



Because there is Strength in Unity

Our Roots Run Deep



TABLE OF CONTENTS

7	UNITED SOUTH AND EASTERN TRIBES OVERVIEW Mission Statement of Unity USET Overview USET SPF Overview Presidents Executive Officers 2024–2028 Strategic Roadmap
21	MEMBER TRIBAL NATIONS
59	USET PROGRAMS AND SERVICES USET Programmatic Work by the Numbers Office of Tribal Public Health Office of Environmental Resource Management Office of Economic Development
71	TRIBAL NATION–UNITED STATES DIPLOMATIC RELATIONS: A PAST, PRESENT, FUTURE LOOK Origins and Basics of Tribal Nation–United States Diplomatic Relations Historical to Modern Day Overview Indian Country Issues for Advocacy Toward a New Era in the Tribal Nation–United States Diplomatic Relationship: Re-imagining Nation-to-Nation Diplomacy for the 21st Century Cultural Heritage Survival and Perseverance: Our Shared Global Human Interest and the Medicine that Heals

Copyright © 2025 by United South and Eastern Tribes
Printed in the United States of America
First printing March 2025, Nashville, TN

Library of Congress Control Number: 2025900279

Scan the QR code to access additional resources
and electronic versions of this book.



“One important aspect of this work is using language that is reflective of our special, inherently sovereign political status. Both in how we talk about ourselves as Tribal Nations and in how we talk about our people. The language we use matters. No longer should we ever use the language of the colonizer... language of an assimilation framework and mindset. It matters because there are consequences to the words we choose and if we don’t use the language and definitions of our choosing, there are plenty of outsiders thirsting to make those choices and decisions for us. As I have stated before, it is well beyond the time for Indian Country to reawaken to its own power, to understand this power, and to leverage this power for the purpose of reclaiming our rightful place as strong sovereign governments within these lands.”

–USET/USEP President Kirk Francis, Welcoming Remarks at Impact Week 2024

UNITED SOUTH AND EASTERN TRIBES OVERVIEW

USET MISSION

United South and Eastern Tribes, Inc., is dedicated to enhancing the development of federally recognized Tribal Nations, to improving the capabilities of Tribal governments, and assisting the USET Members and their governments in dealing effectively with public policy issues and in serving the broad needs of Indian people.

STATEMENT OF UNITY

We, the Eastern Band of Cherokee Indians, Chitimacha Tribe of Louisiana, Mississippi Band of Choctaw Indians, Coushatta Tribe of Louisiana, Miccosukee Tribe of Indians of Florida, Saint Regis Mohawk Tribe, Passamaquoddy Tribe – Pleasant Point, Passamaquoddy Tribe – Indian Township, Penobscot Indian Nation, Seminole Tribe of Florida, Seneca Nation of Indians, Houlton Band of Maliseet Indians, Poarch Band of Creek Indians, Tunica-Biloxi Tribe of Louisiana, Narragansett Indian Tribe, Mashantucket Pequot Tribal Nation, Wampanoag Tribe of Gay Head (Aquinnah), Alabama-Coushatta Tribe of Texas, Oneida Indian Nation, Mi'kmaq Nation, Catawba Indian Nation, Jena Band of Choctaw Indians, Mashpee Wampanoag Tribe, Cayuga Nation, Mohegan Tribe, Shinnecock Indian Nation, Pamunkey Indian Tribe, Rappahannock Tribe, Chickahominy Indian Tribe, Chickahominy Indian Tribe – Eastern Division, Upper Mattaponi Tribe, Nansemond Indian Nation, and Monacan Indian Nation, being numbered among the Nations People of the South and Eastern United States, desiring to establish an organization to represent our united interest and promote our common welfare and benefit, do of our own free will in Council assembly, affirm our membership in the organization to be known as United South and Eastern Tribes, Inc., and proclaim the following objectives and declare our purpose to be:

- To promote Indian leadership in order to move forward in the ultimate, desirable goal of complete Indian involvement and responsibility at all levels in Indian affairs;
- To lift the bitter yoke of poverty from our people through cooperative effort;
- To promote better understanding of the issues involving Indian Tribal Nations and other people;
- To advocate for more effective use of existing local, state, federal, and international resources;
- To promote a forum for exchange of ideas;
- To combine our voices so we can be heard clearly by local, state, federal, and international governments;
- To dedicate ourselves to improvement of the quality of life for American Indians through increased health, education, social services and housing opportunities;
- To reaffirm the commitments of our Tribal Nations to the treaties and agreements heretofore entered into with the Federal Government in a government-to-government relationship and to promote the reciprocity of this relationship and those agreements and treaties; and
- To provide protection of Tribal natural resources.

UNITED SOUTH AND EASTERN TRIBES OVERVIEW

ESTABLISHED 1969

United South and Eastern Tribes (USET) is a 501(c)(3) non-profit, inter-Tribal organization serving 33 federally recognized Tribal Nations from the Northeastern Woodlands to the Everglades and across the Gulf of Mexico. Through the growth of its membership, USET includes the majority of all federally recognized Tribal Nations served by the Indian Health Service (IHS) Nashville Area and Bureau of Indian Affairs (BIA) Eastern Region Office. Collectively, these are the Tribal Nations of first contact that have decades, if not a century, longer experience with the nascent United States prior to its westward expansion.



Early meeting of the four USET founding Tribal Nations.

In 1969, the United Southeastern Tribes, Inc. was created through the coordination of its four founding member Tribal Nations: Mississippi Band of Choctaw Indians; Seminole Tribe of Florida; Miccosukee Tribe of Indians of Florida; and Eastern Band of Cherokee Indians. With the addition of the Seneca Nation in 1972 and subsequently, the Saint Regis Mohawk Tribe in 1979, the organization underwent an evolution that changed it from the United

Southeastern Tribes to United South and Eastern Tribes (USET), Inc. The USET office was originally located in Emory University, Atlanta, GA, followed by Sarasota, FL, then finally relocated in 1975 to Nashville, TN, where USET continues to be headquartered.

USET is dedicated to enhancing the development of Tribal Nations, improving the capabilities of Tribal governments, and improving the quality of life for Indigenous people. Our mission statement, *Strength In Unity*, emphasizes partnership and advocacy to overcome historical traumas and barriers still interfering with Tribal Nations becoming thriving communities. Each year, USET professionally and successfully manages numerous grant programs that serve the interests of our member Tribal Nations, and which have allowed the continued growth of the organization and the diversification of its support portfolio.

USET's annual programmatic support portfolio is stewarded by our three programmatic departments that focus on the promotion of Tribal public health initiatives, the enhancement of economic development and rebuilding, and environmental and natural resource initiatives. These programs are further supported and strengthened by our sophisticated organizational infrastructure, which now includes the internal departments of Employee Relations and Personnel Management (ERPM), Information Technology (IT), Development, Finance, and our overarching Executive Office that oversees the overall performance and execution of all activities to the mission of the organization.



Today, USET is comprised of 33 member Tribal Nations. USET/USP Tribal Leaders met with Secretary of the Interior Deb Haaland at the 2022 Annual Board of Directors Meeting.

USET SOVEREIGNTY PROTECTION FUND OVERVIEW

ESTABLISHED 2014

In October 2014, USET formed and received approval from the Internal Revenue Service for a 501(c)(4) not-for-profit sister organization—the USET Sovereignty Protection Fund (SPF). USET SPF continues to provide strong advocacy for member Tribal Nations within all branches of the federal government. USET SPF strives to protect, promote, and advance the ability of Tribal Nations to exercise inherent sovereign rights and authorities, and we work to elevate the voices of Tribal Nations to ensure the United States delivers on its trust and treaty obligations. We work within existing institutions to fight today's battles, and we simultaneously work to change the foundations of federal Indian law and policy to create long lasting impacts for Indian Country.

With the guidance, direction, and support of our Tribal leader Board of Directors, USET SPF advocates for actions that will help us to provide essential government services for our people, increase the exercise of our inherent sovereignty and self-determination, and uphold the Nation-to-Nation relationship between the United States and Tribal Nations, as well as deliver upon the unique trust and treaty obligations owed to us by the federal government. This includes engaging in strategic litigation when the foundations of our sovereignty or unique relationship with the U.S. government are at stake.

We are also committed to educating the American public, including Congress, through the promotion of truthful narratives about Tribal Nations and Native American people. USET SPF maintains that the United States must confront its own shameful history, including the atrocities committed against our ancestors and the theft of our lands and resources. It is time for this country to acknowledge and reconcile the complete and truthful story of our relationship.

USET SPF is seeking justice amid a reckoning with America's past, as well as a commitment toward a more honorable future. We have consistently called upon the United States to deliver on and fulfill its sacred promises to Tribal Nations and to act with honor and honesty in its dealings with Indian Country. Recognizing the centuries of federal failures to deliver on these promises, we seek the support for a reimagining of U.S.-Tribal Nation relations that moves away from paternalistic, antiquated, and colonial models and instead prioritizes an evolved relationship model that reflects a true Nation-to-Nation partnership built upon diplomacy.



USET/USPSP Tribal leaders attended the 2022 White House Tribal Nations Summit in Washington, D.C., to engage in dialogue with top Biden Administration officials on behalf of our Tribal Nations, our region, and all of Indian Country.



USET/USPSP Tribal Leaders attended the October 2024 Federal Indian Boarding School Apology issued by President Joe Biden.

USET PRESIDENTS PAST AND PRESENT



Kirk Francis, Sr.
Penobscot Indian Nation
2016-Current



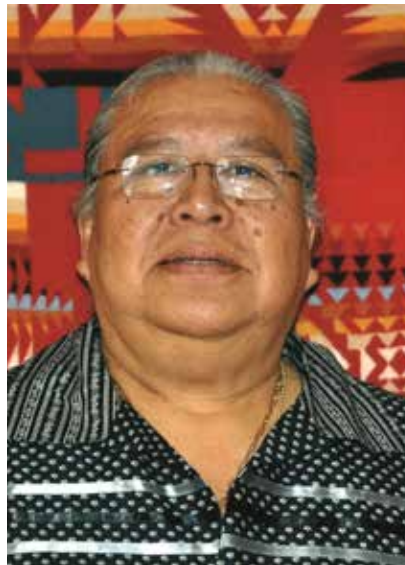
Brian Patterson
Oneida Indian Nation
2006-2016



Keller George
Oneida Indian Nation
1994-2006



Eddie Tullis
Poarch Band of Creek Indians
1990-1994



Joel Frank, Sr.
Seminole Tribe of Florida
1986-1990



Loenard Garrow
Saint Regis Mohawk Tribe
1982-1986



Michael Tiger
Seminole Tribe of Florida
1978-1982



Jonathan L. "Edd" Taylor
Eastern Band of Cherokee Indians
1976-1978



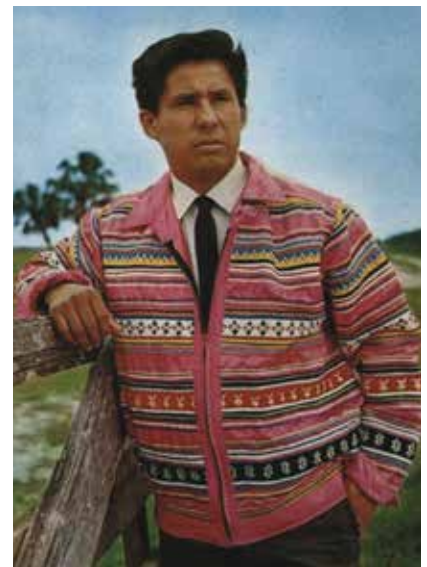
Howard Tommie
Seminole Tribe of Florida
1973-1976



Phillip Martin
Mississippi Band of Choctaw Indians
1971-1973



Emmett York
Mississippi Band of Choctaw Indians
1970-1971



Joe Dan Osceola
Seminole Tribe of Florida
1969-1970

EXECUTIVE OFFICERS



Kirk Francis
President

Tribal Chief, Penobscot
Indian Nation

Kirk Francis has served as Chief of the Penobscot Indian Nation since 2006 and holds the distinction of being the Nation's longest-serving Chief since the electoral system began in 1850. Prior to becoming USET/USEP President, he served as Treasurer.

Sarah Harris
Secretary

Vice Chairwoman,
Mohegan Tribe

Sarah Harris has served as Vice Chairwoman of the Mohegan Tribe since October 2019 and is currently in her second term on the Mohegan Tribal Council. She has extensive experience in federal law and policy.

Crystal Williams
Treasurer

Vice Chairwoman,
Coushatta Tribe
of Louisiana

Crystal Williams is in her second consecutive term on the Coushatta Tribal Council and is a strong advocate for Tribal sovereignty, cultural preservation, and Tribal youth.

Robert McGhee
Vice President

Vice Chairman, Poarch
Band of Creek Indians

Robert "Robbie" McGhee serves as the Vice Chairman of the Poarch Band of Creek Indians and has been an advocate for Native American issues at all levels of government.



USET/USET SPF FY 2024-2028 Long-Term Strategic Roadmap

Overview of Process

Improving the quality of life throughout Indian Country and protecting the sovereignty of Tribal Nations have been foundational goals for United South and Eastern Tribes (USET). Since its incorporation, USET's membership has grown to 33 Tribal Nations. USET has worked consistently to assist member Tribal Nations to build capacity, influence policy and legislation that has made a positive impact on Indian Country, and has provided a platform for Tribal Nations to unify to uphold, protect, and advance sovereignty.

This document outlines the updated 5-year strategic direction for USET, the 501(c)3, and USET Sovereignty Protection Fund (USET SPF), an affiliate 501(c)4 organization dedicated to advocating on behalf of USET member Tribal Nations and issues related to Indian Country. In 2016, these organizations for the first time embarked upon a formal long-term strategic planning effort for fiscal years 2017–2021. Due to the COVID-19 pandemic, this 5-year plan was extended to cover fiscal years 2022 and 2023.

The growth that USET and USET SPF have experienced over the last decade are a direct reflection of this long-term planning effort, as well as the shorter period plans that preceded it. Now, we are pulling together the strategic framework and roadmap that will guide us for the next 5 years (FY2024–2028).

While our organization's strength is undoubtedly derived from our unity, we also acknowledge the diverse tapestries represented within our membership, which is a reflection of the broader diversity found across all of Indian Country. This organizational diversity affords us a profound and comprehensive understanding of the myriad of issues affecting Indian Country as a whole. Our organization must continue to be prepared to address issues both present and unforeseen that may affect our membership. In order to accomplish this, USET is guided by this strategic framework that captures the organization's mission, vision, strategic pillars and embedded goals, all of which reinforce USET's efforts to be directed by and to our guiding mission of "Strength in Unity."

The process began in March 2023, when USET staff had the opportunity to review and comment on the strategic pillars and the integration of USET program activity with the pillars. A few weeks later, USET Senior Leadership gathered to review the current long-term plan, further define our strategic pillars, and create our value prop, vision, and goals for each pillar. In June 2023, sessions at the Semi-Annual Meeting offered the USET/USET SPF Executive Officers Committee (EOC) time to review the draft long-term strategic roadmap, and staff to participate in a tabletop exercise. In August 2023, a USET Programmatic Alert provided the draft long-term strategic roadmap to USET/USET SPF membership and invited feedback. Throughout the process, the EOC received briefings and provided input regularly during EOC calls.

The long-term strategic roadmap is ready for Board of Directors' review and approval at the 2023 USET/USET SPF Annual Meeting. Upon approval from the Board, USET will implement and follow the roadmap for the next 5 years.

Mission, Vision, Strategic Purpose, Value Prop, and Values

USET Mission

Uphold, protect, and advance Tribal sovereignty and Nation rebuilding through capacity building, organization/government development, technical assistance, advocacy, partnership, and resource development that improves the quality of life and overall wellbeing of Indian people.

USET 2028 Vision

We will be the recognized leader and model in the advancement of Tribal sovereignty, diplomacy, and Nation rebuilding through authentic, innovative, and intentional organizational growth, advocacy and support.

USET SPF Strategic Purpose

The overarching purpose of USET SPF is to uphold, protect, and advance the inherent sovereign authorities and rights of USET SPF member Tribal Nations through assertive advocacy and diplomacy.

Our Value Prop

We are a progressive and visionary voice of indigenous justice led by sovereign Nations and informed by the earliest foundations of Tribal-U.S. relations.

Our Indigenous Values

We value...

- Respect
- Relationships
- A justice orientation
- Intentional innovation
- Responsibility
- Passion

Strategic Pillars and Goals



INDIGENOUS TRUTH

DEFINITION: Recognizing the devastating impacts and effects that colonization has had within our families, communities, and Nations, the erosion of proper and respectful diplomatic Tribal Nation-U.S. relations, and the often incomplete and untruthful narrative about our story, we will unapologetically and assertively work to change the narrative and decolonize our language, methods, and processes by leading with an indigenous perspective.

GOALS

- Operationalize internal branding.
- Increase visibility through intentional outreach and messaging.



ORGANIZATIONAL DEVELOPMENT

DEFINITION: Develop the most effective and impactful inter-Tribal organization throughout Indian Country by securing diverse financial resources, attracting the highest quality talent, establishing organization systems to support program growth and efficiency, and building networks of partners with resources to achieve USET's goals and objectives.

GOALS

- Diversify our revenue portfolio to more proactively respond to member needs.
- Create, assess, and refine governance and guidance documents.
- Expand and establish operational infrastructure competencies.
- Recruit and retain talent.
- Build networks and partnerships.



NATION REBUILDING AND ADVANCEMENT

DEFINITION: Support Nation rebuilding that leads to strong Tribal governments, a healthy society, rich cultural practices, an educated populous, abundant natural resources, capital investment, and economic and social sustainability.

GOALS

- Provide innovative support services.
- Advocate for fulfillment of trust and treaty obligations.
- Continue to expand strategic litigation.
- Provide advocacy tools, trainings, and resources to help Tribal Nations uphold and advance sovereignty.



LEADERSHIP DEVELOPMENT

DEFINITION: Develop strong, competent, and passionate leaders, especially generational leadership, who represent Tribal Nations' interests as board members, Tribally selected officials, and committee chairpersons, as well as leaders in organizations and communities, to deliver a strong voice and ensure the health, wellbeing, and self-determination of future generations.

GOALS

- Provide increased educational opportunities.
- Establish mentorship opportunities.





The Great Craggie Mountains are a subrange of the Blue Ridge Mountains and are part of the Pisgah National Forest. Covered by Catawba rhododendrons by mid-June each year, many sacred sites in the area have cultural significance to multiple USET Tribal Nations.

"Because of where we are located, our member Tribal Nations were the first to contend with 17th and 18th-century local colonial governments and distant European nations at the onset of colonization in North America. We engaged in treaty-making with both the British Crown (in addition to other foreign governments) and the nascent American government. Our relationship with the U.S. government involves a lengthier history of destruction, destabilization, termination, and assimilation than the Tribal Nations of many other regions throughout the country. Indeed, our region served as a "testing ground" for some of the most horrific and shameful federal policies visited upon Tribal Nations and Native people. While all Tribal Nations are working to rebuild in the wake of destructive federal policies and actions, many USET SPF Tribal Nation members are doing so from positions of greater and more extensive loss of population and natural and cultural resources. In spite of this, our story is one of triumph, as we have persevered over the last 400+ years against the greatest of odds and in the face of a centuries-long campaign to eradicate our people and governments."

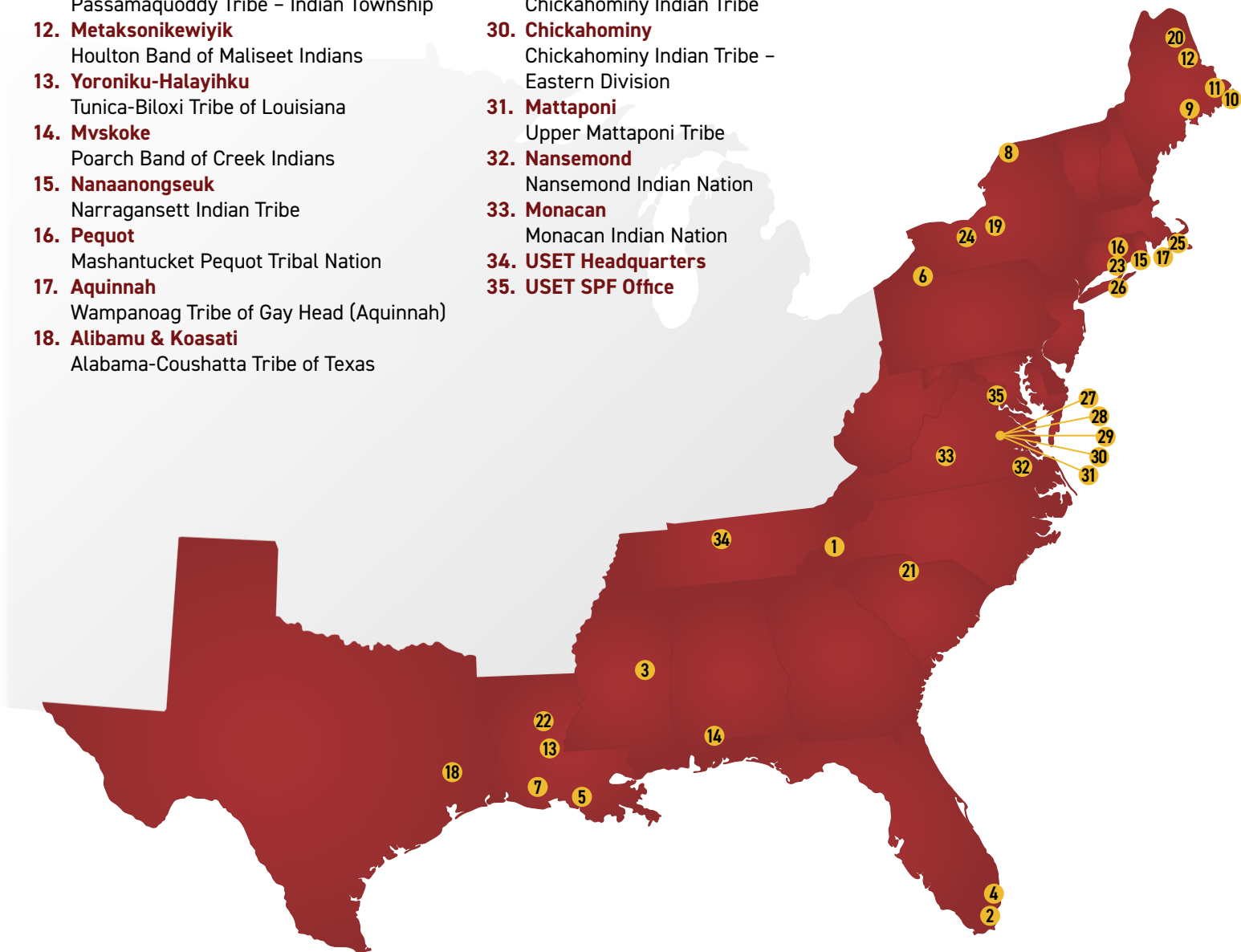
-USET SPF Testimony for the Record of House Committee on Natural Resources Subcommittee on Indian and Insular Affairs Legislative Hearing on H.R. 1208 and H.R. 6180

MEMBER TRIBAL NATIONS

USET/USET SPF TRIBAL NATIONS

1. **Ani'Yunwiya**
Eastern Band of Cherokee Indians
2. **Mikasuki**
Miccosukee Tribe of Indians of Florida
3. **Chahta**
Mississippi Band of Choctaw Indians
4. **I:laponathli**
Seminole Tribe of Florida
5. **Sitimaxa**
Chitimacha Tribe of Louisiana
6. **Onondowa'ga'**
Seneca Nation of Indians
7. **Koasati**
Coushatta Tribe of Louisiana
8. **Akwesasne**
Saint Regis Mohawk Tribe
9. **Panawahpskek**
Penobscot Indian Nation
10. **Peskotomuhkati**
Passamaquoddy Tribe – Pleasant Point
11. **Peskotomuhkati**
Passamaquoddy Tribe – Indian Township
12. **Metaksonikewiyik**
Houlton Band of Maliseet Indians
13. **Yoroniku-Halayihku**
Tunica-Biloxi Tribe of Louisiana
14. **Mvskoke**
Poarch Band of Creek Indians
15. **Nanaanongseuk**
Narragansett Indian Tribe
16. **Pequot**
Mashantucket Pequot Tribal Nation
17. **Aquinnah**
Wampanoag Tribe of Gay Head (Aquinnah)
18. **Alibamu & Koasati**
Alabama-Coushatta Tribe of Texas

19. **Onyota'a:ká:**
Oneida Indian Nation
20. **Mi'kmaq**
Mi'kmaq Nation
21. **Ye Iswah h'reh**
Catawba Indian Nation
22. **Chahta**
Jena Band of Choctaw Indians
23. **Maheehkanuwak**
Mohegan Tribe
24. **Gayogoho:no'**
Cayuga Nation
25. **Mâseepee Wôpanâak**
Mashpee Wampanoag Tribe
26. **Shinnecock**
Shinnecock Indian Nation
27. **Pamunkey**
Pamunkey Indian Tribe
28. **Rappahannock**
Rappahannock Tribe
29. **Chickahominy**
Chickahominy Indian Tribe
30. **Chickahominy**
Chickahominy Indian Tribe – Eastern Division
31. **Mattaponi**
Upper Mattaponi Tribe
32. **Nansemond**
Nansemond Indian Nation
33. **Monacan**
Monacan Indian Nation
34. **USET Headquarters**
35. **USET SPF Office**

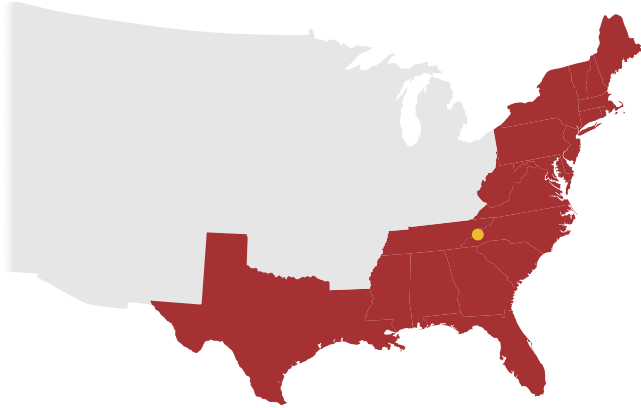




ANI'YUNWIYA

Eastern Band of Cherokee Indians

Founding member October 1968



- Location: Located within the Qualla Boundary of the Shaconage (Smoky Mountains), the reservation consists of several communities: Snowbird, Cherokee County, Big Cove, Towstring, Yellowhill, Wolfstown, Big Y, Birdtown, 3200 Acre Tract, and Painttown. A small part of the main reservation extends eastward into Haywood County.
- Land Size: More than 56,000 acres
- Population: ~14,000 Tribal Citizens
- Main Industries: Tourism, Recreation, Hospitality, Gaming

Ancestors of the Eastern Band of Cherokee Indians hunted and gathered around the lands along the eastern banks of Turtle Island since 2000 BC. By the time colonists stepped onto the lands, the Cherokee had a system of agriculture and were governing their people with established sovereign principles. They have had a constitution since the early 1800s and a newspaper published in the Cherokee language since 1828. After consistent attempts to adapt to colonial culture and practices, the Cherokee were ultimately forced to relocate due to land grabs and the discovery of gold in their lands in what is known today as the Trail of Tears (1838).

Approximately 1,000 Cherokee remained in their ancestral homelands and did not leave during the required removal. The current 14,000 citizens of the Eastern Band of Cherokee Indians are descendants of those original 1,000 Cherokee citizens. Today's citizens are governed by their Principal Chief and Vice Chief in the executive branch of government, a 12-member Tribal Council in the legislative branch, along with a judicial branch of government, all very similar to the U.S. government structure with a democratic voting system. On the eastern edge of the Smoky Mountains lies the Qualla Boundary, the ancestral lands of the Eastern Band of Cherokee, where the schools, water, sewer, fire, and emergency services are financed without assistance from the federal government.

The Eastern Band of Cherokee Indians work diligently to provide for their people and continue the strong traditions of land stewardship, community connection, and effective management of their sovereign authorities. For the Cherokee, the connection to water is sacred and restoring habitat and diversity along the riverbanks is crucial for continued growth. Each year the Cherokee hold a Long Man River clean up to honor the river. The "Long Man" is an esteemed figure among the Cherokee responsible for providing clean water for drinking, washing, cooking, and other medicinal and spiritual rituals. Preserving customs and traditions at the same time as working towards future growth with intentional determination guides the Cherokee people to persevere and pay homage to their ancestors through storytelling, ceremonies, and dance while endowing future generations with the strength to endure.



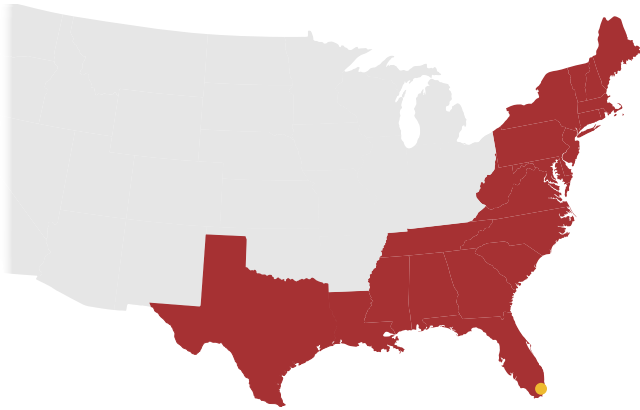
Photo: EBCI Communications



MIKASUKI

Miccosukee Tribe of Indians of Florida

Founding member October 1968



- Location: Kahayattle (Everglades)
- Land Size: More than 78,000 acres
- Population: ~600 Tribal Citizens
- Main Industries: Tourism, Recreation, Hospitality, Gaming

The Miccosukee Indians were originally part of the Creek Nation, migrating to Kahayattle prior to European colonization. During the Indian Wars of the 1800s, the Miccosukee fought against capture and termination. Most were removed to the West, but about 100 Mikasuki-speaking Creeks never surrendered and hid out in the Everglades. Present Tribal citizens now number over 600 and are direct descendants of those who eluded capture.

To survive in this new environment, the Miccosukee adapted to living in small groups in temporary "hammock style" camps throughout the vast river of grass. In this fashion they stayed to themselves for about 100 years, resisting efforts to become assimilated. After the Tamiami Trail highway was built in 1928, the Tribal Nation began to accept New World concepts.

To ensure that the federal government would formally recognize the Miccosukee Tribe of Indians of Florida, future Tribal Chairman Buffalo Tiger led a group to Cuba in 1959, asking Fidel Castro for, and being granted, international recognition as a sovereign nation within the United States. Following this, on January 11, 1962, the U.S. Secretary of the Interior approved the Miccosukee Constitution and they were recognized as a sovereign nation.

On May 4, 1971, officers of the Miccosukee Corporation, acting for the Miccosukee Tribe, signed a contract with the

Bureau of Indian Affairs (BIA) authorizing the Corporation to operate all programs and services provided for the community formerly administered by the BIA. The Tribal Nation's intent in this negotiation was to decide their own fate and gradually develop total independence. A General Council (also known as Business Council) including the Chairman, Vice Chairman, Secretary, Lawmaker, and Treasurer currently governs the Tribal Nation. The responsibilities of the General Council consist of developing and managing resources, and day-to-day business activities including those involving citizenship, government, law and order, education, welfare, recreation, and fiscal disbursement.

Known for their various cultural, environmental, and economic ventures, Miccosukee citizens continue to craft traditional palmetto dolls and provide air boat tours through the Everglades sharing their history and culture with visitors. They also have an annual fishing tournament to remove invasive fish species and raise awareness of their impact to the native ecosystem. The Miccosukee Tribe of Indians of Florida operate a clinic, police department, court system, daycare, senior center, community action agency, and an educational system ranging from the Head Start Pre-School Program through Senior High School, adult, vocational, and Higher Education programs in addition to other Social Services all incorporating traditional and non-traditional management.

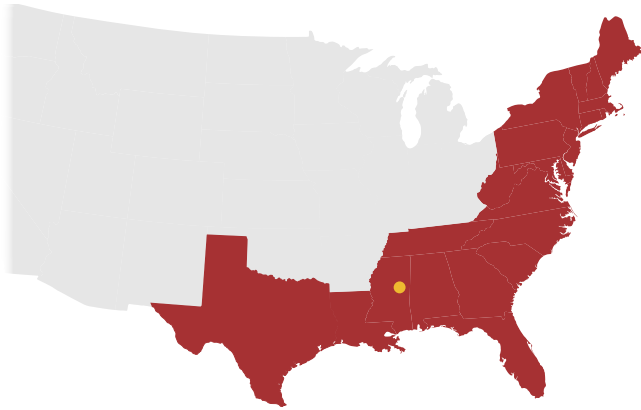




CHAHTA

Mississippi Band of Choctaw Indians

Founding member October 1968



- Location: 10 counties surrounding Chahta, Misiziibi
- Land size: 35,000 acres
- Population: ~11,000 Tribal Citizens
- Main Industries: Tourism, Recreation, Hospitality
Gaming, Manufacturing

Choctaw people have been living and working their lands since 18,000 BC. By the time colonizers were routing through Chahta lands, the Choctaw people had been trading, hunting, and gathering for centuries. They were excellent traders and skilled in farming using their surplus crops as bartered goods. Choctaw were also fighters and often were used against neighboring Tribal communities to the benefit of colonizers. For hundreds of years the Choctaw cultivated a great tradition of business which brought to them large amounts of lands and territory. This ultimately brought later pressure from the new U.S. government to cede their territory for expansion.

The Choctaw allied themselves with the French in the wars between the French and the British during the 18th

century. Following the defeat of the French in the French and Indian War (1754-63), the British seized part of Choctaw's territory, forcing a move westward in search of new land.

Treaties lead to further, massive land loss for the Choctaw. In 1801, the Treaty of Fort Adams was signed in which the Choctaws ceded to the United States 2,641,920 acres of land from the Yazoo River to the thirty-first parallel. That was the first in a series of treaties between the Choctaws and the United States, and between 1801 and 1830 more than 23 million acres of Chahta land was culled by the United States. Ultimate removal west of the Mississippi River soon followed, save the descendants of today's Mississippi Band of Choctaw Indians who remained after 1833. On April 20, 1945, after ratifying the Tribal Nation's constitution, the Mississippi Band of Choctaw Indians were officially recognized by the federal government. Eight communities make up the entirety of the Mississippi Band of Choctaw Indians who are governed by a Chief and Tribal Council which is responsible for passing all the laws and regulations on Chahta lands. Tribal Council includes a Vice Chief, Secretary/Treasurer, a Committee Systems Chairperson and 17 council members representing each community. More than 11,000 citizens are enrolled as Mississippi Band of Choctaw Indians living both on and off ancestral lands. The Choctaw exercise their sovereignty over more than 35,000 acres throughout east central Mississippi and a small area in western Tennessee.

