

Tribal Sovereignty Contextualization

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Tribal Sovereignty Groundwork

The most critical component of carrying out appropriate and successful interactions with tribal nations and tribal leaders is anchored in the ability of organizations to acknowledge, comprehend, and finally, respect tribal sovereignty. **Sovereignty is a legal term for a fundamental yet complex political agreement – meaning to have the authority to self-govern.**

There are 573 federally recognized American Indian/Alaska Native (AI/AN) nations in the United States (U.S.) and each enrolled tribal member of these nations possess a unique and exclusive political status in this country. Acquiring this political status is attributed to the strict requirements set forth by tribal nations for tribal enrollment eligibility paired with the strict requirements set forth by the U.S. federal government for federal tribal verification eligibility.

In order for organizations to acknowledge, comprehend, and respect sovereignty, it is essential that organizations do the contextual groundwork to understand the history of tribal nations with the U.S. government and the government-to-government relationships between them. Equally essential, organizations must understand and recognize that there is a long historical and unique knowledge base that only tribal nations and tribal members are able to sustain as the Indigenous Peoples of the U.S.

For enrolled members of an AI/AN tribe, sovereignty is a key differentiating factor in what secures the exclusive political status of having a government-to-government relationship with the U.S. and having defined treaty rights. When an individual is identified by their tribal nation as AI/AN, that particular tribal nation is authorizing that individual to have access to the inherent sovereignty rights and legal treaty and tribal rights as a member of one of the 573 federally recognized tribal nations. The inherent rights associated with being enrolled AI/AN are outlined, documented, and detailed within the 500+ treaties written between the distinct 573 tribal nations and the U.S. government.

As individual communities, each of the 573 federally recognized tribes in the U.S. is its own sovereign nation. This translates to mean that there are at least 573 different AI/AN racial/ethnic populations in the U.S. Furthermore, to have the title of an enrolled AI/AN is to have the designation of a unique, exclusive, and sovereign political status that no other racial/ethnic populations have in the U.S. It is important to differentiate that AI/AN does not only signify a racial/ethnic populations but the designation carries the weight of a political status as sovereign individuals and nations. It is important to recognize this difference because enrolled AI/AN tribal members are the only populations in the U.S. that are required to provide proof to the federal government in order to receive access to inherent sovereignty rights and the services, programs and funding that have been allocated for the AI/AN populations under specified treaties.

Having a groundwork understanding on what sovereignty is and how sovereignty impacts the daily lives of AI/AN, is at the forefront of being able to adequately provide the outlined services (including access to healthcare) which are embedded into the treaties between tribal nations and the U.S. government. Organizations have a rare opportunity to learn from the resiliency, sustainability and survivance of tribal nations.

Historical Contextualization of Tribal Treaties

What are tribal treaties?

Tribal nations' treaties with the U.S. carry the same status as treaties between the U.S. and foreign nations. Both are made under the U.S. Constitution and according to the U.S. Constitution, treaties are "the supreme law of the land." Treaties take precedence over any conflicting state law, which is why the treaty agreements between the tribal nations and the U.S. are government-to-government agreements/relationships. Moreover, treaties with tribal nations represent an acknowledgment of certain rights that have belonged to AI/AN since time immemorial, not a grant of rights. Furthermore, treaties between the tribes and the U.S. do not have an expiration date.

Although treaties with tribal nations can vary in topic and content, generally, tribal treaties are inclusive of but not limited to topics covering:

- Guarantee of peace
- An adaptation on minimized land boundaries
- Hunting and fishing rights (often including lands outside of the reservation boundaries)
- Tribal recognition of U.S. authority
- U.S. protection

How does tribal sovereignty impact the daily lives of AI/AN?

Along with the general topics, treaties often go into detail about the specific promises from the U.S. to federally provide health care, education, housing, economic development, and agricultural assistance.

Traditionally derived from European legal theory, the U.S. federal government embedded a federal trust responsibility into the treaties with tribal nations. Federal trust responsibilities are of the most important doctrines in federal Indian law. The trust responsibility is an obligation of the federal government – all branches and agencies – to protect tribal self-governance, tribal lands, assets, resources, and treaty rights.

Every time an AI/AN seeks out health care services (specifically at tribally, state, or federally funded organizations) there is a federal trust responsibility between the AI/AN tribal member and the U.S. government to have access to adequate health care under the U.S. Constitution. In today's society, it is the role of professionals working in health care organizations to have an understanding of where their organization can better address the inequitable health disparities of the original inhabitants of the U.S., under the federal trust responsibility of the U.S. Constitution.

