



Institute for Tribal Government

# Oregon Tribes & Treaties

May 2, 2014

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# The Institute for Tribal Government

- The Institute for Tribal Government serves elected tribal governments from across the nation and also provides training to local, state, and federal government agencies and others who are interested in learning about tribal government.
- The Institute for Tribal Government is part of the Center for Public Service - Hatfield School of Government at Portland State University (PSU) in Portland, Oregon.
- A Tribal Policy Board consisting of elected tribal chairpersons, directors of tribal governmental and policy organizations, and representatives of institutions of higher education provide policy guidance to the Institute.

# The Institute for Tribal Government

## Need for the Institute

- While there are over 560 tribal governments in the United States, each with its own government structure, there is no national institution that provides training specifically designed for elected tribal leaders.
- Newly elected officials are often unfamiliar with the responsibilities of office and must assume multiple leadership duties with little or no systematic training. At the internal level, this can contribute to tribal community instability. At the external level, tribal government officials are increasingly required to address complex inter-governmental issues with local, state, and federal jurisdictions.

# The Institute for Tribal Government

## Need for the Institute

- Even though a trust responsibility exists between the United States government and federally recognized tribes, it is vital that tribal governments be able to actively protect their rights themselves. Too often tribes must obtain assistance from non-Indian experts, many of whom know little about a particular tribe's treaty or other legal rights.
- A primary goal of the Institute, therefore, is to assist tribes who want to cultivate the necessary expertise and governance skills from within their own tribe. Similarly, government agencies with trust responsibilities and programs which interface with tribal programs, seek services from the Institute.

# Eras in Federal Indian Policy

- Removal Period (1825-1850),
- Treaty and Reservation Period (1850 -1887)
- Allotment and Assimilation (1887-1934)
- Termination (1940-1961)

# Indian Country over the Years

## Native Americans Online

The Institute for Environmentally Strategic Investments, an Israeli not-for-profit organization, has been selected as a leading U.S. environmental organization for its globally focused environmental education, leadership, policy and investment.

### References

The study, conducted by the U.S. Environmental Protection Agency, found that the average annual dose of PCBs from food is 1.5 micrograms per kilogram of body weight, or 0.000015 grams per kilogram.

**Tellers**

These are all assigned roles and so are the 1000 hours assigned. There are 1000 hours assigned to each of the 1000 hours assigned. There are 1000 hours assigned to each of the 1000 hours assigned.

### Managing Networks

The House Committee on Appropriations (H. Rept. 103-104) has reported the bill to the Senate. The bill is expected to be passed by the House in the near future.

### Attention

There is no charge for the *Entrepreneur* magazine. Write to the editor, *Entrepreneur*, P.O. Box 990, Menlo Park, CA 94026.

### Oklahoma Native Lands

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## Hawaii

Approximately 250 to 300,000 people are exposed to asbestos each day through the national system of asbestos mining and transport.



1492  
Arrival of Columbus



**1800**  
Natives Forced Inland



**1830**  
**"Indian Country"**

The first INDIAN RESERVATION ACT required that the President declare certain lands as Indian Reservations. The President could then remove the Indians from the lands and place them on the reservation. The President could also remove the Indians from the reservation and place them on other lands. The President could also remove the Indians from the reservation and place them on other lands.



## 1860 Immigrant Stampede

In 1860, the United States had approximately 23 million people. Over the next 20 years, the population grew by more than 10 million, with a large portion of that increase coming from immigrants.

The 1860s saw a massive influx of immigrants, particularly from Ireland and Germany. This was due to a combination of factors, including political unrest in Ireland and economic hardship in Germany.

The immigrant stampede of the 1860s had a profound impact on the United States. It led to a rapid increase in the country's population, which in turn fueled economic growth and industrialization.

However, the influx of immigrants also led to social and political tensions. Nativist groups, who opposed immigration, gained a following and pushed for restrictive laws.

Despite the challenges, the immigrant stampede of the 1860s ultimately helped shape the United States into the nation we know today.



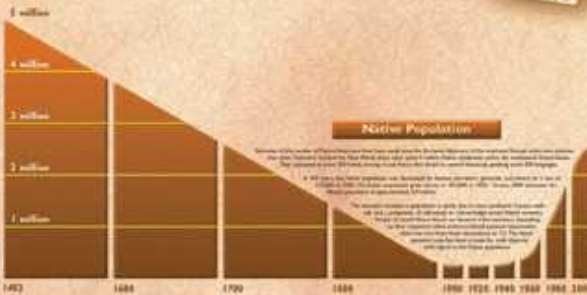
## 1900 Vanquished Natives



## 2100 Native Lands?

## Chronology

- [illegible]



## Native American RESERVATIONS

[illegible]

**Map Legend**

**NOTE:** The operating system are addressed to all the other Regional Offices as per records that take the form of a letter of introduction of each operation.

