

Oregon's Federally Recognized Tribes



Reservation

Reservations are in various stages of planning for the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw, the Klamath, and Cow Creek.

The Yakama and Nez Perce are two of the four tribes (also the Umatilla and Warm Springs) that reserved rights to anadromous fish in the Columbia Basin in 1855 treaties.



Burns Paiute Tribe • Descendants of the Wadatika band of Paiute Indians

Celilo Village • A Native American community of Columbia River Indians including the Rock Creek, Celilo, Wishram, Spearfish, Hood River, Underwood and the Columbia River Treaty Tribes of Umatilla, Yakama, Warm Springs, and Nez Perce. Neither truly independent nor fully integrated into the recognized tribes, the Columbia River Indians have struggled to defend their rights and ultimately, the majority chose to minimize risk by joining one of the recognized tribes.

Confederated Tribes of Coos, Lower Umpqua, Siuslaw Indians

Coquille Tribe • Bands of small villages throughout a 780,000-acre region with numerous tribal affiliations including the Upper Coquille Athabaskans, Lower Coquille Miluks, Hanis Coos, and others.

Cow Creek Band of Umpqua Indians

Confederated Tribes of Grand Ronde • 20 Tribes and bands from western Oregon and northern California including the Rogue River, Umpqua, Chasta, Kalapuya, Molalla, Salmon River, Clackamas, Multnomah, Tillamook, and Nestucca Indians.

Klamath Tribe • The Klamaths, the Modocs, and the Yahooskin.

Confederated Tribes of Siletz • 27 bands originally ranging from Northern California to Southern Washington.

Confederated Tribes of Umatilla Indian Reservation • The Cayuse, Umatilla and Walla Walla people.

Confederated Tribes of Warm Springs • The Wasco, the Walla Walla (later called the Warm Springs), and the Paiute.

With the guidance
and assistance of
Guest Forum Editors

Charles Hudson and Elizabeth Furse we have fashioned in this issue of *Oregon's Future* an attempt both to address the common misconceptions people have about tribal people in the Northwest and to convey the sophistication of the political and business side of Indian culture—and the way the actions of tribal people affect the concerns of the larger American culture in the Northwest.

Conspicuously absent is comprehensive coverage of Indian gaming. This issue is covered in many other places, and too often the media focus is on this issue rather than, for example, the health of tribal people. We touch briefly on gaming with Dave Tovey's article entitled *Fear of the Successful Indian* and in a few other places in the section entitled *The Modern Indian*.

Other endeavors and the tribal skills required in areas such as small business development, collaborative projects like the Wanapa Power Project, and natural resource management all have received far less attention than gaming in the popular media. We intend for our focus to round out our readers' picture of tribal people. To organize our thoughts and hopefully yours as well, we have organized the forum into four categories: History, Sovereignty, Our Resources, and Modern Indian.

The forum concludes with an extensive glossary of terms we created with our advisors. It can be used as background or for reference.

The interview with Elizabeth Furse sets the stage for the rest of our authors and thus we have chosen it as the lead article in this *Oregon's Future* forum entitled *Modern Tribal People*.

Jay Hutchins, Executive Editor

Dear Readers,

This forum is in no sense seeking to be the last word on the topic of Modern Indian People. Rather, with its assemblage of new and seasoned voices, urban and reservation-based perspectives, and the wide array of issues, we think it might be the first attempt to present modern tribal people in a realistic light.

I became acquainted with *Oregon's Future* in 2002 with the publication of the issue on energy. The authoritative and rigorous arguments made—and expected by *Oregon's Future* readers—impressed me greatly. I was honored to be asked to take on the task of informing readers about modern tribal people.

We quickly agreed that this edition would be fairly different from previous *Oregon's Future* forums. For reasons historic, as well as cultural, Indian people and tribes have not had their voices heard in mainstream culture. Equally hard to find is the face of those speaking out against Indian people and Indian rights. They're there. They just don't typically step out into the daylight.

Nevertheless, we understand that the dramatic social, economic and political movement of Indian people in Oregon over the past 30 years is unprecedented. We do not want to make this forum a PR vehicle for any particular tribe or issue or to play into popular media consideration of any topic.

I want to stress that despite the gleaming new economics, Indian Country is at a pivotal point in history. Tribes, as well as many individual Indian people, are being forced to reconcile their traditional lives and values with the opportunities that professional \$80,000 salaries offer.

