

# Tribal Relations in Oregon



## SPEAKERS



Delores Pigsley  
Chair, Siletz Tribal Council



Chris Mercier  
Vice Chair, Grand Ronde  
Tribal Council



Tawna Sanchez  
Oregon House  
Representative

(Not Pictured) Tim Simmons  
Tribal Liason, US Attorney's Office Oregon District

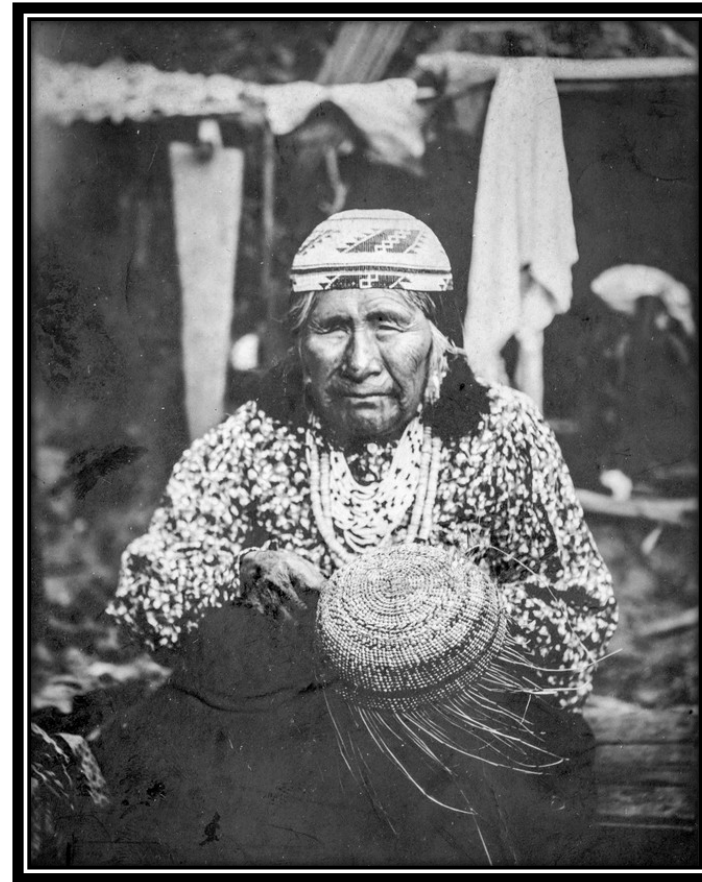


# TIME IMMEMORIAL NATIVE AMERICANS IN OREGON

These "First Oregonians" have lived in villages by our rivers, lakes and coastlines for over 12,000 years.

For thousands of years Tribes and tribal people have raised their children, gathered for ceremonies, buried their dead, respected their sacred sites, explored and roamed these lands to hunt, fish and collect roots, berries and other cultural resources.

Mary Bradford, a basket maker and member of the Rogue River Tribe, 1902





# THE FRENCH AND BRITISH RECOGNIZED TRIBES AS SOVEREIGN NATIONS



In the French and Indian War, both the French and the British colonists were helped by their Indian allies.



# UNITED STATES CONSTITUTION

“We were a people, before ‘We the People’ ...”

Jefferson Keel – 20<sup>th</sup> President of the National Congress of American Indians, 2013

