Federal, State, and Local Government Impacts on Tribes and Their Members

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2024 Social Equity Leadership Conference
Achieving Diversity, Equity, Inclusion, and Access in an Increasingly Divided World
June 22, 2024 - University of Connecticut, Stamford, CT
Session Outline


2. UConn Native American Representation & Programs.

3. AI/AN public sector labor - why it matters.

4. Discussion, Tools, Practitioner Advice, Adjourn
The Federal-Tribal-State Relationship

American Federalism
Marble Cake or Layer Cake?

Marble Cake Federalism
mix authorities and programs among national, state, and local governments.

Layer Cake Federalism
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What's Missing? Traditional models of American Federalism, like the ones presented above, ignore tribal governments. Most federal and state government officials first encounter tribes through jurisdictional conflict or claims that the federal trust is not being met. Understanding tribal jurisdiction and the federal trust may help improve public sector management and implementation of federal programs. - Luke Jone
Native Land: 1492
Native Land Transfers: 1775 – 1819
Native Land Transfers: 1820 – 1864
Native Land Transfers: 1865 – 1897
Native Lands: 1997 – present
Native Lands: Future
Four Elements of Sovereignty

- TERRITORY
- AUTHORITY
- POPULATION
- RECOGNITION
• **Non-Indian Fee Land In Indian Country**  
  – Some States want to implement civil and criminal jurisdiction for non-Indian fee lands in Indian country. (1953 P.L.280; 1968 Indian Civil Rights Act; 2010 Tribal Law and Order Act)

• **Alaska**  
  – No “Indian Country” In AK (except Metlakatla Indian Community & Craig Tribal Association).

• **Oklahoma**  
  – Trust and restricted fee allotments are “Indian country.”  
  – Tribal fee lands outside Indian country under State authority (special circumstances apply).

• **Ceded Territory**  
  – Lands transferred from tribes to the federal government by treaty outside reservation boundaries.  
  – While tribes no longer hold title to these lands, they may retain usufructuary rights there.

• **Montana Test**  
  – Nonmembers who enter consensual relationships with the tribe or its members.  
  – When conduct threatens or has some direct effect on the political integrity, the economic security, or the health and welfare of the tribe.
“It is important for tribes to rethink what they are doing and why they are doing it and whether its really traditional or something that’s man made constraints of colonialism.”

- Loretta Tuell, Esq.
Who is an Indian?

Definition of American Indian or Alaska Native used in the 2020 Census
“American Indian or Alaska Natives” refers to a person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.

Who is a Tribal Citizen?

- Established by Tribal Law and customs
- Certificate of Indian Blood
- Treaty Right or Citizenship
- By Birth or Application
A U N T H O R I T Y & R E C O G N I T I O N

- External and Internal Authority - Indigenous Governance, National Building
  - e.g., Environmental standards (Bad River pipeline); contracts; services

- Federal, State, and Local Government Recognition
  - e.g., intergovernmental compacts & agreements; management/planning; federal program delegations (self-governance)
  - More stringent than

- International Recognition
AUTHORITY & RECOGNITION

“Government to Government: Models of Cooperation Between States and Tribes” (NCSL)

Guiding Principles in State-Tribal Relations:
1. Commitment to Cooperation
2. Mutual Understanding and Respect
3. Consistent and Early Communication
4. Process and Accountability for Addressing Issues
5. Institutionalization of Relationships
“Government to Government: Models of Cooperation Between States and Tribes” (National Conference of State Legislatures, NCSL)

10 Models for Cooperation:

1. State Legislative Committees
2. State Commissions and Offices
4. Tribal Delegates in State Legislatures
5. Intertribal Organizations

continued...
“Government to Government: Models of Cooperation Between States and Tribes”
(National Conference of State Legislatures, NCSL)

10 Models for Cooperation:

6. Dedicated Indian Events at the Legislatures
7. Individual Legislator Efforts
8. State Recognition of Native Cultures and Governments
9. Training for Legislators and Tribal Leaders on Respective Government Processes
10. Other Potential Legislative Mechanisms
University of Connecticut
Native American Cultural Program

Chris Newell (Passamaquoddy)
Univ. Connecticut
Director, Native Am. Cultural Program
Founder/Director, Akomawt Ed. Initiative
https://nacp.uconn.edu/

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American Indian and Alaska Native Public Sector Labor Force Participation - and why it matters!

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The American Indian Alaska Native population (alone or in combination) reached 9.7 million (2.9%) of all Americans

- An 86.5% increase from 2010
- 10.2% are age 65+
- 27% are under age 18
- 10.1 million projected by 2060

*Based on 2020 U.S. Census Data
Creating Career Pipelines

Visibility
+ Leadership
+ Retention

Paid Internships
+ Pathways to careers

Culturally Relevant
+ Skill focused
+ Mannerisms

 Formal Collaborations
+ Educational
+ Professional

Agency Tools
+ Baseline indicator
+ Focused Outreach/Strategy

Mentorship
+ Performance
+ Advancement
+ Support

Community
+ Retention
+ Teamwork

Work Against Unconscious Bias
+ Workplace sensitivity
+ Mobility
How might your agency or area of scholarship impact the interests of tribes and their members?
Suggested Readings...

The Rights of Indians and Tribes
Stephen L. Pevar

What Can Tribes Do?
Strategies and Institutions in American Indian Economic Development
Stephen Cornell & Joseph P. Kalt (Editor)

Government to Government Models of Cooperation Between States and Tribes
Natl Conf of State Legislatures
Natl Congress of Am Indians

Rebuilding Native Nations: Strategies for Governance and Development
By Miriam Jorgensen (Editor)
PURPOSE
Increase the effectiveness of intergovernmental administration and management involving American Indian tribal governments and to help implement innovative government-to-government programs with tribes.

VISION
TRWG maintains a program of activities that support research, education, and training to improve relations between tribal and non-tribal governments and the institutions that support them.