probably will continue to be, cultural issues and circumstances that will lead to misunderstandings between Indians and non-Indians.

The new hope for more positive economic situations on Indian reservations has the potential to bring with it a better understanding and improved relationships between American Indians and non-Indians.

To foster positive relationships between Arizona's American Indians and non-Indians, Arizonans and Indian tribes need to develop a position regarding Indian economic development on reservations that will provide a win-win situation for Indian tribes and the state as a whole. Such a position will assist Arizona's Indian tribes in securing long-term positive economic development for their people, and ultimately will improve the state's overall economy and well-being. The Sixty-fifth Arizona Town Hall sought to take a step in that direction.



TOWN HALL SUMMARY

The 65th Arizona Town Hall constructively addressed two interwoven issues of substantial significance to all Arizonans—relations between American Indians and non-Indians, and economic development efforts involving both groups. Recent developments in Indian gaming provided the catalyst for weaving these issues together in the hope of strengthening the economic future of all Arizonans. Following are just a few of the major findings and recommendations.

- *The principal barrier to American Indians and non-Indians working together is the pervasive lack of understanding and trust. Communication and education are the keys to removing this barrier. Better conduits for communication of tribal view points to state and local governments should be instituted. Two suggestions – 1) a cabinet-level office created in state government and 2) representation on committees appointed by state legislative bodies.*
- *The concepts of “sovereignty” and “federal trust responsibility” are widely misunderstood and justify significantly more energy and attention than they have received to date.*
- *The B.I.A. needs to continuously reevaluate and redefine its role to reflect the growing self-sufficiency of tribes; this federal bureaucracy poses inherent barriers to tribal self-determination and progress.*
- *Tribal leaders must create an environment and infrastructure to allow development and progress. Tribal leaders are focusing, and need to focus more, on creating their own solutions and resources and on redefining their relationships with the federal government.*
- *Tribal, state and local governments can more effectively come together by focusing on long-range goals instead of always dealing in crisis management.*
- *In order to develop a common factual basis for further addressing state taxations policy toward American Indians, Town Hall recommends that an appropriate group be commissioned to quantify taxation issues with relevant representation from all affected parties.*
- *Town Hall believes that gaming activities on reservations have successfully provided American Indians and tribes with numerous benefits that might otherwise never have occurred and have provided the economic base for many tribes that federal programs failed to generate. On balance, the benefits to tribes and tribal members clearly outweigh the detriments.*
- *Local governments are not and should not be involved in regulating Indian gaming. However, it is particularly important for communities near Indian reservations with gaming to coordinate efforts and engage in cooperative planning with tribes to address land use, transportation infrastructure and law enforcement needs.*
- *Conventional lenders must make a greater commitment to understand the financing needs of tribes and work with the tribes to find creative solutions. Tribal interests, on the other hand, must work to better understand what lenders need to proceed with financing.*
- *Coordination of state, local and tribal economic development plans must take place in the future.*



OKLAHOMA



Prairie - Indian Territory - Oklahoma

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Prairie

The story of Oklahoma, as it is today, formally began when President Jefferson arranged the Louisiana Purchase in 1803. Before then most of it was simply tall prairie visited occasionally by groups of native peoples hunting in the vast buffalo herds that fed on the rich grasses or who were traveling through on their way to someplace else. It was an area where water could be precious, the weather unpredictably extreme with few places of natural habitability. The Caddo people likely occupied parts of southeastern Oklahoma at certain times of the year and the Wichita certainly identified specific parts of the western lands as theirs. For most other Tribes, their historic presence in Oklahoma was not permanent.

There are vivid accounts from early travelers of hunting and warfare on the prairie by the native nomadic plains peoples such as the Comanche, Kiowa and Cheyenne. The prairie seems to have been respected as a common area for hunting and seasonal retreat; it wasn't considered suitable for permanent habitation at the time. Native oral history says this is the way it had been for hundreds, if not, indeed, thousands of years.

Indian Territory

Written history began when Thomas Jefferson had the idea to use the southern prairie lands in the Louisiana Purchase to re-locate native peoples from the various places where they were living. He felt lands in the U.S. states, including traditional tribal lands, needed to be acquired for agrarian use by non-native, Caucasian farmers. Jefferson, a planter from Virginia, therefore devised a plan to make all land east of the Mississippi available for farming and he had to move the tribal peoples who historically occupied these lands to places west of the Mississippi. Andrew Jackson, a militaristic woodsman from Tennessee, implemented his plan. Indian Territory was thus born.

Individual tribal governments had and still do have independent authority as domestic sovereign nations over their individual tribal populations and over their individual tribal lands. Tribes trace their authority back to when their sovereignty was supreme, i.e. before European contact. The sovereignty of native nations was respected and acknowledged by the French, Spanish, and English explorers and immigrants.

Ultimately, the American founding fathers (Jefferson being one of them), memorialized this respect and acknowledgement by recognizing American Indian tribes and their sovereignty in the Commerce Clause as they wrote the Constitution of the United States. Respect and acknowledgement of tribal sovereignty is embodied in law and society today.

Every United States President since John F. Kennedy, regardless of political party, has formally acknowledged this tribal sovereignty and the powers of tribal self-governance. Being domestic sovereign nations, however, tribal governments and their tribal citizens are subject to the plenary regulatory power of the United States Congress.

This creates the Federal – Tribal trust relationship and is why there is a committee on Indian Affairs in the U.S. Senate and why the House of Representatives give responsibility for American Indian affairs to the Natural Resources committee. This trust relationship is legal and affirmed by the Supreme Court of the United States.

Oklahoma

One hundred years ago when Indian Territory was merged into the new state of Oklahoma, most of the tribally owned land was taken. The sovereignty of the tribal governments did remain intact and the individual tribal citizens retained their historic tribal citizenship and became citizens



of Oklahoma as well. Each class of citizenship, U.S., state, Tribal and local has a separate set of rights and responsibilities.

A substantial number of Indian Tribes and Bands were removed to Indian Territory and of those thirty- nine (39) federally recognized tribes remain in Oklahoma today [ed. note: there are 37 FRT as of August 2007]. Each one is separate and distinct with its individual government, land, culture, identity, language and citizenry. Each one is unique and separate unto itself. By conservative estimate based on the 2000 official U.S. Census, there are more than 350,000 Oklahomans living in Oklahoma who are enrolled citizens of these 39 tribes. This does not include mixed- blood descendants who are not enrolled. The native tribal imprint on Oklahoma land and its people is deep and permanent.

Just as the Federal government and state governments, each of the thirty- nine tribal governments in Oklahoma has a responsibility to tend to the well- being and safety of its citizens. Tribal governments have been doing this for many hundreds of years. Tribal government sovereign jurisdiction covers its citizens, tribal land and those people on it. A tribal government, in the course of exercising its governmental duties and responsibilities exercises the following sovereign rights, recognized and enforced by the United States Congress and judicially confirmed, to:

1. Self-government.
2. Regulate property.
3. Tax.
4. Maintain law and order.
5. Regulate domestic relations.
6. Establish and regulate commerce and trade.

Tribes exercise these rights not only to protect themselves from state and federal incursion but also to control their individual destinies as sovereign nations.

For example, tribes most often assert their sovereign rights in these areas:

Natural Resources

Tribes are the owners of the natural resources on and under their land. Tribes can regulate the conduct of members and non-members on tribal land, set environmental standards, and determine if and how natural resources such as natural gas, coal, and timber will be developed and/ or used.

Cultural Property

Beginning with it's very name, "Oklahoma" (Choctaw: "Home of the People."), this state is heavily influenced by names, art, languages, stories, music, beliefs, religious symbols and tribal community values of the state's native citizens and tribes. A sensitive and appropriate use of these cultural properties for commercial or private purposes should only be done with the advice and consent of the affected tribe. The influence of Indian art and religious symbolism on modern American culture is undeniable.

American Indians are protected by the same intellectual property laws as every other person in the United States. Additionally, Congress has passed specific laws, like the Indian Arts and Crafts Act, which prevents non-Indians from falsely portraying and trading art and crafts as Indian made and carries fines of up to \$1,000,000 and/ or five (5) years imprisonment for selling products presented as Native American made when they, in fact, are not. It assures authenticity. American Indian human remains and funerary objects are specifically protected by the Native American Graves Protection and Repatriation Act.

Hunting and Fishing

The hunting, fishing and gathering rights afforded Indian tribes are based in treaties, statutes, executive orders or agreements. These are rights that cannot be taken by Congress or the courts without compensation. Tribes have the right to regulate hunting and fishing by members and, in most instances, non-members on tribal lands.

Taxation

The power to tax is a fundamental element of inherent tribal sovereignty. Indian tribes have the



SOVEREIGNTY



The Independent Origin of Tribal Sovereignty

Research compiled by Ryan Leonard, Attorney at Law, Oklahoma City

This article was excerpted from Felix Cohen's Handbook of Federal Indian Law (footnotes omitted). Reprinted with permission of the publisher.

Historical Overview

Most Indian tribes were independent, self-governing societies long before their contact with European nations, although the degree and kind of organizations varied widely among them. The forms of political order included multi-tribal confederacies, governments based on towns or pueblos, and systems in which authority rested in heads of kinship groups or clans. For most tribes, these forms of self-government were also sacred orders, supported by creation stories and ceremonies invoking spiritual powers.

Like other governments, Indian tribal governments organized collective action, facilitated social control, and resolved disputes. While most tribes had no written laws, individual behavior was guided by elaborate norms of conduct. Most violations of these structures were prevented through community pressure in the form of mockery, ostracism, ridicule, and religious sanctions. Those who transgressed against community norms faced an agreed upon sanction. Depending on the tribe's system of law, such sanctions might include a payment to the family of the injured party, banishment, or, for especially serious offenses, physical punishment or death. In short, tribes had their own traditional, though mostly informal and unwritten, governmental and legal systems.

Contact with the European nations significantly changed the nature of tribal governments. Most tribes have adopted written constitutions and legal codes, establish their laws primarily through tribal councils, and resolve disputes and enforce legal

requirements in tribal courts. Yet some traditional forms, such as the general council, still function among smaller tribes, including several in southern California and Pueblos in New Mexico.

Self-Government

The history of tribal self-government forms the basis for the exercise of modern powers. Indian tribes consistently have been recognized, first by the European nations, and later by the United States, as "distinct, independent political communities," qualified to exercise powers of self-government, not by virtue of any delegation of powers, but rather by reason of their original tribal sovereignty.

The right of tribes to govern their members and territories flows from a preexisting sovereignty limited, but not abolished by, their inclusion within the territorial bounds of the United States. Tribal powers of self-government are recognized by the Constitution, legislation, treaties, judicial decisions, and administrative practice.

They necessarily are observed and protected by the federal government in accordance with a relationship designed to ensure continued viability of Indian self-government insofar as governing powers have not been limited or extinguished by lawful federal authority. Neither the passage of time, nor the apparent assimilation of native peoples, can be interpreted as diminishing or abandoning a tribe's status as a self-governing entity.

Once recognized as a political body by the United States, a tribe retains its sovereignty until Congress acts to divest that sovereignty.

Perhaps the most basic principle of all Indian law, supported by a host of court decisions, is that those



powers lawfully vested in an Indian nation are not, in general, delegated powers granted by express acts of Congress, but rather “inherent powers of a limited sovereignty which has never been extinguished.” The Supreme Court has observed that “Indian tribes still possess those aspects of sovereignty not withdrawn by treaty or statute, or by implication as a necessary result of their dependent status.”

This principle guides determinations of the scope of tribal authority. The tribes began their relationship with the federal government with the sovereign powers of independent nations. They came under the authority of the United States through treaties and agreements between tribes and the federal government and through the assertion of authority by the United States. Federal treaties and congressional enactments have imposed certain limitations on tribal governments, especially on their external political relations, and the Supreme Court has issued common law rulings that introduce further limitation as a matter of federal common law.

But from the beginning, the United States permitted, then protected, continued internal tribal government. In so doing, the United States applied a general principle of international law to the Indian tribes. The established tradition of tribal independence within a tribe’s territory has survived the admission of new states, citizenship of the Indians, and other changes in American Life. Today, courts consider the backdrop of tribal sovereignty in addressing federal Indian law issues.

The historic notion of tribal independence, subject to paramount authority in the United States, was reflected in the original Constitution’s mention of the Indians in two contexts: The Indian commerce clause recognized tribes as sovereigns along with foreign nations and the several states, while granting the federal government exclusive power over Indian affairs. This clause empowers Congress to “regulate Commerce with foreign Nations, and among the several States, and with

the Indian Tribes.” The scope of federal power under the Indian commerce clause has developed under Supreme Court decisions differently than the powers over foreign and interstate commerce. Although the Supreme Court has recently narrowed congressional powers under the interstate commerce clause, it has continued to interpret the Indian commerce clause as authority for broad and exclusive federal powers and responsibilities in Indian affairs.

The scope of federal authority over tribes has been subject to debate and criticism, but the constitutional recognition of tribes as sovereigns in a government-to-government relationship with the United States has remained a constant in federal Indian law.

The other mention of Indians in the Constitution also reflects the framers’ understanding of the separate but limited sovereign status of tribes. Namely, “Indians not taxed” are excluded from the definition of “free Persons” to be counted in determining the representatives or apportioning direct taxes. This exclusion recognized tribal members as citizens of distinct sovereigns.

The Courts

From the earliest years of the republic, courts have recognized the political independence and self-governing status of Indian tribes. In the 1831 case of *Cherokee Nation v. Georgia*, the Supreme Court classified the tribes as “domestic dependent nations” whose “relation to the United States resembles that of a ward to his guardian.”

The next year, Chief Justice John Marshall’s opinion for the Court in *Worcester v. Georgia* explained that the guardian-ward relationship did not abolish preexisting tribal powers or make the tribes dependent on federal law for their powers of self-government.

Applying principles of international law, Chief Justice Marshall recognized that Indian tribes were initially treated as sovereigns by the European



nations and later consented to enter into alliances or treaties with those nations. When the United States succeeded to the European claims, it followed a similar policy of entering into alliances through a series of treaties, which itself evidenced an acknowledgement of the tribes' sovereign status. Accordingly, the United States had assumed the role of "protector" of the Indian tribes, acknowledging and guaranteeing their security as distinct political communities in exchange for their friendliness to the United States.

The protectorate relationship did not extinguish tribal sovereignty because it was a "settled doctrine of the law of nations . . . that a weaker power does not surrender its independence"—its right to self-government, by associating with a stronger, and taking its protection." Tribes remained states with powers of self-government, despite coming under federal power. The United States assumed a fiduciary obligation, ensuring the tribes' continuing integrity as self-governing entities within certain territory.

This protectorate relationship not only preserved tribal government, but insulated it from state interference. As the Chief Justice states, "The Cherokee nation . . . is a distinct community . . . in which the laws of Georgia can have no force . . . but with the assent of the Cherokees themselves, or in conformity with treaties, and with the acts of Congress."

The independent origin of tribal power has been the criterion for decisions in other Supreme Court opinions as well. For example, in 1896, in *Talton v. Mayes*, the Court held that the Cherokee Nation's criminal courts were not subject to the Fifth Amendment requirement of indictment by a grand jury because they were not courts of the United States. Although recognized by the federal government as a sovereign nation, the Cherokee Nation was neither part of the federal government nor derived its powers by delegation from Congress. "[A]s the powers of local self government enjoyed by the Cherokee nation existed prior to the Constitution, they were are

operated upon by the Fifth Amendment, which, as we have said, had for its sole object to control the powers conferred by the Constitution on the National Government." Similarly, in *United States v. Wheeler*, the Supreme Court held that it did not constitute double jeopardy for a Navajo tribal member to be tried for a criminal offense in both the Navajo and federal courts because the Navajo Nation and the United States are separate sovereigns. "The power to punish offenses, against tribal law committed by Tribe members, which was part of the Navajos' primeval sovereignty, has never been taken away from them, either explicitly or implicitly, and is attributable in no way to any delegation to them of federal authority." When the Navajo Nation exercises criminal jurisdiction, "it does so as part of its retained sovereignty and not as an arm of the Federal Government."

And in *United States v. Lara*, the Supreme Court found that sequential tribal and federal prosecutions of an Indian for a crime committed on a reservation other than his own was likewise not barred by the double jeopardy clause, because "the Tribe acted in its capacity of a separate sovereign." Although the Court itself had earlier found that tribes were implicitly divested of inherent criminal jurisdiction over nonmember Indians because of their dependent status, Congress responded to the decision by enacting a law "recogniz[ing] and affirm[ing]" the tribe's "inherent" power to prosecute nonmember Indians.

In upholding Congress's constitutional authority to enact the statute, the Court concluded that the federal statute served merely to reactivate the independent source of tribal powers over nonmember Indians, and did not transform the tribal prosecution into an act of the federal government.

As the *Lara* case demonstrates, inherent tribal power may be recognized and affirmed by Congress in situations in which federal courts have previously found that the political branches imposed restrictions on that power. Tribal powers



so authorized are entirely attributable to Indian nations, and not to the federal government that merely acknowledged them. In addition to inherent sovereign powers, tribes may also exercise powers specifically delegated by Congress through treaty or statute. Whether such statutes actually delegate federal power, as opposed to affirming or recognizing inherent tribal power, is a matter of congressional intent.

OKLAHOMA TRIBES

Oklahoma today is home to 37 federally recognized Indian tribes and nations (with an additional two historical tribes petitioning for recognition), only a few of which occupied any part of the state before European contact. The remaining tribes were resettled there, most of them involuntarily and some of them forcibly, under the federal government's nineteenth century removal policy.

The first tribes removed to what is now Oklahoma were the Choctaw, Chickasaw, Creek, Cherokee and Seminole, sometimes called the Five Civilized Tribes. Under a series of treaties, some of which were forced on them, the Five Tribes moved from the southeastern states to what is now Oklahoma and adjacent parts of Arkansas and Kansas. The Five Tribes established comprehensive governments in their territories and exercised self rule relatively free from federal interference.

Other tribes were resettled to the north and on parts of the Five Tribes' removal lands that the government reacquired from them. Many of the removal treaties of the 1830's promised that the lands set aside for the tribes would never be included within the boundaries of any state or organized territory without tribal consent.

The Civil War had serious consequences for the Five Tribes. The Choctaw and Chickasaw Nations, whose lands adjoined Confederate states, sided with and made treaties with the Confederacy. The other three tribes were divided, and some leaders of each tribe made treaties with the Confederacy, although loyalist factions continued to favor the

North. In 1866, the Five Tribes were compelled to agree to new treaties that ceded western portions of their territories, abolished slavery, granted rights-of-way for railroads, provided for eventual allotment of tribal lands, and authorized increased federal control.

After the Civil War, many Plains tribes were removed to the western Indian Territory lands yielded by the Five Tribes. Thousands of non-Indians settled in Indian Territory illegally, including many lawless and violent persons who made the Five Tribes' lands notorious as havens for bandits and killers. In 1889, Congress established a special federal court for Indian Territory in an effort to maintain law and order, and opened the "unassigned lands" in central Indian Territory to white settlement.

The term "Indian Territory," first used in the 1830's, gradually came into common use as the collective term for the lands of the Five Tribes and others settled among them. In the Oklahoma Organic Act of 1890, Congress defined the boundaries of the Indian Territory as the lands of the Five Tribes and the Quapaw Agency Tribes. The Organic Act created the Oklahoma Territory in the western portion of the original Indian Territory and established a typical territorial government there.

Consistent with the treaty guarantees of the 1830's that tribal lands would never be included within any state or organized territory without tribal consent, the Organic Act provided that the lands of the Five Tribes and the Quapaw Agency Tribes could be included within the boundaries of the new Oklahoma Territory whenever any tribe notified the President of its consent. In addition, the Act expressly preserved tribal authority and federal Indian jurisdiction in both the Oklahoma and Indian Territories.

During the 1890's, the lands of most of the tribes in the Oklahoma Territory were allotted pursuant to the authority of the General Allotment Act of 1887. The Act, however, excepted the lands of a



number of tribes in Oklahoma from its provisions, including the lands of the Five Tribes and the Osage Nation. In 1893, the Dawes Commission was established to seek allotment of the lands of the Five Tribes, and in 1898, Congress enacted the Curtis Act, which provided for allotment of the Five Tribes' lands and authorized townsites that were opened to non-Indian ownership.

Allotment agreements and statutes followed. In 1906, the Five Tribes Act and the Osage Allotment Act addressed allotment and other matters comprehensively for the respective tribes. That same year, the Oklahoma Enabling Act provided for the admission of Indian Territory and Oklahoma Territory as the state of Oklahoma. Statehood was proclaimed in 1907.

When Congress enacted the Indian Reorganization Act ("IRA") in 1934, tribes in Oklahoma were excepted from many of the important provisions. Two years later, however, Congress enacted the Oklahoma Indian Welfare Act ("OIWA"), which authorizes tribal organization in a manner similar to the IRA and extends to tribes organized under the OIWA "any other rights or privileges secured to an organized Indian tribe under the [IRA]." The Osage Reservation, however, is excepted from the OIWA.

Since statehood, the status of Indian tribes in Oklahoma has been similar to that of tribes in other states. The Five Tribes and the Osage Nation have, however, been excepted from a number of general Indian statutes in addition to the Indian Reorganization Act. These include a 1910 statute providing for certain leases and sales of timber, certain laws addressing heirship, wills, and public domain allotments, and the 1909, 1924 and 1938 mineral leasing laws. Most of the special laws for Oklahoma Indians enacted since statehood have dealt with the property rights of individual members of the Five Tribes and the Osage Nation.

Indian Country in Oklahoma

Under former law, the entire Indian Territory was Indian country before 1889. Since 1948, Indian

country has been defined by federal statute, but its application in Oklahoma has not always been clear. The 1948 Indian country statute includes "all land within the limits of any Indian reservation . . . notwithstanding the issuance of any patent." The status of most Indian reservations within Oklahoma has not been judicially determined, although a few court opinions have held or assumed that certain reservations in Oklahoma were disestablished by laws ceding tribal lands or opening the reservations to settlement. In recent years, however, Congress has frequently defined the term "reservation" for purposes of particular statutes to include "former Indian reservations in Oklahoma."

Lands retained or held in trust or restricted status for an Indian tribe are Indian country, regardless of whether or not those lands constitute a "formal" reservation. Indian country status attaches to the land regardless of how it came to be held in trust or restricted fee. Thus, Indian country includes trust lands retained for a tribe within its original reservation or original treaty, or executive order, lands retained in trust or restricted status for the Five Tribes, and lands subsequently acquired or reacquired within original tribal boundaries and taken into trust. It is immaterial to Indian country status whether the original tribal reservation remains intact.

The 1948 statute further includes "all dependent Indian communities." Dependent Indian communities have been judicially defined as areas set aside for the use of Indians under the superintendence of the federal government. Because of continuing federal supervision over many Indians in Oklahoma, it is likely that a number of Indian communities in the state are dependent Indian communities. Finally, trust and restricted Indian allotments are also considered Indian country.

For additional reading, see Felix Cohen's Handbook of Federal Indian Law, 2005 edition, copyright American Indian Law Center, Inc., Albuquerque, New Mexico, 2005.



GOVERNMENTS



The Unofficial Congressman for Indian Country *Representative Tom Cole, 5th Congressional District, Oklahoma*

Meet Tom Cole

Tom Cole became the Representative for Oklahoma's Fourth District on November 6th, 2002.

Congressman Cole is a member on the House Armed Services Committee to which he was appointed in 2002. He also serves on the Natural Resources Committee. Cole serves as a Deputy Whip in the U.S. House. He also serves as Chairman of the National Republican Congressional Committee, making him a member of the House GOP Leadership.

He has served as a District Director for former Congressman Mickey Edwards, a member of the Oklahoma State Senate, and as Oklahoma's Secretary of State. In this capacity he served as former Governor Frank Keating's chief legislative strategist and liaison to the state's federal delegation. Keating tapped Cole to lead Oklahoma's successful effort to secure federal funds to assist in the rebuilding of Oklahoma City in the wake of the bombing of the Alfred P. Murrah Federal Building on April 19th, 1995.

Rep. Cole holds a B.A. from Grinnell College, an M.A. from Yale University, and a Ph.D. from the University of Oklahoma. He has been a Thomas Watson Fellow and a Fulbright Fellow at the University of London. He currently serves on the national Board of the Fulbright Association. He also serves on the board of the Aspen Institute.

