Presentation to STRC

• Tribal Sovereignty and Related Rights
• Treaty Basics
• American Indians and Taxes: Myths and Realities
Tribal Sovereignty and Related Rights
“From the earliest years of the Republic the Indian tribes have been recognized as ‘distinct, independent, political communities,’ and as such, qualified to exercise powers of self-government, not by virtue of any delegation of powers from the Federal Government, but rather by reason of their original tribal sovereignty.”

What is tribal sovereignty?
Federal-Tribal Trust Relationship
Although tribes’ external sovereignty has been diminished in certain circumstances, tribes retain their full powers of internal, or domestic, sovereignty. These are not delegated powers; they are “inherent powers of a limited sovereignty which has never been extinguished” (Cohen, p. 122).
Tribal governments’ internal sovereign powers include the right to:
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• Determine their own form of government;
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• Define the conditions of tribal membership;
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• Administer justice (through their own tribal justice systems, which include tribal and appellate courts, detention facilities and law enforcement);
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• Exclude individuals from tribal territory; and
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- Legislate (or make civil and criminal laws in relation to internal tribal matters and members. This includes regulating the domestic affairs of tribal members, prescribing the rules of inheritance, levying taxes and protecting tribal land and resources);
- Administer justice (through their own tribal justice systems, which include tribal and appellate courts, detention facilities and law enforcement);
- Exclude individuals from tribal territory; and
- Any other right not expressly extinguished by treaty or statute. (Cohen, p. 247-252)
Tribal governments’ powers over non-Indians
Tribal governments’ powers over non-Indians

Tribal rights also include a varying array of powers over non-Indians in instances where:

1. non-member conduct threatens or directly affects the political integrity, economic security, or health or welfare of the tribe;
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1. non-member conduct threatens or directly affects the political integrity, economic security, or health or welfare of the tribe;
2. in instances where non-Indians have entered into contractual relationships with tribes (William Canby, *American Indian Law in a Nut Shell*, p. 74-75).
Federal Indian Policy Periods

• Treaty-Making and Removal Period, 1778 - 1871
• Reservation Period - Allotment and Assimilation, 1887 – 1934
• Tribal Reorganization Period, 1934 – 1953
• Termination and Relocation Period, 1953 – 1968
• Self-Determination Period, 1975 - Present
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A treaty is “a formal agreement between two or more fully sovereign and recognized states operating in an international forum, negotiated by officially designated commissioners and ratified by the governments of the signatory powers” (Francis Paul Prucha, American Indian Treaties: The History of a Political Anomaly, p. 2).
TREATY

BETWEEN

THE UNITED STATES

AND THE

FLATHEAD, KOOTENAY, AND UPPER PEND D'OURELLES INDIANS.

JULY 31, 1855. RATIFIED APRIL 10, 1856.
<table>
<thead>
<tr>
<th>Reservation</th>
<th>Method and Year Established</th>
<th>Official Name of Tribal Government</th>
<th>Contemporary Name of Tribal Groups</th>
<th>Name Tribes Call Themselves</th>
<th>Language Family</th>
<th>Membership Population, (c. 2015)</th>
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<tbody>
<tr>
<td>Blackfeet</td>
<td>Treaty, 1855</td>
<td>Blackfeet Nation</td>
<td>Blackfeet</td>
<td>Pikuni</td>
<td>Algonquin</td>
<td>17,321</td>
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<tr>
<td>Crow</td>
<td>Treaty, 1868</td>
<td>Crow Tribe of Indians</td>
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<td>Apsaalooke</td>
<td>Siouan</td>
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<td>Flathead</td>
<td>Treaty, 1855</td>
<td>Confederated Salish and Kootenai Tribes</td>
<td>Salish, Pend d’Oreille, Kootenai</td>
<td>Selis, Qlispe, Ksanka</td>
<td>Salishan, Salishan, Kootenai</td>
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<tr>
<td>Fort Belknap</td>
<td>Congressional Statute, 1888</td>
<td>Fort Belknap Indian Community</td>
<td>Assiniboine, Gros Ventre</td>
<td>Nakoda, A’aninin/Aanilh</td>
<td>Siouan, Algonquin</td>
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<td>Fort Peck</td>
<td>Executive Order, 1886</td>
<td>Fort Peck Tribes</td>
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<td>Nakoda, Lakota, Dakota</td>
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<td>Northern Cheyenne Tribe</td>
<td>Northern Cheyenne</td>
<td>Tsististas and Suhtaoi/ So’taa’e-o'o</td>
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<td>Rocky Boy’s</td>
<td>Congressional Statute, 1916</td>
<td>Chippewa Cree Tribe</td>
<td>Chippewa Cree</td>
<td>Annishinabe, Ne-i-yah-wahk</td>
<td>Algonquin</td>
<td>6,000</td>
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</tbody>
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Indian Reservations in the Continental United States

Data Sources:
This map was compiled from unknown sources by the Bureau of Indian Affairs (BIA) at 1:2,000,000 scale.