Today, Choctaw business thrives as one of the top five largest private employers in their area. Their portfolio of enterprises is vast and diverse, including more than fifteen operations under five Tribally-owned parent companies. By continuing Choctaw consistency in the convergence of cultural traditions and cutting-edge knowledge, the Mississippi Band of Choctaw Indians are strong business partners.

Guided by living their traditions, Choctaw people focus on their future while preserving their past with language revitalization initiatives along with continuing to celebrate their history and heritage. Through cooperation and development of long-standing partnerships, the Choctaw have forged through hardship always championing their citizens and diversifying their ventures to uplift the next seven generations.

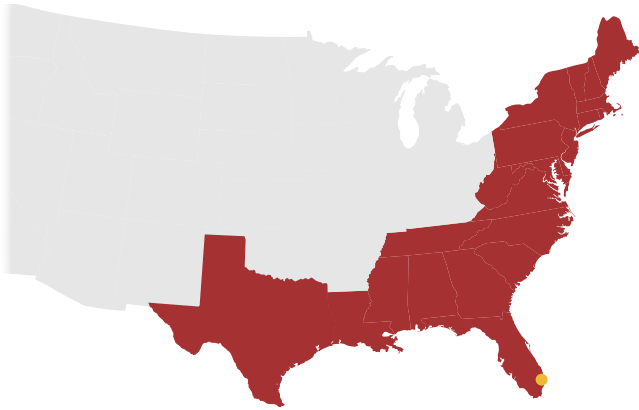




I:LAPONATHLI

Seminole Tribe of Florida

Founding member October 1968



- Location: Big Cypress, Brighton, Hollywood, Immokalee, Tampa, Fort Pierce, and Coconut Creek
- Land Size: ~89,000 acres
- Population: 5,000 Tribal Citizens
- Main Industries: Tourism, Recreation, Hospitality, Gaming, Retail

Ancestors of the Seminole have lived in the southeastern portion of Turtle Island for at least 12,000 years. Within one hundred years after the arrival of the Spanish and the diseases they brought, nine out of ten Native peoples in the region were erased. The Seminole gathered with others from the region to defend their homes and people resisting control by the colonial missions intent on forcing them from their homelands. Despite the Removal Act of 1830, the Seminole stayed behind in the swamps refusing to be relocated. They traded plumes, hides, fish, and game with settlers near their lands, shared their culture, and sold their artisan crafts while continuing to live in their aboriginal lands.

In the early 20th century the government treated American Indians as orphaned wards who were unable to handle their own affairs. After World War II, policies of termination and assimilation began in earnest. Again, the Seminole resisted, insisting to maintain their sovereignty and demanding a settlement for lands lost. Through writing their own constitution they established a two-tiered government (five-member Tribal Council and Board of Directors) with elected representation from each Seminole community. Federal recognition was given in 1957.

The Seminole provide their citizens with emergency services including a police department, housing and health

care programs, utilities, and water resource management. Businesses run by the Seminole encompass a wide variety of ventures including farming, one of the largest cattle operations in North America, the Billie Swamp Safari, the Ah-Tah-Thi-Ki Museum, and the Hard Rock brand - an international business in 74 countries. Through these enterprises, the Seminole continue their traditional sewing, patchwork, Chickee building, and alligator wrestling following the examples of their ancestors. Adapting, changing, and keeping their culture intact for the next generation is a continuing priority.

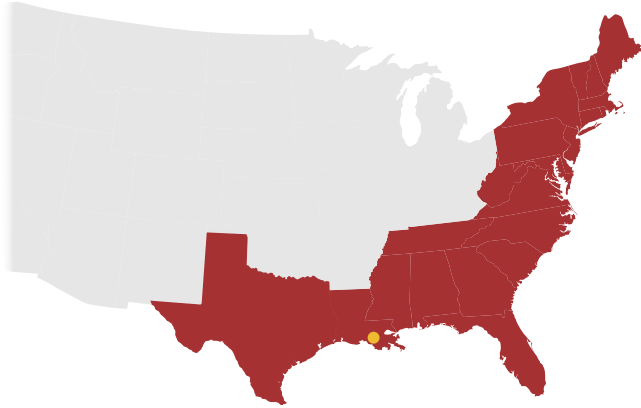




SITIMAXA

Chitimacha Tribe of Louisiana

Member since November 1971



- Population: 1,661 Citizens; 25% onsite, 75% off
- Land: 445 trust, 518 fee land
- Industries: Tourism, Recreation, Hospitality, Gaming, Services
- Medical: Health & Dental Clinics
- Traditional Foods: maize, potatoes, wild game (preferring deer, alligator and aquatic species)
- Celebrations: Bayou Teche
- Traditional Language: Chitimacha
- Preservation Program: Yes
- Speakers: No fluent, being taught in school

The Chitimacha Tribe of Louisiana is the only Tribal Nation in Louisiana to still occupy a portion of their aboriginal homeland. The Chitimacha, according to oral history, "have always been here." Their lands once encompassed the entire Atchafalaya Basin, lands westward toward Lafayette, Louisiana, southward to the Gulf of Mexico and eastward towards New Orleans. At the time of contact with European explorers and other non-indigenous populations, the Chitimacha were known as one of the most powerful Tribal Nations along the gulf region.

Based upon documentary evidence and Tribal informants, a brief sketch of the Chitimacha Tribe prior to contact with Europeans can be constructed. The Chitimacha were arranged in a class system. This system was more rigid than the famous Natchez system, employing different forms of address, both polite and common. Clans also existed based on matrilineal descent; wolf, bear, dog, and lion clans were documented in the early 1900s.

The Chitimacha subsisted on maize, potatoes, and wild game. They preferred deer, alligator, and aquatic species. Hunting and fishing were accomplished with the aid of bone, stone, or garfish-scale pointed arrows, blow guns, wooden darts, and nets and traps for fishing. The Chitimacha were prolific ceramics producers until about 200 years ago when those techniques were lost to history, however the designs are said to have been similar to those employed in basketry.

A keystone of Chitimacha cultural tradition is river cane basketry, both single and double woven. According to Tribal legend, basketry was taught to the Chitimacha by a deity and has been practiced by Tribal families for thousands of years.

On September 14, 1970, the Tribal Nation adopted a constitution and bylaws, and the traditional system of government was replaced with a Tribal Council. The Council consists of five elected officials: Chairman, Vice-Chairman, Secretary/Treasurer, and two Councilmen-at-Large. The Tribal government takes care of Chitimacha citizens with its own police and fire departments, health clinic, pharmacy, museum, cultural/historic preservation office, elderly assisted living facility, housing program, scholarship program, and many others. They are constantly upgrading social and emergency services to Tribal citizens, and they are leaders in the preservation of cultural resources for future generations.

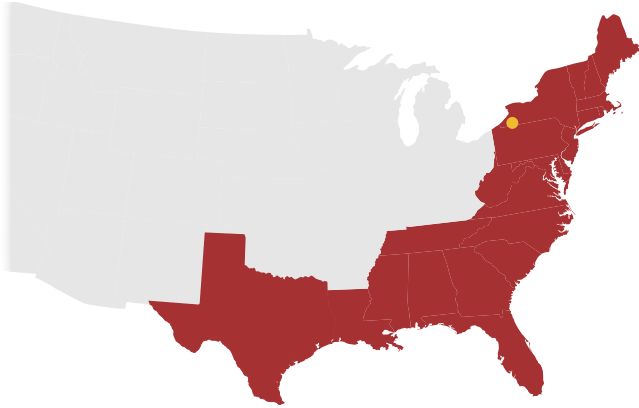




ONONDOWA'GA'

Seneca Nation of Indians

Member since June 1972



- Location: Finger Lakes Region
- Land Size: Comprised of 31,095 acres in the Allegany Territory; 22,011 acres in the Cattaraugus Territory; one square mile in Cuba, known as the Oil Spring Territory; 30 acres in Niagara Falls, New York, and 9 acres in Buffalo
- Population: More than 8,000 Tribal Citizens
- Main Industries: Tourism, Recreation, Hospitality, Gaming, Energy, Retail, Services

As the “Keeper of the Western Door,” the Seneca Nation of Indians are the westernmost of the Haudenosaunee (Hodinöhsó:ni’) Confederacy, a democratic government comprised of six Native American Nations pre-dating the United States Constitution. They are O-non-dowa-gah, (say Oh-n’own-dough-wahgah) or “Great Hill People.”

Historically the Seneca occupied territory throughout the Finger Lakes area and Genesee Valley, living in longhouses on the riversides. The people relied heavily on agriculture for food, growing Deohako, (say Jo- hay-ko) “the life supporters” or the Three Sisters: corn, beans, and squash. They were subsistence hunters and fishermen as well. The Seneca were highly skilled at warfare and considered fierce adversaries, while also being renowned for their sophisticated diplomatic and oratory skills.

The modern-day Seneca Nation of Indians is a true democracy whose constitution was established in 1848 establishing a government comprised of elected Executive, Legislative, and Judicial branches. The Executive Branch leadership includes a president, treasurer and clerk. The Legislative Branch is led by a sixteen-member Tribal Council, comprised of an equal number of representatives from the Cattaraugus and Allegany territories. The Judiciary Branch is comprised of three separate divisions, the Peacemaker, Appellate and Surrogate courts. The Council serves as Supreme Court and exercises limited jurisdiction over certain appeals from the Court of Appeals.

Language, song, art, dance, and sports are all vital aspects of Seneca culture. Although the number of fluent Seneca language speakers is diminishing, language programs are in place to help protect, preserve and develop a new generation of language speakers. A Faithkeepers’ School ensures the ongoing practice of traditional teachings, arts, knowledge and the living culture of the Longhouse ways. The Seneca Nation supports its citizens and benefits surrounding communities with a variety of cultural, educational, and economic efforts.

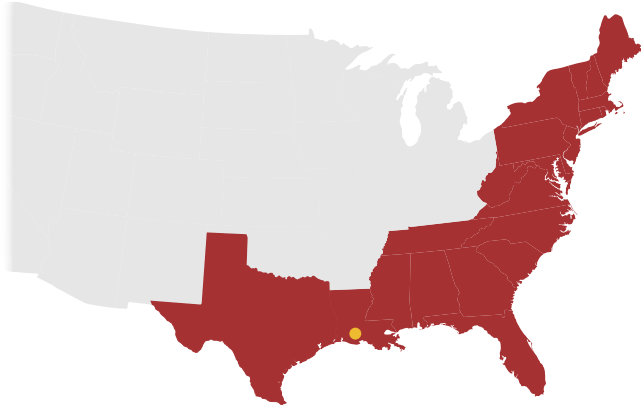




KOASATI

Coushatta Tribe of Louisiana

Member since August 1974



- Location: Bayou (bayou) country
- Land Size: ~1,050 acres of Reservation trust land and 5,760 acres fee land
- Population: 900 Tribal Citizens
- Main Industries: Tourism, Recreation, Hospitality, Gaming, Agriculture

The Coushatta Tribe of Louisiana have called the piney woods of Southwest Louisiana home for more than a century. As the 20th century dawned, Coushatta leaders began to engage the United States government to ensure the well-being of their people. Years of advocacy paid off in 1935, as the federal government extended tuition funding to Coushatta children and, in 1945, offered community members contract medical care. Then, in 1953, the relationship between the Coushatta and the federal government soured, when, despite earlier treaties with the Tribal Nation, the Bureau of Indian Affairs terminated all services to the community without congressional approval or community consent.

Efforts to regain federal recognition began in 1965, as community members organized Coushatta Indians of Allen Parish, Inc. and established a local trading post to sell Coushatta pine needle baskets. In 1970, Coushatta leaders began petitioning the Indian Health Service to again provide medical care for Tribal citizens. These

efforts were successful in 1972, which was the same year the Louisiana Legislature granted the Coushatta official recognition. Finally, in June of 1973, the Coushatta Tribe of Louisiana, under Tribal Chairman Ernest Sickey, once again received federal recognition from the Secretary of Interior.

After regaining federal recognition, the Coushatta Tribe of Louisiana began investing in a variety of enterprises to provide revenue for their Tribal government and jobs for community citizens. The Coushatta Tribe has constructed Tribal housing, rice and crawfish farming, and development of new business programs. They've constructed buildings to house the Tribal Government, Tribal finance department, Tribal Police and Fire Departments, and community, health, and learning centers. The Tribal Nation also operates a variety of smaller business enterprises, as well as health, educational, social and cultural programs that have economic and social impacts on the Tribal and surrounding communities.

The Coushatta people work hard to preserve their Koasati language, their traditional crafts, such as their longleaf pine needle basketry, and their cultural traditions, including dancing, clothing styles, songs, and foodways. Women's roles have also always been prominent in Coushatta society. Like many other traditions and practices, the Coushatta family unit continues to flourish and remains the cornerstone of Coushatta life. Today, the Tribal Nation is composed of seven large families known as "clans." The Coushatta language, Koasati, is still spoken as a first language in the community today.



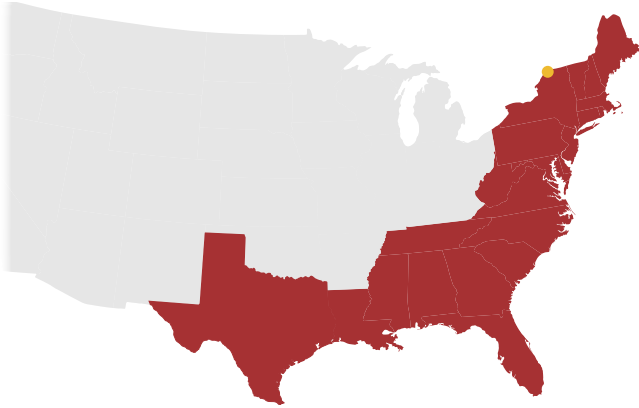
From their earliest days as a proud, hard-working people struggling to maintain long-standing traditions in the face of possible relocation, the Coushatta Indians have overcome every hardship they have faced and remained on their Tribal lands since the 1800s. Despite serious setbacks and some population dispersal, the Tribal Nation's character and ideals have not only held fast, but strengthened.



AKWESASNE

Saint Regis Mohawk Tribe

Member since August 1976



- Location: Finger Lakes region
- Land Size: ~14,648 acres on U.S. side; ~7,400 acres on Canadian side
- Population: 13,192 Tribal Citizens
- Main Industries: Tourism, Recreation, Hospitality, Gaming, Telecommunications, Private Sector Economy

The Mohawk are known as the Elder Brothers because they first accepted the Great Law of Peace, one of the oldest known forms of democracy. As the keepers of the Eastern Door of the Haudenosaunee Confederacy (the alliance between the Oneida, Seneca, Onondaga, Cayuga, and Mohawk) their original homeland is the northeastern region of Lake Ontario, along the Saint Lawrence River, straddling the international and provincial borders of Canada and Vermont. They were expert fur traders and used their location near the confluence of several small rivers into the St Lawrence to fish and hunt. After the Revolutionary War, the Mohawk appointed representatives to interact with the newly formed republic. In the late 19th century, the Confederacy remained intact believing their strength was in continued unification to ensure negotiated treaties were upheld and their way of life protected.

In the 1930s, the federal government passed the Indian Reorganization Act (IRA) and while the Act could be and was reject by the Mohawks, by 1953 a federal task force was prepared to terminate the Nation. Again, the Mohawk rejected this attempt and by the mid-1960s leaders of the Haudenosaunee Confederacy were invited to Washington to explore the establishment of a viable relationship.

The Saint Regis Mohawk citizens are governed by a Tribal Council, elected by majority vote, comprised of three Chiefs, three Sub-Chiefs and a Tribal Clerk. The Saint Regis Mohawk Tribal Council Chiefs are responsible for setting policies, laws, and regulations while making major decisions on behalf of their citizens. They oversee the operations of the Tribal government and assure that quality programs and services are made available to their citizens such as environmental, social, economic, health, and educational programs, in addition to police and court systems. Taking care of their citizens is essential to the Tribal government. Saint Regis Mohawk provides small business support, including funding loans, and workforce development to their citizens. Providing an environment that preserves culture, promotes quality of life, and creates self-sufficiency is a key component of continuing to evolve and adapt to a changing society.

Mohawk people of today have combined centuries-old ways of living into 21st century everyday life. They strongly believe in perpetuating their distinctive heritage, language, songs, dances and special ceremonies in the old way within traditional Longhouses to celebrate the teachings of the Creator. The values of historical culture still remain present in daily life. The code of everyday living, the Great Law of Peace, has been kept alive by verbal teachings and continued practices for hundreds of years.

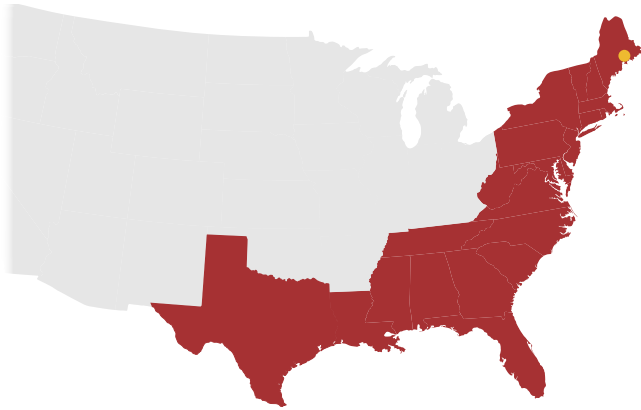




PANAWAHPSKEK

Penobscot Indian Nation

Member since May 1979



- Location: Northeastern Woodlands
- Land Size: 118,923 acres
- Population: 2,398 Tribal Citizens
- Main Industries: Tourism, Recreation, Retail, Energy, Services

The ancestral home of the Penobscot Nation covered the entire Penobscot River Watershed from the Appalachian Mountains in the west to the bay in the east, with the area's rich resources supplying their people fish, game, and native plants which they used to sustain the community. One of four Tribal Nations of the original Eastern Abenaki group, the Penobscot are members of the Wabanaki Confederacy, meaning "People of the Daybreak," or "Dawn land People" (wabun "light" or "white," aki "earth"). The Penobscot Nation is one of the oldest continuously operating governments in the world.

The Penobscot did not receive federal recognition until late in the 20th century. The U.S. District Court ruled that the Non-Intercourse Act was applicable to the Penobscot and Passamaquoddy Tribal Nations, despite the previous lack of federal recognition. This ruling established a trust relationship with the United States and, in effect, ordered the federal government to litigate a Non-intercourse Act claim against the State of Maine for damages arising from the illegal taking of Indian lands. In April of 1980, the Maine legislature adopted the Maine Implementing Act, settling the outstanding land claims. Six months later, the U.S. Congress approved the corresponding federal legislation.

As a result of this complex settlement, the Penobscot Nation is recognized as a Tribal Nation, a municipality under state law, and a business entity.

Citizens of the Penobscot Nation are governed by a Chief, Vice Chief, and twelve-member Tribal Council. Nation citizens also elect a Penobscot Legislative Representative who holds a seat in the state of Maine's Legislature. Working to protect the culture and territory of the Nation and promote prosperity and success for all citizens and surrounding communities, the Council and Administration create economic and cultural opportunities. Active community development projects include providing energy-efficient, safe, affordable homes, strengthening infrastructure and education. The Nation also encourages sustainable and culturally-relevant businesses such as eco-tourism, agricultural enterprises, green energy production, and traditional craft production.

The Penobscot Cultural and Historic Preservation Department helps to promote and preserve traditional teachings, cultural awareness, and historical accuracy while also revitalizing and sustaining their eastern Algonquian language. The accurate portrayal of historical Wabanaki perspectives through educational resource development helps the Penobscot continue their strong foundation of cultural awareness and preserve traditional knowledge for future generations.

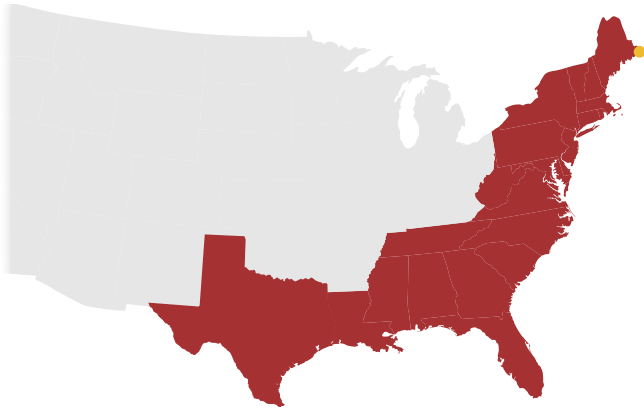




PESKOTOMUHKATI

Passamaquoddy Tribe – Pleasant Point

Member since May 1979



- Location: Northeastern Woodlands
- Land Size: 128,088 acres
- Population: 3,000 Tribal Citizens
- Main Industries: Tourism, Recreation, Agriculture, Retail

The Passamaquoddy Tribe is a member of the Wabanaki Confederacy, which means “People of the Daybreak,” or “Dawn land People” (wabun meaning “light” or “white,” aki meaning “earth”). Before the Laurentide Ice Glaciers melted over 10,000 years ago the Passamaquoddy flourished within their homeland in northeastern North America. Sustenance for their communities came from hunting, fishing, trapping, and gathering food and medicine from the natural resources that surrounded them. They used an elaborate network of rivers, lakes, and portages to trade with other Tribal Nations in the Northeast Woodlands, the Maritime Provinces, and beyond. Over the past 400 years the encroachment and degradation of the resources in their homeland forced the Passamaquoddy people to adapt their traditional economy of bartering, trade, and natural resource brokering.

The Trade and Intercourse Act was passed by Congress in 1790 to curtail the exploitation of Indian Lands. The Passamaquoddy Tribe was one of only a few Tribal Nations still residing in the state of Maine since those who allied with the French in the wars were forced into Canada. A lack of repercussions for violation of this Act, and lack of protection from the federal government, led the state of Maine to deprive the Passamaquoddy of their aboriginal territory. Not until two hundred years after the Revolutionary War did the federal government acknowledge its obligation to the Passamaquoddy.

A critical turning point began in 1975, when a United States District Court ruled that the Non-Intercourse Act applied to Maine’s two Tribal Nations, the Passamaquoddy and the Penobscot (*Passamaquoddy v. Morton*). A trust relationship was established and the subsequent negotiated settlement of this case culminated in the Maine Indian Claims Settlement Act (PL 96-420) passing Congress in 1980.

The Passamaquoddy are federally recognized and have two communities, Indian Township and Sipayik (Pleasant Point). A joint Tribal Council provides health, education, conservation, emergency, infrastructure, and administrative services for their citizens. The Passamaquoddy Tribe at Sipayik is governed by a Chief (aka Governor), Vice Chief (aka Lt. Governor), and six council members. who adopted their constitution in 1990.

The Passamaquoddy are working with the Library of Congress in an ambitious attempt at digital repatriation to reclaim their culture. By listening to digital files, second by second, Tribal citizens mine the audio files for phrases, musical elements, and cultural context. This project is a native-first approach to archival work, and the Passamaquoddy have been given full curatorial control. Sipayik also has the Waponahki Museum preserving Tribal culture for future generations. Using their surroundings, Passamaquoddy citizen artists create baskets, canoes, carved wood items, jewelry, and other natural pieces. Traditional harvesting techniques for ash and birch continue to be passed down continuing culturally significant knowledge and practices. The Passamaquoddy are dedicated to preserving their culture and strengthening the next seven generations.



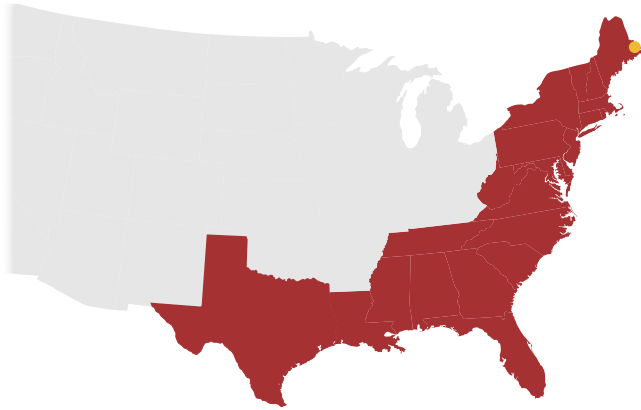
Photo: Pleasant Point Facebook



PESKOTOMUHKATI

Passamaquoddy Tribe – Indian Township

Member since May 1979



- Location: Northeastern Woodlands
- Land Size: ~140,000 acres
- Population: 1,629 Tribal Citizens
- Industries: Tourism, Recreation, Agriculture, Retail

The Passamaquoddy are known as the easternmost Tribal Nation in the United States. The Passamaquoddy are one of several Tribal Nations which formed the Wabanaki Confederacy, which means “People of the Daybreak,” or “Dawn land People” (wabun meaning “light” or “white,” aki meaning “earth”). The ancestral home of the Passamaquoddy Tribe covered the entire St. Croix River watershed in Washington County, Maine, and adjacent New Brunswick, Canada. They would spear fish from birch-bark canoes, dig shellfish from the coast, hunt game and gather plants from the forests, and collect grains throughout the wetlands of the area. The Passamaquoddy are federally recognized and have two communities, Indian Township and Sipayik (Pleasant Point).

The Passamaquoddy were among the first Native American peoples to have contact with Europeans. The wide bays along the Maine coast attracted the attention of fishermen and explorers searching for a sea route through the continent as early as the sixteenth century.

The Passamaquoddy Tribe supported the Americans in the Revolutionary War based on promises endorsed by General George Washington. Once the war was won, however, these alliances were forgotten. By the



mid-1830s, the Passamaquoddy Tribe had been deprived of almost all its aboriginal territory. State-appointed Indian Agents exercised total control over the dispensing of food, clothing, shelter, health care, and other necessities. For many generations, the Passamaquoddy people lived at a bare subsistence level. Tribal councils were not recognized or consulted and additional land was lost as the state legislature reinterpreted treaties or granted long-term leases to non-Indians. Maine was the last state to grant reservation Indians the right to vote (1954).

In 1975, a United States District Court ruled that the Non-Intercourse Act (1790) was applicable to Maine's Passamaquoddy Tribe. The subsequent negotiated settlement of this case marked a critical turning point for the Passamaquoddy Tribe, enabling the Tribal Nation to buy land, develop Tribal businesses, employ Tribal citizens, and provide investment capital to non-Indians. At the same time, the Tribal Nation has struggled to address complex issues of Tribal rights arising from its legally imposed status as a Maine Indian Tribal Nation.

The Passamaquoddy Tribe has established government services, physical infrastructure, health, and social services to care for their citizens. These are in part financed through Passamaquoddy Wild Blueberry Company, Passamaquoddy Maple, and a forestry business, all successful enterprises using sustainable harvesting techniques to tap into the vital natural resources used by their ancestors for millennia. A joint Tribal Council (over the two Passamaquoddy communities - Sipayik and Indian Township) provides health, education, conservation, emergency, infrastructure, and administrative services for their citizens. The Tribal Sakom and Leptanet, along with council members, comprise the Passamaquoddy Tribe - Indian Township Tribal Council.



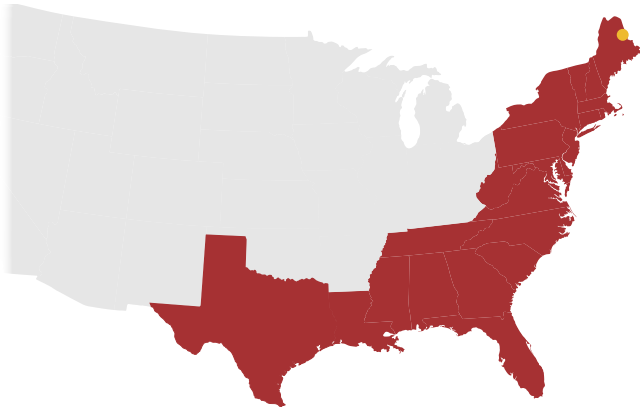
Photo: Donald Soctomah



METAKSONIKEWIYIK

Houlton Band of Maliseet Indians

Member since May 1981



- Location: Along the Meduxnekeag River
- Land Size: ~1,343 acres
- Population: ~1,700 Tribal Citizens
- Industries: Tourism, Recreation, Agriculture, Retail

Before contact with Europeans, the Maliseets occupied much of what is now considered the eastern border line of the U.S. and Canada in northern New England. After the Jay Treaty in 1794, the Maliseets obtained free border crossing rights between the two countries because their villages spanned both countries.

The Houlton Band of Maliseets are part of the Wabanaki ("People of the Daybreak," or "Dawn land People" (wabun meaning "light" or "white," aki meaning "earth")

Confederacy, which had a comprehensive set of laws designed to ensure the political and social cohesiveness of the Wabanaki Tribal Nations. From 1790 through 1870 the Maliseets became more inactive, changing their mobile lifestyle, staying in one place, believing prior treaties would protect their way of life. Dismissing the disruption by encroaching settlers the Maliseet continued to live and govern their citizens near the lands of their ancestors. ultimately becoming federally recognized in October of 1980.

The governmental structure of the Houlton Band of Maliseet Indian consists of a six-member Tribal Council and the Tribal Nation is led by a chief, all of whom are elected by majority vote. As a sovereign, the Tribal Council provides services to their citizens such as economic development through the Maliseet Community Development Authority. This organization helps to enhance the well-being of their citizens and neighboring communities through initiatives in natural resource revival, a healing to wellness court system, language restoration program, head start child care, roads infrastructure, vocational rehabilitation, and more. A farm and commercial land holdings in Aroostook County provide healthy, locally harvested foods for elders and other community members. Much of their land borders a significant amount of the Meduxnekeag River, the original homelands of the Maliseet, a vital Tribal resource, and a critical link in preserving Tribal practices, traditions and history.



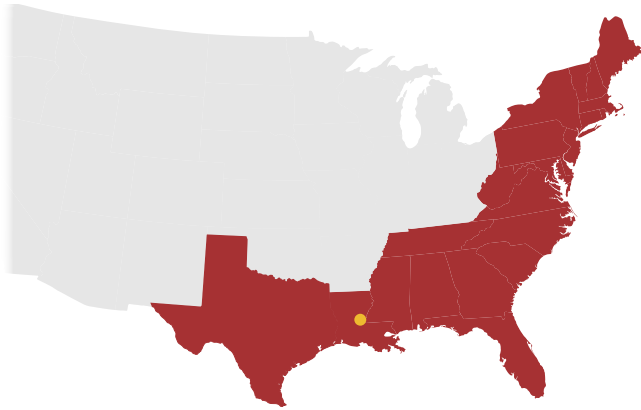
Photo: Clarissa Sabattis



YORONIKU-HALAYIHKU

Tunica-Biloxi Tribe of Louisiana

Member since May 1984



- Population: 1,643 Citizens; 5.3% onsite, 94.7% off
- Land: 1,818.71 acres total; 326.78 fee, 803 trust, 688.93 reservation
- Industries: Tourism, Recreation, Hospitality, Gaming, Entertainment
- Medical: Health & Dental Clinics
- Traditional Foods: corn, pork, squash, beans
- Celebrations: May Pow Wow (3rd full weekend), July Fete De Ble' (Green Corn), September 28 (1981) - Federal Acknowledgment Anniversary
- Traditional Language: Tunica
Preservation Program: Yes
Speakers: 5 advanced level, 50 learners

The Tunica-Biloxi Tribe of Louisiana is one of four federally recognized Native American Tribal Nations in the state of Louisiana. They were the first people encountered by French colonizers Jean-Baptiste Le Moyne de Bienville and Pierre Le Moyne d'Iberville in 1669 and were trusted for their trade and diplomacy with other groups in the region. After the Louisiana Purchase in 1803, the Tunica lost their land to French settlers and a fraudulent 1806 report by John Sibley dismissing the existence of the region's Tribal Nations. As a result of the arrangement made in the 1844 case *Moreau*

vs. Valentin, et. al, the United States government had no involvement in the establishment of the Tunica reservation.

As early as 1922, Tribal Leader Eli Barbry worked toward pan-Tribal unity with "the Biloxi" (the Indian Creek settlement) and was mostly successful. The Tribal Nations stated they were coming together "for the purpose of union of the people of our race, to promote our welfare and to secure for ourselves and our descendant's educational and religious training, to the end of our becoming better citizens of this American Nation..." Even so, it wasn't until 1981 that the Tunica-Biloxi received federal recognition.

Since gaining federal recognition, the Tunica- Biloxi have developed municipal buildings including social and health services, a police station, cultural, and education center, gymnasium, and pow wow grounds amidst utility resources, paved roads and residential communities.

Citizens are governed by a seven member Tribal Council led by a Chair and Vice Chairperson. The motto of the Tunica-Biloxi , "Cherishing Our Past, Building For Our Future," is encompassed in the multiple cultural and language preservation programs, as well as business and economic developments. Education, employment, and training offered by the Tunica-Biloxi to their citizens brings the community together, restoring cultural and economic opportunities, passing the obligation of leadership on to the next seven generations, and ensuring survival of traditions and flourishing of the people.

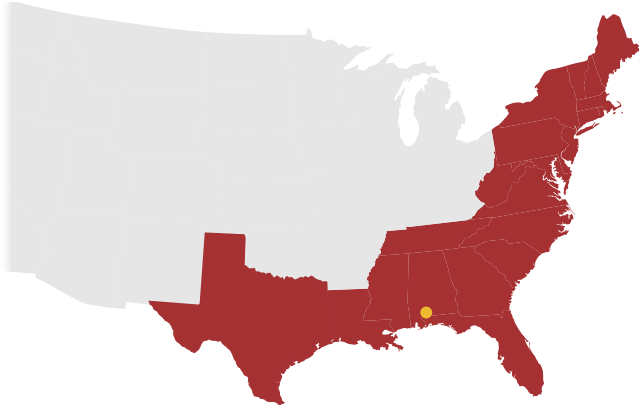




MVSKOKE

Poarch Band of Creek Indians

Member since May 1984



- Location: Southeast Gulf Region
- Land Size: 400.756 acres Trust/Reservation land; ~8,000 acres fee land
- Population: ~3,095 Tribal Citizens
- Main Industries: Tourism, Recreation, Hospitality, Gaming, Manufacturing

Descendants of the original Creek Nation, which once covered almost all of Alabama and Georgia, the Poarch Band of Creek Indians were not removed from their Tribal lands and have lived together for almost 200 years. The town of Poarch served as a focal point for the Indian community, and the Poarch Band remained cohesive and kept its identity throughout the years.

