



UPHOLDING THE PROMISES, RESPECTING TRIBAL GOVERNANCE: FOR THE GOOD OF THE PEOPLE

INTRODUCTION

From the Haudenosaunee bound together by the Iroquois confederacy, to the large land based tribes in the Great Plains and West, to the traditional tribal village councils in the Arctic, Indian tribes possess inherent powers of government, which tribes exercise today to protect their people, their lands, and their cultures. Tribal governments possess powers to determine their forms of government, define membership, and make and enforce laws through police and tribal courts. Respect for tribal governance and the honoring of promises made through treaties and agreements with tribes are essential to the well-being of Native people throughout Indian Country.

FOR THE GOOD OF THE PEOPLE

A central role of tribal governments is to protect their citizens and facilitate the recovery of their people following the accumulation of trauma and the very recent federal termination policies. While tribes are very diverse, a widespread custom exists across many tribal cultures of naming themselves with a word meaning “the people” or “the human beings.” Athabascans call themselves Dena, or “the people.” The hunting and gathering societies of the Inupiaq and the St. Lawrence Island Yupik call themselves the “real people.” The Nez Perce call themselves Nimipu, “the people.” Some of us are connected to each other through our tribal cultures, clan systems, and origin stories, which we remember to understand who we are today. Our stories and governments sustain our families, communities, and people. Our tribes’ histories, however, are also a part of America’s story: treaties and agreements bind us together, even if the promises have not always been remembered or honored.

REMEMBER THE PROMISES

While each tribe has a unique chronicle, non-Native expansion westward is also largely the story of American Indian and Alaska Native displacement. In the course of American history, Indian tribes lost millions of acres of land through treaties and agreements, causing devastating losses through displacement and disruption of culture and religion. Tribal nations, however, continue to remember their treaties and agreements that made the United States what it is today. Moreover, tribes continue to defend their treaty-guaranteed rights and assert their powers of government, which emanate from the US Constitution, treaties, acts of Congress, and presidential executive orders.

“WE HAVE MADE MANY TREATIES WITH THE UNITED STATES, AT ALL TIMES WITH A BELIEF THAT THE ONE [WE WERE] MAKING [WOULD] BE THE LAST... [W]E HAVE FREQUENTLY GIVEN UP LARGE TRACTS OF OUR COUNTRY FOR A MERE SONG.” OPOHLEYAHOLA (MUSCOGEE) ET AL. TO THE U.S. SECRETARY OF WAR, MARCH 22, 1832

RESPECT FOR TRIBAL GOVERNMENTS

As a part of tribes’ responsibility to their people, tribal governments provide a range of governmental services on tribal lands, including education, law enforcement, judicial systems, health care, environmental protection, natural resource management, and basic infrastructure such as housing, roads, bridges, sewers, public buildings, telecommunications, broadband and electrical services, and solid waste treatment and disposal. Tribes are assuming greater levels of government responsibility to meet their citizens’ needs in culturally appropriate ways, but receive exceptionally inadequate federal funding for roads, schools, police and government services promised by treaty and the federal trust responsibility. A growing body of literature indicates that sound governance institutions are critical to improved tribal economies, and a lack of federal funding of trust and treaty obligations undermines the progress made in the Indian Self-Determination era.²