In my own life, I have seen my mother's generation as the first non-native speakers, myself as the first generation born off the reservation, and my children as the first to never have lived (yet) on their ancestral homelands. This is what assimilation looks like in its textbook form. But life is not a textbook. The Renee Rank interview captures the comfortable defiance of assimilation that closely matches my own: *Indianness* on one's own terms.

Finally, as we began to create the framework from which we would operate, we chose to take on the most deeply burrowed, hateful, inaccurate and institutionalized myths of Indian people we could address in 80 pages or less.

An enormous debt of gratitude is owed from me to the authors you will read here. They were not only prompt and professional but they volunteered their time and expertise to this project. My deepest thanks are reserved for Executive Editor Jay Hutchins and Executive Director Doreen Roozee as it was their very homes and lives that this forum occupied for these past three years.

Thank you.

Charles Hudson, Guest Forum Editor

The Honorable Elizabeth Furse

Interviewed for
Oregon's Future
by Charles Hudson



Born in Nairobi Kenya, Elizabeth moved to South Africa as a child and joined the first Black Sash demonstration in Cape Town in 1951. She relocated to Seattle in 1968 where she became involved with the Native American fishing rights struggle and co-founded Citizens for Indian Rights, a non-Indian support organization providing education on the law of treaties and the solemn obligations that flow from such treaties. Elizabeth became a US citizen in 1972 and in 1978 she moved to Oregon. In 1986, Elizabeth co-founded the Oregon Peace Institute. In 1992, she was elected to US Congress as the first woman to represent Oregon's First Congressional District. Currently Ms. Furse directs the Institute for Tribal Government at the Hatfield School of Government. The Institute provides governance training to elected tribal officials across the nation.

How did you become involved with tribes?

EF: I went to Seattle, Washington in 1969, which was a really tragic time, after both of the assassinations of Martin Luther King and Robert Kennedy, but I went to Seattle, and really didn't think I would get particularly involved. It didn't seem like there were big issues until I suddenly realized that, in fact, there was a shooting war going on in Washington State. The treaty tribes were insisting on their treaty rights and being opposed by federal, state, and county officials. And it was a very, very dangerous time for Indian people. So, I kind of heard all the stuff in the newspapers—that the tribes were damaging the fish runs, that the tribes were

fishing out the runs. And then I read the book *Uncommon Controversy*, which was written by the American Friends Service Committee, and it explained the issues of treaty rights, and I realized that what was in the newspapers was completely wrong.

So one morning my husband and I went down to the Nisqually River, a little place called Frank's Landing, which was land that had been ceded by Billy Frank, Sr. when the Nisqually Reservation was taken by Executive Order from the Nisqually people. Here we are, two white folks coming down to the river, and Billy Frank, Jr., a very young man then, had just gotten out of jail that night. And he sat down with us and talked to us. He'd been arrested for fishing, eventually he was arrested over 50 times for fishing. He talked to us about what they were doing, and why the tribes had decided to really put their nets into the river and continue to fish, to protest the treaty violations. So my husband and I, with much training and education from Billy and Joe Delacruz, Mel Tonasket, and Ramona Bennett, all leaders in the Indian movement of

their own tribes, put together an organization called Citizens for Indian Rights. We would do presentations in churches, Rotary, wherever people would listen. And we said, look, we're non-Indians but we are co-signers of those treaties, and we have to keep the treaties' promises.

Those were some hot times, but they were particularly hot for Indian people. Then in 1974 there was the Boldt Decision, and Judge Boldt upheld the treaties. The battle went to the US Supreme Court, and the US Supreme Court affirmed that yes, the tribes have the treaty rights to hunt and fish their usual and accustomed grounds, and they have the right to 50 percent of the catch. Also, the ruling was very clear that states could only restrict treaty Indian fishing for conservation reasons. Prior to that, the Indian tribes had been the first restricted—before the sports fishermen, before the commercial fishermen, before anybody. But what the Court ruled, quite rightly, was NO, they are the last to be restricted. It was a huge victory for the tribes.

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You went to the Northwest School of Law at Lewis & Clark. Was that prior to your work with Billy Frank Jr. and the Citizens for Indian Rights?