Tom Cole is a fifth generation Oklahoman and an enrolled member of the Chickasaw Nation. He is currently the only Native American serving in Congress and was inducted in the Chickasaw Hall of Fame in 2004.



As the only enrolled member of an Indian tribe currently serving in the United States Congress, I have the dual honor of not only representing the people of Oklahoma's Fourth Congressional District, but also of being the unofficial Congressman for Indian Country. In this role I meet with Indian tribal leaders from all over the country and act as their advocate in the U.S. House and the federal government at large. And

while many of America's tribes are enjoying unprecedented successes, the age-old struggle to protect Native American rights continues to this day.

From their earliest experiences with the United States Government, American Indian tribes have been engaged in efforts to protect their tribal lands and defend their sovereign rights. It has been a long and difficult struggle and one in which we have secured many important victories, but also suffered many bitter defeats.

Many of the first interactions between the Native Americans and the European Settlers involved land sales. These land sales were often transacted in ways that were very biased against the interests of the tribes. Perhaps most importantly, the very concept of private property was one with which Native Americans were unfamiliar so one can make an argument that the tribes did not fully understand the transactions in which they engaged. There is also the issue of whether or not these sales were even voluntary. Thomas Jefferson wrote in *Notes on the State of Virginia* that the Indian lands acquired by the state of Virginia were "sometimes made with the price in one hand and the sword in the other."



In 1823 the U.S. recognized the rights of Native American landholders in *Johnson v. McIntosh* by establishing that only the federal government could enter into land deals with the tribes while also ruling that the tribes had a right to occupy and use the land even though it might be owned by the Federal Government. This, however, changed dramatically with the passage of the Indian Removal Act which allowed the federal government to forcibly remove Indians and relocate them to other parts of the country.

When the Federal Government attempted to remove the Cherokee's from Georgia to Oklahoma the tribe asserted their rights as an independent nation and challenged the United States' authority to force them from their ancestral lands.

Ultimately they prevailed in the Supreme Court which held that they were indeed a sovereign nation and that they could only be removed if they agreed to do so in a treaty that was ratified by the U.S. Senate. While the vast majority of the Cherokee's were opposed to removal, a small group supported it.

In a misguided attempt to preserve their nation, tribal members Major Ridge, his son John Ridge and Elias Boudinot formed a treaty party and signed the Treaty of New Echota, thus giving the federal government the document they needed for Senate ratification, and the subsequent removal of the Cherokee Nation. Both Ridges and Boudinot were killed by the Cherokees for their betrayal.

In 1838, General Winfield Scott began the process of forcibly relocating 17,000 Cherokee men women and children to Oklahoma. It was a brutal business that involved concentration camps and forced marches in the dead of winter. Approximately 4000 died along the way, earning the route and the journey the name "The Trail of Tears".

The Federal Government continued their policy of Indian removal through the Indian Appropriations Act of 1851 which created the Native American

reservations in what is today the State of Oklahoma. This policy was disastrous from the beginning and caused a great deal of strife between the tribes and the white settlers, as well as between the tribes themselves.

By the late 1800s, the United States had begun to recognize that forced relocation of Indians was a failed policy. As a result they passed yet another law - the General Allotment Act - or the Dawes Act as it is more commonly known. This act changed the policy of having the federal government grant land to tribes and replaced it with a policy of granting land to individual tribe members.

In order to determine eligibility for Allotment, the Dawes Commission was required to obtain the membership lists of the Five Civilized Tribes (Cherokee, Choctaw, Creek, Chickasaw and Seminole). Since the tribes did not keep very good records a new roll had to be taken. More than 250,000 people applied for membership but the Dawes Commission enrolled less than half of that. The roll was closed in 1907 and is considered complete. To this day, in order to enroll as a member of one of the Five Civilized Tribes, an individual must be able to trace an ancestor to those original Dawes rolls.

The Dawes Act may have been well intentioned, but its results were disastrous for Indian people and tribal governments. In the process of "privatization" thousands of Indians were cheated out of their lands. Tribal governments, the defenders of native peoples, were stripped of their authority and their resources. It was only through their tenacity and resilience that tribes survived as cultural and political entities.

In the modern era the relationship between Indian tribes and the federal government is still sometimes adversarial. There are numerous examples of Indian tribes possessing something of value that the federal government will attempt to take away, or otherwise appropriate from the Indians. The abominable mismanagement of the Indian lands held in trust is one such example.



The Department of the Interior's own internal report concluded that this mismanagement had created a liability of \$10 to \$40 billion to the tribal beneficiaries.

But a former Assistant Interior Secretary for Indian Affairs told ABC News that "there will probably have to be some kind of an agreed settlement on the issue because of the problematic - the problem of finding all the source documents. We can't do an accounting, I can't refute how much the Indians say they are owed. That's the problem."

Finally, no discussion about the relationship between the tribes and the federal government can be complete without addressing the issue of tribal gaming. In 1988, Congress passed the Indian Gaming Regulatory Act which gave the tribes the right to open casinos on their lands as long as the states in which they are located have some form of legalized gaming as well.

These gaming operations have revitalized many tribes throughout America by making them wealthy, economically diverse (most tribes reinvest gaming revenues into other profit centers such as banks, hospitals, resorts, radio stations, etc), and independent. And yet, with all of the obvious benefits that tribal gaming has brought to Indian Country, there those in the federal government and at the state level who still want to stop it's expansion, regulate it out of existence, or otherwise figure out how the make sure non Indian governments get a bigger slice of the pie.

For example, earlier this year the Congress conferred federal recognition on five Virginia Indian tribes. But this recognition came only after they had agreed to negotiate away some of their sovereignty by agreeing not to engage in gaming. This occurred in a state whose state lottery jackpots routinely top \$100 million.

Another example is the Oneida tribe of New York who negotiated a compact with New York state for gaming in 1993 and had it approved by the Department of the Interior. It's clear in hindsight that the state of New York did not anticipate the revenues that the Oneida's would generate from their Casino / Spa. Ten years after signing the compact, the State of New York asked the Department of the Interior to throw it out so they could demand a bigger piece of the pie. Remarkably, the Department of the Interior actually considered the request. Fortunately however, they recognized that a deal is a deal and recently ruled in favor of the tribes.

Lest I present a completely bleak assessment of the federal tribal relationship, let me also say that I think that relationship has never been better than it is today. Tribes themselves enjoy greater public approval than at any time in my lifetime, many of them have significant financial resources, and they have a number of strong advocates in the U.S. Congress.

Frankly, I think the majority of the problems that Indians face in dealing with the federal government are exactly the same as the rest of the population does. Big government and stubborn bureaucracies are inherently inefficient, wasteful and lacking in compassion.

For the first time in centuries, however, Native Americans have the resources, the know-how, and the sophistication to push back when the federal government usurps their sovereignty or otherwise tries to trample their rights.

I am an enrolled member of the Chickasaw Nation and we like to describe ourselves as "Unconquered and Unconquerable". I believe more and more that proud description can be applied to Indian Country as a whole.



The Federal-Tribal Relationship

*By Neal McCaleb, Former Assistant Secretary of Interior-Indian Affairs
Member, Chickasaw Nation*

Meet Neal McCaleb

Mr. McCaleb is the former head of the Bureau of Indian Affairs in Washington and has twice led the Oklahoma's transportation system.

An enrolled member of the Chickasaw Nation, McCaleb was appointed by President George W. Bush to lead the Bureau of Indian Affairs (BIA) in 2001. In nearly two years in the post, McCaleb led in the reorganization of the BIA to make a more responsive and effective trustee organization for Native American interests in the management of 56 million acres of Indian Trust Land.

Since leaving the BIA in 2003, McCaleb has served the Chickasaw Nation as an advisor to Gov. Bill Anoatubby. He is charged with assisting the Chickasaw Nation with the development of long-term economic strategies. McCaleb also serves on the board of directors of Bank 2, which is wholly owned by the Chickasaw Nation. He serves as Chairman of the Board of Directors of Chickasaw Nation Industries, Inc. Neal also served more than 10 years as the state secretary of transportation for former Govs. Frank Keating and Henry Bellmon. While transportation secretary and director of the Oklahoma Turnpike Authority, McCaleb helped develop plans for the John Kilpatrick Turnpike in Oklahoma City and the Creek Turnpike in Tulsa. Under Gov. Keating, he led the largest highway construction program in state history.

He has experience in the private practice of engineering and real estate development for 32 years. He has also spent 20 years in public service including eight years in the state Legislature. During his tenure in the House of Representatives, he served four years as the Republican floor leader.



The relationship between the Federal Government and the several Indian Tribes located within the United States is clearly set forth in Article I Section 8 Clause 3 of the Constitution giving the Federal government the power “To regulate commerce with foreign nations and among the several states and with Indian Tribes.” This authority and the limitation of the states to contract with Tribes is further articulated in the “Non-Intercourse Act” of 1796 which

prohibits states or persons from making contracts with Indian Tribes and reserving that power to the Federal Government.

This authority derives from colonial practice recognizing indigenous peoples occupying this continent prior to the arrival of the European powers as sovereigns and that their sovereignty was inherent and not delegated.

The Judicial recognition of Tribal sovereignty was established by the US Supreme Court in the “Marshall Trilogy” defining the Tribal governments as “dependent Sovereign Nations” in 1832.

The Federal-Tribal relationship in the early 19th century was clearly adversarial as evidenced by the fact the Bureau of Indian Affairs was located in the War Department until 1854 when it was transferred to the Department of the Interior. During the Treaty period which ended in 1876 the BIA was delegated the role of federal TRUSTEE by the Congress and pursuant to the Dawes Allotment Act of 1887 the BIA's role of Trustee became more clearly defined to protect the Tribes and individual Indians from the alienation of the title to their lands by placing the land titles in the name of the



USA with the BIA acting as Trustee in all matters relating to sale, lease, management of/or obligations upon Indian lands. The BIA also assumed the responsibilities of the federal government established by treaty to care for health, education and welfare of the tribes as well as their lands. This led to the BIA establishment of Indian boarding schools, health clinics, tribal police, various land management and conservation programs as well as many welfare and economic development programs. The health programs were stripped away from the BIA in the 1950's and assigned to the US Public Health Service now the "Indian Health Service".

After the Allotment Act of 1887 the Indian Estate eroded from 150 million acres to less than 50 million acres and Indian Reorganization Act (IRA) of 1934 officially reconstituted the Tribal governments under the supervision of the BIA, that is that all acts and policies of the Tribal government had to be approved by the BIA. The plight of tribal governments and the economy in "Indian Country" continued to decline until the Congress passed the "Indian Self Determination Act of 1975" recognizing the Tribes' rights to self governance and management of their own affairs. This Act gave the right and authority to "take over" any programmatic function of the federal government for the tribe except Trust functions and to contract with the BIA to operate that program and be compensated for that work. Under the Self Determination Act many tribes began to develop management skills and operational systems over the next twenty years that would launch them into business enterprises.

The Congress recognized that almost all economic development programs on Tribal lands had failed or fallen dramatically short of their intended purpose. In 1988 Congress passed the "Indian Gaming Regulatory Act" (IGRA) pursuant to the Supreme Court decisions that prohibited states from interfering in tribally operated gaming businesses on tribal lands and defined the regulations for operating such enterprises. The rest is history and many tribes have become

economically self-sufficient and prosperous. There are 82 casinos and gaming facilities in Oklahoma generating over two billion in gross operating profits and employing some 16,000 Oklahomans. This has made possible Tribal capital creation on a scale that has stimulated other non-gaming economic enterprises resulting in still further employment and economic growth both for Indian Tribes and the communities in which they operate.

Many Tribes have invested their new found finances to supplement their tribal services and assist the non-Indian community in financing public improvements such as roads, water supply systems and waste water treatment centers.

Meanwhile the BIA as Trustee still controls much of the Tribes future including gaming operations and new land to Trust decisions. The land to Trust decision is paramount to Tribal governments because their authority and jurisdiction is limited to lands held in Trust thus limiting the opportunity to extend and improve their gaming operations near attractive markets.

Significant to gaming and other economic development opportunities the BIA unilaterally holds the decisions for Federal Tribal recognition, land to trust approval and approval of class three gaming compacts with states as required by IGRA. The BIA also maintains its authority to approve Tribal Constitutions and control over certain business activities.

The Trustee relationship has created a conflicted role for the BIA as it has the responsibility of protecting and conservation of assets while advancing economic development which always entails risk of assets. There is also the open question of the effectiveness of the BIA for mismanagement (of) Individual Indian accounts known as "Cobell vs. Secretary of Interior" which has dragged on in the courts for twelve years and adversely affected the BIA's ability to function. Regardless of Court action the Congress must appropriate the funds for any settlement which it has shown no interest in doing. This suit on the



part of “Individual Indian Money Accounts” and does not involve any Tribal claims which are now beginning to surface since the Congress set a deadline for asserting such claims against the Federal government.

At the local level the trust status of Indian lands has created much concern and in many cases antipathy for tribal economic interests. Land(s) held by the Federal government are tax free and the Tribes economic activities on trust land are not taxable by the state or local government. Local governments often object to putting land into trust because of the loss of local taxes.

On the positive side Tribes bring funds not available to state and local governments into play in provided facilities and services that benefit the entire population in the service area as Oklahoma Indians are interspersed and integrated into the overall population unlike reservation states. It is estimated that collectively Oklahoma Tribes bring more than \$700million/year in federal funds to local government services including federal road funds leveraged with Tribal participation. These funds are spent on public education, health facilities, roads/bridges and public safety, in addition Tribes are using their new found prosperity to supplement and leverage state and local funds in lieu of taxes for public works and programs.

The challenge for Oklahoma and Tribes is how to optimize its unique position as home to 37 federally recognized (and two other historical tribes applying for recognition) tribes by promoting their prosperity through symbiotic alliances while protecting the vitality and growth of its existing economy.



Tribal Sovereignty: The Reality of Negotiating

Howard Barnett, former Chief of Staff, Office of the Governor

Meet Howard Barnett

Mr. Barnett served as Chief of Staff to Governor Frank Keating from 1999 to January 2003, making him the governor's primary advisor. In addition to managing the chief executive's staff, Howard supervised the creation and implementation of policy, legislation and the governor's agenda. He also directed the management of the relationships between the governor's office with other state agencies, other governmental agencies and Indian Tribes, as well as representing the governor in various forums.



Prior to joining the governor's office, Howard was appointed by Governor Keating as Oklahoma's Secretary of Commerce and Director of the Department of Commerce in 1998. In his role as cabinet secretary, he oversaw 20 agencies. As the commerce department's director, he oversaw the development of a reorganization plan for the agency to increase its efficiency and align its services with those of its customers.

Howard received his B.S. in Business Administration from the University of Tulsa and J.D. from Southern Methodist University. After receiving his law degree, Barnett practiced law in Tulsa, working primarily in securities and corporate law. He joined Tribune/Swab-Fox Companies, Inc., in 1985, rising to Chief Executive Officer in 1993 and serving in that role until the sale of the company, then called T/SF Communications, in 1997. Barnett then served a year as the Director of Business Development for New York-based The Official Information Company and led several successful acquisition and new venture efforts.

Howard received the Academy's 2007 Key Contributor Award last August.

When I was Chief of Staff for Governor Frank Keating from 1999 to 2003, I was the primary liaison/negotiator from the Governor's office for tribal compacts. Governor Keating set the tone for such negotiations early in his Administration by affirming his intention to work with the tribes and not to resolve issues through the courts, if possible.

Our approach to tribal negotiations was based on three principles: first, Tribal Sovereignty is a reality and must be respected; second, it was always preferable to negotiate than to litigate; and third, any negotiations for an agreement between two sovereigns (the state and a tribe), to be successful, must result in a "win-win".

Based on these principles, we conducted various negotiations, but, I must admit, we did not break much new ground. While we negotiated throughout much of my three and a half years as Chief of Staff over such big issues as gaming, cigarette sales, car tags and water, with the exception of one compact on car tags with the Cherokee Nation, the only compacts actually entered into were continuations of existing agreements or forms of agreements entered into with one tribe and copied for another, such as the existing tobacco compacts and cross-deputization agreements.

Depending on their point of view, people have viewed this absence of breakthrough compacts as either valiant protection of Oklahoma's own sovereignty or as bad negotiating on our part. The truth is that achieving a proper balance in straight sovereign-to-sovereign negotiations is not easy. Look at the successful implementation of a new



tribal gaming regime during Governor Henry's first term which was accomplished through a vote of the people whose vote was solicited by making a special allocation of the state's share of the proceeds to education. At the risk of sounding partisan, this was done by a Democrat Governor while the Democrats controlled both houses of the state legislature, a luxury we did not have even if we had wanted such a piece of legislation.

Our state statutes delegate the power to negotiate with tribes to the Governor. There is a special committee of the legislature to approve any compacts and in some cases the legislature as a whole must approve. That is the politics of compacting which must be borne in mind when such negotiations commence. But there are also issues of public policy which do – or should – impose other restraints on the compacting process.

For us in Governor Keating's Administration, those public policy concerns were two fold (in addition to any which might apply to the subject matter of the specific negotiations, e.g. should we sell water out of state?): first, any agreement must have transparency, i.e. each side must be able to know exactly what the other is doing under the agreement to confirm compliance. Second, there must be clear, agreed to enforcement mechanisms.

Frankly, while these sound good, they become real impediments to reaching an agreement with a sovereign entity such as a state or a tribe. That is because both go directly to the definition of what a sovereign is entitled to.

This is particularly true with tribes where the activity that is sought to be made subject to a compact with the state is almost always owned by the tribe itself (the sovereign), whether that is a casino, a fuel plaza or a tobacco shop.

The idea that the State of Oklahoma would want to be able to look at, in effect, the tribe's books was – reasonably, in my opinion – viewed by many of the tribes with which we negotiated as a violation of their rights as a sovereign to not be subject to

review by another co-equal sovereign. Thus, the transparency issue required lots of long and tedious discussions and was often the issue which broke the negotiations.

On enforceability, a sovereign – whether a state or a tribe – has sovereign immunity from being sued unless it agrees to waive this right. Thus, the first issue was whether and to what extent would each side waive its sovereign immunity. In addition, there was the issue of in what venue would enforcement occur assuming sovereign immunity was waived. Each side was honestly concerned about granting the other's courts jurisdiction. While federal court was an option, it was neither desirable nor was it clear that we could agree to confer jurisdiction on such courts without special federal legislation. Arbitration was an option and often could be a good one.

And these two issues worked in concert. If the transparency issue is not resolved satisfactorily, then the enforceability issue was moot anyway. That's because if the side seeking enforcement was not able to know the facts from the other side, this lack of transparency blunted the viability of the best crafted enforcement provisions. And, obviously, the opposite was true as well: knowing there was a problem without the ability to do anything about it was probably worse.

So ironically the notion of sovereignty and what it embodied is a source of friction when it comes to implementing any compact or agreement between the state and a tribe. But a subtle impediment – and one we non-Indians tend to forget – is that the tribal government with which you are negotiating is elected and the elected officials are themselves keenly cognizant of their own tribal politics and how any agreement they might make could affect the next election.

We understand and acknowledge the taking into account of political reality in the actions of our state elected officials, but we need to remember that it applies just as much to tribal officials.



State Perspective on Tribal Sovereignty

Scott Meacham, Treasurer, State of Oklahoma

Meet Scott Meacham

Scott Meacham is the 17th State Treasurer of Oklahoma. Prior to becoming treasurer, he served as Director of State Finance. He continues to serve on the governor's cabinet as Secretary for Finance and Revenue.

As cabinet secretary, chief negotiator and policy advisor to Governor Henry he will be the principal state official negotiating tribal compacts and contracts.



Scott formerly served as Chief Executive Officer of First National Bank & Trust of Elk City.

He is a fifth generation Oklahoman and a graduate of Chickasha High School and the University of Oklahoma. He holds a bachelor's degree in finance, a Masters of Business Administration and a law degree.

The relationship between the State of Oklahoma and tribal governments is an evolving relationship. As with any evolving relationship, this relationship has been marked with its struggles and its successes.

In its early stages, the relationship was marked by the state's resistance to acknowledge tribal sovereignty. The resistance manifested itself primarily in the area of tax policy. Tribes began to open smoke shops that sold to both tribal and non-tribal members. Tribal smoke shops collected no state sales tax and no state wholesale tobacco taxes on their sales. This gave the tribal stores a distinct price advantage over the non-tribal retailers which caused market share to shift away from the non-tribal retailers.

The state initially asserted that the tribal smoke shops were obligated to collect state taxes on all sales. The tribal governments objected and litigation resulted.

Ultimately, the U.S. Supreme Court ruled the state could not tax sales to tribal members but that the tribe was obligated to collect state taxes on sales to non-tribal members. However, the state was prohibited from taking legal action against the tribe to collect the tax. Thus, the Court left the state and the tribal

governments with compacts as the only practical mechanism to provide for the taxation and collection of tax on sales by tribal smoke shops to non-tribal members.

This Court ruling led to the first compacts between the state and the tribal governments. The initial compacts dealt with tobacco sales while later compacts dealt with fuel sales and the collection of state fuel taxes.

The initial tobacco compacts were for a 10-year term. The compacts locked in a price advantage for the tribal smoke shops of 100% of the state retail sales tax and 75% of the state wholesale tobacco tax. As a result of this price advantage, market share migrated to the tribal smoke shops. This market migration led to increasing resentment by non-tribal retailers and resulted in pressure being put on the state for different, more equitable compact terms when the compacts started expiring.

The tribal governments, of course, objected to any change in terms feeling the price advantage they enjoyed under the original compacts was a benefit they negotiated for and reflected their sovereignty.



At this point in state-tribal relations a new dynamic started emerging - - tribal gaming. Tribal gaming revenues had become an important part of tribal economies. These revenues were at risk, however, due to the possibility of the federal government changing the definitions of permissible-“bingo” to exclude all of the electronic slot machine-like games in use in the tribal casinos.

From the state’s perspective, tribal casinos generated no state revenues and the state was unable to regulate the gaming activities at tribal casinos. Additionally, the state’s horse racing industry was about to disappear because of higher purses offered by racetracks located in other states that offered gaming at their horse racing tracks (“racinos”).

This led to a new chapter in state-tribal relations where the state and the tribal governments negotiated a “win-win” compact that was mutually beneficial to both the state and the tribal governments. From a tribal perspective, these compacts protected and expanded the games tribal casinos were able to offer. From a state perspective, the state was able to assure basic minimum regulatory standards at the tribal casinos and generate additional funding for education.

Although the gaming compacts ushered in a new era of the state and the tribal governments working together for the mutual benefit of both governments, significant challenges remain. Many tribal members define tribal sovereignty very narrowly to include no state taxation or regulation of any activity that occurs on tribal lands. At the same time, many non-tribal members resent and resist the special legal and tax status that sovereignty affords the tribal governments.

History has proven, however, that only by working together can the state and the tribal governments be mutually successful. The best definition of tribal sovereignty, then, is two independent governments working together through negotiation and compromise for the benefit of all of their respective citizens.



ECONOMIC DEVELOPMENT



American Indian Land Tax Credits

Oklahoma Department of Commerce

Two-thirds of Oklahoma, because of its unique Native American heritage, qualifies for special federal tax treatment. Businesses locating or expanding in these areas benefit by accelerated depreciation of investment and by employment tax credits when employing tribal members or their spouses.

Federal legislation clarifies the location of special American Indian lands in Oklahoma that qualify for related tax credits benefiting new and established businesses in Oklahoma. The Tax Relief and Health Care Act of 2006, signed by President Bush Dec. 20, includes extension through Dec. 31, 2007 of the tax incentive for businesses locating on former Indian lands. More than two-thirds of the lands in Oklahoma meet the Internal Revenue Service-qualifying definition of former Indian lands and qualify for accelerated depreciation. Qualifying lands may include previous tribal land which may have been transferred to new owners. Oklahoma has the largest percentage of American Indian population in the country. The federal employment tax credit is applicable to businesses located in the qualifying areas that employ enrolled American Indians and their spouses.

Benefits

Depreciation Incentives

The depreciation incentive provides a shorter recovery period of approximately 40% for most non-residential depreciable property. The property must be placed in service during calendar years 1994-2007 and must be used in an active trade or business which includes the rental of real property for such purposes.