Journal of Business Ethics (2015) 129:113–124

**Keywords:** emotion; social support; coping; stress

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# What is a Treaty?

## **Contract between Sovereigns**

- United States Constitution authorizes Presidents to enter Treaties on behalf of the U.S. subject to Senate confirmation of the treaty
- Many NW Tribes entered into treaties with the U.S. between the 1850-1880's
- Treaty of 1855 with the Umatilla, Walla Walla, Cayuse Treaty confirmed by the Senate in 1859- a few months before Oregon was admitted as a State into the Union

# What do Treaties Contain?

- Indians agreed to relinquish lands (ceded lands)
- U.S. promised to create federally protected Reservations for the Tribes (protecting Tribal lands, people, and resources) - Trust responsibilities
- Promised specific services, payments, etc.
- Indian tribes constitute unique legal entities in the United States

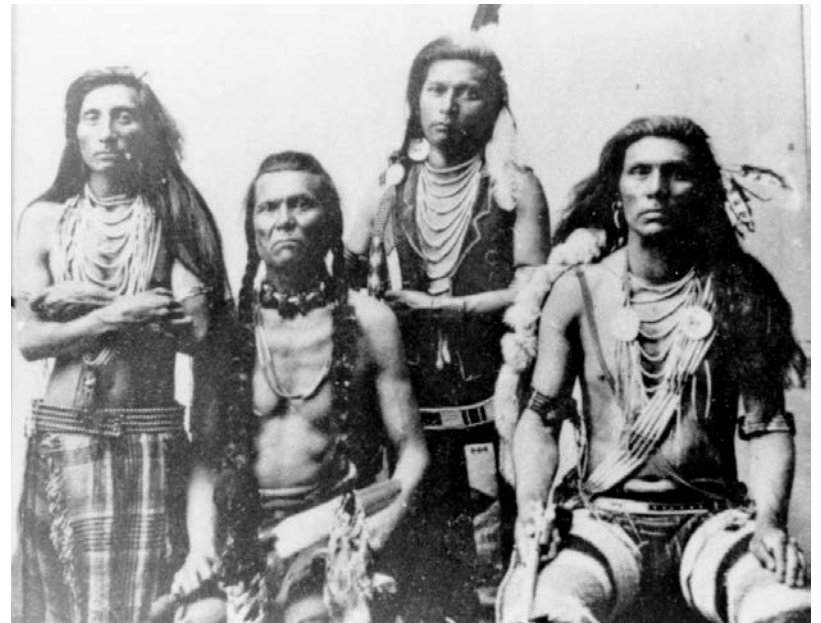