In the years following the Indian Removal Act, Poarch Creek ancestors endured severe hardship, discrimination, and struggled to provide for their families. Many of the original land grants were lost to swindlers and armed squatters. In some cases, land was sold under duress, the result of pressure and fear tactics, or abandoned out of the

need to find work to survive. The turn of the 20th century saw the first truly organized efforts by the Poarch Creeks to improve social and economic conditions for the Tribal Nation and their citizens.

The Poarch Band of Creek Indians is the only federally recognized Tribal Nation in the state of Alabama with their own system of government and bylaws. Leadership within the Poarch Creek Tribal Nation was not formalized until 1950, prior to this, leaders rose naturally from the community. The Tribal government consists of three branches: Legislative, Executive, and Judicial. The Legislative Branch of Tribal government is governed by a nine-member Tribal Council elected by majority vote. The Executive Branch is responsible for overall management of daily Tribal government activities. The Judicial Branch consists of a full-time law enforcement staff and Tribal court system with a Supreme Court and Court of Appeals. On August 11, 1984, the U.S. formally acknowledged that the Poarch Creek Indians exist as an "Indian Tribe."

Poarch Creek's determination to maintain both their identity and inherent right to self-govern is evident by their continued efforts to preserve their Tribal culture and improve their community. Tribal government believes investing in language revitalization, cultural, elder programs, and youth classes promotes a collective pride in the shared history and enduring tenacity of their people. The Tribal Nation operates a variety of local, national, and international economic enterprises, employing hundreds of area residents and beyond. As an active partner in the surrounding communities, they prioritize donations and investments contributing to economic, educational, social, and cultural projects for all.

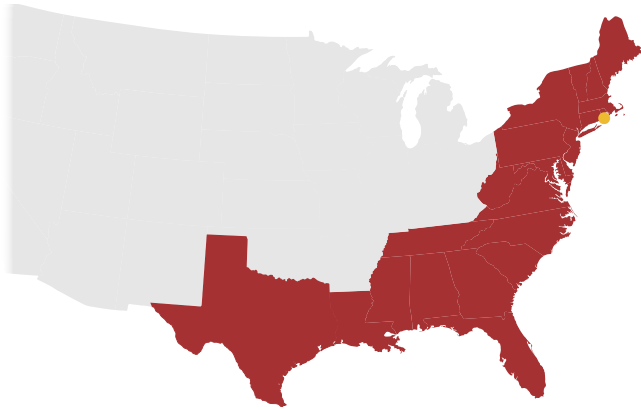




NANAANONGSEUK

Narragansett Indian Tribe

Member since May 1984



- Location: Northeastern Woodlands
- Land Size: 1,943.5 acres of Trust land; ~843 acres Tribally owned
- Population: ~2,400 Tribal Citizens
- Main Industries: Tourism, Recreation, Natural Resources, Retail

The Narragansett Indians are the descendants of the aboriginal people of the region between the Pawcatuck River and Narragansett Bay in the Atlantic Ocean. Archaeological evidence and Tribal oral history establish their existence in this region more than 30,000 years ago. The first documented foreign contact took place in 1524 and described the Narragansett as a large Indian population living by agriculture and hunting and organized under powerful "kings."

The Tribal Nation and its citizens were considered warriors within their region and they Narragansett customarily offered protection to smaller Tribal Nations in the area. In 1675, the Narragansett allied themselves with King Philip and the Wampanoag Sachem to support the Wampanoag Tribal Nation's efforts to reclaim land in Massachusetts. The Great Swamp Massacre ensued when the opposing military force of Puritans massacred a group of Narragansett, mostly women, children, and elders living at an Indian winter camp. Following this loss, many of the remaining Narragansett retreated deep into the forest and swamp lands (much of which now makes up today's land base). By the end of the 18th

century, the Tribal Nation's land base had been reduced to 15,000 acres.

Around 1884 the State of Rhode Island unilaterally and illegally "detrribalized" the Narragansett without federal sanction. Many years later in December 1934, the Narragansett Tribe of Indians was incorporated, and the traditional government persevered comprised of Chief Sachems, Medicine Men and Women, the Tribal Council, Sub-Chiefs, Tribal Prophets, the War Chief, and Clan Mothers. In 1975, the Tribal Nation filed a land claim suit against the state and several landowners for the return of approximately 3,200 acres of undeveloped lands. The suit was eventually concluded in an out-of-court settlement in 1978. The Narragansett Indian Tribe received federal recognition in April 1983 and began a two-year process to reclaim the land from the settlement.

The Tribal Nation has greatly expanded its administrative capability. Their mission is to continue to promote and develop awareness among Tribal citizens regarding the importance of education, culture, and family life within their own Tribal community. Policies and procedures have been implemented to protect and preserve its land, water and cultural resources to promote the welfare of Tribal citizens. The family circle, education, traditional ceremonies, and Narragansett language are important aspects of both culture and daily lives. The Narragansett People have seen many changes in their lands, however, their traditional culture has been passed down from generation to generation and is even stronger today.

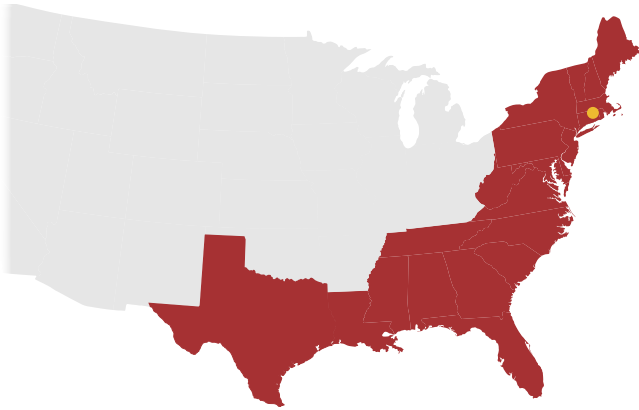




PEQUOT

Mashantucket Pequot Tribal Nation

Member since May 1984



- Location: Mashantucket, Quinittukqut
- Land Size: 1,651 acres
- Population: ~911 Tribal Citizens
- Main industries: Tourism, Recreation, Hospitality, Gaming, Services

Native peoples have continuously occupied Mashantucket in southeastern Connecticut for over 10,000 years. The Mashantucket Pequots, known as the “Fox People”, are a native Algonquin people who endured centuries of conflict. By the early 17th century, just prior to European contact, the Pequots had approximately 8,000 citizens and inhabited 250 square miles. However, the Pequot War (1636-1638)—the first major conflict between colonists and an indigenous New England people—had a devastating impact on the Tribal Nation. When the Pequot War formally ended, many Tribal citizens had been killed and others placed in slavery or under the control of other Tribal Nations. Those placed under the rule of the Mohegans eventually became known as the Mashantucket (Western) Pequots. In the ensuing decades, the Pequots battled to keep their land, while at the same time losing Tribal citizens to outside forces.

In the early 1970s, Tribal citizens began moving back to Mashantucket land. By the mid-70s, Tribal citizens had embarked on a series of economic ventures, in addition to instituting legal action to recover illegally-seized land. With the assistance of the Native American Rights Fund and the Indian Rights Association, the Tribal Nation filed suit in 1976 against neighboring landowners to recover land that had been sold by the State of Connecticut

in 1856. Seven years later the Pequots reached a settlement with the landowners, who agreed that the 1856 sale was illegal, and who joined the Tribal Nation in seeking the state government's support. In response, the Connecticut Legislature unanimously passed legislation petitioning the federal government to grant recognition and settle the claim. The Mashantucket Pequot Indian Land Claims Settlement Act was enacted by the U.S. Congress and signed by President Reagan October 18, 1983, granting federal recognition and enabling the repurchase and placement into trust the land covered in the Act.

Today, Tribal citizens are governed by an elected Tribal Chairman, Vice Chairman, Secretary, Treasurer, and Tribal Councilors who work together to build and preserve a social, cultural, and economic foundation. Additionally, Mashantucket's Cultural Resources Department provides multigenerational programs and events designed to educate both Tribal citizens and the surrounding community about Pequot culture and history while dispelling stereotypes through a variety of learning programs, public events, and traditional song and dance. The Tribal Nation also owns and operates a variety of enterprises. The Mashantucket Pequot Tribal Nation is one of Connecticut's highest taxpayers, largest employers, and provides generous assistance to nonprofit organizations that support the local community.

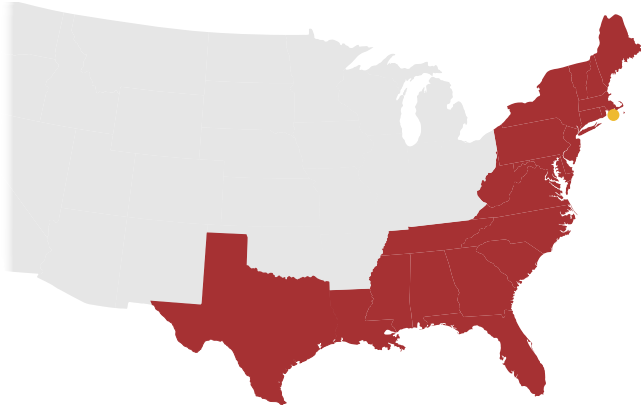




AQUINNAH

Wampanoag Tribe of Gay Head

Member since November 1987



- Location: Aquinnah Noepe
- Land Size: ~485 acres of trust land
- Population: 1,364 Tribal Citizens
- Industries: Tourism, Recreation, Agriculture

The southwestern end of Noepe (Martha's Vineyard) are the ancestral lands of the Wampanoag Tribe of Gay Head (Aquinnah) or "The People of the First Light." With the arrival of colonizers, Tribal traditional values and practices were threatened by land loss, disease, attempts at religious conversion, and models of private land use. The overall effect of these intrusions culminated in Tribal land loss.

When the nearby town of Gay Head was incorporated (1870), the principal effect was the alienation of Wampanoag Indian District Lands (Tribal land base) in violation of the Federal Non-Intercourse Act (1790). In response to the growing potential for encroachment on Tribal Common Lands, the Wampanoag Tribal Council of Gay Head, Inc. (WTCGH) was formed (1972). On April 11, 1987, Wampanoag Tribe of Gay Head (Aquinnah) obtained federal acknowledgement, creating a government-to-government relationship with the U.S. In August of that same year, Aquinnah was compelled to relinquish their aboriginal title to the lands so Congress would pass the Wampanoag Tribal Council of Gay Head, Inc., Indian Claims Settlement Act of 1987. This Act settled Indian land claims in the town and cleared titles to lands held by non-Indians to be compliant with the Trade and Intercourse Act of 1790.

The Wampanoag Tribe of Gay Head (Aquinnah) and the Town of Gay Head entered into an agreement in June of 1995. This agreement jointly provided for the health, safety and welfare of persons on Tribal lands by providing for the use of police, fire, and medical personnel and resources in the event of an emergency arising on Tribal lands. In 1998, the name of the town was officially changed from Gay Head back to Aquinnah by the state legislature, representing recognition of Wampanoag history in the region.

The Wampanoag Tribe of Gay Head (Aquinnah) government consists of a Chairperson, Vice Chairperson, Secretary, Treasurer, and seven Council members, all popularly elected. The Chief and Medicine Man are traditional members of the Tribal Council and hold their positions for life.

Since 2000, Wampanoag Tribe of Gay Head (Aquinnah) has had Self-Governance status with the BIA and IHS under Title IV and V of the Indian Self Determination and Education Assistance. Community values remain strong within the Tribal Nation with sustainable land and resource management strategies shared with other towns and conservation groups on the island. The Tribal Government has taken great strides toward economic self-sufficiency as a vital strategy for sovereignty reinforcement. Traditional arts like beadwork, basket making, and pottery, as well as the Wampanoag language, are taught to Tribal citizens. Celebrations like Cranberry Day and The Legends of Moshup Pageant are held annually.

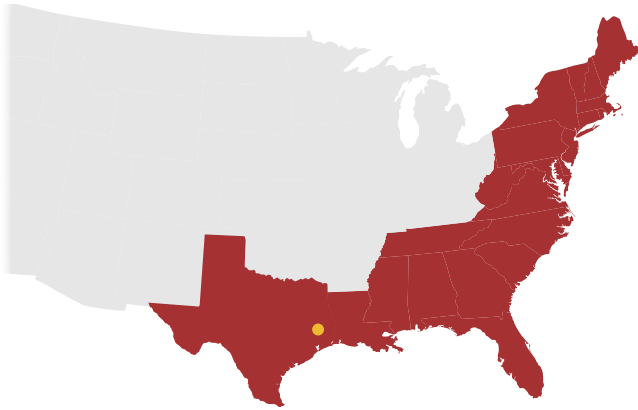




ALIBAMU & KOASATI

Alabama-Coushatta Tribe of Texas

Member since February 1989



- Location: Big Thicket/Gulf region
- Land Size: 10,200 acres
- Population: ~1,200 Tribal Citizens
- Industries: Tourism, Recreation, Hospitality, Transportation

Located in the Big Thicket, the Alabama-Coushatta Tribe of Texas has the oldest reservation in the state. Before they merged, the Alabama and Coushatta Tribal Nations migrated across the Sabine River into Spanish controlled territory of what is now Texas around 1780. With adjacent lands, the two nations ultimately united and became one due to their shared cultural practices.

For their assistance to Sam Houston's army in 1836 during the Texas War of Independence from Mexico, in 1839 the Republic of Texas recognized the Alabama Coushatta's equitable claim to lands. However, after their federal recognition in 1928, their status was terminated in 1954 with their trust responsibility transferred to the State of Texas. After Congress passed the Restoration Act in 1987, the Alabama-Coushatta Tribe of Texas's recognition was restored as a sovereign government. They are led by a six-member Tribal Council in addition to a lifetime Principal Chief and Second Chief who are elected by the people. Citizens are provided a full array of health and human services, including law enforcement and emergency services.

As stewards of their land, the Alabama-Coushatta Tribe of Texas employ traditional land management practices which have successfully reversed 100 years of fire suppression. This management has rebuilt the population of the longleaf pine trees, which are instrumental to the Tribal Nation and its artisans and allowed them to thrive. Handmade, longleaf pine baskets are a cultural tradition and the skill to harvest and weave baskets continues to be passed from generation to generation. The Alabama-Coushatta Tribe of Texas is building a strong, diverse, and sustainable economy based on Tribal principles for the benefit of its citizens and neighboring communities.

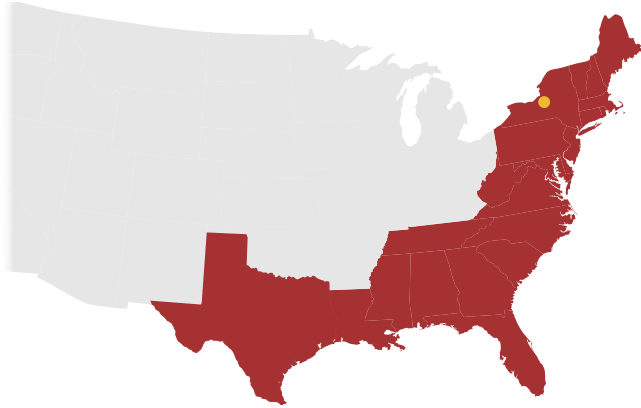




ONYOTA'A:KÁ:

Oneida Indian Nation

Member since February 1991



- Population: 1,000 Citizens
- Land: >18,000 acres ancestral homelands, trust
- Industries: Tourism, Recreation, Hospitality, Gaming, Retail, Information Technology, Cannabis
- Medical: Health & Dental Clinics
- Traditional Foods: corn soup, cornbread, strawberry drink
- Celebrations: Annual Oneida Family Gathering - celebrating Nation's success and community
- Traditional Language: Onyota'a:ká: Preservation Program: Yes

The Oneida Indian Nation is headed by a federally recognized Representative and the Nation Council. Tribal Nation citizens belong to one of three family clans: Turtle, Wolf or Bear, with each clan having representation in the Council. Oneidas are a matrilineal society. According to tradition, male Council Members are responsible for daily decisions while Clan Mothers make long-term decisions. Tradition also requires Nation leaders and citizens to consider the impact on the next seven generations when making decisions.

Today, the Oneida Indian Nation has regained more than 18,000 acres of their original homelands—the most since 1824. Like any government, Oneida Indian Nation provides many programs and services to its citizens including health and community services, education, housing, youth development, and language learning. The Oneida reinvest in their enterprises, creating strong partnerships with surrounding communities. Developing successful spaces for educational dialogue, cultural sharing, and community building is a predominate initiative of the Nation. The Tribal Nation is one of the largest employers in the sixteen counties of Central New York state creating more than 5,000 jobs throughout the region.

The word Oneida means “People of the Standing Stone.” Oneida Indian Nation’s homelands originally consisted of more than six million acres stretching from the Saint Lawrence River to the Susquehanna River. One of the founding members of the Haudenosaunee Confederacy, the Oneida Indian Nation became America’s first ally in their fight for independence during the American Revolutionary War.

In 1794, George Washington signed the Treaty of Canandaigua, the oldest valid treaty in North America, recognizing the Oneida Nation and the entire Haudenosaunee as sovereign entities. By the early 1900s, illegal state treaties nearly depleted the Oneida Indian Nation of its homelands. In 1919, the federal government filed suit in U.S. District Court to help the Oneidas reclaim the last 32 acres of land granted them in the treaty.

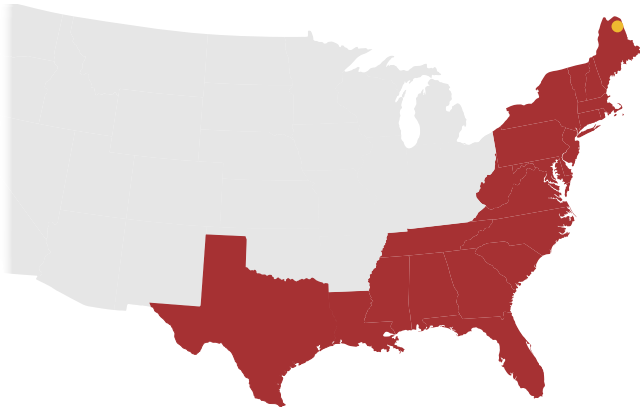




MI'KMAQ NATION

Mi'kmaq Nation

Member since February 1992



- Location: Northeastern Woodlands
- Land Size: ~3,305 acres
- Population: 1,675 Tribal Citizens
- Main Industries: Tourism, Recreation, Agriculture, Services

From time immemorial, the Mi'kmaqs have occupied the lands south and east of the Gulf of Saint Lawrence, the Maritime Provinces and other regions along the Atlantic Seaboard of the northeastern United States. Historically, when living inland, the Mi'kmaq often resided near rapids, waterfalls, lake outlets, rivers, and other desirable fishing spots. They were recognized as excellent canoe-builders, and rivers were historical highways for them to follow fish, otter, and beaver. During the spring and summer, the Mi'kmaq frequented coastal areas, digging clams, fishing, and hunting porpoise, seal and waterfowl. Natural landscape demarcations were generally respected between the Mi'kmaq and other Aboriginal neighbors. There was no private land ownership and Mi'kmaq families held their territories in communal use, although occasional scarcity could incite feuds over hunting and fishing regions.

On November 26, 1991, after complex legal maneuvering and political advocacy, the Nation achieved federal recognition with the passage of the Aroostook Band of Micmacs Settlement Act. This act provided the Community with acknowledgment of its Tribal status in the United States. While the Micmacs later changed their federal name, their sovereign government has continued to provide a variety of services for their

citizens including education, housing, community support, family services, environmental and natural resources, in addition to cultural integrity and awareness. Tribal citizens are governed by an elected Chief, Vice Chief, Secretary, Treasurer and five Tribal Councilors.

Today, seven districts with 29 bands have a population of approximately 30,000 and the Mi'kmaq community located near the northeastern Aroostook River includes approximately 1,675 of the total citizen count.

The Mi'kmaq language is Algonquin in origin and thus related to that of the Maliseets, Passamaquoddy, Penobscot, and Abenaki. Collectively, this group is called the "Wabanaki," which means "People of the Daybreak," or "Dawn land People" (wabun meaning "light" or "white," aki meaning "earth").

The Mi'kmaq's cultural way of life, or mimajuagan, is rooted in their connection to the earth. Like other Tribal Nations of the Northeastern Woodlands, the Mi'kmaq continue to produce a variety of traditional baskets made of splint ash wood, birch bark and split cedar. The Mi'kmaq are recognized as excellent producers of porcupine quill on birch bark boxes and wooden flowers of strips of maple, cedar and white birch.

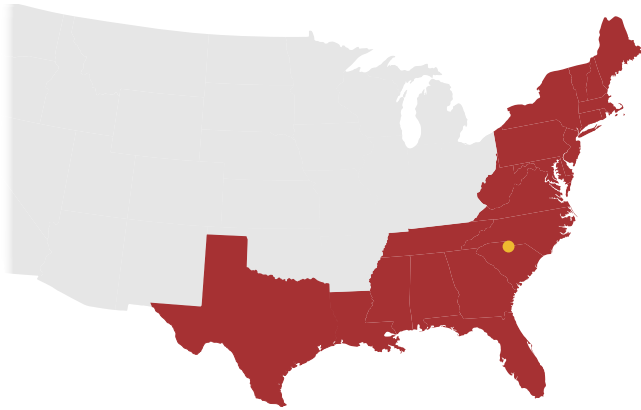




YE ISWAH H'REH

Catawba Indian Nation

Member since December 1993



- Location: Along the Catawba River
- Land Size: ~700 acres
- Population: ~3,300 Tribal Citizens
- Industries: Tourism, Services, Media, Gaming

The Catawba Indians have lived on their ancestral lands along the Catawba River dating back at least 6,000 years. They are the only federally recognized Tribal Nation in South Carolina. Before contact with the Europeans, it is believed that the Nation inhabited most of the Piedmont area of South Carolina, North Carolina, and parts of Virginia. The Tribal people called themselves yeh-is-WAH-h'reh, meaning "people of the river."

As farmers who planted corn and squash along the banks while also fishing from the river, they were a powerhouse of the region. The Catawba people believe that cooperation and adaptation provide the best circumstances for the protection of their way of life. A prominent example of this is how Hagler, the Catawba leader, applied the title of King to himself since the colonists were ruled by a King. Post-colonist arrival, Catawba villages became a focal point for traders, to the benefit of all, until disease brought by the settlers decimated the Catawba population. The colonists believed the Catawba were all but eliminated and began leasing swaths of their land only to eventually want the land for their own. This culminated in the Treaty at Nations Ford in 1840 when 144,000 acres of land were relinquished to South Carolina.

The acquisition of Catawba lands by the state of South Carolina began a troubling time for the Nation. By the late 1950s the U.S. government removed the Catawba's federal status. For 20 years the Catawba's utilized the resilience of their warrior spirit to reorganize and regained their status in 1993. Today, the Catawba govern over 3,300 diverse citizens throughout the 700 acres of original land along the Catawba River. This proximity to the river contributed to the importance of pottery in the lives of Catawba people. The specific methods of material collection and creation have been passed down from generation to generation, with many of the same clay holes from hundreds of years in the past still being used today.

The long history and rich culture of the Nation allows the Catawba to thrive in their original homelands and continue to contribute to the surrounding communities. The Nation is active in many South Carolina County boards and committees where they embrace opportunities to contribute to the greater good. Their administrative offices employ over 40 individuals. Their citizens pursuing education have scholarships and job placement assistance provided by the Nation. With a successful housing program, multiple childcare facilities and a cultural center, the citizens of the Catawba Nation share their legacy of community with all.



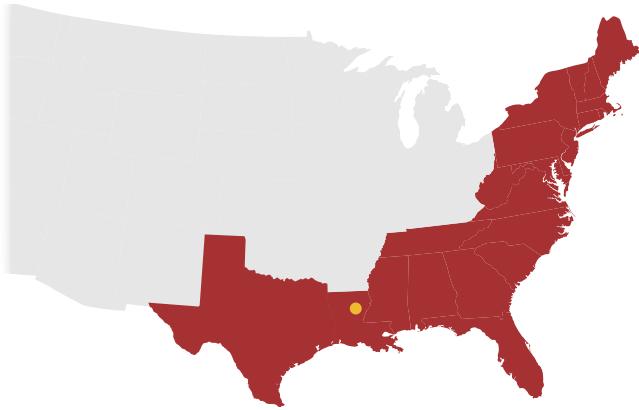
Photo: Catawba Indian Nation



CHAHTA (JENA)

Jena Band of Choctaw Indians

Member since December 1995



- Location: Bayuk (Bayou) Country
- Land Size: 345 acres in trust and 453 acres in fee simple
- Population: 449 Tribal Citizens
- Industries: Tourism, Recreation, Hospitality, Gaming

The Jena Band of Choctaw Indians are one of four federally recognized Tribal Nations in the State of Louisiana. Citizens today are descendants of the historic Choctaw Nation who united after early sixteenth century Mississippian rulers fell. By the eighteenth century hunting parties crossed the Mississippi River and settled near Catahoula Lake.

In September of 1830, the Treaty of Dancing Rabbit Creek became the first treaty between the U.S. government and the Choctaw Indian Tribe. In exchange for \$300,000 and the "promise of a permanent homeland" (in present-day Oklahoma), the treaty stripped the Choctaw of their valuable lands and resources. The treaty also allowed for the Choctaw's right to self-govern as well as education and economic development, while initiating the forcible removal of southeastern Tribal Nations to west of the Mississippi River in what is known as the Trail of Tears.

Many Choctaw were displaced by the Trail of Tears and in 1910 only 40 Choctaws were left located in LaSalle and Catahoula Parishes. The Tribal community had very little to do with outsiders and continued their customs which included a distinct social institution with activities

such as marriages, burials, and the maintenance of a Tribal cemetery. They survived by skinning and tanning hides, and by working as day laborers or household help.

The last traditional Chief died in 1968 and later in 1974 the first election for Tribal Chief was held. The Jena Band of Choctaw Indians of Louisiana was incorporated as a state-recognized Tribal Nation on April 20, 1974, with a five-member board of trustees. The Tribal constitution was adopted December 20, 1990, changing the structure of the governing body to a five-member Tribal Council, including the Tribal Chief, and on August 29, 1995 they became federally recognized.

As a sovereign government, the Jena Band of Choctaw Indians strives to improve the well-being of its Tribal citizens and those of future generations. Presently the Tribal Nation provides general welfare benefits and other services to their citizens in the areas of health and social services, including domestic violence, families in need, behavioral management, child welfare programs, and an annual children's summer camp, in addition to cultural, educational, and environmental programs. The Jena Band of Choctaw Indians work to preserve their language and protect and revive their culture by providing language, dance, and crafting classes, and continuing the Pow Wow in the Pines tradition welcoming the community to gather and celebrate.

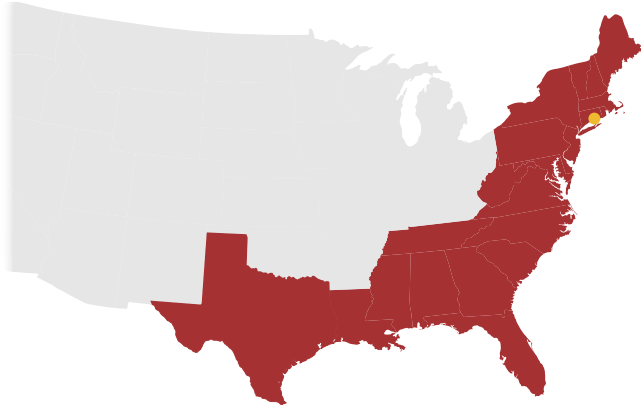




MAHEEHKANUWAK

Mohegan Tribe

Member since February 1996



- Location: Uncasville, Quinnitukqut
- Land Size: ~500 acres
- Population: 2,286 Tribal Citizens
- Industries: Tourism, Recreation, Hospitality, Gaming, Retail, Services, Entertainment

The Mohegan are the Wolf People, children of Mundo, a part of the Tree of Life where ancestors form roots, the trunk is the living Tribal Nation, and children and grandchildren form the buds of the future. Before the arrival of the Europeans, Chief Sachem Uncas brought his people to Shantok and the hills of Mohegan. Uncas believed that cooperation with the English arrivals would ensure his people's survival, and therefore, developed a historic interaction between his Tribal Nation and the settlers. Mohegan Sachems, or head chiefs, lead the nation along with Sagamores (subchiefs), Tribal Councilors and the Grandmothers of the Tribal Nation. These Mohegan sachems were also of familial relation to or otherwise interconnected with citizens of neighboring area Tribal Nations.

As a sovereign nation, Mohegan signed the Treaty of Hartford with the Connecticut Colony in 1638, a formal recognition of the Tribe's sovereignty that has been maintained through today. Even though many treaties were between England and the Mohegan, the unique rights of Native American governments were further recognized and laid out in the Constitution of the United States. For over 350 years, treaties, government, laws and cultural preservation highlighted the Tribal Nation's independent sovereign status. In the

17th century, Mohegan activist Samson Occom fought for Tribal sovereignty across Indian country. During the erasure era of the 19th century, Mohegan Jeets Bodernoshor/Flying Bird recorded the Tribal Nation's language and philosophy in a diary despite the abuses suffered for so doing. In the 20th century, Gladys John and Harold Tantaquidgeon founded Tantaquidgeon Museum, the oldest native owned and operated museum in America.

In 1978, the Mohegans filed for federal recognition and after sixteen years were formally recognized March 7, 1994. As a sovereign nation, the Mohegan Tribe independently determines its fate and governs its people and affairs, meaning they provide for their Tribal citizens and work within their own governmental, legal, and cultural systems to preserve their independence. The Mohegan Constitution affirms that its citizens are governed by a Tribal Council, consisting of nine Tribal citizens, and a Council of Elders, consisting of seven Tribal citizens. The Tribal Council is vested with all the Tribal Nation's legislative and executive powers not granted to the Council of Elders. The Council of Elders oversees judicial matters and the Tribal Nation's cultural integrity, including appointment of traditional positions. They also exercise legislative power with respect to Tribal citizenship and enrollment.

The Mohegan government owns and operates a variety of business ventures that contribute to the welfare of Tribal citizens including enterprises throughout Turtle Island and internationally. Their many years of experience allows them to be a leader and example for other sovereign administrations. They have mentored and provided support to numerous other Tribal Nations to assist in their success, strength, and self-reliance. The first Native American Treasurer of the U.S. was a Mohegan citizen, Chief Many Hearts, Dr. Lynn Malerba, the first female lifetime chief of the Mohegans in modern history.



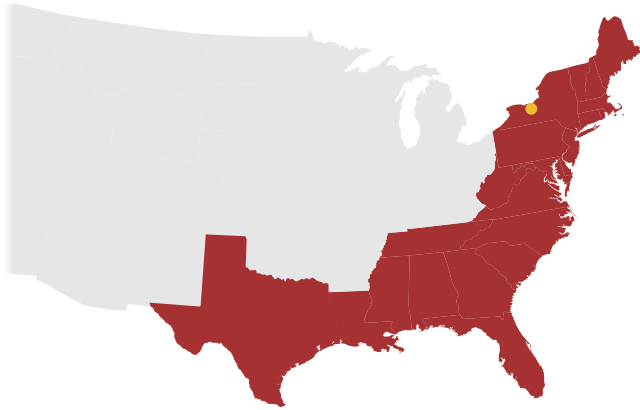
The Mohegans are strong, resilient, dynamic people walking as a single spirit on the Trail of Life. They continue to remember and teach ancestral stories—watching, listening, and learning while being guided by the wisdom of thirteen generations past and responsible for the prosperity of the thirteen generations to come.



GAYOGOHO:NO'

Cayuga Nation

Member since June 2000



- Location: Finger Lakes Region
- Land Size: ~64,000 acres of land (2018 Tribal Source: 824 acres)
- Population: ~500 Tribal Citizens
- Industries: Agriculture, Retail, Tourism, Recreation

The Cayuga Nation is known as "The People of the Great Swamp," and its citizens have called the area surrounding Cayuga Lake their homeland for hundreds of years. Laying between Seneca Nation (west) and Onondaga Nation (east) the Cayuga Nation, along with the Seneca, Onondaga, Oneida and Mohawk Nations united under the Great Law of Peace to form the Haudenosaunee (The People of the Longhouse) Confederacy in the 12th century. This government entity was formed to end inter-tribal fighting and bring sustainable peace to the land. Its constitution and resulting government structure have influenced the creation of many modern-day constitutions.

Following the Revolutionary War, in 1779, General George Washington commissioned General John Sullivan and James Clinton to destroy the Cayugas and other members of the Haudenosaunee. There was no complete victory over the Haudenosaunee, however Cayuga land was taken and dispersed to American soldiers. Although many Tribal citizens and bands of each Tribal Nation were scattered (to Ohio, Canada, and Buffalo Creek) because of this campaign, the Cayuga who remained negotiated a Treaty with General Washington, the first president of the United States.

The Treaty of Canandaigua was signed on November 11, 1794, between the Sachems of the Confederacy Nations and the United States. This Treaty established peace between the United States and the Six Nations of the

Haudenosaunee, provided for the sovereignty for each Haudenosaunee Nation within its lands and affirmed the Cayuga Nation's sovereign land base as 64,000 acres which overturned the previous land theft.

This treaty remains in full force today but was and is ignored by the State of New York. In accordance with the Treaty of Canandaigua and the Constitution of the United States of America, the State of New York neglected to seek federal approval for a series of illegal land transactions and treaties and claimed non-existent powers of the state in Indian Affairs, taking all lands from the Cayuga Nation. As a result, the State of New York still claims the Cayuga Nation has no reservation and will not permit the Cayuga Nation free use and enjoyment of the Treaty-established land base. The Cayuga Nation continues to fight to have their Treaty Rights upheld by the State of New York and the United States of America.

Today, Cayuga citizens are governed by the traditional Council of Chiefs and Clan Mothers. Clan origin is determined by the mother, and is one of five clans - Bear, Heron, Snipe, Turtle, and Wolf. As a sovereign Tribal Nation, the Cayuga's economic development portfolio includes several business ventures that benefit not only their citizens but the surrounding communities. The Nation also provides many services to their citizens including police, housing, and financial assistance for scholarships. Dedication to their citizens and preserving their heritage motivates the Nation to stand firm and continue their direction toward a more prosperous and just future for all.

