

## MEMORANDUM

TO: **JOE DELACRUZ**

FROM: R.C. Ryser

SUBJECT: FLNT Reference Materials for Great Lakes Meeting --  
May 20 - 22, 1985. and NCAI June 3 - June 6.

DATE: 18 May 1985

Since you will be making a presentation on the same panel as CMJ, it would seem most appropriate for you to deliver a message concerned primarily with "What Do We Do Now?" Gummie will present a description of the problem, where we succeeded and where we failed during the Nix 456 Campaign, and he will describe the National Anti-Treaty Network as revealed in First Our Land, Now Our Treaties. I would suggest that your message focus on the following:

1. The effort to deal with Anti-Treaty opponents must be first organized and then based within tribal communities and Indian Governments -- not in regional or national Indian organizations. Such organizations must take the lead of Indian communities and governments.

2. The current assault on Indian nations and tribes may be directed at forcing the U.S. Congress to abrogate treaties, but it is essential that it be understood that the operatives of the National Anti-Treaty Network have an organizational base inside Indian territories as well as outside -- and they include "non-tribal Indians" as well as non-Indians.

3. The hardcore opposition is motivated by fundamentally racists and self-interested thinking, and their numbers are relatively small, but they work hard at gaining legitimacy in the public mind by connecting their positions with the positions of legitimate organizations and government officials who have legitimate concerns.

4. A strategy to deal with the National Anti-Treaty Network at the local, regional and national levels is being completed. Once operational, it will require that those who will work with Indian nations and tribes will follow the plan of action exactly as it is spelled out. Only those who are prepared to sustain a disciplined effort will be asked to participate in the effort.

5. Finally, for those who are interested and are prepared to work with their own government and community according to a plan of action, they may use the attached document to explain the situation faced by Indian peoples. The document has a form attached which asks for information from an interested tribe that should be sent to the address noted. In exchange, the interested tribe will receive materials from us.

The presentation you give represents a good opportunity to describe what we are

attempting to do (note attached) and, what we believe other tribes must do with us. The same approach could be used at the NCAI mid-term. The basic principle on which the FLNT Strategy has been developed is that instead of organizing from the top - down, we will organize from the tribal level up. While this takes more effort, we can expect to have developed a much more firm political foundation for Indian Governments and for Indian Rights if Indian Communities serve as the base of our own political movement.

Because we can't be absolutely certain that all the people you talk to will be committed to the FLNT Strategy now nearing final development by the Steering Committee, it is important that each interested party go through a "filtering" process. That is the purpose of the "Information Request Form".

I would suggest that you ask someone at the Great Lakes meeting to make copies of the "Packet" (COTG Letter and Information Request Form) so that individuals can have copies to take to their Councils. At the NCAI meeting, I would suggest that you ask Suzan to make copies for the delegates.

You can use the COTG Letter as a reference document when you make your presentations at both meetings.

The document entitled "Indian Governments and Washington State Government" is only a first "cut". I will have a final by May 22nd.

The Steering Committee met at Shoalwater last week and reviewed the FLNT Strategy Draft. They will meet at Quileute on the 21st to finalize the Draft and finalize the approach to Project Framework in connection with Washington State. I am anticipating D. Foster's agreement on Monday (May 20) to a May 23rd Preparatory Meeting. I have mentioned the possibility to W. Jackson and give details during the Quileute Meeting of the Steering Committee on May 21. Good Luck on your trip.

(File: JBD-FLNT.mqn 180585K-3)

TO:        STEERING COMMITTEE

FROM:     R.C. RYSER

SUBJECT: UPDATE--TRIBAL/STATE GOVERNMENT FRAMEWORK INITIATIVE

DATE:     01 May 1985

This memorandum reviews and updates the Tribal/State Government Framework initiative begun in January as an aid to members of the Steering Committee. A review of the recent events leading up to the Fourth Session of the Conference of Tribal Governments and the General Assembly's subsequent charge to the Steering Committee to "Continue initial efforts to establish a formal dialogue between Indian Governments and the State of Washington for the purpose of establishing a framework for the conduct of formal Government-to-Government relations" (COTG GA Resolution #2-032385/1) is desirable in order to ensure that all members of the Steering Committee are fully briefed.