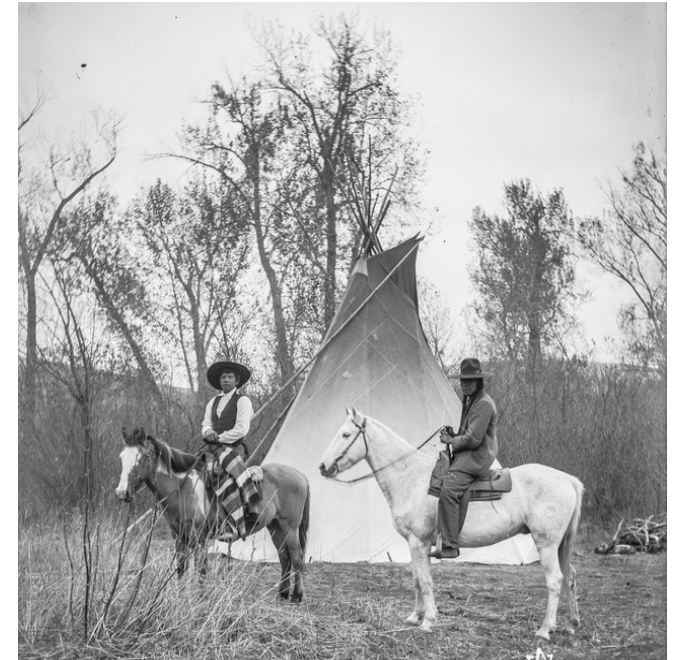


“The Congress shall the power to ... regulate commerce with foreign nations, and among the several states, and with **the Indian tribes.**” US Constitution, Article 1, Section 8

# TRIBAL SOVEREIGNTY - NATIONS WITHIN A NATION

**Sovereignty is a legal word for an ordinary concept - the authority to self-govern.**

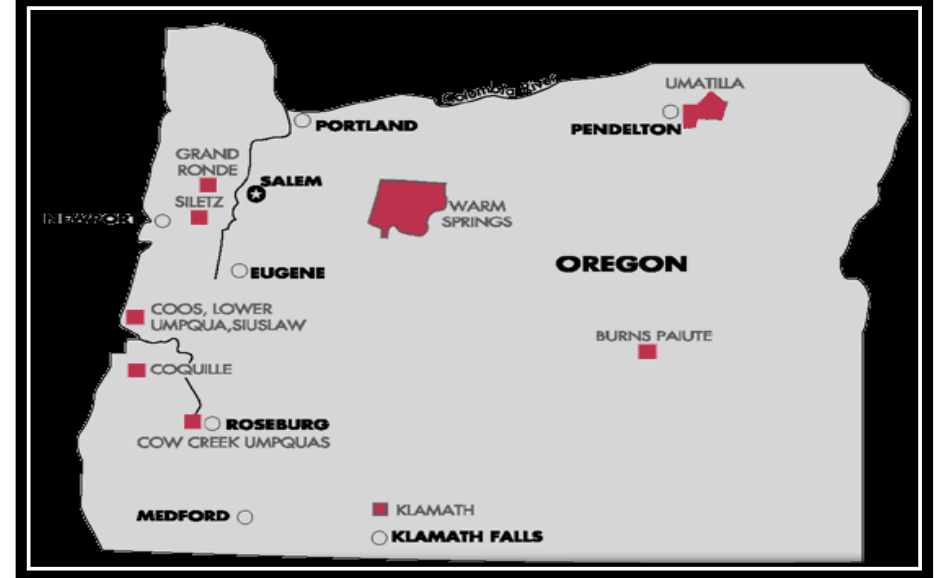
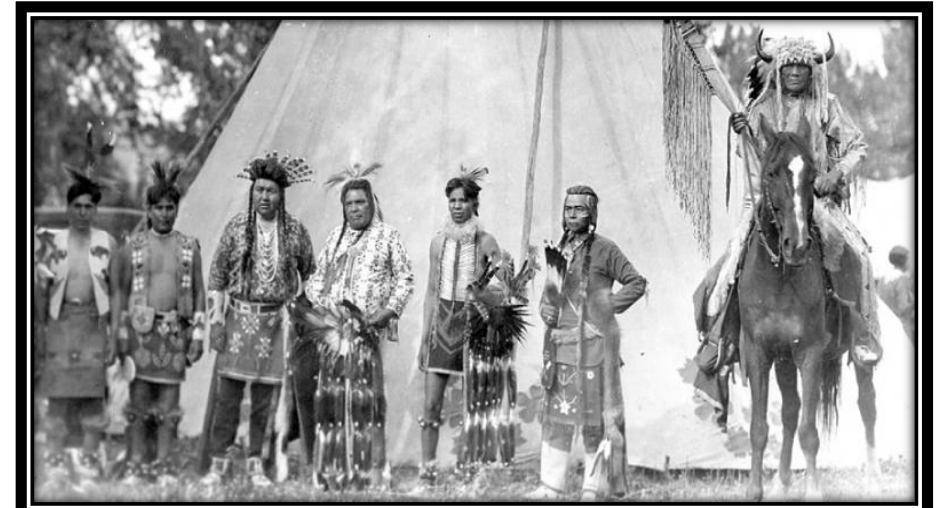
- Tribes have inherent sovereignty — they existed as governments before the U.S. existed and before the State of Oregon existed. The federal government did not create tribes or tribal sovereignty.
- Hundreds of treaties, along with the Supreme Court, the President, and Congress, have repeatedly affirmed that tribal nations retain their inherent powers of self-government.
- Tribal nations are located within the geographic borders of the United States, while each tribal nation exercises its own sovereignty.
- The Constitutional provisions, and subsequent interpretations by the Supreme Court, are today often summarized in three principles of U.S. Indian law:
  1. **Territorial sovereignty:** Tribal authority on Indian land is organic and is not granted by the states in which Indian lands are located.
  2. **Plenary power doctrine:** Congress, and not the Executive Branch, has ultimate authority with regard to matters affecting the Indian tribes. Federal courts give greater deference to Congress on Indian matters than on other subjects.
  3. **Trust relationship:** The federal government has a "duty to protect" the tribes, implying (courts have found) the necessary legislative and executive authorities to effect that duty.



