



**"Sovereignty and the Future of Indian Nations"**  
8<sup>th</sup> Annual State of Indian Nations Address  
Remarks by Jefferson Keel, President  
National Congress of American Indians (NCAI)  
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**Introduction**

*Indian people, Tribal leaders, Members of the Administration, Members of the 111<sup>th</sup> Congress, Congressional staff members, Indian organizations, friends and family, and all those listening or watching across the country:*

Today, Indian Nations are proud of the growing recognition we have long sought: recognition of the Nation-to-Nation relationship between Indian tribes and the United States.

We are partners and fellow citizens, and our bond endures. It is demonstrated in history and in culture, and it is shown by the large number of Native Americans who serve in the United States Military. Indian Nations are proud to contribute to the strength and diversity of America.

In that spirit, I am pleased to report that the State of Indian Nations is strong-- and we are growing stronger every day. At the same time, we have much work to do, and now is the time to take action.

Our great hope is that the next year will be, like this past year, one of achievement, and the culmination of much work which has extended over years and, in some cases, decades.

Indian Nations are sovereign nations, and always have been. However, in our recent history it is only since the 1970's that the federal government has come to recognize sovereignty in a truly meaningful

way. Many tribes, though, still seek federal recognition. A fair and timely process for consideration of that recognition is critical.

The federal policy of Tribal Self-Determination has unleashed the creative energies of our people, and today more and more tribes are full-service governments taking responsibility for education, health, police, courts, the vitality of their natural resources, and fostering an environment for economic development.

But now we need to take the next steps in the evolution of tribal self-government, particularly in land management, job creation, law enforcement, taxation, and revamping our programs and services to create a healthy environment for our children.

These will be changes of historic proportions, with implications for how we govern, how we sustain our culture and, most importantly, how we as Indians live our daily lives.

Sovereignty is our right, but also our responsibility. Our entire nation will benefit from long-awaited steps that will bolster the ability of Indian Nations to more fully administer our governments, build up our communities, and meet the essential social and economic needs of our people.

So today I want to share with you three things:

First, the nature and value of the sovereignty of Indian Nations;

Second, a brief inventory of the significant challenges we face;

And, third, what some of the solutions are, working in partnership on a Nation-to-Nation basis with the federal government.

### **The Nature and Value of Sovereignty**

First, on sovereignty itself: Let there be no confusion about the relationship between Indian Nations and the United States.

Indian Nations are sovereign nations with formal governments, and have been for thousands of years. This ***inherent*** sovereignty is recognized in Article I of the Constitution: "The Congress shall have power to... regulate commerce with foreign Nations, and among the several States, and with the Indian Tribes." Over 200 years of Supreme Court decisions have consistently held that Indian tribes retain the inherent sovereignty to govern our people and our lands.

But sovereignty is a five dollar word for an ordinary, everyday fact. Just like every other government, Indian tribes have the authority to make their own laws and enforce them for the safety and welfare of their communities. In addition, tribal governments are dedicated to protecting our unique Indian cultures and ways of life. Just as states and foreign countries have a unique relationship with Washington, so do tribal nations. The fundamental bond is the same: tribal governments represent, and are accountable to, the citizens who elect them.

Sovereignty has practical and tangible benefits for Indians and for the United States as a whole.

It is the self-determined path to economic growth, and to addressing chronic unemployment, education, crime, and so many of the problems our citizens face in their daily lives. It contributes to the cultural diversity of the United States, and promotes voices and perspectives that may solve some of the nation's many challenges.

I am pleased to report that the Administration and Congress have taken important steps to recognize our sovereignty, and the proper authority of our governments.

As they say in Washington, we are taking our rightful place at the table-- and we are seeing progress. Last December, a proposed settlement of the Cobell v. Salazar suit was finally made to remedy the Federal government's failure to account for Indian trust funds.

In November, the National Congress of American Indians opened our Embassy of Tribal Nations. For the first time, tribal nations have a permanent home in Washington, D.C., where we can more effectively assert our sovereign status and facilitate a much stronger Nation-to-Nation relationship with the federal government.