EF: No, that was later. Law school was in 1978, when I moved down to Oregon. In 1974, when I worked with Billy and Citizens for Indian Rights, I was asked by the American Friends Service Committee if I would come and work for them on a project. The project was to look at Public Law 280, which the tribes were trying to overturn. They had a piece of legislation, called Senate Bill 1000, in the United States Senate to overturn the effects of Public Law 280, which

was a very, very detrimental law passed in the 1950s—the termination era. It actually transferred federal criminal and civil jurisdiction on Indian land to the states, in some capacity.

Now, some tribes were exempt. In Oregon, Warm Springs was exempt. We worked for a number of years again with Joe Delacruz, Tonasket, and Billy, trying to get that law overturned. We were not successful, although some states did retrocede the power that the federal government had given to them. Now of course the tribes retained a fairly limited criminal and civil jurisdiction. Public Law 280 didn't transfer the tribal jurisdiction—it only transferred the federal jurisdiction to the states, but states have never been the friends of Indian people. In fact, in *US v. Washington*, the Court said to the defendant, Washington State, that they had never seen such recalcitrance as Washington had shown towards the treaty rights. The only thing they could compare it to was *Brown v. Board of Education*. And the Washington attorney general at that time, Slade Gorton, who went on to be US Senator from the State of Washington, never veered from his attack on Indian people and on Indian tribes. He resented the powers of Indian tribes and he resented the treaty rights of Indian tribes. His career, both in the attorney general's office and in the Senate, I think was a very, very detrimental thing to Indian people and to Indian tribes.

Could you describe the state of a typical, if there is such a thing, tribal government, when you arrived in the Northwest? How were they in terms of organization, economic, and social strength?

EF: I think in terms of organization and social strength they were phenomenally strong, because they were organizing around the fishing rights. I think that's the reason that in the Northwest you see such strong tribes—because they had something to organize together and they did it tribe-to-tribe. If the Nisquallys were getting arrested, the Puyallups would be there to help. But I think economically they were devastated. They had very, very few funds. Now the smoke shops started in Washington State, and a couple of tribes really managed the smoke shops, but they were always under attack by the state and federal authorities. So tribes are far stronger economically now, I think. But they were really

organized around a cause, and they fought and won an almost Herculean battle. To have survived and to have prevailed in that atmosphere was just phenomenal.

Slade Gorton, from Washington State, certainly has gained notoriety. But in Oregon in the governor's office and the state legislature, and members of the Oregon congressional delegation—where were they? Neutral, ambivalent; were they a moderated version of Slade Gorton's angst against Indians?

EF: Well, in the early case, *US v. Oregon*, Judge Belloni actually predated the Boldt decision. So you had a case here in Oregon with a federal judge who made some very strong decisions in favor of treaty rights. I think quite honestly that the State of Oregon was very ambivalent. It didn't particularly support tribal rights, but the stakes were not very high here, for some reason, other than on the Columbia River. We had many tribes—102 tribes and bands had been terminated—in Oregon under a terrible federal policy. So there were only a few very strong tribes here. Warm Springs and Umatilla, they were really the two tribes who were left to fight the battle. They were also at a disadvantage because of their isolation; if you think of Washington State, those Puget Sound tribes are all very close to populated areas, it was right in front of people, whereas here in Oregon it was less so. But I don't think the State of Oregon has been particularly supportive either, except for Governor Atiyeh. Governor Atiyeh was very supportive of Indian tribes; he understood the sovereignty issues. And when I worked on the federal restoration legislation to restore these terminated tribes, we had an open door to him. I think he is one of the most knowledgeable of Oregon's governors that I have run into. Not that the others are opposed to tribes, but Governor Atiyeh stepped forward, as of course did Governor Hatfield.

I don't want to get too far out of sequence, but many of the names you've mentioned already—Joe Delacruz, Ramona Bennett, Billy Frank Jr.—are people who you've

Termination destroyed that most important of all relationships—the government-to-government relationship.

bonded and allied with, and continue to this day to be strongly allied with in both education and leadership in government. Did you have any idea then that it would end up where it has now?

EF: No I didn't.

I often say to Billy Frank, "You know, thank you Billy, because now 35 years later I'm still doing what you told me I should have done then." The issue is so clear you can't turn away from it. If tribes and tribal governments were not constantly under attack you could say well, great, I worked on this for 20 years and now I'm going to go do something else. But the attacks continue on tribal government, and I think the basic reason for that is that we do not educate. In the United States we do not educate kids about treaty rights and about our government. Indian people are not "just another minority." But we don't teach that. So these kids go off, they become county commissioners or city council people or members of Congress but they have no accurate understanding of the laws governing treaties. My kids went through the schools and never were taught any of this. And when I went to law school—we are very fortunate that Lewis & Clark has a wonderful Indian program led by Bob Miller—but when I went to law school the professor of civil procedure said we need two court systems in this country, and when I said to him, "Wait a moment, what about tribal courts?" He knew absolutely nothing about it. And here he had risen to be an instructor of the law. So it's no wonder that people are still hostile and just do not know the basis of our treaty rights.

