

Chief's Address To The Nation

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saw this as the opportunity for the federal government to finally fulfill the commitment to the Nation and fully fund our Juvenile Detention Center (JDC). In 1994, the Sac and Fox Nation Juvenile Detention Center (JDC) opened its doors after years of planning and construction made possible by funding from the Department of Interior, Bureau of Indian Affairs. The JDC is the first juvenile facility designed for American Indians/Alaska Natives as well as the first juvenile facility developed under P.L. 100-472, the Self-Governance Demonstration Project. The JDC is a full service, 24 hour juvenile detention facility that provides basic detention services to all residents to insure their health, safety and welfare and provides programs tailored to meet the specific needs of our clients. These programs include behavioral management, substance abuse, spiritual, cultural, self-esteem, arts and crafts, health and fitness, horticulture, nutrition, life skills, counseling and educational programs. The 39 Tribes included in the Southern Plains Region will support the JDC but due to underfunding and staffing shortages, the JDC cannot accommodate the detention needs of the regional Tribes.

In recent appropriations testimony provided by Assistant Secretary Larry Echo Hawk, he requested \$6.5 million for Detention/Correction and an additional 18 FTEs. We take great exception to the this request inasmuch as the Department of Interior/Bureau of Indian Affairs has never provided the full funding that was committed for the appropriation, planning and construction process of the JDC. The Sac and Fox Nation, due to the failure of the full funding commitment by federal officials not being honored, has had to utilize funds that could have been used for other social services needs. The Sac and Fox Nation is committed to working with the Department of Interior/Bureau of Indian Affairs officials in an effort to help them fulfill their financial commitment. With the promise of full funding realized, the JDC will be ready, willing and able to meet the needs of Tribes who need our help in guiding their children toward a successful future while providing a culturally and spiritually sensitive environment.

In FY 2004, the Office of the Inspector General issues the report, "Neither Safe nor Secure" – An Assessment of Indian Detention Facilities, citing the existence of serious safety, security, and maintenance deficiencies at detention centers throughout Indian Country. One of the primary recommendations was the need to identify and remedy staffing shortages whereby Indian Affairs responded that "current facilities still remain understaffed by a total of 373 positions (74 positions for Indian Affairs direct service programs and 299 positions for programs operated by Tribes under P.L. 93-638 and Self-Governance compacts).¹ The Sac and Fox Nation is requesting that the Bureau of Indian Affairs recommit to funding for the JDC.

Tribal Specific Request - Federal Corporate Charter

Since federal recognition as an organized Tribe, the Sac and Fox people have fought to maintain the wellbeing of our people. The Sac and Fox have persevered to maintain our sovereignty through history and into the era of Self-Governance despite broken treaties and inadequacy of federal funding.

Historically the people of the Sac and Fox Nation stood alongside many nations to seek and pave paths to new frontiers for all Tribes in the United States. This is evident in our Supreme Court victory on May 17, 1993 over the State of Oklahoma with regard to registering vehicles and issuing license plates for Tribal members.

Then, once again, the Sac and Fox Nation forged new territory in the seeking of Corporate Federal Charters in accordance with the Indian Reorganization Act of 1934 and the Oklahoma Indian Welfare Act of 1936. In 1987 the Sac and Fox Nation moved this exercise of Self-Governance forward with the signing of a Federal Corporate Charter by, then Assistant Secretary of Indian Affairs, Ross Swimmer. The key purposes of our Charter are to advance the standard of living of the Tribe through the development of Tribal resources, the acquisition of new Tribal land, the preservation of existing land holdings, the better utilization of lands, the development of a credit program for the Tribe, and the furtherance of economic industrial development within the Tribal jurisdiction.

In October of 2007, after decades of attempting to place tracts of land into trust through the process administered by the

Bureau of Indian Affairs, the Sac and Fox Nation placed twenty-four tracts of land into trust in accordance with our Federal Corporate Charter. Where trust applications had been disapproved in the past by the Bureau of Indian Affairs for reasons such as not having an easement despite the fact the Sac and Fox Nation owns the adjacent property, the Sac and Fox Nation placed these twenty-four tracts into trust in accordance with the Charter and Laws of the Sac and Fox Nation. On November 6, 2007, the Sac and Fox Nation issued notice of these actions to the Secretary of Interior, the Southern Plains Regional Director of the Bureau of Indian Affairs, Oklahoma State agencies, and each respective County agency. The Sac and Fox Nation's peak of accomplishment was hit hard by opposition in a letter from the Bureau of Indian Affairs Southern Plains Region dated March 7, 2008 stating "it is a well-established legal precedent, that absent the Secretary's approval of such conveyance, trust status is not imposed." The Sac and Fox Nation holds firm that Secretarial approval was granted in the signing of the Federal Corporate Charter. We stand strong behind the foresight of the leaders of the Sac and Fox Nation that held close the vision of improving the quality of life for our people through the economic development provisions of the 1987 Federal Corporate Charter.