This federal tax deferral can substantially increase the after-tax income of businesses. Since Oklahoma taxable income is based on federal taxable income, the depreciation benefit will automatically apply for Oklahoma tax purposes.

Employee Credit

The employment tax credit is 20% of increased wages over those paid to qualified individuals in 1993, including health insurance premiums paid by the employer. Wages of individuals eligible for the tax credit may not exceed \$30,000, indexed after 1993, and the credit is applicable to new wages of up to \$20,000 for years 1994 through 2007. The indexed wage level for 2005 is \$42,000. IRS Form 8845 is used for computing and claiming the credit. In the case of: The applicable recover period is:

3-year property	2 years
5-year property	3 years
7-year property	4 years
10-year property	6 years
15-year property	9 years
20-year property	12 years
Non-residential real property (39 years)	22 years

Example: The regular depreciation on a commercial building with a cost of \$1 million would be \$25,641 annually for 39 years. The accelerated depreciation would be \$45,454 annually for 22 years. This would substantially increase the taxpayers' present value of available dollars.

Example:

Company A has a qualified employee to whom the store pays \$15,000 in total wages and health insurance in 1993. In 1994, the company pays the same person \$26,000. The credit is computed as follows:

1994 Wage/Health Insurance (maximum allowed by Federal Government)	\$20,000
1993 Wage/Health Insurance	\$15,000
(Increase)	\$ 5,000
Rate of Credit	x 20%
Indian Employment Credit	\$ 1,000



State Policy Towards Tribes and Economic Development

Larkin Warner, PhD, Regents Professor Emeritus, Oklahoma State University

Meet Larkin Warner

Dr. Larkin Warner has been a loyal member of the Oklahoma Academy since its rebirth in 1985. This article is a reprint of research for Oklahoma 2000, Inc. in 1989.

While that is almost 20 years ago - the facts don't change much and the opportunities not at all. He suggests that because the article is still relevant - that the purpose of this Town Hall is validated.

Dr. Warner is a recipient of OSU's Leadership Legacy Award. Larkin's leadership in economic forecasting has chronicled areas ranging from the state's educational future to its water resources, from health and human services to revisions of the Constitution, from Native American economic issues to the history and future of Oklahoma's economy.

Dr. Warner, a Phi Beta Kappa, began a nearly forty year association with OSU as an Assistant Professor for the Department of Economics. His distinguished professional career included a research position with the Kerr Foundation and induction into the prestigious Oklahoma Higher Education Hall of Fame.

Introduction

A strong case can be made that Oklahoma has special advantages in state economic development efforts because of its Native American tribal organization and the special legal status of tribal governments, Indian people and Indian land. These advantages include special tax status, cost-saving regulatory relief & financial assistance reducing both capital and labor costs. Additionally there are unique cultural attributes which generate tourist-related economic development.



This strong case for Indian-related economic development has been enhanced by the following three features. First, federal government policy since the 1960s has emphasized tribal self-sufficiency as a general goal and has recognized the need for appropriate economic foundations. Second, there has emerged a significant cadre of articulate, aggressive, and effective leadership among the Native American population committed to Indian economic development.¹

Third, Oklahomans have become more receptive and, in some cases, enthusiastic about capitalizing on Indian economic development potentials. This receptiveness was nurtured by the desire for economic growth *from any source* as the state's economy languished following the relative collapse of energy prices.

To the extent, however, that the case for Indian economic development rests on tribal sovereignty, state government in Oklahoma finds itself in an ambivalent position. Under the civics book treatment of the nation's three-tier system of federalism, state government possesses a degree of sovereignty within its own borders including authority to create, control, and empower units of local government including municipalities, counties, school districts and special districts. Needless to say, Indian tribal organizations asserting sovereign powers not unlike those of independent nations do not fit readily into this three-tier system. Trouble spots are especially likely to emerge in tax jurisdiction, the regulatory environment, and in the administration of civil and criminal justice.

The balance of this report introduces some of the economic development advantages of tribes, reviews the importance of Indians in the Oklahoma



economy, suggests some approaches to sorting out major issues involving Oklahoma state government policy toward Indian tribes and economic development policies, and assesses some of the challenges for future state and tribal policy.

It is important to note at the outset that, for many Indian people, any government policy conjures up a host of negative images often extending far back in time. In Oklahoma, these negative images are enhanced by a peculiar and sometimes unattractive history of relations with the state's now-dominant white culture.² At the same time, the dominant culture has often been incredulous and resentful of Indian people's reluctance to adhere enthusiastically to the precepts of free-market capitalism and competitive individualism. In this context, it is difficult to formulate policy – or even to discuss policy. Yet there are significant opportunities, and Oklahoma especially needs to consider intergovernmental state policy toward Indian tribes and economic development.

Potential Tribal Advantages for Economic Development

The importance of Indian tribal government to Oklahoma economic development is easily established by describing a hypothetical enterprise located on Indian land (referred to legally as Indian Country) with as appropriate degree of Indian ownership. Such an enterprise might do the following:

- Pay no local property or other taxes.
- Pay no state taxes including the state corporate income tax.
- Pay no payroll tax for unemployment insurance.
- Not be subject to Oklahoma's requirements regarding workers' compensation insurance.
- Have independent access to federal designation as a foreign trade zone.
- Be protected from lawsuits by the shield of sovereign immunity of the tribal government.
- Be incorporated under tribal statutes.
- Be subject to tribal courts where such courts have jurisdiction rather than state or federal courts.

- Have access to low-interest financing through tribal issue of tax-exempt bonds not subject to the federal volume cap applying to the state as a whole.³
- Utilize many federal government programs aimed at stimulating Indian economic development including job training wage supplements for workers, direct loans, loan guarantees, grants, and technical assistance.⁴
- Be placed in a favored position in bidding on governmental contracts.
- Produce goods and services otherwise prohibited or controlled by state government.

It is doubtful that an enterprise availing itself of all these attributes is to be found anywhere in Oklahoma. Moreover, the legal status of some of the items is cloudy. Nevertheless, the list is impressive and should catch the eye of any entrepreneur thinking of locating or expanding in Oklahoma.

Roughly one out of twenty Oklahomans was Indian in the 1980 census. As workers and citizens Indian people participate in all aspects of the state's economic system. On average, however, this participation does not generate levels of economic well-being which match the state's white people. A significant share of Oklahoma Indians are members of and/or associate with tribal organizations which are de facto and de jure units of government. In addition to standard functions of government, tribal organizations have become engaged in various types of business enterprise.

Economic Characteristics of Indian Population

Getting a fix on such a basic feature as the size of Oklahoma's Indian population is quite difficult. For statistical purposes, it is necessary to rely primarily on the reports of the U.S. Bureau of the Census. Persons responding to census questionnaires are asked to identify themselves within a hybrid group of racial/national categories including "White, Black, Chinese, Indian (Amer.)," etc.

The number of Oklahomans identifying themselves as Indian rose from 97 thousand in 1970 to 171 thousand in 1980 – an increase of 76 percent while



the total state population grew 18 percent. Although the true Indian population no doubt expanded during the 1970s, it is obvious that a larger number of the state's population were willing to designate themselves as Indian in 1980. Given a growing pride in being Indian, it is likely that the 1990 Indian share of Oklahoma's population will rise above its 1980 level of 5.7 percent.

It must be remembered that all census-based data on Oklahoma Indians overlap but do not specify the number of Indians defined from another important perspective. For many purposes including an understanding of tribes as units of government, the title "Indians" is a legal rather than a racial label. From this point of view, an Indian as a member of a tribe is a citizen of what the U.S. Supreme Court in 1831 labeled a "domestic, dependent nation."⁵

A few features mainly from the 1980 *Census of Population* highlight the economic significance and status of Indians in Oklahoma.⁶

- Half the state's Indians lived in towns of 2,500 population and above, half lived in smaller communities and the open countryside.
- One out of five Oklahoma Indians lived in the Oklahoma City and Tulsa metropolitan areas.
- Oklahoma Indians' 1979 median family income was only 62 percent of the level recorded for whites and was 15 percent above that of black families.
- Indians' unemployment rate was twice that of the state as a whole; for Indians the share of the adult population at work or unemployed (looking for work) was only slightly less than the share for all Oklahomans.
- In 1979 (when Oklahoma's energy economy was booming), one-fifth of Indian families had income less than the federally-designated poverty level.

- For Oklahomans 25 years old and over in 1980, 44 percent of the Indians had not graduated from high school.
- In 1987, Indian families accounted for 12.2 percent of all families receiving Aid to Families with Dependent Children; this proportion was about twice the Indian share of state population.⁷
- By virtually all measures, urban Indians are better off economically than are rural Indians; Indians in the Oklahoma City and Tulsa metropolitan areas also fare better than their non-metropolitan counterparts.
- Indian trust lands with U.S. Bureau of Indian Affairs administration account for 1.1 million acres out of Oklahoma's total land area of 45 million acres.⁸
- Indian households are no different from the rest of Oklahoma in terms of likelihood of receiving wage and salary income; they are less likely to receive self-employment income and interest, dividend, and rent income.

The picture that emerges is that of a minority group within Oklahoma's population which is economically active (at work or looking) to nearly the same extent as the entire population, but whose economic status falls far short of the statewide

Types of Income	State	Indians
Wage and Salary	74.9	75.0
Nonfarm and self-employment	11.3	7.4
Farm self-employment	6.3	4.3
Interest, dividend, or rent	33.5	19.4
Social Security	26.8	25.2
Public assistance	7.8	14.0
All other	20.9	24.1

Source: U.S. Bureau of the Census, *Census of the Population, 1980, PC 80-1C 38, Okla., pp 52 and 71*



averages. In 1979, it would have taken additional money income of \$429 million just to bring the Indian populations' per capita income up to the state average. Given inflation and the probability that deteriorating economic conditions after 1982 have had a differentially great impact on the poor, it could easily take as additional \$1 billion of personal income to raise the Indian average to the 1988 state average. Put differently, lack of full Indian economic development can be viewed as placing a billion dollar-a-year drag on the state's \$42 billion personal income.

The Extent of Tribal Organization

There are 38 federally-recognized tribal units in Oklahoma maintaining tribal offices. Owing to their official relationship with the U.S. Bureau of Indian Affairs, these organizations are units of government. All told, portions of 65 tribes inhabit Oklahoma.⁹ All Indians reported in the *1980 Census of Population* are not enrolled in tribes. However, a special survey of Indians undertaken in 1980 suggests the relative scale of tribal affiliation for Indians living outside the urbanized areas of Oklahoma City, Enid, Tulsa, and a small Oklahoma portion of the Ft. Smith, Arkansas, urbanized area. Three-quarters of the 113 thousands Indians covered in the special survey identify with one of the original Five Civilized Tribes settling in Oklahoma as a result of their forced removal from southeastern states in the 1830s and '40s. Six other tribes accounted for 10 percent of the total, and another seven percent was spread among 22 smaller tribes.

Tribal organizations can involve substantial economic activity. In 1986-87, the University of Oklahoma's Southwest Center for Human Relations surveyed 31 federally-recognized tribes in Oklahoma. Sixteen tribes responded generating the following aggregate information:¹⁰

Tribal budgets:	\$49 million
Tribal government employment:	2,253 persons
Federal and state assistance:	\$81 million
Sales of tribally-owned businesses:	\$52 million
Employment in tribal-owned bus:	863 persons

TABLE 2
Selected Tribal Affiliation
Indians Living Outside of Urbanized Areas
Oklahoma 1980 ^a

<u>Total</u>	<u>113,397</u>
Five Civilized Tribes	
Cherokee	45,681
Chickasaw	5,261
Choctaw	19,544
Creek	10,357
Seminole	3,459
Subtotal	84,302
Selected other tribes	
Cheyenne-Arapaho	2,808
Comanche	2,961
Delaware	1,148
Kiowa	3,048
Pottawatomie	1,096
Sac and Fox	1,055
Subtotal	12,116
22 other tribes	8,402
Tribes not reported	8,577

Source: U.S. Census Bureau, *Census of the Population, 1980, American Indians, Eskimos and Aleuts on Identified Reservations and in the Historic Areas of Oklahoma (excluding urbanized areas)*, PC 80-2-D, Part 1, pp 95-97.

a: Excludes Indians living in "urbanized areas" of Oklahoma City, Lawton, Tulsa, Enid and the Fort Smith, AR area of Oklahoma. Excluded are all or part of 23 counties in NW and far SW Oklahoma.

b: Includes Apache, Caddo, Osage, Otoe, Pawnee, Ponca, Absentee Shawnee, Eastern Shawnee, Kaw, Kickapoo, Miami, Modoc, Oklahoma Iowa, Ottawa, Peoria, Iroquois, Quapaw, Seneca-Cayuga, Sioux, Tonkawa, Wichita and Wyandotte tribes.

Examples of the kinds of manufacturing enterprises resulting from tribal economic development efforts are listed in Table 3 for 1983. Data in Table 3 are from the U.S. Department of Interior and emphasize the Choctaw and Cherokee Nations manufacturing development at that time. Other types of enterprise pursued by tribes include



TABLE 3
BIA Identified Businesses on Indian Trust Lands, Oklahoma 1983

<u>Indian Trust Land</u>	<u>Name of Business</u>	<u>Ownership</u> ^a	<u>Business Type</u>	<u>Est Employment</u>
Choctaw Nation	Oklahoma Aerotronics, Inc.	Indian	Electronic components	400
Choctaw Nation	David Timber Company	Indian	Railroad ties, timber byproduct	350
Cherokee Nation	Cherokee Nation Industries, Inc	Indian	Electrical equipment	116-150
Choctaw Nation	Fountain Industries	Tribal	Children's apparel	85
Cherokee Nation	Facet Enterprises, Inc.	Other	Industrial filters	57
Seminole Nation	Controlled Products Corp.	Other	Plastic products	25-49
Cherokee Nation	Sequoyah Electronics, Inc.	Indian	Electronics assembly	25-49
Chickasaw Nation	Chickasaw Enterprises	Tribal	Windows and cabinets	30
Choctaw Nation	Chief Trailer Manufacturing	Indian	Livestock trailers	15
Cherokee Nation	Heath Ceramics	Other	Tile	15
Kiowa Tribe	Apache Meat Processing, Inc.	Indian	Meat processing	11

Source: U.S. Department of the Interior, Report of the Task Force on Economic Development, July 1986, pp 146-49.

a: Indian means some share of Indian ownership; Tribal means tribal ownership.

tourist attractions, crafts, bingo operations, smoke-shops, horticultural products, and farming/ranching activities.

In recent years, federal government policy has provided many stimuli for the growth of tribal government units. Of special importance has been a shift in Bureau of Indian Affairs policy occurring in the mid 1960s in which tribes are given the opportunity to contract for and administer services to Indian people which were formerly handled directly by the Bureau.¹¹

Other important programs involve housing, health services, job training, and energy conservation. Tribes, as units of government, also received federal revenue sharing payments while that program was in effect.

Indian Tribes and State Government Sorting Out The Issues

What should Oklahoma state government's role be with respect to Indian tribes and economic development? General areas of focus include public assistance, education and human resource development, the prevention of discrimination, the

promotion of entrepreneurship, and the development of an orderly framework for intergovernmental relations with tribes.

Public Assistance

To the extent that the state's Indian people experience severe economic need, it is appropriate for the state to provide various forms of public assistance such as AFDC and food stamps. However, these federally-mandated programs are available to *all* Oklahomans regardless of race, ethnic background, etc. They are not programs designed specifically for Indians. The purpose of such entitlement programs is maintenance rather than development. The history of the state's Indians is replete with examples of too much dependency on government assistance. Part of the economic development challenge is to break that tie of dependence through education and job creation.

Education and Human Resource Development

Less-than-adequate education is part of the reason for relatively low income. This applies to all persons both Indian and non-Indian. But Indians do appear to have less than average levels of education. The State Department of Education participates in several federally-funded programs



targeted at Indians in common schools and offsetting the property tax exemption of Indian trust lands.¹² In fiscal year 1987, these federal funds amounted to \$32 million.¹³ With a school system generally underfunded, it is likely that Indian children would be served best by the same sort of overall school improvements which would serve best the interests of all children in the state. In fact, such overall improvement would increase the leverage exercised by the existing Indian-specific programs.

Good personal health is related positively to labor productivity and earnings. State government in Oklahoma faces an increasingly complex set of problems in health policy. Again, these are not Indian-specific, though their solution would be of benefit to Indians. Although the federal Indian Health Service provides special services and facilitate for Indians at great cost (nearly \$100 million in FY 87¹⁴), Indians living in metropolitan areas often find access to be difficult and must rely on the same services as their non-Indian neighbors.

Alcoholism is a special health problem impeding the economic progress of a differentially large number of Oklahoma Indians. It was estimated that, during the period 1968-78, the rate of Native American deaths in Oklahoma from alcoholism was roughly three times that of the rest of the population. Some tribal groups appear especially cursed with this disease; during the 1968-78 decade, it was estimated that 29.7 percent of all the deaths for the Cheyenne-Arapaho tribe were alcohol-involved.¹⁵ Again, however, it is clear that the absolute number of Oklahomans involved is alcohol abuse greatly exceeds the number of Indians with that problem. Thus enhanced state policy toward alcohol abuse in general should also benefit Indian people.

Discrimination and Civil Rights

Discrimination against Indians can impede state economic development. Where labor and other resources are forced into less-efficient functions and uses due to prejudice, total production within the state is reduced. The framers of Oklahoma's 1907 constitution saw to it that *de jure*

discrimination against Indians was limited. (They were less solicitous of blacks; Jim Crow laws were part of the Oklahoma Statutes well into the 1960s.)

By the late 1960s, state and federal legislation had provided a basis for attacking many forms of discrimination. Concern over discrimination and civil rights continues, although there has been a shift in focus. A hearing of the Oklahoma Advisory Committee to the U.S. Commission on Civil Rights was held in Okalahoma City on Sept. 1, 1988 to receive testimony on Native American Civil Rights Issues. The Director of the Oklahoma Human Rights Commission reported that few complaints arise concerning employment, housing, and public accommodation for Indians¹⁶. An Assistant Attorney General testified that his state office had not been utilized by Indians concerned with civil rights issues during the past four years¹⁷.

The big issues in Indian civil rights now appears to focus not on the rights of individuals but rather on the rights of Indians as participants in tribal sovereignty. The issue of tribal sovereignty has transcended concern over the more common form of *de facto* personal discrimination and violation of personal civil rights.

Native American Enterprise and State Economic Development

In all communities throughout the nation the concern for economic development is focused increasingly upon small business development and entrepreneurship. Studies indicate that most new jobs are created by small business. Indian entrepreneurship in Oklahoma may operate through tribal government and tribal enterprise on through the initiative of private Indian owner-managers. Indian owners may have facilities on trust land or elsewhere.

From the point of view of the tribe or of Indian people in general, any Indian-owned business or non-Indian business operating on Indian land involves economic development. Jobs for Indians are created and incomes are enhanced. However, it must be noted that, from the point of view of the state as a whole, some Indian enterprises involve



little or no general economic development. The critical feature relates to whether or not there is some basic activity which generates a financial flow entering the state or whether or not a good or service is produced within the state which had been purchased out-of-state.

A smoke shop selling tobacco products free of state taxes is an example of an Indian enterprise which involves economic development from an Indian perspective, but which has little or no impact on the overall state economy. A carton of cigarettes purchased at a smoke shop usually means a carton not sold elsewhere in the state. The overall flow of income in Oklahoma is rearranged but not enhanced. On the other hand, a tribal manufacturing facility shipping most of its production out-of-state enhances the overall level of employment and income in Oklahoma with positive secondary effects on other sectors of the economy.

From a political as well as an economic point of view, these distinctions are quite important. As recent sessions of the Oklahoma Legislature have amply illustrated, it is easy to marshal political support for economic development-related tax breaks – particularly for manufacturing and processing. Even gambling operations likely to bring in out-of-staters have received tax breaks; the sales tax applying to pari-mutual horse racing bets is substantially less than the state’s average general state and local sales tax rate. At the same time, the Legislature did not see fit to pass legislation exemption smoke shops from state taxes.

Setting aside more fundamental issues of tribal sovereignty, it would be beneficial to sort out those types of Indian-related economic activity which are part of general state economic development. For example, if good data were available, it might be established that high-stakes tribal bingo with many out-of-state players has a significant general impact on the Oklahoma economy not unlike a manufacturing plant or a major tourist attraction.

Intergovernmental Relations

The volume of litigation concerning economic and other rights and actions of tribes and tribal government attests to some confusion about the extent and nature of tribal sovereignty. Nowhere is this confusion more evident than in the case of taxation.¹⁸ Indian law is a significant field in American jurisprudence.¹⁹ (A special curriculum is now being offered in the subject at the Oklahoma City University School of Law.) It is not the purpose herein to delve into the “true” nature of tribal sovereignty. However, in sorting out Oklahoma state government policy in this area it is important to set forth a few propositions affecting inter-governmental relations in this field of policy.

- The extent of tribal sovereignty is substantial; some aspects of sovereignty predate the U.S. Constitution.
- Tribal sovereignty can be the basis for economic advantage to non-Indian businesses locating on Indian land and to tribal enterprises.
- The boundaries of sovereignty are likely to be different for different tribes; statutory and treaty histories are highly variable. This diminishes the role of precedent where there is legal conflict over sovereignty.
- Congress and the federal government bureaucracy possess great power, both legal and financial, over Indian tribes; the unsettled nature of Indian law is partly due to federal inaction.
- Conflicts over sovereignty between tribes and Oklahoma State Government frequently result in litigation; except for cases involving smoke shops, the state normally loses.

The failure to sort out and define clearly the nature of tribal sovereignty from an economic development perspective could retard business developments in Oklahoma. Given all the potential advantages for Indian enterprise, the



question arises as to why there has not been more Indian-related development. Surely one of the reasons relates to the perceived uncertainty about intergovernmental relations on the part of entrepreneurs considering locating on Indian land. Other things being roughly equal, business tries to avoid unstable institutional and legal settings. Unfortunately, the instability associated with persistent conflict over intergovernmental relations is occasionally supplemented by unstable and fractious tribal politics.

Specific State Policies Toward Indian Tribes and Economic Development

Specific state policies relating to tribal government and economic development run the gamut from traditional economic development efforts to tax administration. Policy is fragmented and sometimes contradictory.

The Oklahoma Department of Commerce

Indian people were not overlooked as Oklahoma refurbished and expanded its state government economic development programs. In 1987, an Indian economic development specialist was added to the staff of the Oklahoma Department of Commerce (ODOC). This individual works with tribal organizations and others to help site new enterprise and expansions on Indian land. Arrangements can be made to use funds from the Oklahoma Industrial Finance Authority (OIFA) for Indian related projects.

For example, Sac and Fox Industries (a corporation owned by tribe of the same name) received a \$1.2 million loan from OIFA to help with its 1988 acquisition of a garment plant in northeastern Oklahoma. Assistance is provided in putting together packages of incentives including those available from the federal government.

Also under ODOC and its Oklahoma Futures board is the responsibility of a strategic planning for economic development. As part of a comprehensive effort in 1987-88, a Cultural Diversity and Economic Development task Force

prepared a report on the role of minorities in state development with special emphasis on Indian people.²⁰ The report decries Oklahoma's failure to capitalize on tribal assets in the economic development activities.

- Tribal enterprises represent sources of great current and potential income, but we litigate rather than cooperate.
- Tax benefits on Indian lands abound, and yet we seek them abroad.
- Indian labor is plentiful, productive, and reasonable in cost, but its potential is not realized.
- This labor supply also includes well-educated, qualified Native American professionals.
- Extensive tracts of land are held in public trust, but rather than developing this land for new enterprise, we look elsewhere for building sites.²¹
- One of the Task Force's major short-run goals involves the attraction of "new business ventures and investment to Indian trust lands" by 1995.²²

Also within the ODOC structure is an Office for Minority and Disadvantaged Business Enterprises. Established by the Oklahoma Legislature in 1987, this office has a broad range of statutory authority to assist minority-owned businesses.²³

Office of Public Affairs

The Oklahoma Minority Business Enterprise Assistance Act was passed in the 1987 session of the Legislature.²⁴ This law requires the State Purchasing Director of the Office of Public Affairs to implement a system of bid preferences for minority-owned firms whenever the share of state contract funds going to such firms drops below ten percent. Exempted from the requirement are highway and other contracts administered by the Oklahoma Department of Transportation.



