

MAR 24 1983
Governor Atiyeh

REMARKS BY GOVERNOR VIC ATIYEH
AFFILIATED TRIBES OF NORTHWEST INDIANS
STATE CAPITOL, SALEM
THURSDAY, MARCH 24, 1983

PREPARED TEXT

YOU HAVE ASKED ME TO DISCUSS THE "IMPACT OF THE
PRESIDENT'S INDIAN POLICY PAPER, AND DEVELOPMENT OF A STATE AND
TRIBAL GOVERNMENT-TO-GOVERNMENT RELATIONSHIP."

AS I UNDERSTAND THE PRESIDENT'S STATEMENT OF LAST
JANUARY, IT IS HIS WISH THAT FEDERAL POLICY BE DIRECTED TOWARD:

- STRENGTHENING TRIBAL SELF GOVERNMENT;
 - ENHANCING ECONOMIC DEVELOPMENT, AND
 - ENCOURAGING THE GROWTH OF RESERVATION ECONOMIES.
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I BELIEVE IT IS FAIR TO SAY NO ONE CAN DISAGREE WITH THE
BROAD-BRUSH OUTLINES OF THE PRESIDENT'S NEW POLICY.

I DO NOT NEED TO REMIND YOU THAT THE ATTITUDE OF THE NATIONAL GOVERNMENT TOWARD INDIAN TRIBES HAS TAKEN SOME INCREDIBLY SHARP TURNS DURING THE PAST TWO CENTURIES. / IN FACT, / THE GOVERNMENT OF THE UNITED STATES HAS SOMETIMES FOUND ITSELF DIVIDED ON THE MATTER. / THE CLASSIC EXAMPLE HAPPENED ABOUT 150 YEARS AGO, / WHEN CHIEF JUSTICE MARSHALL AND THE UNITED STATES SUPREME COURT RENDERED AN OPINION WHICH HAD THE EFFECT OF GUARANTEEING SOVEREIGNTY TO THE CHEROKEE NATION. / ANDREW JACKSON / A PRESIDENT WHO HAD MANY ADMIRABLE QUALITIES IN OTHER RESPECTS -- WAS HEARD TO SAY, "JOHN MARSHALL HAS MADE HIS DECISION / NOW LET HIM ENFORCE IT!"

BOOKS HAVE BEEN WRITTEN ON THE UPS AND DOWNS OF TRIBAL STATUS SINCE THOSE DAYS. / A HIGH POINT CAME UNDER PRESIDENT FRANKLIN ROOSEVELT, / WHO SPONSORED AN ACT FORMALLY RECOGNIZING NUMEROUS TRIBAL GOVERNMENTS. / A LOW POINT CAME UNDER PRESIDENT DWIGHT EISENHOWER, / WHO APPROVED LAWS WHICH SOUGHT TO ABOLISH TRIBAL GOVERNMENT. / THESE WERE THE DAYS OF HOUSE CONCURRENT RESOLUTION 108, / WHICH CALLED FOR TERMINATION OF THE FEDERAL-TRIBAL RELATIONSHIP. / ITS IMPLEMENTATION RIGHT HERE IN OREGON, / IN A HASTY AND INSENSITIVE MANNER, / CAUSED COUNTLESS PERSONAL TRAGEDIES.

Now, I BELIEVE WE ARE SLOWLY WITNESSING THE MOVEMENT OF FEDERAL POLICY IN MORE APPROPRIATE, RESPONSIBLE AND HONORABLE DIRECTIONS. THE PRESIDENT HAS SPECIFICALLY REQUESTED THAT CONGRESS REPUDIATE HOUSE CONCURRENT RESOLUTION 108, AS PART OF AN EFFORT TO ENHANCE TRIBAL AUTHORITY AND RESPONSIBILITIES.

SOME OF THE DETAILS OBVIOUSLY REMAIN TO BE WORKED OUT. WHEN THE PRESIDENT CALLS FOR DIRECT FUNDING TO INDIAN TRIBES UNDER THE TITLE XX SOCIAL SERVICES BLOCK GRANT, AND INSISTS ON A MINIMUM OF FEDERAL INTERFERENCE IN TRIBAL MATTERS, IT IS NOT CLEAR HOW THIS MIGHT SPECIFICALLY AFFECT SUCH PROGRAMS AS INDIAN HEALTH SERVICES, AND INDIAN EDUCATION ASSISTANCE PROGRAMS. WE IN STATE GOVERNMENT UNDERSTAND AND SHARE YOUR CONCERNS ABOUT THESE PROGRAMS. WE BELIEVE THAT THE DETAILS MUST BE CLARIFIED SO THAT THE EDUCATION OF YOUR YOUTH, AND THE WELL-BEING OF ALL YOUR MEMBERS, WILL NOT BE JEOPARDIZED.

ON THE SUBJECT OF GOVERNMENT-TO-GOVERNMENT AS BETWEEN TRIBES AND STATES, IT IS DIFFICULT FOR A GOVERNOR TO ADDRESS, EXCEPT AS IT RELATES TO THAT GOVERNOR'S OWN STATE. AFTER ALL, STATES ARE JUST AS DIVERSE AS TRIBES.