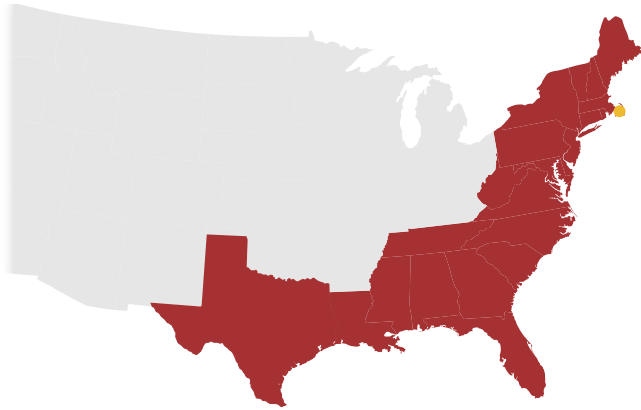




MÂEPEE WÔPANÂAK

Mashpee Wampanoag Tribe

Member since October 2007



- Location: Mashpee, Massaadchueset
- Land Size: ~5,000 acres
- Population: ~2,600 Tribal Citizens
- Industries: Tourism, Recreation, Agriculture

While the Wampanoag were once comprised of 69 Tribal Nations, Mashpee Wampanoag are one of only three remaining. The "People of the First Light" have lived on their lands in the Northeast coastal areas for over 12,000 years. Since the arrival of the Pilgrims, the Wampanoag people have fought to be heard and respected. After a visit to the King of England and acknowledgement as a self-governing body, the Mashpee Wampanoag continued to fight for their sovereign rights to establish their government and rights to their lands.

With a continuous title to and possession of tracts of ancestral land maintained, the Mashpee Wampanoag Tribe established their Tribal Council in 1972 to provide leadership, an umbrella for historic and cultural preservation, and advocacy for land recovery. After an arduous process lasting more than three decades, the Mashpee Wampanoag were re-acknowledged as a federally recognized Tribal Nation in 2007. Today, approximately 2,600 citizens of the Mashpee Wampanoag Tribe are governed by a Chairperson, Vice Chairperson, Secretary and Treasurer along with a seven-member council and two traditional leaders, a Chief and a Medicine Man on approximately 5,000 acres.

The land provides an abundance of resources for the Mashpee people, including fish, game, crops, and wampum. Living along the same banks of land as their ancestors, the Mashpee people take great pride in their legacy of

land stewardship. Wampum is made from the purple and white shells of quahogs and has always been an important piece of Mashpee history. Today's citizens gather quahogs to eat the meat and use the shells to create jewelry and wampum belts, along the indelible shores of Mashpee homelands just as their ancestors did thousands of years ago. Wampum was once used as currency in addition to being a symbol of peace in inter-tribal pacts, today it is an enduring symbol of beauty and cultural heritage, as well as a vehicle for economic success.

The future of the Mashpee Wampanoag people is bright and many projects are in development for helping the land and people flourish. The Tribal Council has many grants and philanthropic ventures aiding the advancement of their self-governance activities such as the First Light shellfish farm, food pantry, housing department, public works infrastructure, and more. Chief Earl Mills, Jr, "Swift Eagle" eloquently stated, "I want to move with the Tribe into the future, but I want that future to be rooted in the traditions of our ancestors to the extent that we are able to do that. While there are some things we have lost, we're looking to the spirits of our relatives to guide us to regain the important things, both culturally and spiritually, to help the people into the future."

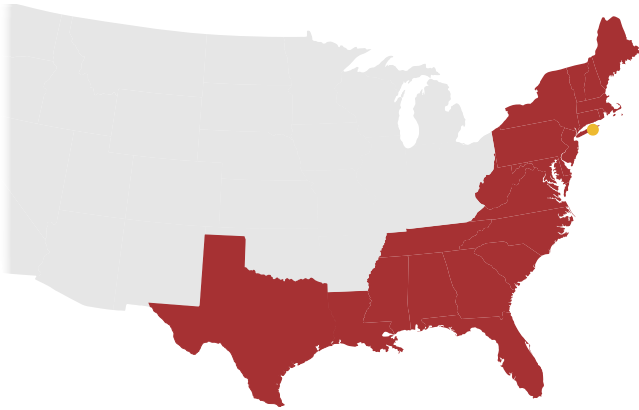




SHINNECOCK

Shinnecock Indian Nation

Member since February 2011



- Population: 1632 citizens; 48% onsite, 52% off
- Land: 1,200 acres / restricted fee
- Industries: Tourism, Recreation, Retail, Agriculture, Services
- Medical: Health and Dental Clinics
- Traditional Foods: all seafood (clams, crab, eels, fish, lobster, oysters), 3 sisters, samp, venison, succotash, beach plums, and wild blueberries, grapes, and strawberries
- Celebrations: February Mid-Winter Social, First June weekend to welcome summer, Shinnecock Nation Annual Labor Day Weekend Powwow, Federal Acknowledgement Day October 1, Shinnecock October Oyster Festival, Nunnowa Harvest Celebration (Tribal Thanksgiving), Circassin Memorial December 30 (1876) - the loss of Shinnecock Men in a Winter Storm
- Traditional Language: Algonquian
Preservation Program: Yes
Speakers: No fluent, two specialists

Roughly translated from their Algonquian language, the Shinnecock are the "people of the stony shore." As one of the oldest, self-governing Tribal Nations in New York, for over 13,000 years the Shinnecock Indian Nation has occupied their homelands near the eastern end of Long Island, measuring time in moons and seasons. Shinnecock people were whalers, traders, hunters, and farmers, while they shared resources in cooperation with the other inhabitants of the area. Their aptitude for canoe building has been a source of particular pride, with some canoes holding up to 100 people.

Shinnecock peoples' lives revolved around the lands and waters they peacefully inhabited until the Dutch landed,

closely followed by the English. Even as the Shinnecock people taught the colonizers to protect themselves from the cold, build domed huts, and plant corn, the colonists took land, created laws, and otherwise oppressed the Shinnecock peoples' way of life as the first acts in a centuries-long attack on Shinnecock people's sovereignty. They have persevered and became the 565th federally recognized Tribal Nation in the U.S on October 1, 2010.

With over 1,589 enrolled citizens, the Nation governs approximately 900 acres of land on the Shinnecock Neck peninsula and 100 acres along Peconic Bay. The Shinnecock people are governed by a seven-member Council of Trustees.

The Shinnecock believe in protecting their heritage, environment, and traditions by weaving traditional knowledge with modern methods, and instilling knowledge through intergenerational teaching. Today, the Shinnecock have thriving businesses that contribute to the surrounding communities. Their kelp farms merge modern aquaculture with indigenous practices. They carry on the traditional harvesting of quahogs for food and the resulting, coveted wampum shell which is used for jewelry, belts, and more. Tribal infrastructure includes a Community Center, a Health and Dental center, a Museum, Family Preservation and Education Center, Cultural Center, Playground, and Shellfish Hatchery. Their preschool provides culturally-sensitive care.

The Shinnecock have hosted a powwow on Labor Day Weekend since 1946, which was ranked by USA Today as one of the top ten powwows in the United States. The Shinnecock Indian Nation strives to interweave cultural awareness into innovative, industry-leading business initiatives to provide for generations to come.

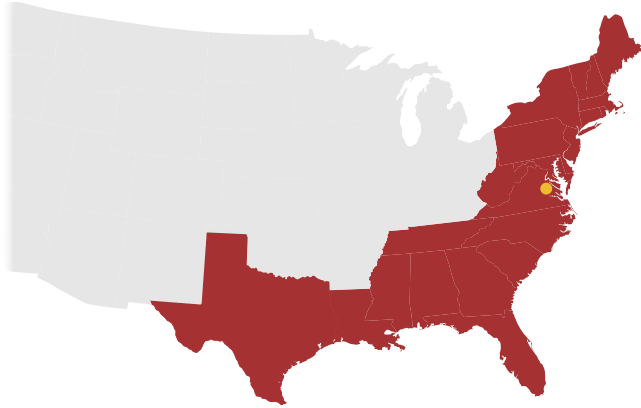




PAMUNKEY

Pamunkey Indian Tribe

Member since October 2017



- Population: 496 Citizens; 12% onsite, 88% off
- Land: 1,500 acres reservation
- Industries: Tourism, Recreation, Agriculture, 8A Federal Contracting
- Traditional Foods: succotash
- Celebrations: Spring fish fry, Annual Treaty Tribute (day before Thanksgiving)
- Traditional Language: Algonquian
- Preservation Program: Yes
- Speakers: Four

The Pamunkey are part of the larger Algonquian-speaking language family, composed of a number of Tribal Nations. By 1607, more than 30 Tribal Nations were tributaries of the Algonquian speaking Powhatan Paramount Chiefdom. The Pamunkey comprised the political and geographic center of the Chiefdom as its leaders, most notably the Pamunkey *Mamanatowick* (great chief) Wahunsenacawh, were integral in expanding the Chiefdom's reach across the Tidewater region of Virginia. Known to the English as "Chief Powhatan," Wahunsenacawh is one of the most recognized Tribal chiefs of the Pamunkey. He inherited and led the Powhatan Chiefdom, was father to Matoaka (Pocahontas), and engaged with English colonists when they arrived in *Tsenacomoco* in 1607.

The Pamunkey Indians depended on fishing, hunting, trapping, and horticulture for thousands of years for subsistence. One of the main staples of their diet has been fish, specifically shad, sturgeon, and herring. The Pamunkes also bartered and sold these fish, making them an integral part of their economy from the colonial period through the 20th century. In the 19th century, the Pamunkey people fought in the Civil War as Union supporters, successfully

battled attempts to terminate the Tribe and allot its reservation lands, and rallied against the implementation of Jim Crow laws. Chief George Major Cook, a great leader of the Pamunkey, fought to protect Virginia Native Americans as Jim Crow laws and eugenics policies were being adopted. He ultimately lost the fight against Virginia's Racial Integrity Act of 1924 which was not repealed until 1967 with the U.S. Supreme Court case *Loving v. Virginia*.

The Pamunkey Indian Tribe has been recognized since the 17th century. This recognition is due to their ability to continually uphold its treaty obligations as first outlined in the 1646 Treaty of Peace negotiated with England and later renegotiated with the 1677 Treaty of Middle Plantation. In 1983, while granting recognition to several other Tribal Nations, Virginia officially legislated its acknowledgment of the Pamunkey Indian Tribe. In 2015, following a decades-long effort the federal government officially recognized the Pamunkey as a sovereign Tribal Nation.

The Tribal Nation has a land base on the Pamunkey River in King William County dating to 1646. Tribal citizens are governed by an elected Chief, Assistant Chief and Tribal Councilors. The Pamunkey Tribal government works to administer the affairs of the Tribe and to support the implementation of programs and services for its Tribal citizens. A Cultural Resource Department holds history classes, pottery lessons, and promotes culturally significant foods at planned gatherings. In addition to a museum, the Pamunkey Indian Tribe has a fish hatchery that upholds their belief that if they take fish from the water, they should put some back. The Pamunkey River is inextricably linked to the Tribal Nation and they combine scientific studies and traditional ecological knowledge to understand and protect this crucial habitat, resource, and lifeway.

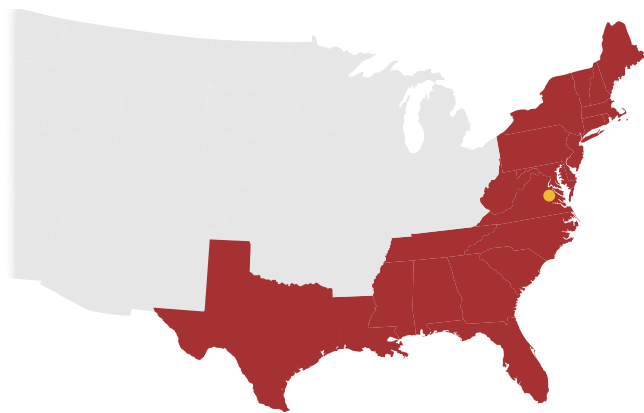




RAPPAHANNOCK

Rappahannock Tribe

Member since November 2019



- Population: 305 Citizens; 100% offsite
- Land: 136 acres trust
- Industries: Tourism
- Medical: Health & Dental Clinics
- Traditional Foods: beans, corn, squash, sweet potatoes, fish, deer
- Celebrations: Rappahannock Harvest Pow Wow
- Traditional Language: Powhatan
- Preservation Program: Yes
- Speakers: No fluent

The Rappahannocks' capital town of Topahanocke sat on the north banks of the Rappahannock River, from "the Place Where the Water Rises and Falls." It's famously known as where Captain John Smith was brought as a prisoner before he was deemed innocent and released.

By 1640 illegal English settlement had begun in the Rappahannocks' lands. By the late 1660s they were forced north and inland due to interloping settlers and frontier vigilantes, and later to the south side of the river, their ancestral hunting grounds. Tribal citizens hid with others in the Dragon Swamp during Bacon's rebellion. In 1682 the Rappahannock were given almost 3,500 acres on which to live only to be forcibly moved a year later to act as a shield between the colonizers and other attacking Nations. For over 20 years they lived in Portobago Indian Town, until 1705 when neighboring Nanzatico Indians were sold into slavery. They were once again forced out, returning to their ancestral homelands downriver where they continue to live today.

The Rappahannock incorporated in 1921 to solidify their Tribal government and fight for recognition, and Chief George Nelson petitioned the U.S. Congress to recognize

Rappahannock civil and sovereign rights. Finally, 62 years later, they were officially recognized by the Commonwealth of Virginia, and federally recognized in 2018.

In 1998, the Rappahannocks elected G. Anne Richardson, the first woman Chief to lead a Tribal Nation in Virginia since Cockcoeske (Queen of the Pamunkey) became ruler of the Powhatan Confederacy in the mid-1600s.

With the help of the Land Back movement, Fones Cliffs, a stretch of bluffs overlooking the Rappahannock River, was returned to the Tribal Nation furthering their goals for engaging in numerous projects to strengthen and sustain their community. The Chief, Assistant Chief, and Tribal Council oversee cultural, educational, social, and economic development programs, and approved the first ever constitutional right of nature. Chief Anne acknowledged, "We are proud to be the first Tribe in the United States to recognize the constitutional rights of nature, through our recognition of the legal rights of the Rappahannock River. Legal rights for the River was a logical next step, to put the force of tribal law behind the River, focusing on protecting our River as the Mother of our people."

The Rappahannocks' mission is to preserve their cultural, social, and political structures, while educating the public on their contributions to the surrounding communities. They host their traditional Harvest Festival and Powwow annually on the second Saturday in October at their Cultural Center in Indian Neck, Virginia. Their traditional dance group, the Rappahannock Native American Dancers, and a drum group called the Maskapow Drum Group, which means "Little Beaver" in the Powhatan language, perform locally and abroad in their efforts to educate the public on the history and tradition of the Rappahannock.

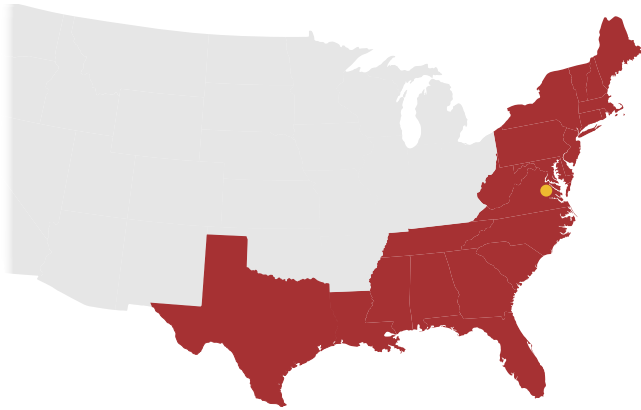




CHICKAHOMINY

Chickahominy Indian Tribe

Member since November 2019



- Location: Mid-Atlantic Region
- Land Size: 1,200 acres
- Population: 1,110 Tribal Citizens
- Main Industries: Tourism

The Chickahominy are an Algonquin people, one of the largest cultural and linguistic groups on Turtle Island. The Chickahominy are often called Powhatan Indians, however, their villages were always independent—never under the control of Chief Powhatan, known to his people as Wahunsunacock. The Chickahominy Tribe was ruled by a council of elders called the mungai or “great men.”

They originally lived in permanent villages along the Chickahominy River. After the Treaty of 1646 displaced them, the Chickahominy moved repeatedly as they were crowded out by settlers. They migrated gradually to

where they now reside, the Chickahominy Ridge, between Richmond and Williamsburg, and only a few miles from an original 1607 village site.

In 1901, Chief William Henry Adkins (Chief 1901-1918) led a movement to organize the Tribe and establish Tribal rolls. Occurring during a time of persecution, he emerged as a leader and became the Tribal Nation’s first Chief. That same year, the Tribe established Samaria Indian Baptist Church, which serves as an important focal point for their community to this day. The 1924 Racial Integrity Act disgracefully championed segregation as well as the destruction of documents and records of Native people—including birth, marriage, census, and death records. According to state policy, Virginia’s Native peoples no longer existed.

Not until 1983 did the Commonwealth of Virginia officially recognize the Chickahominy Indian Tribe with the federal government’s official recognition on January 29, 2018. Today, the Tribal Council consists of twelve men and women, including a chief and two assistant chiefs, who are elected by Tribal citizen vote.

The Tribe is hopeful their ancient ways will gain a renewed respect and value as the U.S. comes to terms with issues of sustainable lifestyles, responsible energy usage, and environmental stewardship. The Chickahominy vision of life in harmony with creation offers hope for our nation and our world.



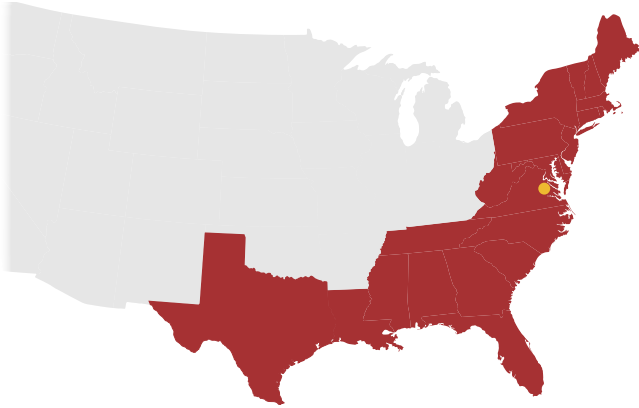
Photo: Richard M. Bowman Center for Local History



CHICKAHOMINY

Chickahominy Indian Tribe – Eastern Division

Member since November 2019



- Population: 275 Citizens; 100% offsite
- Land: 41.59 acres fee
- Industries: Tourism
- Traditional Language: Algonquian
- Preservation Program: Yes
- Speakers: Limited

The Chickahominy “Coarse Ground Corn People” were one of 30 Tribal Nations who met the English settlers in 1607. Multiple treaties were signed between 1614 and 1677, all of which were broken, and by 1702 the Chickahominy lost their land base. Almost 50 years later they began migrating back to an area around the Chickahominy River between the York and James rivers.

Before that migration, in 1723, a Chickahominy child was one of the first Indians to attend Brafferton College, a grammar school for Indians established by the College of William and Mary in Williamsburg. By 1793 a Baptist missionary named Bradby took refuge with the Tribal Nation and took a Chickahominy woman as his wife. Almost

80 years later (1870), a census showed an enclave of Indians in New Kent County which is believed to be the beginning of the Chickahominy Indians Eastern Division.

The Chickahominy formed Samaria Baptist Church in 1901. During the first few decades of the 20th Century, Chickahominy men were assessed a Tribal tax so their children could receive an education. Proceeds from this tax built the first Samaria Indian School, bought supplies, and paid a teacher's salary. Soon after, a one room school teaching grades 1-8 was started for the Chickahominy Indians – Eastern Division. By the early 1920s the Chickahominy Indians – Eastern Division began forming their own Tribal government and E.P. Bradby was the first elected Chief. Then in 1925, Chickahominy Indians – Eastern Division (CIED) incorporated. A Tribal Council, which consists of a Chief, Assistant Chief, Secretary, Treasurer, and at least two Council people, governs CIED.

The 1950s and 60s brought the CIED educational adversities with school closings, “busing,” and losing schools to integration. In 1983, the CIED was granted state recognition along with five other Tribal Nations. Two years later, the Virginia Council on Indians was organized as a State agency and the CIED was appointed a seat on the Council. Then, the United Indians of Virginia were organized in 1988 with a CIED seat on the Board of Directors.

Forty one acres was purchased by CIED in 2002 and several years later, the Tribal Government Center was constructed. The Chickahominy Indian Tribe – Eastern Division, as well as five other Virginia Tribal Nations, achieved federal recognition in the Thomasina E. Jordan

Indian Tribes of Virginia Federal Recognition Act of 2017. They continue to move forward asserting their sovereign rights providing their citizens with childcare and a community garden as well as a language preservation program. They share their story with the surrounding communities and visitors through an educational Algonquin village and garden located on their lands as a teaching tool and awareness for the general public.

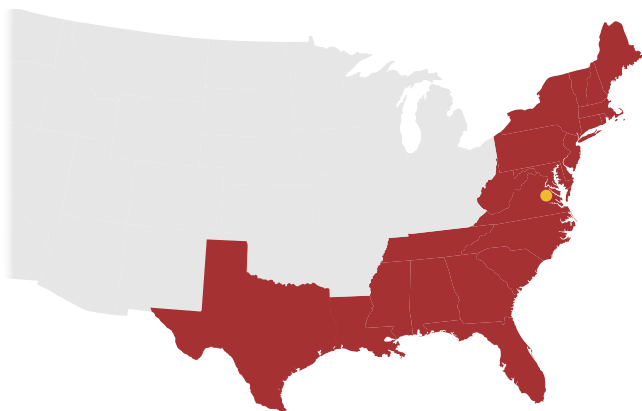




MATTAPONI

Upper Mattaponi Tribe

Member since October 2020



- Population: 677 Citizens; 100% offsite
- Land: 1,439 acres fee; 34 acres (+64 pending) trust
- Industries: Tourism
- Medical: Health and Dental Clinics
- Traditional Foods: fish, squash, corn, beans
- Celebrations: Annual Spring Powwow, Tribal Church Homecoming, Tribal Christmas Celebration
- Traditional Language: Algonquian
- Preservation Program: Yes
- Speakers: Four

The Upper Mattaponi Tribe has been living in their traditional lands of Tsenacomacah for millennia before Captain John Smith identified the village of Passaunkack. Almost 50 years later, under the guidance of the Powhatan Chiefdom leader Cockacoeske, the Upper Mattaponi signed the Treaty of Middle Plantation, recognizing the colonial government's authority, but acknowledging property, land use, and hunting rights of the Indians in the region. Almost 400 years later, the Mattaponi continue to provide the State of Virginia, the successor to the colony, with the annual tribute payment stipulated by the treaties.

Near the end of the 19th century, the Mattaponi formally separated from the Pamunkey-led Powhatan Chiefdom, leading to the appointment of five trustees to the Mattaponi Tribe by the Commonwealth. From 1885 King William County records Mattaponi individuals bearing the surname Adams (most likely originating with James Adams, an official interpreter for the British and Indians between 1702 to 1727) living

in a settlement known as Adamstown. The Adamstown band became officially known as the Upper Mattaponi Indian Tribe in 1921.

The Upper Mattaponi have always valued education. The Upper Mattaponi community is centered around The Indian View Baptist Church, built in 1942. Next door to the church is the early 1900's-built Sharon Indian School, which was modernized in the 1950s. The school now serves as the Tribal Center and is the only public Indian school building that still exists in the state of Virginia.

The Upper Mattaponi Tribe was officially recognized by the Commonwealth of Virginia on March 25, 1983, and received federal recognition in 2018 via Public Law 115-121. Citizens are governed by a Chief and Assistant Chief in the Executive Branch, a seven-person Council of the Legislative Branch, and three justice Judicial branch. They provide health and elder services, in addition to cultural and environmental programs to their citizens. The Upper Mattaponi citizens are empowered by their government to take control of their food sources and reduce waste through sustainable practices. The community works in tandem to create a healthier, more resilient next generation. The Upper Mattaponi are a proud and humble people of strong character and values, living by the motto honoring our past, building our future.

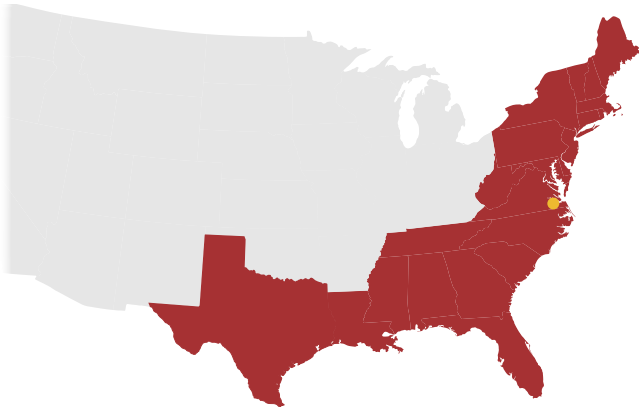




NANSEMOND

Nansemond Indian Nation

Member since October 2020



- Location: Mid-Atlantic Region, Hampton Roads (Southeastern VA and Northeastern NC)
- Population: ~550 Tribal Citizens
- Main Industries: Eco-Tourism, Healthcare

For thousands of years, the Nansemond people have lived along the Nansemond River, whose name means “Fishing Point” in their Coastal Algonquian language. Their ancestral territories encompass the Nansemond River watershed and the Great Dismal Swamp, regions where they sustained themselves through foraging, farming, fishing, and hunting. As signatories of the 1677 Treaty of Middle Plantation, the Nansemond demonstrated commitment to their land and rights, which they continued to advocate for throughout the 1700s.

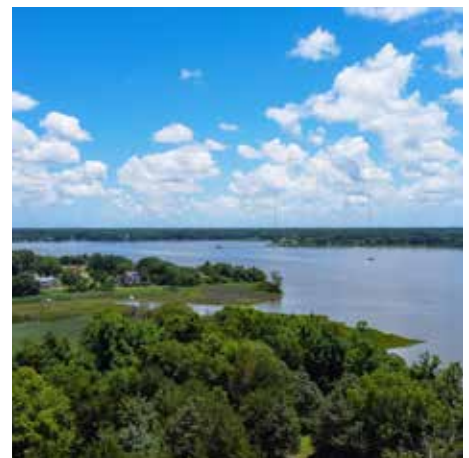
In the mid-19th century, the Indiana United Methodist Church was established as a mission for Nansemond families in Norfolk County. Later, Norfolk Indian School #9

was founded at the same site to educate Nansemond children. Organized efforts for Tribal recognition began in the 1980s with the establishment of the Nansemond Indian Tribal Association. These efforts culminated in formal recognition by the Commonwealth of Virginia in 1985 and federal recognition in 2018.

A significant achievement for the Nation was the reacquisition of 70 acres of ancestral riverfront land at Mattanock. This land serves as the cultural heart of the Tribal Nation, the location of their Tribal headquarters, and the site of their Annual Powwow. The Nansemond also reacquired 500 acres of forested wetlands at Cross Swamp for outdoor recreation and environmental stewardship.

Healthcare and housing are central priorities for the Nation. Through Fishing Point Healthcare, the Tribal Nation provides comprehensive medical services across southeastern Virginia. The Nation's Tribal Housing Program further supports its citizens by offering rental assistance and housing opportunities, ensuring stability and well-being within the community.

Community engagement is vital for the Nansemond Indian Nation. The Nation educates the public and celebrates its living traditions by hosting cultural events and creating innovative tools such as the “Indigenous Life on the Nansemond River” StoryMap. Through cultural preservation, environmental stewardship, healthcare innovation, and educational initiatives, the Nation honors its ancestors while ensuring its legacy continues to inspire future generations.

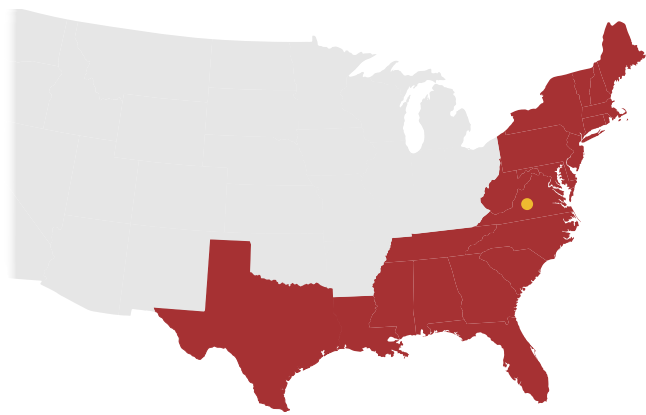




MONACAN

Monacan Indian Nation

Member since October 2020



- Location: Mid-Atlantic Region
- Land Size: 117.5 acres
- Population: ~2,300 Tribal Citizens
- Main Industries: Tourism

The Monacan people were historically an agricultural people who lived in dome-shaped homes of bark and reed mats. They grew the "Three Sisters" crops of corn, beans, and squash, but left their villages every year to visit their hunting camps in pursuit of deer, elk, and small game. They also mined copper for jewelry and trade, as many neighboring communities prized metal. The Monacans buried their dead in mounds, a tradition that differentiates them from neighboring Indian nations.

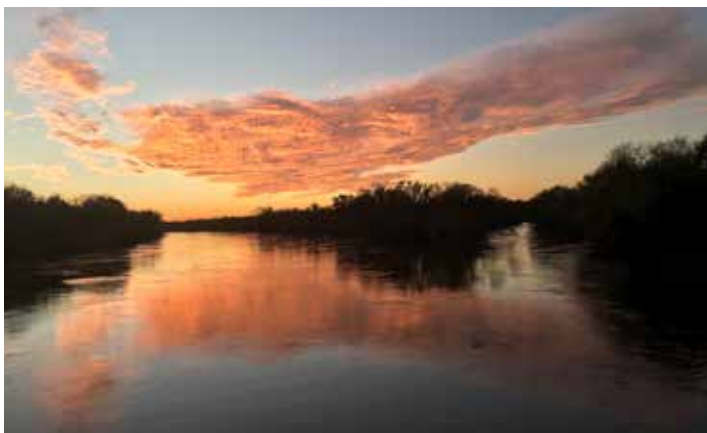
Tribal Nations of the mid-Atlantic region were greatly disadvantaged, reduced to a fraction of their numbers by the time colonists landed, as they had been decimated by diseases carried by the Spanish explorers in the 1500s. In the piedmont and mountain regions of this area lived

Siouan Indians of the Monacan and Mannahoac Tribes, arranged in a confederation ranging from the Roanoke River Valley to the Potomac River, and from the Fall Line at Richmond and Fredericksburg west through the Blue Ridge Mountains. Here, thirteen mounds have been identified as linking to the ancestral Monacan, with many being excavated.

Between 1607 and 1720, the Monacans gradually moved westward away from the advancing settlers. Some Monacan stayed in Virginia, entrenched in their mountainous ancestral home, now known as Amherst County. By 1807, a settlement of Monacan ancestors on Johns Creek had been named "Oronoco," after a type of dark-leaf tobacco grown in the area. From this settlement at Oronoco grew the modern Monacan Nation.

Virginia's Racial Integrity Law in 1924 resulted in Monacan citizens' records being changed by state officials without their knowledge. Many Monacans left the state during this time because they were no longer permitted to marry freely or to register as Indian in any official capacity. During this period and through 1942, Monacans challenged the official classifications of their race, and several Monacans led a legal challenge to the state's actions. By 1943, further challenges culminated in resolving their incorrect racial classification for the World War II draft.

The Monacan Indian Nation became state recognized in 1989. In 1993, the first annual Powwow was held; funds from the event established a Tribal scholarship fund and purchased 110 acres of land on Bear Mountain, to be held in trust for future generations of Monacans. In 1997, nearly a century of state-sanctioned racial oppression ended for Monacan people after successfully petitioning the Virginia Council on Indians to enact corrections to birth certificates and other official documentation. Since then, the Monacan Nation has continued to acquire more of their homelands and are among the few American Indian nations that still remain in their ancestral homeland. They achieved federal recognition in January of 2018 and they run a Monacan Indian Nation Museum featuring artifacts, a large collection of pottery, pipes, tools, and beads, and historical information for the education of citizens and members of the surrounding communities. The Monacan are dedicated to the survival of Indian people in their region and throughout the hemisphere.



"Our homelands, resources, people, and future, make up the vibrant kaleidoscope of our Indigenous communities...As we identify and address challenges, foster collaboration and innovation, and enthusiastically delve into effective strategies, let's remember that our path can be an example for others."

-2024 USET Tribal Best Practices Conference

USET PROGRAMS AND SERVICES

USET PROGRAMMATIC WORK: BY THE NUMBERS

IN A TYPICAL YEAR, USET PROVIDES PROGRAMMATIC SERVICES INCLUDING



120

Programmatic Alerts issued on a variety of topics relating to economic development, public health, and natural resources



75



Trainings and Workshops

800



Continuing Education Credits

600+

Enterprises and business activities owned, operated, or managed by USET member Tribal Nations featured in the USET Tribal Enterprise Directory



Training and technical assistance site visits

30+



Sub-awards to member Tribal Nations

45



45

Water and Wastewater Operators receive training to improve drinking water and sanitation safety



11

Reclaiming Native Psychological Brilliance sessions reaching an audience of more than

900

people across Indian Country and around the world

OFFICE OF TRIBAL PUBLIC HEALTH

The Office of Tribal Public Health (OTPH), originally the Health Information Office (HIO) and later named the Tribal Health Program Support Department, was created in 1995 through an Indian Self Determination Education and Assistance Act (ISDEAA) P.L. 638 contract with the Indian Health Service (IHS) for the identified program, services, functions, and activities. Over its lifespan, OTPH has expanded to contract with the Office of Tribal Activities, Nashville Area Diabetes Control Officer, and Nutrition Program while also operating as USET's Tribal Epidemiology Center (TEC), Nashville Area Dental Support Center (DSC) and Diabetes Support Center, and most recently selected to serve as the Good Health and Wellness in Indian Country Tribal Coordinating Center. OTPH provides up-to-date public health information, advocacy tools, policy analysis, health promotion, and disease prevention programming. USET believes that elevating the health status of Tribal citizens is integral to restoring and maintaining the heart, spirit, and soul common to every USET Tribal Nation.

The USET OTPH, a TEC and designated public health authority, provides by upholding Tribal sovereignty, strengthening public health systems, disease prevention, control, and surveillance and preservation of Indigenous health practices. We are a visionary public health voice built on historical relationships and Indigenous knowledge, guided by the multi-generational representation of the USET member Tribal Nations.

OTPH aims to be the leading public health authority advancing Tribal sovereignty, self-governance, and self-determination through a focus on Indigenous health. OTPH upholds USET's four priority pathways (Organization Development, Leadership Development, Nation Rebuilding

and Advancement, and Indigenous Truth) through training, resource sharing, providing up-to-date relevant health information and approaches, and technical assistance. These efforts are offered to leverage their resources, historical knowledge, and innovation to approach Tribal needs most beneficially appropriate. USET OTPH is also called upon as a thought leader throughout Indian Country and by external stakeholders.

OTPH's strategic goals through 2028 include: operationalizing internal branding, increasing visibility through intentional outreach and messaging, diversifying our revenue portfolio to more proactively respond to member needs, expanding and establishing operational infrastructure competencies, recruiting and retaining talent, building networks and partnerships, providing increased educational opportunities, establishing mentorship opportunities, providing innovative support services, continuing to expand strategic litigation, and providing tools, trainings, and resources to help Tribal Nations uphold and advance sovereignty.