Tourism

A recently-issued colorful 36-page booklet promoting Oklahoma tourism typifies the state's emphasis on its Indian heritage as a tourist attraction.²⁵ With the proceeds of a recently-enacted (1987) room and restaurant tax of 1/10 of one percent earmarked for tourism advertising by the Oklahoma Department of Tourism and Recreation, the state will be placing even greater emphasis on Indian culture.

A major analysis of travel marketing and development was delivered to the state in 1987 by the accounting firm, Price Waterhouse. The analysis suggests room for improvement in efforts to leverage Indian attractions to promote tourism. The report reached the following conclusion.

The Most common theme among Oklahoma's attractions is Western Heritage/Native Americans, but there is no central focus for these attractions.

Many Oklahoma attractions are centered around the themes of the "Old West" including the history and culture of Native Americans. These attractions are, however, scattered across the State with no single attraction providing a focal point. In fact there are a limited number of such attractions that offer significant activities and access to "Cowboys and Indians;" those that do exist tend to be located in relatively out-of-the-way places. In fact information on such events – such as Oklahoma's many pow wows – is not widely distributed outside of the Native American population. Travelers would have to spend considerable time driving between these various attractions and even then may not enjoy a rich and comprehensive experience of Oklahoma's Western Heritage.²⁶

Some members of the Oklahoma Legislature have become concerned at inadequate emphasis on Indian culture in tourist development efforts. A 1988 resolution (H.J.R. 1039) noted that the Department of Tourism and Recreation had not "fully explored the use and availability of our Indian lands and heritage in drawing new business and tourism interests into this state." The resolution contained the following directive.

The Oklahoma Tourism and Recreation Department is hereby directed to work with the various Indian tribes in this state to fully develop the tourist attraction potential of tribal trust lands. The department is further directed to advertise and promote Indian lands and heritage in this state to out-of-state tourism industries.

The measure did not get beyond the House Committee on Tourism and Recreation.

Both the Lieutenant Governor and the Governor have been reported as favoring some sort of major state cultural center emphasizing Native Americans. Lieutenant Governor Robert S. Kerr III has proposed using proceeds from a turnpike bond issue to help pay for such a facility. Governor Henry Bellmon would apparently finance such a major tourist attraction as part of a large capital improvement bond issue.²⁷ Clearly, the design, siting, and financing of such a world-class facility would require very detailed analysis and planning. In late 1988 such initial feasibility work had not yet been undertaken.

The Oklahoma Indian Affairs Commission

The nine-member Oklahoma Indian Affairs Commission was established in 1967.²⁸ Commission members must have one-fourth or greater Indian blood. The purpose of the Commission is to "work toward promoting unity, purpose and understanding among the Indian people of Oklahoma." It is also supposed to serve as a liaison between Indians, federal agencies, and the executive and legislative branches of state government. It is a relatively small agency with five employees and a FY 88 operating budget of \$157 thousand.²⁹ Included among the agency's recent activities are the preparation of a handbook on Indian child welfare and the distribution of \$600 thousand in oil overcharge funds to tribes for housing weatherization and utility bill supplements.



Units at the University of Oklahoma

Located within the University of Oklahoma's Continuing Education and Public Service unit, the American Indian Institute implements projects and programs relevant to Indian people throughout the nation. It also operates and maintains a computerized bibliographic data base of abstracts of Indian studies and reports. This service is referred to as the Native American Research Information Service. The Southwest Center for Human Relations Studies is also within the same administrative unit at the University of Oklahoma. Although the Center deals with matters related to all minorities, it places emphasis on Indian issues. Legal issues involving Indian people are the focus of the Law Center's specialized journal, the *American Indian Law Review*.

Clarifying Intergovernmental Relations

The 1988 session of the Oklahoma Legislature passed WB 210. The essence of the bill is to authorize Oklahoma state government to enter into cooperative agreements with federally recognized Indian tribes. Initial work on the bill was undertaken by a special task force on Indian sovereignty appointed by Governor Henry Bellmon. These agreements are to require the approval of a newly-formed Joint Committee on State-Tribal Relations *and* the U.S. Secretary of the Interior or his designee.

In a preamble, SB 210 asserts that the state "acknowledges federal recognition of Indian Tribes" and "recognizes the unique status of Indian tribes within the federal government."

No doubt the passage of SB210 attests to legislative intent to begin to come to terms with the legal existence of Indian tribes in Oklahoma. Yet the fact that such legislation was not passed until 1988 also attests to the historical reluctance of state government to deal affirmatively with tribes in an intergovernmental framework. Moreover, this reluctance is nowhere more clear than in a comparison of a committee substitute draft of SB 210 with the final outcome.³⁰ That draft would have permitted "intergovernmental

cooperative agreements" between federally recognized tribes and both the state and units of local government. No legislative committee approval of agreements was to be required, and the agreements simply were to be subject to the "respective constitutional procedures" of the state and the tribes. Clearly, the final version of SB 210 went a much shorter distance in recognizing tribes as units of government and in facilitating intergovernmental arrangements with tribes. Moreover, even the committee substitute did not go as far as one of SB 210's predecessors. In 1985, the Oklahoma House of Representatives passed HB 1199. That legislation included explicit recognition of the "government-to-government" nature of relationships between state government and the federally-recognized tribes. It also included the requirement that the state recognize "tribal judicial systems and their decisions, and the legislative and executive actions of the ... Tribal Governments." HB 1199 did not succeed in the state's Senate.

State Tax Administration

One of the key ingredients of sovereignty is the power to tax. Where business enterprise operates on Indian land, it can be argued that Oklahoma state government has no more power to levy state taxes on such an enterprise than it has to levy state taxes on a firm in Austria. It can also be argued that all economic activity within Oklahoma's physical boundaries is subject to state taxes.

The Oklahoma Tax Commission (OTC) has spent a good deal of time in courts (including tribal courts) in recent years attempting to collect taxes on Indian-related enterprise. Much of the litigation has dealt with the state's cigarette tax applied to smoke-shops and the sales tax applied to bingo halls. Although decisions are often quite narrow in their application, tribal sovereignty appears to prevail more often than not. On June 27, 1988, for example, the U.S. Supreme Court rejected an appeal by the Oklahoma Tax Commission in a case involving a Creek Nation bingo operation in Tulsa.³¹ The Commission is also challenging the Chickasaw Nation's bingo operation at Sulphur,



though in mid-summer 1988 it was experiencing lack of success in procedural matters before a U.S. Circuit Court of Appeals.³² However, the Oklahoma Supreme Court was more favorably inclined toward the Commission's position in a July 1988 decision involving the Citizen Band of the Pottawatomie Tribe.³³ The Court held the sales tax applicable since the bingo operation in Shawnee was being run by a non-Indian firm not acting as the tribe's agent. This may have been a Pyrrhic victory for the Commission; in less than two months the Pottawatomies reclaimed their bingo hall with intention of running the operation themselves.³⁴

Conflict over smoke shop operations has been at least as acrimonious as bingo litigation. For example, in May 1986 the commission seized a smoke shop inventory in Ottawa County alleging illegal failure to collect state taxes. More than two years later the United Keetoowah Band of Cherokee Indian sued the Commission, its chairman, and local officials for carrying out the raid without legal authority.³⁵

Tax officials with the state believe that there is reasonably clear precedent that the state can collect tobacco taxes on retail sales by tribes or Indian individuals to non-Indians.³⁶ However, there are legal nuances involved in each situation which will surely serve as the basis for continued litigation.

Another area of tax conflict involves payroll taxes collected by the Oklahoma Employment Security Commission (OESC) as a part of the federal-state unemployment insurance program. The tax rate paid by employers is affected by their past experience in terminating or laying off employees eligible for benefits from a trust fund. The OESC brought suit against several tribes for failure to pay the payroll tax. In mid-1988 the U.S. District Court held that since neither Congress nor the tribes themselves had waived sovereign immunity, the court had no jurisdiction in the matter. It is doubtful that OESC will appeal. This decision appears to leave in doubt (1) the eligibility of terminated employees of non-participating tribes to

receive unemployment insurance benefits and (2) the status within the program of the majority of Oklahoma tribes which voluntarily elect to participate. One solution is for the tribes themselves to establish unemployment insurance programs. However, any form of workable insurance program usually relies on the averaging-out of the behavior of a large number of participants.

In 1985, Oklahoma's voters approved a constitutional amendment providing a five-year property tax exemption for new or expanded manufacturing plants. Ancillary to this exemption was a provision requiring state government to reimburse local jurisdictions for taxes lost as a result of the exemption.³⁷ Enterprises locating facilities on Indian land have access to property tax exemption in perpetuity. However, the state's program for reimbursing local government would not apply in such instances. This may lead local public officials otherwise willing to promote siting facilities on Indian land to favor other location with more positive impact on the local tax base.

Where taxes and tax revenues are concerned, it is reasonable to assume that state agencies responsible for their collection will do so with vigor. Nothing raises the public's ire more quickly than an indication that some are getting away without paying taxes. Thus it is not unreasonable to expect the OTC and OESC to attempt to collect taxes from tribal and other Indian-related enterprise – including going to court if necessary. Nor is it unreasonable for tribal officials and those doing business on Indian land to pursue all means possible to avoid paying state taxes, and in so doing to test the limits of tribal sovereignty in the courts. Any manager whose organization pays more taxes than necessary is violating a fiduciary obligation. It is unfair to charge either state officials or Indian leaders with acting in bad faith; both sides appear to be acting responsibly.

New Federal Action and State
Responsibilities Regarding Indian Gaming
Further conflict over bingo and other forms of gambling operations under the jurisdiction of tribal



governments is likely to develop as a result of new federal legislation. In October 1988, President Reagan signed the “Indian Gaming Regulatory Act” establishing and empowering a three-member National Indian Gaming Commission (S. 555). The commission has the power to regulate tribal bingo operations. Perhaps more important, the law establishes a procedure by which states which allow other types of gambling operations must negotiate in good faith with a tribe wishing to establish such operations. The negotiations are to lead to a Tribal-State compact. Within less than two months of the signing of this new federal legislation, the Comanche Indian Tribe of Oklahoma requested such negotiations concerning the establishment of a pari-mutuel horse racing track in Comanche County. Initial response by state officials indicated uncertainty as to who, within state government, is responsible for such negotiations. For example, an Assistant Attorney General stated that there is nothing in the Oklahoma Constitution giving the Governor authority to negotiate with tribal governments.³⁸

Challenges for State/Tribal Policy

Even though all parties are behaving reasonably, the fact remains that a good deal of resources are being devoted to determining the nature of tribal sovereignty in Oklahoma. Much of this relates to civil litigation relevant to state and tribal economic development. Although beyond the scope of this report many similar types of issues arise with respect to the enforcement of criminal law in Indian country. In spite of litigation, a good deal of confusion remains.³⁹

Confusion over the nature and extent of tribal sovereignty can create uncertainties leading private capital to shy away from partnerships with Indian tribes. Uncertainties are enhanced where there appears to be political instability within tribal government and uneasiness about tribal courts.⁴⁰ In 1984, a U.S. Presidential Commission on Indian Reservation Economics listed rapid turnover of tribal government as an obstacle to economic development.⁴¹

Unfortunately, one of the most important obstacles to economic development on Indian land relates to location. Locations outside of Oklahoma’s major metropolitan areas – whether Indian land or not – are often at a disadvantage with respect to the requirements of many types of business enterprise. Most Indian land is in smaller cities and rural areas. Thus even where a tribal government is stable and is pursuing a conservative course with respect to testing the limits of sovereignty, its land and that of the members of the tribe may be poorly located.

State government is committed to promoting balanced economic growth throughout Oklahoma and to promoting the well-being of all its citizens. Within this framework there appear to be several major options for policy with respect to Indian tribes.

- *Status Quo: Continue modest support for tribal development through the Oklahoma Department of Commerce and other agencies while litigating sovereignty issues in the fields of taxation and regulation.*
- *Comprehensive Rural Development Strategy: Integrate the use of tribal government advantages into a broad-based development strategy aimed at maintaining and restoring the economic viability of small towns and rural areas throughout the state; provide resources to enable tribes to improve their infrastructure – including their administrative capacity and judicial/law enforcement systems.*
- *Proactive Intergovernmental relations: Continue the work begun by SB 210 in 1988. Include arrangements with tribal governments in the authority granted to other units of government by the state’s Interlocal Cooperation Act;⁴² develop procedures for dispute resolution through conciliation and mediation where tribal sovereignty come into the conflict with state government and its subdivisions.*



Finally, it must be emphasized that Oklahoma is not the only state facing problems and opportunities relating to Indian tribes and economic development. The nation's fifty state governments are a vast network in which public policy experiments are continuously taking place. Oklahoma leaders learn much from what is going on in other states. The 1988 National Conference on Native American Sovereignty held by the Oklahoma City University School of Law is a case in point. The Western Governors' Association has devoted a good deal of effort to comparative analysis of state-tribal relations. A 1988 draft report by that organization contains a challenging recommendation that "state/tribal relations could be broadly improved by the establishment of strong government-to-government relations between the tribes and state government."⁴³

Future state economic development policy in Oklahoma is likely to place greater emphasis on Native American matters. In order to capitalize on the advantages of Indian tribal governments for the greater good of the state and for the economic well-being of Indian people, both the state and the tribes may have to yield a bit of sovereignty.

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The Local Economic Impact of Tax Exempt Tribal Retail Sales

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Introduction

Oklahoma's Indian tribes are becoming an increasingly important component of state and local economic development and are expanding into most industry sectors, including the traditional retail trade sectors. While most efforts by tribes to expand local economic activity are generally viewed quite favorably, the tax-exempt nature of tribal owned businesses raises unique concerns for municipal government as tribes expand their presence in retail. In Oklahoma, municipal governments are highly dependent upon the local sales tax to fund services (deriving an average of 40 percent of total revenues from sales taxes) and face the real concern that tribal retail expansion may redirect locally generated sales tax revenue to tribal governments and hamper their ability to provide necessary public services.

We recently conducted a study of the tribal retail issue that focuses specifically on the Shawnee, Oklahoma (Pottawatomie County) region, a market area shared by the city with five tribes, and one that is experiencing rapid expansion of tribe-operated businesses.¹ The purpose of the study is to assist municipal governments better understand the economic implications of the expansion of tax-exempt tribal businesses into the sales tax-producing business sectors. The study is likewise designed to help tribes better understand the economic impacts they exert on the local economy by expanding into the retail sector versus other industry sectors.

Perhaps most importantly, the project is intended to serve as a bridge for dialogue between tribal and municipal governments that might lead to stronger intergovernmental cooperation and more effective local area economic development. The ongoing expansion of tribal governments and tribe-operated businesses is changing the definition of local government in many communities as tribal and municipal governments become increasingly

intertwined in the process of providing public services in the cities in which they operate. Tribes now routinely levy sales taxes at tribe-operated retail establishments and are assuming many of the functions traditionally provided by municipal government such as the development of infrastructure and public utilities. In lieu of providing services directly, many tribes make voluntarily tax payments to municipal governments and contribute in meaningful ways to provide local social services, medical care, and cultural activities. Understanding the new interrelated nature of municipal and tribal governance has become a vital aspect of local economic development. (Endnotes)¹ The full report titled "Tax Exempt Tribal Retail Sales: An Economic Assessment of the Impact on Shawnee, Oklahoma" will be released later this summer.

Modeling Tribal Retail Expansion

One of the major challenges in assessing the economic impact of tribal retail expansion is the inability of the traditional tools of economic impact analysis to capture many of the potential impacts from the shift into retail trade by tribal entities. Most economic impact models measure only the direct impact of tribal retail operations and fail to capture many of the changes in local economic activity that can be triggered by the shifting of retail trade to tribal ownership. A major task set forth in the study is the construction of a custom economic model of the Shawnee area economy that is capable of explaining a broad range of expected impacts from tribal retail expansion. We construct a custom Computable General Equilibrium (CGE) model for the Shawnee area economy that provides an effective framework for better understanding the often subtle ways in which tribal retail expansion is likely to reshape the local economy - beyond the direct impact on sales tax revenue to the city.



CGE models represent the latest generation of economic modeling tools and are able to integrate the behavior of governments, businesses, and households into a detailed model of the local economy. The CGE model used in the study is unique in that it is structured specifically for the Pottawatomie County economy and contains an industry sector for tracking the tribal provision of retail goods and services and a separate tribal government sector that collects taxes and engages in government spending.

The model is especially useful for evaluating the question of tribal retail expansion because it can be used to evaluate shifts in revenue between governments, as well as changes in the price of goods and services, changes in tax rates, fluctuations in wage rates, variations in the use of capital and labor in the region, changes in imports and exports of goods and services, and other dimensions of the local economy.

The model is used to study the economic outcomes of a shift of a portion of the existing local retail industry to tribal ownership and removal of the goods from the local tax base.

Tribal government is assumed to collect sales tax on these goods and retain the revenue for tribal spending purposes. Because the ultimate impact of tribal retail expansion is dependent upon the use of the revenue, the impact is evaluated assuming various local uses of the revenue by tribal government including income transfers to tribe members, the provision of health care and social services, infrastructure development, and to fund business expansion in alternative local export-based industry sectors.

Finally, the model is used to consider the impact from an increase in tax rates by local government in response to a decline in tax revenue and to evaluate the differing impact of local spending versus spending outside the region by the tribe.

Implications for Local Government

There are a number of implications for local government that can be drawn from the CGE model simulations. The most important result is that a shift in retail activity to tribal ownership can have a substantial positive economic impact on a local economy if tribal tax revenue is spent within the local region.

The stimulative economic response is driven primarily by sales tax revenue that was formerly remitted to state government but is now retained and spent locally by tribal government.

Because state spending formulas do not currently adjust for tribal absorption of sales tax revenue, this revenue is re-injected back into the local economy and can create large economic ripple effects.



However, tribal retail expansion simultaneously creates a budget gap for state and local government. A simulated shift of \$25 million in existing retail to tribal ownership produces a \$730,000 loss in tax revenue to the city in the base simulation. County government similarly incurs a revenue reduction. Any resulting budget shortfall leads to a significant reduction (or slowing of the growth rate) in local government spending under a local balanced budget requirement.

Is the added economic activity enough to offset the revenue lost by local government? The simulations



show that the added economic activity generated by tribal spending will produce only enough revenue to offset a very small portion of the revenue shifted from municipal government to tribal government. Hence, tribal retail expansion stimulates local economic activity, but not enough to avoid adversely impacting those local governments most reliant upon the sales tax to fund public services and who face a statutory requirement to maintain a balanced budget.

The results also illustrate that spending tribal tax revenue outside the region always has a decidedly negative economic impact. This represents a leakage of tax revenue outside the region that was formerly spent predominately in the local economy by city and county government.

If tribal revenue is spent locally, the results further suggest that the intended use of the sales tax revenue plays a large role in determining the size of the resulting impact on the local economy.

Spending tribal tax revenue on the same types of traditional government services currently provided by municipal government generates only minor changes in the composition of the local economy. Income transfers to tribe members have the smallest expected overall economic impact as they encourage a transition away from production and toward household consumption. Spending on either infrastructure or health care and social services produces much larger relative impacts than income transfers, with infrastructure expenditures having the larger impact of the two.

Tribal tax revenue is also commonly used to fund the expansion of local business activity. We examine the impact on the local economy of using tribal sales tax revenue to expand retail versus other local export industries. Among the key local export sectors, an expansion in retail exports has a much smaller economic impact than an expansion of exports in either the manufacturing, transportation and warehousing, or professional and business services sectors.

The gains in local household income are 2-3 times greater with the other key export sectors than with retail. Output gains in the local economy are similarly 2-3 times greater with the other export sectors than with retail. Total state and local government revenue is also significantly lower in the region when the tribes expand retail versus the other export sectors. For example, expanding manufacturing exports rather than retail exports produces nearly twice the gain in total state and local government revenue relative to retail. In short, while the tax advantage enjoyed by tribal retailers encourages future expansion of retail, it is unlikely to generate the greatest overall economic impact in the local economy.

Local government may also be forced to raise the local sales tax rate to offset any shift in tax revenue to tribal government. The findings suggest that the city would have to increase the local sales tax rate by approximately 0.25 percent in order to recover the sales tax lost to a \$25 million shift in retail sales to tribal ownership. Given the long-run potential for tribal retail expansion in the local market, it seems unlikely that an increase in the sales tax rate can be used to offset anything other than a minor tribal shift in the local retail base. Other means will have to be found to raise revenue or city-provided services will have to be reduced as tribal retail expands.

In summary, these CGE model simulations provide municipal policymakers with the first detailed examination of tribal retail expansion in a local economy in Oklahoma. Tribal governments are also afforded an evaluation of alternative uses of tribal tax revenue in order to better meet tribal economic development objectives. It is hoped that this information will aid Oklahoma cities and sovereign tribal governments that share a common geographic region to form more collaborative economic development agendas.

¹ *The full report titled "Tax Exempt Tribal Retail Sales: An Economic Assessment of the Impact on Shawnee, Oklahoma" will be released later this summer.*



Sustainable Cultural Tourism

Linda Turnbull-Lewis, Corporate Marketing Consultant, Cherokee Nation

Meet Linda Turnbull-Lewis

Linda Turnbull-Lewis is one of the first Native American woman to serve as a Corporate Executive Director of Marketing and Casino Promotions/Entertainment Director for major resort destinations in Las Vegas, Nevada. She is a Cherokee tribal member and served 5 years within the executive branch of her tribal government as a marketing/ economic business development specialist and program director prior to establishing her own independent marketing consultant firm in 1995. She has worked with Cherokee Principal Chief Wilma P. Mankiller, Cherokee Principal Chief Chad Smith as well as representatives from 57 different tribes.

Turnbull-Lewis has served as a corporate marketing consultant for Cherokee Nation Enterprises (CNE) since 2000, and acted in the capacity of team lead for the Cherokee Nation Cultural Tourism Development Plan project since 2005. The Cherokee Nation integrated cultural tourism project is part of Principal Chief Chad Smith's initiative to develop cultural tourism in all 14 counties of the Cherokee Nation's jurisdictional territory in northeastern Oklahoma.

She graduated from Markoma Bible Academy in Tahlequah, Oklahoma and attended Oklahoma State University. A featured speaker/moderator at the World Gaming Congress & Expo, Turnbull-Lewis has several articles published in the quarterly supplements to International Gaming & Wagering Business (IGWB) "Indian Gaming Business". co-author of a 600 page book on tribal government elections and has a published tribal historical article

Planning For Success

The Cherokee Nation has been resilient, efficient, and competitive in all aspects of their organizations. Establishing Ga-Du-Gi* has shown how effective the Cherokee Nation can be. The Cherokee Nation has demonstrated success and growth in multiple areas. The one resource that has yet to be used is sharing the Cherokee experiences that make the Cherokee Nation so unique and appealing to outsiders.

Cherokee Nation has always had tourism, just not on the scale of which it is capable. Through the efforts of CNCT, this idea will become a reality.

Given the success that Cherokee Nation Enterprises (CNE) has achieved in gaming, cultural tourism is positioned to ride the momentum and over time will prove a significant market.

**Ga du gi (Working together as individuals, families and communities for a quality of life for this and future generations by promoting confidence, the tribal culture, and an effective sovereign government.)*

A Rising Tide Floats All Boats

Success of Cherokee Nation Cultural Tourism means success for Oklahoma Tourism, and success of Oklahoma Tourism means success for Cherokee Nation Cultural Tourism.