# US Constitution and Indian Tribes: Special Status of Tribal Governments

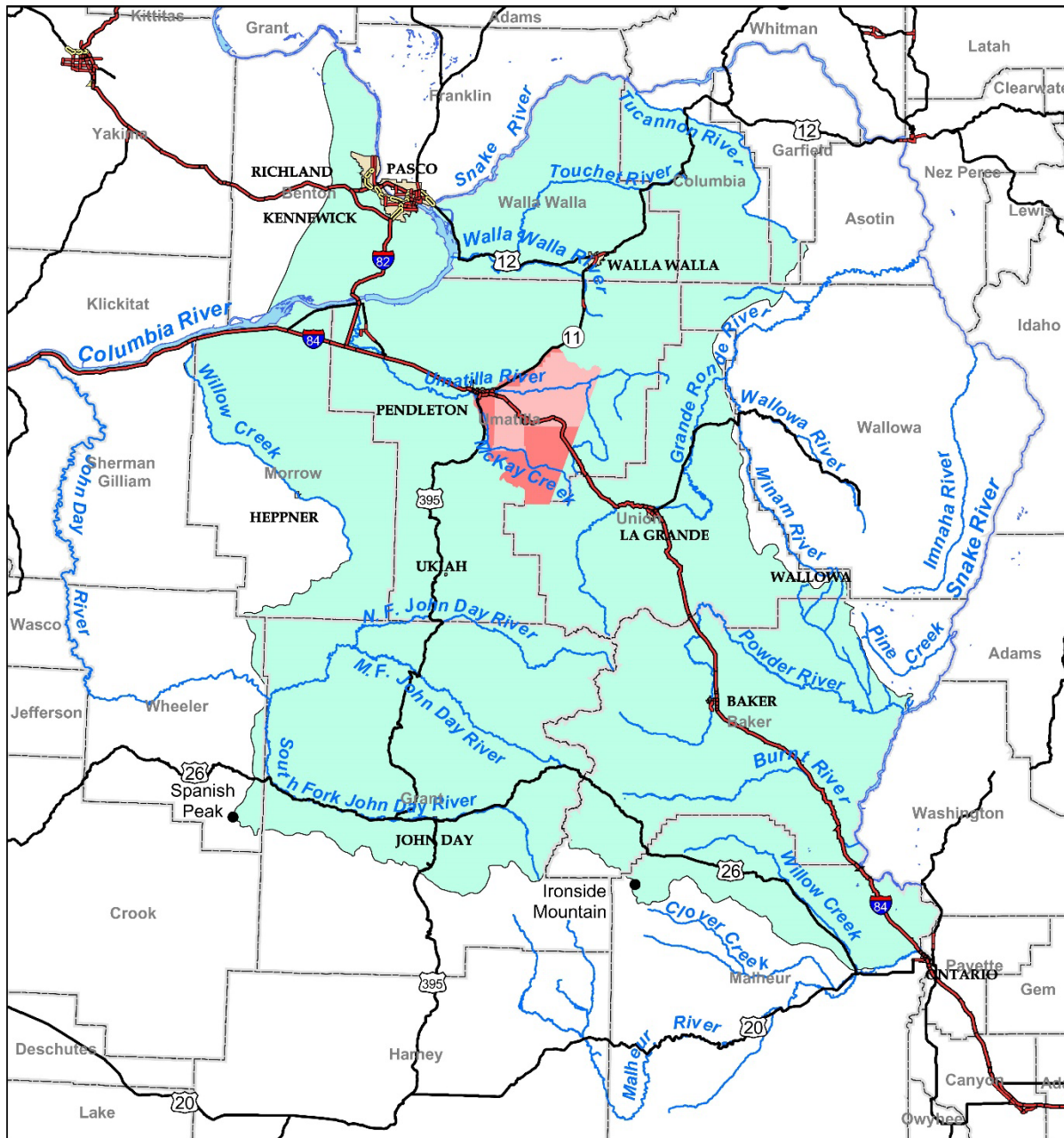
- U.S. Constitution recognizes only 3 forms of government: federal government, states, and Indian tribes
- U.S. Constitution - contains several references to Tribes, the most important 'Indian Commerce Clause' (Article 1, Section 8)
- Empowers Congress to regulate commerce and affairs in Indian Country
- Recognizes tribes as having sovereignty along with States
- 1830's - U. S. Supreme Court ruled that Tribes did not lose status as sovereigns in entering Treaty-"Domestic Dependent Nations"

# Umatilla Tribe

- Cayuse, Umatilla and Walla Walla Tribes were brought together to negotiate a Treaty with the U.S. government in 1866
- Peace treaty, not a war treaty, intended to open land for non-Indian settlers
- 3 Tribes ceded 6.4 million acres
- Reserved 510,000 acres for Umatilla Reservation
- Actual surveyed Reservation totaled 245,000 acres
- Umatilla Reservation currently 172,000 acres (due to federal legislation in late 1800s)