In the Oregon's Future Tribal Affairs Forum, there are a couple of essays about termination and restoration. Can you describe your arrival in Oregon and the impacts of termination? Portland is a city whose population of misplaced tribal people is known to have boomed. Could you describe those days, in your work?

EF: I didn't finish law school because I was offered this fabulous job, fabulously interesting job by Oregon Legal Services, to head-up the restoration program. I really was not aware of the impact of termination until I came to Oregon, because Oregon was the hardest hit by termination. A former governor of the State of Oregon, Douglas McKay, became the Secretary of the Interior during the Eisenhower administration. Eisenhower was really into this termination stuff and McKay was doing his boss's work. However, he really focused on Oregon to terminate tribes. I think the real reason that Oregon tribes suffered so was because termination was aimed at the Klamath. The Klamath had the largest stand of Ponderosa pine in the world, a huge reservation, and Douglas McKay was helping his timber friends get their hands on this huge stand of timber.

The plenary power of Congress is a life and death power that Congress has over tribes.

So when I was asked to work on this issue of course I studied a great deal about it. In the Termination Act it says the tribe must agree to termination, and of course, I don't think there is one tribe around that was terminated that had agreed. There was a meeting at Klamath where they objected to the way the Bureau of Indian Affairs was handling their affairs and they said, "We don't want that agent here." That was used as an excuse to say they wanted to terminate the federal relationship. But that was a scam. It wasn't true, and they didn't want to be terminated.

Termination destroyed that most important of all relationships—the government-to-government relationship. After termination the federal government behaved as if these were no longer Indian people. And the obligations that the federal government had taken on with treaty, in exchange for the millions of acres of land, the federal government just wiped its hands of those

relationships and those responsibilities. So, termination was devastating. It meant Indians had no health services. All those things that they had paid for by giving up their land were no longer available. But we were very successful in Oregon. Every tribe in Oregon has been restored. And it's due only to the great work of their tribal councils. Each and every one of those tribes had somebody who just kept pushing and pushing.

You must have started looking for ways to make legislative improvements. What inspired you to run for Congress?

EF: On two issues I felt that the Congress particularly had not done its job. The first issue was that they clearly didn't understand the constitutional basis of treaty rights. They remembered that they had taken an oath to uphold the Constitution, but seem not to know that the Constitution is very clear about the power of Indian treaties. The other thing of course, which I continue to work on today and will always work on, is the completely over-bloated military budget. And I just find it so appalling as I see services being cut and we just keep shoveling money into this war and a budget that really doesn't benefit us greatly.

So, when Congressman AuCoin, who had represented me very well—for 18 years—decided to run for the United States Senate, that meant there was an open seat in the house. I guess I was just so upset by the way this budget was going that I said, well I'm going to get into the race. I won't win, but at least we'll talk about these issues, because nobody was talking about them. And so I did get in the race, and then won the primary to my great surprise and my husband's great surprise too. And then we ran against the state treasurer and we won the general election. So I went to Congress in '93, and was there for 6 years, after which I chose to retire.

One issue that was great to work on was continuing the development of the Native American Caucus in the Congress, where members of Congress voluntarily choose to participate, and this caucus shows that these people really have an interest in native issues. It doesn't mean to say that all of them are very knowledgeable, but at least they have expressed that interest. And the caucus is useful because that is where, when a bad bill came forward, those of us who understood these Native American

A Funny Story About Ignorance

One day I got a phone call from the chairman at Umatilla, a man called Donald Sampson, a great tribal leader.

Donald said, "Elizabeth, we've just found out through the grapevine, nobody has actually told us this, we've just found out that the evacuation program for the entire two county area, if the chemical weapons dump blows up, is to the Umatilla Reservation—but they never told us. Could you find out?"

So I called the Secretary of the Army. You know when you're a member of Congress you get to do some really weird things. So I called the Secretary of the Army and up he comes, a very nice man.