Cooperative planning keys to ensure that cultural tourism development is successful are:

- Consistent, Quality Leadership Through CNCT
- Utilization of All Packages and Properties Available



- Ensure Effective Distribution of Product
 - Establish Cherokee Nation Cultural Tourism Partners (CNCTP) Quality Partners to Assist With Cultural Tourism Guest Experience
 - Reach Target Segments Through Strategic Effective Marketing Mix
 - **Make Certain Our Tourism/Guests “Live the Cherokee Experience”**
5. Maintaining and Expanding Target Market Segments *Marketing, Advertising, Promotions, Sales, Information & Education*
 6. Feasibility - Evaluation and Selection of Priority Projects & Development *Year 1 - 3 Individual Projects & Business Plans*

(CNCT) Sustainable Partnerships

CNCT understands that sustainable partnerships require quality communication between all entities. Working together with the State of Oklahoma and private sector Tourism Industry businesses and organizations toward realization of desired mutual outcomes includes:

- Cooperative Strategic Planning and Marketing
- Pooling Marketing Efforts and Resources to Develop and Grow Tour & Travel, Meeting & Planning Markets
- Cherokee Nation Cultural Tourism Partners (CNCTP)

Cooperative Planning

Development of the Cherokee Nation Cultural Tourism (CNCT) Plan, under the direction of Cherokee Nation and CNE administration, included staff from numerous CN instrumentalities. Representatives from local, county, state and regional public instrumentalities and private sector tourism industry also participated in five working conferences on Cherokee Nation Cultural Tourism Development during 2006 .

The Cherokee Nation Cultural Tourism Strategic Plan serves as a roadmap for development and long-term sustainability of Cherokee Nation Cultural Tourism.

Cooperative Planning between Cherokee Nation, the State of Oklahoma, local, county and regional municipalities as well as private sector Tourism Industry partners to ensure goals and desired outcomes are mutually beneficial included the following key growth elements and considerations:

1. Tourism Infrastructure Natural Resources, Transportation, Services, etc.
2. Governing Policy & Regulations *Evaluation of long term effects on communities, lifestyle, etc.*
3. Public/Private Synergy *Partnerships, Joint Ventures, etc.*
4. Tourism Experiences *Attractions, Events, Destinations, Arts & Crafts, etc.*

Cherokee Nation Cultural Tourism Partners

The Cherokee Nation Cultural Tourism Partners (CNCTP) will work with the Oklahoma Tourism Associations. CNCTP will work with both the public and private sectors in the development of Cherokee Nation Cultural Tourism . The CNCTP will ensure cultural, historic, and linguistic authenticity of the partner tourism product or service, as well as protect and enhance the CNCT brand for the Cherokee Nation and its partners.

The objective is to work together with local businesses in the promotion of Cherokee Tourism through various courses and certifications to increase the positive experience of the tourists. CNCT intends to draw in Cherokee Nation citizens to become key players in our effort to offer an enriched cultural experience. CNCT will assist in cottage business development based on Cherokee Nation citizens developing their own tourist attractions such as a Cherokee product, excursion, or historic site development. There will be a fee for being certified by the CNCTP.



The benefits of the CNCTP certification will consist of:

- Enhancement of a guest’s cultural experience
- Strategic partnering to offer guaranteed business through the bookings of Cherokee Nation Cultural Tourism
- Higher return on investment from marketing as CNCTP adds the partner’s business to the marketing strategy
- Increase partner’s profitability and market stability

The CNCTP requirements will include the following:

- Knowledge of Cherokee history & Culture
- Key words and phrases in Cherokee language
- Training Certifications in CNCT customer service and business development
- Industry specific certifications i.e.
- Hotel/Housekeeping standards, Restaurant quality standards, and others that may apply
- Annual performance standards reviews (Secret Shoppers will be implemented to assure quality of members)
- Certification will be renewed bi-annually

Increase Tour & Travel Options

Cherokee Nation will work with the State of Oklahoma and the Tour & Travel Industry world wide to increase tourism options.

CNE has initiated the first of a myriad of new tourism options by establishing Cherokee Nation Cultural Tours. CNCT will offer tourism packages to fit market demand. Because

there is a multitude of excursions potentially available, CNCT will subsequently expand into all 14 counties of the Cherokee Nation jurisdictional boundaries. Getting guests from destination to destination in a reliable and pleasant journey will be key.

As CNCT grows, transport options will be expanded and upgraded. While the main hub is based in Catoosa, facilities are available for CNCT to accommodate bus excursions providing for a larger market segments because of CNE resort destination areas in seven locations, each within proximity of major airports and interstate highways. Catoosa is home to one of CNE’s largest Casino Resorts, which has 300+ rooms and is in the process of a major expansion. This will also lift area revenues.

Accommodation and capacity for more air-tour and bus tour excursions provide more potential joint ventures within Tulsa, such as two world-class museums, Philbrook and Gilcrease. They will also provide an opportunity for CNE to partner in establishing a a major increase in area tourism numbers.

Marketing & Promoting CNCT

The marketing and promotion strategy for CNCT will be carried out and implemented by the marketing department within CNE as well as the Cherokee Nation. Websites have already been established. The Cherokee Nation National Holiday and Tourism Office and CNE will work closely with the state and CNCTP members to promote tour and travel options here in the Cherokee Nation’s 14 counties in northeastern Oklahoma.

Aside from an effective and proven marketing plan to promote CNCT, one of the most effective forms of marketing is “Word of Mouth”. CNCT provides the opportunity for the Cherokee-owned tourism businesses to provide such



a cultural experience for the guest that they sing the praises of the Cherokee experience.

As the marketing and promotion strategy brings in guests, it is the duty of the CNCTP members to ensure that the visit the guest has experienced is one they will never forget.

Commitment To Partnerships

The Cherokee Nation is committed to long-term sustainable growth in Tribal Cultural Tourism and expanded Tourism opportunities for all Oklahoma tourists along with quality working partnerships required to achieve desired outcomes.

The Cherokee Nation is continuing development of a long term comprehensive Cultural Tourism Plan.

Cherokee Nation and Cherokee Nation Enterprises (CNE) cultural tourism offices will provide consistent quality information that makes long-term sustainable working partnerships possible between local and state municipalities as well as regional and international tourism industry professionals world wide.

Please visit the following Cherokee Nation websites:

- Cherokee Nation Casinos Resorts:
www.cherokeecasino.com
- Cherokee Nation Travel:
www.cherokeemationtravel.com
- Cherokee Nation: www.cherokee.org
- Cherokee Heritage Center & Museum:
www.cherokeeheritage.org

For further information contact:

Cherokee Nation Enterprises (CNE)
Marketing Division

Cherokee Casino Resort
777 West Cherokee Street
Catoosa, OK 74015
(800) 760-6700



A Snapshot of Tribal Operations on Oklahoma

Oklahoma Indian Nations Directory, Oklahoma Indian Affairs Commission - 2006 Edition

	ENROLLMENTS								
	IN U.S	IN OK	OTB	CASINO	BINGO	SMOKE	FUEL	TRUCK TAGS	
Absentee Shawnee	3,014	2,293	1	1	1	2	1	0	YES
Alabama Quassarte TT	369	359	0	0	0	1	0	0	NO
Apache	1,986	1,688	1	1	1	1	1	1	YES
Caddo	4,000	2,000	0	0	0	0	0	0	YES
Cherokee	240,000	150,000	0	4		50	2	0	YES
Cheyenne & Arapaho	11,507	7,893	1	1	1	1	1	1	YES
Chickasaw	38,000	22,000	5	15	3	17	7	3	NO
Choctaw	170,000								NO
Citizen Potawatomi	25,719	8,619	1	2	1	1	1	0	YES
Comanche	12,500	9,000	2	4	1	15	0	0	YES
Delaware Nation	1,369	804	0	1	1	1	0	0	YES
Delaware Tribe	10,408	3,519	0	0	0	0	0	0	NO
Eastern Shawnee	2,362	475	1	1	1	2	0	1	YES
Fort Sill Apache	580	257	0	1	0	1	0	0	NO
Iowa	519	375	1	1	1	1	1	1	YES
Kaw	2,805	1,270	0	1	1	1	2	1	NO
Kialegee Tribal Town	318	298	0	0	0	0	0	0	NO
Kickapoo	2,600	2,000	0	1	0	2	1	0	YES
Kiowa	11,321	6,958	0	0	0	1	0	0	YES
Miami	3,303	773	1	1	1	0	0	0	YES
Modoc	200	120	1	1	0	1	0	0	YES
Muscogee (Creek)	60,884	42,996	0	8	1	31	0	2	YES
Osage	16,031	5,613	0	4	0	11	0	0	YES
Otoe-Missouria	1,442		0	1	0	2	2	2	YES
Ottawa	2,400	858	0	1	0	1	1	0	YES
Pawnee	3,027	2,021	0	1	0	1	2	1	YES
Peoria	2,754	740	1	2	0	0	0	0	YES
Ponca	3,229	2,297	0	1	1	1	0	0	YES
Quapaw	3,240	892	0	1	0	1	1	0	YES
Sac & Fox	3,342	923	0	2	0	12	0	0	YES
Seminole	14,993	11,787	0	2	0	3	3	1	YES
Seneca-Cayuga	4,260	2,162	0	1	0	2	0	0	YES
Shawnee	1,800	900	0	0	0	0	0	0	YES
Thlopthlocco Tribal Town	517	426	0	1	0	0	0	0	NO
Tonkawa	430	365	1	2	0	2	0	0	NO
UKB of Cherokees	9,741	9,187	0	1	0	0	0	0	YES
Wichita & Affiliated Tribes	2,350	1,717	0	0	0	0	0	0	YES
Wyandotte	4,000	1,630	0	1	0	1	1	1	YES
Euchee (Yuchi)	137	137	0	0	0	0	0	0	NO
TOTAL	677,457	305,352	17	65	15	166	27	15	29



ALLIANCES



Alliances Are Not New

Mary Jane Warde, PhD, Historian, Stillwater, Oklahoma

Alliances have been part of Oklahoma life since long before there was an “Oklahoma.” Across the centuries, many Indian peoples have found them useful, and they have reflected a variety of interests and purposes—diplomacy, economics, religion, politics, and culture to name a few.

The earliest alliance recorded in writing occurred about 1740 when the Wichita and Comanche tribes formed an alliance based on economics. The Wichitas acted as middlemen in a trade system that extended across and far beyond today’s Oklahoma. They bartered farm produce to the Comanches for bison robes, horses, and slaves taken in northern Mexico. They exchanged these Comanche goods with French traders for European items.

About 1790, after the Kiowa tribe migrated onto the Southern Plains, they made a peace with the Comanches that is still unbroken today. After initial bitter warfare, the allied Cheyenne and Arapaho tribes and Kiowa-Comanche-Plains Apache alliance established peace in 1840 by exchanging mountains of gifts at a great meeting on the Arkansas River in Colorado. Until the end of the Plains Wars, about 1875 in Oklahoma, these five tribes often camped and fought together, maintaining a defensive alliance against what they saw as Anglo-American incursion.

Among the tribes that came to Oklahoma from the eastern United States, there was also a centuries-old tradition of diplomacy and alliance-building. Best known were the Iroquois Confederacy (including today’s Seneca-Cayuga Tribe in Oklahoma) and the Muskogee Confederacy (including today’s Muscogee, or Creek, Nation, Euchee Tribe, and the Alabama-Quassarte, Kialegee, and Thlopthlocco tribal towns). Several other tribes in Oklahoma today had joined alliances formed by Pontiac (1763) and Tecumseh

(the early 1800s). Once in the Indian Territory, the Five Civilized Tribes continued their tradition of creating proactive alliances. In 1861 they founded the Grand Council of the Indian Territory to consider whether to ally their nations with the Confederacy, which promised them better treatment. They met again with other territorial tribes in 1865, at the end of the Civil War, as defeated enemies of the Union but hoping to present a united front.

Required by their 1866 Reconstruction treaties to work toward creating an Indian state, delegates of the Five Civilized Tribes joined other Indian Territory nations at the Okmulgee Constitutional Convention in 1870 and formed the International Council of the Indian Territory. The true intent of this alliance was to oppose formal territorialization, the end of their sovereignty, and allotment of their communal lands.

As Sac and Fox Chief Wequawhoka wrote to the Principal Chief of the Creek Nation in 1881, “We are brothers we must be one mind.” Faced with the boomer threat by David L. Payne in the mid-1880s, their delegates worked together to assure a federal court decision banning him and other would-be homesteaders from the territory. They met periodically until looming Oklahoma statehood shattered their last hopes of continuing the status quo. Even then, the alliance met one last time to create the State of Sequoyah.

Indian Territory citizens also worked together in other alliances for other purposes. Many Five Civilized Tribes leaders believed adopting aspects of Anglo-American culture such as Christianity and English education would protect their sovereignty in a changing, often hostile world. Anglo-American missionary societies extended English education along with Christianity, and by



the 1840s the governments of the Five Civilized Tribes were contributing their national funds to build and support schools staffed by missionary societies. Through the nineteenth and twentieth centuries, Indian Christians worked within organizations such as the Muskogee Baptist Association, Indian Methodist Conference, South and Baptist Muskogee, Wichita, and Seminole Association to spread and support Christianity in the Indian Territory.

At the same time, after the devastation of the Civil War, Indian citizens rebuilt their homes, businesses, farms, and livestock herds. An innovation was the Seminole and Muskogee Live Stock Association created by Indian Territory ranchers to regulate and protect their enterprise. Frequently local newspapers carried illustrations of brands registered to members of this alliance.

As the range cattle industry flourished generally in the late 1800s, non-Indians moved their herds onto Indian lands as lease-holders or partners of Indian ranchers. Consequently, two large non-Indian alliances on Indian land developed in the 1880s: the Cherokee Strip Live Stock Association and the Cheyenne and Arapaho Live Stock Association.

Another initiative related to territorial agriculture was the Indian International Fair, an outgrowth of the Okmulgee Constitutional Convention. Although Creek and Cherokee officers established the fair organization in 1873, by 1892 its officials included members of all the Five Civilized Tribes and the Sac and Fox tribe.

Until the end of the century, Indian people from all over the territory converged annually on Muskogee to view and compete for prizes in exhibits of agricultural produce, livestock, manufactured products, home-making skills, art, and “Indian work.” Other attractions included parades, horse races, and competitions in horsemanship by male and female riders.

Although Indian people saw their sovereignty erode near the turn of the twentieth century, some continued to form alliances to protest conditions they believed were unjust. A group of Cherokees, Chickasaws, Choctaws, and Creeks joined together in the Four Mothers’ Society under the leadership of Eufaula Harjo and Redbird Smith to protest allotment of their lands. Ironically, the American Federation of Indians was formed in 1934, with Oklahoman Joseph Bruner as president, to oppose—among other things—the Indian Reorganization Act that ended allotment.

The mid-twentieth century saw many Oklahoma Indians move to urban areas away from their tribal communities. In those sometimes alien urban settings, they founded new intertribal alliances, social organizations such as the Intertribal Indian Club of Tulsa and the Oklahoma City Indian Club, which continue to celebrate Indian cultures. Likewise, tribal students at the state’s colleges and universities founded Indian clubs to provide mutual support and social ties.

As the twenty-first century begins, Indian alliances of many types continue to flourish. While Indian nations have built on earlier treaties and more recent federal legislation and judicial decisions to reclaim their sovereignty, they have engaged in new enterprises to benefit their citizens. The expansion of Indian smoke shops, motor fuels distribution, and casinos has come through compacts with state government. Some tribal services, particularly law enforcement, have required accommodation and alliances with city and county governments.

All this has produced complex issues involving both Indian and non-Indian governments as well as federal administration, and new issues will probably arise in the future. As they did in earlier centuries, the Indian nations have continued to form councils and use alliances with old and new partners, seeking greater strength and common ground in confronting common problems.



Choctaws and Durant

Tim Young, Assistant City Manager, City of Durant

The Choctaw Nation, encompassing all of Southeastern Oklahoma, has become a powerful and vital economic force. Since the past couple of decades, the Choctaw Nation has been engaging in several enterprises in an effort to improve not only the Nation's financial health, but also the financial health of their members and the residents of Southeastern Oklahoma. In an effort to move away from federal subsidies, the Choctaw Nation has been aggressively working to become 100% self-reliant.

Substantial progress has been made toward meeting this goal by creating enterprises that not only generate revenue for tribal programs, but also create jobs for tribal members and others living in Southeastern Oklahoma. Some of their larger enterprises include the Choctaw Manufacturing & Development Corporation, Choctaw Management Services, Choctaw Casinos & Resorts, Choctaw Racing Services, and CNH Consulting.

At the same time, the City of Durant has made great strides to focus on economic development. Durant, just like the rest of Southeastern Oklahoma, has been plagued by poverty and the lack of economic mobility. In the 1990's, the City leaders made the decision to invest in quality jobs. Since, the City has dedicated a ½ cent sales tax to job creation, and appropriated an additional ½ cent equivalent to economic development.

Both the City and the Choctaw Nation are experiencing a renaissance economically. With the Choctaw Nation headquarters located in Durant, a strategic partnership with the two entities is natural. Both have realized that what is good for one is also good for the other. Durant and the Choctaw Nation have shared goals and values, with economic development and improvements to quality of life topping the list. Some of the recent projects the Choctaw Nation and the City of Durant have partnered on are listed below:

Big Lots Distribution Center – In May 2003, the City of Durant and the Durant Industrial Authority (DIA) required an additional \$231,715 to complete the construction of a new road to access and serve the new Big Lots Distribution Center. This road, Big Lots Boulevard, is over 4,500 feet long and was engineered to a concrete standard to handle the almost continuous travel of semi-tractor trucks. Infrastructure improvements for the Big Lots Distribution Center also called for the construction of a one million-gallon water tower at a cost of over \$3 million. Grants and loans were secured from the Economic Development Administration (EDA), the Oklahoma Department of Commerce (ODOC), and the Oklahoma Department of Transportation (ODOT) to help fund these improvements. By partnering with the Choctaw Nation, the City of Durant and the DIA were able to apply for additional funding. For example, instead of the City of Durant and the DIA receiving the maximum EDA grant of \$750,000, a grant in the amount of \$1.5 million was received instead by partnering with the Choctaw Nation.

US-69/75 Improvements at Choctaw Rd – US-69/75 is a major travel corridor between Dallas, TX and Durant. Located only ten miles from the Red River (the Oklahoma-Texas State line) and ninety miles from downtown Dallas, the traffic generated from the Dallas-Fort Worth Metroplex to the Choctaw Casino and Resort, located at US-69/75's intersection at Choctaw Rd. has continued to grow. As a result, improvements to this intersection have become necessary for both economic and safety reasons. In April 2005, the City of Durant partnered with the Choctaw Nation and ODOT to fund the signalization of this intersection, along with improvements to the slip ramps and frontage road. Safety in this area has since improved, yet traffic generated at this intersection again warranted additional modifications and



improvements. In January 2007, the City of Durant, Choctaw Nation, and ODOT entered into a partnership to add additional left-turn queue space and turn lanes, along with the expansion of Choctaw Rd. from US-69/75 to Big Lots Blvd from a two-lane cross-section to a five-lane cross-section. Construction on these modifications is expected to be completed in 2008.



Fire Station #3 (Choctaw Substation) – The Choctaw Nation has been rapidly developing Durant’s southern territory with the opening of the Choctaw Coliseum, Choctaw Arena, Convention Center, and the expansion of the Choctaw Casino & Resort. The Choctaw Nation is also considering the construction of an RV park in the near future in the area. With the Choctaw Nation’s investment in this area, new developments, such as restaurants and hotels are either under construction or in the planning stages. However, the nearest fire station is nearly four miles away! Out of concern for their patrons, the Choctaw Nation graciously submitted an application on behalf of the City of Durant to construct a new emergency response complex housing the City’s third fire station and some units of the Bryan County Ambulance Authority. This complex will also house Durant/Bryan County Emergency Management and will be able to act as a backup site for the Bryan County Communications Center (911 Dispatch). Funding was approved. The Choctaw Nation is also providing the cash match and constructing the complex with the Choctaw Nation’s construction crews. The City will staff, equip, and operate the complex. The new sub-station is expected to be completed and in operation in early 2008.

The Choctaw Nation has also been a great civic partner by investing in projects that improve the quality of life of those that live, work, and visit Durant. For example, when the City of Durant and DIA were preparing to dedicate the new Cardinal Glass manufacturing plant in June 2004, the

employees of the Choctaw Nation volunteered hundreds of hours helping “spruce up” the community. These acts of generosity has helped encourage others in the community to get involved in helping pick up trash and clean up the appearance of the Durant.

In December 2006, the City of Durant and the Durant

Community Facilities Authority (DCFA) dedicated the new Durant Multi-Sports Complex constructed at a cost exceeding \$8 million. This complex covering almost 200-acres of land houses four new softball fields, four new baseball fields, a state-of-the-art track, and several soccer/football fields at one location. Additional amenities include concession stands, restrooms, locker rooms, and permanent stands/bleachers. Future plans call for the construction of a 17-acre lake with walking trails, picnic areas, and additional athletic competition space. The Choctaw Nation has graciously offered to construct the new 17-acre lake, along with basic access to the lake, for the City at the Choctaw Nation’s cost. The value of the Choctaw Nation’s generosity is valued at over \$0.5 million. Engineering has been completed and construction will commence as soon as all permits from various state and federal agencies have been received.

The Choctaw Nation and the City of Durant are in constant communication and partnership with each other on projects that benefit each other both directly and indirectly. With the Dallas-Fort Worth Metroplex quickly growing to the North, opportunities for both entities continue to expand. Both are members of Team Durant, a conglomeration of entities in the Durant area that work together to present a unified effort to attract and prepare for these new opportunities. This effort has continued to grow in strength and has also resulted in a friendship between the City of Durant and the Choctaw Nation that both hope will last for an eternity.



Cherokees and Tahlequah

*S. Diane Kelley, Group Leader, Cherokee Nation Career Services
and Steven Edwards, Special Assistant, Cherokee Nation Career Services*

The City of Tahlequah, Northeastern State University, and the Cherokee Nation make up the economic base of Cherokee County in NE Oklahoma. Through the efforts of all three entities coming together, they have been able to help bring economic growth to that sector of the state.

In 1999, we had new leadership at the helm of the City of Tahlequah, NSU, and the Cherokee Nation. The mayor of the city, president of the university, who was on the North end of town, and the Principal Chief of the Cherokee Nation was on the Southern edge of town began meeting monthly for breakfast to collaborate on issues and events for the area, as well as, how they could offer assistance for the community. These meetings opened the door for collaboration and coordination on a major economic development project called: “American Woodmark” which has been the spring board for other projects to follow.

Tahlequah was primarily viewed as a “college” town with fast food joints and with the Illinois River and Lake Tenkiller for recreational activities including: river float trips, swimming, skiing, and fishing on the nearby lake. Tahlequah was also the Capitol of the 2nd largest Indian Tribe in the United States.

Other than the rural nursery operations in the area surrounding Tahlequah, no major manufacturing industries existed in the community. This fact prompted the three major entities to envision a plan requiring all three working together to successfully bring good paying jobs in manufacturing to the area.

In the Spring of 2001, meetings began with the City’s Economic Development Board and Cherokee Nation’s Commerce and Employment and Training programs for the purpose of collecting data and demographics for a presentation the Woodmark company.

Once the information was gathered and analyzed, the group went into action finalizing the plan and coordinating furthering the project by collaborating with other agencies and government entities.

Two on-site meetings took place at Northeastern State University with the Chief Officers of the company. Information was exchanged regarding the company, its product, and revenue base. The city officials brought all key players of the community together to share with the Woodmark officials information about the uniqueness of our community, educational and training facilities available, as well as a labor pool ready to go to work. The existing infrastructure in Tahlequah’s Industrial Park was ideal for the type of business Woodmark would bring to the community.

The Cherokee Nation offered help in locating a building for start-up prior to the Industrial Park facility being built, job recruitment, on-the-job training, and work experience placement to keep with the overflow of people coming in for pre-assessment testing, training, and job interviews.

The City of Tahlequah and Tahlequah Public Works Authority presented the infrastructure of the city. Items discussed ranged from electrical, gas, water and sewage capacity, roads, capital improvement to the cost factor one of the lowest in the state.

The Tahlequah Airport Authority gave a presentation on the Municipal Airport. They showed plans for expanding the runway accommodating larger planes. They explained current airport status on the expansion project and a tentative completion timeline. This proved to be a real incentive to Woodmark officials.

Our Congressman, State Elected Officials, also came to the table to offer their support at the Federal and State level. The Oklahoma State



Commerce Department came to the table with tax incentives. Our elected State Legislature came to the table with Industrial Area dollars for the purpose of road construction to upgrade existing roads to handle the many trucks coming in and out of the Industrial Park in support of Woodmark operations.