Conclusion

In order to understand tribal sovereignty, and how sovereignty is applicable to the AI/AN communities today, as well as the role of non-tribal communities, organizations must understand that treaties, sovereign agreements and treaty adjustment laws provide for ongoing inherent rights through providing services that are critical to the survivance of AI/AN nations. Upholding sovereignty through the federal trust responsibility is a small price for the U.S. to pay for having requisition over territory which the U.S. government governs, has access to water and other natural riches to use. In other words, tribal lands were shared and ceded in perpetuity, so payments, or rather, services and programs are to continue evermore as well.

At its basic level, sovereignty is the fundamental recognition of the inherent right to self-govern. The history of the relationship between tribal nations and the U.S. government is long and complex but more importantly, the historical and contemporary state and status of tribal nations is well embedded into what makes the U.S. the country it is today. There may be federal policy about tribal sovereignty but making it a priority and putting tribal sovereignty at the forefront during decision making and program implementation is often a challenge for non-Tribal organizations. To say that we as individuals, as well as organizations, are aware of tribal sovereignty is one thing but acting upon it is another.

This brief is to serve as a baseline understanding and opportunity to continue the necessary contextual tribal learning focused on understanding tribal sovereignty, and to identify next steps towards the implementation of tribal sovereignty into day-to-day operations. Although this brief is somewhat extensive and detailed, it is not intended to be a complete comprehensive work on tribal sovereignty or the ways in which tribal sovereignty is or needs to be applied to the work being done in the current place in history. Tribes, allies, non-tribal partners, and the U.S. federal government are perpetually responsible for understanding, upholding and honoring tribal sovereignty.

Translating Tribal Sovereignty – Actionable Next Steps

Resources

An ongoing next step within the Tribal Learning Series is to utilize the Resources below to better implement tribal sovereignty into your organization's day-to-day practices, policies, and procedures. The Resources consist of useful, groundwork level information to continue individual and collective tribal learning within your organization.

Participate in Government to Government relationships training through the Governor's Office of Indian Affairs

The Governor's Office of Indian Affairs (GOIA) WA-State Government to Government Training is a one-day training session, which includes sections for participants to improve cultural awareness, explore a variety of legal issues impacting modern relationship building, increase their understanding of tribal sovereignty, and examine numerous approaches to working more effectively with tribal governments. The training allows sufficient time for questions and group discussion and should assist state employees in furthering their relationships with Washington State's twenty-nine federally recognized tribes. Visit <https://goia.wa.gov/training-0>

Implementation of Land Acknowledgements

The U.S. Department of Arts and Culture gives the public the tools to acknowledge the Indigenous peoples of the land now known as the United States of America in a simple yet powerful way. The act of acknowledgment is an honoring of the truths lived by AI/AN since time immemorial. Acknowledgment is the first step in highlighting the presence and resiliency of the Indigenous and original inhabitants of this land mass. Unfortunately, for many people outside of the AI/AN communities, land acknowledgments would be the first real world acknowledgment of Indigenous people in the present place in history.

- U.S. Department of Arts and Culture – Background and information
<https://usdac.us/nativeland>
 - A Guide and Call to Acknowledgment toolkit – How to build a Land Acknowledgment
 - #HonorNativeLand Signs and Posters

Washington State Health Care Authority (HCA) – Tribal Affairs

Tribal Affairs provides support and communication with tribes and tribal-related organizations for American Indian/Alaska Native (AI/AN) health care. Visit <https://www.hca.wa.gov/about-hca/tribal-affairs>

American Indian Health Commission

The American Indian Health Commission (AIHC) was created in 1994 by federally recognized tribes, Urban Indian health organizations and other Indian organizations to provide a forum for addressing tribal-state health issues. AIHC is a local resource for the 29 federally recognized tribes in Washington State. The ultimate goal in promoting increase tribal-state collaboration is to improve the health status of AI/AN by influencing state and tribal health policy and resource allocation. Visit <https://aihc-wa.com>

Indian Health Services

The Indian Health Services (IHS) is a federal agency within the Department of Health and Human Services and is responsible for providing health services to AI/AN in the U.S. IHS provides a health service delivery system for about 2.3 million AI/AN who each belong to one of the 573 federally recognized tribes in 37 states. The goal of IHS is to assure that comprehensive, culturally acceptable personal and public health services are available and accessible to AI/AN people. Visit <https://www.ihs.gov>

National Indian Health Board

Located on Capitol Hill in Washington DC, The National Indian Health Board (NIHB) represents Tribal governments — those that operate their own health care delivery systems through contracting and compacting, and those receiving health care directly from the Indian Health Service (IHS). Some of the services to Tribe, Area Health Boards, Tribal organizations, federal agencies, and private foundations include advocacy, policy formation and analysis, legislative and regulatory tracking, direct and timely communication with tribes, research on Indian health issues, program development and assessment, training and technical assistance programs, and project management. Visit <https://www.nihb.org/index.php>