Data Improvement analyzes, identifies, and implements culturally appropriate strategies to improve health data collection, interpretation, and dissemination. Technical support and training for infrastructure build-out and improvement of Tribal health data systems assists Tribal Nations in prioritizing health needs. Long-standing data improvement efforts include addressing social determinants of health (SDOH) as well as standardizing data collection operations and measurements of public health outcomes in Tribal communities. Comprehensive community health assessments are utilized to identify and implement culturally appropriate strategies to empower data sovereignty within Tribal health systems. **Integrated Community Health**





(ICH) supports fostering relationships between medical, behavioral, and community healthcare while promoting Native brilliance across the lifespan of Tribal citizens. Integrating culture into these healthcare spheres, Tribal Nations and their citizens have shown strength, brilliance, and resiliency. Being able to recognize and integrate cultural practices are key components in behavioral health as well as substance use prevention and treatment initiatives. Integrated Community Health, in collaboration with our Tribal Nation partners, utilize cultural customs and traditional practices to increase the well-being of Tribal communities. **Chronic Disease** seeks to improve Tribal Nation health and wellness through the expansion of sustainable chronic disease management, control, and prevention. The program supports Tribal Nation Partners by empowering holistic, culturally responsive, and community driven practices. **Public Health Planning and Infrastructure**, using the Tribal Epidemiology Centers Public Health Infrastructure (TECPHI) framework provides training, provides technical assistance, guidance, and operational support by strengthening public health capacity and infrastructure. This offers an important foundation to enhance data quality and implement prevention strategies to better address long term health outcomes. **Workforce Development** improves public health and clinical workforce by providing resources, training, and technical assistance. Addressing employee recruitment and retention, training, accreditation opportunities, and organizational performance allows for the building and strengthening of the Tribal health workforce, impacting the health of generations to come. **Behavioral Health** supports Tribal Nations through innovative and culturally competent resources for assessment, prevention, education, and crisis intervention that impact mental health, substance use disorders and well-being. Behavioral Health training and resources include programmatic and clinical technical assistance, harm-reduction resources including Narcan distribution, Mental Health First Aid and ASIST/safeTalk Suicide Intervention

certifications. The **Diabetes Support Center** houses the Area Diabetes Control Officer and through ongoing support, the center fosters effective prevention and management of diabetes while honoring traditional values and promoting holistic health, enhancing the ability to deliver quality care. Special Diabetes Program for Indians (SDPI) grantees across the region receive support and assistance through culturally relevant diabetes education, resource development, and grant management training for maximum impact. Regular site visits help assess progress, address challenges, and ensure culturally relevant practices are integrated into diabetes prevention and management efforts. The **Dental Support Center (DSC)** identifies data-driven dental needs and conducts technical and clinical assistance to increase access to quality clinical and preventive services for Indian Health Service beneficiaries. The USET DSC focuses on health promotion and disease prevention, data improvement, reporting, clinical efficiency, and peer review to improve dental health. **Epidemiology** facilitates and addresses the understanding of all factors that affect the health and well-being of Native populations through data to assist nation rebuilding. Epidemiology monitors health status, guides health priorities, and aids Tribal Nations in reducing disease and fostering resilience through targeted recommendations, surveillance, and technical assistance. The **Good Health and Wellness in Indian Country (GHWIC) Tribal Coordinating Center (GCC)** provides technical support, training, and resources to GHWIC grant recipients to identify, assess, and build or expand chronic disease prevention programs. This strategic approach offers opportunities for peer learning, best practice sharing, and evaluation coordination for culturally informed and evidence-based approaches to enhance recipient engagement and data quality while maximizing community strengths.



OFFICE OF ENVIRONMENTAL RESOURCE MANAGEMENT

USET established the Office of Environmental Resource Management (OERM) in 2004. OERM supports the inherent sovereignty of member Tribal Nations and promotes regulatory capacity development to protect public health and for sustainable management of Tribal homelands. OERM has evolved and expanded to provide technical assistance, training, logistical support, professional certifications, outreach, and liaison expertise across core program area, including natural resource management; agriculture; food sovereignty; climate adaptation and resilience; risk assessment and solutions modeling; testing and remediation of Lead; community drinking water and wastewater systems; operator training and certification; and utility capital infrastructure planning.

The Agriculture Program, established in 2020, was reconceived as the **Food Sovereignty Program** in 2024 to represent the holistic programmatic activities and services provided. The Program provides technical and financial support to Tribal Nations to connect ecosystem restoration, food and medicine production, and cultural practices. OERM has partnered with member Tribal Nations to support Native Plant Nurseries. A partnership with Catawba Indian Nation focused on rivercane propagation, restoration, basket weaving, and educational outreach to the region, resulting in the production of the first rivercane baskets woven on their territory in over 100 years. Partnership with Saint Regis Mohawk Tribe supported establishment of an Elder's Council to direct their collection, propagation, and distribution of culturally significant plants. The long-term goal is to develop a Tribal source of culturally significant plants and technical assistance for Tribal Nations in the region, and building capacity to regenerate ecosystems with native plant medicines and foods. The Program also supports youth outreach projects that weave culturally significant plants, Tribal language, culture, and Western science to promote Traditional Ecological Knowledge and place Tribal Nation expertise on equal footing with Western Science approaches.



The **Lead Reduction Program** is dedicated to protecting Tribal communities from lead (Pb) exposure, particularly for children under six—the most vulnerable group. Even minimal exposure poses serious developmental risks, there are no safe levels. We support testing drinking water in all places where Tribal children gather, including Head Start programs, daycares, and schools. OERM conducts site visits and sampling at those gathering places under the direction of member Tribal Nations. OERM has an approved EPA Quality Assurance Project Plan and partnership with an EPA-certified lab, to ensure sampling data is trustworthy and that Tribal Nations receive and control sampling data. USET adopted the EPA's 3T's Model: Training, Testing, and Taking Action. Our program offers resources and guidance through webinars focused on lead reduction strategies with a goal to enhance access to safe, lead-free environments in Indian country. Our webinars highlight success stories of community leaders who have implemented lead abatement. To augment our lead reduction program, we have developed a digital Tribal-FERST (focused environmental risk and sustainability) platform.



The **Drinking Water and Wastewater Technical Assistance and Training Program** equips leaders, utility board members, operators, and laboratory analysts with essential skills through onsite visits and classroom training conducted at their facilities or in regional locations. Our technical assistance specialists offer extensive training that encompasses technical, financial, and managerial dimensions of Tribal utilities, supplemented by peer reviews and mentorship from experienced Tribal utility professionals. OERM has expertise in environmental programs, particularly concerning the Safe Drinking Water and Clean Water Acts.

The **USET Certification Program** is a professional licensure program for Tribal utility operators and laboratory analysts in the areas of drinking water, wastewater management, laboratory analysis, water distribution, and wastewater collection. Notably, USET was the first Tribal organization to have a Tribal Drinking Water Certification Program approved by the U.S. Environmental Protection Agency (EPA). Our certification program is an affiliate of Water Professional International, and thereby is a recognized certifying entity.



among national and international certification jurisdictions. USET has certified many utility operators, with some certified in multiple systems. USET staff have developed training and technical support services to promote professional utility practices within Tribal communities. By maintaining secure infrastructure and effectively managed water utilities, Tribal communities enhance their overall health and quality of life. Certification of Tribal drinking water and wastewater operators promotes and reinforces Tribal sovereignty.

OERM convenes an annual **Tribal Utility Summit (TUS)**. This annual event provides Tribal utility managers, operators, and laboratory analysts with the most relevant information and training resources to ensure compliance with regulatory requirements, prioritizing the delivery of safe, clean, and sufficient water to their respective Tribal communities. The curriculum encompasses topics linked to the technical, managerial, and financial aspects of utility systems. Sessions include regulatory updates, operational and maintenance practices, safety protocols, water calculations, troubleshooting strategies, water reuse options, disaster management, distribution system management, and leadership development. Participants can earn CEUs or contact hours through the TUS curriculum.

Wetlands serve as vital habitats and hold substantial cultural, traditional, spiritual, medicinal, sustenance, and



subsistence significance for Tribal Nations. The **Wetlands Protection Program** offers comprehensive training, technical assistance, and site visits to assist in the development of sustainable Wetland Program Plans. Training resources and technical support are designed to advance the restoration and preservation of wetland ecosystems, which play a crucial role in surface water purification, sediment and floodwater retention, climate resilience, carbon sequestration, biological diversity, and traditional subsistence activities for Tribal communities.

The **Climate Resilience Program** provides technical assistance and training to assess and adapt to climate change impacts. Successful resilience relies on use of Indigenous Knowledges, which are an important body of observations, oral and written knowledge, innovations, practices, and beliefs developed by Tribal Nations that contribute to our shared, collective understanding of the world, promoting environmental sustainability through relationships between humans and environmental systems. These knowledges are applied to phenomena across biological, physical, cultural and spiritual systems, evolving, as well as extensive observations, lessons, and skills passed from generation to generation. The Program helps prepare vulnerability assessments and climate adaptation resilience plans, through writing retreats, climate camps, and site



visits; and promotes participatory research with climate adaptation science centers and research projects conducted by Tribal Nations. OERM advocates for meaningful integration of Indigenous knowledges, and supports collaboration among Tribal climate scientists, federal agencies, and research institutions. Moreover, USET advocates for federal commitment to principles of self-determination and proactive efforts to remove institutional barriers that limit Tribal Nations' adaptation to climate change impacts. And further, federal government fulfillment of trust and treaty obligations, including long-term support to Tribal Nations to develop and implement climate resiliency plans.

Indigenous knowledge systems provide a long-established understanding of climate change processes and resilient responses to climate change. These knowledge systems were incorporated into the Fifth National Climate Assessment (2023), in Chapter 16, Tribes and Indigenous Peoples. USET contributed to Chapter 21, Northeast.

OFFICE OF ECONOMIC DEVELOPMENT

In 2015 the USET Board of Directors proposed to expand technical assistance opportunities within new focus areas, which ultimately led to the construction of a new economic development office. Through support from the Economic Development Administration, a survey of current and future Tribal Nation development needs and opportunities led to the creation of the first inter-Tribal regional comprehensive economic development strategy (CEDS) plan in the country. This strategic plan provided a road map of quality economic development to support and delivery at a regional level. The CEDS plan has been updated to build on fundamental goals and ensure collaboration with USET's long-term strategic roadmap pillars of organizational development, leadership development, nation rebuilding and advancement, and indigenous truth. The CEDS plan serve to define goals and objectives, organize activities, and effectively evaluate impact, with core themes including:

1. **Provide targeted technical assistance** to USET member Tribal Nations to support rebuilding diverse and thriving Tribal economies
2. **Advance Tribal sovereignty and self-determination** by leveraging various incentives afforded Tribal Nations and their enterprises and putting in place infrastructure and governance systems that lead to economic security.
3. **Increase capacity** of USET member Nations and the Office of Economic Development by providing education, training, and professional development to staff, establishing organization systems.
4. **Foster inter-Tribal partnership and collaboration** that supports and advances nation rebuilding, economic growth, capital investment, and improved quality of life.
5. **Enhance the quality of life and sense of place** within Tribal communities by celebrating and protecting Native

culture, developing quality housing, conducting sound community planning, and increasing economic resiliency, enhancing the way of life in Indian Country.

6. **Strengthen education and workforce development** within USET member Tribal Nations to meet the needs of an emerging 21st century economy.

USET has established a solid foundation to adopt and develop sound economic development programs and services that will transform the quality of life on Tribal Nation lands, while fully recognizing the unique challenges facing Tribal economies. Economic development activities do not exist in a vacuum—rather they are impacted by external factors in the community and therefore offer unique opportunities for collaboration, within and between Tribal Nations and applicable business partners. In this spirit, USET's Office of Economic Development takes advantage of opportunities to collaborate with other USET programs.

A Tribal Nation's ability to exercise and promote its sovereignty and self-determination is tied, in part, to the economic well-being of its people. Many Tribal Nations are rich with assets such as environmental resources, intellectual capital, and cultural cohesion, bringing unique perspectives to defining and attaining economic sustainability. However, they often lack the capacity to convert those assets to scalable economic development. To succeed in Tribal Nation rebuilding, we need to work consistently to remove barriers to establish and sustain viable economies that attract capital investment, create quality jobs, and develop strong Native businesses.

"Growing Economies in Indian Country," a 2012 report published by the Board of Governors of the Federal Reserve System, outlined eight issues as fundamental challenges to realizing economic growth in Indian country. USET member Tribal Nations, with a few exceptions, face these same challenges:

1. Insufficient access to capital.
2. Capacity and capital constraints of small business.
3. Insufficient workforce development; financial management training; and business education.
4. Tribal governance constraints.
5. Regulatory constraints on land held in trust and land designated as restricted use.
6. Underdeveloped physical infrastructure.
7. Insufficient research and data.
8. Lack of regional collaboration.



Artisan businesses are thriving in the USET region as Tribal Nations support Native entrepreneurs by providing access to markets, resources, and financial literacy, with many facilitating sales at community events, museum stores, artist cooperatives, and other outlets.

Recognizing USET member Tribal Nations are at varying levels of capacity and development, there are additional overarching challenges that impact economic development growth as well as broader systemic obstacles that affect progress. One significant issue is the complexity of creating and enforcing tax codes, fees, and business incentives, which can limit the ability of Tribal Nations to fully exercise their sovereignty. Additionally, many Tribal Nations struggle with limited access to robust economic development systems, and a lack of clear, comprehensive strategies. This combination of factors reduces opportunities for capital investment, restricts job creation, and affects the socio-economic conditions. As a result, it becomes harder to strengthen Tribal sovereignty, advance self-determination, and support long-term rebuilding and prosperity for Tribal Nations.

USET is dedicated to supporting Tribal Nations in building healthy, resilient, and thriving economies. As a trusted, Indigenous-led organization, the Office of Economic Development works to facilitate economic growth for its member Tribal Nations through a range of services designed to promote sustainable development. Our approach focuses on two core strategies: proactive understanding through direct outreach and providing actionable knowledge and technical assistance. Proactive understanding involves engaging with membership and stakeholder partners to build relationships, gather feedback, and identify their specific needs and concerns before they arise. This engagement is facilitated through travel and visits to members' communities and gathering at national economic development meetings outside the region. Technical assistance through actional knowledge involves offering practical and hands-on support that enables Tribal Nations to implement solutions effectively and achieve sustainable outcomes. Technical assistance is offered through three primary areas: **education, resource brokering, and research.**

1. **Education:** We provide tailored economic development training, including broad webinars and specialized industry-focused workshops. These sessions are available both in-person and online, making them



USET member Nations have expanded agriculture and aquaculture efforts to strengthen food security and sovereignty, reclaiming land for production, operating hydroponic systems, and exploring large-scale aquaculture partnerships to support their communities and hospitality ventures.



Several USET member Tribal Nations have established enterprises focused on government contracting, operating SBA 8(a) certified businesses or selling directly to the government, including some with contracts exceeding \$100 million, particularly in defense.

accessible to a wide audience of Tribal leaders, program managers, and resource partners.

2. **Resource Brokering:** We help find and connect Tribal Nations with vital resources and service partners to support their economic and community development goals. By building strong networks and fostering relationships with key service partners, we help Tribal Nations access funding, expertise, and partnerships that accelerate economic growth.
3. **Research and Impact Analysis:** We conduct research studies to measure the economic impact of Tribal Nations and Tribal enterprises. As Tribal Nations grow economically, the effects extend beyond their communities. USET's efforts make it possible to evaluate and communicate the measurable contributions of Tribal Nations to local, state, and national economies, showcasing their economic influence and ensuring that their impact is recognized on a larger scale.

The Office of Economic Development's commitment to supporting Tribal Nations is grounded in a deep understanding of the unique challenges and opportunities they face in achieving economic growth and sustainability. Our work not only supports the immediate needs of our members but also strengthens their ability to make a lasting economic impact, both within their communities and on the broader national stage. Together, we are building a future where Tribal Nations are empowered to lead their own development and contribute to the broader economic landscape with strength and resilience.



The first place on Turtle Island to see the sunrise (most times of the year), Wapuwoc, White Mountain of the First Light, is 1,532 feet and the highest point on the eastern seaboard. The rocks, vegetation, and seacoast have physically, culturally, and spiritually sustained the Wabanaki people for millennia.

“USET Member Tribal Nations must continue to advocate for complete and total sovereignty over Tribal land and natural resources by addressing the government, advocating for legislation, and representing our interests in court. Whenever our demands are rejected, we must continue to fight. Although it is a battle that will take time, it is necessary.”

– 2024 USET Youth Sovereignty Statement

**TRIBAL NATION-UNITED STATES
DIPLOMATIC RELATIONS:
A PAST, PRESENT, FUTURE LOOK**

ORIGINS AND BASICS OF TRIBAL NATION-UNITED STATES DIPLOMATIC RELATIONS

The long history of the United States' failure to uphold its trust and treaty obligations to Tribal Nations, and, specifically, its funding obligations, has resulted in a dire situation requiring a significant investment to bring Tribal Nations up to an adequate baseline. A Marshall Plan for Tribal Nations would serve as the infusion of capital necessary for this task.

A. TRIBAL NATIONS HAVE BEEN INHERENT POLITICAL SOVEREIGNS SINCE TIME IMMEMORIAL

It is critical at the outset to have and hold a clear understanding of the status of Tribal Nations, which here refers to the 574 federally recognized Tribal Nations that are engaged in direct political relationships with the U.S. government today.

Tribal Nations are independent political sovereigns, and our people are our citizens. We are not a conquered people, we are not membership groups, and we are not stakeholders in an interest group. Our Tribal citizens have been governed by our respective Tribal governments since time immemorial. This self-governance of our communities continues today. In fact, it was not until 1924 that Tribal citizens became dual citizens of the United States pursuant to the Indian Citizenship Act. Our dual citizenship required an act of Congress, as the U.S. Supreme Court held that Native people were not citizens under the Fourteenth Amendment of the U.S. Constitution and had never been naturalized as American citizens through a treaty. We, the first peoples of this land, were the last to be collectively granted the rights that flow from American citizenship.

Each Tribal Nation is an individual political sovereign possessing inherent powers of self-governance and authority over our citizens, lands, and resources. We have exercised this authority since time immemorial. We are distinct in terms of our respective internal governing structures. We are also geographically, socio-politically, culturally, and linguistically diverse. Each of these aspects of Tribal sovereignty and identity must be respected and accounted for in the Nation-to-Nation relationship.

Tribal Nations have engaged in international diplomacy prior to and since our first sustained contact with European powers began. Before contact, Tribal Nations were sophisticated governments and economic powers in our own right with vast trading networks that stretched into modern-day Canada, Mexico, and Central America. After contact, we

remained highly entrepreneurial in business arrangements, including with early European explorers and colonists, involving furs, goods, agriculture, and other products and services. Trade with Tribal Nations became increasingly lucrative as colonial activity in the Americas spread. European powers fought with one another for political domination to monopolize Tribal trade opportunities and to exploit Tribal resources.

In addition to economic interactions, Tribal Nations have been involved in political relationships with the United States since before its founding. The governments of the colonies, the First and Second Continental Congresses, and the nascent United States sought co-existence with Tribal Nations. This was advanced through political, military, and trade alliances and peace agreements, as evidenced by the earliest legislative acts and treaties entered into by the United States.

The Second Continental Congress recognized three sovereign units of government in the U.S. Constitution: Tribal Nations, the federal government, and state governments. For example, Article I, Section 8 of the Constitution gives Congress the power "to regulate commerce with foreign nations, and among the several states, and with the Indian tribes." Known as the "Indian Commerce Clause," this language is reflective of early federal leaders' understanding of Tribal Nations as distinct political entities outside of the body politic of the U.S. government. As a result, the federal government was to engage with us directly in a diplomatic Nation-to-Nation relationship. Further, the Second Continental Congress determined the apportionment of congressional representatives under Article I, Section 2 by "excluding Indians not taxed" from the U.S. population. This language was intended as a recognition of the distinct political status of Tribal Nations and Native people that sets us apart from the general American populace. This approach to congressional apportionment, rooted as it is in the recognition of Tribal sovereignty, was carried forward in the Fourteenth Amendment to the Constitution following the Civil War, in which Congress once again calculated population data by "excluding Indians not taxed."

Early U.S. Supreme Court cases also reflect the United States' understanding that Tribal Nations are inherently sovereign governmental entities and that the Constitution recognized us as such. As the Supreme Court explained in one of its earliest Indian law cases:

The Indian nations had always been considered as distinct, independent political communities, retaining their original natural rights, as the undisputed possessors of the soil, from time immemorial . . . The very term "nation," so generally applied to them, means "a people distinct from others." . . . The words "treaty" and "nation" are words of our own language, selected in our diplomatic and legislative proceedings, by ourselves, having each a definite and well understood meaning. We have applied them to Indians, as we have applied them to the other nations of the earth. They are applied to all in the same sense.

Thus, Tribal Nations were recognized at America's founding as vested with powers of inherent sovereign authority. Presumably, treaties are only made and acknowledged with other sovereign nations—and the United States negotiated over 600 treaties with the various Tribal Nations. Therefore, Tribal Nations are not a subordinate part of the American federalist system. We remain and have always been—despite legal fictions and other efforts to strip us of these powers and authorities—parallel governments exercising our own sovereignty alongside that of the federal government and the states.

B. AMERICA IS BUILT UPON DIMINISHMENT OF TRIBAL HOMELANDS AND SOVEREIGNTY

Although the United States has always recognized Tribal Nations as inherently sovereign entities, it has taken action throughout time to diminish our sovereign rights and authorities, including with regard to our land holdings and other resources. It is through this diminishment that the United States has amassed its land base, wealth, and power.

Federal Indian law sits atop the Doctrine of Discovery, which was articulated in a Papal Bull that colonizers have long used to justify taking Indigenous peoples' lands and resources. In 1493, Pope Alexander VI declared that all land not inhabited by Christians was available for "discovery" and colonization by the Spanish Crown. The declaration, of course, had no lawful impact on the inherent sovereignty of Tribal Nations. Yet it irrevocably shaped how European colonizers approached their territorial expansion in the Americas to the detriment of Tribal interests and the sanctity of our cultures, religions, and citizens' welfare. European powers, and eventually the United States, used the Doctrine of Discovery to justify horrific crimes and abuses against Indigenous peoples, along with the seizure of our lands and resources. The doctrine was incorporated into American jurisprudence within the "Marshall Trilogy" of U.S. Supreme Court cases in the early 1800s, as we discuss elsewhere in this document.

Utilizing the Doctrine of Discovery, the United States took the vast majority of Tribal Nations' lands and resources. The

land base that compromises the modern-day United States of America was, and remains, Tribal homelands. The United States' territory covers a cumulative area of approximately 2.274 billion acres. Of this, only 100 million acres (4.4%) is recognized by the United States as Tribal land today, and just over half of that meager amount—56.2 million acres—is held in trust by the federal government for the beneficial occupancy of Tribal Nations and Tribal citizens. The total amount of land held in trust thus represents just 2.47% of the United States' overall territory.

The land and resources (for example, coal, oil, natural gas, uranium, timber) the United States has taken from us are extremely valuable. As of 2019, the estimated total overall value of all lands and associated natural resources comprising the territory of the 50 states was worth over \$34.6 trillion. The tremendous value of U.S. land and resources is the foundation upon which the federal government has been able to build itself into one of the most powerful countries the world has ever known.

The United States' acquisition of Tribal Nations' lands and resources came largely as a result of one or more of the following: forced cessions, coercion, and outright theft. Later, acquisitions came through the gradual deterioration of federal policies toward Tribal Nations from those grounded in mutually respectful political negotiations to those that unilaterally sought the outright assimilation of our people and termination of Tribal sovereignty and societies. Over time, the original understandings of Tribal sovereignty recognized in the U.S. Constitution were skewed by the insidious expansion of the philosophical underpinnings of the Doctrine of Discovery into American jurisprudence and the willingness of Congress to develop federal Indian policies that satisfied the insatiable hunger of settlers and developers for the remaining homelands and resources of Tribal Nations. For example, the U.S. Supreme Court came to interpret the Indian Commerce Clause, Article I, Section 8 of the Constitution, to mean that Congress has "plenary power" over Indian affairs to act as it sees fit with regard to Tribal Nations and our rights—a concept neither intended nor advanced in the Constitution nor by its drafters. As an outgrowth, according to Supreme Court precedent that has evolved to serve the interests of the United States as colonizer, even Tribal homelands and other rights protected via treaties may be unilaterally abolished, if done so clearly and explicitly by Congress.

One of the most egregious examples of the United States' outright theft of homelands is witnessed in its reaction to the discovery of gold on the Great Sioux Reservation in the Paha Sápa (Black Hills). The Paha Sápa are part of the origin story and recognized ancestral territory of the Oceti Šakowi or "Seven Council Fires" (more commonly known as the Great Sioux Nation) of the Great Plains. The Great Sioux Nation fought for and secured their continued Tribal sovereignty

over their sacred lands pursuant to the Fort Laramie Treaty of 1868. The Treaty established the Great Sioux Reservation and designated the Paha Sápa for the exclusive use of the Lakota and the other members of the Great Sioux Nation. Just four years later, however, gold was discovered on the Treaty-reserved land. The United States immediately sought to claim the land by renegotiating the Treaty, which failed time and again to meet the requisite ratification of three-fourths of the male population of the signatory Tribal Nations. The United States ultimately reneged on the Treaty, relocating the signatory Tribal Nations by military force and confining their citizens to harsh reservations to open the way for gold mining. The federal theft of the Paha Sápa was recognized by the Supreme Court in 1980. The federal government was ordered to pay “just compensation” with interest; however, the Great Sioux Nation has refused to accept the proposed settlement—today valued at nearly \$2 billion—and demand the return of the Paha Sápa to Tribal control. Their demand remains unanswered.

The federal deceit illustrated by the Paha Sápa story is but a single example representative of the repeated broken promises and unjust actions committed by the United States against Tribal Nations. Where Tribal presence becomes an “inconvenience” to federal or private development of certain lands or resources, our communities have been the ones who pay the price in forced relocations, denied rights to our historic and sacred lands, and diminished areas of occupancy within our ancestral lands. Further, allotment and the loss of Tribal land through fraud, nefarious dealings, and outright theft were also frequent. The compounding effects of these injustices continue to negatively impact our communities today.

Historically, the federal government sought to seize control of Tribal lands and resources in primarily one of two ways: through relocation of Tribal Nations to new land bases, sometimes hundreds of miles away, often with limited natural resources and development potential; or by authorizing Tribal Nations to remain in our ancestral homelands but with a significant diminishment in size of Tribally-held territory and usually in the least agriculturally productive area of those lands. The ancestral lands Tribal Nations lost under treaties of cession were coerced by threat and theft and were generally rich in timber, wildlife, waterways, fertile soils, and other characteristics that supported thriving populations. These valuable lands are now held as federal, state, or private property and represent an additional source of systemic poverty, degraded jurisdictional authority, and loss of access to sacred and ceremonial sites. The story of the sacred Paha Sápa is a critical illustration of the United States’ policy of disenfranchising Tribal Nations to obtain control of resources on Tribal lands despite Tribal rights and federal promises to honor our territorial sovereignty.

Today, the territorial jurisdiction of Tribal Nations is confined to a mixture of reservation, limited fee, and trust land. The federally imposed Tribal land system (i.e., reservation and trust land) does not align with Tribal realities or values. Our interests and practices extend beyond Western concepts of jurisdictional boundaries. For instance, Tribal Nations are intimately tied to countless sacred and culturally significant sites whose importance almost defies comprehension. They hold the bones of our ancestors, connect us to our origin stories, are sites of ceremony and spiritual presence, grow our medicinal plants and traditional foods, and, in some cases, the places themselves are alive and deeply respected as such. These sites may be located at great distances from federally designated Tribal lands. Yet, Tribal Nations continue to fight to preserve our interests beyond the reservation system and to regain our homelands, which are central to our existence as peoples and as governments in service to our communities. All the while, the United States has profited from essential environmental, agricultural, and cultural knowledge that Tribal Nations have cultivated over countless generations of intimate connection to our ancestral lands.

The American public has directly benefited from the diminishment of Tribal homelands and resources. Each acre ceded or stolen from Tribal Nations became an acre available for settlement and development, whether by private citizens or federal, state, or local governments. It should go without saying—and yet still requires persistent reiteration—that the “American dream” is only made possible by the direct and ongoing occupation of Tribal homelands. The American people, as individuals and as a whole, are the beneficiaries of this ongoing, pervasive, and long-lasting harm.

C. UNITED STATES OWES PERPETUAL TRUST AND TREATY OBLIGATIONS TO TRIBAL NATIONS

Rooted in its taking of Tribal Nations’ lands and resources and in its actions to prevent the exercise of our sovereign rights and authorities, the United States owes unique trust and treaty obligations to Tribal Nations and Native people. The United States’ removal of Tribal Nations’ resources and authorities often took away the very means necessary for Tribal Nations to provide for our people. So long as the United States and its citizens continue to benefit from these takings, the country must fully honor its promises and obligations. The uneven exchange of Tribal lands and resources for federal trust and treaty obligations is a debt that exists in perpetuity.

The United States’ recognition of its own trust and treaty obligations owed to Tribal Nations is almost as old as the country itself. The dominant jurisprudential framework associated with the federal trust obligation is articulated in a trio of early nineteenth century U.S. Supreme Court cases referred to as the “Marshall Trilogy.” Chief Justice John Marshall penned the decisions ostensibly to determine the

legal status of Tribally occupied lands. However, they were actually used to justify the United States' forced removal and restrictions on the exercise of sovereignty of Tribal Nations. Pursuant to the Doctrine of Discovery, the Supreme Court held in the first Marshall Trilogy case that Tribal Nations had only a right to "occupy" our ancestral lands, and this right of aboriginal occupation could be extinguished by the United States. In the second case, the Supreme Court conceptualized Tribal Nations as "domestic dependent nation[s]" involved in a ward-guardian relationship in which the United States was obliged to protect our interests. In the third case, the Supreme Court held that this relationship was exclusively between Tribal Nations and the federal government, meaning states had no power over the internal affairs of Tribal Nations, as we retained inherent rights of self-governance within our territorial boundaries that were "not only acknowledged, but guaranteed by the United States."

Despite the racist and paternalistic frameworks of these decisions, the Marshall Trilogy clearly establishes the foundations of the federal government's politically based trust obligations to protect the interests of Tribal Nations. Other units of government, including states and localities, have no place in this relationship. Similarly, Tribal Nations are the only units of government to which the federal government owes such a trust obligation. No other entities, domestic or foreign, share this type of political relationship with the United States.

The United States' trust obligation extends throughout each branch of the federal government and applies to all federal officials and employees at all levels, without exception. This obligation manifests in federal policies such as the legal requirement to consult with Tribal leaders on any federal action that may impact Tribal interests, as well as in the appropriations process through which Congress funds programs serving Tribal Nations.

Additionally, the trust obligation extends to all federally recognized Tribal Nations, regardless of the treaty status of an individual Tribal Nation. While the specific taking of certain Tribal land and resources was memorialized through treaties, the application of the trust obligation extends to all Tribal Nations.

The trust obligation, including with regard to federal funding, exists in perpetuity. The purpose of funding delivered to Tribal Nations by the federal government is often misunderstood to be solely for alleviating poverty within Tribal Nations. While some Tribal Nations and Native people do experience extreme lingering poverty as a result of actions taken by the federal government, this is not the reason for the United States' required investment of resources in Tribal Nations. These resources and services are delivered to Tribal Nations as payment on a debt for

our massive cession of land and resources to the federal government to create the United States. This permanent obligation does not change with our economic status. It is not a "needs-based" obligation.

As a result, all actors within the federal government must consistently protect the interests of all Tribal Nations in every policy and action they undertake. The United States must also pay the debt it owes to us in perpetuity for taking our lands and resources, including through providing funding to Tribal Nations so that we may fund our governments and provide services to our citizens. This solemn responsibility is affirmed in the U.S. Constitution, treaties, federal statutes, executive orders, U.S. Supreme Court precedent, and other agreements, which demonstrate the United States' collective trust and treaty obligations owed to all Tribal Nations.

D. UNFULFILLED TRUST AND TREATY OBLIGATIONS

For all the invaluable lands and resources that Tribal Nations have provided to the federal government, and despite the United States' own recognition of the trust obligation it owes in exchange, the United States has consistently failed to uphold its trust and treaty obligations.

1. Failures of Past Federal Indian Policy Eras

The United States has adopted different policies over the centuries toward Tribal Nations, and the federal government's perceived obligations to us have shifted in response to the prevailing political winds of each era.

The variance across federal policies has caused severe disruption to and disequilibrium in federal Indian affairs, with negative impacts on Tribal sovereignty and economies. It has also led to departure from the original model of the Nation-to-Nation diplomatic relationship founded on a mutual recognition of the sovereignty of Tribal Nations and the United States. Instead, Tribal Nations are now generally, and inappropriately, treated as subordinate to the federal government and, at times, even to the states. Indeed, these inconsistent federal policies have only resulted in further takings and thus heightened the trust obligations already owed by the United States to Tribal Nations.

Federal Indian policy between 1830 and 1968 was primarily designed to restrict Tribal sovereignty, assimilate Native people, and limit the provision of programs and services by the federal government to Tribal Nations. It began with the enactment of the Indian Removal Act of 1830, authorizing the forced relocation of Tribal Nations to make way for seizure of lands and resources in violation of Tribal sovereignty and treaty rights. The effects of this policy were devastating, impacting those Tribal Nations that relocated as well as those that remained in their ancestral lands. Numerous treaties were entered into in which Tribal Nations ceded

vast tracts of land in exchange for reservations and the preservation of usufructuary (hunting, fishing, and gathering) rights in our ceded territories. Despite these promises, thousands of Tribal communities were displaced and hundreds of millions of acres of ancestral homelands were lost. The bitterness of the United States' betrayal of its trust and treaty obligations has become a familiar taste in federal Indian policy.

The United States turned next toward a policy of assimilation with the intent of eradicating Tribal identities and, correlatively, weakening Tribal sovereignty. The generic term "assimilation policy" actually masks the true policy: ethnocide. Ethnocide is the intentional killing of culture and is considered an act of genocide under the U.N. Convention (1948). The U.S. took a bifurcated approach. The first core policy systemically targeted Native children for "civilization" through a national network of boarding schools run in alignment with the doctrine of "Kill the Indian and Save the Man." The second core policy aimed to break apart Tribal land bases under the General Allotment Act of 1887, which decreased and fractionated Tribal lands already drastically reduced by treaties of cession and forced removal. Together, these policies devastated Tribal Nations, disrupting the transmission of cultural identities and fractionating Tribal lands with ramifications that echo starkly into the present day. More than 90 million acres of Tribal lands were lost during this period, and that number grew over the ensuing decades. Today, fractionation remains a jurisdictional nightmare for many Tribal governments.