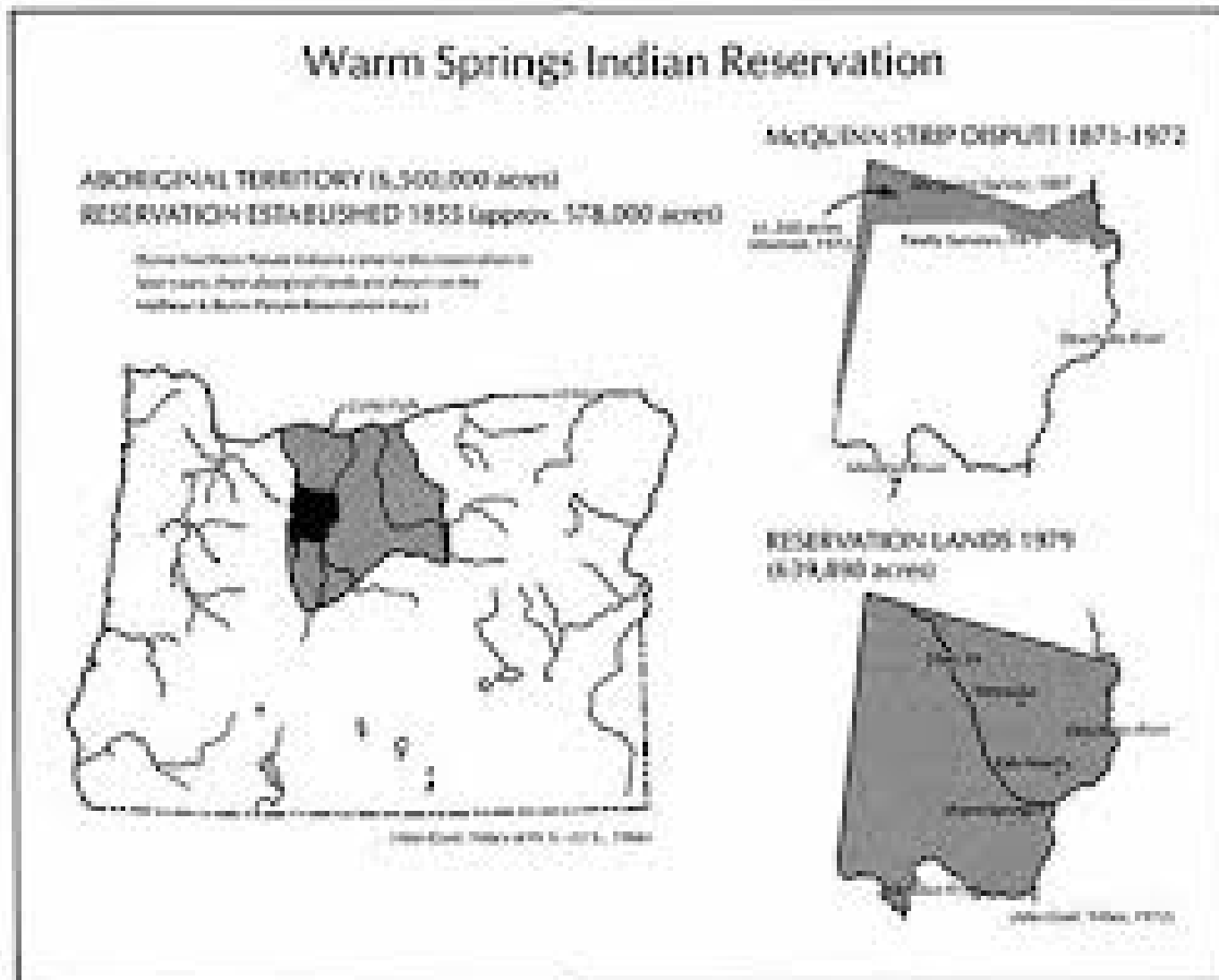
# Umatilla, Walla Walla, & Cayuse Aboriginal Lands



# Ceded Territory and Rights

- Cayuse, Umatilla, and Walla Walla Tribes gave up 6.4 million acres of homeland
- Rights - resources still retained in ceded area (northeastern Oregon and southeastern Washington)
- Rights were reserved, NOT given to the Tribes
- The 1855 Treaty involved a commitment by the United States to establish the Umatilla Indian Reservation as a tribal homeland, to recognize the sovereignty of the Tribes over our Reservation and to reserve certain off-reservation rights to fish, hunt, gather foods/medicines, pasture livestock

# Confederated Tribes of Warm Springs



# Coquille Tribe

- Coquilles' ancestral homelands included more than one million acres of lower Coos Bay and the Coquille River watershed
- Coquille had two treaties with the U.S. government in 1851 and 1855
- Ceded over 1 million acres of land in exchange for reservation land that never materialized because the treaties were never ratified by the U.S. Senate.