Map Information:
Lambert Azimuthal Equal Area Scale 1:5845860
The numbers on the map represent the locations of Indian reservations. Please reference these numbers with the accompanying sheets entitled "Indian Reservations: BIA/CAST 5/96."
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It requires no seer to foretell or foresee the civilization of the Indian race as a result naturally deducible from a knowledge and practice upon their part of the art of agriculture; for the history of agriculture among all people and in all countries intimately connects it with the highest intellectual and moral development of man. Historians, philosophers, and statesmen freely admit that civilization as naturally follows the improved arts of agriculture as vegetation follows the genial sunshine and the shower, and that those races who are in ignorance of agriculture are also ignorant of almost everything else. The Indian constitutes no exception to this political maxim. Steeped as his progenitors were, and as more than half of the race now are, in blind ignorance, the devotees of abominable superstitions, and the victims of idleness and thriftlessness, the absorbing query which the hopelessness of his situation, if left to his own guidance, suggests to the philanthropist, and particularly to a great Christian people like ours, is to know how to relieve him from this state of dependence and barbarism, and to direct him in paths that will eventually lead him to the light and liberty of American citizenship.

J. D. C. Atkins, Commissioner of Indian Affairs,
Annual Report of the Commissioner of Indian Affairs, 1885
Uncle Sam Will Give You a Home

IN THE
FLATHEAD INDIAN RESERVATION
WESTERN MONTANA

Directly on the Line of the Northern Pacific Railway
THE PROBLEM OF INDIAN ADMINISTRATION

Report of a Survey made at the request of Honorable Hubert Work, Secretary of the Interior, and submitted to him, February 21, 1928

SURVEY STAFF

Lewis Meriam
Technical Director
Ray A. Brown
Henry Roe Cloud
Edward Everett Dale
Emma Duke
Herbert R. Edwards
Fayette Avery McKenzie
Mary Louise Mark
W. Carson Ryan, Jr.
William J. Spillman

THE JOHNS HOPKINS PRESS
BALTIMORE MARYLAND 1928
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COME TO DENVER
THE CHANCE OF YOUR LIFETIME!

Good Jobs
Retail Trade
Manufacturing
Government-Federal, State, Local
Wholesale Trade
Construction of Buildings, Etc.

Happy Homes
- Beautiful Houses
- Many Churches
- Exciting Community Life
- Over Half of Homes Owned by Residents
- Convenient Stores - Shopping Centers

Training
- Vocational Training
- Beauty Shop, Dressing
- Nursing, Office Work, Machining
- Adult Education
- Evening High School, Arts and Crafts, Job Improvement, Home-making

Beautiful Colorado
- Miles of Shore, 48 Mile Peaks Over 14,000 Ft.
- 300 Days Sunshine, Mild Winters
- Zoo, Museums, Mountain Parks, Drives
- Picnic Areas, Lakes, Amusement Parks
- Big Game Hunting, Trout Fishing, Camping
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Tribal Government Services

Natural Resources & Land
- Managing reservation fisheries, timber, mineral reserves, and air and water quality, as well as land use planning and maintaining tribal parks, trails, and campgrounds

Reservation Infrastructure
- Building and maintaining tribal roads, bridges, tribal housing, streetlights, sidewalks, sewers, and wells, etc.

Public Order & Safety
- Providing for reservation law enforcement, tribal judicial systems, correctional facilities, and reservation disaster and emergency relief services

Education
- Operating tribal early childhood services, high schools, and colleges, as well as scholarships and other academic achievement programs

Health & Human Services
- Delivering medical, dental, and mental and behavioral health services, as well as employment training, and food and income security programs

Housing
- Building and managing housing developments and transitional living centers, helping first-time home buyers access tax credit and down payment programs

Economic Development
- Investing in tribal business ventures, workforce development, and assisting tribal member entrepreneurs with access to capital and training

Public Transit
- Providing public transportation and ride services to reservation residents
Sources of Revenue

Tribal Revenue 2003-2009

- Federal funds: 58%
- Earned: 26%
- Fiduciary: 2%
- Various: 6%
- State funds: 8%
Myth: American Indians get “handouts” from the federal government
The majority of federal transfers to tribes are a direct result of the federal-tribal trust relationship and treaty agreements. Additionally, many funding transfers are made as part of tribal self-determination contracts and self-governance compacts, whereby the federal government contracts and compacts with tribal governments to administer a variety of programs the federal government is obligated to provide to American Indians.
Federal government services
Sources of Revenue

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Federal Revenue 2016
- Individual income taxes: 47%
- Payroll taxes: 34%
- Corporate income taxes: 9%
- Excise taxes: 3%
- Estate and gift taxes: 1%
- Non-tax revenue: 6%
Montana state government services
State general fund tax revenue:
- Individual income taxes – 56%
- Property taxes – 12%
- Corporate income taxes – 6%
Local government services in Montana
Myth: American Indians don’t pay taxes
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<thead>
<tr>
<th>Tax</th>
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<td>Federal Income Taxes</td>
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Als living and working on their reservation
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