After over 100 years of direct attacks on Tribal sovereignty and identity, the detrimental effects of the federal government's Indian policies became impossible for Congress to continue to ignore, both morally and legally. Yet, it took a privately published report in 1928 commissioned by the Institute for Government Research and funded by the Rockefeller Foundation to provide the public pressure needed for Congress to act. Known colloquially as the "Meriam Report," this document compiled data and analyzed the effects of federal policies on the quality of life on Tribal reservations and within the boarding schools. It outlined major changes that needed to be made at the national level to address historic injustices inflicted on Tribal Nations.

Congress responded to the Meriam Report with the Indian Reorganization Act (IRA) of 1934, which ended the policy of allotment and reoriented the federal government to restoring Tribal homelands. The IRA also focused on strengthening Tribal governments through the dedication of resources to assist Tribal Nations in conducting elections, enacting governing documents (such as constitutions), and other actions. While a step in the direction of Tribal sovereignty, the IRA was developed unilaterally by Congress and, as such, lacked the nuance necessary to adapt to the internal governing structures of each Tribal Nation. Many of the

challenges that we now face as Tribal governments have their roots in this era, during which foreign governing frameworks, decision-making methods, and civic engagement rules were imposed on our people and governments. The incompatibility of these approaches with our traditional governing and leadership structures is becoming increasingly manifest today.

Mere decades later, in 1953, Congress shifted gears again, this time seeking to terminate the United States' diplomatic relationship with and federal services to Tribal Nations pursuant to House Concurrent Resolution 108. The Resolution declared that the official policy of the federal government toward Tribal Nations would be to sever federal recognition of our political statuses and cease the provision of services, despite the United States' ongoing trust and treaty obligations. Most, though not all, of the Tribal Nations whose federal recognition was severed during that time have since been re-recognized. Those Tribal Nations that were restored to their rightful status under federal law have faced socio-economic difficulties due to the compounding effects of decades of unfulfilled trust and treaty obligations, lost economic development opportunities, and hampered exercise of Tribal sovereignty. Even Tribal Nations whose federal recognition was not terminated faced similar consequences during this harmful era and beyond.

In yet another instance of change in federal Indian policy, with the passage of the Indian Self-Determination and Education Assistance Act in 1975, Congress appropriately pivoted away from termination toward a policy favoring the restoration of Tribal self-determination. Presidents Lyndon Johnson and Richard Nixon issued messages to Congress in 1968 and 1970, respectively, in which they acknowledged the Nation-to-Nation relationship with, and federal trust and treaty obligations to, Tribal Nations. President Nixon stressed in his address that the trust obligation is owed to all Tribal Nations regardless of our progress towards self-sufficiency. In the decades since federal implementation of Tribal self-determination policies, action has been taken to assess historic failings of the United States with regard to Tribal Nations, restore the exercise of Tribal sovereignty, and address the unfulfilled trust and treaty obligations that continue to compound with each passing year. This has been a positive step compared to previous policies of the United States, but it is still one that fundamentally falls short of full recognition of our Tribal sovereignty and upholding the United States' trust and treaty obligations to their full extent.

The federal Indian policies of each era were largely adopted unilaterally by the federal government. Tribal Nations have repeatedly been denied a voice in shaping our own destinies. Federal Indian policy continues to be imbued, as the scholar and attorney Walter Echo-Hawk observed, "with the law and mindset of colonialism imported from the early law of nations, complete with all of its legal trappings, such as

the doctrines of discovery, plenary legislative power, and unfettered guardianship, accompanied by notions of racism and legal fictions created to achieve unjust results in Indian cases." This pattern of unilateral federal decision-making regarding the authorities and rights of Tribal Nations must stop.

2. U.S. Commission on Civil Rights Findings Document Chronic Failure in Modern Era

If most Americans were asked about the United States' mistreatment of Native people and Tribal Nations, they might think such topics were ancient history, but the sad reality is that this mistreatment continues to the present day. The federal government's shortcomings relating to the provision of funding for Tribal Nations are cataloged in the Findings of the 2003 and 2018 reports of the U.S. Commission on Civil Rights (USCCR), among other sources.

In July 2003, the USCCR transmitted to Congress and the President a report titled "A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country." The Quiet Crisis Report examined the funding of federal programs intended to assist Native people at the U.S. Departments of Interior, Health and Human Services, Housing and Urban Development, Justice, Education, and Agriculture. In the Quiet Crisis Report, the USCCR assessed the "adequacy of funding provided via programs administered by these six agencies and the unmet needs that persist" across Tribal communities. The USCCR found that federal funding was not sufficient to address "basic and very urgent needs," including health care, education, public safety, housing, and rural development, and "that significant disparities in federal funding exist between Native Americans and other groups in our nation, as well as the general population."

In December 2018, the USCCR transmitted to Congress and the President the successor report to the Quiet Crisis Report, which was titled "Broken Promises: Continuing Federal Funding Shortfall for Native Americans." The Broken Promises Report updated and expanded upon the Quiet Crisis Report. The USCCR's transmittal letter stated: "Despite some progress, the crisis the Commission found in 2003 remains, and the federal government continues to fail to support adequately the social and economic wellbeing of Native Americans." The Commission's Findings included the following:

Federal programs designed to support the social and economic wellbeing of Native Americans remain chronically underfunded and sometimes inefficiently structured, which leaves many basic needs in the Native American community unmet and contributes to the inequities observed in Native American communities. The federal government has also failed to keep accurate, consistent, and comprehensive records

of federal spending on Native American programs, making monitoring of federal spending to meet its trust responsibility difficult. Tribal nations are distinctive sovereigns that have a special [Nation-to-Nation] relationship with the United States. Unequal treatment of tribal governments and lack of full recognition of the sovereign status of tribal governments by state and federal governments, laws, and policies diminish tribal self-determination and negatively impact criminal justice, health, education, housing and economic outcomes for Native Americans.

The "unmet needs" described in the USCCR reports are in fact a symptom of the federal government's unfulfilled trust and treaty obligations. Both the Quiet Crisis Report and its successor Broken Promises Report aim to convey the depth and breadth of the inadequacy of federal funding to meet the United States' obligations, which in turn creates the very serious "unmet needs" of Tribal Nations. However, as previously discussed, the federal government's trust and treaty obligations should not be understood and treated as needs-based obligations; rather, it is these unfulfilled funding obligations that have in fact created the "need" among Tribal Nations. The United States' trust and treaty obligations, and the funding obligations that grow from them, exist in perpetuity as a debt owed for its occupation of Tribal Nations' lands.

3. U.S. Policies Have Caused Additional Inequities and Have Not Facilitated Recognition of Inherent Sovereign Authorities and Powers Over Tribal Nations' Economies

Historic and modern federal policies have created barriers and inequities for Tribal Nations' attempts to rebuild and grow our own economies, as well as generate our own government revenues. Today's federal economic policies continue to fail to support Tribal Nations' modern efforts to revitalize our economies. The hampering of Tribal Nations' abilities to generate Tribal government revenues has compounded the harms done by the United States' failure to fully fund its trust and treaty obligations, contributing to the current need for a Marshall Plan-like investment in Tribal Nations.

Tribal Nations in the United States endured a long history of asset deprivation. Colonization, forced removal, war, the loss of homelands, and restricted access to traditional lands and resources pushed Tribal Nations "into a near-assetless state for at least a century." The many consequences of this sustained economic deprivation persist to this day. They manifest themselves in the form of obstacles to economic development that include, but are not limited to: insufficient access to capital; lack of small business capacity; insufficient workforce development, financial management training, and business education; regulatory constraints on land held in trust and land designated as restricted use (prohibiting such

land from being used as collateral or as property subject to Tribal taxes); and underdeveloped physical infrastructure.

In response to the longstanding and persistent consequences of these historical harms to Tribal economies, federal policies regarding economic growth have generally offered only short-term, piecemeal approaches directed at specific functions or programs. Most of these programs have had only modest impact due to their complex schemes, high start-up costs, limited availability, and lack of sustained support over time.

Furthermore, federal policies have not evolved to reflect that “the real drivers of recent economic change in Native communities are self-determination and self-governance . . . over Native Community resources, programs, government infrastructure, and plans for the future.” Research has shown that economic factors—such as availability of natural resources, high levels of educational attainment, and access to markets—yield greater returns once a Tribal Nation has the ability to harness the value of those factors through “culturally legitimate institutions of self-government.” Respect for and facilitation of Tribal Nations’ full exercise of sovereignty would level the playing field so that Tribal Nations would be positioned to make economic decisions according to our own objectives and generate revenues to support the social and economic wellbeing of our citizens.

Some Tribal Nations have succeeded in producing economic growth and improved per capita incomes in the past few decades by employing self-determined economic development approaches. Even so, estimates indicate that at current rates of growth, the per capita income of Tribal citizens will not achieve parity with the rest of the United States for at least four more decades.

Depressed economies have a circular effect. Without the ability to stimulate economic growth, diversify economic activities, and generate revenues to fund governmental programs and services, Tribal Nations lack the resources to invest in building the essential physical and human infrastructure necessary to attract the capital investment needed for Tribal economies to compete in the regional, national, and global marketplace.

Compounding the harm caused by the United States’ failure to adopt economic growth policies that enable Tribal Nations to create conditions to build our economies on a broader scale, the United States has left in place older policies, practices, and court rulings that continue to limit or thwart Tribal Nations from exercising our sovereign authority to stimulate our economies and generate government revenue. In one very significant example, the United States has taken a series of actions that have limited Tribal Nations’ ability to generate government revenue through a tax base—as the federal, states, and local governments do. The historical

loss of territory and the federal government’s continued ownership of Tribal lands in trust status, for example, foreclose Tribal Nations’ ability to levy property taxes.

Lacking the ability to rely on taxation mechanisms available to other governments within the federal system, Tribal Nations have created Tribally owned businesses and enterprises whose earnings provide governmental revenues for services for our citizens. While these enterprises operate as “commercial” entities, their profit-making purpose is the generation of governmental revenue. Additionally, Tribal Nations have sought to attract non-Native businesses to locate within Tribal lands to create jobs, provide services, and pay Tribal taxes. Yet, federal policy and U.S. Supreme Court case law have made Tribal Nations’ revenue generation through its business enterprises and taxation of non-Native economic activities on Tribal land extremely difficult.

As sovereign governments, Tribal Nations have the right and authority to tax economic activity within our territories, including the activities of Natives and non-Natives alike, should we choose to do so. The U.S. Supreme Court affirmed this authority, stating: “The power to tax is an essential attribute of Indian sovereignty because it is a necessary instrument of self-government and territorial management. This power enables a tribal government to raise revenue for its essential services.” Yet, the Supreme Court soon undermined this authority by creating a “flexible preemption analysis” that has, under certain conditions, allowed states and local governments to reach into Tribal lands to levy taxes on the economic activities of non-Natives within Tribal Nations’ borders. In so doing, the Supreme Court walked away from its prior decisions barring state intrusion into the regulatory affairs of Tribal Nations.

Under the Supreme Court’s “flexible preemption analysis,” a state or local government may be permitted to impose its taxes on non-Native business activity within a Tribal Nation’s jurisdiction if a court finds the state or local government’s interest in the tax outweighs the Tribal and federal interests in preempting that tax. Thus, instead of wholly ousting state authority from Tribal Nations’ lands, state and local governments have been allowed to tax certain on-reservation economic activity. In effect, they are even able to tax the economic activity of a Tribal Nation itself when it engages in commerce with non-Natives. Their taxation reach is permitted even if the Tribal Nation’s commerce is conducted solely for the purpose of generating tax revenues for government operations.

Under this scenario, since both the Tribal Nation and the state governmental entity have the authority to tax the same transaction, the problem has been characterized as one of “dual taxation.” As a practical economic matter, however, the state governmental entity’s tax operates to displace the Tribal Nation’s tax. A Tribal Nation’s sovereign choice to levy

its own taxes on business activity within its borders is wholly undermined. A Tribal Nation would profoundly alter its ability to attract businesses to locate on its Tribal lands when those businesses are subject to both the outside state jurisdiction's tax and a Tribal tax. Thus, with state taxation applicable to non-Natives conducting business on Tribal lands, Tribal Nations are required, as a matter of economic necessity, to forego our own authority to tax.

Further, even if a Tribal Nation offers complete Tribal tax immunity to locate on Tribal lands, the non-Native business does not yield a tax rate any lower than the existing state tax rate that is available off-reservation—creating no tax incentive to locate on Tribal land. And the additional tax uncertainties created by the U.S. Supreme Court's flexible preemption analysis often chill investment and further limit opportunities for Tribal Nations to generate revenues from business activities within our borders. Despite the stated federal policy of promoting Tribal self-determination, the modern federal policies discussed here serve to perpetuate an uneven playing field on which Tribal Nations must make economic decisions for the social and economic wellbeing of our citizens.

E. SHIFTING TO NEW DIPLOMACY MODEL OF TRIBAL NATION-UNITED STATES RELATIONS

Federal Indian law—and its current trust model between the United States and Tribal Nations—is inherently paternalistic, unjust, antiquated, and discriminatory. It is time for a change.

As discussed previously, federal Indian law relies on the Doctrine of Discovery, a legal fiction that purports to provide authority to colonizers to unilaterally take lands and resources from Indigenous peoples based on the faulty and morally corrupt premise that Indigenous peoples are not deserving of full property rights. With this dark underpinning, federal Indian law as it currently exists sits on a morally decayed foundation.

The Marshall Trilogy recognizes Tribal Nations' inherent sovereignty and the United States' trust and treaty obligations owed to us, but it also carries forward the Doctrine of Discovery and purports to vest within the federal government supreme and unilateral power over Tribal Nations. In this way, the underlying reasoning of federal Indian law is antiquated and serves a distinct purpose in facilitating Tribal Nations' losses for the United States' gain. The Marshall Trilogy has been, and still is, used by the federal government to validate encroachments on Tribal sovereignty and restraints on the exercise of our inherent rights and authorities to ever-diminishing spheres. When exposed to the weathering forces of history, a legal framework built on such unjust principles will necessarily fail to deliver on federal trust and treaty obligations, and it will never provide full justice for Tribal Nations. Indeed,

federal Indian law continues to allow the United States to unilaterally strip Tribal Nations of our rights—including our inherently sovereign rights and treaty rights—if only Congress strips these rights away clearly enough. The rules Tribal Nations must play by under federal law are not fair and never have been. Continuing to rely on a framework rooted in the Doctrine of Discovery, as does our current system, therefore is untenable.

It is time for a modernized relationship model between Tribal Nations and the United States marked by mutual respect and mutual recognition of the rights and authorities that inherently belong to Tribal Nations. This new diplomacy model must include the following elements:

- the United States' dedication to fully carrying out its trust and treaty obligations, including by fully funding its obligations to Tribal Nations as payment on the perpetual debt it owes to us; and
- the United States' commitment to no longer hindering Tribal Nations' full exercise of our inherent sovereign governmental rights and authorities, thereby allowing us to care for our own communities.

HISTORICAL TO MODERN DAY OVERVIEW

MAJOR EVENTS AND ACTIONS SHAPING UNITED STATES' RELATIONSHIP WITH TRIBAL NATIONS AND RELATED TRUST AND TREATY OBLIGATIONS

Formative Era: First Contact-1871

Initial sustained contact between indigenous populations of North America and European subjugators. Tribal Nations used treaties to conduct business internationally with the Crowns (and later with the colonies, followed with the United States).

1493 – The Pope issued a Papal Bull stating any land not inhabited by Christians was available to be “discovered.” Under this doctrine of discovery, while indigenous people maintained the right to occupy their land, the discoverer was granted sole authority to acquire the land.

1778 – The United States entered into the first of many treaties with Tribal Nations, thereby recognizing Tribal Nations as politically sovereign entities with treaty-making authority. A basic principle established by the treaties and the United States’ course of dealings with Tribal Nations was that the United States had a broad responsibility to Tribal Nations and Native people. This responsibility flowed both from the consideration promised in exchange for Tribal Nations’ homelands and agreement of peace—often extracted through unfair tactics and sometimes without consent—and from the fact that stripping away Tribal Nations’ homelands often stripped away the very means necessary for Tribal Nations to provide for their people.

1787 – The Second Continental Congress adopted the Northwest Ordinance to charter a government for the Northwest Territory and provide that good faith shall be observed toward Indians, that their lands and property shall not be taken from them without their consent, that their property and rights shall not be disturbed absent lawful wars authorized by Congress, and that laws shall be passed to prevent wrongdoing.

1787 – The United States adopted its Constitution, which gave Congress authority to regulate commerce with Tribal Nations and gave the Executive Branch treaty making authority with ratification by the Senate.

1790 – Congress enacted the first Nonintercourse Act, requiring authorization by the federal government before Indian lands were purchased.

1823 – The Supreme Court in *Johnson v. M'Intosh*, the first case in the Marshall Trilogy, found that, under the doctrine of discovery, the federal government had the exclusive right to extinguish Tribal Nations’ aboriginal title to land.

1824 – The Bureau of Indian Affairs was created within the War Department.

1830 – Congress enacted the Indian Removal Act, authorizing the President to force southern Tribal Nations’ removal west of the Mississippi. Many Tribal Nations were forcibly removed from their lands during this time.

1831 – The Supreme Court in *Cherokee Nation v. Georgia*, the second case in the Marshall Trilogy, held Tribal Nations are domestic dependent nations and that the relationship between Tribal Nations and the federal government is like that of a ward to a guardian.

1832 – The Supreme Court in *Worcester v. Georgia*, the third case in the Marshall Trilogy, recognized that Tribal Nations are sovereign nations with authority of self-government over their people and territories that predates the arrival of colonists, that Tribal Nations have the protection of the federal government, and that the doctrine of discovery gave the federal government the sole right to acquire their land.

1849 – The Bureau of Indian Affairs was transferred to the Department of the Interior.

1871 – Treaty making ended, and the United States instead began to carry out its relationship with Tribal Nations through legislation. This action was unilateral, and was carried out by a rider attached to the Indian Appropriations Bill of 1871.

Allotment and Assimilation Era: 1871-1928

1879 – Carlisle Indian School, a well-known off-reservation Indian boarding school, was established under the philosophy of “Kill the Indian, save the man.” During this time, the United States established and operated many Indian boarding schools, removing Indian children from their homes, families, and cultures.

1885 – Congress passed the Major Crimes Act, granting federal courts jurisdiction exclusive to states for certain enumerated major crimes committed by Native people on Indian Country land.

1886 – The Supreme Court in *United States v. Kagama* held Congress has power to legislate with regard to Indians based on the obligations it owes to them.

1887 – Congress enacted the General Allotment Act (Dawes Act), which broke lands owned by Tribal Nations into parcels that were then provided to individual Indians to facilitate assimilation. Tribal Nations lost more than 90 million acres without compensation as a result of the allotment process.

1903 – The Supreme Court in *Lone Wolf v. Hitchcock* held Congress is authorized to unilaterally abrogate terms of a treaty.

1921 – Congress enacted the Snyder Act, which created a more effective funding authorization mechanism for the United States to satisfy its obligations to Indians, including for healthcare.

1924 – Congress enacted the Indian Citizenship Act, which extended United States citizenship to all American Indians; however, it wasn't until the 1965 Voting Rights Act that states were required to allow American Indians to exercise their voting rights.

Indian Reorganization Era: 1928-1945

1928 – The Merriam Report was released, which recommended major changes in federal Indian policy.

1933 – John Collier, who believed in reinvigoration of Tribal Nations' governments to control their own destinies, was appointed Commissioner of Indian Affairs.

1934 – Congress enacted the Indian Reorganization Act, which ended allotment, permitted the federal government to acquire lands into trust on behalf of Tribal Nations, and provided Tribal Nations a federally-sanctioned vehicle to adopt governing documents.

1934 – Congress enacted the Johnson-O'Malley Act, which provided federal funding for certain services administered to Indians by other entities, such as states, and has been used mostly in the context of education.

Termination Era: 1945-1968

1953 – Congress stated in House Concurrent Resolution 108 that the official policy of the federal government toward Tribal Nations was termination of federal benefits and recognition. Under this policy, many Tribal Nations' federal recognition was terminated—but most of these Tribal Nations have since been re-recognized.

1953 – Congress enacted Public Law 280 to cede some federal jurisdiction over Tribal Nations' lands to certain states.

1955 – The Facilities Transfer Act transferred Indian health programs from the BIA to the Public Health Service, establishing the Indian Health Service.

1956 – Congress enacted the California Rancheria Act, which provided for termination of California rancheria lands' trust status and distribution of assets.

1956 – Congress enacted the Indian Relocation Act to encourage Indians to relocate to urban areas.

1965 – Congress enacted Voting Rights Act of 1965. States were required to allow American Indians to exercise the right to vote in state elections.

Self-Determination Era: 1968-Present

1968 – President Johnson issued a message to Congress, entitled "The Forgotten American: The President's Message to the Congress on Goals and Programs for the American Indian." His message proposed ending termination and promoting self-determination, and he said "[t]he special relationship between Indians and the Federal government is the result of solemn obligations which have been entered into by the United States Government."

1968 – In conjunction with his message to Congress, President Johnson issued Executive Order No. 11399, entitled "Establishing the National Council on Indian Opportunity." The Council included representation from Indian country and the federal government, and it helped to establish the current era of federal Indian policy by formulating President Nixon's Special Message on Indian Affairs.

1968 – Congress enacted the Indian Civil Rights Act, which recognized and placed certain constitutional limits on powers of self-government exercised by Tribal Nations and required Tribal Nations' consent for state assumption of jurisdiction over civil or criminal actions in Indian country.

1968 – The American Indian Movement (AIM) was established to advocate on behalf of Indian Country. A grassroots organization, AIM organized demonstrations and other acts of protest to raise national awareness around issues related to Tribal sovereignty, self-governance, treaties, and water rights.

1968 – Congress enacted the Indian Civil Rights Act, imposing sentencing limitations on Tribal courts.

1970 – President Nixon issued a message to Congress, entitled "Special Message on Indian Affairs," in which he advocated self-determination, greater protection of Indian rights, the end of termination, and upholding the trust responsibility regardless of each Tribal Nations' progress toward self-sufficiency.

1974 – The Supreme Court in *Morton v. Mancari* held that a hiring preference for Indians did not "constitute 'racial discrimination'" but said instead the Constitution "singles Indians out as a proper subject for separate legislation" due to "the unique legal status of Indian tribes under federal law and upon the plenary power of Congress [drawn from the Constitution], based on a history of treaties and the assumption of a guardian-ward status." This seminal holding is one of the cornerstones of federal Indian law and has since been applied in many cases upholding actions carrying out the unique obligations the United States owes to Indians.

1975 – Congress enacted legislation establishing the American Indian Policy Review Commission for the comprehensive investigation and study of Indian affairs.

1975 – Congress enacted the Self-Determination and Educational Assistance Act, which authorized Tribal Nations to contract with the federal government for funding to provide services otherwise provided by the federal government.

1976 – Congress enacts the Indian Health Care Improvement Act, authorizing specific Indian Health Service programs and permitting IHS to bill Medicare and Medicaid.

1977 – The American Indian Policy Review Commission issued its final report, which recommended that Congress reaffirm and direct all executive agencies to administer the trust responsibility consistent with a set of specific legal principles, called for consultation with Tribal Nations and empowering Tribal Nations' governments, and made other specific recommendations.

1978 – The Supreme Court in *United States v. Wheeler* held Tribal Nations' criminal jurisdiction over Indians arises from their inherent sovereign authorities and is not granted by the United States.

1978 – The Supreme Court issued a decision in *Oliphant v. Suquamish Indian Tribe*, stating Tribal Nations have no criminal jurisdiction over non-Indians in Indian country without congressional authorization based on its reasoning that an exercise of such powers would be "inconsistent with their status" as "domestic dependent nations."

1978 – Department of the Interior Solicitor Krulitz issued a letter to the Department of Justice stating the federal government stands in a fiduciary relationship with Tribal Nations, thereby permitting money damages for trust asset mismanagement, and that the Department of Justice should not take a conflicting position.

1978 – Congress enacted the Indian Child Welfare Act to stop the practice of removing Native children from their families and Tribal Nations.

1978 – Congress enacted the American Indian Religious Freedom Act, to eliminate interference with the free exercise of Native American religions, based on the First Amendment of the United States Constitution; and to recognize the civil liberties of Native Americans, Alaska Natives, and Native Hawaiians to practice, protect and preserve their inherent right of freedom to believe, express, and exercise their traditional religious rights, spiritual and cultural practices.

1979 – Department of Justice Attorney General Bell issued a letter to Secretary of the Interior Andrus setting forth the Department of Justice's position interpreting the federal government's fiduciary responsibility to Tribal Nations regarding asset management more narrowly than what Tribal Nations argue for.

1980 – The Supreme Court in *Washington v. Confederated Tribes of the Colville Indian Reservation* held the state had authority to impose taxes on certain on reservation activities.

1980 and 1983 – The Supreme Court issued decisions in *United States v. Mitchell*, which, although ruling in favor of the Tribal Nation party, construed the federal government's compensable fiduciary trust responsibilities to Tribal Nations for asset management more narrowly than what Tribal Nations argue for. The letter from Solicitor Krulitz was filed in the case and cited in the dissent.

1988 – Congress enacted the Indian Gaming Regulatory Act, creating a federal process under which Tribal Nations' may exercise their inherent sovereign rights to conduct gaming on their Indian lands, which has helped many Tribal Nations generate Tribal government revenue.

1989 – The Supreme Court issued a decision in *Cotton Petroleum Corporation v. New Mexico*, which applied the Bracker balancing test to weigh state, Tribal, and federal interests in determining whether states can impose tax on non-Tribal entities conducting commercial activities on Tribal land. SCOTUS noted that Congress could offer tax immunity, if it chose to do so.

1994 – Congress enacted the American Indian Trust Fund Management Reform Act, which reaffirmed and specified federal trust responsibilities, authorized Tribal Nations to manage trust funds, and established the Office of the Special Trustee for American Indians.

1994 – Congress passed the Federally Recognized Indian Tribe List Act, which directs the Department of the Interior to publish annually a list of federally recognized Tribal Nations and stipulates that federal agencies must treat all federally recognized Tribal Nations equally.

1997 – Secretary of the Interior Babbitt issued Secretarial Order No. 3206, entitled “American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act,” which clarified responsibilities when actions taken under the Endangered Species Act affect Indian lands, Tribal Nations’ trust resources, or the exercise of Tribal Nations’ rights.

1998 – The Supreme Court in *Kiowa Tribe of Oklahoma v. Manufacturing Technologies, Inc.* refused to find an exception to Tribal Nations’ sovereign immunity for off reservation commercial activities.

2000 – Secretary of the Interior Babbitt issued Secretarial Order No. 3215, entitled “Principles for the Discharge of the Secretary’s Trust Responsibility,” which provided guidance to employees who carry out the trust responsibility as it pertains to Indian trust assets and reaffirmed the letter from Solicitor Krulitz. The Department of the Interior then codified those principles for managing Indian trust assets in the Departmental Manual.

2000 – President Clinton issued Executive Order No. 13175, entitled “Consultation and Coordination with Indian Tribal Governments,” which required federal agencies to consult with Tribal Nations for policies that have Tribal implications.

2003 – The Supreme Court issued a decision in *United States v. Navajo*, which construed the federal government’s compensable fiduciary trust responsibilities to Tribal Nations for asset management more narrowly than what Tribal Nations argue for.

2003 – The Supreme Court issued a decision in *United States v. White Mountain Apache Tribe*, which found the federal government, when using a Tribal Nation’s trust land or property, owes a duty to maintain that land or property.

2003 – The United States Commission on Civil Rights issued a report, entitled “A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country.”

2009 – The Supreme Court issued a decision in *Carcieri v. Salazar*, which ruled that the Secretary of the Interior’s authority to acquire land into trust on behalf of Tribal Nations under the Indian Reorganization Act was limited to only those Tribal Nations that were “under federal jurisdiction” in 1934.

2009 – President Obama held the first White House Tribal Nations Conference, where Tribal Leaders were invited to meet with the President and members of his Cabinet to discuss issues of importance to Indian country. President Obama continued to hold the White House Tribal Nations Conference each year.

2009 – President Obama issued a Memorandum for the Heads of Executive Departments and Agencies, entitled “Tribal Consultation,” which directed agencies to develop detailed action plans to implement the Tribal Nation consultation policies and directives of Executive Order No. 13175.

2009 – The United States settled the *Cobell* trust fund mismanagement litigation, and Secretary of the Interior Salazar issued Secretarial Order No. 3292, entitled “Individual Indian Trust Management,” which provided for the establishment of the Secretarial Commission on Indian Trust Administration and Reform to evaluate the Department of the Interior’s management and administration of Indian trust assets.

2010 – The United States endorsed the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), becoming the last nation to sign on, stating the “aspirations [the declaration] affirms, including the respect for the institutions and rich cultures of Native peoples, are one we must always seek to fulfill.”

2010 – The Indian Health Care Improvement Act is permanently reauthorized as a part of the Patient Protection and Affordable Care Act after a 10-year effort from Tribal Nations and organizations.

2010 – Congress enacted the Tribal Law and Order Act, removing barriers placed on Tribal Nations’ exercise of criminal jurisdiction by increasing the penalties a Tribal Nation may impose when they provide certain procedural rights to defendants.

2011 – In *United States v. Jicarilla Apache Nation*, the Department of Justice asserted that the federal government's legally enforceable trust obligations are limited to the terms of statutes and regulations, questioning the legal effect of the letter from Solicitor Krulitz. The Supreme Court reaffirmed that it looks to common law to determine the scope of federal Indian trust liability. It also stated “[t]he Government, following a humane and self-imposed policy ... has charged itself with moral obligations of the highest responsibility and trust.”

2013 – President Obama issued Executive Order No. 13647, entitled “Establishing the White House Council on Native American Affairs,” to ensure that the federal government engages in a true and lasting government-to-government relationship with federally recognized Tribal Nations in a more coordinated and effective manner, including by better carrying out its trust responsibilities.

2013 – The Secretarial Commission on Indian Trust Administration and Reform issued a report that recognized trust duties are not discretionary and recommended that the federal government (1) reaffirm that all federal agencies have a trust responsibility to Indians that demands a high standard of conduct, (2) develop a uniform consultation policy, and (3) restructure and improve the management, oversight, and accountability of federal trust administration.

2013 – The Supreme Court in *Adoptive Couple v. Baby Girl* interpreted the Indian Child Welfare Act narrowly, with some Justices asserting possible equal protection concerns.

2013 – President Obama signs the Violence Against Women Act Reauthorization (VAWA) into law. Tribal advocates fought hard to ensure that the law recognized our rights as inherent as opposed to granted. In signing the bill into law, President Obama expressed “Tribal governments have an inherent right to protect their people, and all women deserve the right to live free from fear.”

2014 – Secretary of the Interior Jewell issued Secretarial Order No. 3335, entitled “Reaffirmation of the Federal Trust Responsibility to Federally Recognized Indian Tribes and Individual Indian Beneficiaries,” which reaffirmed the letter from Solicitor Krulitz and set forth guiding principles for bureaus and offices to follow to ensure that the Department of the Interior fulfills its trust responsibility.

2016 – Standing Rock Protest begins in opposition to the Energy Transfer Partners’ Dakota Access Pipeline project that would cross beneath the Missouri and Mississippi Rivers, as well as part of Lake Oahe near the Standing Rock Indian Reservation. The protest was in direct opposition to the threat the pipeline posed to the region's clean water and ancient burial grounds.

2017 – President Trump in his signing statement associated with appropriations legislation implied that some services for Indians are unconstitutionally race based, stating he will treat provisions that allocate benefits on the basis of race, ethnicity, and gender—listing the Native American Housing Block Grant program—in a manner consistent with the equal protection clause of the Constitution. He continued to include such language in appropriations legislation signing statements during his presidency.

2017 – President Trump signed a presidential memorandum to advance approval of construction of the Dakota Access Pipeline.

2018 – The Centers for Medicare and Medicaid Services within the Department of Health and Human Services took the position that providing or approving an exemption from Medicaid work requirements for Indians would raise civil rights concerns.

2018 – The United States Commission on Civil Rights issued a report entitled “Broken Promises: Continuing Federal Funding Shortfall for Native Americans,” which updates its prior 2003 report, entitled “A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country.”

2018 – The Reclaiming Native Truth: A Project to Dispel America's Myths and Misconceptions Report issued. It is the largest public opinion research project ever conducted by, for and about Native peoples. The research has been critically important in helping to start important and potentially transformative conversations with leaders in entertainment, media, K-12 education, philanthropy and other sectors. It has helped to validate, through data, the experiences of Native peoples across the country of how invisibility and toxic stereotypes that are perpetuated primarily by media, pop culture and K-12 education fuel bias and racism against Native peoples. It has raised important awareness among non-Natives allies about these systemic issues and the abundance of opportunities to work in partnership with Native peoples to advance narrative change and social justice.

2019 – On August 9, the Fifth Circuit Court of Appeals affirmed the constitutionality of the Indian Child Welfare Act (the Department of Justice defended the Indian Child Welfare Act's constitutionality). This decision was a reversal of the 2018 United States District Court for the Northern District of Texas decision in *Brackeen v. Bernhardt* that held the Indian Child Welfare Act violates the Constitution, including the equal protection clause (it further held that ICWA is race based, finding the principles of *Morton v. Mancari* do not extend to cover it).

2020-2021 – The United States and nations around the world contend with SARS-COV-2, the COVID-19 pandemic. Tribal Nations and Native American people are uniquely impacted by the virus due to the chronic underfunding of trust and treaty obligations, with higher rates of illness and poorer outcomes, as well as greater economic impacts due to lockdowns. The United States responds with several large spending packages designed to provide resources and relief to units of government and individuals throughout the country, including Tribal Nations and our citizens. The American Rescue Plan provides the single largest transfer of federal resources to Tribal Nations ever at \$31.2 billion. However, access to COVID-19 relief funding and other resources is uneven, and many of Indian Country's priorities are ignored. The United States Commission on Civil Rights attempts to update its Broken Promises report to reflect these failures, but a vote to publish these findings fails along partisan lines.

2020 – The Trump Administration attempts to disestablish a reservation for the first time since the Termination Era in ordering the homelands of the Mashpee Wampanoag Tribe taken out of trust. The disestablishment was put to a halt when the DC District Court deemed arbitrary and capricious Department of Interior's 2018 decision that the Mashpee Wampanoag Tribe did not prove it was "under federal jurisdiction" in 1934, and therefore did not meet the first definition of "Indian" under the Indian Reorganization Act—making the Tribal Nation ineligible to acquire land in trust.

