



# Legislative Commission on Indian Services

State-Tribal Relations in Oregon

# Fundamentals

Indian Tribes represent unique legal entities in the United States. Tribes are distinct political communities with extensive powers of self-government. Tribal sovereignty predates the United States and the United States Constitution considers Indian Tribes as separate governments.



# Fundamentals

- Except as limited by federal law, Indian Tribes can legislate on matters of tribal concern and they can adjudicate civil and criminal matters under their laws.
- They have the authority to levy taxes and to regulate land uses. Many Tribes have extensive water rights, as well as hunting and fishing rights, both within and outside reservation boundaries.
- Unlike the Federal Government, most states do not have legal jurisdiction over Indian Tribes or their lands.

# TREATIES (1850's)

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Between the United States and the Tribes. In Oregon, these treaties pre-dated statehood.

- Indian treaties, federal statutes, and executive agreements over the past 200 years have established a special trust relationship between Tribes and the Federal Government. By treaty, many Tribes ceded almost all their lands to the Federal Government. In return, Tribes retained small parcels as reservations, and they received promises of federal protection for their lands, resources and people. These promises are collectively called "trust responsibilities."



# TREATIES (1850's)

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No relationship via treaty between the States and the Tribes

The parties to the treaties all stood to gain something through the process, but ultimately were not fairly bargained for

Nonetheless, certain rights (land, hunting and fishing, etc.) were reserved by the Tribes through these treaties.



# Assimilation and Termination (1940's and '50's)

With few exceptions, treaties were nullified, lands were sold off or given away, services were eliminated, funds were eliminated.

- Ended federal government's recognition of the sovereignty of tribes
- Eliminated trusteeship over Indian reservations
- Attempt to just make Tribal members (who were/are, US citizens, after all) part of the "mainstream society."
- Not only took away what little lands remained after ceding the majority of their ancestral territory...also took away services and funding with no replacements

# Restoration (1970's and '80's)

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- 1977, the Confederated Tribes of Siletz,
- 1982, the Cow Creek Band of Umpqua Indians,
- 1983, the Confederated Tribes of Grand Ronde,
- 1984, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians,
- 1986, the Klamath Tribes, and
- 1989, the Coquille Indian Tribe.

But restoration only reestablished the government-to-government relationship between the Tribes and the Federal Government.

Under the treaties and the law, no such formal relationship existed between the State and the Tribes.



# Legislative Commission on Indian Services

## ORS 172.100 (1975)

The broad purpose was to advise the Legislative Assembly and other Oregon officials and agencies on the needs of American Indian people in the state.

The specific statutory responsibilities of the Commission include:

- Compiling information about services for Indians;
- Developing and sponsoring programs to inform Indians of services available to them;
- Developing and sponsoring programs to make Indian needs and concerns known to the public and private agencies whose activities affect Indians;
- Encouraging and supporting these public and private agencies to expand and improve their services for Indians;
- Assessing programs of state agencies operating for the benefit of Indians and making recommendations to the appropriate agencies for improving those programs;
- Reporting biennially to the Governor and the Legislative Assembly on all matters of concern to Indians in Oregon.



# Legislative Commission on Indian Services

To carry out these statutory responsibilities:

- ❖ The Commission holds quarterly meetings to familiarize its members with current problems the Tribes are facing and to discuss possible solutions.
- ❖ The Commission invites representatives of state or federal agencies to discuss their programs as they affect the Indian population in the state.
- ❖ The Commission monitors legislation affecting our Tribal populations, both while it is being considered by the Legislature and after it becomes law, and assists in presenting information to the Legislature on issues of importance to the Nine Federally Recognized Tribes in Oregon.



# Government-to-Government Relationship Formalized

## ORS 182.162 (AKA SB 770) (2001)

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State agencies are directed to:

- develop and implement a policy to promote communication between agencies and the Tribes,
- identify programs that affect tribes, and
- coordinate with Tribes in the implementation of agency programs which affect them.

“Cluster” groups:

- developed out of these efforts to improve the relationships between the nine Tribes and the State of Oregon. There are nine Cluster groups made up of representatives from Oregon’s state agencies and each of the nine Tribes, each Cluster with a focus on key subjects of concern including cultural resources, natural resources, and education.