On October 25, 1984 Colville Vice Chairman Mel Tonasket and Quinault Chairman Joe DeLaCruz signed a joint letter to the Chairmen of tribes surrounded by the State of Washington stating that, circumstances being what they are (potential loss of 456 campaign, growing anti-Indian movement, economic instability of Indian Governments, the likelihood of a change in Washington State Administration and the continuation of the Reagan Administration, etc.), Indian Affairs is in a virtual "State of Emergency". This letter precipitated a series of meetings from November through February, involving tribal officials, where general consensus was developed around the need to renew Tribal/State dialogues, renew operation of an intertribal mechanism, organize initiatives to resolve the tribal economic crisis and formalize government-to-government relations with the State and with the United States.

Eight meetings were held as a result of the October 25, 1985 letter. Unfortunately, these meetings had had varied participation as a result of

conflicting schedules, and, frankly no small amount of confusion. During one of these meetings, the so called Pacific Northwest Tribal Roundtable held at the Daybreak Star Center on January 5, 1985, it was concluded by several tribal officials that immediate steps should be taken to open a dialogue between Indian Governments and the newly elected Washington State Administration. That even though all Indian Governments were not present at the meeting, the initiative should be started to lay the foundations for future formal discussions.

Quinault Chairman Joe DeLaCruz was asked to spearhead the initiative because of his close association with the newly elected State Administration and because of his long-standing role in Tribal/State relations (President of the National Congress of American Indians and Co-Chairman of the National Commission on State/Tribal Relations). Chairman DeLaCruz agreed and immediately requested that a working delegation be formed.

The Quinault Government followed this meeting by preparing a document describing a process for establishing a dialogue with the State of Washington entitled: "PREPARATORY STEPS TOWARD AN ONGOING DIALOGUE BETWEEN INDIAN GOVERNMENTS AND GOVERNOR GARDNER -- FUTURE RELATIONS." (January 15, 1985). This document was presented to a meeting of Indian Government officials at Squaxin Island. Participants in that meeting, including representatives from Yakima, Colville, Skokomish, Chehalis, Quileute, and others agreed to the described process contained in the January 15, 1985 document, and urged its immediate execution.

The document described a three-step process including 1. PRELIMINARY STAFF BRIEFING, 2. PREPARATORY BRIEFING, and, 3. FORMAL TALKS. In accordance with the agreed-to process, the Quinault Government subsequently prepared a document entitled "INDIAN NATIONS AND WASHINGTON STATE: Toward Working Inter-Governmental Relations, Preliminary Briefing Document" (January 21, 1985). This document was delivered to Office of the Governor Chief of Staff Dean Foster on January 21, 1985 as a part of Step 1 PRELIMINARY STAFF BRIEFING. The document contained a

short background description of past efforts to establish a dialogue (from early 1970's to the present). It also contained supplemental documents including a copy of the Joint Statement of Governor Dixy Lee Ray and the Conference of Tribal Governments issued in 1977), a copy of the transcript of discussions between Tribal Officials and the State's Governor in 1977, and copies of the Policy resolutions adopted by the Conference of Tribal Governments Session I in 1977.

Following the conclusion of Step I, the Briefing Document and the Staff discussion that ensued was reviewed with Tribal Officials at a meeting called on the Muckelshoot Reservation. It was decided at that point that Step 2 PREPARATORY BRIEFING should commence. That step would involve tribal officials in an informal meeting (s) with Chief of Staff Dean Foster. Arrangements for that meeting were to commence immediately. The Quinault Government took steps to arrange the Preparatory Briefing which the Governor's Office agreed should be held on February 14, 1985 in Olympia at the Governor's House Restuarant.