I said, "Mr. Secretary, why didn't you tell the tribe about this evacuation plan?"

And I give you my word, this is what he said, "Congresswoman, we didn't know how to reach them."

And I said, my one funny moment in the Congress, "Mr. Secretary, they have telephones and they speak English."

by Elizabeth Furse

tribal issues, Republicans and Democrats, could stand at the doors where the other members came in and tell them: this is not a good bill for Indian people. We got our signals from NCAI (National Congress of American Indians) or Native American Rights Fund. We didn't just decide on our own; we heard from tribal governments. And that was very successful, because unfortunately most people don't know anything about tribal issues, but they're willing to accept the knowledge of a member of Congress—George Miller, myself, or JB Hayworth, for example. We were able to stop a lot of legislation that way, and current members continue to look out for tribal issues.

We know that the economic development of tribes, whether it's casinos, hotels, or whatever it is, benefits the whole community greatly.

The House of Representatives used to have an Indian Affairs Committee that was staffed by a very able Indian man. That committee disappeared and Indian Affairs went into the Department of the Interior, what is now called the Department of Natural Resources. Of course the Senate had its Indian Affairs committee as well. I think that tribes have tended to work really only with the Senate, and it's a problem because House members are the ones who start the money bills. So I think one of the big things for tribal governments to do is to learn to work with both houses, because they are equally important. Also, I think it's much easier to have a meeting with a House member than with a Senator. A Senator represents the whole state; the house member represents his or her district, and therefore is a little closer to the people. And I think tribes would do very well to understand that relationship.

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tribes. It is really articulated in the Lone Wolf case as well as in the Trade Intercourse Act. (*Please see Non-intercourse Act in the glossary—Ed.*)

But also in the Constitution itself, where it says Congress shall have the power to trade with states and Indian tribes; Congress has a huge power, and I think it behooves us to educate the members more on this power and on their responsibilities towards tribes. This is because a lot of people in Congress think tribes are just another user group, just another constituency. But they're not. They're another government and need to be given that kind of respect and that kind of understanding. So one of the things that the Institute for Tribal Government has had experience doing is training the staff of those Native American Caucus members in both House and Senate. I have found that when you give people just the plain information—it's in the Constitution, here's what treaties were, they were a granted right from the Indians not a granted right to the Indians—people sort of go, "Ah-hah, I didn't know that".

I was just recently down in the Klamath Basin—you know things have been pretty hot and heavy down there—and gave just a straightforward Indian rights talk. People were very open and said, "Well, we just didn't know this, we didn't know where this difference came from." Many farmers said, "Well, I thought we were all the same. I've got private property rights." So I explained about how a treaty right trumps anything else because it's in the Constitution. People were not hostile to that information, they were just amazed. I think it's very important for tribes and people who work with tribes to make sure that they put out accurate information about why treaties were signed and what their power is now, and what they mean today. People are willing to accept that, they just haven't been told.

People tend to think these obligations only benefit the Tribes. Can you explain how tribal rights actually benefit whole communities?

EF: The tribes bring a great deal of funds into local areas. Schools that have a large Indian population benefit greatly from those children, because federal funds come to tribal children. It's part of the obligation of the treaty. We

know that the economic development of tribes, whether it's casinos, hotels, or whatever it is, benefits the whole community greatly. I would also say that the natural resource protection that tribes provide on their reservations, and through their negotiations and work with the state and federal governments, benefits all systems because it means that there are fish in the river. Tantamount to that, the tribes have invested to protect those natural resources and this is a huge benefit to the whole state of Oregon, or Washington, or Idaho, or wherever it's happening. Rivers continue to run and we all are happy to see water in our rivers.

Congressman Blumenauer conducts a tribal roundtable annually. Did you have anything to do with that?

EF: No, but I have had something to do with Senator Smith who has asked the Institutes of Tribal Government to assist in putting together a government-to-government roundtable session. He spends almost a day with all of the elected officials. The tribes usually send their chairs.

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You found yourself in a sticky situation a couple of years back with your endorsement of Gordon Smith. Could you talk a little bit about that?

EF: Yes. When Senator Smith came in, I was in the Congress and I worked with him there. I talked to him about a couple of issues that I was particularly interested in, including healthcare for women across the world. He was, I thought, just extremely open to learning and understanding and thinking about issues. He and I also of course had a lot in common on tribal issues. And I was very interested in not drilling in the Arctic National Wildlife Refuge (ANWR).