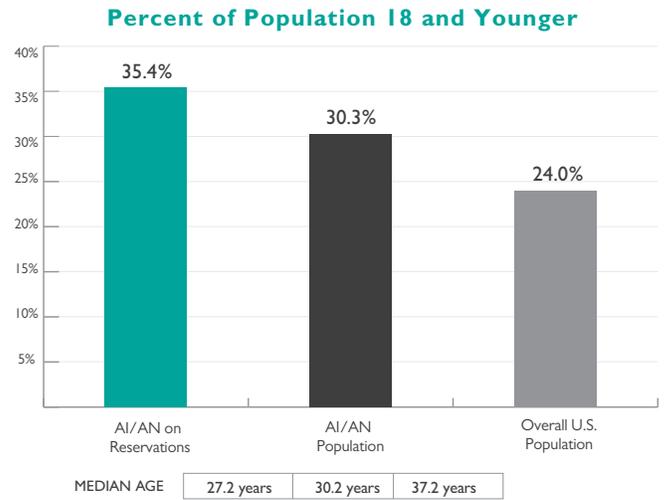
After federal policies, such as removal, relocation, forced assimilation, allotment, and termination, the continuing viability of tribal cultures and governments reflects the determination of Indian tribes to endure as distinct peoples. Indeed, understanding the role of tribes as governing entities is central to understanding the resilience of Indian Country and Native people today. Efforts to disband and assimilate tribes have drawn on the view of American Indians/Alaska Natives as ethnic or racial groups, as opposed to self-governing entities. In addition to military efforts against Native people, many iterations of federal policy attempted to destroy traditional tribal governments and eliminate tribal culture, most recently during the Indian termination era of the 1950s. Despite such efforts, hundreds of tribes remain and millions of American Indian and Alaska Native people survived, carrying the cultures and lifeways of their forebears, even if some wounds remain to heal.

IMPORTANCE OF FEDERAL TREATY AND TRUST OBLIGATIONS TO TRIBAL GOVERNMENTS

Tribes’ abilities to govern effectively remain a defining challenge for the revitalization of Indian Country. Indian Country continues to face tremendous economic need, the result of adverse policies, which affects not only employment, income, and poverty, but also the ability of tribes to raise revenues to finance their government services.

Many tribal nations face the under provision of basic public goods and services, such as public safety and justice, due to inadequate federal funding, weak tax bases, and dual taxation. Publicly provided services, such as education, sanitation, basic

infrastructure, social services and natural resource management, have suffered due to the confluence of these barriers to tribal revenue. State governments provide few services on Indian reservations, but impose taxes on natural resources, retail sales, and increasingly on property such as wind generation facilities. Dual taxation exacerbates problems posed by weak tax bases: if tribes impose a tribal government tax, then the resulting dual taxation drives business away. Often, non-Indian businesses make up the bulk of a reservation’s economy. Dual taxation causes many tribes to collect no taxes, leading to inadequate roads, schools, police, courts and health care. Reservation economies funnel millions of tax dollars into the treasuries of state and local governments who spend the funds outside of Indian Country. This fundamentally unfair dilemma undermines the Constitution’s promise of respect for tribal sovereignty, and keeps Indian reservations the most underserved communities in the nation. While tribal leaders pursue solutions for tribal authority to provide government revenue, the fulfillment of trust and treaty obligations remains of utmost importance to the well-being of American Indian and Alaska Native people.



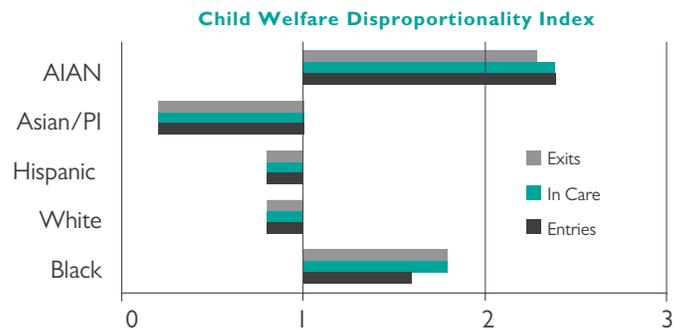
Source: US Census Bureau, 2010 Census. American Indian and Alaska Native Summary File, Tables PCT3 and PCT4.

STATUS OF INDIAN COUNTRY

Trends throughout Indian Country reveal vast improvements in health, education, and social welfare since the beginning of the Indian self-determination era. While encouraging, addressing gaps in opportunity remains a pressing need, given the young population of Indian Country.