This historic opening coincided with the first annual White House Tribal Nations Conference. It is an understatement to say that this was a historic day for Indian Country. I again want to thank President Barack Obama for living up to his campaign promise to hold this meeting, and I thank members of the Administration for their commitment to addressing our most pressing issues.

At that meeting, we saw the first of many action steps that need to be taken: President Obama's directive to every Cabinet agency to provide him with a detailed plan to improve tribal consultation.

Since that meeting, we have been working with federal agencies to strengthen the Nation-to-Nation relationship, because we understand that it is not a one-way street.

We come as participants and fellow players in American civic life. Indian Nations have a record of innovation and achievement.

For example, in spite of severe disparities in funding for Indian health programs, tribes have developed pioneering practices for telemedicine and for the treatment of diabetes, and have created a groundbreaking program to deliver dental care to remote areas, a program that could serve as a model for the entire country.

Though, because of our distinct and spiritual relationships with our land, Indian peoples are disproportionately impacted by climate change and environmental degradation, we are innovators in the field of natural resource management, and offer our traditional knowledge to the toolbox of solutions to climate change. Our environmental stewardship has led to achievements, such as the Red Lake walleye recovery- the largest freshwater fish species recovery in modern-day America.

When Indian Nations and Washington engage in a true partnership, we succeed. Under the American Recovery and Reinvestment Act, Indian Nations have:

- delivered healthcare on the edge of the Arctic Circle;
- expanded the Nisqually fishing economy in the Puget Sound through diving and technology;
- created as many as 300 jobs on the Colville Reservation by restoring the transportation infrastructure for timber; and
- much more.

The Recovery Act is a good example of Congress' partnership with Indian tribes. Through early engagement, tribes were able to recommend provisions that would yield the highest job creation and infrastructure building opportunities for our communities. These solutions were seriously taken up by Congress, and tribes received more than \$3 billion dollars in direct funding—as well as new opportunities for economic development financing.

NCAI is producing a report with case studies and analysis of job creation and other economic benefits that federal investments have brought to our communities.

The bottom line is that when tribes govern themselves in much the same way states and communities do, the benefits accrue not only to Indian Country but to all Americans.

Indian Country was also included, from the beginning, in drafting national health reform legislation, to ensure that whatever reforms are passed will enhance and protect our Indian health care system. Congressional leadership has recognized that when national policies with significant impact on tribes are considered, Indian Country must be at the table. We are welcomed into the policymaking process early, and it makes a big difference: we are able to propose solutions that work best for the unique circumstances of Indian Country, rather than trying to adapt policies that did not take our needs into consideration.

We wholeheartedly thank the leadership for working with Indian Country to develop policies that strengthen tribal communities and our ability to contribute to the economy and vitality of America. The FY2011 Indian Country Budget Request that we are releasing today provides an agenda for additional work that we can partner together to achieve.

### **Significant Challenges We Face**

Through this great change and the resulting progress, we will direct new strength toward the chronic problems our people face.

I want to bring your attention to one of the most egregious and under-reported crises in Indian Country.

Day after day, we hear about America's unemployment crisis- particularly after the jobless rate has skyrocketed above 10 percent. I agree, it is a crisis.

I know that because on Indian reservations and in Alaska Native villages, unemployment is above 50 percent.

And that's not just due to this recession. The Indian unemployment rate on reservations has been at or above 50 percent for decades.

In some parts of Indian Country, it's even worse. In 2005, when the national unemployment rate was only 5 percent, the Bureau of Indian Affairs reported reservation unemployment in the states of Arizona, Utah, and Nevada at 63 percent. In the Northern Rockies, it's 67 percent. In the Northern Plains, it's 77 percent. Put simply, unemployment is an economic crisis that has afflicted our communities for generations.

For most Americans, going up to 10 percent unemployment has been a crisis of historic proportions. For Indians, coming down to 10 percent unemployment requires a recovery of historic proportions.