The State Career Technology Center offered customized services such as job analysis, pre-employment and pre-production training, instructional materials, and curriculum development. The State WorkForce offered pre-application testing and assessment prior to the interview process. Eastern Workforce Investment Board offered assistance with manuals, brochures for the workers, and drug testing services.

Southwestern Bell Corporation brought an added incentive to the table. Their intent was offering to bring fiber optics into the Industrial Park. Tours and lunch were provided by the team. The “Red Carpet” treatment was in place to entice the group from Woodmark that Tahlequah was the place they wanted to be for their company’s continued growth.

The next leg of the journey took a group from Tahlequah aboard the Cherokee Nation Tribal Plane to Gas City, Indiana to look over their plant that would be mirrored in Tahlequah. They wanted us to see the plant, how it was set up, the type worker they looked and the type training that would be needed. The group consisted of the Mayor of Tahlequah, City Industrial Authority Representative, superintendent of the Career Technology Center, and the Director of Cherokee Nation’s Career Services Group. The group returned and began meetings with their teams. Partnerships began meetings for the purposes of being ready when Woodmark’s announcement took place.

A special day in the history of Tahlequah took place on January 9, 2002 with the groundbreaking of the new “Woodmark”– Tahlequah” Company facility. The company’s planned employment of 250 people with good paying wages and outstanding benefits.

This day was one of the biggest that has been held in Tahlequah. The event began with a luncheon at the Northeastern State University campus hosted by Southwestern Bell Corporation. Next, was a news conference prior to a reception at the Indian Capital Technology Center in the Tahlequah Industrial Park. A short program acknowledging all of the people who came together to make this a complete success. The groundbreaking event finale was the auctioning of a Kitchen Cabinet set and a reception at the Restaurant of the Cherokees hosted by the Cherokee Nation.

Today, five years later, American Woodmark is one of the leading industries in our area with a workforce of 250 employees. Since Woodmark, the team has collaborated on many other economic development projects using the Woodmark Project as a blueprint in other parts of Northeastern Oklahoma. A very positive example of what can happen when we “Come Together —“Ga-du-gi.”

Challenges

1. Bring all three groups together – working for the same goals and values.
2. Being able to bring all of the partners together from WorkForce Oklahoma, Oklahoma Career Technology, Cherokee Nation, Northeastern State University, the City of Tahlequah, Tahlequah Public Works, Authority, Cherokee County Government, Southwestern Bell Corporation, and Federal Congressional and Senate Members.
3. Everyone having the same “Vision” to market the company from a public relations perspective.

Opportunities

- 1 Economic Development Growth
- 2 Jobs
- 3 Revenue for the Community
- 4 Tahlequah on the map for future ventures.



Sac & Fox and City of Shawnee

James C. Collard, Ph.D., City Manager, City of Shawnee

Meet Shawnee

The area surrounding Shawnee was settled after the Civil War by a number of tribes that the federal government had removed to Indian Territory. The Sac and Fox originally were deeded land in the immediate area but were soon followed by the Kickapoo, Shawnee, and Pottawatomi Indians. Members of the tribes continue to reside today in and around Shawnee.

Over the course of the 1870s, Texas cattle drovers pushed their herds across Indian Territory; there were four major trails, with the West Shawnee trail crossing near present-day Kickapoo and Main Streets. With the cattle drives came railroads; as a result, pressure began to build to allow permanent white settlements in a region that previously had been reserved by treaty to native Americans. The one other event that foreshadowed the coming of white civilization was the establishment in 1871 of the Quaker mission near the current Mission Hill Hospital, where an old building still marks the spot. That first missionary, Joseph Newsom, opened a school in 1872, and by 1876 a post office and trading post had been established a quarter mile west of the mission at what became known as Shawnee Town.

The quarter section of land on which the original city was built, was entered by Henry G. Beard, in 1892. In the early spring of 1885, Mr. Beard entered into an agreement with the promoters of the Choctaw, Oklahoma & Gulf Railroad Company, then extending its line from Memphis, Tennessee, to Amarillo, Texas, to build through his farm, and in consideration he gave the railway company one-half his claim of one hundred and sixty acres. The road was accordingly built through his farm, and the City of Shawnee began on July 4, 1895, its existence as a thriving, growing and expanding commercial centered, at which time the first train arrived.

The Shawnee city limits straddle four tribal reservation areas. These are the Absentee Shawnee Tribe, the Citizen Potawatomi Nation, the Kickapoo Tribe of Oklahoma, and the Sac & Fox Nation. In addition, the City lies in close proximity to the Iowa Tribe of Oklahoma and the Seminole Nation. The In-State enrollment of these tribes ranges from 375 (Iowa) to 11,787 (Seminole).¹ According to the most recent U.S. Census data, Shawnee has just under 30,000 residents, 12.8 percent of whom are tribal members, the largest population subgroup within the City.

It is therefore reasonable to assume that the tribal members would be well represented in community affairs. And indeed this is the case with many tribal citizens participating in activities ranging from the Chamber of Commerce, to social service organizations and school events. Unfortunately, formal contact between the municipal and tribal governments has been sporadic over the years.

A recent study showed that the political leadership of the city and tribes in the Shawnee area believe cooperation between their entities is important. This is illustrated by a meeting in June of 2007 that included the leadership of the City and all six tribes during which the opportunities for joint ventures was discussed.

An important example of the benefits to tribal-municipal cooperation is the relationship between the City of Shawnee and the Sac & Fox Nation. Since 2001, there have been five major joint infrastructure projects funded and/or completed with one more currently underway.

This article will provide a synopsis of those projects.



The Sources of Money

Federal funding for tribal transportation projects resides with the Federal Highway Administration working in concert with the Bureau of Indian Affairs. Together these two agencies allocate money for the design and construction of roads and bridges on tribal lands based on the needs of the individual tribes.

The primary mechanism for distributing these federal monies is the Indian Reservation Roads Program (IRR). The IRR program funds are distributed to BIA area offices for the construction and improvement of transportation facilities, including roads, bridges and public transportation systems.

However, in Oklahoma the tribal reservation boundaries are “checker-boarded” with individual plots of ground either being placed into federal trust or owned on the basis of a fee simple purchase by either tribal or non-tribal citizens. Even so, the tribes still retain a responsibility to meet the transportation needs of their citizens.²

The Oklahoma Department of Transportation (ODOT) provides funding for many road projects that include the financial participation of the tribal and municipal governments. This has been of great benefit to the citizens of Shawnee and the Sac & Fox Nation.

ODOT also administers the Federal Transit Administration’s Section 5311, Non-Urbanized Formula Grant program that is provided to communities with a population of less than 50,000. Eligible local sponsors of this program include local public bodies and Indian tribes.³ The City of Shawnee allocates money each year to transportation and other infrastructure projects as part of its annual capital budget process. Many of these ventures entail joint funding arrangements with other governmental entities.

Finally, the Sac & Fox Nation, as a sovereign government can allocate revenues from non-federal sources to any project it chooses, such as those discussed below.

Harrison Street (State Highway 18) Improvements

In 2001, the City of Shawnee entered into an agreement with the Sac & Fox Nation, the Oklahoma Department of Transportation, and the U.S. Bureau of Indian Affairs to widen Harrison Street (State Highway 18) from Interstate 40 to Westech Road. This entailed the construction of a traffic lane upgrade, including the reinstallation of curb, gutter and drainage structures and the addition of a traffic signal at the intersection of Westech and Harrison.



The City provided \$20,000 toward the cost of the traffic signals. ODOT provided the project design, inspection, construction oversight, and

funding in the amount of \$260,000. The Sac & Fox Nation with BIA funds provided \$750,000. The total cost of the project was \$1,030,000. The City benefited from the increased traffic flow into an area of town that is experiencing the addition of several commercial enterprises while the Tribe benefited through easier access to their Casino.

Rock Creek Bridge Replacement on Harrison

In conjunction with the widening of State Highway 18, the Sac & Fox Nation, the City of Shawnee, the Oklahoma Department of Transportation, and the Bureau of Indian Affairs agreed to remove an existing 2-lane bridge over Rock Creek and replace it with a new 5-lane bridge. The City, as part of a right-of-way agreement with ODOT, was responsible for relocating the water and sanitary sewer lines. ODOT provided the design, inspection, construction oversight, and \$1,000,000 in funding. The Sac & Fox Nation, through the BIA provided \$50,000 plus an additional \$1,500,000 from the Indian Reservation Road and



Bridge Program (IRRBP). All entities benefited from the traffic safety upgrades on a State highway that connects Interstate 40 with Interstate 44.

Water and Sanitary Sewer Line Extensions

In December 2003, the City of Shawnee and the Sac & Fox Nation agreed to jointly extend water and sewer lines east on Westech Road from Harrison Street. The purpose of the project was to serve the tribal Casino with these utilities while allowing the City to continue the strategy of eventually providing a water/sewer line loop on the northeast side of town. The City designed the project, prepared the bid documents, let the project for bid, and provided construction inspection and oversight. The Tribe reimbursed the City for 100% of the \$26,425 in construction costs.

Brangus Road Paving Project

Brangus Road is the eastern boundary of the Shawnee city limits. It is also a County Road. The project upgraded a one-mile stretch from gravel to asphalt. The agreement was reached in 2004 between the City, Potawatomie County, the BIA, and the Sac & Fox Nation. The City designed the project at a cost of \$20,000 while the County government constructed the project with in-house personnel and equipment. The Tribe supplied \$150,000 in BIA money to cover the County's construction costs.

Railroad Bridge over US 177

The purpose of this project is to remove and replace a deteriorating and unsafe bridge. The City has agreed to provide any needed right-of-way and relocation of utilities. ODOT is doing the design, bid letting, inspection, and construction oversight. ODOT is also jointly funding this \$4,634,728 project with the Sac & Fox Nation.

Westech Road Paving Project

This joint project between the City of Shawnee and the Sac & Fox Nation will reconstruct Westech Road from Harrison Street east approximately 1600 feet as a 3-lane, curb & gutter roadway. The

City will let the project bids, provide construction inspection and administration. The Tribe will design the project and reimburse the City for 100% of the construction costs. The project is scheduled to be bid out in July 2007 and is expected to cost approximately \$523,000.

Future Ventures

In May 2007, the City of Shawnee formally requested the Oklahoma Department of Transportation begin examining the possibility of constructing an interchange on I-40 at Bryant Road. This request has since been forwarded to the Federal Highway Administration for review. An integral part of this undertaking is the role the Sac & Fox Nation will play in the project funding and design.

As is evident, the City of Shawnee, the Sac & Fox Nation and the Oklahoma Department of Transportation have an outstanding track record of collaboration. The combined total of just these projects is just under \$9 million, not counting the upcoming Interstate Highway interchange. It is also important to note that the relationship between the City of Shawnee and the Sac & Fox Nation is just one example of tribal-municipal cooperation in the Shawnee area.

The City is also in current discussions with the Citizen Potawatomie Nation concerning a road interchange reconstruction and the joint extension of additional water lines into the tribal area. In addition, the City has an excellent working relationship with the Absentee Shawnee and Kickapoo tribes and is looking forward to developing a sub-state regional economic development strategy with all the tribes in the immediate area.

¹ Oklahoma Indian Affairs Commission. 2006. *Oklahoma Indian Nations Pocket Pictorial Directory*

² Meck, S., Retzlaff, R., Schwab, J. 2007. *NCHRP Synthesis 366. Tribal Transportation Programs: A Synthesis of Highway Practice, Washington, DC: Transportation Research Board - National Cooperative Highway Research Program.*

³ Oklahoma Department of Transportation Website. Available Online at www.okladot.ok.us.



Osage and the Oilman

*Jim Gray, Principal Chief of the Osage Nation, and
Bob Sullivan, independent oil and gas operator, Tulsa*

As tribal relationships with both the state of Oklahoma and non-tribal private parties are evolving. The experience of the Osage Tribe of Indians, now Osage Nation, with non-tribal oil and gas operators can serve as an encouraging and positive model.

At the heart of this successful cooperative relationship are mutually beneficial economic activities based on incentives provided by the Nation and the application by oil and gas firms of modern technology to oilfield exploration and production practices on the Osage mineral estate.

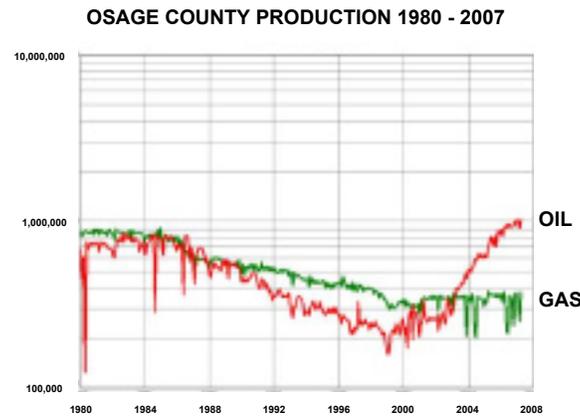
All of the minerals in the entirety of the Osage Reservation are owned by the Osage Nation. For more than 100 years, the Osages have granted leases to operators at public auctions and encouraged oil and gas development.

The oil boom of 1905 to 1930 brought incredible wealth to the Osages through their royalty interests, and to oil companies who leased and drilled on the Reservation. During that time the phrase “the Osage” was coined to refer to this special place. Exploration was based on surface geology and scientific leads considered very primitive by today’s standards.

As the oil industry spread to many other parts of the country and around the world, “the Osage” eventually became a province considered “picked over” by the industry, and production dwindled.

Even in oil booms of more recent times, such as the hyperactivity of the early 1980’s, “the Osage” experienced little more than a temporary flattening of its decades long production decline. When that boom ended in the mid-80’s, the decline of both oil and natural gas production resumed at an alarming rate in “the Osage”.

By the late 1990’s, production of oil from the reservation had dropped to one-third of its 1980 level and gas was down to one-fourth of its production level.



In the late 1990’s, the Osage Nation decided to do something about this critical erosion of oil and gas production on its mineral estate. The Nation initiated a program of incentivizing the oil and gas industry to bring modern technology to the Osage Reservation with

the objective of revitalizing this once prolific producing province.

The key element of its incentive program was the granting of concessions to qualified oil and gas companies. The terms of these concession agreements allowed the company owning the concession a protected time period during which only that company could acquire leases in a specific geographic area.

This protection allowed participating companies to justify large dollar expenditures for the application of modern exploration and production techniques, including 3-Dimensional seismic, horizontal and



lateral drilling, coal bed methane extraction method, and modern fracturing techniques. In exchange, the operators committed to an aggressive drilling program and the results have been dramatic. Since 1999, the decline in oil production has been reversed and through 2006 there has been an approximate 40% increase in the production of increasingly valuable barrels of oil. Even more dramatic is the increase in the production of natural gas which has increased ten-fold in a short seven-year period, due in large part to coal bed methane projects undertaken on concessions granted by the Nation.

From the perspective of tribal/non-tribal relationships, it is very clear that both parties are highly motivated by economics, and both parties have something to contribute to the formula for improving economics. Oil companies need places where their high risk investments can be made prudently with reasonable chance of success. The Osage Nation has been and remains in a position to provide that economic setting. For its part, the Nation has a legal responsibility to prudently and intelligently manage its large mineral estate for the benefit of tribal members, and it is doing so in part by bringing in, through use of concession incentives, industry parties who can accomplish that very objective.

This cooperative process has been accomplished through the good will of both Tribal members and industry participants, although several significant obstacles were overcome along the way. Allowing oil and gas operators a protected leasing area for a specific length of time seemed at first to be too much of an incentive to some tribal members.

However, that perception was dissipated by significant and dramatic results that created an orderly processing of a flood of drilling permits, archeological studies, field inspection, and other necessary elements of exploration and production and through tribal and Federal regulatory oversight systems. Industry personnel, working with the Osage and the BIA's federal agency personnel, have worked together to improve this process.

Osage representatives and industry personnel have found themselves working together to overcome infrastructure issues associated with bringing electricity to new producing areas in the county and providing rights-of-way for new oil, gas and water pipeline systems. In short, everyone is economically motivated to make the right thing happen.

The cooperative relationship between the oil and gas industry and the Osage Nation has continued to evolve, and in the last 25 years has grown to include a strong partnership in environmental compliance. The Osage Nation assists the U. S. Environmental Protection Agency (EPA) with a regulatory program that oversees the re-injection of saltwater produced during oil and gas operations.

One of the most important functions that the Nation performs involves assisting the oil and gas operators with compliance requirements, applications for permits and testing of their injection wells. The Nation notifies the operators of problems that need to be addressed before the problems become severe, thereby sparing the operators additional costs for repairs or administrative costs associated with enforcement. Mutual respect and trust between Osage Nation environmental personnel and industry personnel has developed as a result of this association.

In the long run this cooperative effort on the Osage Reservation may well evolve into joint projects between Tribal and non-tribal parties *outside of the oil and gas industry*. The trust that has grown among parties over the Osage success is arguably the most beneficial outcome of this cooperative effort.

For Tribal and non-tribal parties to prosper together, rather than to simply co-exist, it is essential that this kind of trust *be earned by all parties through performance*. Otherwise, the barriers that have existed for so long between tribes and government/private sector parties will continue to prevent large scale, mutually beneficial prosperity.



Cherokees and Health Care

*Melissa Gower, Group Leader
Health Services/Government Relations, Cherokee Nation*

The Cherokee Nation is a government, cultural entity, social service agency, and regional development organization deeply committed to advancing the health and social well-being of its citizens through the improvement of its communities, creation of a strong economy, and preservation of the Cherokee language.

In order to achieve such lofty goals, the Cherokee Nation has placed an emphasis on collaboration with Oklahoma state agencies, local governments, and the private sector. Several of the successful collaborations are included in this document, followed by recommendations to increase opportunities for building future alliances.

ALLIANCES

Cherokee Health Partners – Cherokee Health Partners, LLC, is a partnership between the Cherokee Nation Comprehensive Care Agency and Tahlequah Hospital Authority and is located within the Tahlequah City Hospital. The partnership was created to allow both Tribal and non-Tribal patients to receive necessary diagnostic testing locally instead of traveling to distant locations. Examples of services offered include cardio imaging and nuclear medicine testing. The partnership has been very beneficial to the elderly population, especially those residing in retirement facilities and those unable to travel long distances.

EagleMed – EagleMed is an air ambulance service in Tahlequah. EagleMed was the result of a joint effort between the Cherokee Nation, Tahlequah City Hospital and W. W. Hastings Indian Hospital.

Ardent Health Care System - In 2002, the Cherokee Nation sought the participation from the Hillcrest Healthcare System, owned by Ardent Health Services, to participate in the development of the Cherokee Nation Health Services Long Range Plan. Since that time, the Cherokee Nation has worked closely with the Hillcrest Healthcare System on a myriad of issues ranging from coordinating care throughout the greater Tulsa area to advocating for additional funding for Indian health.

Health Information Exchange – Oklahoma is among nineteen states receiving funding through the Agency for Healthcare Research and Quality (AHRQ) to develop a broad scale health information exchange organization. Named SMRTNET, the expandable network has been developed over a two-year period by a team of over sixty people and several national experts. Initial partners are the Oklahoma State Department of Health, Oklahoma Department of Mental Health and Substance Abuse Services, Cherokee Nation, Tahlequah City Hospital, Northeastern Oklahoma Community Health Center, W.W. Hastings Indian Hospital, and Northeastern State University.

The SMRTNET personal health record provides a private, comprehensive, longitudinal, portable record that enables consumers to store personal health information. The foundation of SMRTNET solutions is its ability to enable consumers to better manage their own health, and the health of their family members, with regards to allergies,



medical conditions, surgeries, medical tests, measurements, immunizations, medications, and claims. The mission of SMRTNET is to create an Internet-based healthcare community that connects persons and healthcare providers and also offers storage for critical health information within a PHR, enabling individuals to better manage their own health. By providing the right tools, consumers have access to the most current health information.

Cherokee Elder Care - The Cherokee Nation will soon begin operating the first Program of All-Inclusive Care for the Elderly (PACE) program in the United States located in a Tribal, as well as rural, community. PACE is offered through the Centers for Medicare and Medicaid Services (CMS). Cherokee Elder Care will provide and coordinate a variety of both medical and non-medical services for frail elders. Services will be provided both in the participants home and through the Cherokee Elder Care Facility. Services will be provided by the Elder Care team which includes a physician, nurses, therapists, social workers, home care providers, and transportation specialists. Persons participating in the Elder Care program will receive services based on their individual needs. Additional services for the Elder Care participant will be provided as needed.

Cherokee Elder Care will serve both Tribal and non-Tribal elders from a facility located in Tahlequah which is currently under construction and will open in 2007. Cherokee Elder Care will serve frail elders age 55 and over who may require medical and supportive services in order to remain living safely in their home and community. The cost of the Cherokee Elder Care Program will be covered for most participants through a combination of Medicare and Medicaid resources. However, the program will also be open to persons with other payment sources. The Tahlequah Cherokee Elder Care facility will have the capacity to serve 150 elders. In addition to the Tahlequah facility, future plans include additional sites in Stilwell, Muskogee, and Claremore.

Emergency Response and Preparedness - The 14-county service area of the Cherokee Nation includes six Cherokee Nation clinics, two Cherokee Nation satellite clinics, a student/employee health center, and two Indian Health Service (IHS)SHH hospitals with tremendous capacity to respond to public health events. The Cherokee Nation consistently provides assistance when a need exists and examples include wildfires, winter storms, accidents, epidemics, and most recently in tornado and hurricane relief efforts. The citizens and municipalities located within the Cherokee Nation's jurisdiction, as well as adjoining communities, rely heavily on the Cherokee Nation to provide health services, emergency services, food, clothing, and shelter in times of need. In such times of need, the Cherokee Nation does not differentiate between Tribal citizens and non-citizens and provides assistance to all affected to the extent allowable by law. Additionally, the Cherokee Nation recently joined the 911 Communication Center.

PROMOTING HEALTH

Steps to a Healthier Cherokee Nation – the Cherokee Nation is one of forty grantees in the Steps to a HealthierUS (Steps) program within the Centers for Disease Control and Prevention (CDC). The Steps program is a highly successful, community-based initiative to combat chronic disease by addressing poor nutrition, physical inactivity, and tobacco use. Because communities within the Cherokee Nation are populated by both Indians and non-Indians, the Cherokee Nation has placed an emphasis on making Steps programs available to both populations. A few examples of the positive impact of the Steps program include:

- Providing funding to rural schools to improve access to physical activity
- The development of Students Working Against Tobacco (SWAT) teams
- Partnerships with the Cherokee County Health Department



- Increasing participation in the Oklahoma Tobacco Telephone quit line

Conducting Youth Risk Behavior Surveys – The Cherokee Nation, working with the Oklahoma State Department of Health, conducted a survey in northeastern Oklahoma to be utilized by area schools to develop school health policies and community based programs to prevent and or reduce health risk behaviors among adolescents.

Northeastern State University - Cherokee Nation Health Services operates an agreement with the School of Optometry at Northeastern State University for the provision of optometric services throughout the Cherokee Nation. Optometry students in their fourth-year residency, under the clinical direction of optometry practitioners and professors, provide services to Tribal citizens throughout Cherokee Nation clinics, and W.W. Hastings and Claremore Indian hospitals.

University of Oklahoma, Tulsa – Given the high incidence of cancer and diabetes in Oklahoma, the Cherokee Nation and the University of Oklahoma, Tulsa (OU-Tulsa) have developed a partnership to identify areas of collaboration for the prevention, treatment, and research of diabetes and cancer.

ALLIANCE OPPORUNITIES

Formalizing Communication Processes —While numerous examples exist of a positive working relationship between Oklahoma State Agencies and Tribal governments, a government-wide policy regarding Tribal consultation currently does not exist. Given the numerous overlapping responsibilities of State agencies and Tribal Governments, it is beneficial to develop a mechanism for communication to increase collaboration on various matters related to health, human services, homeland security, and transportation. In addition to consultation, efforts should be made to promote the participation of elected Tribal officials on various boards, commissions, etc.

Collective Advocacy for Equitable Funding – Tribal governments, the State of Oklahoma, local governments, and the private sector should seek ways to collectively advocate, through the Oklahoma Congressional delegation and federal agencies, to ensure that Oklahoma receives equitable funding in the distribution of federal funds among the states. Examples include Indian Health Service funding, transportation funding, etc.