# Confederated Tribes of Coos, Lower Umpqua and Siuslaw

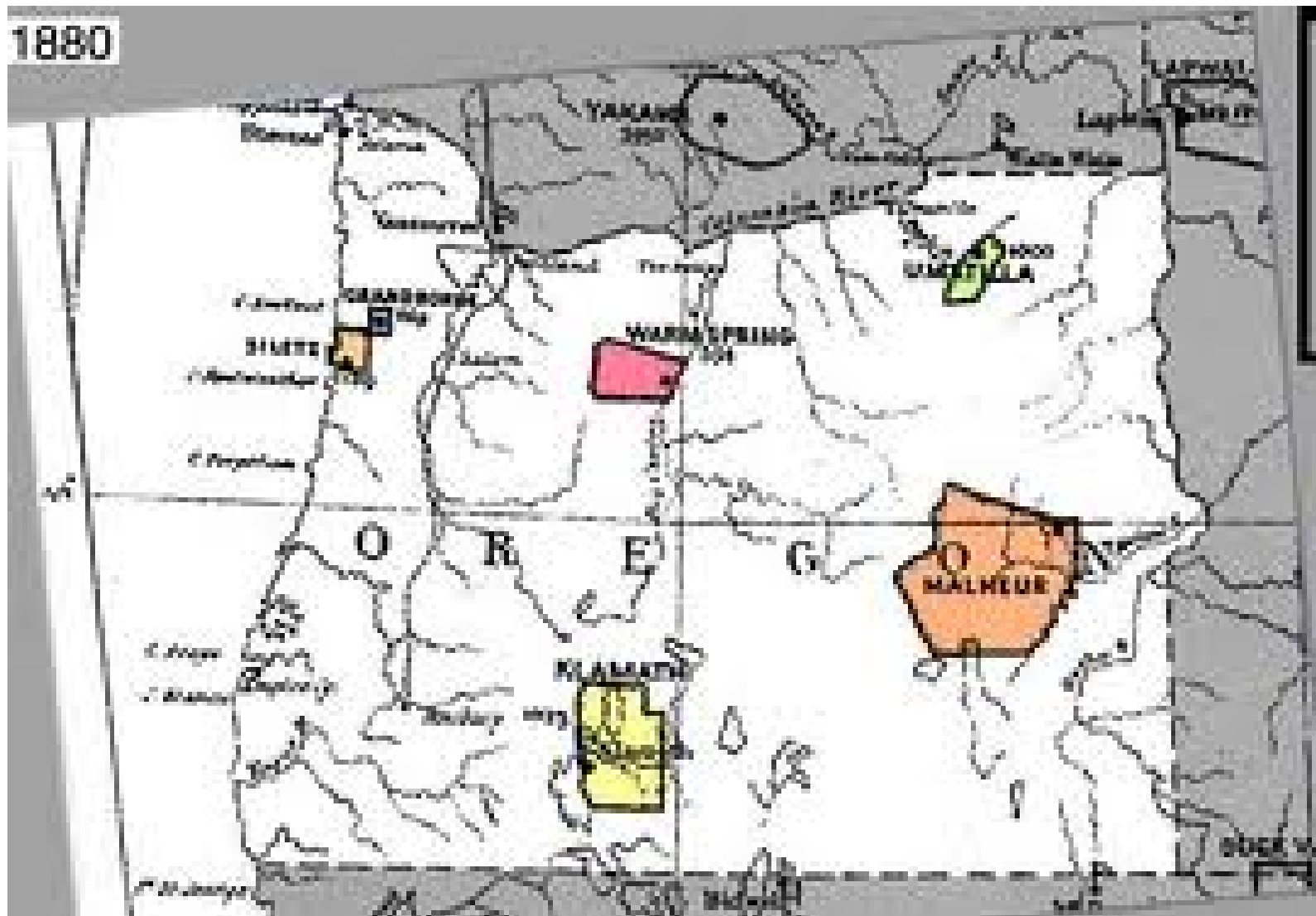
- In 1855 a treaty with U.S. government was drafted to allow for the peaceful acquisition and settlement of the Confederated Tribes ancestral lands. (1.6 M acres)
- The treaty provided for compensation to the Tribes in terms of food, clothing, employment, education, and health benefits.
- United States Senate did not ratify the Treaty. In 1856, the U.S. Army forcibly removed the tribal people to the new 18,000 acre Great Coast Reservation

# Burns Paiute

- 1868 Burns Paiute signed a treaty guaranteeing them a reservation in their homeland
- The President signed into law the Malheur Reservation, taken from the larger area of Oregon's entire southeastern corner, which was the first set aside for that purpose.
- The reservation was 1,778,560 acres
- However, Congress never ratified this treaty



# Tribes of Oregon - Reservations 1880's



# Federal Termination Policy in the 1950s

- Attempt to sever federal trusteeship and support for tribal sovereignty - of the 109 tribes and bands terminated nationwide, 62 were located in Oregon.
- Several tribes began the process to restore their sovereign nations
- 1977 - Confederated Tribes of Siletz was the second tribe in the nation to achieve restoration
- 1982 - Cow Creek Band of Umpqua Tribe of Indians
- 1983 - Confederated Tribes of Grand Ronde
- 1984 - Confederated Tribes of Coos, Lower Umpqua, and Siuslaw
- 1986 - Klamath Indian Tribes
- 1989 - Coquille Tribe

# Tribes who retained Federal Recognition

- Treaty of 1855 - Confederated Tribes of Warm Springs
- Treaty of 1855 - Confederated Tribes of Umatilla
- 1972 Executive Order established Burns Paiute Tribe