That meeting took place and included representatives from the Yakima Nation, Quileute, Squaxin Island, Quinault, Makah. The Spokane Representative was invited but was way-layed and the Skokomish Representative was invited, but was unable to attend.

The results of that meeting were contained in a memorandum entitled "... UPDATE CONCERNING INTERTRIBAL RELATIONS" (February 20, 1985). It was during Session IV of the Conference of Tribal Governments that this first preparatory meeting of Step 2 was reviewed. These points were highlighted in the February 20 memorandum as conclusions from the preparatory meeting:

1. The informal discussions (step 2) should continue.
2. Each side should designate a staff-level working group so that information communications can be exchanged between informal discussion sessions, and arrangements can be easily made for succeeding informal discussions. (R. Ryser was designated as the lead staff person to be joined by others to be appointed and Foster would continue to serve for the State's side. Quinault requested that four more tribes lend staff persons to make up the Indian Government staff-level working-group -- Quileute offered Sam Black and Colville offered Wendell George.).
3. Dean Foster and Joe DeLaCruz agreed to independently talk with Jim Waldo concerning the possibility that the Northwest Renewable Resource Center could become available as a mediator between the State and Indian Governments during the preparatory phase and the formal discussion phase.

Subsequent to this preparatory meeting and these informal understandings, Tribal officials agreed that a Conference of Tribal Governments Session should be called and that steps taken to the point of February should be reviewed and discussed. Further, it was concluded that broader Indian Government involvement should be sought before the next preparatory meetings would be scheduled.

Session IV of the Conference of Tribal Governments was convened in March where tribal/state relations discussions were reviewed. Session IV considered the previous resolutions adopted by Sessions I - III of the COTG regarding Tribal/State relations and subsequently updated those resolutions by reference by adopting COTG GA Resolution #2-032385 (Principles of Government-to-Government Relations: The Conduct of Inter-Governmental Relations.)

UPDATE:

Resolution #2-032385 designated the Steering Committee as the body responsible for continuing the tribal/state government framework initiative. The staff working-group including Sam Black, Quileute; Wendell George, Colville; and Rudy

Ryser, Quinault is in operation but requires the addition of two more individuals. The Tulalip tentatively agreed to appoint Linda Jones as a member of the working group, though that has not been finalized.

While the COTG has formally put in place several key elements to continue Step 2 Preparatory Briefing or discussions, no further actions have been taken either on the Tribal side or the State side. At Session V of the Conference of Tribal Governments, it was suggested that the Steering Committee and the staff working-group immediately recommence the initiative after reviewing the 1977 resolutions. Informal communications from the State indicate that the Governor's Office will be prepared to commence informal talks between the Governor and Indian Government officials followed by formal talks in June. It is likely, therefore, that Step 2 initiatives should be carried out during May so that Step 3 can commence in June.

WHAT NOW FOR STEP 2?

It has been suggested that the Steering Committee now attend to redrafting the Policy Resolutions adopted in Session I to serve as the updated basis for continuing the Step 2 Preparatory Briefing. Upon reviewing the Session I Policy Resolutions and examining COTG GA Resolution #2.032385, I would offer the opinion that revising the 1977 resolutions will not substantially advance the process in which we are currently engaged. I believe that Resolution #2.032385 substantially constitutes the necessary revisions and reflects the current thinking of Indian Governments. I would suggest that the Steering Committee could be more productive, and, therefore contribute to the immediate advancement of the tribal/state process of building a dialogue and framework for government-to-government relations if the following things were done:

1. The Steering Committee author a letter to the Governor summarily reviewing the process up to the present and offering a concrete proposal for the continuation of the process. The letter would describe the steps taken by

Indian Governments to prepare our side for Preparatory Talks, and the letter would describe the understandings we have about the steps the State has indicated it is prepared to take (Foster's suggestions). In other words, this letter would formally place on the Governor's front steps a specific, and now formal proposal for establishing a working government-to-government process for establishing an intergovernmental framework for formal talks.