Ensuring Tribal Eligibility to Participate in Federally Funded Public Health Programs/ Funding – The public health infrastructure in Oklahoma must include Tribal health systems. Ensuring Tribal governments are actively included in the funding and planning for such efforts will be critical to the success of Oklahoma public health efforts and the health and well being of all Oklahomans.

CONCLUSION

The Cherokee Nation has a strong record of successful collaboration with the State of Oklahoma and its agencies, local governments, and the private sector. It is the hope of the Cherokee Nation that the outcome of the 2007 Oklahoma Academy Town Hall Conference will identify solutions to reduce barriers to further cooperation.



American Indian Cultural Center & Museum

Gena Howard, Oklahoma Native American Cultural & Educational Authority

Mary Ann Osko, Oklahoma Energy Resources Board

In 1994, the Oklahoma Legislature created the Native American Cultural & Educational Authority (NACEA) to promote the history and culture of Oklahoma's American Indian tribes. By that legislation, the NACEA was authorized to construct and operate a Cultural Center and Museum to create an awareness and understanding of the history of tribes in relation to their presence in Oklahoma today and forced removal to Oklahoma under Federal law.



Today, there are 39 tribal governments living within the borders of Oklahoma. Each tribe has a story of a journey that is compelling and unique. It is the mission of the NACEA to communicate the historical Oklahoma American Indian experience and to facilitate the ongoing documentation and expression of Native culture.

The American Indian Cultural Center & Museum project would not be possible were it not for the partnerships and alliances that have been formed and have been an integral part of conceptual planning, the construction that we see today, and the cultural and educational programs that will be in place in the future. From acquisition of the land to the execution of the institutional programs, community members, tribes, state, city and federal governments have come together to ensure successful completion of this special project.

A desire to create the Center has been a vision of the community for over 30 years. In 1996, the NACEA selected a physical home for this vision with its committed partner, the City of Oklahoma City. Then Mayor Kirk Humphreys and the City

Council championed the City's commitment to donate the land and an additional \$5 million in development funding. The City of Oklahoma City offered a site at the southeast corner of the I-35 and I-40 intersection, near downtown on the Oklahoma River. Title to the land has since been transferred, and the NACEA continues its partnership with the City and

the Oklahoma Riverfront Redevelopment Authority. In 2001, the Oklahoma Department of Transportation joined the City of Oklahoma City in providing additional land and transferred 15 acres to the NACEA.

The American Indian Cultural Center & Museum site is located at the gateway to the City and the geographic center of the State. The site has undergone a healing process, since it was once an industrial location which housed over fifty producing oil and gas wells. The NACEA and its consultants have partnered with the Oklahoma Energy Resources Board (OERB) and the Oklahoma Corporation Commission to repair environmental damage to the site.

Seven oil and gas wells have been successfully plugged and a pipeline removed. Approximately 7,000 discarded tires have been removed, as well as debris and petroleum and salt residues. Other project partners providing support and on-site services during the early stages of the American Indian Cultural Center site development include the Oklahoma Department of Transportation, the Oklahoma Department of Environmental Quality, the City of Oklahoma City, the Oklahoma City Water Utilities Trust, the Riverfront Development Authority, the University of Oklahoma Department



of Civil Engineering, DCP Midstream, Superior Pipeline, Plains Marketing Pipeline and Oklahoma Gas & Electric.

Oklahoma State agencies and Federal agencies have contributed immeasurable partnership efforts toward the ongoing development of the Center. Federal Agencies such as Housing and Urban Development, Environmental Protection Agency, and the Institute of Museum & Library Services have contributed significant funding to development of the site and to the Center as an institution. And significantly, the positive foresight and alliance of the Oklahoma Congressional Delegation has been an integral part of the development Cultural Center.

The Oklahoma Department of Commerce has provided the necessary administrative infrastructure to enable the small staff of the NACEA to operate successfully. Although the Cultural Center is a large project, the agency staff historically has been small, relying on the support and partnership of the positive alliance with the Oklahoma Department of Commerce.

The Oklahoma Department of Central Services and the Oklahoma Capitol Improvement Authority have proven to be major players in the ongoing development and construction of the project.

In partnership with the University of Oklahoma, the State Department of Agriculture, Food and Forestry provided assistance to the Cultural Center through a successful Stream Water Restoration Study. The University of Oklahoma has also been a major partner with the NACEA by creating an initiative to develop a resource for Native students in Geological Sciences; and Cultural Center Arts initiatives continue to draw upon the partnership of the University's School of Art and Art Department.

The Oklahoma Indian Affairs Commission has been a partner in tribal outreach and assisting in the development of educational materials regarding tribes and their historic presence in Oklahoma. During the State Centennial year, the Oklahoma Centennial Commemoration Commission has

They Said ...

“One of our highest duties is to safeguard Mother Earth,” Roth said. “The staffs of the OERB and the OCC put those words into actions that benefit all of Oklahoma.”
Corporation Commissioner Jim Roth

“It is an interesting area because it celebrates Native American culture. They took care of the land, we came in and did not take such good care of it, so now we are going to celebrate making that land whole again, healing that land. I appreciate the people of the oil and natural gas industry taking the lead on this, and I take my hat off to them.” Former Oklahoma City mayor Kirk Humphreys

“The OCC expects to locate and plug more wells as development work continues on the center,” Cloud noted. “This project is further proof of the benefits of the unique OCC/OERB partnership. It is a partnership we are extremely proud of, and hope other states will also adopt.” Oklahoma Corporation Commission Chairman Jeff Cloud

“We deeply believe in the mission and purpose of the cultural center and museum, which is Oklahoma's newest state agency.” We gave the highest priority to this project, and the OCC and OERB staff gave their all to see that it was a success.” Corporation Commissioner Bob Anthony

“Through the cooperation of people in government and private industry, we are improving the value of Oklahoma, its aesthetics and the beauty of the countryside.” Former OERB Chairman Jim Palm



played a major role in promoting the Cultural Center as a source of education about the tribes. Community organizations, including the Guthrie Centennial Committee, have also been advocates for Center Outreach and Public Programs. The Oklahoma Arts Council has continued to provide support in the development of arts programs and policies for the Cultural Center programming, as well as a sponsoring exciting contemporary Native American arts exhibitions, such as the Artrain USA traveling exhibition.

The Oklahoma Department of Tourism and Recreation has been a supporter of the NACEA's efforts to build a Visitor/Welcome Center with Federal Transportation funds. These funds could not be administered were it not for the continued assistance of the Oklahoma State Department of Transportation. The Oklahoma Historical Society (OHS) and the State Museum of History have set the bar by providing world-class visitor experience and education on our state's history.

The NACEA enjoys a most positive relationship with OHS and the State Museum, with the potential for shared exhibit and programming opportunities. The Oklahoma Historical Society and the NACEA have also signed a Memorandum of Understanding as an expression of committed partnership and support in the Smithsonian Affiliations Program.

The Cultural Center and Museum will be designed to provide education about the tribes and celebrate the diverse histories, cultures and achievements of the Native American community. The Center will serve as a satellite institution that will complement and connect institutions across the state and nation through programming and cultural tourism activities.

Partner organizations, like Red Earth, Inc., have collaborated with the NACEA to understand how the Cultural Center site can truly complement the

activities of organizations with like missions while strengthening Oklahoma's unique position as a corridor of cultural experience. The American Indian Cultural Center & Museum has partnered with other cultural institutions, such as the National Cowboy & Western Heritage Museum, to provide the *Braided Paths* exhibit for the Oklahoma City Arts Festival. The Center also signed a Memorandum of Understanding with the National Museum of the American Indian, and as the project progresses, will identify mutually beneficial areas of partnership.

The Cultural Center's central location in the State, and Indian Country, will connect tribes and tribal institutions. Tribal Governments in Oklahoma have played a major role in the development of the American Indian Cultural Center & Museum by providing input for the design and programming concepts. Tribes and Native communities throughout the state have contributed immensely to the exhibition content development.

Tribes and tribal businesses have also contributed to critical funding of the project, including debt service on the 2005 state bond issue, project capital campaign, and the continuing program initiatives that engage all Oklahomans, Native and non-Native alike. The ceremonial groundbreaking event, the *Groundblessing*, took place on November 1, 2005. Every tribe in the State of Oklahoma contributed to the success of this monumental event in the development of the project.

The NACEA is committed to the successful completion of a world-class American Indian Cultural Center & Museum. This vision would not be possible were it not for the city, state, federal, tribal and institutional alliances that have been formed over the years.



Alliance for Roads and Bridges

Michael Lynn, Director, Roads Program, Cherokee Nation

BACKGROUND

Cooperation between Cherokee Nation and the State of Oklahoma has improved significantly over the last ten years where the subject of transportation is concerned. Much of this success can be attributed to the compacts negotiated for tobacco, motor fuels tax, licensing, and gaming. These compacts give tribal governments the opportunity to generate resources that were not previously available.

They also allow tribes to be included in the decision-making process. Now, tribal governments are bringing money to the table and more cooperative transportation projects are happening as a result. Cherokee Nation is no stranger to this idea and is benefiting from compacting much like the State of Oklahoma. Before the compacting era, both parties tended to be on opposite ends of the transportation-related-spectrum.

In general, another factor that has improved Tribal/State transportation-relations is the recognition of tribal sovereignty. From the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 to the recently adopted Safe, Accountable, Flexible, Efficient, Transportation Equity Act – A Legacy of Users (SAFETEA-LU) in 2005, federal legislation has continually required states to coordinate with tribal governments with respect to the planning and programming of transportation projects.

Likewise, the Oklahoma Legislature recently enacted the first-ever Tribal Advisory Board to allow for better coordination with the Oklahoma Department of Transportation (ODOT).

All of these events have produced a unique relationship that is based on common values and common ground.

DISCUSSION

The Nation and the State first came together on a highway project in 1998 when ODOT was preparing to improve SH-82 in Cherokee County. The Nation contributed \$50,000,00 towards the project, which was a direct result of the previously negotiated motor fuels tax compact in 1996.

The Nation uses approximately 25% of its fuel tax funds to improve rural roadway systems within the Nation's boundary. Consequently, the Nation allocates more funding for rural road and bridge improvements compared to the previous county-allocation-formula through the Oklahoma Tax Commission. This was all made possible thanks to the compact.

In 2005, the Nation completed its first-ever long-range transportation plan. Its primary purpose was to provide guidance on the use of Federal Indian Reservation Roads (IRR) funding. Where the highway system is concerned, IRR program eligibility is restricted to those facilities that serve a specific interest of the Nation.

The I-44 and 193rd Street Interchange (Tulsa) obviously met this condition due to the sheer economic impact of the Cherokee Casino.

As the Nation's gaming industry expanded into the 21st Century, the Nation and the State soon realized the need to improve the access to these types of facilities. Thus, the I-44 and 193rd Street Interchange, in Catoosa, became one of the first projects in the state to gain major attention.

As early as 2003, the Nation made considerable efforts to elevate the project to high priority status within ODOT and the halls of Congress. As a result, the Nation and ODOT agreed to jointly support the project, which later received \$2 million from federal appropriations in 2005, and an



additional \$2.4 million in SAFETEA-LU authorizations. This funding helped to complete the engineering processes and approximately 7-1/2% of the construction costs. The total project costs are estimated to be around \$50 million. Plans are underway for the tribe to contribute an additional 10% towards the cost of the project.

At the Nation's request, ODOT invited tribal officials to participate in the I-44/193rd St. Interchange design meetings during 2005. This was a rare occasion and maybe the first example of direct tribal involvement in the design of an ODOT-managed highway facility.

As a result, these meetings sparked a new chain of events whereby the Nation is currently involved in the planning and design of highways serving the Nation's other Casinos in West Siloam Springs, and Roland, Oklahoma. However, the cooperation did not end here.

The Nation and the State came together once again in 2006 when the tribe was awarded \$4.7 million dollars in IRR Bridge funding for eight (8) highway bridge projects. The bridges were in critical condition with some dating back to the early 1900's. The Nation's contribution towards these bridges ranged anywhere from 20-80% of the total construction costs.

CONCLUSION

The chain of events that occurred during the 1990's obviously played a significant role in fostering the present-day transportation relationship between the Nation and the State. Without these events, it is highly unlikely that we would be as far as we are today. Now, we are finding ways to work together instead of working separately.



The National Hospital for the American Indian?

Michael Lapolla, College of Public Health, University of Oklahoma

The Indian Health Service *(all italics per www.ihs.gov)*

Mission - to raise the physical, mental, social, and spiritual health of American Indians and Alaska Natives to the highest level.

Goal - to assure that comprehensive, culturally acceptable personal and public health services are available and accessible to American Indian and Alaska Native people.

Foundation - to uphold the Federal Government's obligation to promote healthy American Indian and Alaska Native people, communities, and cultures and to honor and protect the inherent sovereign rights of Tribes.

Members of federally recognized American Indian and Alaska Native Tribes and their descendants are eligible for services provided by the Indian Health Service (IHS). The IHS is an agency in the Department of Health and Human Services that operates a comprehensive health service delivery system for approximately 1.8 million of the nation's estimated 3.3 million American Indians and Alaska Natives. Its annual appropriation is approximately \$3 billion.

Federally recognized American Indian Tribes and Alaska Native corporations enjoy a government-to-government relationship with the United States of America. This unique relationship has been given substance through numerous Supreme Court decisions, treaties, legislation, and Executive Orders. The provision of health services grew out of this government-to-government relationship. The IHS is the principal Federal health care provider and health advocate for Indian people.

The principal legislation authorizing Federal funds for health services to recognized Indian Tribes is the Snyder Act of 1921. It authorized funds "for the relief of distress and conservation of health . . . [and] . . . for the employment of . . . physicians . . . for Indian Tribes throughout the United States."

Congress passed the Indian Self-Determination and Education Assistance Act (Public Law 93-638, as amended) to provide Tribes the option of either assuming from the IHS the administration and operation of health services and programs in their communities, or to remain within the IHS administered direct health system. Congress subsequently passed the Indian Health Care Improvement Act (P.L. 94-437), which is a health-specific law that supports the options of P.L. 93-638.

The goal of P.L. 94-437 is to provide the quantity and quality of health services necessary to elevate the health status of American Indians and Alaska Natives to the highest possible level and to encourage the maximum participation of Tribes in the planning and management of those services.

IHS services are provided directly and through tribally contracted and operated health programs. Health services also include health care purchased from private providers. The Federal system consists of 33 hospitals, 59 health centers, and 50 health stations. In addition, 34 Urban Indian health projects provide a variety of health and referral services.

The IHS clinical staff consists of approximately 2,700 nurses, 900 physicians, 400 engineers, 500 pharmacists, 300 dentists, and 150 sanitarians. The IHS also employs various allied health professionals, such as nutritionists, health administrators, and medical records administrators. The IHS has a vacancy rate of about 12% for health professional positions, ranging from a vacancy rate of 5% for sanitarians to 25% for dentists. Through P.L. 93-638 Self-Determination contracts, American Indian Tribes and Alaska Native corporations administer 15 hospitals, 221 health centers, 9 residential treatment centers, 97 health stations, and 176 Alaska village clinics.

THIS PROPOSAL

The National Museum for the American Indian was dedicated in September 2004. Coincidentally, Oklahoma Congressman Tom Cole was designated to represent President Bush during the opening ceremonies.

It would be glib to ask "why do we need another museum featuring Indians." The serious answer is that the number of museums are irrelevant - it is the purpose and spirit of the museum that counts. In the spirit of this Town Hall, let's consider a National Hospital for the American Indian. Do American Indians already have a network of hospitals? Well yes they do. So the glib question is "why do we need another?"

For starters, no one has ever accused federally sponsored health care for American Indians as being too generous. And related research is fragmented and underpowered at best.



The Indian Health Services facilities provide basic hospital care. More complex services contracted to non-Indian facilities nationwide.

To answer the question with a series of questions. Why does the Navy need Bethesda Naval Hospital? Why does the Army need Walter Reed? Why does the nation need a St. Jude's Hospital for children? Why do we need a National Zoo, a national anything. All the answers are the same. There is a distinct place for facilities of national and focused excellence. American Indians need this hospital.

Such a facility should be located in Tulsa. Such a facility could be the poster child for a new alliance created in the spirit of this Town Hall. It would be an alliance of tribes with federal, state and local governments - and the University of Oklahoma College of Medicine. Why Tulsa?

Tulsa is extraordinarily centrally located in the Lower 48. Tulsa is without a publicly funded health care facility. Tulsa has emerging medical education and research enterprises. Such a facility could serve a critical mass of American Indians located in eastern Oklahoma as well as the rest of the state - and it will not be far from the other major concentrations of Indians in Arizona and New Mexico.

The overall purpose would be to create a center of treatment and research excellence for Indian-specific health care needs such as complex diabetes care. And such a hospital could easily be operated in a culturally reinforcing manner.

The hospital will be designed to complement existing American Indian facilities - not duplicate the services. This hospital would cater to complex and specialty care services. Consider the following possibilities:

Federal Government

Oklahoma's congressional delegation would likely be four square behind this idea. Possibilities of blending this hospital with a new VA capacity in Tulsa are intriguing.

State/Local Government

There is likely no need for these government to fund the hospital. It is likely that the most appropriate role of the state would be to encourage and support the effort - and to fast track the process in any way possible.

Tribal Governments

It is envisioned that tribal governments would be significant stakeholders - and investors - in the enterprise. The number of tribes invited to participate is an open question.

Private Sector

Oklahoma hospitals have significant management expertise and should be solicited by the federal and tribal governments to assist in the development of services and operations.

University of Oklahoma

The University has a significant health care relationship with Oklahoma tribes. As the University is developing centers of excellence in diabetes and cancer in Tulsa - these are two natural focal points for a National Hospital for the American Indian.

Financing

Such a hospital could be jointly financed by a consortium of tribes and the federal government. It would be elegant if financing could be managed through a series of tribal banks. Ongoing operational funding be primarily by the tribes as revenues could be assessed to using tribes on a proportional basis. The federal government would provide an operating subsidy.

SUMMARY

This concept is balanced and compelling at almost every level. It blends with the emerging economic capacity of tribal governments, and the growing medical education and research enterprises of NE Oklahoma. This proposal is one of many that will allow tribes to leverage hard earned revenue to provide additional and needed services for tribal members, and fellow American Indians nationwide.



ALLIANCES REDUX



The Kiowa-Clemente “Alliance”

*Sanders Huguenin, Vice President for Academic Affairs and
Associate Professor of History at the University of Science and Arts of Oklahoma*

My Story

I have an unusual night job. Over the last six years, I’ve spent countless evenings discussing Western classics and Kiowa stories with groups of Kiowa elders and students. It’s part of team-teaching the Kiowa Clemente course, a cross-cultural humanities seminar. If someone had told me ten years ago that I’d be spending nights in Anadarko, Oklahoma, discussing Dante’s *Inferno* and Saneday stories¹ with members of the Kiowa tribe, I wouldn’t have believed it. Nonetheless, that’s exactly what has happened and I’ve found it to be one of the most intellectually stimulating and rewarding experiences of my life.

I believe it has been a profitable experience for my students also. I can imagine that many people would be skeptical that American Indians could benefit from studying the Western classics, especially when other curricula might seem more immediately applicable to improving their economic straits. I suspect many others would bristle at the idea as arrogant and imperialistic. On the contrary, I believe that all of the students, elders, and faculty involved over the years have found the experience of studying Western and Kiowa traditions in tandem to be both worthwhile and greatly rewarding.

The Course

The Kiowa Clemente course is a two-semester sequence offered by the University of Science and Arts of Oklahoma. It is cross-cultural in that it represents a collaboration between faculty from the University of Science and Arts of Oklahoma and Kiowa elders. In a two semester sequence of courses students and faculty study Western and Kiowa traditions in a parallel course of study where western readings are paired with stories from the Kiowa oral tradition.

The course switches back and forth as a dialogue between the two intellectual traditions.

The course that Dr. Meredith envisioned evolved organically from a partnership between USAO faculty and Kiowa elders.³ For the Kiowa faculty and students the course is a small part of a larger Kiowa Renaissance. They see the course as a means to help preserve and spread understanding of traditional Kiowa culture and modes of thought. For instance, my Kiowa colleagues have been adamant about including elements of Kiowa language instruction in the course. The nature of the course, with its Western readings, Kiowa stories and long discussions, makes it an unlikely vehicle for producing fluent Kiowa speakers at the end of two semesters.

It took several planning meetings for me to understand that for my colleagues, fluency was not the primary goal. They see a basic understanding of Kiowa language as necessary to understand what it means “to think like a Kiowa.”

Cultural Differences

Some of the things that separate Kiowa and Western world views seem fundamental. While the Western part of the courses revolves around texts, some sections of which we examine in great detail, the Kiowa oral tradition is much more ambiguous and shifting. Many stories begin with explicit disclaimers that “your family may tell this story differently, but this is the way that I’ve heard it told.”

Often students are aware of these differing versions and we will discuss the different variations. The stories themselves seem fundamentally non-Western. I’ve always enjoyed listening to Kiowa stories, but most



seem to possess a rhythm and course that defy Western conventions. Often it seems to me as if their plots would be impossible to diagram. There may be no central conflict, rising tension, climax and resolution. Unlike western stories, I often have no sense of when they are going to end. Some seem as if they are about to end, but then meander off in a new direction. Later, they may end abruptly.

The Kiowa tradition does not seem to include the idea of tragedy. I suspect that in the West we cling to the idea that man is made in the image of the creator and so we think it's regrettable when otherwise decent individuals overextend themselves.

Another major goal of the course is to heighten respect for both traditions. The humanities approach of the curriculum is important in this respect. When I first moved to southwestern Oklahoma, I was surprised to discover that "anthropologist" is almost a dirty word among many Oklahoma Indians. The explanation for this is complex, but at its heart is a history of regarding American Indian cultures as objects of study to be treated as oddities, broken apart and analyzed, and, in the minds of many Indians, treated disrespectfully.

One example of the benefits of a more respectful humanities approach occurred one fall when we were discussing "*The Iliad*". One student, a middle aged woman explained that she had been raised with out any traditional stories or songs in her house. Her parents had been told in church that anything that referred to pre-Christian Kiowa beliefs or mythology was pagan and had to be shunned. She had received some exposure to this culture outside her home from other relatives and friends, but had taken our course primarily to learn about the Kiowa oral tradition.

"Now," she said "I feel cheated. The preachers told my parents that they had to give up all that culture. Now I find out not only have the Whites kept their own stories. They've told everybody that they're great literature and teach them in

universities." By affirming the importance of story, myth, poetry, and music in the Western tradition, I believe we can help to empower our students to elevate and preserve what they've inherited in the Kiowa oral tradition.

I'm convinced that students seem to emerge from the experience with a more positive and open minded attitude towards both Kiowa and Western traditions. In 2002, as an experiment we administered Noel-Levitz College Student Inventories to students in the Kiowa and Chickasaw Clemente courses and were surprised to find a marked increase in the indicator for "Opinion Tolerance" or the students' ability to tolerate or consider unfamiliar ideas or perspectives. The dramatic increase in the assessment reflected what I'd known intuitively was occurring in the class. Students left with broader horizons, a greater appreciation for the Kiowa tradition, an openness to the Western classics, and a greater ability to think critically about the two. When used to enhance Indian students' understanding of their own tradition, rather than to supplant it, the Western classics can help to acquaint American Indian students with the power and importance of culture and thus empower them to take control of the future of their own culture.

Sanders Huguenin is the Vice President for Academic Affairs and an Associate Professor of History at the University of Science and Arts of Oklahoma.

¹ Saneday is a semi-divine trickster figure who is the focus of a series of Kiowa stories.