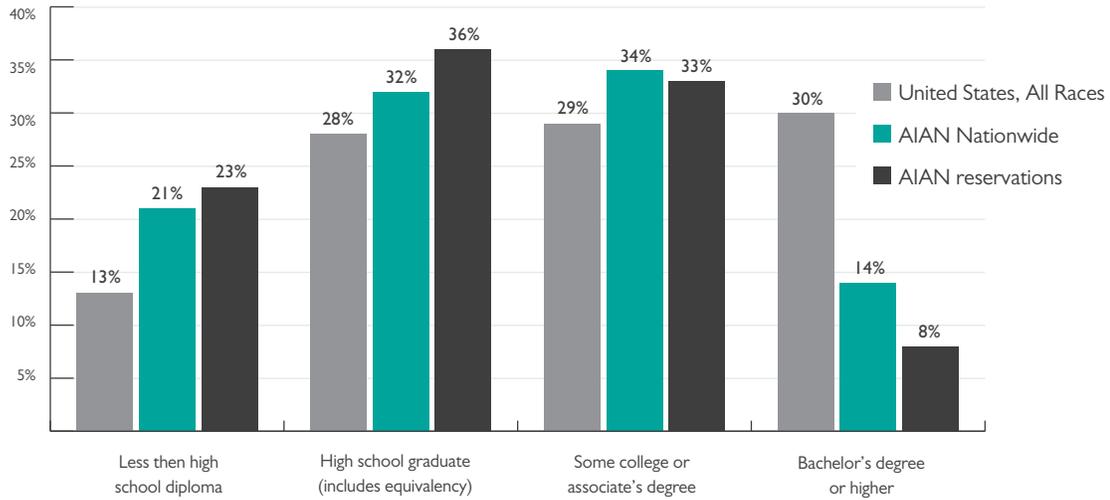
Thirty-five percent of the Native population in the United States is 18 years old or younger, compared to 24 percent of the overall population. The median age on reservations is 27, ten years younger than for the overall US population.

Child and Family Welfare: Ensuring tribal governments have the resources to meet the interrelated needs of their children, families, and communities is essential. Although Indian Country has much hope for our Native youth, our children are over represented in the foster care system, two-and-a-half times their share of the population.^{3,4} The Tiwahe Initiative, which tribes have undertaken in coordination with the Bureau of Indian Affairs, represents a promising approach to addressing the interrelated problems of poverty, violence, and substance abuse in Indian communities. Tribes are expanding and integrating job training and social services programs to address child and family welfare, job training, and incarceration issues to promote family stability. However, recent reports on reducing children’s exposure to violence call for directing “sufficient funds to bring funding for tribal criminal and civil justice systems and tribal protection systems into parity with the rest of the United States.”⁵ Tribal courts, Indian Child Welfare Act programs, and social services are critical funding streams addressing child and family welfare.



Source: National Council of Juvenile and Family Court Judges (NCJFCJ), Disproportionality Rates for Children of Color in Foster Care, 2012

Highest Level of Education Attained, 2014

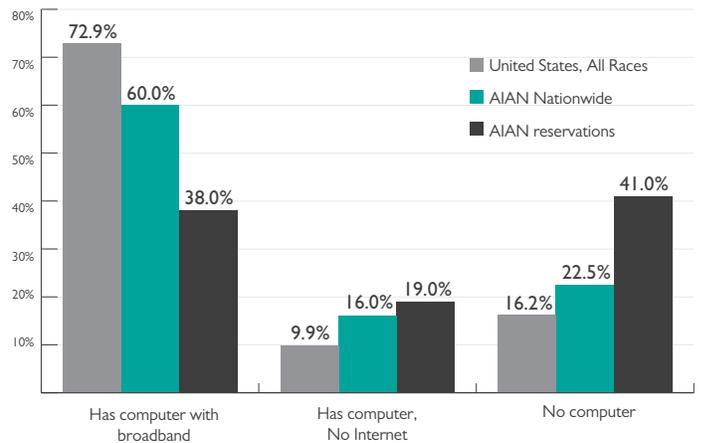


Source: US Census Bureau, 2014 American Community Survey

Opportunity: Education contributes to economic growth, while also expanding opportunities for individual advancement. For tribal communities, an educated citizenry serves as a catalyst to boost economic productivity and growth through a more highly-skilled workforce. In addition, investments in education strengthen the human capital across all sectors of society by attracting new businesses, reducing unemployment, and stimulating reservation economies through direct spending. However, low rates of educational attainment among American Indians and Alaska Natives continues to limit opportunity for economic success. In 2014, less than one in ten American Indians on reservations had a bachelor’s degree or higher. Tribal leaders and our federal partners must work to promote educational success to nurture the next cadre of young people to lead tribal governments, strengthen tribal economies, while carrying forward their cultures. Funding and tribal control are key factors that must be addressed (recommendations for which are included in this booklet under education.)

