



# NCAI State of Indian Nations Address

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*Presented by NCAI President Tex G. Hall  
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Dosha. Welcome leaders of the United States and Indian Nations, members of the press, and friends of Indian Country--my greetings and thanks to you for joining us today as the National Congress of American Indians offers its second annual address on the State of Indian Nations in the U.S.

This morning, my colleagues and I watched as the nine justices on the U.S. Supreme Court heard arguments in the United States v. Lara, the latest in a series of watershed cases that hold the potential to redefine the very nature of tribal sovereignty in the U.S. today.

Over the past decade, the Court has wrongfully eroded our inherent sovereign rights within this nation in decisions that reverse *hundreds of years of understanding* in federal Indian law by limiting tribal jurisdiction on our lands.

These decisions are more than jurisdictional setbacks: they have meant that we cannot prosecute an individual who is beating their spouse if they are non-Indian. They mean that our law enforcement officials lack clear authority to stop a drunk driver or shut down a methamphetamine lab on our lands.

We face jurisdictional challenges that stand to threaten the public safety of *all* people within our borders if not addressed.

As leaders of tribal nations that have exercised inherent sovereignty over our lands and people since long before the arrival of Europeans to our shores, we watch this process with the deepest of concern.

At the same time as our rights are being abridged in the courts, Congress and the Administration have demonstrated a reluctance to address the urgent needs of tribes nationwide—needs which the U.S. committed to fulfill in treaties and agreements with tribes that remain in force today.

I believe that if the leaders and citizens of this nation can be brought to truly understand our tribal governments, they will recognize why the inherent sovereignty of our nations matters.

They will feel the weight of the treaties made between our nations and the United States. They will want to see this nation uphold its honor and meet its trust commitments to tribes.

Today I want to take the opportunity to begin this educational process by answering one question: *Why tribal sovereignty?*

One of the most important things to understand about American Indian tribes is the simple fact that tribes are governments—not non-profit organizations, not interest groups, not an ethnic minority.

We are one of only four sovereigns listed in the U.S. Constitution, alongside the federal, state, and foreign governments.

We provide many of the same services to our people that state governments do: tribal fire departments, tribal police, tribal schools.

We make governmental decisions to protect public safety, stimulate our economies, and ensure a bright future for our young people. Our tribal courts work to ensure that the rights of all are protected in our communities.

Our tribes have been self-governing for thousands of years—these are not new rights we are asking for, these are traditional indigenous structures of governance that we wish to uphold.

We must not dwell on history, but history informs the present—and we as a nation must understand the history between tribes and the U.S. government to move forward wisely and effectively in the present.

When you consider that *every acre* of this country once was under care of sovereign tribes, and that those lands provided all that was needed for our people, it is easy to understand the federal government's "trust responsibility" to tribal governments.

When the bulk of these lands were taken--by exchange or force--from tribes, the U.S. gave its solemn promise to protect the rights of tribes to govern themselves on the small remaining amounts of land that we hold as reservations, and to provide for the health, education, and well being of tribes.

That commitment, the "trust responsibility"—is *not* a hand-out, but a *contract*—and that contract has been broken time and again by the federal government.

Recently, the bipartisan U.S. Civil Rights Commission issued a report calling the shortfalls in federal funding for unmet needs in Indian Country a "quiet crisis".

The Commission's report helps to underscore what we as tribal leaders have known for decades: The federal responsibility to tribes is being grossly disregarded.

The Commission found that under-funding of federal trust and treaty responsibilities and efforts to limit tribal sovereignty have perpetuated high poverty and unemployment rates, low high school and college graduation rates, shorter life expectancy, and higher rates of disease and illness in Indian Country.

The only way to turn around these dangerous trends is to affirm tribes' right to self-government and to renew this nation's commitment to fulfill its trust and treaty obligations to tribal nations.

As the President unveils his proposed budget for the 2005 fiscal year, we are issuing budget recommendations that summarize well documented needs in key areas of concern to tribes. These are available here today and on the NCAI web site.

I want to particularly encourage members of Congress to consider these requests seriously as we move into this year's appropriations cycle. We face a crisis that is growing louder each year, and it is time to commit as a nation to ending this ever-deepening scar in our nation's honor.

This year marks the 80<sup>th</sup> Anniversary of the Indian Citizenship Act, which for the first time gave most Native Americans the right to vote.

On November 2<sup>nd</sup>, Native Americans will exercise this right in record numbers.

We will exercise this right because to do so is critical to our success in reclaiming other important rights--the right to adequate health care and quality education, the right to fully govern our lands, the right to protect our citizenry, the right to see our nation's commitments to tribes fulfilled.

Our vote will make a pivotal difference this fall in Arizona, South Dakota, New Mexico, Alaska, Minnesota, Michigan, Oklahoma, and California—key states, key races.