The insight of the leaders of the Sac and Fox Nation subsequent to those essential to the 1987 Federal Corporate Charter ignited the initiative to further extend the resources of the Sac and Fox Nation to improve the well being of its people by the passing of a Tribal resolution on May 13, 2008 petitioning the Secretary of Interior to approve a second Federal Corporate Charter. Consultation with then Assistant Secretary of Indian Affairs, Carl Artman, at the 64th annual NCAI Convention and Trade Show held in Denver in November 2007 and in an audience granted during a trip to Muskogee, Oklahoma in the Spring of 2008, led to the signing of a second Federal Corporate Charter on May 22, 2008. The significant intentions of the second Federal Corporate Charter were to advance the standard of living of the Nation, its citizens, other Indians, and other persons associated with the Nation, through the acquisition of new Indian land, the preservation and expansion of Indian land holdings, the development of natural resources, the better utilization of land, the development of credit programs for the acquisition, development, and improvement of lands and the reduction of fractionated heir ships. In addition the Nation could further explore economic and industrial development on Indian lands; promote economic self-sufficiency and political self-determination for Indian Tribes and members of Indian Tribes; encourage inter-Tribal, regional, and international trade and business development in order to assist in increasing productivity, improving the standard of living of citizens of Indian Tribes, and improving the economic self-sufficiency of the governing bodies of Indian Tribes.

Although the Sac and Fox Nation has two Federal Corporate Charters approved and signed by two former Assistant Secretaries of Indian Affairs, opposition has arisen again. The 2008 Federal Corporate Charter signed by former Assistant Secretary Carl Artman waits to be scrutinized by the Solicitor's office of the Department of the Interior in advisement to the National Indian Gaming Commission. A letter received from the National Indian Gaming Commission dated February 17, 2012, states that "the Office of General Counsel will coordinate with the Department of the Interior, Office of the Solicitor on whether the Indian lands definition is permissible under IGRA and whether such lands are eligible for gaming under IGRA." While Interior review was neither solicited nor warranted, the historical resistance of the Office of the Secretary of Interior is peaking over the shoulders of the National Indian Gaming Commission. The current Assistant Secretary of Indian Affairs, Larry Echohawk, has diverted questions regarding Interior's position with regard to our Federal Corporate Charters to standard bureaucratic statements such as "I cannot answer at this time as it is under review by the Office of Solicitor." Attempts to seek an audience with Assistant Secretary Echohawk are weighed down with a discouraging screening process while the fate of the economy of the Sac and Fox Nation gets lost in red tape. Assistant Secretary Echohawk's written testimony to the Senate Committee on Indian Affairs on the President's 2013 Budget Request for Indian Pro-

grams in the Department of the Interior states the Department of Interior is seeking an increase for \$43.8 million in funding for the *Strengthening Tribal Nations initiative* yet the Department of Interior does not support the Sac and Fox Nation's Federal Charters which require no increase in federal funding and directly address the Bureau of Indian Affairs initiatives.

Office of Tribal Self Governance (OTSG) Leadership Change Announcement. Sandra Pattea, R.N., M.S. CAPT, USPHS, Deputy Director for Intergovernmental Affairs, announced, "Please join me in congratulating Ms. Hankie Ortiz, Director, Office of Tribal Self-Governance (OTSG), Indian Health Service (IHS) who has accepted a position to serve as the Deputy Director of Indian Services with the Bureau of Indian Affairs (BIA). Ms. Ortiz has over 6 years of dedicated service and contributions in advancing Self-Governance for IHS and the Department of Health and Human Services. It is with much gratitude that we appreciate her leadership in IHS and wish her the best in the future with her new position in BIA.

"With the departure of Ms. Ortiz, I am pleased to announce that Mr. P. Benjamin Smith, currently the Deputy Director, OTSG, will serve as the Acting Director, Office of Tribal Self-Governance, effective March 23, 2012. In this capacity, he will oversee the administration of the Tribal Self-Governance Program authorized by Title V of the Indian Governance activities within the Office of the Director. Thank you."