# Tribes of Oregon - Reservations Today



# Eras in Indian Country

- Indian Reorganization Act 1934 - restored to Indians the management of their assets (being mainly land) and included provisions intended to create a sound economic foundation
- Self Determination (1962 to present)
- Tribal leaders replacing federal bureaucracy
- PL 93-638 - Indian Self Determination Act (contract federal and state programs)

# 1949 Constitution

- Created our modern form of government
- General Council – voting membership age 18 and older
- Board of Trustees – a 9 member governing body, elected by the General Council every two years



# Participants in Tribal Government

- Tribal Citizens – General Council
- Tribal Council
- Committees and Commissions
- Tribal Staff

# Tribal Citizens Roles in Government

## Elect

- Tribal Council/General Council

## Participate

- In General Council meetings & provide guidance to Tribal Council
- In public forums

## Serve

- On Commissions, Committees, Advisory, and Enterprise Boards

## Communicate

- With Tribal Council members, Commission & Committee members, and Tribal staff on Community needs and concerns



# Tribal Council Roles in Government

## Identify

- Community needs

## Legislate

- Tribal policy through resolution (including strategic plans)

## Establish

- Priorities and goals (Implementation Plan)

## Review and Approve

- Department / Program missions, goals, Annual Work Plans, and Budgets

## Represent

- Tribal government and communicate Tribal policy

## Monitor

- Tribal governance

# Committee, Commission, Enterprise Boards Roles in Government

## *Report*

- To General Council, Tribal Council, and Tribal citizens

## *Advise*

- Tribal Council and staff in the development of policy

## *Regulate*

- By developing and enforcing policy and regulations

## *Oversee and Direct*

- Tribal Enterprises by directing, reviewing, and approving operating plans, budgets, and monitoring financial and operational results

# Staff Roles in Government

## Develop

- Tribal strategic plans in support of the Tribal Council
- Annual action plans and budgets that will accomplish strategic plans, policies, and goals
- Enterprise business plans

## Implement

- Execute plans through operations and monitor results
- Make adjustments to improve results

## Report

- Progress on strategic and tactical levels to the Tribal Council, commissions, committees, boards, and Tribal citizens

# Our Tribal Government Today

- Elected officials – the Board of Trustees – create policy
- Board appoints Tribal members to commissions and committees that monitor issues and make policy recommendations to the Board
- Staff implements policies
- \$245 million overall operating budget (includes tribal government and all enterprises)

# Board of Trustees

- Governing body of the CTUIR
- Nine (9) members of the General Council
- Comprised of Chairman, Vice-Chairman, Treasurer, Secretary, 4 at-large board members, and the Chair of the General Council
- Elected every two years