2. The Steering Committee direct the Staff Working-Group to prepare internal discussion papers on the following subjects:
  - a. Tribal/State Intergovernmental Framework.
  - b. Tribal/State Economic Relations
  - c. Tribal/State Civil and Criminal Jurisdiction.
  - d. Tribal/State Political & Social Responsibilities toward Indian Citizens, and non-tribal Indian and non-Indian citizens.
  - e. Tribal/State powers and responsibilities in the fields of Environment, and Natural Resources.

These discussion papers would serve as internal working papers as well as an amplification of the 1977 Resolutions. They would also serve as the basis for Indian Government proposals for the establishment of working principles of government-to-government relations with the State when Step 3 FORMAL NEGOTIATIONS commence.

3. The Steering Committee should give instructions to appropriate staff to reestablish communications with Chief of Staff Foster to arrange a schedule of PREPARATORY BRIEFINGS involving the Steering Committee and key senior Staff of the Gardner Administration during the next several weeks. These PREPARATORY BRIEFINGS should be used to improve key State staff understanding of the process and their own policies while laying the foundation for the establishment of informal discussions between the Steering Committee and Governor Gardner in June.

I would suggest that if these concrete measures, or measures similar to these were taken by the Steering Committee, the process would be more fruitfull, and the progress deemed necessary by Session IV of the Conference of Tribal Governments will have been achieved.





# Quinault Indian Nation

POST OFFICE BOX 1118 □ TAHOLAH, WASHINGTON 98587 □ TELEPHONE (206) 276-4445

29 January 1985

MR. DEAN R. FOSTER, Chief of Staff  
Office of the Governor  
Legislative Building  
Olympia, Washington  
98504

Dear Mr. Foster:

During our brief telephone conversation on 25 January we agreed to meet in your office on 28 January at 10:00 AM. to conduct a preliminary discussion concerning Indian and State government relations as originally suggested in my letter of 21 January. This letter is intended to outline the highlights of that meeting and recap the major points discussed.

The preliminary discussions commenced shortly after 10:00 AM involving the following people: Dean Foster, Governor's Chief of Staff; Governor's Counsel Terry Sebering and Rudy Ryser, Advisor to Quinault Chairman Joe DeLaCruz.

Referencing the Preliminary Briefing Document, previously transmitted to your office entitled, "Indian Nations and Washington State: Toward Working Inter-Governmental Relations" (21 January 1985), I outlined the Indian Government proposal that the State of Washington and Indian Governments renew an inter-governmental dialogue to establish a "frame-work" for the establishment of on-going government-to-government relations. I reviewed the Indian government initiatives in relations to the State Government during the period of 1977 -1979, and emphasized the need to establish a working inter-governmental frame-work based on mutually agreed Principles of Relations. I discussed the major policy-issue areas underwhich working principles were proposed by Indian Governments and noted that once such working principles are mutually agreed upon the basis for future talks on broad and narrow areas of inter-governmental conflict will have been established.

I outlined the broad policy areas underwhich mutually agreed

principles of inter-governmental relations should be established. These included: Natural Resources (i.e. land, water, timber, minerals, fish and wildlife); Economic relations, Social Policy, Powers of State and Indian governments, Jurisdictional Relationships and the need for a working intergovernmental mechanism between Indian Governments and the Washington State Government.