Holland & Knight Indian Law Update March 23, 2012: Committee Action Hearings. Senate Committee on Indian Affairs Holds Oversight Hearing on Indian Water Rights. On March 15, the Senate Committee on Indian Affairs, under the leadership of Chairman Daniel K. Akaka (D-HI), held an oversight hearing to examine Indian water rights and the benefits of negotiated settlements, as opposed to litigation, of water disputes in Indian Country. Other Senators in attendance included Vice Chairman John Barrasso (R-WY), Senator Jon Tester (D-MT), and Senator Tom Udall (D-NM). The following witnesses appeared and presented testimony during the hearing (the submitted written testimony of each witness may be viewed by clicking on the hyperlink to the witness's name): Hon. David Hayes, Deputy Secretary, Department of the Interior; John Echohawk, Executive Director, Native American Rights Fund; Maria O'Brien, Legal Committee Chair, Western States Water Council; Judith Royster, Co-Director, Native American Law Center; and Michael Bogert, Senior Counsel, Crowell & Morning.

In his opening statement, Chairman Akaka summarized that the water rights of Indian tribes were affirmed by the United States Supreme Court over one-hundred years ago and that Congress has approved over two-dozen water settlements in the past thirty-five years. Vice Chairman Barrasso then described the health, social, and economic benefits that clean and adequate water sources bring to Indian tribes and surrounding communities. Chairman Akaka emphasized that the settlements of Indian water rights can be pur-

sued through negotiation or litigation and described his belief that negotiation, as opposed to litigation, is more advantageous for all parties involved because negotiations are less expensive, take less time, and are more flexible than litigation. Chairman Akaka then concluded that Congress must continually review the settlement negotiation process, the related funding mechanisms, and ensure that ratified settlements are implemented in accordance with the Federal governments trust responsibility to Indian tribes.

Testimony from witnesses representing the Department of the Interior added that the Administration strongly supports Indian water rights settlements. Deputy Secretary Hayes also echoed the comments made by Chairman Akaka that protracted litigation does not provide solutions to the real problems that communities face. The Interior Department witnesses then described at length the Department's Indian Water Rights Office and its working group, which makes recommendations to the Secretary of the Interior regarding the positions of the United States in negotiations. In concluding his testimony, Deputy Secretary Hayes underscored that Indian water rights settlements, when they are done right, produce critical benefits for Indian tribes and bring together communities to improve water management practices in some of the most stressed water basins in the country.

Finally, testimony from other witnesses also focused on why negotiation of water rights is more preferable than litigation. In her testimony, Maria O'Brien added that settlements can provide mechanisms that enable tribes to turn qualified rights into "wet water," while litigation typically provides tribes with "paper rights" only. Several witnesses testified that the Federal government has a fiduciary duty to protect tribal water rights and has a responsibility to help tribes adjudicate their rights and ensure that settlements are funded and implemented as the parties intend.

The Sac and Fox Nation is proud to say we are a Self-Governance Tribe.

Jim Thorpe lawsuit. *The Washington Post* published an article titled "Battle over Athlete Jim Thorpe's Burial Site Continues" about the Jim Thorpe lawsuit in March. It can be read at http://www.washingtonpost.com/lifestyle/magazine/battle-over-athlete-jim-thorpe-burial-site-continues/2012/02/21/gLQAn5DLES_story.html.

Reporter Neely Tucker and photographer Bonnie Jo Mount visited the Nation for interviews and photographs. Tucker also discussed the article and events on the National Public Radio program "Tell Me More", hosted by Michel Martin.

It is truly an honor and privilege to serve my Sac and Fox Nation as your Chief. Thank you

Sincerely,
George Thurman, Principal Chief



(Left to Right) Henrietta Massey, NAGPRA Secretary; Sandra Massey, Historic Preservation Officer; Neely Tucker, Reporter for Washington Post; George Thurman, Principal Chief Sac and Fox Nation; Orvena (Twiggy) Gregory, Second Chief Sac and Fox Nation and Jacklyn Williams, Secretary/BC Sac and Fox Nation (staff photo)



(Left to Right) Stella Nullake, Committee Member/BC; Sandra Massey, Historic Preservation Officer; Henrietta Massey, NAGPRA Secretary, George Thurman, Principal Chief Sac and Fox Nation and Bonnie Jo Mount, Photographer Washington Post (staff photo)