2020 – On July 9, the Supreme Court issued its decision in *McGirt v. Oklahoma*, holding that the Muscogee (Creek) Nation's reservation is intact and remains Indian Country. The Court reaffirmed that reservations remain intact until Congress demonstrates clear congressional intent to disestablish them, such as through an "explicit reference to cession or other language evidencing the present and total surrender of all Tribal interests." The Court was not persuaded when Oklahoma argued that its wrongful exercise of jurisdiction over the land should affect the reservation disestablishment analysis. Courts have since applied this case to find that other reservations in Oklahoma remain intact. As such, prosecution of crimes by Native Americans on these lands falls into the jurisdiction of the Tribal courts and federal judiciary under the Major Crimes Act, rather than Oklahoma's courts.

2021 – Congresswoman Debra Haaland, a citizen of the Laguna Pueblo, is confirmed as the first-ever Native American Secretary of the Interior.

2021 – For the first time, the Office of Management and Budget, an agency within the Executive Office of the President, takes the position that it has consultative responsibilities to Tribal Nations leading to historic consultations on the President's Fiscal Year 2022 and 2023 Budget Requests.

2021 – On April 6, the United States Court of Appeals for the Fifth Circuit issued its en banc decision in *Brackeen v. Haaland*, where plaintiffs challenged the constitutionality of the Indian Child Welfare Act. The court held Congress had authority to enact the Act and that the Act's "Indian child" classification is not unconstitutionally race-based in violation of the Equal Protection Clause of the United States Constitution. However, the judges were equally divided and thus the District Court's ruling was affirmed without a precedential opinion that ICWA's adoptive placement preference for "other Indian families" and foster care placement preference for "Indian foster home[s]" both violate the Equal Protection Clause. Because federal Indian laws are a reflection of the political relationship between the United States and Tribal Nations, they have not been subject to the heightened level of Equal Protection Clause review required for racial classifications, so this decision represents a dangerous precedent and a violation of the government-to-government relationship. In September, petitions for *certiorari* were filed with the Supreme Court.

2021 – On June 25, the Supreme Court issued its decision in *Yellen v. Confederated Tribes of the Chehalis Reservation*, holding that Alaska Native Corporations are "Indian tribes" under the Indian Self-Determination and Education Assistance Act and, thus, are "Tribal governments" under the Coronavirus Aid, Relief, and Economic Security Act and eligible to receive Coronavirus Recovery Fund monies. The case placed before the Court questions regarding Tribal identity, Tribal sovereignty, and status as a Tribal Nation for purposes of federal Indian law.

2022 – On March 28, in its Fiscal Year (FY) 2023 Budget Request, the Biden Administration includes an unprecedented proposal to shift funding for the Indian Health Service (IHS) from the discretionary to the mandatory side of the federal budget, a move that stabilizes the agency and is more representative of perpetual trust and treaty obligations. Further, the proposal includes a 10-year plan to close funding gaps, increasing IHS funding to \$36.7 billion in FY 2032—a 296% increase over this period—and exempting agency funds from sequestration.

2022 – On June 21, President Biden announced his intention to appoint Mohegan Chief Mutáwi Mutáhash (Many Hearts), Marilynn "Lynn" Malerba, and USET Sovereignty Protection Fund Secretary, to be the next Treasurer of the United States. She is the first Native person to hold this position and the highest-ranking Native Treasury official in U.S. history. The Treasurer has direct oversight over the U.S. Mint, the Bureau of Engraving and Printing and Fort Knox, and is a key liaison with the Federal Reserve. In addition, the Treasurer serves as a senior advisor to the Secretary in the areas of community development and public engagement. For the very first time, the signature of a Native person, as well as those of two women, Chief Malerba and Treasury Secretary Janet Yellen, will appear on U.S. currency.

2022 – On June 29, the Supreme Court issued its decision in *Oklahoma v. Castro-Huerta*, holding that states have concurrent criminal jurisdiction over non-Indian crimes against Indians in Indian country under federal law. In a 5–4 vote, the Court reversed the decision of the Oklahoma Court of Criminal Appeals, which held that the state of Oklahoma did not have jurisdiction over crimes committed by a non-Indian against an Indian within Indian country. Importantly, while the case centered on Tribal criminal jurisdiction in Oklahoma, the decision is likely to have implications across Indian Country because it undermines centuries-old legal precedent that state law does not apply on our lands without congressional authorization. The majority opinion reflects a belief and position that "Indian Country is part of the State, not separate from the State."

2022 – USET SPF issues a white paper articulating the necessity and our vision for a Marshall Plan for Tribal Nations—a substantial, one-time payment (in addition to existing trust and treaty obligations to provide full and mandatory funding to Tribal Nations) on the United States' debt to Tribal Nations to bring us up to a baseline of economic and social stability. Much like the U.S. investment in the rebuilding European nations following World War II via the Marshall Plan, the legislative and executive branches should commit to the same level of responsibility to assisting in the rebuilding of Tribal Nations, as our current circumstances are, in large part, directly attributable to the shameful acts and policies of the United States. In the same way the Marshall Plan acknowledged America's debt to European sovereigns and was utilized to strengthen our relationships and security abroad, the United States should make this strategic investment domestically. Strong Tribal Nations will result in a strengthened United States.

2022 – On September 12, the White House announced the creation of the first-ever Tribal Advisor position within the Office of Management and Budget (OMB). This position will report directly to OMB Director Shalanda Young and will be responsible for coordinating Tribal Nation priorities across OMB's budgetary, management, and regulatory functions. The Tribal Advisor will also be responsible for coordinating with leaders in the White House and across the Administration and serve as a key point of contact for Tribal Nations.

2022 – The Biden Administration issues a Presidential Memorandum on Uniform Standards for Tribal Consultation, which seeks to establish minimum Tribal consultation standards across all federal agencies and reinforce that consultation is a diplomatic tool between Nations. The Memorandum requires that the Office of Personnel Management, in collaboration with the Department of the Interior, develop training modules for federal employees on Tribal consultation.

2022 – On December 1, the Department of the Interior includes in its Tribal Consultation Policy the first-ever Consensus-Seeking Mechanism to provide a process for the Department to seek consensus with Tribal Nations when DOI's actions would have an impact on our lands, governments, or citizens. Though greater detail and transparency are required, USET SPF was encouraged by the development of this Model as a first step toward achieving Tribal Nation consent for federal action, for which we have long advocated.

2022 – On December 29, H.R. 2617, the Consolidated Appropriations Act of 2023 provides \$5.129 billion in advance appropriations for the Indian Health Service (IHS) in Fiscal Year (FY) 2024. This provision is the result of nearly a decade of advocacy from USET SPF and our partner organizations. The Biden Administration joined advocacy efforts, as well, with many top federal officials taking to the halls of Congress in support of this change.

2023 – On June 15, the Supreme Court issued its opinion in the case of *Brackeen v. Haaland*, concerning the constitutionality of the Indian Child Welfare Act (ICWA). In a 7-2 decision authored by Justice Amy Coney Barrett, the Court rejected all challenges to ICWA, "some on the merits and others for lack of standing." *Brackeen v. Haaland* challenged the constitutionality of ICWA, which was enacted in 1974 in response to the disgraceful history and practice of separating Native American children from their families during adoption proceedings. The case was filed in federal court in Texas by the state and seven individuals. These individuals included three couples who are not Native American and had tried to foster or adopt children with Native American ancestry, as well as the biological mother of a Native American child whom one of the couples eventually adopted.

2023 – On June 15, the Supreme Court issued its opinion in *Lac du Flambeau Band of Lake Superior Chippewa Indians v. Coughlin*. The question before the Court was whether the Bankruptcy Code expresses unequivocally Congress' intent to abrogate the sovereign immunity of Tribal Nations. In the majority opinion, SCOTUS held that the Bankruptcy Code "unambiguously abrogates the sovereign immunity of all governments, including federally recognized Indian Tribes." The vote on the case was 8-1, with Justice Neil Gorsuch dissenting. The Court's opinion in this case has the potential to expose Tribal Nations to costly, involuntary lawsuits under the Bankruptcy Code.

2023 – On December 6, the Biden Administration issues Executive Order 14112, *Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination*. The Executive Order does two very important things: First, it mandates that federal agencies extend greater flexibility to Tribal Nations' in our access to and use of federal funds. Second, unlike any other time in history, it seeks to gather robust and comprehensive data to better identify and quantify the United States' trust and treaty obligations.

2023 – On December 6, the Department of the Interior issues its final rule revising the 25 C.F.R. Part 151 Fee-to-Trust regulations. Importantly, the final rule codifies procedures for determining whether a Tribal Nation was 'under federal jurisdiction' in 1934. In the wake of the previous Administration's unconscionable attempts to remove USET SPF member, the Mashpee Wampanoag Tribe's, ancestral homelands from trust following its withdrawal of a process outlined in a departmental m-opinion, the codification of these procedures offer a level of certainty to the process that did not previously exist.

2023 – The Supreme Court issued a decision in *Arizona v. Navajo Nation* holding the United States did not have an affirmative trust or treaty obligation to identify and account for the Tribal Nation's water rights despite agreeing that the Tribal Nation did have reserved *Winters* doctrine water rights associated with its reservation.

2024 – On June 6, the Supreme Court ruled in a 5-4 decision that the federal government is required to reimburse Tribal Nations for contract support costs (CSC) incurred by Tribal Nations when spending third-party revenues to operate healthcare programs. This ruling advances the purpose of ISDEAA by promoting Tribal self-determination and ensuring that Tribal Nations will have access to adequate resources to administer our healthcare programs and services.

2024 – On September 13, the Department of Treasury announced the publication of a Notice of Proposed Rulemaking implementing section 139E of the Internal Revenue Code, created by the Tribal General Welfare Exclusion Act of 2014 (GWE), which was enacted in response to the Internal Revenue Service's (IRS) improper auditing and taxation of benefits provided to Tribal citizens by their Nations, including ceremonial honoraria and back-to-school assistance. The proposed rule comes after nearly a decade of advocacy from Tribal Nations and organizations, including USET SPF, as well as considerable work from Treasury's Tribal Advisory Committee (TTAC).

2024 – On October 7, after 30 years of Tribal advocacy, the Department of Treasury announced the publication of proposed guidance to confirm that wholly-owned Tribally Chartered Corporations share the same tax status as the Tribal Nations under which they are chartered—that is, they are tax exempt.

2024 – The Supreme Court denied certiorari and left in place a decision by the First Circuit upholding the Department of the Interior's decision that the Mashpee Wampanoag Tribe was under federal jurisdiction when the Indian Reorganization Act was enacted in 1934 sufficient to satisfy *Carcieri* and acquire land into trust.

2024 – The Supreme Court denied certiorari and left in place a decision by the DC Circuit upholding the Seminole Tribe of Florida's gaming compact that regulated online sports betting where wagers were placed by patrons located outside the Tribal Nation's Indian lands.

2024 – President Biden apologized for the United States' role in the devastating Indian boarding school era.

INDIAN COUNTRY ISSUES FOR ADVOCACY

REFUTING CONSTITUTIONAL CHALLENGES

USET SPF has consistently defended against attacks on the constitutionality of the United States' delivery on its trust and treaty obligations to sovereign Tribal Nations and Native people. Arguing the unconstitutionality of programs, laws, spending, and exemptions specific to Tribal Nations and Native people flies in the face of well-settled law that defines our relationship with the United States and our own people as political in nature and not based on race. Indian Country must remain vigilant and continue to challenge and oppose any efforts that seek to undermine the constitutionality of our relationship, our sovereignty, or delivery on trust and treaty obligations owed to us.

Many of the foundational principles of federal Indian law and policy are embedded in judicial decisions—including the United States' recognition of our inherent sovereignty and its own trust and treaty obligations to us. This means, not only is Indian Country at risk of congressional and executive acts that chip away at Tribal Nations' rights and authorities, but Indian Country is also at risk of the U.S. courts of the colonizer changing the underlying rules that shape federal Indian law to make them more harmful.

It is critically important that all of Indian Country recognize and appreciate the magnitude of current challenges and their broader implications. USET SPF continues to work with partners in order to ensure a strong, coordinated advocacy and litigation message from Indian Country, both for the short and long term. Together, we are working to ensure that the strong legal basis of our relationship with the United States is the focus of our argument.

RESTORATION OF TRIBAL HOMELANDS

Tribal Nations continue to work to reacquire title and jurisdiction over our homelands, which are fundamental to our existence as sovereign governments and our ability to thrive as vibrant, healthy, self-sufficient communities. Jurisdiction over a territorial land base is at the heart of sovereignty. In fulfillment of trust and treaty obligations to our Nations, the federal government must support healthy and sustainable self-determining Tribal governments, which fundamentally includes the restoration of lands and territorial land bases to all federally recognized Tribal Nations, as well as the legal defense of these acquisitions.

Indian Country been advocating for a fix to the U.S. Supreme Court's decision in *Carcieri v. Salazar*, since it was handed down in 2009. *Carcieri* has created a deeply inequitable 2-class system, in which some Tribal Nations have the ability to restore their homelands and others do not. This 2-class system serves to deny these Tribal Nations a critical component of the trust relationship, vital aspects of the exercise of inherent sovereignty, and the opportunity to qualify for several government programs. We continue to call for the immediate passage of a fix that contains the two features necessary to restore parity to the land-into-trust process: (1) a reaffirmation of the status of current trust lands; and (2) confirmation that the Secretary has authority to take land into trust for all federally recognized Tribal Nations.

RESTORING AND SUPPORTING TRIBAL JURISDICTION

Federal judicial decisions limiting Tribal Nations' exercise of criminal as well as civil and regulatory jurisdiction within our territories paired with serious underfunding of federal law enforcement measures on our lands has created a jurisdictional gap where criminals act with impunity. The United States must remove impediments it has placed on our exercise of criminal and other jurisdiction over all people and activities within our lands, including criminal activity and environmental regulation. And the federal government must properly fund Tribal and federal law enforcement, detention, and courts on our lands.

In addition, some Tribal Nations are subject to restrictive settlement acts (RSAs) that pose a constant threat to their sovereignty by limiting their rights and authorities. For example, some RSAs purport to prevent or limit Tribal Nations' exercise of jurisdiction over their land, some purport to provide jurisdiction to states or otherwise apply state law on Tribal land, and some purport to render certain federal laws related to jurisdiction inapplicable. These RSAs threaten the ability of the affected Tribal Nation to exercise its inherent sovereignty over its territory, and they are used against Tribal Nations to argue that beneficial federal statutes affecting state jurisdiction or otherwise predicated on Tribal territorial jurisdiction do not apply.

THE FEDERAL BUDGET

As Indian Country continues its advocacy for the fulfillment of the federal trust and treaty obligations, this includes full and mandatory funding for federal Indian programs.

Because of our history and unique relationship with the United States, the trust obligation of the federal government to Tribal Nations and Native people, as reflected in the federal budget, is fundamentally different from ordinary discretionary spending and should be considered mandatory in nature. Inadequate funding to Indian Country needs to be viewed as unfilled treaty and trust obligations and should not be vulnerable to year to year “discretionary” decisions by appropriators, nor should it require Tribal resources necessary for appropriation advocacy each year. Federal spending in fulfillment of trust and treaty obligations is a form of repayment on debt and is not responsible for the federal deficit, and this spending must be held harmless as our nation seeks to reduce its debt to other foreign governments. We envision a future in which federal funding to Tribal Nations is no longer a discretionary choice up for annual debate.

In addition, many federal sources of funding contain unnecessary and inefficient limitations on their use, preventing Tribal Nations from directing the funding in ways that best address our circumstances and priorities. Many also contain burdensome reporting requirements that take away from resources to provide direct services to our communities. Federal funds must be provided to Tribal Nations without strings, as they are a repayment on debt made to a sovereign government, and the United States should use State Department foreign-aid spending as one potential model that better reflects diplomacy between nations. The United States must also provide mechanisms whereby Tribal Nations have the option to accept all funding directly and via a more streamlined and flexible channel, such as through self-determination contracts and self-governance compacts or PL 477-like vehicles.

ECONOMIC DEVELOPMENT

Economic sovereignty is essential to Indian Country's ability to be self-determining and self-sufficient. Rebuilding our Tribal Nations includes rebuilding our Tribal economies as a core foundation of healthy and productive communities. Federal action is necessary on a number of barriers to economic development in Indian Country, including access to capital, lack of parity in the tax code, and the indeterminate status of trust lands.

TAXATION

Indian Country remains focused on the advancement of tax reform that would address inequities in the tax code and eliminate state dual taxation. Revenue generated within Indian Country continues to be taken outside its borders or otherwise falls victim to a lack of parity. Similarly, Tribal governments continue to lack many of the same benefits and flexibility offered to other units of government under the tax code. We continue to press Congress for changes to

the U.S. tax code that would provide governmental parity and economic development to Tribal Nations.

ADVANCING TRIBAL HEALTH AND WELLNESS

By nearly every measure and indicator, Tribal Nations and our citizens face a lower quality of life than do others in the United States. These rates are caused and exacerbated by the chronic underfunding of the federal trust and treaty obligations, including for healthcare, education, housing, and critical infrastructure, as well as centuries of hostile acts and a failure to adequately prioritize our economic health, public health, and environmental interests. The Administration and Congress must work with Tribal Nations to promote a holistic approach to community wellness throughout Indian Country. This includes not only physical wellness, such as through increased investment in the Indian Health Service, but also mental, economic, and environmental wellness. Tribal Nations and Native people must have better access to quality education, pristine lands, waters, and air, and economic opportunity, so that we may thrive.

MARSHALL PLAN FOR TRIBAL NATIONS AND INFRASTRUCTURE DEVELOPMENT

Centuries of the United States' failure to adequately pay its debt to Tribal Nations for the resources the United States took from us have compounded year after year, resulting in the many shameful and unacceptable health, social, and economic disparities that exist for Native people. This failure has further resulted in the kinds of infrastructure deficiencies for Tribal Nations that are often only seen in the developing world. The United States' investment in European nations after World War II through the Marshall Plan offers a diplomatic example of a time when the United States understood that investment in rebuilding nations that were damaged, in part, by its own actions was favorable to its own interests. USET SPF has urged the United States to make an investment in nation rebuilding in Indian Country that is similar to its Marshall Plan investment in rebuilding Europe.

At the same time, as interests outside of Indian Country seek the expedited deployment of new technologies and other infrastructure across the United States, USET SPF maintains that any buildout cannot come at the expense of Tribal consultation, sovereignty, sacred sites, cultural resources, or public health. USET SPF remains committed to protecting vital Tribal historic, cultural, and environmental reviews, as well as Tribal consultation requirements, as streamlined federal permitting processes are being considered. This includes working toward a model that seeks Tribal Nation consent for federal action in recognition of sovereign equality.

CLIMATE CHANGE

Tribal Nations are uniquely impacted by climate change because of our profound connection to the land. Many Tribal cultures, food sources, ceremonies, and economies are heavily reliant on the ecosystems for resources such as the use of fish, wildlife, and native plants. Tribal Nations further face unique social, health-related, and environmental challenges which compound the challenges faced by climate change. For instance, additional environmental impacts from dams, mining, and pollution have only made it more difficult for Tribal homelands and ecosystems to be resilient to the impacts of climate change. Tribal Nations are facing an increasing number of climate change-related events, including heavy precipitation leading to subsequent flooding, erosion, and decreases in water quality. In addition, Tribal Nations located in coastal areas are most at risk for impacts from sea level rise. In fulfillment of the trust obligation, the federal government has an inherent responsibility to ensure the protection of the environmental and cultural resources that support the health and wellness of Tribal communities, as well as to support Tribal sovereignty and self-determination. Therefore, it is critical that Tribal Nations have access to the necessary resources to address the effects of climate change within our communities and as sovereign governments, to be full partners in climate change adaptation and planning efforts.

Successful adaptation for Tribal Nations will rely on use of Indigenous knowledge, resilient and robust social systems and protocols, and a commitment to principles of self-determination. However, it will also require additional action from the federal government to address the institutional barriers Tribal Nations face today in adapting to Climate Change. Ultimately, it will be important for the United States to meet its trust and treaty obligations to Tribal Nations through ensuring accessible, flexible long-term funding for Tribal Climate Change adaptation.

SOVEREIGN MANAGEMENT OF NATURAL AND CULTURAL RESOURCES

Tribal Nations have made gains when it comes to the protection and management of natural and cultural resources on and off Tribal lands, including mechanisms providing for “treatment as a state” (TAS) in the regulation of some resources and co-management of federal lands. As the federal government considers rolling back or changing environmental or cultural regulations, Indian Country is working to ensure the continued promotion of Tribal sovereignty and self-determination, as well as additional opportunities to extend the TAS designation.

Relatedly, Tribal lands often sit atop energy resources from which the United States could benefit and Tribal Nations could derive revenue. Tribal Nations must have

the flexibility to choose to develop those resources without federal limitations. At the same time, development must not occur without Tribal consultation—or better, consent—whether on or off Tribal lands.

EDUCATION SOVEREIGNTY FOR STRENGTHENED TRIBAL COMMUNITIES

There is no more vital resource to the continued existence and integrity of Tribal Nations than our children. Yet, Native education is in a state of emergency, as our students lag far behind their peers on every educational indicator, from academic achievement to high school and college graduation rates. Tribal Nation participation in education must be strengthened. Tribal Nations and our education agencies are in the best position to address the unique needs of Native America children. As such, Tribal Nations should have the authority and funding to manage education programs in parity with states and school districts.

INCREASING TRIBAL HOUSING INFRASTRUCTURE

Robust Tribal Housing programs are essential to the health, social, and economic well-being of Tribal communities. Given the restrictive nature of many federal housing funds, we advocate for flexibility under Tribal housing laws, as well as funding mechanisms that reflect the unique circumstances facing Tribal Nations.

SUPPORTING TRIBAL HOMELAND SECURITY AND EMERGENCY SERVICES

As sovereign governments, Tribal Nations, and our first responders, have a responsibility to build, sustain, and improve capabilities to prepare for, protect against, respond to, recover from and mitigate all hazards. The federal government has an obligation to support Tribal Nations in these efforts. However, a failure to fully recognize and support our sovereignty leaves Tribal Nations without robust homeland security and emergency services infrastructure. There are glaring disparities and eligibility restrictions for Tribal Nations, as compared to states, in funding across an array of federal programs. We continue to advocate for Tribal Nation parity in homeland security and emergency management, including in access to disaster response resources.

TRANSPORTATION INVESTMENTS TO IMPROVE QUALITY OF LIFE AND DELIVERY OF SERVICES

Transportation infrastructure is vital to the health, safety and economic prosperity of Tribal Nations and our citizens. However, the chronic underfunding and neglect of Tribal Nation infrastructure leaves many without sufficient roads and other modes of transportation. Indian Country

continues to seek increased access to resources for Tribal transportation programs.

ADVOCATING FOR OUR VETERANS

The federal government has a dual obligation to Native American veterans who have pre-paid for federal services, both through the cession of Tribal homelands and resources, as well as the defense of our nation. Barriers in access to critical services for Native American veterans are a violation of this obligation. There is still much progress to be made when it comes to fully delivering upon promises to Native American veterans. Central to the success of federal efforts to honor obligations to our warriors is ongoing collaboration with Tribal Nations.

PROTECTION OF SACRED SITES

While the practice of spiritual and ceremonial traditions and beliefs varies significantly among Tribal Nations, our spirituality is often place-based—each Tribal Nation has specific places and locations that we consider sacred. These places are often the sites of our origin stories, our places of creation. As such, we believe that we have been in these places since time immemorial. Through these sites, we are inextricably linked to our spirituality, the practice of our religions, and to the foundations of our cultural beliefs and values. Our sacred sites are of greatest importance as they hold the bones and spirits of our ancestors, and we must ensure their protection, as that is our sacred duty. As our federal partner in this unique government-to-government relationship, it is incumbent upon all branches of the U.S. government to ensure the protection of these sites.

UPHOLD AND RESPECT TRIBAL NATION SOVEREIGN DECISION-MAKING

Tribal Nations must have a seat at the table for all federal decision-making, including about energy development, that may affect our cultural resources, public health, or sovereignty—whether located on or off lands we currently hold. Just as the United States endeavors to respect states' and other countries' sovereign interests, it must respect those of Tribal Nations. True respect involves not merely consultation, but seeking Tribal consent when taking actions that affect our interests.

TRUTHFUL NARRATIVES FOR INDIAN COUNTRY

It is time for this country to acknowledge the complete and truthful history of Native people and Tribal Nations. Despite our great story of perseverance and strength as well as the invaluable contributions Tribal Nations have made to the U.S., public perception of Tribal Nations and Native people remains biased, inaccurate, and harmful, with a lack of education on our history and contemporary life contributing to the marginalization and stereotyping of Native people and cultures. Because of these deeply held misperceptions, Native experiences and voices are largely invisible or fundamentally misrepresented in public discourse. We remain a forgotten people in our homelands. We must ensure an honest depiction of Native people and Tribal Nations are portrayed and demanded for greater respect, inclusion, and social justice for Native peoples.



USET
SOVEREIGNTY PROTECTION FUND

Toward a New Era in the Tribal Nation–United States Relationship: Re-imagining Nation-to-Nation Diplomacy for the 21st Century

I. USET SPF's Advocacy Role

The United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is a non-profit, inter-tribal organization advocating on behalf of thirty-three (33) federally recognized Tribal Nations from the Northeastern Woodlands to the Everglades and across the Gulf of Mexico.¹ USET SPF is dedicated to promoting, protecting, and advancing the inherent sovereign rights and authorities of Tribal Nations and assisting its membership in dealing effectively with public policy issues.

We advocate for actions that will help Tribal Nations provide essential government services for our people, increase the exercise of our inherent sovereignty and self-determination, and uphold the government-to-government relationship between the United States and Tribal Nations, as well as deliver upon the unique obligations owed to us by the federal government.

It is our expectation that federal partners, including those seeking office, will pledge to honor the solemn promises of the government's trust and treaty obligations. Recognizing the centuries of federal failures to deliver on these promises, we seek the support for a reimagination of U.S.-Tribal Nation relations that moves away from paternalistic, antiquated, and colonial models and instead prioritizes an evolved relationship model that reflects a true Nation-to-Nation partnership built upon diplomacy.

II. Centuries of Federal Failures

When colonizing governments first landed on our shores, they recognized us for what we are: sovereign, self-governing political entities with whom coexistence would require diplomacy.

Yet, from the beginning, those first colonizers and eventually the United States sought to take our lands and resources, and they laid layer upon layer of impediments on exercise of our sovereign rights and authorities. Federal Indian law relies on the doctrine of discovery: a legal fiction that purports to provide authority to colonizers to unilaterally take lands and resources from Indigenous peoples based on the faulty and morally corrupt premise that Indigenous peoples are not deserving of true property rights. Not only has the United States taken our homelands and limited our authorities through violence, threats, and unilateral fiat, but the colonizer's own courts have structured federal Indian law to throw a cloak of validity over these actions.

NOTE: This document, approved by the USET SPF Board of Directors in March 2024, was previously titled "Priorities for Candidates and Federal Officials," but it has since evolved into a pathway to a re-envisioned U.S.-Tribal Nation relationship. The ideas presented herein represent an advancement from the current status of U.S.-Tribal Nation relations to a new era of federal Indian law and policy based in diplomacy. However, it is important to understand that the ultimate and long-term goal is to lead with Tribal Nation law and policy and achieve a federal Indian law and policy framework where: (1) the United States fully honors its trust and treaty obligations to Tribal Nations and Native people as its first priority; and (2) the United States removes all barriers it has erected to Tribal Nations' exercise of our inherent sovereign rights and authorities.

¹ USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Catawba Indian Nation (SC), Cayuga Nation (NY), Chickahominy Indian Tribe (VA), Chickahominy Indian Tribe–Eastern Division (VA), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), Mi'kmaq Nation (ME), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Monacan Indian Nation (VA), Nansemond Indian Nation (VA), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Pamunkey Indian Tribe (VA), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Rappahannock Tribe (VA), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), Upper Mattaponi Indian Tribe (VA), and Wampanoag Tribe of Gay Head (Aquinnah) (MA).

Over time, these takings and imposed impediments led to the United States' current land base, wealth, and strength. Through these forced sacrifices, the United States has assumed a perpetual debt to us through trust and treaty obligations, a truth even the United States itself has recognized—at least in words.

There is no other relationship like this within the United States.

The federal government has oscillated in its treatment of Tribal Nations throughout history. The one constant throughout these various eras of federal Indian law and policy is that the United States has always failed to live up to its trust and treaty obligations. In its worst moments, such as the assimilation and termination eras, the United States set out to kill our cultures and ways of life and to rid itself of its obligations to us. These failures on the part of the United States have caused tremendous harm to Tribal Nations and Native people that remains evident today in all indicators of social, economic, and public well-being.

Despite this painful history, and the United States' placement atop it, public perception of Tribal Nations and Native people remains biased, inaccurate, and harmful to our progress. To many, we are a relic of the past, a people who can no longer be harmed by demeaning mascots or the display of our Ancestors in a museum. American children do not learn in school about our continued and vibrant existence today, and United States' celebrations of its history do not reflect our lived experiences. Because of these deeply-held misperceptions, Native experiences and voices are largely invisible or fundamentally misrepresented in public discourse. We are a forgotten people in our homelands. These misconceptions are rooted in a failure of the United States to confront its own shameful history. It is time for this country to learn, acknowledge, and reconcile the complete and truthful story of our relationship—starting with our elected leaders and federal representatives.

III. Pillars of Federal Indian Law and Policy

There are two pillars of federal Indian law and policy, each based in independent truths that the United States wove into its jurisprudence. We must protect these pillars against erosion within United States courts. And both pillars must be acknowledged and embraced if the United States is to more fully honor and evolve its Nation-to-Nation relationship with Tribal Nations.

The first pillar is Tribal Nations' inherent sovereign rights and authorities to govern ourselves, including our lands, resources, people, governments, and enterprises, and the diplomatic Nation-to-Nation relationship with the United States that each Tribal Nation has as a self-governing political entity.

Tribal Nations have existed as independent, self-governing, sovereign political entities since long before the arrival of Europeans in North America. The United States, like other colonizing governments before it, has recognized Tribal Nations as such. Tribal sovereignty refers to Tribal Nations' original, inherent authority to govern ourselves. It is not a power delegated to Tribal Nations by the United States, but it is instead an inherent power. This inherent sovereignty is reflected in international law and is now embedded as a foundational principle of federal Indian law and policy acknowledged in the U.S. Constitution, treaties, statutes, executive orders, court decisions, and other authorities.

Because of our unique status as sovereign governments, federally recognized Tribal Nations have a direct Nation-to-Nation relationship with the federal government. The United States recognizes the inherent right of Tribal Nations to self-government and seeks to protect and support Tribal sovereignty and self-determination.

The second pillar of federal Indian law and policy is the United States' trust and treaty obligations to Tribal Nations and Native people. These obligations derive from taking Tribal Nations' lands and resources and limiting exercise of our inherent rights and authorities. These obligations require the United States to provide services and funding in perpetuity in repayment of and in exchange for what was taken from us. The U.S. Constitution's Indian affairs powers provide the federal government authority to carry out its trust and treaty obligations.

These pillars are intertwined but distinct. For example, the United States' trust and treaty obligations extend to its obligation to not take further actions to limit Tribal Nations' exercise of our inherent sovereign rights and authorities.

Below, we discuss USET SPF's policy principles and priorities for elected federal officials and candidates and their relationship to the pillars in the next era of federal Indian law and policy.

IV. USET SPF Policy Principles and Priorities for Elected Federal Officials and Candidates

A. Time for New Era of Federal Indian Law and Policy

The longstanding relationship model is a remnant of an era and mindset that has no place in current Nation-to-Nation relations. It is based on two deeply flawed and paternalistic assumptions: (1) that Tribal Nations are incompetent to handle our own affairs; and (2) that Tribal Nations will eventually disappear. Indian Country has proven both assumptions wrong time and again.

It is time for the next era of federal Indian law and policy, stepping beyond Tribal Nation self-determination. This era must be based in diplomatic respect for Tribal Nations' inherent sovereign rights and authorities, which the United States must—for the first time—recognize it cannot unilaterally limit. The United States must understand that Tribal Nations' own jurisdiction and laws cannot be discounted at the whim of the federal government, and all federal officials must support recognition of the validity of Tribal law. This era must also be based in the United States' true fulfillment of its trust and treaty obligations, including through judicially-enforceable, robust, and appropriate federal funding and services.

Therefore, first and foremost, we call on all elected federal officials and candidates to **commit to a meaningful and evolved Nation-to-Nation relationship** through which the United States and Tribal Nations can step into the next era of federal Indian law and policy together.

B. Tribal Nations' Inherent Sovereign Rights and Authorities

We urge all elected federal officials and candidates seeking office to pledge to take affirmative steps to remove barriers to Tribal Nations' exercise of our inherent rights and authorities. Below are concrete actions toward that goal.

Prevent Further Judicial Decisions Purporting to Limit Tribal Nations' Sovereign Rights and Authorities. Many of the foundational principles of federal Indian law and policy are embedded in judicial decisions—including the United States' recognition of our inherent sovereignty. This means, not only is Indian Country at risk of congressional and executive acts that chip away at Tribal Nations' rights, but Indian Country is also at risk of the U.S. courts of the colonizer changing the underlying rules that shape federal Indian law to make them more harmful.

- Attempt to correct faulty U.S. Supreme Court decisions limiting Tribal Nations' exercise of our inherent jurisdictional authority, including by correcting the harmful decision on lack of Tribal criminal jurisdiction over non-Indians in *Oliphant* and on states' concurrent criminal jurisdiction over non-Indians in *Castro-Huerta*.
- Recognize our inherent sovereign rights and authorities through congressional and presidential actions.
- Appoint judges who understand and will respect Tribal sovereignty and not issue decisions wrongly chipping away at it.
- Enter into litigation to defend existing case law protecting inherent Tribal rights and authorities, and participate in litigation to change existing case law for the better and to correct harmful decisions.

Recognize Limitations on United States' Indian Affairs Powers. U.S. courts have often claimed Congress and the federal government have broad, unlimited "plenary power" over Indian affairs, meaning they have authority to take any actions with regard to us. For example, the federal courts have set out rules that say Congress can unilaterally strip Tribal Nations of certain inherent or bargained-for rights, such as reservation boundaries and sovereign immunity, so long as Congress does so explicitly.