We discussed procedural considerations which could lead to the establishment of a formal Indian and State government dialogue. The points mentioned were:

1. Before formal discussions could commence, the Governor's Office will need to conduct an internal, departmental review of State policies and practices in dealings with Indian Governments.
2. That the proposal for the development of a framework for inter-governmental relations between Indian and State governments be undertaken in steps and stages involving both formal and informal processes.
3. That the process of developing a framework for inter-governmental relations include two levels: Policy level discussions concerned with principles of relations and medium to long-term issues, and, Staff-technical level discussions concerned with immediate problems and short to medium-term issues.
4. The two-level process should permit ongoing discussion of specific problem areas even as effort continues on the development of a framework for inter-governmental relations and mutually acceptable principles for a working government-to-government system.
5. That informal sessions involving the Governor's Chief of Staff, the Governor and Tribal Officials be conducted semi-regularly in the short-term as preparation for future formal talks and to deal with immediate legislative and administrative issues.
6. That a first informal session involving the Governor's Chief of Staff and several Indian Government Chairmen be conducted

within the next two-weeks.

At Chairman DeLaCruz's request I offered to make the following document available to the Governor's Chief of Staff: Government-To-Government: Issue Paper outlining A Rationale For United States and American Indian Governmental Communications, Consultation and Co-Existence (January 1985) prepared under the direction of the National Congress of American Indians and currently under review by the NCAI until February 8, 1985 when a final document on this subject will be published. I have enclosed a copy of the NCAI "government-to-government" outline rationale for your information. I have also enclosed a copy of President Reagan's White House Indian Policy Statement (January 24, 1983) to which the NCAI document refers.

Please note that while the NCAI document refers in part to the Nuclear Waste Policy Act of 1982, the discussion of Indian Nation and U.S. intergovernmental relations is couched in terms of broader government-to-government relations.

At the close of our meeting I reaffirmed two earlier requests that, 1. The Governor's Office indicate, in principle, whether it is willing to enter into an inter-governmental process with Indian Governments at the level and in the form proposed, and 2. That the Governor's Office indicate whether it is acceptable that an informal preparatory meeting between the Governor's Chief of Staff and several Indian Government Chairmen be conducted within the next two-weeks. May I suggest that your response to these initial requests be formally made in a letter to Chairman DeLaCruz at your earliest convenience. I will be in touch with you regarding the latter point by Friday, February 1.

Sincerely,

RUDOLPH C. RYSER  
Advisor to the Chairman

cc: Chairman DeLaCruz  
Indian Government Chairmen  
File

INDIAN NATIONS AND WASHINGTON STATE  
Toward Working Inter-Governmental  
Relations

Preliminary Briefing Document  
(21 JANUARY 1985)

29/01/85

FYI:

materials we  
discussed last week

Thanks for your  
help with Foster! We  
met yesterday R.

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Office of the Chairman  
QUINALT INDIAN NATION  
Taholah

# C O N T E N T S

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BACKGROUNDER.....	1-5
SUPPLEMENTAL DOCUMENTS.....	
Joint Statement of Governor Dixy Lee Ray and the Conference of Tribal Governments.	
Transcript of Luncheon Meeting Between Governor Dixy Lee Ray and Delegates to the 1977 Conference of Tribal Governments.	
Policy Resolution/Fishing Issues	
Policy Resolution/Jurisdiction	
Policy Resolution/Human Resources	
Policy Resolution/Natural Resources	
Policy Resolution/Tribal Government	
Policy Resolution/Tribal Government-State Government Relations	

INDIAN NATIONS AND WASHINGTON STATE  
Toward Working Inter-Governmental  
Relations

Preliminary Briefing Document  
(21 JANUARY 1985)

BACKGROUND

Since the establishment of the State of Washington in 1889, relations between Indian Nations and the State have been frequently marked by serious tensions and conflict over issues ranging from hunting and fishing to land-use jurisdiction, education, health, law enforcement, environmental protection, taxation and business regulation. Occasionally such conflicts have taken the form of smouldering political confrontation, while many conflicts took the form of smouldering political confrontation and active litigative confrontations.

During the early part of this century, communications between the State government and Indian governments ran hot and cold. The U.S. Government often intervened and settlement of tribal-state conflicts were rarely satisfactory. From the end of World War II to the end of the 1960s, tribal-state relations remained confrontational though efforts to establish discussions between the State and Indian Nations began to break-down many past obstacles to mutual understanding.