Some people from that area, people from the Gwitchin Tribe, came to see me, and I took them over to see Senator Smith. He listened very well to their concerns, and he voted not to drill in the ANWR. He voted on that two times, despite the fact that the President had made it a huge issue and despite the fact that Senator Stephens was extremely rough on people who did not support it. I felt that Senator Smith had given his word to the Gwitchin people and he had stuck by it, although it was a very difficult vote. It's hard to vote against your party. It's really a tough thing. People don't realize how much pressure is put on you.

When he voted the second time it was an even tougher vote because he voted on a procedural issue, which was a crucial vote. And he has voted for a third time against drilling in the ANWR. I believe that you support those people who have stood up for issues that you care about. Senator Smith and I do not agree on everything. Senator Hatfield and I did not either, but I enthusiastically supported Senator Hatfield. So I believe that Senator Smith is a very moral person. If he doesn't agree with you, he'll tell you, and I'm very grateful when somebody does that even if he knows I don't agree with him. I think he's served Oregon extremely well and I think he serves that seat, the seat of Senator Mark O. Hatfield very, very well. He understands Indian issues and he understands the issues of justice.

I also want to ask you about the polling data that was collected on sovereignty vs. self-government.

EF: I'm on the advisory board of an organization called First Americans. First Americans did a national poll to find out what everybody, non-Indians, thought about tribes and government. An interesting thing that came up is when you see the word sovereignty; "Should tribes have sovereignty?" people say, 'no.' When you say, "Should tribes have increased self-government?", people say, "yes".

So we asked the second question, "What is it about the word sovereignty that upsets people?" The interesting thing is that they just misunderstand the word. They think sovereignty means creating a king; we got rid of a king, we don't want to put another king in. Across the country, people believe that tribes should have the right to exercise jurisdiction over their lands

and people, including over non-Indians. Even though the court has been far less clear on that issue, non-Indian people generally believe that if you're on Indian land you should be under the jurisdiction of that tribe.

What are you seeking to do with the Institute for Tribal Government at Portland State University?

EF: When I went to Congress in 1992, I found out that all new members of Congress went to Harvard for a week to sort of learn the job. I thought this would be a great opportunity for tribal governments. So when I left the Congress and was invited to come to Portland State I started the Institute for Tribal Government. What we do is provide trainings to tribal governments. It's really three, maybe four issues. First, there is Federal Indian Law—we do a full-blown Federal Indian Law. We do a section on how to be effective in the Congress. We also focus on appropriations; how to be effective in your presentation for the needs you have as your tribe. And then we have a wonderful chairman (Roy Sampsel) who was an assistant secretary for Indian Affairs, and we have him talk about the administration. So the people in the tribal government ask questions and get the real news. Then we ask the Tribe to pick an issue that they're particularly interested in and we research that and bring in somebody. It's a three-day training.

Now, it's expanded because we find we're doing quite a lot of trainings for federal agencies who have a trust responsibility to tribes and are not too sure how that works. Also, our Board, which is a fully-tribal board—tribal leaders from across the country—said that they wanted us to start interviewing modern-day tribal leaders, because people weren't getting their story. So we do that. We have videotaped interviews with tribal leaders whom our board picks. That has now been developed into a curriculum, which we teach at the university level. I teach it at two universities, Lewis & Clark College and Portland State University, and we are now developing the curriculum with the encouragement of the Oregon Department of Education into a high school curriculum. We've also been invited by Montana to help them because they've just received money to develop Indian education for everyone in the state of Montana.

In a few of the northwestern states, legislators have been pondering tribal education as a recurring theme. There is some very exciting legislation being put to the 109th Congress. I'm referring to the Hatfield-Furse bill. Can you tell me a little bit about that?

EF: Well, this bill was really organized as a tribute to Senator Mark O. Hatfield. This bill provides a federal foundation that the president appoints, and it focuses on supporting the work that we do, the work of other institutes, and on providing scholarships to Native American students. Because Senator Hatfield is such an incredibly generous man he said to me, well if it's going to be called the Hatfield bill, I want it to be the Furse bill as well. So it's the Hatfield-Furse Native American Scholarship Act.

Does the institute's training to tribal governments include dispute resolution?

EF: Some. When the tribe asks for it we do have a wonderful dispute resolution team and we will bring them in if a tribe is particularly concerned about that. One of the things I do tell tribes is, "Don't get into controversies if you're going to Congress." The congressperson is going to stay away from a controversy. Work out your differences before you get to the Congress.