SO FAR AS OREGON IS CONCERNED, HOWEVER, I WOULD NOT WANT YOU TO HEAR ME SAY THERE NEVER ARE DIFFERENCES BETWEEN THE STATE OF OREGON AND TRIBES RESIDING WITHIN ITS BOUNDARIES. AT THE SAME TIME, WE HAVE ATTEMPTED IN A RATIONAL, ORDERLY AND HUMANE MANNER TO RESOLVE THESE DIFFERENCES.

WITH RESPECT TO NATURAL RESOURCE ISSUES, TRIBES CONTINUE TO BE INVOLVED IN THE DECISION-MAKING PROCESS ALONG WITH STATE AND FEDERAL AGENCIES ~~HA~~ NOT MERELY FOR THE PURPOSE OF BEING CONSULTED AS TO THEIR ASPIRATIONS, BUT RATHER TO SHARE IN THE AUTHORITY TO FORMULATE AND IMPLEMENT DECISIONS.

IN THE SAME SPIRIT, OREGON HAS BEEN PROMPT TO CEDE CRIMINAL JUSTICE AUTHORITY TO TRIBAL GOVERNMENTS WHENEVER THEY HAVE EXPRESSED THE DESIRE AND DEMONSTRATED THE READINESS TO ASSUME THESE TASKS. BY EXECUTIVE ORDER WE CONFERRED THIS JURISDICTION ON THE BURNS PAIUTE TRIBE, THE CONFEDERATED TRIBES OF THE UMATILLA RESERVATION, AND MORE RECENTLY ON THE GOVERNING BODY OF THE FORT McDERMOTT RESERVATION, WHICH HAS SOME TERRITORY WITHIN OREGON. MOST OF YOU MAY BE AWARE THAT THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION HAVE ENJOYED THIS JURISDICTION FOR SOME YEARS NOW -- AND WERE THE MODEL FOR SOME OF THE OTHER TRIBAL ENDEAVORS.

TRIBAL-STATE RELATIONSHIPS DO HAVE THEIR GROWING PAINS. / WITHIN RECENT MONTHS, / CONSIDERABLE DISCONTENT HAS ARISEN IN NORTHEASTERN OREGON OVER THE ASSERTION OF AUTHORITY BY THE CONFEDERATED TRIBES OF THE UMATILLA RESERVATION TO ADOPT LAND-USE AND OTHER REGULATORY CODES. / UNLIKE OTHER RESERVATIONS WHERE MOVES HAVE BEEN MADE IN THIS DIRECTION, / CONSIDERABLE PORTIONS OF THE UMATILLA RESERVATION ARE OWNED OR OCCUPIED BY INDIVIDUALS WHO ARE NOT MEMBERS OF THE TRIBE. / RIGHTLY OR WRONGLY / - AND WITHOUT DISPUTING THE MERITS OF SUCH PLANNING / - THESE INDIVIDUALS BELIEVE THEY DO NOT HAVE AN APPROPRIATE ROLE IN FORMULATION AND ADOPTION OF SUCH CODES.

EVEN THOUGH MY OFFICE DOES NOT HAVE A LEGALLY AUTHORITATIVE ROLE IN THE MATTER, / I HAVE INSTRUCTED ONE OF MY STAFF TO MODERATE A MEETING IN PENDLETON TOMORROW. / DESIGNATED REPRESENTATIVES OF THE VARIOUS INTERESTED GROUPS WILL PARTICIPATE. / I DO NOT FORESEE A QUICK RESOLUTION OF THE DISPUTES / - BUT I DO HOPE THE MEETING CAN GENERATE A MECHANISM THROUGH WHICH THE PARTIES CAN CONTINUE TO WORK TOWARD A MUTUALLY AGREEABLE UNDERSTANDING, / AND AVOID THE COST AND ILL-FEELINGS INEVITABLE WHEN SUCH MATTERS HAVE TO BE PLACED BEFORE THE COURTS.

IN CONCLUSION, / LET ME RE-EMPHASIZE THAT WE IN OREGON
 STATE GOVERNMENT SHARE YOUR CONCERN ABOUT THE NEW DIRECTIONS IN
 FEDERAL POLICY. / IF THE "FEDERAL BUREAUCRACY" DECIDES TO WITHDRAW
 FROM CERTAIN AREAS - / SUCH AS HEALTH AND EDUCATIONAL SERVICES /
 VITAL QUESTIONS MUST BE ANSWERED BEFORE THE WITHDRAWAL IS ALLOWED
 TO OCCUR. / WE MUST KNOW WHO OR WHAT WILL REPLACE SUCH SERVICES
 FOR INDIANS WHOSE TRIBES HAVE NOT YET REALIZED THE POLITICAL, /
 SOCIAL, / OR ECONOMIC GOALS THAT THE NEW FEDERAL POLICY ENVISIONS.

I CAN GIVE YOU ONE OBSERVATION RIGHT NOW, / HOWEVER, / ABOUT
 THE RELATIONSHIP BETWEEN THIS STATE GOVERNMENT AND TRIBAL
 GOVERNMENTS WITHIN ITS BOUNDARIES: / WE HAVE A TRACK RECORD OF
 WHICH I AM PROUD. / WE HAVE SHOWN WE CAN WORK TOGETHER. / WE WILL
CONTINUE TO WORK TOGETHER. / AND WE WILL CONTINUE TO SHARE COMMON
 GROUND IN MEETING COMMON PROBLEMS, BECAUSE -- INDIAN OR
 NON-INDIAN -- ~~ALL OF US ARE OREGONIANS.~~
WE RESPECT ONE ANOTHER

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