# NINE FEDERALLY RECOGNIZED TRIBES OF OREGON

1. The **Burns Paiute**
2. The **Coquille** Indian Tribe
3. The Confederated Tribes of the **Coos, Lower Umpqua & Siuslaw**
4. The **Klamath Tribes** (Klamath, Modoc, Yahooskin)
5. The Confederated Tribes of **Grand Ronde** (Umpqua, Molalla, Rogue River, Kalapuya, Shasta)
6. The Confederated Tribes of **Siletz** (Clatsop, Chinook, Klickitat, Molala, Kalapuya, Tillamook, Alsea, Siuslaw/Lower Umpqua, Coos, Coquille, Upper Umpqua, Tututni, Chetco, Tolowa, Takelma, Galice/Applegate, and Shasta)
7. The **Cow Creek Band** of Umpqua Tribe of Indians
8. The Confederated Tribes of **Warm Springs** (Warm Springs, Wasco, Paiute)
9. The Confederated Tribes of the **Umatilla Indian Reservation** (Cayuse, Umatilla, Walla Walla)

*Photo: Tribes of the Umatilla Indian Reservation Web Site*





# LEGISLATIVE COMMISSION ON INDIAN SERVICES AND OREGON FEDERALLY RECOGNIZED TRIBES WEBSITES

## **Legislative Commission on Indian Services Website:**

<https://www.oregonlegislature.gov/cis>

## **Oregon Federally Recognized Tribes' Websites**

Burns Paiute: [www.burnspaiute-nsn.gov](http://www.burnspaiute-nsn.gov)

Coos, Lower Umpqua & Siuslaw: [www.ctclusi.org](http://www.ctclusi.org)

Grand Ronde: [www.grandronde.org](http://www.grandronde.org)

Siletz: <http://ctsi.nsn.us>

Umatilla: <http://ctuir.org>

Warm Springs: [www.warmsprings.com](http://www.warmsprings.com)