To conclude, please say anything you want to wrap up.

EF: I think the thing I believe most strongly is that because of the lack of education around tribal issues, non-Indians have lost an awful lot. The richness of these cultures and the lessons to be learned from tribes about how to develop and protect natural resources—these are things that should be commonly known. And I also think that a nation that does not follow its own laws is a nation in trouble. We need to understand that the Constitution is clear about these treaty rights, it is clear about the government-to-government relationship with tribes, and it behooves every Oregonian and every United States Citizen to find out because this is the law of the land. And we should honor that law.

Treaty Rights and Congress

by Senator Gordon Smith

In 1996, I was elected to the seat of retiring Senator Mark Hatfield. In his three decades of service to Oregon and the nation, Senator Hatfield was known as a statesman with a thoughtful, independent voice.

He was also an early supporter of tribal treaty rights and worked to restore the federal recognition to Oregon tribes, which was terminated by acts of Congress in the 1950s. When I took the oath of office, I resolved to follow his example with respect to Native American issues and to strive to continue his legacy of working closely with Oregon's tribal governments. I have subsequently collaborated with these governments on numerous projects and issues—such as the Confederated Tribes of Warm Springs' joint re-licensing of the Pelton-Round Butte hydro project with Portland General Electric, and the ongoing effort of the Confederated Umatilla Indian Reservation to complete the Umatilla Project, which will restore water and salmon to the tributaries of the Umatilla Basin. The Hatfield legacy very much informs my decision-making to this day.

Perhaps more than any other area of domestic policy, the US government's unique trust relationship with Native American tribes remains, in many aspects, largely undefined. Too often in the past, Indian tribes have found their treaty rights respected only after protracted court fights, and many of the landmark decisions have come about only in recent decades. Even today, significant cases, such as the ongoing case relating to decades of federal mismanagement of trust assets, are working their way through US courts. As a result, the complete picture of the

government-to-government relationship between tribes and the United States is now coming into focus, and being further refined by the Congress every year. This dynamic situation presents countless new questions for the Congress, from regulating state-tribal interactions to the identification and protection of sacred places on federal lands.

Joining the Senate Indian Affairs Committee has given me the opportunity to continue to work closely with Oregon's tribal governments. In order to learn more about the concerns of each tribe and how we might be able to work together to address them, I recently held a tribal leadership summit under the auspices of the Tribal Government Institute at Portland State University. While the views and priorities varied somewhat among the tribes, there was unanimity in their desire for the federal government to respect tribal sovereignty and the unique government-to-government relationship they enjoy. In that spirit, I plan to make these meetings a regular event, offering an opportunity to follow up on the steps we have already taken.

One of the key issues on which I hope to make progress on, is the restoration of a land base to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw. Of the nine federally recognized tribes in Oregon, they are the only tribes never compensated for lands taken away by the federal government in the 1850s. Following up on a commitment I made to the tribal leadership, I have introduced legislation that would return 62,000 acres of the Siuslaw National Forest to the Coos Tribe. If the land is returned, the Coos Tribe will be able to employ Coos, Siuslaw, and Lower Umpqua tribe members to restore the health of this forest, dedicating revenue from thinning sales to restoration projects in the same area. In addition, they will be able to tap into grant sources that are avail-

able for Indian tribe environmental restoration projects, such as improving salmon habitat and fostering the development of a biologically diverse forest. Besides providing valuable employment for tribe members, this will also free the Forest Service to focus its limited budget more effectively, managing land elsewhere in the region. And in some small way, the US government will have acknowledged that a wrong was committed when this tribe's ancestors were forcibly removed from this same land a hundred and fifty years ago.

After all, until we confront the troubled legacy of broken treaties and failed policies that have too often marred the modern history of Native Americans in this country, how can we build upon our future together as Americans? It is in this spirit that I believe the federal government and Oregon's Indian tribes must work constructively to shape the tribal trust relationship for the benefit of future generations.



Smith is the Chairman of the Senate Special Committee on Aging and also serves on four major Senate committees: Commerce, Science, and Transportation, Energy and Natural Resources, Indian Affairs, and the powerful Finance Committee. In addition, he is a member of the Senate Western Water and Rural Health Caucuses as well as the High Tech Task Force. Smith has also been selected by leadership four times to be a Deputy Whip, a position that he currently holds.