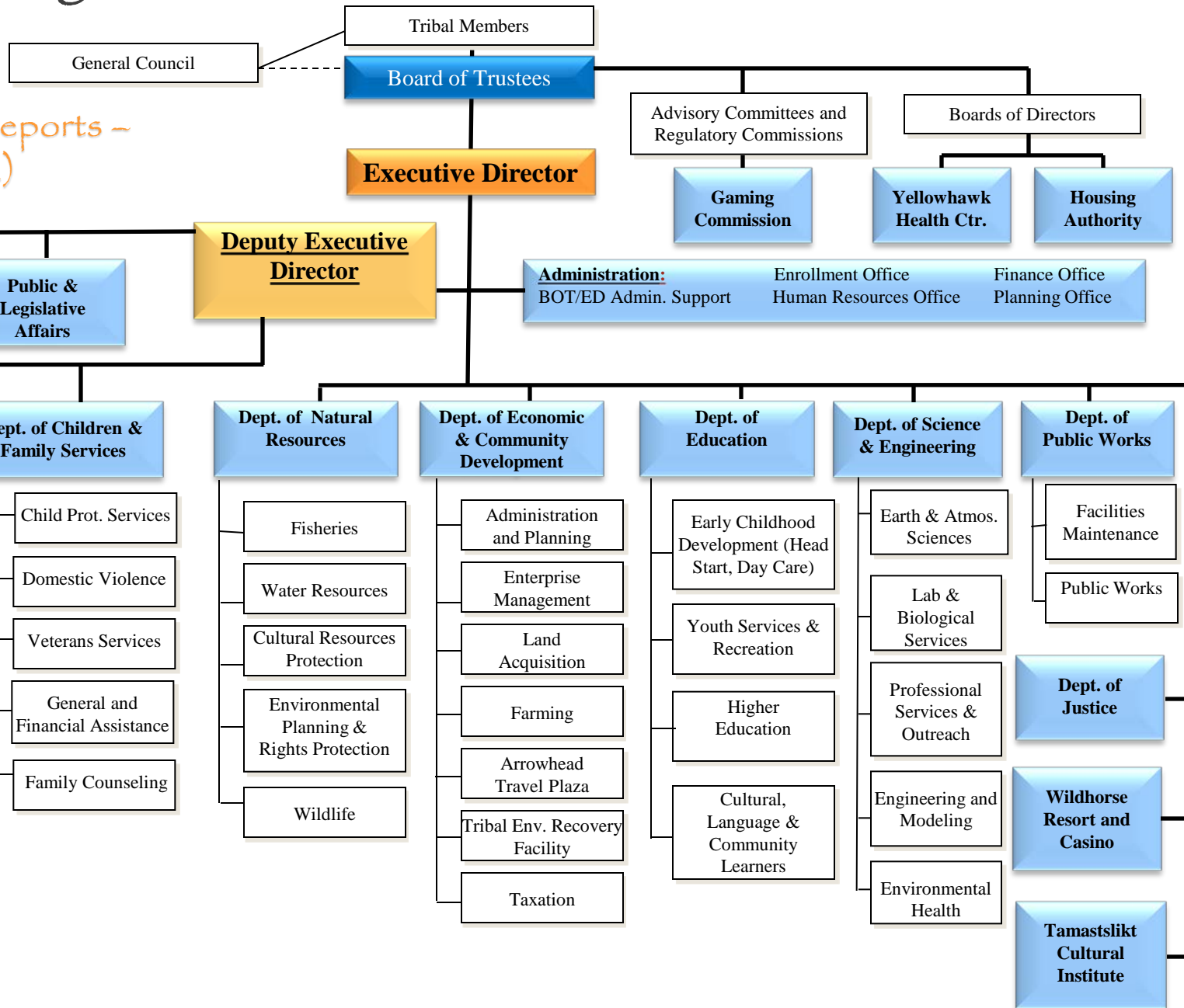
# Commission and Committees

- Advise the BOT in recommending policies and procedures, identify needs and priorities
- Some exercise regulatory authority
- Coordinate and exchange information
- Nearly 20 committees and commissions
- Examples - Water, Natural Resources, Fish and Wildlife, Law and Order, Education, Cultural Resources, Gaming, Housing, Health, TERO, ECDC, CSC, etc.

# Tribal Court

- Exercises criminal jurisdiction for all misdemeanor crimes committed by Indians
- Exercises exclusive jurisdiction over claims arising from CTUIR Statutes (zoning, enrollment, fish and wildlife, water codes, etc.)
- PL 280 - Share jurisdiction with state courts re: contracts, tort liability, and domestic relations
- Chief Judge: William Johnson, CTUIR member, graduate of the University of Oregon law school and a member of the Oregon State Bar

# CTUIR Organizational Chart



(10 Direct Reports - previously 22)



# Government To Government

- Emphasis on government-to-government relationships at all levels (federal, state, tribal, county, city)
- Actively involved in Oregon Legislative Commission on Indian Services
- Played active role in establishment of Governor's Executive Order (for Oregon agencies to work with Tribes) and subsequent legislation enacting the EO into law
- Active in US Congress, Oregon Legislature, Washington state Legislature





# The Institute for Tribal Government

## **CONTACT US! WE'RE HERETO HELP**

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# Working with Tribal Governments

## **Three fundamental misconceptions:**

1. Tribes are another racial minority, such as African Americans, Hispanic Americans, Asian Americans, and others;
2. Tribes are simply stakeholders, like an interest group or an environmental organization;
3. Indian Tribes are equal to a local governmental unit, like a city or county

**Tribes are sovereign governments**

# Tribal – Federal Consultation

- Government-to-Government consultation occurs between federal agencies and elected tribal leaders
- The appropriate contact for Government-to-Government consultation is someone at approximately the same organizational level
- Typically, tribal leaders expect to meet with elected officials, including members of Congress and the President of the United States
- Many tribes have technical staff, legal counsel, advisors, and administrators employed to help run tribal affairs. These staff people usually do not speak on behalf of the tribe about tribal policies or other tribal governmental actions.