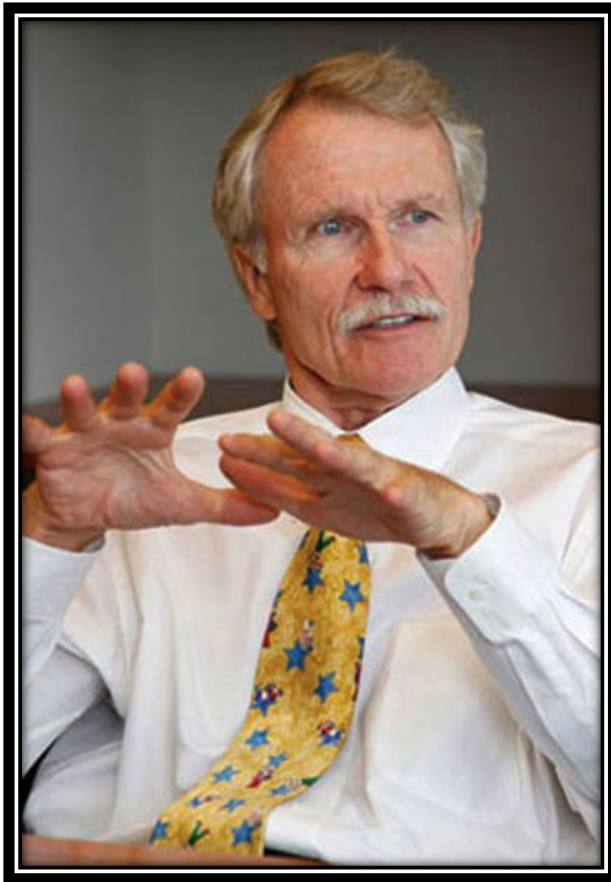
Coquille: [www.coquilletribe.org](http://www.coquilletribe.org)

Cow Creek: [www.cowcreek.com](http://www.cowcreek.com)

Klamath: [www.klamathtribes.org](http://www.klamathtribes.org)



# GOVERNOR KITZHABER EXECUTIVE ORDER 96-30 (1996) CREATING GOVERNMENT-TO-GOVERNMENT RELATIONS



- At the request of the Legislative Commission on Indian Services, Executive Order NO. 96 – 30 was adopted “for the sole purpose of enhancing communication and mutual cooperation between the State of Oregon and the tribal governments.”
- On May 22, 1996 Governor John A. Kitzhaber endorsed the agreement which would direct state agencies to operate on a government to government basis with Oregon Tribes.



# SENATE BILL 770 (2001)

- Oregon was the first state in America to adopt a formal legal government to government relationship with regional tribes through both executive action and legislation.
- At the request of the Legislative Commission on Indian Services, Senate Bill 770 was drafted to direct state agencies in government to government relations with Oregon tribes.
- Senate Bill 770, along with related state policies and laws, illustrates enhanced state-tribal relations in Oregon.



# WHAT DOES IT MEAN TO BE A TRIBAL GOVERNMENT

- Tribal governments, like other governments, are responsible for the health, safety and welfare of their citizens or “members.”
- Tribal governments are separate and distinct from each other—just as the U.S. is separate from Canada and Oregon is separate from Washington
- Tribal governments do not pay taxes, just as federal, state, county and local governments do not pay taxes.
- Individual Indians in Oregon (with the very limited exception of those who live and work on a reservation) pay state taxes except for money earned from trust land.
- Tribes have elected, governing councils that adopt laws and ordinances (often called resolutions), and court systems and departments dealing with governmental services and programs: natural resources, cultural resources, education, health and human services, public safety, economic development and administration



# OTHER STATE POLICIES RELATED TO TRIBES



- **Archeological sites and objects, including those found on the surface of the ground, are protected under a number of Federal and State laws:**
  - Oregon State law: prohibits the sale, purchase, trade, barter, or exchange of archaeological objects illegally removed from State public land or private land. The sale, trade, barter, or exchange of archaeological objects is prohibited unless the purchaser is given a notarized certificate of origin. The possession, public display, or sale of Native American sacred or other special objects is also prohibited.
  - Oregon law prohibits the excavation, destruction, or alteration of any archaeological site or the collecting of archaeological objects, other than “an arrowhead” (one) located on State public land or private land unless a State permit and written permission from the landowner are obtained. Collecting arrowheads on State public land or private land is prohibited if any tool is used in the activity, unless a State permit and written permission from the landowner are obtained. The destruction or damage to any human burial, human remains, or Native American sacred (or other special) objects is prohibited unless a State permit and written permission from the landowner are obtained.
- **Governor’s Task Force on Oregon Tribal Cultural Items:** In November 2017, Governor Kate Brown signed Executive Order No. 17-12, establishing the Task Force; the purpose is to recommend a process for **soliciting information from state agencies and other public institutions about items within their possession that are associated with Oregon’s nine federally recognized Indian Tribes.**
- **Senate Bill (SB) 13:** Passed into law in the 2017 legislative session and calls upon the Oregon Department of Education (ODE) to **develop a statewide curriculum relating to the Native American experience in Oregon,** including tribal history, tribal sovereignty, culture, treaty rights, government, socioeconomic experiences, and current events.