Imagine men and women who have tried and failed to find work, year after year. Imagine wanting something better for your children, knowing that the drop-out rate for high school is higher among Native communities than any other minority group in the country. Imagine that the place *you* live has the lowest college graduation rate in the United States. What encouragement does a child have to study and prepare for meaningful work when their parents can't find a job for years at a time? Wouldn't *your* hope run out?

That's what 50 percent unemployment means in Indian Country.

The effect is like dominoes falling. Indian Country suffers from higher rates of substance abuse, domestic violence, suicide, and teen births than the rest of the country, a higher rate of mental health issues, a greater concentration of conditions such as diabetes and obesity, and our rates of poverty and incarceration are well above the national average.

Our needs are just like yours: we want a normal daily life and meaningful opportunities. Yet for decades, tribal peoples have been *denied* these opportunities. They experience daily circumstances most Americans would never tolerate. The Jobs bill is an important vehicle to address the severe and immediate unemployment problem in Indian Country. We applaud the efforts of Congressional leadership in carefully considering the needs of Indian Country-- and solutions with the greatest impact for our communities.

Our people are suffering, *but our spirit is not broken*. We have endured centuries of neglect and abuse, yet we remain steadfast in our journey toward self-reliance. Sovereignty is the path to solutions-- sovereignty matched by the resources we need.

### **Seven Actions for The Administration**

We are very appreciative that we have a place at the table with this Administration, and we intend to use it to create jobs and improve the quality of life for our people. Respect for tribal sovereignty leads to cooperation, which is what we all seek in this growing government-to-government relationship.

But tribes have been around for a long time, and we have heard a lot of promises. We have heard a lot of dialogue and attended a lot of meetings. Now is the time to convert good intentions into actions.

In this spirit, here are seven things that could be accomplished for Indian nations right now. They are not everything, but they are a good start.

These actions will create jobs, expand healthcare, improve education, address crime, and more. All they require is action by the Administration--and I call on the Administration to act on these matters in the next 12 months.

**First, take action to restore tribal lands and allow us to use our land as we see fit.** The vast majority of Indian reservations are heavily affected by land loss, and the most significant obstacle that Indian tribes face in restoring and consolidating their lands is simply inaction and delay at the Department of the Interior. Many tribes have had land to trust applications pending for over a decade, and the vast majority are on-reservation and are not controversial in any way. Restoration of the tribal land base is critical to build economic development.

But even the lands we have are often underutilized, and their development is often undermined by excessive bureaucratic hurdles. Tribal lands contain 10 percent of the nation's traditional and clean energy resources. The wind potential on the Blackfeet Reservation in Montana is estimated to be up to 54 million megawatt hours per year. That is enough energy, if fully developed and supported by adequate transmission and other infrastructure, to heat and light up to 5 million homes. Indian tribes have nearly a quarter of American on-shore oil and gas reserves, and one-third of the West's low-sulfur coal. Yet, production from tribal lands represents less than five percent of current on-shore oil, gas, and coal production.

Why is this? When tribes want to do something with their land, especially economic development, we have to go through as many as seven times the number of federal approval processes as similar lands outside reservation boundaries. Approvals on tribal lands drag on literally for years, placing tribal economic initiatives at severe, if not fatal, competitive disadvantages. No one can run a business that way. The Administration could fix that by reforming the federal trust system for Indian land at the Bureau of Indian Affairs. This would streamline a path to jobs, new business, and economic growth.

**Second, is to address law enforcement.** There is already some movement on this, with Attorney General Holder's recent announcement of reforms. But that's not everything. The Interior Department needs to address its policing role in Indian Country, especially given the disproportionately high rates of drug trafficking, domestic violence, and sexual assault on Indian lands. Our reservations have become a target and haven for drug trafficking. The problem is a failure of coordination and a lack of funding. The Administration has the power to fix both.