- Recognize the United States does not have plenary authority to unilaterally limit Tribal Nations' rights and authorities, as Justice Gorsuch explained in his concurrence in the recent U.S. Supreme Court decision in *Brackeen*.
- Recognize that silent laws of general applicability enacted for the general public should not be assumed to apply to Tribal Nations, and instead we should be enacting such laws for ourselves and our people.

Restore and Rebuild Tribal Homelands. USET SPF Tribal Nations continue to work to reacquire our homelands, which are fundamental to our existence as sovereign governments and our ability to thrive as vibrant, healthy, self-sufficient communities. Jurisdiction over a land base is at the heart of sovereignty.

- Increase acquisition of trust land, including by addressing the harm done by the U.S. Supreme Court in *Carcieri*.

- Recognize the full breadth of our territorial jurisdiction by reaffirming that our territorial boundaries encompass the full scope of our homelands, including through reservation proclamations and other means.
- Acknowledge that our unbreakable ties to our cultural and sacred sites, including those located outside of our current landholdings, must be protected, and properly fund our Tribal Historic Preservation Officers and other cultural protection staff so that they may contribute to this important work.
- Support the USET SPF Marshall Plan for Tribal Nations, which calls for Nation rebuilding.²

Address Restrictive Settlement Acts Limiting Tribal Nations' Exercise of Jurisdiction or Expanding States'

Wrongful Exercise of Jurisdiction. Some Tribal Nations are subject to restrictive settlement acts (RSAs) that pose a constant threat to their sovereignty by limiting their rights and authorities. For example, some RSAs purport to prevent or limit Tribal Nations' exercise of jurisdiction over their land, some purport to provide jurisdiction to states or otherwise apply state law on Tribal land, and some purport to render certain federal laws inapplicable. These RSAs threaten the ability of the affected Tribal Nation to exercise its inherent sovereignty over its territory, and they are used against Tribal Nations to argue that beneficial federal statutes affecting state jurisdiction or otherwise predicated on Tribal territorial jurisdiction do not apply.

- Issue a Department of the Interior M-Opinion setting forth a favorable methodology for interpreting the effects of an RSA.
- Support RSA Tribal Nations in their efforts to seek legislative amendments to harmful RSA provisions and legislative language in new beneficial statutes clarifying their applicability to RSA Tribal Nations.
- Push states to the table to engage in more fair and balanced negotiations to amend RSAs.

Remove Barriers to Rebuilding Tribal Economies. Economic sovereignty is essential to Indian Country's ability to be self-determining and self-sufficient. Rebuilding our Tribal Nations involves rebuilding our Tribal economies as a core foundation of healthy and productive governments and communities. However, through inequities in the tax code as well as state dual taxation, revenue generated within Indian Country continues to be taken outside its borders. When states are permitted to tax economic activity occurring in Indian Country, Tribal Nations must choose whether to issue our own additional taxes and thereby discourage location of economic development activities on our lands, or instead to forgo taxing the activity, thus missing out on generating Tribal government revenue and standing in the way of our ability to experience the benefits of the economic multiplier effect. Moreover, Tribal governments continue to lack many of the same benefits and flexibilities offered to other units of government under the tax code.

- Take all available measures to prevent state taxation in Indian Country so that Tribal Nations may exclusively tax within our jurisdictions and thereby raise governmental revenues.
- Amend the tax code to create parity for Tribal governments and state governments.
- Recognize that Tribal Nations and Native people should be assumed to be economically and socially disadvantaged for all situations where those so designated receive beneficial treatment, in acknowledgment that the United States' own actions created our current circumstances.
- Understand that economic success in no way diminishes trust and treaty obligations that resulted from the taking of our lands and resources and placement of impediments on our exercise of sovereign authorities.
- Understand that Tribal Nation economic success has a direct, positive domestic impact to the economic success and strength of the United States.

Recognize Tribal Nations as Partners in Federal Decision Making. The current model for Tribal consultation brings Tribal Nations to the table, but it does not prevent the federal government from moving forward without Tribal consent when taking actions that could affect Tribal Nations. The United States signed onto the United Nations Declaration on the Rights of Indigenous People, which calls for free, prior, and informed consent rather than mere consultation.

- Require affected Tribal Nations' consent before federal approval of actions that could affect Tribal Nations—whether they occur on or off Tribal lands.
- Implement, not merely endorse, the mandates of the U.N. Declaration on the Rights of Indigenous Peoples.
- Evolve, standardize, and enforce federal agency consultation requirements.
- Reform the infrastructure permitting process by requiring Tribal consent for projects that could affect Tribal interests.

² United South and Eastern Tribes Sovereignty Protection Fund, Marshall Plan for Tribal Nations: A Restorative Justice and Domestic Investment Plan (Nov. 2022), available at <https://www.usetinc.org/wp-content/uploads/2022/11/USET-SPF-Marshall-Plan-for-Tribal-Nations.pdf>.

- Enter into co-management agreements with Tribal Nations for federal lands, especially sacred landscapes and waterscapes.

C. United States' Trust and Treaty Obligations.

We urge all elected federal officials and candidates seeking office to pledge to uphold the United States' trust and treaty obligations by ensuring the federal government is delivering what is owed to us, including by providing full federal funding and robust federal services that are judicially enforceable. Below are concrete actions toward that goal.

Uphold and Defend Our Political Status and the Constitutionality of the United States' Actions to Carry out the Trust and Treaty Obligations. Increasingly, our political status under the Constitution has come under attack, including before the U.S. Supreme Court. Because we have a political rather than racial status under federal law, our different treatment in furtherance of trust and treaty obligations is not unlawful discrimination. Indeed, different treatment is often required so that the United States may carry out its obligations to us.

- Defend the constitutionality of funding, benefits, and services provided to Tribal Nations and Native people in furtherance of the trust and treaty obligations.
- Acknowledge that such special treatment to the exclusion of non-Native people does not qualify as racial discrimination.
- Provide legal and regulatory exemptions from actions that would undermine trust and treaty obligations.
- Ensure there is an attorney with expertise in federal Indian law placed in every federal agency's office of general counsel.

Provide Full and Mandatory Funding to Fulfill Trust and Treaty Obligations, and Facilitate Use of Funds in Ways that are Respectful of Tribal Sovereignty. The chronic underfunding of federal Indian programs continues to have disastrous impacts upon Tribal governments and Native people. Further, many federal sources of funding contain severe limitations on their use, preventing Tribal Nations from directing the funding in ways that best suit our circumstances and priorities. Many also contain burdensome reporting requirements that take away from resources to provide direct services to our communities.

- Propose budgets and advocate for appropriations that reflect full funding for all federal Indian agencies and programs.
- Support making all federal Indian funding mandatory rather than discretionary.
- Require the Office of Management and Budget to provide a more detailed annual Indian Country Funding Cross-cut Report that distinguishes between funds for which Tribal Nations are eligible and funds that Tribal Nations actually receive.
- Commit to completing implementation of Executive Order 14112, which calls for federal agencies to generate data on the assessment of unmet federal obligations and also to find ways to increase flexibility in Tribal Nations' use of federal funds, including pursuing statutory language that allows for that flexibility.
- Provide funding to Tribal Nations in forms other than competitive grants, and provide mechanisms whereby Tribal Nations have the option to accept all funding directly and via a more streamlined and flexible channel, such as through self-determination contracts and self-governance compacts or PL 477-like vehicles.
- Expand use of interagency transfers for ease of channeling funding to Tribal Nations through self-determination contracts and self-governance compacts or PL 477-like vehicles.
- Reduce use limitations and reporting requirements for federal funds provided to Tribal Nations, using State Department foreign-aid spending as one potential model that better reflects diplomacy between nations.
- Recognize the preference for direct funding to Tribal Nations rather than funding passed through a state in all circumstances, and, in the interim, require states to report on pass-through and awarded dollars to Tribal Nations as a contingency to their receipt of funds.

Invest In and Rebuild Tribal Infrastructure through the Marshall Plan for Tribal Nations. Centuries of the United States' failure to adequately pay its debt to Tribal Nations for the resources the United States took from us have compounded year after year, resulting in the many shameful and unacceptable health, social, and economic disparities that exist for Native people. This failure has further resulted in the kinds of infrastructure deficiencies for Tribal Nations that are often only seen in the developing world. The United States' investment in European nations after World War II through the Marshall Plan offers a diplomatic example of a time when the United States

understood that investment in rebuilding nations that were damaged, in part, by its own actions was favorable to its own interests.

- Commit to implementing the Marshall Plan for Tribal Nations proposed by USET SPF, which involves a significant one-time infusion of federal funding for Tribal Nations to bring infrastructure and other important nation-building elements up to a baseline, appropriately flexible requirements on use and reporting, and continued full funding going forward.

Support the Judicial Enforceability of Trust and Treaty Obligations. A body of case law has developed limiting when a particular trust or treaty obligation is judicially enforceable by a Tribal Nation. Rather than upholding these obligations willingly, the United States has used its own courts to argue for a limited universe of circumstances under which it may be forced to uphold its obligations via litigation. Most recently, the federal government argued and won in the U.S. Supreme Court decision in Navajo that, although it had reserved water rights for the Tribal Nation through treaty, it had no judicially-enforceable obligations to secure those water rights because it had not expressly accepted that obligation via specific rights-creating or duty-imposing language in a treaty, statute, or regulation.

- Commit to meeting trust and treaty obligations without the need for Tribal Nations to bring litigation.
- Commit to never arguing in litigation that a trust or treaty obligation is not enforceable.
- Enact legislation confirming the judicial enforceability of trust and treaty obligations.

Facilitate High-Level Coordination Across the Executive Branch on Indian Country Issues. The Biden Administration reconstituted the White House Council on Native American Affairs, ensured Native representatives served as political appointees within the White House, and prioritized placing Native political appointees throughout the federal agencies. This has allowed high-level coordination and top-down mandates on Indian affairs issues. Without this, our issues are often ignored or fall victim to finger-pointing between federal agencies who claim an issue does not belong to them.

- Commit to permanency and dedicated funding for the White House Council on Native American Affairs.
- Appoint Native representatives as political appointees throughout the federal government, including in the White House.
- Establish a Cabinet-level Department of Tribal Nation Relations.

Promote Truthful Narratives About the United States' History of Treatment Toward Tribal Nations and Native People. Despite the invaluable contributions Tribal Nations continue to make to the United States, our great story of perseverance and strength, and the harmful history of the United States' treatment of us, Native experiences and voices remain largely invisible or fundamentally misrepresented in public discourse. It is time for the United States to correct this narrative.

- Ensure all official communications offer an honest depiction of Tribal Nations, Native people, and U.S.-Tribal Nation relations.
- Educate all federal employees on the history of U.S.-Tribal Nation relations and the federal trust and treaty obligations.
- Pursue curriculum in public schools that educates the American population from a young age about the United States' treatment of Tribal Nations and Native people, as well as our continued and vibrant existence today.
- Document the truth of the past and center Native voices in the narrative through federal efforts of truth telling, such as the Department of the Interior's boarding school initiative.
- Ensure that the America 250 Semiquincentennial celebration properly highlights our history together, role, contributions, and continued presence as the first sovereigns of these lands.

For more information on these and other USET Sovereignty Protection Fund policy priorities, please contact Liz Malerba, USET SPF Director of Policy and Legislative Affairs, at lmalerba@usetinc.org or Katie Klass, USET/USET SPF General Counsel, at kklass@usetinc.org.

Cultural Heritage Survival and Perseverance: Our Shared Global Human Interest and the Medicine that Heals

Kitcki Carroll, USET/USET SPF Executive Director
July 2024

Author's Note: The following reflections and perspectives are part of my own individual journey, but influenced by many teachers, advocates, leaders, and individuals along the way in whom I hold tremendous respect, including my parents, wife, and children who taught me to walk in this life with passion, confidence, honesty, sincerity, and humility. I offer the following in a good way and none of it should be interpreted as intentional disrespect or as an attack on the views and opinions expressed by others, but I ask for forgiveness in recognition of the possibility, and invite respectful discourse.

A message for your consideration to all my relations fighting to protect and strengthen Indian Country...

As I sat an ocean away reflecting on the possibilities of what should be the righteous arc of the moral universe's long bend towards justice, the juxtaposition of the tranquil natural beauty and the violent colonizer-mindset comingled and embedded in the Italian cityscapes continued to unsettle me. This was my first time in the "Old World" and I was there at the Gonzaga School of Law 2024 Human Rights Conference: Cultural Heritage as a Human Right presenting on "The Story of Tribal Nation-U.S. Relations and Its Impact on Our Cultural Survival & Perseverance." My presentation

included a discussion on the foundations of U.S. federal Indian law and policy, including the impacts of U.S. colonization on our cultural heritage, and the current challenges and opportunities of our diplomatic relationship. What began as just another educational opportunity, albeit on the international stage, I have since realized it has changed me profoundly both personally and professionally. Cultural heritage is a fundamental human right and my experience here reinforces the need to relentlessly oppose cultural erasure at all costs, especially against the backdrop of this European hotspot of an oppressor, conqueror, colonizer, and human-rights-violator mindset.



This essay was published on Medium.com on July 23, 2024.

Medium.com is a home for human stories and ideas. On this platform, anyone can share insightful perspectives, useful knowledge, and life wisdom with the world—without building a mailing list or a following first. Medium is quiet yet full of insight. It's simple, beautiful, collaborative, and helps you find the right audience for whatever you have to say. Words can divide or empower us, inspire or discourage us. In a world where the most sensational and surface-level stories often win, Medium.com is building a system that rewards depth, nuance, and time well spent. Ultimately, the goal of Medium.com is to deepen our collective understanding of the world through the power of writing. Over 100 million people connect and share their wisdom on Medium every month. Many are professional writers, but just as many aren't—they're CEOs, computer scientists, U.S. presidents, amateur novelists, and anyone burning with a story they need to get out into the world.

My journey to Italy presented me with the opportunity to experience all of its breathtaking beauty, both natural and man-made. From the warmth and light of the Morning Star gently dissolving the mist hugging the Tuscan countryside, revealing the Mediterranean cypress, olive, and fig trees, to the stone and marble architecture of its cities, peopled and re-peopled through the Roman, Medieval, Renaissance, and modern centuries, it is easy to be distracted from the roots of the Doctrine of Discovery that lie beneath and its negative implications for indigenous peoples across time and space. The unvarnished truth is that the same people and institutions that contributed



The Doctrine of Discovery established a religious, political, and legal justification for colonization and seizure of land not inhabited by Christians. Foundational elements of the Doctrine of Discovery can be found in a series of papal bulls, or decrees, beginning in the 1100s, which included sanctions, enforcements, authorizations, expulsions, admonishments, excommunications, denunciations, and expressions of territorial sovereignty for Christian monarchs supported by the Catholic Church.

to so much beauty are also responsible for tremendous atrocities perpetrated against people perceived to be unlike them. For those they believed to be less than and unworthy, they denied the fundamental rights to which every human being is entitled. The attributes of kindness, love, and humanity that their God taught them as attributes to be honored were not applicable. During a visit to one of its many grand cathedrals, uncomfortably, I found myself being gazed at and looked down upon with condanna (condemnation) by dozens of statue heads of religious leaders from centuries ago, the very ones who held such beliefs. In fact, Italy embodies the Catholic and Christian faiths, and only in 2023 did the Vatican repudiate the Doctrine of Discovery, recognizing the tremendous damage it inflicted upon non-Christian indigenous peoples around the globe, including here on Turtle Island.

These collective European people and institutions manipulated religious teachings and created legal fiction that violated the laws of humanity and laws of the universe to justify their entitlement to lands and natural resources that did not belong to them. Their actions are in fact human rights violations, attacking people and their culture along with them, through genocide and terrorism that sought to erase, and make way for their greed and professed superiority. This typifies an external attack on cultural heritage, the kind of attacks that have occurred throughout history. Their collective actions stunted our natural growth and are directly attributable to many of our circumstances today, the many related disparate conditions across Indian Country, and the historical trauma that we continue to confront and heal.

While there, I also had the opportunity to visit my wife's homelands in the village of Terravecchia, nestled at the

Below left: Founded in 1472, the Banca Monte dei Paschi di Siena, located in Siena Italy, is the world's oldest bank.

Below right: Built between 1215 and 1263, the medieval church Siena Cathedral (Duomo di Siena) located in Siena, Italy, includes thirty-five statues of prophets and patriarchs wrapped around its interior gazing down on all who enter.



top of the Calabrian region, and experience cultural heritage fading from an internal impetus. Perched atop a mountainside overlooking the turquoise waters of the Ionian Sea, Terravecchia is abundant in peace and tranquility where one can slow down to hear the whispers of nature and loved ones long passed. However, despite the endurance of centuries-old stone structures, the village is on the brink of becoming a historical footnote. Her youth are fleeing for opportunities in the larger cities with no expressed desire to return to an existence they view to be decades behind. The vibrant culture and traditions which once flourished are slowly disappearing, her elders left behind holding onto what little remains while simultaneously oblivious to what is occurring, just as the fish who cannot recognize the water that immerses them. Whether internal or external, the threats to heritage loss all end in the same tragic void and there is too much power and beauty there to allow this tragedy of cultural erasure to unfold, for the benefit of all her children near and far, including my own.



A view from atop the mountaintop village of Terravecchia, Cosenza (Calabrian region of southern Italy) overlooking the Ionian Sea.

In an ironic twist, as a person who contends with the effects of European Christian occupation and colonization, there I found myself, standing in a place that played a part in our own dark history, including being the home to the human rights violator Christopher Columbus, as well as the home to Amerigo Vespucci where the name "America" is derived. The irony was found in the sharing of my concerns with family and community about what is likely to occur should they not course correct, and the loss and sadness that will accompany that fate. They seem to be oblivious to the truth that the subsequent effort it will take to restore is substantially more than it takes to prevent. The experience made it clear to me that one who has

experienced and endured cultural loss, and who works to recover and rebuild in the aftermath, is able to better see threats to cultural heritage that exist on the horizon.

The deep meaning of proactive prevention against Terravecchia's cultural loss, which I work to restore in my own colonized world, had a profound impact on the need to preserve this human right, propelling me toward a profound spiritual occurrence that I did not see coming. One beautiful and tranquil late afternoon, as the warm and bright day faded to dusk, I ventured out on a hike by myself. As I traversed the hills, I encountered beautiful flowers and plants of every color, many creatures dancing about, the village prophetically receding as I ventured further away. As I made my way up the mountainside, I began feeling an immense sense of strength overcome my body, followed by a sense that my body was shapeshifting



The birthplace of Amerigo Vespucci (1451-1512), the Italian explorer and navigator who is responsible for the fallacy of the concept of the "New World" and from whose name the term "America" is derived. I took this picture while on a tour during my visit and the guide proudly proclaimed that "America" would never have been discovered, if not for Mr. Vespucci. The guide further seemed oblivious, or disinterested, to the fact that people already occupied our lands.

from a two-legged to a four-legged being. I began seeing and smelling things from a vantage point that was unfamiliar in one sense, but intrinsic and awakening to my inner being in another. Regardless of whether another views it to be imaginary, metaphorical, or literal, it was a gift nonetheless and one that I embrace. In trying to understand this occurrence, a dear friend of mine suggested that it may be part of my own transformation and evolution process, a process that includes a reminder and grounding in our shared humanity and interests, but also as a bridge and healing medicine as I pursue justice and righteousness. The occurrence was personal to me and I continue to understand the full meaning, but I feel embedded are lessons intended to be shared for our common benefit, lessons that are part of the necessary truth and reconciliation process as Indian Country continues to forge ahead as part of our own renaissance.

The outcome of the story of Terravecchia is neither predetermined nor predestined, and only time will write the subsequent chapters of her story. Further, I recognize that this experience is a minor moment in the greater scheme of things, but I believe the openness, honesty, and trust during the intimate moments I shared with her children is what respect for one another as human beings looks like. This is how the healing and bridging process can occur as my dear friend so eloquently shared with me. This is how we as relatives and children of the same mother can find common ground, regardless of the location we call home on Mother Earth, regardless of the history preceding us.

Our Indian Country story includes colonization, tragedy, and suffering, culminating in attempted physical and cultural genocide inflicted by purposeful and cruel design. However, more importantly, ours is a story about our strength, perseverance, and power. Ours is a story, a lesson to be shared, to teach and enlighten cultures around the world, especially in a moment when the world is lost and people are searching for answers, purpose, and peace. I genuinely believe that the desire to protect one's cultural heritage is a shared global concern and priority. If Indian Country properly recognizes and owns its story and related power, it can serve as a global example of how cultural heritage and traditions must be protected despite history. It can ensure that each culture's legacy endures and thrives, despite the societal pressures of "progress" that are often ignorant to the pricelessness of cultural heritage.

However, the gift we have to offer ourselves and the world will never be realized should we continue to be held hostage to an oppressive structure that has conditioned us for centuries. We operate in a structure fashioned to diminish the inherent



This is how we as relatives and children of the same mother can find common ground, regardless of the location we call home on Mother Earth, regardless of the history preceding us.

sovereign rights and authority we rightfully claim, sovereignty that predates the arrival of uninvited foreign invaders to our shores, and an unjust structure based on the accepted plenary authority of another sovereign rooted in a medieval Doctrine of Discovery still used today [*City of Sherrill v. Oneida Indian Nation of New York*]. Indian Country routinely talks honestly about the consequences and impact of what external forces have and continue to do to us, but it is time to speak with equal honesty about the unjust excuses and rationalizations we continue to accept and normalize; excuses and rationalizations that violate trust and treaty obligations [A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country (2003); Broken Promises: Continuing Federal Funding Shortfall for Native Americans (2018)] and that stand in direct contrast to our inherent sovereign existence, all while knowing these violations are directly responsible for many of our circumstances today. We must stop blindly and ignorantly reinforcing systems placed upon us; systems of colonialism, termination, assimilation, paternalistic and capitalistic constructs and origins; systems designed to create dependency and to tear us apart. While we must understand these systems of colonization to navigate them, our pride should never be in mastering them, but rather in dismantling them. As is sometimes necessary, we must proactively unlearn to create the space for proper learning. Now is not the time to be our own worst enemy or to be distracted while opposing forces attack us, both directly and in the shadows.

Additionally, we are inflicting upon ourselves internally manufactured attacks. The most tragic, yet preventable, last chapter in a story of genocide is not when the oppressing colonizer blames us for our current circumstances. Instead, it is when we turn inward and start scapegoating and attacking one another as we prioritize minding our own garden, while simultaneously disrespecting the very cultural heritage that we claim differentiates us. Our common enemy should not be ourselves. When we engage in this behavior, we are carrying out their master plan of self-destruction

As is sometimes necessary, we must proactively unlearn to create the space for proper learning.

Our common enemy should not be ourselves.

and self-erasure. Whether done consciously or unconsciously, this self-inflicted genocide is the result of ignorance, greed, and corruption. Rooted in individualism and its related pursuits, it increases the likelihood of destroying the “whole” needed to survive and thrive. The unity required to advance our shared interests will never occur if we continue to prioritize issues that distract, scapegoat, and divide us, with consequences for generations to come. As so eloquently expressed by the brilliant visionary and humanitarian Rod Serling, “suspicion can destroy...and a thoughtless, frightened search for a scapegoat has a fallout all of its own—for the children and the children yet unborn.”

“suspicion can destroy...and a thoughtless, frightened search for a scapegoat has a fallout all of its own—for the children and the children yet unborn.”
– Rod Serling

Consciously countering this genocide will require confronting the antiquated systems we are reinforcing and the uncomfortable divisive identity crisis facing Indian Country. While I adamantly agree we must not allow non-Natives to appropriate our culture, rob us of our identity, or to claim government status when none exists, this matter has swelled into something far more concerning. We are so worried about non-Natives taking our identity, yet simultaneously individuals are self-appointing themselves as Indian Country’s identity police and challenging the identity of those that they deem to not be Native enough. We claim to understand the effects of federal policies of assimilation and termination, including blood quantum, yet have internalized the use of blood quantum in measuring one’s authenticity. We have manufactured and introduced ideas such as “Pretendians” that has further evolved into “Descendians”. Indian Country possesses an intimate experience with the consequences of a mindset of racial superiority, one that should forever remain imprinted in our memory. It is unacceptable for us to be guilty of the same abhorrent mindset ourselves.

Furthermore, the time and energy being focused on identity, including related racial arguments, is allowing the concept of race shifting to dominate conversations despite knowing that our unique diplomatic relationship is rooted in our sovereign government status, including the political relationship we have with our own people, and the political relationship we as individual Native people have with the federal government. Just like we were able to bundle our arrows in the same direction as part of the recent *Brackeen v. Haaland* Indian Child Welfare Act (ICWA) fight, a fight defined by government status, not race, or said another way, what one looks like. As sovereign governments, we must respect the rights of each sovereign to make decisions for itself, whether we agree or disagree, because the growth and maturation of a nation must include learning from both good and bad decisions. However, in making our decisions, we must not be guilty of human rights violations ourselves. We must embrace who Indian Country is today and own the responsibility to understand our current situation is far more complicated than some make it out to be. We must reflect this understanding in our actions and behaviors. Myopicism is not an acceptable excuse.

Concerningly, this is all occurring while the very nation-to-nation, constitutional foundation of our diplomatic relationship with the U.S., and its ability to deliver on its trust and treaty obligations to us, is under siege by those who oppose our sovereignty, our unique status under the law, and the U.S.'s delivery on the promises made to us in exchange for the taking of our lands and natural resources. These actions hold the potential to upend the very foundation of our unique relationship.

Indian Country is currently facing an existential crisis. We are at a fragile moment in time and we all must choose to be on the right side of history, to stand in



We must not be the architects of our own chaos.

solidarity, understanding that it is true that a rising tide lifts all boats. If we do not, then we will all suffer the same fate while fighting each other for crumbs. We must not be the architects of our own chaos. We have endured more than our fair share of trauma, and we must not be guilty of unnecessarily inflicting more upon ourselves. I believe that we all possess the ability to do what is right, not only for ourselves, but for the collective good, yet, I also know, as stated by Nelson Mandela, “fools multiply when wise men are silent”. In the end, we must all answer to the Creator for our actions, or the lack thereof, when we had the opportunity to be at our best. If we fail to act appropriately in this moment, our inability to course correct will result in catastrophic consequences that may be impossible to recover from.

***“Fools multiply when wise men are silent.”
– Nelson Mandela***

As a shared starting point, we must recognize that the efforts of colonization were partly successful, including programmed untruths circulated since the first European invaders arrived. While they have impacted our views, thoughts, and behaviors up to this point, we are not mere victims of our circumstance. We possess the power to deconstruct, reimagine, and redesign, our diplomatic model with the U.S., society's overall understanding of us, and our own treatment of each other. In addition to modern-day challenges, we carry with us centuries of human rights violations that are responsible for many of our current circumstances. This shared experience must always remain our common bond, our North Star, especially during moments of disagreement.

It is also time to decolonize our minds, processes, and practices. Just like an abusive relationship, we have been guilty of rationalizing, justifying, and normalizing, even victim blaming, but it is time to dump all that nonsense and reclaim our power. Through abandoning the many distractions across Indian Country, we can achieve unification and use the unbreakable will within us to oppose the external attacks on our sovereignty.

This unification will set the stage for a new era of U.S.- Tribal Nation relations grounded in true and respectful diplomacy [USET SPF Principles and Priorities for Federal Officials and Candidates for Federal Office], one distinctly designed for our unique domestic nation-to-nation relationship [Marshall Plan for Tribal Nations: A Restorative Justice and Domestic Investment Plan]. The next era must abolish antiquated structures and legal fictions that suffocate us, including the manufactured notion of plenary authority over another sovereign rooted in the Doctrine of Discovery. As suggested by Justice Gorsuch in his concurring opinion in the recent *Brackeen v. Haaland* decision, it must contain a recognition by the colonizer, including under its own laws, that there are limitations on what it can take from us. The next era must proactively craft constitutional legal tests on our own terms or our adversaries will define them for us. The next era must also use language that is reflective of our special, inherently sovereign political status, both in how we talk about ourselves as Tribal Nations and in how we talk about our people, abandoning colonizer language that is rooted in a framework of genocide. The U.S. must fully deliver on its trust and treaty obligations to us, including through full and mandatory funding in a manner that is flexible enough for our exercise of inherent sovereignty in the use of that funding [Executive Order 14112: Reforming Federal Funding and Support for Tribal Nations To Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination] and that recognizes these trust and treaty obligations must be judicially enforceable. We must recondition ourselves to a belief that the next era must be one that uplifts Tribal Nations' own inherent sovereignty without exception.

During this same time of reflection and looking ahead, the U.S. endured the attempted assassination of former President Donald J. Trump. Despite where one's political persuasions lie, the attempted assassination of a presidential candidate is an affront to the process of democracy. Additionally, it further reflects the overall state of the deepening division that has been growing in the U.S., including the associated, extreme and harmful rhetoric. It has long been my contention that this is the symptom of Americans not sharing a common understanding of the history of the U.S., or a genuine appreciation and respect for the very principles that are supposed to serve as its foundation. As we also see in other places around the globe, it is a consequence of

"othering," the struggle about who gets to be included and who doesn't, the struggle over power and who gets to make decisions, and emotional responses to the feeling that something is being taken away through the country's evolution to that "more perfect union" and the analogous "self-evident truths". While economics are a component of the struggle, it also includes emotive issues such as culture and identity. Bottom line, the American democratic experiment is being challenged and it too, is at another existential threat moment. As domestic sovereigns, and recognizing our sometimes complicated status as dual citizens, we are directly impacted by what is occurring. However, Indian Country must commit ourselves to not be guilty of emulating the same division that is going on around us. We should not be guilty of creating an Indian Country civil war as we fight over those same issues that are tearing the U.S. apart.

Tough conversations are ahead and it will inevitably be uncomfortable at times, but we must be willing to endure some discomfort to get to a place of comfort; together, I am confident we can meet this moment and lead the change that is necessary. Like the IHS Nashville Area's recent Shared Learning Session: Tribal Sovereignty – Learning from the Past/Leaning into the Future at Andrew Jackson's Hermitage, in which I participated and presented, decolonization requires intentionally leaning into these moments and reclaiming our power, and like anything, progress and evolution are a process beginning with a single step. As this step grows into a series, these steps may seem insignificant at the time, but when you look back you realize the vast distance traveled. We are called to do the work of advocacy, education, change, and sovereignty protection and exertion by our Creator, to ensure that generations

Without unity amongst ourselves, if we choose the path of self-destruction, we will only make the path easier for the U.S. to continue to break its promises and fail to live up to its trust and treaty obligations, and the human rights violations will continue.



Indian Health Service staff, Bureau of Indian Affairs staff, and USET/USET SPF staff and leadership participate in a discussion at the recent Nashville Area Shared Learning Session: Tribal Sovereignty – Learning from the Past/Leaning into the Future.

to come will continue to persevere and prosper in communities and nations that are thriving and healthy. Without unity amongst ourselves, if we choose the path of self-destruction, we will only make the path easier for the U.S. to continue to break its promises and fail to live up to its trust and treaty obligations, and the human rights violations will continue.

We must return to our better sensibilities grounded in basic decency and reverence for one another, our shared humanity, and with openness to our relatives who are trying to make their way home to help us in our efforts. We must get out of our heads, a place that is often corrupted by western civilization ideology, including capitalism, that often stands in direct contrast to our indigenous cultural beliefs and values. We must listen to our hearts, the place where the voices of our ancestors reside and speak to us across generations. Upon my return from Italy, I am reinvigorated and see with even sharper clarity the road ahead, what we can offer the world, and the need to fight to protect and restore all that is sacred to us. We are a collection of cultures and people that are far older than the European and oppressor “New World” version that their history would suggest. We are cultures not defined or measured in stone and marble, but by the beauty of a people who have endured and whose stories have thrived and survived since time immemorial.

If we choose to overcome the historical and modern efforts of internal and external erasure, we will become a global example of cultural preservation and human rights protection. As we traverse this current path together, we must never lose sight of who we are, we must never lose sight of the forest for the tree, we must never compromise our principles, we must unapologetically lead with our indigenous truths, and we must never forget about the journey that has led us to this moment. This must be our shared commitment and promise to one another, a promise that includes respectful discourse that will allow us to transcend our transgressions and disagreements. Let this moment be when Indian Country collectively achieves unfettered independence from the chains keeping us from reaching our greatest potential.



Kitcki A. Carroll, Executive Director for United South and Eastern Tribes (USET) and the USET Sovereignty Protection Fund (USET SPF)

Kitcki A. Carroll is an enrolled citizen of the Cheyenne and Arapaho Tribes and a descendant of Cheyenne Peace Chief, Chief Black Kettle. Since 2010, he has proudly served as the Executive Director for USET/ USET SPF, a non-profit and inter-tribal organization advocating on behalf of thirty-three (33) federally recognized Tribal Nations from the Northeastern Woodlands, down the Atlantic coast to the Everglades, and across the Gulf of Mexico.

Established in 1969, USET and USET SPF collectively advocate on behalf of its thirty-three member Tribal Nations at the regional and national level. In his capacity as Executive Director, Mr. Carroll works to protect and promote the sovereignty rights of USET/USET SPF members. He is a strong advocate for all Native people and actively works to ensure that the United States recognizes, honors, and fulfills its sacred trust and treaty responsibilities and obligations to Indian Country.



The Everglades are sacred to several USET Tribal Nations and were used as a hiding place during forced relocation. The ecosystem of the Everglades provides cultural and spiritual power to the Miccosukee and Seminole people who sustainably use the resources for traditional practices.



The Eagle Staff holds a place of deep significance in our Tribal societies. The Eagle Staff is adorned with eagles' feathers that signify the sacredness, and spiritual connections of our purpose and mission. The Eagle Staff symbolizes the strength, resilience, and indomitable spirit of our peoples; and further embodies our sacred duties and leadership responsibilities to maintain our traditions, cultures, languages, and values that have been passed down through countless generations. The Eagle Staff is often associated with our venerated elders and spiritual leaders, and warrior societies. In keeping with our time-honored traditions, our USET Eagle Staff represents our commitment to safeguard our peoples, traditions, cultures, and ways of life; advocacy and assertion of our inherent rights and sovereign authorities; accountability to each other and mutual strength in unity; and perseverance and fortitude to meet the challenges faced by our peoples.

"Whether through language, art, ceremonies, or everyday practices, let us continue to celebrate and pass down the rich culture that has been entrusted to us. In doing so, we honor those who came before us and ensure that our culture thrives for generations to come. Your culture is a source of wisdom and strength in times of joy and hardships. It grounds you and gives you a sense of belonging. As you traverse your path, represent your community, culture, and values with pride."

- USET/USET SPF Deputy Director Dee Sabattus, 2024 USET Behavioral Health Activity Book



Because there is Strength in Unity

711 Stewarts Ferry Pike
Nashville, TN 37214

1730 Rhode Island Avenue, NW, Suite 406
Washington, DC 20036

www.usetinc.org