In November we will stand up in force to support those republican, democratic, and independent leaders who have honored this nation's commitments to tribes, and to send home those leaders who have disregarded us.

We are proud citizens in these United States of America. We are patriots who have fought and been decorated for service in this country's armed forces *in greater numbers per capita than any other racial or ethnic group*.

In the current conflict in Iraq I want to particularly raise up the contribution of Lori Piestewa, a young woman from the Hopi Tribe, and Sheldon Hawk Eagle of the Cheyenne River Sioux Tribe, both of whom gave their lives—their *lives*, their futures, their dreams—in battle for this country. I want to acknowledge from my own tribe Delmar Crows Breast, who received the Purple Heart for his service in Iraq, where he was gravely injured.

I want to give my heartfelt thanks to all the American Indian, Alaska Native, and Native Hawaiian service members who are putting their lives on the line in Iraq—know that you are on our minds, and we are praying for your safe return.

Our contributions have been great from the first days of this nation's history through today. Yet as I attended the State of the Union Address last night, I was troubled that tribes once again went unmentioned.

This nation's commitments to tribal nations are just as important as rebuilding Iraq or revisiting the moon. Our nation must square its shoulders and make this nation's commitment to the First Americans a priority in the budget process.

To help our current and future leaders in Washington better understand the important role that tribal governments play in this nation's fabric, I want to share some stories of how contemporary governments are exercising their sovereignty to improve the lives of all people living on tribal lands.

### ***Law Enforcement, Public Safety, and Homeland Security***

Our tribal nations provide law enforcement to protect the public safety and homeland security of hundreds of thousands of people, international borders, and sensitive sites of national importance.

Recently, NCAI held a conference at the Gila River Indian Community near Phoenix, Arizona. In our time visiting this fast-growing reservation with a population of 17,000, I had the privilege of meeting some of the outstanding members of the tribally controlled police department at Gila River.

With a strong investment of tribal dollars and energy for expanded law enforcement staff and a focus on community policing, the department has developed innovative means to dramatically improve police and public safety response times on the reservation.

The tribe has reduced reservation crime rates at a time when rates of similar crimes were rising in neighboring Phoenix, and has increased its accountability to the government and citizens of the Gila River Indian Community.

Just south of Gila River on the Tohono O'Odham reservation, the tribe is working to guard 175 miles of our nation's border with Mexico. The cost of these efforts is tremendous, but the tribe is receiving little in the way of support from federal or state homeland security funding.

With adequate federal funding and improved clarity of tribal jurisdiction within their boundaries, tribes throughout this nation can play a much needed part in this nation's public safety network.

I call upon Congress and the Administration to join in advancing a 50% increase in funding for tribal law enforcement. Such a commitment is necessary to supply the officers needed to provide for basic public safety in Indian Country. \$15 million is also needed annually for tribal courts to continue their critical operations.

This funding is particularly important in light of the central role tribal governments must play in providing homeland security to international borders, dams, power transmission lines, oil and gas pipelines, sensitive military sites, vast tracts of land, and over two million people.

### ***Education***

Education is another key element of the trust responsibility to tribes that has reached a crisis point in under-funding.

Today only 50% of Indian students finish high school. *Fifty percent.* We need to ensure that no Indian child is left behind for lack of classroom dollars, quality teachers, and meaningful, inspiring curricula.

Our tribal leaders are doing what they can with the limited means they have.

For example, concerned by troubling student dropout rates, underachievement, and the decline of their cultural practices, the Chickaloon Village of Alaska in a path-breaking exercise of sovereignty established the Ya Ne Dah Ah, or "Ancient Teachings," school in 1992.

At this innovative school, students are excelling in conventional studies of science, math, English, and social studies, as well as learning Ahtna Athabascan history, language, music, and art – topics and skills that community members help teach.

Many Natives are returning to the area so that their children can attend the Ya Ne Dah Ah School, where students are now scoring higher on standardized tests than their national counterparts.

This is a great example of local initiative and drive, but we should not have to do this alone.

The federal government runs only two school systems: the Department of Defense school system, and the Bureau of Indian Affairs school system.

But Bureau of Indian Affairs schools are allotted just over \$3,000 for each student annually. That is less than half of what public schools spend on average per student.

We need a national commitment to end this disparity and bring BIA school funding up to par with what students enjoy elsewhere in the nation. We also need support for the unique needs of Indian and Alaska Native students in our nation's public schools.

### ***Health, Social Services, and Community Needs***

Health care is another federal trust commitment to Indian people that remains grossly neglected.

American Indians and Alaska Natives have a life expectancy 5 years less than all other races in this country.

Diabetes has been a particularly destructive force among American Indian and Alaska Native people, with our mortality rates from diabetes at more than three times the national average.