# Building a Relationship with Tribes

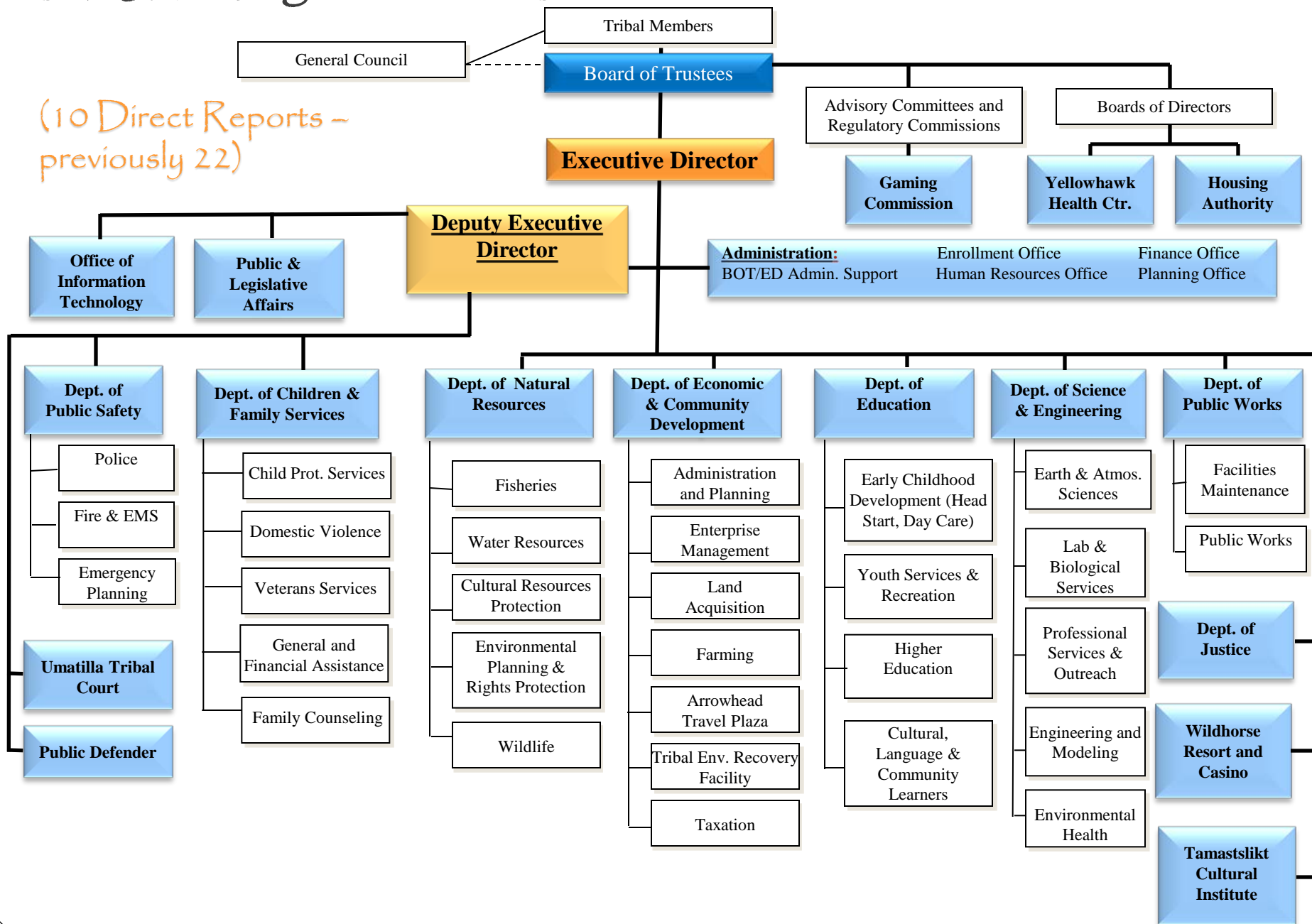
- Important to tribes that tribal sovereignty and tribal officials be treated respectfully.
- Dealing with a senior tribal official should be seen as equivalent to dealing with a very senior U.S. official
- Due to the long and complex relationship between the Federal government and Indian tribes, tribes often mistrust the Federal government. Trust must be earned over time.

# Building a Relationship with Tribes

- Federal staff can earn trust by educating themselves about how tribal governments operate, demonstrating respect for tribal values, having a proactive interest in tribal welfare, and following through on commitments.
- Be respectful, predictable, and credible
- Work to strengthen the capacity of the tribe to achieve its own goals
- Learn as much as possible about a tribal community before you begin to interact with it. The more you know about a culture, the less likely you are to create cross-cultural misunderstandings

# CTUIR Organizational Chart

(10 Direct Reports – previously 22)





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A Guide for DOE Employees: *Working With Indian Tribal Nations*,  
*December 2000*