Northwest Washington Indian Health Board

The Northwest Washington Indian Health Board (NWWIHB) provides public health services and advocates for improvements in Native health for Tribes in Northwest Washington. NWWIHB is a nonprofit corporation with Tribal representative on its Board of Directors from Lummi, Nooksack, Samish, Swinomish, Sauk-Suiattle, Tulalip, and Upper Skagit Tribes. Visit <https://www.indianhealthboard.org>

Northwest Portland Area Indian Health Board

The Northwest Portland Area Indian Health Board (NPAIHB) was established in 1972 and is a nonprofit organization serving the 43 federally recognized tribes of Oregon, Washington, and Idaho. Each member tribe appoints a Delegate via tribal resolution and meet quarterly to direct and oversee all activities of NPAIHB. NPAIHB focus on areas around health promotion and disease prevention, legislative and policy analysis, training and technical assistance, surveillance and research, and houses a tribal epidemiology center (EpiCenter) for serving and betterment of Native populations. Visit <http://www.npaihb.org>

Washington Indian Health Advisory Council

The purpose of the Governor's Indian Health Advisory Council (GIHAC) is to address issues in our state's Indian health care delivery system. It was created in 2019 through Senate Bill 5415. The Council includes representatives from tribes, Indian health, state agencies, and legislators. Visit <https://www.hca.wa.gov/about-hca/who-we-are/governors-indian-health-advisory-council>

Regional Tribal Coordinating Council

During the 1980's, the Regional Tribal Coordinating Council (RTCC) was developed out of policy in effect between tribal nations and Washington State Department of Social and Health Services. The North Sound region (also known as Region 2 within DSHS) is the only region in Washington State that has a standing meeting resembling the RTCC. The RTCC consists of representatives from all eight tribes in Region 2 as well as all divisions of DSHS. The RTCC has been foundational to building out Tribal-State relations specific to health and social services. Currently, the RTCC is convened by the Indian Policy Office under DSHS. Visit <https://www.dshs.wa.gov/office-of-the-secretary/indian-policy>

Missing and Murdered Indigenous Women and Girls

MMIW stands for Missing and Murdered Indigenous Women and Girls. In 2016, the National Crime Information Center reports that there were 5,712 cases of missing American Indian and Alaska Native women and girls, although the U.S. Department of Justice's federal missing persons database, NamUs, only logged 116 cases. Murder is the third-leading cause of death among American Indian/Alaska Native women after cancer and heart disease. This study's intention is to provide a comprehensive snapshot on the reality of the crisis of MMIW in this country. Visit <https://www.uihi.org/resources/missing-and-murdered-indigenous-women-girls>

U.S. Department of Veterans Affairs (VA) – Native American Veterans

According to the Department of Defense, American Indians and Alaska Natives have one of the highest representations in the armed forces. VA consults with American Indian and Alaska Native tribal governments to develop partnerships that enhance access to services and benefits by Veterans and their families. VA is committed to ensuring that Native American Veterans and their families are able to utilize all benefits and services they are entitled to receive. Visit <https://www.benefits.va.gov/persona/veteran-tribal.asp>

Washington State Department of Veterans Affairs

The Washington State Department of Veterans Affairs partners with Tribal Veterans Representatives, Tribal Veterans Service Officers, and Native American veterans from Indian tribes across Washington State, and tribes in northern Oregon and northern Idaho, in order to bridge the cultural and geographic barriers that sometimes exists. One way we do this is by sponsoring an annual Tribal Veterans Summit in cooperation with the U.S. Department of Veterans Affairs Office of Tribal Government Relations, the Seattle VA Regional Office, and local VA medical centers. The goal of these summits are to provide information and training on veterans' benefits, programs, and services that are meant to improve health and quality of life for all veterans and their families. Visit <https://www.dva.wa.gov/wdva-committed-serving-tribal-veterans>

Indian Country Today

Indian Country Today is a daily digital news platform that covers the Indigenous world, including American Indians and Alaska Natives. Indian Country Today is the largest news site that covers tribes and Native people throughout the Americas. Their primary focus is delivering news to a national audience via a mobile phone or the web. Visit <https://ictnews.org/>

National Congress of American Indians

The National Congress of American Indians (NCAI) was founded in 1944 and since then has been the oldest, largest, and most representative American Indian and Alaska Native organization serving the broad interests of tribal governments and communities. For nearly seven decades since its founding, NCAI has remained true to the original purpose of the organization: to be the unified voice of tribal nations.