# THE BIRTH OF LEGALIZED INDIAN GAMING

## CALIFORNIA V. CABAZON BAND OF MISSION INDIANS, 480 U.S. 202 (1987)



- The Cabazon and Morongo Bands of Mission Indians are two Indian tribes that occupy reservation lands near Palm Springs. During the mid-1980s, both the Cabazon and Morongo Bands each owned and operated on their reservation lands, a small bingo parlor. In addition, the Cabazon Band operated a card club for playing poker and other card games. Both the bingo parlors and the Cabazon card club were open to the public and frequented predominantly by non-Indians visiting the reservations. In 1986, California State officials sought to shut down the Cabazon and Morongo Band's games, arguing that the high-stakes bingo and poker games violated state regulations. The case made it all the way to the Supreme Court before a decision was rendered on February 25, 1987.
- The U.S. Supreme Court held, as the Cabazon band argued, that because California State law did not prohibit gambling as a criminal act – and in fact encouraged it via the state lottery – they must be deemed regulatory in nature. As such, the authority to regulate gaming activities on tribal lands was found to fall outside those powers granted by the Public Law 280 (states' authority to enforce criminal laws on reservations).
- The U.S. Supreme Court's decision effectively overturned the existing laws restricting gaming/gambling on U.S. Indian reservations.

# OREGON INDIAN GAMING – STATE POLICIES



- State Gambling: Lottery, Video Lottery Terminals (“slot machines”), Keno, Scratch Offs, Sports betting
- Oregon Policies on Indian Gaming:
  - One Indian gaming facility per tribe
  - On reservation
  - Gaming Compacts (Agreements)
  - Scope/types of gaming & security

# GAMING AS ECONOMIC DEVELOPMENT



- Large-scale gaming sponsored by tribal governments started in the early 1980s at the same time that state lotteries began to proliferate. Gaming provides jobs, improves economic growth on reservations, and strengthens regional economies.
- Tribal gaming is the most regulated form of gaming in the nation. In fact, much like the revenues from state lotteries, tribal governments are required to use gaming revenues to fund social service programs, scholarships, health care clinics, new roads, new sewer and water systems, adequate housing, and chemical dependency treatment programs, among others.
- Established by the Indian Gaming Regulatory Act (IGRA) of 1988, compliance and regulation of IGRA is overseen by an independent regulatory agency established within the Department of the Interior.
- As of 2012, nearly 240 tribes across 28 states operated gaming establishments representing roughly a \$30 billion industry. Many Indian tribes use gaming revenues to fund economic development activities on reservations and more effective provision of tribal government services, including health services, early education programs and language and cultural preservation activities.
- Gaming provides jobs, improves economic growth on reservations, and strengthens regional economies.



# PRESENTATION SOURCES

Nation Congress of American Indians,

[http://www.ncai.org/resources/ncai\\_publications/tribal-nations-and-the-united-states-an-introduction](http://www.ncai.org/resources/ncai_publications/tribal-nations-and-the-united-states-an-introduction)

Office of the Governor, Tribal Cultural Items Task Force,

[https://www.oregon.gov/gov/Pages/TCITF\\_aboutus.aspx](https://www.oregon.gov/gov/Pages/TCITF_aboutus.aspx)

Oregon Legislative Commission on Indian Services,

<https://www.oregonlegislature.gov/cis/>

Secretary of State – Governor’s Records Guides,

[https://sos.oregon.gov/archives/Pages/records/governors\\_guides.aspx](https://sos.oregon.gov/archives/Pages/records/governors_guides.aspx)

U.S. Department of Interior, Bureau of Indian Affairs,

<https://www.bia.gov/frequently-asked-questions>

*Photo: Chief Joseph the Younger*

