

Kennedy suggests more education about Tribes

POLICY continued
from front page

Indian Affairs Larry Echo Hawk (Pawnee).

Stevens opened the meeting with a slideshow that reviewed the Department of Interior's current effort to comply with President Barack Obama's order to establish regular and meaningful consultation and collaboration with Tribal officials in the development of federal policies that have Tribal implications, as well as to strengthen the U.S. government-to-government relationship with Tribes and reduce unfunded mandates placed on Tribes.

Obama ordered in early November at the Tribal Leaders Conference held in Washington, D.C., that all federal agencies create Tribal consultation policies to comply with President Bill Clinton's November 2000 executive order.

The overarching goal, Stevens said, was "to implement a consistent and comprehensive department-wide consultation policy and process ... upon which Tribes can rely."

Kennedy, one of the first Tribal representatives to testify, suggested that the Department of Interior provide employees with more in-depth education about Tribes within their regions.

"I think there is a greater responsibility we have to look at," Kennedy said. "The unique relationship that the president said he wanted all the federal agencies to engage in with Tribes, I think that there is also a fuller responsibility for the Bureau of Indian Affairs and Department of Interior to know who they are dealing with, the backgrounds from which they came."

"I know sometimes I meet with federal employees who have the trust responsibility who do not know we have seven treaties. They are surprised by that. They don't know where we historically came from. Some don't know we are a terminated Tribe and what Termination means to a people."

"I think it's really important that the people who deal with us know those foundation principles so they can understand when we talk about acquiring land because all of our land was taken."

Kennedy supported better notice of federal governmental actions or meetings.

"As far as Tribal governments, we're no different than any other government. And at the drop of a hat, we cannot respond and be prepared for a meeting that happens next week. The notification process needs to be stepped up," Kennedy said, requesting a minimum notification of two weeks.

She also suggested that the Department of Interior create a report card to track that Tribal consultations occur, as well as how many Tribes respond to consultation requests.

"I believe that the approach that is taken should not be a cookie-cutter approach," Kennedy said. "... I know that that takes a broader understanding and commitment to getting issues resolved, and it takes time for Tribes to be allowed to voice their concerns about a particular issue."



Photo by Dean Rhodes

Grand Ronde Tribal Chairwoman Cheryl A. Kennedy testifies during the U.S. Department of Interior's Tribal consultation hearing held Dec. 9 at the Portland Airport Holiday Inn in northeast Portland. Also attending the consultation hearing were Tribal Attorney Rob Greene, seated left, and Tribal Council Secretary Kathleen Tom, seated right.

Kennedy also cited the time difference between the East Coast, when many federal consultation meetings are scheduled, and the West Coast. Even using Internet technology, the time difference hinders western Tribes.

"When they talk about, on the East Coast, starting a meeting at 9 o'clock in the morning, you know what time that means here? So we are at a huge disadvantage to participate in a consultation process," Kennedy said.

Kennedy said that all federal government agencies, including the Internal Revenue Service and U.S. Department of Education, have Tribal trust responsibilities and should consult with Tribes like the Department of Interior and Bureau of Indian Affairs.

"We want to see that all of the agencies are held to the same level (of consultation)," Kennedy said.

Kennedy also mentioned her "radical proposal" — when the federal government holds consultation meetings that are thousands of miles away for Tribal representatives that the trips receive funding "so we can participate."

Tom spoke briefly, citing a recent incident where the Bureau of Indian Affairs recommended changes to usage of Chemawa Indian School's campus and did not contact the Confederated Tribes of Grand Ronde, the closest Tribe to the school, regarding the proposal.

"I ask, with great respect, that the Bureau contact our Tribe the next time and not just consult with one Tribe," Tom said.

Other Tribal speakers criticized the Department of Interior, albeit often couched in respectful tones and phrasing.

Lummi Chairman Henry Cagey said the Interior Department is responsible for the "long-standing scars" that exist between the Tribes and federal government.

"We need acknowledgement that this has happened," Cagey said, citing new U.S. Interior Secretary Ken Salazar by name.

He also criticized the Interior Department and federal government in general for swamping Tribes with requests.

"We have a limited staff," Cagey said. "Our capacity is limited to participate in everything agencies are doing that affects us."

He suggested creation of a new Department of Interior commission to oversee Tribal consultation practices and the implementation of consultation policies.

Cagey's suggestion was partially supported by Greene, who suggested that Interior's regional offices be more proactive and hold annual meetings with Tribal leaders within their regions to hear Tribal concerns. Those meeting reports, Greene added, could work their way back up the department structure.

"These comments could help shape some programs that the agencies or the department are planning to assist Indian Country," Greene said.

Cagey also suggested Interior listen to its long-term senior officials and grant them authority to make decisions.

"Right or wrong, at least a decision is made," he said.

Cagey's concern was echoed by Spokane Tribal Chairman Gregory Abrahamson, who complained that Tribal leaders with policy-making authority too often have to meet with middle-level federal staff members who have no power to make decisions.

He also complained that federal employees consider "consultation" to be placing a document before Tribal representatives and then proceeding with their plans.

Philip Harju, vice chairman of the Cowlitz Tribe, pointed out that the Department of Interior already has a consultation policy that requires timely and meaningful consultation with Tribes.

"The definition of 'timely' and 'meaningful' is important to the Tribes," Harju said. "Being invited to a public meeting is not 'meaningful.'"

"Regarding the trust responsibility, the entire federal government

has a responsibility to the Tribes. The Interior Department and Bureau of Indian Affairs has an obligation to the Tribes to make other agencies have timely and meaningful consultation."

Billy Frank Jr. (Nisqually), chairman of the Northwest Indian Fisheries Commission, said that Tribes are now the primary managers of fisheries in Washington state, which is facing considerable budget deficits.

"We have got to take that story to Washington, D.C.," Frank said. "I'm tired of consultations. Don't take me to another meeting about consultations. Let's do something. We have solicitors who are Indian fighters. Let's get rid of them."

"Let's start a new life. I'm tired of telling you, and telling you, and telling you. We want action now."

Stanley Speaks, regional director of the Bureau of Indian Affairs' Northwest Office, agreed with many Tribal representatives, suggesting the Department of Interior streamline its policies, procedures and statutes in an effort "to get things done."

Stevens said the Department of Interior's solicitation of Tribal input on a new consultation policy will continue through Jan. 14 with additional meetings scheduled in Washington, D.C., Fort Snelling, Minn., Oklahoma City, Phoenix and Sacramento. The Portland meeting followed the first meeting held Dec. 2 in Anchorage, Alaska.

The department also is accepting comments via e-mail at tribalconsultation@bia.gov and by fax at 202-513-0773. Comments are due no later than Jan. 15.

The Department of Interior is striving to have an action plan prepared by Feb. 3 that will be submitted to the Office of Management and Budget and the White House.

"You have assurances from us that this will not be another exercise in futility," Stevens told skeptical Tribal representatives who wondered if the new series of consultation meetings was yet another "waste of time." ■