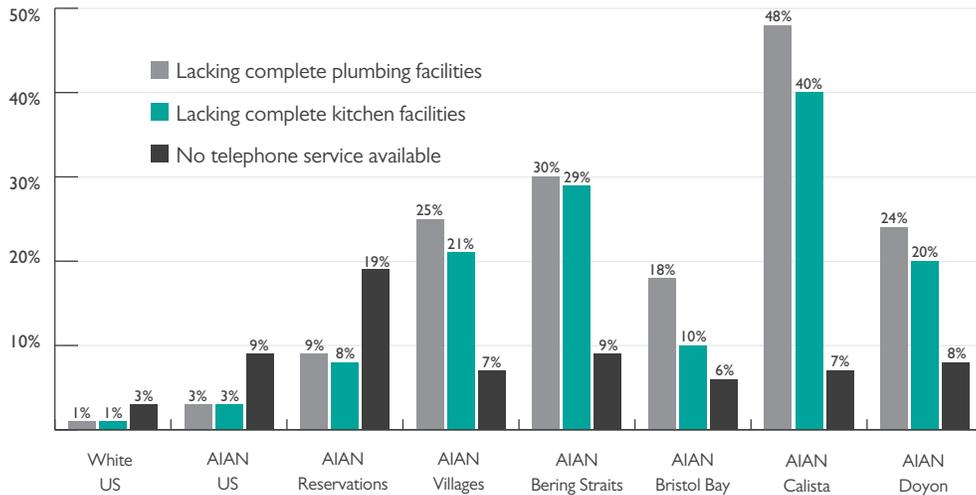
Infrastructure: Tribal communities still lag behind the rest of the United States in access to radio, wireless, and broadband services. This disparity underscores the critical opportunity to ensure the advancement of telecommunications access throughout Indian Country. According to recent data, only two out of five Native households on reservations have a computer and broadband, compared to 73 percent of all US households. Only four out of 10 Native households had a computer and broadband, compared to seven out of 10 among the total population.

Computer and Internet Access



Source: US Census Bureau, 2013 American Community Survey, Table B28009C

Infrastructure Needs on Tribal Lands



Source: US Census Bureau, 2006-2010 American Community Survey, Table DP04

Tribal citizens have witnessed progress in addressing basic infrastructure disparities, but much work remains. Nationally, about one percent of households lack plumbing and kitchen facilities; but 10 percent of AI/AN households are still missing basic necessities like plumbing and kitchen facilities. In Alaska, a quarter of AI/AN households lack complete plumbing and one-fifth lack kitchen facilities, still. Addressing these infrastructure gaps remain important.

Likewise, the more than 160,000 miles of roads in Indian Country comprise the most underdeveloped roadway network in the nation. Critical 21st century infrastructure, such as broadband access, is also severely underdeveloped in Native communities. Undeniably, the lack of basic housing, transportation, and broadband infrastructure continues to pose significant challenges for tribal health, safety, and economic security.

Other sections of this FY 2017 Indian Country Budget Request address many other facets of federal funding of tribal programs in ways that honor the trust and treaty promises to tribes and support tribal governance.

CONCLUSION

Effective tribal governments that can meet the essential needs of their citizens require the fulfillment of the trust and treaty obligation to tribes along with respect for tribal governments. This NCAI FY 2017 Indian Country Budget Request developed in coordination with national tribal organizations and tribal partners offers recommendations for ways the federal government, partnering with tribes, should meet the educational needs of a young Indian population through Bureau of Indian Education schools, tribal schools, and the public schools on and near tribal lands; provide adequate health care via the Indian Health Service, for both direct and self-governance tribes; ensure responsible resource development for the future; provide safe and secure tribal communities; and supply the long-term investments in tribal public infrastructure and services required to ensure every American Indian and Alaska Native enjoys a decent quality of life and has an opportunity to succeed.