Informal Tribal-State Discussions:

Informal discussions and information exchange became

slightly more formal in the early 1970's when many Indian officials agreed to sit on a State-created Governor's Indian Advisory Committee. The Governor of the State and Tribal Officials occasionally met in informal sessions to talk about the effectiveness of State policies toward Indian people and frequent mention was made about Public Law 280, water rights, fisheries controversies, hunting rights, and economic hardships on reservations and in Indian communities. These exchanges proved to be largely educational in character, and little substantive change in Washington State or Indian Government policies toward each other resulted.

These meetings did, however, produce a broader initiative that created the Indian Affairs Task Force (a joint task force created from the Governor's Indian Advisory Committee and the Governor's Advisory Council on Urban Affairs). The Task Force conducted an eight-month study which resulted in a published Report of the Indian Affairs Task Force entitled "Are You Listening Neighbor?" (February 1971) This report contained seventy-two recommendations to the State Executive Branch and Legislative Branch, the Federal Government and to Indian Governments. Recommendations covered the areas of Jurisdiction on Indian Reservations, zoning, fishing rights, water rights, employment and economic development, public assistance, health, education, and housing.

#### Substantive and Policy Issues Defined:

Next to a booklet describing Indian tribal cultures in the past tense, published by the Washington State Secretary of State in the late 1950's, the Indian Affairs Task Force Report was the only

formal initiative within State Government to deal with Tribal-State relations. Unlike the 1950's booklet, the Task Force Report dealt with substantive, and policy issues tied to the legal, political, economic and social relations between Indian Nations and the State of Washington.

Publication of the Indian Affairs Task Force Report did not prevent major conflicts between State and Indian Governments during the 1970's, but there was a slight increase in direct communications. Political and litigative confrontations abounded. Taxation, cigarette sales on reservations, fireworks, fishing, zoning, boundary disputes, environmental disputes, water rights disputes, and law enforcement jurisdiction were among the issues dominating the volatile relations between the State and Indian Governments.

These conflicts peaked in 1977 when the American Indian Policy Review Commission, a joint Congressional Commission, published its final report. After years of conflict, dozens of court cases and intense political confrontations a U.S. Commission urged the need for establishing cooperative arrangements between Indian Governments and State Governments. Indian Government leaders in the Pacific Northwest seized the initiative and called for the establishment of formal "government-to-government" relations between Indian Governments and the State of Washington.

#### Formal Government-To-Government Process:

Indian Government leaders convened a series of inter-tribal meetings outside the framework of the State Government and within the framework of Indian Governments. The Conference of Tribal Governments



proposed a multi-lateral process of discussions and formal talks between State Officials and Indian Government Officials to reduce tensions and establish ongoing formal communications on matters of intergovernmental policy and principles.

The Conference of Tribal Governments formulated several principles which were to serve as the foundations for discussions between Indian Governments and the State. These were:

1. *Serious talks must commence between tribal governments and the Washington State Government on a wide range of issues on a "government-to-government" basis.*
2. *Both governments must clearly understand their authority and define their responsibilities in the areas of legal and political jurisdiction as natural resources and Indian citizens are concerned.*
3. *Tribal Governments and State Government must clearly define their responsibilities to serve and protect Indian citizens no matter where they physically reside.*
4. *Tribal governments are not political sub-divisions of the State Government, but separate and politically distinct units of government which must be dealt with through a separate framework defined and agreed to by tribal governments and the State government.*
5. *The State Government has limited authority to act on matters related to Indian Affairs and must, therefore, secure the consent of affected tribal governments before any State actions can commence.*
6. *Formal mechanisms should be created between tribal governments and the state government to facilitate negotiations on disputes and an effective flow of information.*

(Report of the 1977 Conference of Tribal Governments:  
Introduction)

On the basis of these principles and additional principles contained in six "Policy Resolutions", (See Annex) Indian Government

Leaders and then Governor Dixy Lee Ray conducted a series of talks aimed at formalizing mutual agreement on principles, structures and guidelines for tribal-state intergovernmental relations.