**Third, is to guarantee equal treatment under the law by granting tribal governments the same treatment as state and local governments on tax and finance matters.** Compared to tribal governments, state and local governments get preferential treatment on tax exempt bonds, pension plans, benefits, and other financial instruments. Indian Nations deserve the same financial advantages. We need this so tribal governments can attract business and create jobs--which is what governments are supposed to do.

**Fourth, is an investment in our children so that they grow into healthy youth and become the next generation of tribal leaders, community members, and business leaders.** Our youth are a valuable resource. However, too often the investment made in Indian youth is at the back end, when intervention services are needed. They address only the symptoms of poverty and lack of opportunity, and fail to harness the inherent potential of our children and teenagers. Young people have a capacity for creating and leading positive community change. We need support for a youth-led wellness initiative that addresses their needs for safety, education, health care, and job skill development, with coordination across the systems and departments through which these services are delivered.

**Fifth, is to ensure effective distribution of funds to tribal governments.** At a moment where the Administration and Congress have raised collaboration with tribal governments to a historic and promising new level, now is *not* the time to shrink back from investments that can transform our communities. Indian Nations have the primary role in administering health care, education, law enforcement, transportation, and many other services for our citizens. Making the promise of government-to-government collaboration a reality will require ongoing funding for tribal governments as well as action by the Administration to both minimize the administrative burden on tribes seeking federal funding and maximize their ability to compete in discretionary programs.

Specific solutions could include: exempting funding for tribal governmental services from discretionary spending freezes and rescissions, eliminating match requirements, dedicating set-aside funding to specifically support tribal government programs, and ensuring selection criteria and performance measures are appropriate for tribal governments.

We applaud the Administration's acknowledgement that effective investments --like the Recovery Act-- must be measured with reliable data. Tribal leaders are eager to see the federal government support more robust data collection. A timely example is the need for the Department of Labor and Census Bureau to collect more accurate Native unemployment data so we can better understand the impact of the crisis and recovery.

**Sixth, is interagency coordination to improve tribal infrastructure.** Many Americans take their infrastructure, such as roads, schools, water, and telecommunications for granted, but it's an ongoing struggle in Indian Country. For example, 12% of tribal homes lack access to safe drinking water or basic sanitation, compared to less than 1% nationwide. We can plan and administer as tribal governments, but we need a federal commitment across common programs to work on an interagency basis and collaborate with tribes, as is being demonstrated by the interagency task force on water infrastructure. Such efforts have already proven effective.

For example, Public Law 102-477 created a program that allows tribes to combine funds for up to 12 related employment and training programs within 3 federal agencies. It yields tangible results in streamlining programs, reduces administrative burdens, and increases the efficient use of funds for dramatically under-funded programs. Time and money are focused on implementing solutions.

**Finally, we need the Administration to support a legislative fix for last year's *Carciari* decision by the Supreme Court.** This touches on a lot of issues, but especially on the ability of tribal governments to carry out land development. We need clear and fair rules on our legal status and our ability to pursue contracts and loans so we can carry out economic development.

These seven actions will have a real and immediate effect on improving life in Indian communities. At this time next year, I hope to report on seven clear successes.

## **Conclusion**

I will close with three points:

First, to be sovereign is to exercise the right to govern, and to protect the health, safety, and welfare of tribal citizens. We seek a growing government-to-government relationship with Washington. We come as participants, contributors, and fellow players, and we aim to be competitors and leaders. Sovereignty is indeed a net-plus for America.

Second, self-determination is the path to economic revitalization and cultural diversity, to overcome unemployment, declining education, crime, and other challenges.

Finally, we ask the Administration to address seven clear and important matters as a way to further strengthen our Nation-to-Nation relationship and improve life in Indian Country.

As we continue to exercise our sovereignty, Indian Nations will receive the respect we have long deserved, and we can further engage in a government-to-government relationship that will transform lives in Indian communities. This is our most basic goal, and it will benefit Native people, and all Americans, for generations to come.

Thank you.

**END**