Our tribes are stepping forward to take on the health care crisis we face. For example, the Winnebago tribe in Nebraska has exercised its governmental authority to establish the Whirling Thunder Wellness Program to help end the scourge of diabetes that affects one third of Winnebago adults, and threatens nearly half of the tribe's youth.

This field-based program is changing individual and community behavior on the reservation and helping to ensure a healthy citizenry for generations to come. A recent study conducted at the University of Nebraska suggests that the Winnebago Tribe is winning its battle against diabetes by reducing risk factors such as obesity.

Recent increases in diabetes funding will go a long way toward addressing this crisis—but we need a serious across the board commitment to meet the range of health care shortfalls we face in Indian Country.

In spite of the disproportionate health care needs we face, today the per capita expenditure for American Indian and Alaska Native medical services is less than one-third of the average annual expenditure for individual Medicaid assistance, and is even less than our nation's per capita health expenditure for federal prisoners.

With full funding of the Indian Health Service, more tribes would stand a chance of making headway against the epidemic impacts of diabetes, heart disease, cancer, suicide, and alcoholism—each disproportionately severe in Indian Country.

I call upon Congress and the Administration to fully fund the Indian Health Service by increasing its budget by \$2.3 billion this year—so that the problems we face do not turn into even more costly epidemics a few years from today.

But individual and community behavior are not the only issues that must be addressed to improve disease prevention in Indian Country. We also need a commitment to take on the broader environmental issues that have been linked to higher rates of cancer and other health crises in our communities.

Lack of safe drinking water, adequate sanitation systems, and clean air in our communities places everyone residing in and near tribal lands at risk. These issues must be better addressed in the EPA budget in 2005.

### ***Economic Stimulus and Infrastructure Development***

I want to speak briefly about another key concern in Indian Country—the need for meaningful economic development, and the infrastructure necessary to lay the groundwork for development.

If we look back on the history of federal Indian policy in the Twentieth Century, it is not a coincidence that it has only been in the era of self-determination that a significant number of reservations have begun to break the cycle of poverty and dependence.

Sovereignty is one of the primary development resources tribes can have, and the reinforcement of tribal sovereignty through self-determination should be the central thrust of public policy.

Basic infrastructure such as road construction and maintenance can go a long way toward facilitating development—or bringing it to a grinding halt where that infrastructure is lacking.

Each year, there are over 2 billion vehicle-miles traveled on roads in Indian Country, by tribal members and visitors alike.

Unfortunately, tribes receive far less funding for their roads than the rest of the nation: although tribal roads make up nearly 2.5 percent of the federal roads in the country, tribes receive only 0.5 percent of federal road funding.

While states spend an average of \$4,000 to \$5,000 per mile for road maintenance annually, the federal government spends only \$500 *per mile* for roads in Indian Country.

Because of this lack of funding, only 33 percent of roads in Indian country are paved, a full quarter of the bridges on tribal lands are structurally deficient, and 72 percent of the roads in Indian Country are officially rated as “poor”.

Because of these hazards, the Indian Health Service has found that the fatality rate for vehicle-related deaths on tribal roads is 400% of the national average, and is the leading killer of Native youth.

Last month, a tragic accident claimed the life of one of NCAI’s most energetic and promising youth leaders, Brandon James. Every month in every tribe in this nation, there is a devastating loss to families as a result of vehicle deaths. This fully preventable crisis absolutely must end.

Development of safe and effective infrastructure is one aspect of governance that is absolutely critical in our communities. With reauthorization of this nation's federal transportation funding vehicle now before Congress, it is of life and death importance that Indian Country be addressed in this process.

Tribes are finding innovative ways to fund their road systems in the face of this neglect. Tribes such as Agua Caliente in southern California are issuing governmental bonds to fund road programs.

Several tribes in Alaska have joined together to pool their resources to better use the small amount of money they receive.

Tribes such as the Red Lake Band of Chippewa in Minnesota and the Kiowa Tribe in Oklahoma have joined forces with their states to share road funds and to build public transit programs.

We will continue to work together and with states to identify ways to fund our roads and transit needs, but we also expect and rightfully deserve more support from the federal government to address the terrible shortfalls in our infrastructure.

### ***Trust Reform***

Finally, I want to touch upon another point of deep concern for tribes in the U.S. today—securing meaningful reform of the badly mismanaged trust accounts held by the federal government for individual Indian accountholders and tribes.

The history of this issue is extraordinarily complex, but in essence, the U.S. government appointed itself as tribes' resource manager many generations ago—and ever since, they've been losing track of our money.

Today, the system is such a mess that independent estimates suggest that billions of dollars that belong to individual Indian people and Indian tribes have been lost by the federal government.

A study of the trust management processes within the federal government has just been completed. But the Administration moved forward a plan to reorganize trust functions BEFORE this important information was before them.