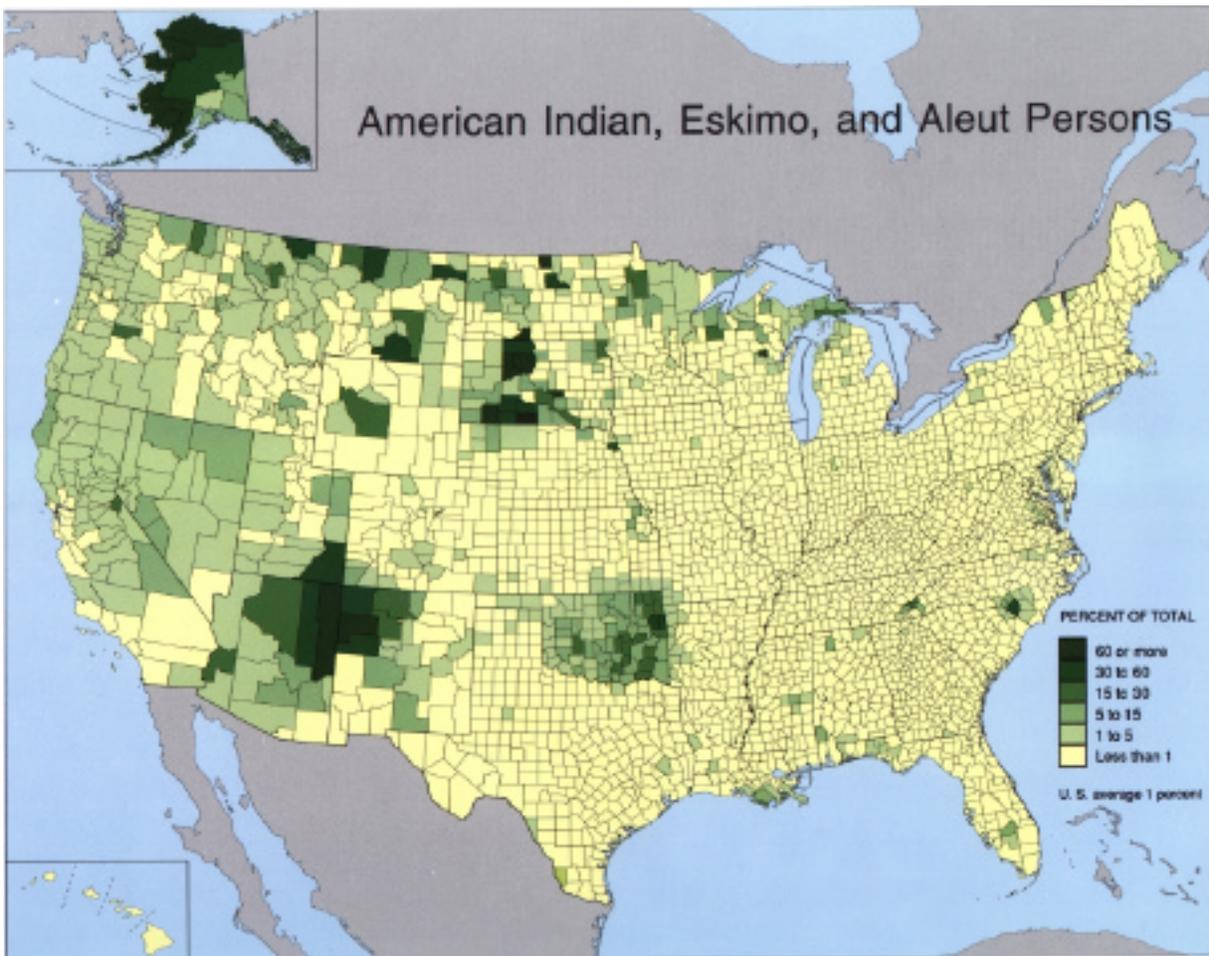
² Chapter XVIII of *New American Blues* is devoted to the first Clemente Course. Earl Shorris. *New American Blues: A Journey Through Poverty to Democracy* (New York: W.W. Norton & Company, 1997), 353-385.

³ Over the years faculty of the Kiowa Clemente course have included Dr. Sara Webb, Atwater Onco, Dr. John Bruce, Jay Goombi, C.B. Bassity, Brett Wheat-Sims, and myself. Most important, and worthy of separate mention is Alecia Keahbone Gonzales, who has taught the course ever semester without fail and wrote the Kiowa language text that we use. Presently cross cultural Clemente courses developed through the University of Science and Arts of Oklahoma also exist with the Chickasaw, Cherokee, and Wichita tribes.

⁴ The role and functions of a Kiowa war chief are detailed in Wilbur Sturtevant Nye. *Bad Medicine and Good* (Norman: University of Oklahoma Press, 1962), 15-19. An example of leadership shifting during a raid can be found in *Ibid*, 20-29.



Concentrations of Indian Populations



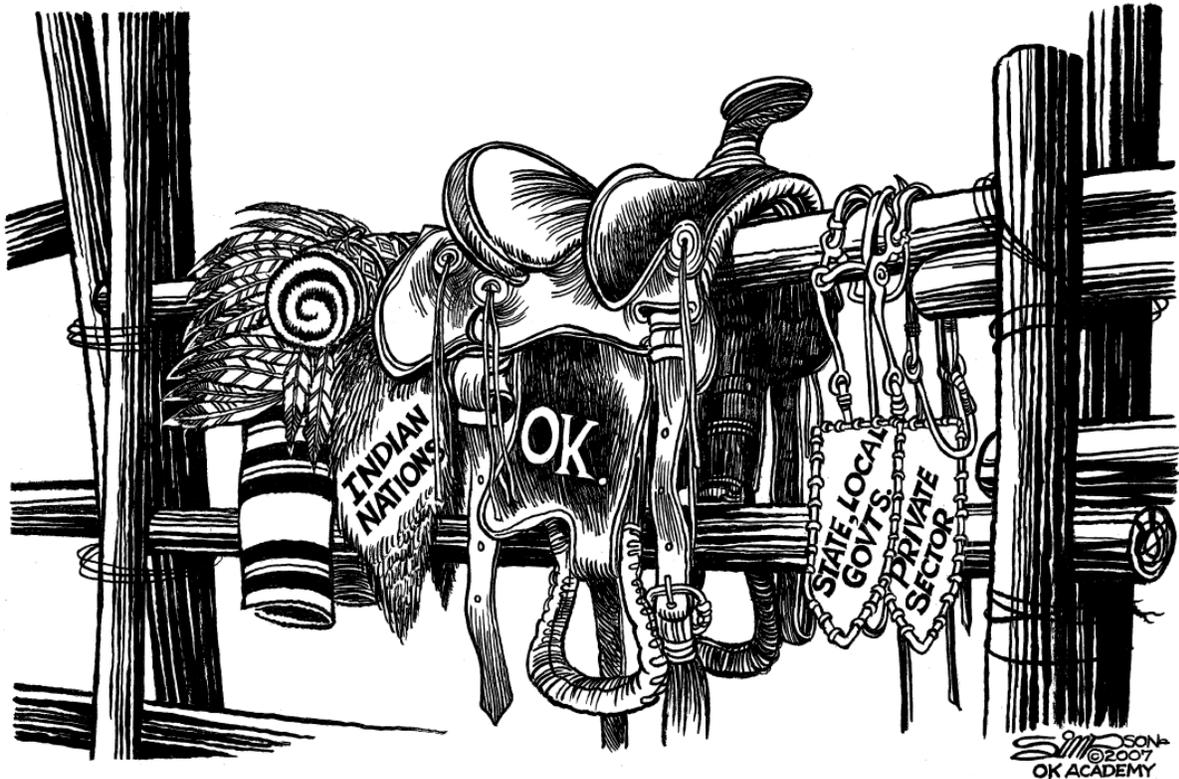


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Oklahoma's Second Century

Building Alliances

Tribal Governments and Oklahoma's Public and Private Sectors



LET'S SADDLE THE FUTURE TOGETHER!



The 2007 Town Hall

An Official Oklahoma Centennial Conference

Quartz Mountain Resort Arts and Conference Center, Lone Wolf, OK, October 28-31

STATE OF OKLAHOMA FOR THE 2007 OKLAHOMA ACADEMY TOWN HALL

SUBJECT	STATE	WHITE	INDIAN	BLACK	HISPANIC
Under 5 years	7.1%	6.5%	7.8%	8.2%	13.0%
5 to 17 years	17.6%	15.7%	23.8%	23.0%	23.7%
18 to 24 years	9.9%	9.2%	12.1%	10.7%	13.8%
25 to 34 years	13.4%	12.8%	14.2%	14.0%	19.8%
35 to 44 years	13.8%	13.8%	13.4%	13.9%	13.8%
45 to 54 years	14.5%	15.3%	11.4%	14.0%	8.9%
55 to 64 years	10.8%	11.9%	8.6%	7.8%	3.8%
65 to 74 years	7.3%	8.2%	5.6%	5.1%	2.4%
75 years and over	5.5%	6.5%	3.0%	3.4%	0.9%
Median age (years)	36.5	39.6	29.2	30.7	24.8
18 years and over	75.3%	77.8%	68.3%	68.8%	63.3%
21 years and over	71.2%	73.9%	63.2%	64.1%	57.8%
62 years and over	15.6%	17.7%	10.7%	10.0%	4.0%
65 years and over	12.9%	14.7%	8.6%	8.5%	3.3%
RELATIONSHIP					
Householder or spouse	63.0%	66.4%	53.5%	54.6%	48.0%
Child	27.8%	25.7%	34.4%	33.3%	37.5%
Other relatives	5.0%	4.1%	7.7%	7.4%	8.5%
Nonrelatives	4.1%	3.9%	4.3%	4.6%	6.1%
Unmarried partner	1.9%	1.8%	2.0%	2.3%	2.0%
HOUSEHOLDS BY TYPE					
Households	1,380,595	1,074,495	138,510	100,416	67,802
Family households	67.7%	67.6%	68.8%	61.8%	78.4%
With own children under 18 years	31.1%	29.2%	35.2%	34.4%	55.3%
Married-couple families	51.0%	53.7%	46.9%	28.1%	51.4%
With own children under 18 years	21.0%	20.8%	22.4%	12.5%	37.0%
Female householder, no husband present	12.2%	10.1%	16.5%	27.3%	16.8%
With own children under 18 years	7.9%	6.4%	9.9%	18.7%	13.7%
Nonfamily households	32.3%	32.4%	31.2%	38.2%	21.6%
Male householder	15.2%	14.8%	16.1%	16.9%	14.5%
Living alone	12.5%	12.4%	12.5%	15.0%	8.2%
Not living alone	2.7%	2.5%	3.7%	1.8%	6.4%
Female householder	17.2%	17.6%	15.1%	21.3%	7.1%
Living alone	15.1%	15.5%	12.6%	19.5%	5.9%
Not living alone	2.1%	2.1%	2.5%	1.8%	1.2%
Average household size	2.49	2.46	2.56	2.39	3.09
Average family size	3.03	3	3.06	3.08	3.41
MARITAL STATUS					
Population 15 years and over	2,730,958	2,114,979	281,503	180,743	156,220
Now married, except separated	56.1%	59.0%	48.1%	35.4%	55.1%
Widowed	6.5%	6.7%	6.1%	7.0%	2.6%
Divorced	12.2%	12.2%	14.0%	13.6%	7.4%
Separated	1.9%	1.7%	2.1%	4.0%	3.2%
Never married	23.2%	20.3%	29.7%	40.1%	31.7%
SCHOOL ENROLLMENT					
Population enrolled in school	870,176	594,535	122,165	81,606	66,385
Nursery school, preschool	6.4%	6.5%	5.4%	6.7%	7.0%
Kindergarten	5.5%	5.1%	6.0%	6.0%	8.2%
Elementary school (grades 1-8)	42.0%	41.2%	46.6%	39.2%	51.8%
High school (grades 9-12)	21.8%	22.0%	21.3%	24.6%	20.2%
College or graduate school	24.3%	25.2%	20.7%	23.6%	12.7%

STATE OF OKLAHOMA FOR THE 2007 OKLAHOMA ACADEMY TOWN HALL

SUBJECT	STATE	WHITE	INDIAN	BLACK	HISPANIC
Male	426,947	293,034	58,578	38,752	33,121
Percent enrolled in kindergarten to grade 12	72.1%	71.0%	78.4%	73.7%	80.0%
Percent enrolled in college or graduate school	21.3%	22.3%	15.9%	18.8%	13.4%
Female	443,229	301,501	63,587	42,854	33,264
Percent enrolled in kindergarten to grade 12	66.6%	65.7%	69.8%	66.3%	80.5%
Percent enrolled in college or graduate school	27.3%	28.0%	25.2%	27.9%	12.0%
EDUCATIONAL ATTAINMENT					
Population 25 years and over	2,244,755	1,775,140	214,536	141,352	112,881
Less than high school diploma	15.7%	13.8%	19.2%	18.0%	45.3%
High school graduate (includes equivalency)	32.1%	32.6%	33.0%	30.5%	27.8%
Some college or associate's degree	29.8%	29.9%	30.2%	35.8%	17.4%
Bachelor's degree	15.2%	16.2%	11.6%	11.8%	5.9%
Graduate or professional degree	7.2%	7.6%	5.9%	4.0%	3.7%
High school graduate or higher	84.3%	86.2%	80.8%	82.0%	54.7%
Male, high school graduate or higher	84.2%	86.3%	79.7%	81.8%	51.9%
Female, high school graduate or higher	84.5%	86.1%	81.6%	82.2%	58.0%
Bachelor's degree or higher	22.4%	23.7%	17.5%	15.7%	9.5%
Male, bachelor's degree or higher	23.6%	25.5%	16.4%	14.9%	9.6%
Female, bachelor's degree or higher	21.2%	22.2%	18.5%	16.4%	9.4%
FERTILITY					
Women 15 to 50 years	872,183	640,507	103,445	69,079	60,021
Women 15 to 50 years who had a birth in the past 12 months	55,123	36,584	8,798	4,478	6,127
months	17,594	9,057	3,799	3,255	1,770
As a percent of all women with a birth in the past 12 months	31.9%	24.8%	43.2%	72.7%	28.9%
RESPONSIBILITY FOR GRANDCHILDREN UNDER 18 YEARS					
Population 30 years and over	2,005,895	1,603,595	186,860	124,025	87,398
Living with grandchild(ren) in the household	3.6%	3.1%	5.6%	5.4%	5.2%
Responsible for grandchild(ren)	61.8%	60.7%	68.3%	66.3%	50.7%
VETERAN STATUS					
Civilian population 18 years and over	2,572,747	2,004,621	260,169	165,500	143,622
Civilian veteran	13.3%	14.1%	10.5%	13.5%	5.8%
DISABILITY STATUS					
Civilian population 5 years and over	3,176,142	2,411,612	351,095	221,386	197,605
With any disability	19.0%	19.2%	21.1%	21.3%	9.3%
Civilian population 5 to 15 years	507,093	338,505	77,687	47,840	46,604
With any disability	7.0%	6.5%	9.2%	9.3%	5.0%
Civilian population 16 to 64 years	2,227,286	1,692,624	240,693	152,886	143,594
With any disability	16.2%	15.7%	20.0%	21.4%	9.1%
No disability	83.8%	84.3%	80.0%	78.6%	90.9%
Civilian population 65 years and over	441,763	380,483	32,715	20,660	7,407
With any disability	47.0%	45.8%	57.5%	49.0%	39.8%
RESIDENCE 1 YEAR AGO					
Population 1 year and over	3,387,161	2,559,176	374,527	239,262	221,948
Same house	81.1%	82.6%	80.4%	75.3%	71.5%
Different house in the U.S.	18.5%	17.2%	19.5%	24.3%	26.2%
Same county	11.2%	9.9%	12.2%	18.6%	15.8%
Different county	7.4%	7.3%	7.3%	5.7%	10.4%
Same state	4.2%	4.1%	5.0%	2.3%	4.5%
Different state	3.2%	3.2%	2.3%	3.4%	5.9%
Abroad	0.4%	0.2%	0.2%	0.4%	2.3%

STATE OF OKLAHOMA FOR THE 2007 OKLAHOMA ACADEMY TOWN HALL

SUBJECT	STATE	WHITE	INDIAN	BLACK	HISPANIC
PLACE OF BIRTH, CITIZENSHIP STATUS AND YEAR OF ENTRY					
Total population	3,433,496	2,589,660	381,391	243,094	227,767
Native	3,277,616	2,524,067	379,104	238,820	138,733
Foreign born	155,880	65,593	2,287	4,274	89,034
Naturalized U.S. citizen	47,242	16,372	702	1,733	14,344
Not a U.S. citizen	108,638	49,221	1,585	2,541	74,690
LANGUAGE SPOKEN AT HOME/ABILITY TO SPEAK ENGLISH					
Population 5 years and over	3,188,478	2,420,464	351,554	223,233	198,251
English only	91.9%	95.6%	92.2%	95.9%	30.0%
Language other than English	8.1%	4.4%	7.8%	4.1%	70.0%
Speak English less than "very well"	3.5%	1.8%	2.0%	0.6%	38.9%
EMPLOYMENT STATUS					
Population 16 years and over	2,681,385	2,081,959	273,867	175,393	151,647
In labor force	64.2%	63.6%	64.2%	67.0%	72.2%
Civilian labor force	63.7%	63.2%	64.0%	65.9%	71.8%
Employed	59.6%	59.7%	57.9%	57.0%	66.5%
Unemployed	4.2%	3.4%	6.1%	8.9%	5.3%
Percent of civilian labor force	6.6%	5.5%	9.5%	13.5%	7.4%
Armed Forces	0.5%	0.4%	0.2%	1.1%	0.4%
Not in labor force	35.8%	36.4%	35.8%	33.0%	27.8%
Civilian employed population 16 years and over	1,596,817	1,243,910	158,596	100,030	100,835
OCCUPATION					
Management, professional, and related occupations	30.6%	32.4%	26.0%	24.3%	12.2%
Service occupations	17.2%	15.4%	20.3%	28.1%	27.0%
Sales and office occupations	25.8%	26.7%	24.1%	25.3%	15.0%
Farming, fishing, and forestry occupations	0.9%	0.8%	1.1%	0.2%	3.3%
Construction, extraction, maintenance, and repair occupations	11.3%	11.4%	12.3%	5.9%	21.7%
Production, transportation, and material moving occupations	14.2%	13.4%	16.2%	16.1%	20.8%
Male civilian employed population 16 years and over	866,394	680,021	82,720	47,870	65,170
Management, professional, and related occupations	26.9%	29.1%	20.4%	16.6%	8.3%
Service occupations	12.8%	11.1%	14.6%	25.6%	20.3%
Sales and office occupations	17.3%	18.0%	14.7%	19.5%	10.0%
Farming, fishing, and forestry occupations	1.3%	1.2%	1.9%	0.5%	4.1%
Construction, extraction, maintenance, and repair occupations	20.1%	20.1%	22.6%	11.1%	32.9%
Production, transportation, and material moving occupations	21.5%	20.4%	25.8%	26.7%	24.4%
Female civilian employed population 16 years and over	730,423	563,889	75,876	52,160	35,665
Management, professional, and related occupations	35.0%	36.3%	32.0%	31.4%	19.4%
Service occupations	22.4%	20.5%	26.5%	30.3%	39.3%
Sales and office occupations	35.9%	37.1%	34.4%	30.7%	24.2%
Farming, fishing, and forestry occupations	0.3%	0.3%	0.3%	0.0%	1.8%
Construction, extraction, maintenance, and repair occupations	0.9%	0.9%	1.1%	1.2%	1.0%
Production, transportation, and material moving occupations	5.6%	5.0%	5.7%	6.4%	14.4%
INDUSTRY					
Agriculture, forestry, fishing and hunting, and mining	4.3%	4.6%	3.5%	0.6%	6.1%
Construction	7.2%	7.2%	8.3%	2.2%	17.3%
Manufacturing	10.9%	10.4%	11.3%	10.3%	16.0%
Wholesale trade	3.3%	3.7%	2.1%	1.5%	3.3%
Retail trade	11.5%	11.9%	11.0%	10.9%	6.3%
Transportation and warehousing, and utilities	5.6%	5.8%	5.8%	5.4%	2.5%
Information	2.4%	2.3%	2.0%	4.0%	1.4%
Finance and insurance, and real estate and rental and leasing	6.5%	6.8%	5.2%	5.7%	3.8%
waste management services	7.6%	8.0%	6.3%	6.3%	6.1%
Educational services, and health care and social assistance	21.2%	20.9%	22.0%	29.2%	11.4%
services	8.3%	7.2%	10.9%	9.8%	16.8%
Other services (except public administration)	5.2%	5.4%	4.3%	4.7%	5.8%
Public administration	6.1%	5.8%	7.3%	9.3%	3.3%

STATE OF OKLAHOMA FOR THE 2007 OKLAHOMA ACADEMY TOWN HALL

SUBJECT	STATE	WHITE	INDIAN	BLACK	HISPANIC
CLASS OF WORKER					
Private wage and salary workers	74.3%	73.9%	71.2%	75.2%	84.8%
Government workers	17.2%	16.9%	21.0%	21.2%	9.2%
Self-employed workers in own not incorporated business	8.1%	8.8%	7.6%	3.6%	5.5%
Unpaid family workers	0.4%	0.4%	0.2%	0.1%	0.4%
INCOME IN THE PAST 12 MONTHS (IN 2005 IAD)					
Households	1,380,595	1,074,495	138,510	100,416	67,802
Median household income (dollars)	37,063	39,790	31,024	25,871	29,835
With earnings	78.5%	77.6%	79.5%	78.8%	93.0%
Mean earnings (dollars)	50,210	53,541	41,320	35,767	38,201
With Social Security income	27.9%	29.8%	25.7%	21.6%	9.2%
Mean Social Security income (dollars)	12,684	13,038	11,347	10,454	9,074
With Supplemental Security Income	3.9%	3.7%	4.8%	5.6%	2.3%
Mean Supplemental Security Income (dollars)	6,711	6,921	6,226	5,796	6,041
With cash public assistance income	3.7%	3.3%	5.1%	6.8%	2.9%
Mean cash public assistance income (dollars)	1,389	1,436	1,710	1,057	1,392
With retirement income	16.9%	18.4%	13.2%	13.5%	4.8%
Mean retirement income (dollars)	16,000	16,295	14,512	14,709	12,428
With Food Stamp benefits	11.0%	9.1%	14.5%	23.9%	15.2%
Families	934,124	726,200	95,284	62,088	53,148
Median family income (dollars)	45,990	49,363	37,684	31,841	31,771
Married-couple families	75.4%	79.4%	68.2%	45.4%	65.5%
Median income (dollars)	54,039	55,897	48,728	56,928	35,629
Male householder, no spouse present	6.6%	5.7%	7.9%	10.5%	13.0%
Median income (dollars)	32,996	35,626	32,763	26,502	30,169
Female householder, no spouse present	18.0%	14.9%	23.9%	44.1%	21.4%
Median income (dollars)	21,553	22,812	19,755	17,713	20,920
Individuals	3,433,496	2,589,660	381,391	243,094	227,767
Per capita income (dollars)	20,709	22,805	14,721	14,551	12,622
POVERTY RATES					
All families	13.1%	10.3%	19.4%	28.4%	25.0%
Married-couple families	6.6%	5.5%	10.6%	8.2%	18.9%
Families with female householder, no husband present	38.2%	34.5%	42.6%	48.9%	44.0%
With related children under 18 years	46.4%	43.1%	49.2%	56.3%	49.9%
With related children under 5 years only	62.7%	59.2%	55.5%	83.3%	61.8%
All people	16.5%	13.6%	22.4%	31.8%	26.8%
Under 18 years	23.0%	18.6%	26.0%	46.6%	35.9%
18 years and over	14.4%	12.2%	20.8%	25.2%	21.5%
18 to 64 years	15.1%	12.8%	21.1%	25.5%	21.8%
65 years and over	11.2%	9.6%	19.0%	23.5%	16.4%
People in families	13.8%	10.8%	19.3%	31.4%	25.9%
SELECTED CHARACTERISTICS					
No telephone service available	6.9%	5.8%	11.1%	10.0%	12.2%
Owner-occupied housing units	937,051	771,384	87,452	41,281	33,720
MONTHLY OWNER COSTS AS A PCT OF HOUSEHOLD INCOME					
Less than 30 percent	79.6%	80.8%	78.2%	69.5%	70.7%
30 percent or more	20.4%	19.2%	21.8%	30.5%	29.3%
OWNER CHARACTERISTICS					
Median value (dollars)	89,100	92,500	76,700	74,600	65,400
Median selected monthly owner costs with a mortgage (dollars)	913	927	820	894	758
Median selected monthly owner costs without a mortgage (dollars)	288	292	253	264	258