

ATTORNEY GENERAL TALKING POINTS
NATIVE AMERICAN HERITAGE DAY
JUNE 21, 1995

* I am delighted to be with you here today. I am pleased and honored to participate in today's program recognizing the many contributions made by the Native people to the Nations history and culture.

* I note that the theme of the program is "**Indian Tribes-- Present Day Governments**". That Indian tribes are governments with broad powers over their citizens and territories is a principle beyond dispute. They have been recognized as such by the federal government through treaties, executive orders and statutes.

* Since before the establishment of the United States, Tribal Governments have played a very important role in the history of the country. First as allies with the fledgling confederacy against the British; and, now, today as the institution providing a full array of services to persons in their territory.

* Tribal Governments reflect the diversity of the native peoples inhabiting the continent at the time of contact-- some are controlled by religious leaders, other by matriarchal systems and still others by democratically elected representative. Each is, however, unique, dynamic and serves to show how a pluralistic society can accommodate culturally diverse civilizations while strengthening the country as a whole.

* Since the formation of the United States over two hundred years ago, the native people and their governments have been subjected to many differing laws and circumstances. At the start of this century, Native Americans were nearly extinct. A rush was on by chroniclers and photographers to capture the **Vanishing Americans** in recordings and photographs. The vast majority of tribal governments were not functioning and their futures looked quite bleak. With the enactment of the New Deal legislation in the 1930s, the Congress, Courts and Executive Branches of government breathed new life in the government to government relationship which were first established during the treaty making period.

* Starting with the passage of the 1934 Indian Reorganization Act, the Congress reversed the approach of the federal government in its dealing with Indian tribal governments.

That Act provided the means to revitalize tribal governments, recognized their inherent power and the tribes responded in a positive way. Since then, the tribes have built on this foundation. In the 60s, they were granted more control over programs funded by the federal government through the Indian Self Determination Act and at present their authority is being expanded through the Self Governance programs enacted by Congress.

* The Supreme Court, although limiting the power of tribes to try non-Indians for criminal offenses in Oliphant v. Suquamish Indian Tribe, 435 U.S. 191 (1978), has

recognized that tribal governments have inherent authority to exercise civil jurisdiction over persons and activities within their territories. Iowa Mutual Ins. Co. v. LaPlante, 480 U.S. 9 (1987).

- * Beginning with President Johnson, each president has reaffirmed the government to government relationship and has taken action to strengthen it. President Clinton in April of last year reaffirmed the United States' government to government relationship with Indian tribes and their citizens. And in an Executive Order, he directed that the executive branches consult with tribes before undertaking action effecting them. This order mandates a new way in dealing with tribes--through dialogue and consultations. It will ensure that tribal governments have a meaningful role in the formulation of

governmental programs which effect their citizens.

* When I became Attorney General I was concerned that the Department of Justice may not have been dealing openly with tribes in carrying out the nation's trust responsibilities. In an effort to find out from them what the Department could do to improve relations with them, and at the urging of tribal leaders, I attended a two day conference with several hundred tribal leaders last year.

* At the conference, I heard the leaders explain how their governments functioned, heard their complaints about the lack of consultation with tribes, and heard their requests for a closer and more open working relationship with the

Department.

- * In response to those concerns the Department created the Office of Tribal Justice; that office acts to coordinate policies affecting Indian matters within the department, provides a place to serve as a contact point for the tribes, communicates with tribal representatives on Departmental issues of concerns to tribes and ensures that the Department's policies and positions are clearly communicated to tribal governments.

- * Lastly to memorialize the Department's implementation of the President's Executive Order of April 29th, 1994, on June 1, I signed the Department's **Policy on Indian Sovereignty and Government-to-Government Relations with Indian Tribes**. This policy reaffirms the

Department's recognition of the sovereign status of tribes, inform others of the Department's working relations with tribes and to guide the department in its work in the field of Indian affairs.

* I am very encouraged by the progress made in strengthening the government to government relationship this century. Today we are less than five years away from a new century, it is my hope that at the dawning of it, tribal governments will be accorded the full respect to which they are entitled.

* Again, it is a great pleasure to participate with you today. Working together we can make a difference.

Thank you.