NCAI has called upon the Department of Interior to stop this ill-conceived reorganization and work with tribes to ensure a reorganization that will be more responsive to local needs. We do not need another top-heavy bureaucracy. Yet the Department has ignored our call.

Today I repeat my call to Congress and the Administration—place a one year moratorium on reorganization so we can do this right the first time. We should not waste taxpayer dollars on a reorganization that is bound to fail.

In my region of the Great Plains, we graze cattle. In the Northwest, they cut timber. The resource management functions for trees and cows are different. We need trust management that is flexible and responsive to the local needs of individual and tribal trustees.

We need to redirect dollars to the *local* BIA functions that are necessary to meet the Department's trust responsibilities.

We call upon Congress to require the DOI to work with tribes to develop local organization of services that will meet the needs of each tribe and each region, and to develop independent evaluation mechanisms to tell us whether the trust reorganization is working or not working.

We ask Congress to pursue a full and fair settlement of the Cobell lawsuit, which addresses the federal government's mismanagement of billions of dollars in Indian trust accounts.

I also ask that Congress and the Administration work together to place a moratorium on foreclosures in light of the Keepseagle lawsuit filed by American Indian farmers against the Department of Agriculture for discriminatory practices, until the case is resolved.

I hope that we can count on the support of the American people for fulfillment of federal trust obligations that will be effective, efficient, and will meet the unique responsibilities of the United States toward our Indian Nations.

### **Conclusion**

Our unique tribal governments and lifeways are a critical part of this nation's soul. I believe the nation as a whole suffered under past efforts at termination and forced assimilation of our people—as Felix Cohen, the modern founder of federal Indian law, once said,

*The Indian plays much the same role in our American society that the Jews played in Germany. Like the miner's canary, the Indian marks the shift from fresh air to poison gas in our political atmosphere; and our treatment of Indians, even more than our treatment of other minorities, marks the rise and fall of our democratic faith.*

This year marks the 50<sup>th</sup> Anniversary of NCAI's fight against termination of tribes in the 1950s. In early 1954, Congress was pushing twelve bills that would have terminated the Indian tribes of Florida, Texas, New York and California, as well as the Klamath, Menominee, Flathead, Makah, Sac and Fox, Kickapoo, Potawatami of Kansas and the Turtle Mountain Chippewa. These tribes that existed as independent nations for centuries—wiped out with the stroke of a pen.

50 years ago, NCAI held an emergency conference in Washington DC and launched an offensive to stop termination.

A "Declaration of Indian Rights" was drafted by the tribes who gathered there, the first official document to establish the principle that tribes must be informed and must give their consent before any legislation is passed that would affect their rights.

This "consultation" principle is very much alive today in Indian Affairs, but not many people know that it came from that NCAI document.

Termination was intended to be a nationwide policy that covered all tribes, but the termination movement was first blunted, and ultimately turned back through the efforts of tribes nationwide coming together in the unifying forum of the National Congress of American Indians.

I believe we face a similar watershed today. We are in the midst of a quiet crisis that grows louder with each passing year.

Tribes nationwide face increasing encroachments on their jurisdictional authority. Tribes in Alaska are faced with troubling efforts to drastically diminish their rights as tribal governments without their involvement or consent. Underfunding of Federal trust responsibilities has reached new heights of negligence.

NCAI is working hard to address these challenges.

We are working with state legislatures to help state governments understand that we are their neighbors and partners.

We are seeking to better document the needs our communities face to help our nation's leaders as they choose budget priorities.

We are working to counter efforts to drastically diminish the authority of tribes in Alaska.

We are fighting ill-conceived efforts to place new taxes and barriers to tribal governments in their economic development ventures.

We have sought healing in places like Rhode Island where tribal and state governments have clashed.

But we need the nation's help.

Why sovereignty? What does federal funding of its trust commitments mean to a non-native person in Indiana? What does tribal jurisdiction to stop domestic violence in New Mexico mean to a family in Maine?

It means fresh air in our nation's political atmosphere. It means this nation is striving to keep its promises, to exercise the best of its ideals. It means that the First Americans will not once again be the last to realize the American ideal of "justice for all". It means the opening of possibility that our democratic faith can be made whole again.

I call upon President Bush, our leaders in Congress, our justices in the Supreme Court, and the people of this nation as a whole to come together to keep our country's promises. Take time to consider why we as a people want to remain whole and distinct, just as Texas and New Hampshire seek to maintain their identity as states with a unique heritage and local governance authority.

Take time to learn fact from fiction in what you understand of our people, so that you may be our partners in ensuring that we can not just survive, but thrive as an integral part in this nation's rich fabric.

On behalf of the hundreds of member tribes and thousands of individual Indians that comprise the National Congress of American Indians, I want to thank all of you for taking the first step toward this understanding by joining us today.