As outlined in the NCAI Constitution, their purpose is to serve as a forum for unified policy development among tribal governments in order to: (1) protect and advance tribal governance and treaty rights; (2) promote the economic development and health and welfare in Indian and Alaska Native communities; and (3) educate the public toward a better understanding of Indian and Alaska Native tribes. Visit <https://www.ncai.org>

National Indian Education Association

The National Indian Education Association (NIEA) advances comprehensive, culture-based educational opportunities for American Indians, Alaska Natives, and Native Hawaiians. The traditional Native cultures and values are the foundations of our learning therefore, NIEA will:

- Promote educational sovereignty
- Support continuing use of traditional knowledge and language
- Improve educational opportunities and results in our communities.

NIEA was formed in 1970, in Minneapolis, Minnesota, by Native educators who were anxious to find solutions to improve the education system for Native children. The NIEA Convention was established to mark the beginning of a national forum for sharing and developing ideas and influencing federal policy. NIEA adheres to the organization's founding principles: 1) to bring Native educators together to explore ways to improve schools and the schooling of Native children; 2) to promote the maintenance and continued development of Native languages and cultures; and 3) to develop and implement strategies for influencing local, state, and federal policy and policymakers. Visit <https://www.niea.org>

The Affiliated Tribes of Northwest Indians

In 1953 farsighted tribal leaders in the Northwest formed the Affiliated Tribes of Northwest Indians (ATNI), and dedicated it to tribal sovereignty and self-determination. Today, ATNI is a nonprofit organization representing 57 Northwest tribal governments from Oregon, Idaho, Washington, southeast Alaska, Northern California and Western Montana.

ATNI is an organization whose foundation is composed of the people it is meant to serve — the Indian peoples.

In acting upon these principles, ATNI has taken as its purpose to: provide a forum for sharing information on matters of interest to its member Tribes, develop consensus on matters of mutual importance, assist member Tribes in their governmental and programmatic development consistent with their goals for self-determination and self-sufficiency, and provide for effective public relations and education program with the non-Indian communities. Through its conferences, forums, networks and alliances, it is the intent of ATNI to represent and advocate for the interests of its member Tribes to national Indian and non-Indian organizations and governments. Visit <https://www.atntribes.org>

North Sound Regional Tribal Resources

Disclaimer: In this section of the brief, the traditional names of the eight tribal nations that are part of North Sound ACH have been included and written in the Xwlemi Chosen, Lushootseed, or Lhéchalosem dialects as an attempt to acknowledge the original, Indigenous names and languages of The Peoples of the North Sound territory. North Sound ACH wants to acknowledge that the use of Xwlemi Chosen, Lushootseed, and Lhéchalosem languages does not represent or intend to represent the official or legal language of any tribal nations. But rather, acknowledge that the revitalization and continued learning of tribal languages is an ongoing work in progress within tribal communities and for tribal communities.

North Sound ACH wants to acknowledge the groundwork of and use of tribal nation resources:

- Lummi Nation Sche'lang'en Department
- Lushootseed – The Language of Puget Sound: <https://tulaliplushootseed.com/places/>
- Nooksack Cultural Resources Department: <https://nooksacktribe.org/departments/cultural-resources/>

North Sound ACH wishes to thank the tribal nations for the sharing their vast knowledge on the Xwlemi Chosen, Lushootseed, and Lhéchalosem languages, and for providing North Sound ACH staff with the opportunity to learn more about the traditional languages of the North Sound region. Please contact us if you find errors and we will promptly correct them. To learn about definitive languages, please contact the nations in question.

- Lhaq'temish (Lummi Nation) <https://www.lummi-nsn.gov>
- Noxsá7aq (Nooksack Indian Tribe) <https://nooksacktribe.org>
- Xws7ámesh (Samish Indian Nation) <https://www.samishtribe.nsn.us>

- Saʔkʷbixʷ-saʔkʷəbixʷ (Sauk-Suiattle Indian Tribe) <http://www.sauk-suiattle.com>
- Stuləgʷ abš (Stillaguamish Tribe of Indians) <https://www.stillaguamish.com>
- Swədubš (Swinomish Indian Tribal Community) <http://www.swinomish-nsn.gov>
- Dxʷlilap (Tulalip Tribes) <https://www.tulaliptribes-nsn.gov>
- Dxʷʔaha (Upper Skagit Tribe) <https://upperskagittribe-nsn.gov/>

Duality example of tribes, tribal alignment and tribal sovereignty paired with integration of non-tribal entities

Didgʷálič Center (Swinomish Wellness Center): “The Swinomish Tribe understands that our communities are connected, the opioid epidemic does not stop at a county line, or the city limits, or the Reservation Boundary. After much consideration, Swinomish has decided to fully fund an expansion of our Wellness Services. The Didgʷálič Center has developed the following services within the past four years: opiate task force, healthy community tip line, medication assisted treatment, transitional housing, a needle exchange and distribution of Naloxone Overdose Kits. Now Didgʷálič Center would like to share their knowledge, successes and approach with all community members.” Visit <https://www.didgwalic.com/index.html>