Unfortunately, these talks were interrupted by a change in Washington State's elected leadership in 1979. The new governor did not share the previous administration's willingness to discuss a working intergovernmental relationship between the State and Indian Nations. While this was generally true on broad issues, progress was, however, made in the area of Fisheries. Credit for progress on this issue was more due to the Director of Fisheries than to the Governor. Effective and intelligent discussions between Indian officials and the Director of Fisheries has contributed to substantial reductions in tension and increased cooperation between the State and Indian Governments in fisheries management.

Despite the progress in Fisheries, the broad principles and other areas of controversy remain unresolved. This uncertain situation leaves both Indian Governments and the State Government operating in a broad vacuum which can only be resolved by renewing intergovernmental discussions in the form and at the level established in 1979.

A review of the annexes to this background should provide a substantial indication of the level and character of discussions currently proposed.

1977  
CONFERENCE OF TRIBAL GOVERNMENTS

Doubletree Inn, Tukwila  
February 12-15, 1977

Joint Statement of Governor Dixy Lee Ray

and the

Conference of Tribal Governments

We, the representatives of twenty-four (24) Northwest Tribal Governments in the State of Washington, and I, Governor Dixy Lee Ray and my representatives, have addressed many of the issues and problems that affect the continuing relationship between the State and the thirty-six (36) Tribal Governments in this State.

Four days have been spent by the Tribal representatives in working out the language of proposals to both the State and Tribal Governments which are agreeable to participants at the Conference. The Tribal Governments which are represented at this Conference believe that the conclusions reached in the form of resolutions can have far-reaching effects on both the State and the Indian Tribes.

In a climate of controversy that has developed around Indian treaty rights and the place of Indians in this State, much of the necessary objectivity that is needed to solve problems has been lost in the politics of special interests and factions. We hope to rise above that factionalism and create a new basis for State-Indian relations in the future.

Among the issues Tribal Governments have addressed are: Fishing Issues, Jurisdiction, Human Resources, Natural Resources, Tribal Government, and Tribal Government/State Government Relations.

During the winter of 1976, the public debate surrounding tribal governmental authorities was characterized by intemperate remarks issued by certain public officials. These remarks were seen by Tribal Government officials as attempts to inflame public opinion against Tribal Governments and the people they represent.

Tribal Governments have urged State officials and private citizens to elevate the public debate to a level of responsible and informed discussion of the issues. In an attempt to promote such responsible debate, the Tribal Governments convened this Conference of Tribal Governments. Responsible officials of State Government were invited to begin a process of talks and exchange of information. Governor Dixy Lee Ray has agreed to enter into reasoned dialogue with the leaders of Tribal Governments.

It is anticipated that this initial dialogue will lead to continuing talks on a wide range of issues affecting the rights and property of Indian citizens. It is further anticipated that respect and a policy of mutual co-existence between Tribal and State Governments will evolve.

Issued: February 15, 1977

1977  
CONFERENCE OF TRIBAL GOVERNMENTS  
Double tree Inn, Tukwila  
February 12-15, 1977

TRANSCRIPT OF LUNCHEON MEETING BETWEEN  
GOVERNOR DIXY LEE RAY  
AND DELEGATES TO THE  
1977 CONFERENCE OF TRIBAL GOVERNMENTS

APPEARANCES: Chairman, Roger Jim  
Mr. Joe DeLaCruz, Quinault  
Mr. Russell Jim, Yakima  
Mr. Sam Cagey, Lummi  
Ms. Lucy Covington, Colville  
Ms. Mary Jo Butterfield, Makah  
Mr. Calvin Peters, Squaxin Island

DATE OF TRANSCRIPT: February 15, 1977  
REPORTED BY: Valerie Wedekind

Submitted by:  
IRWIN & ASSOCIATES, CSR's  
1525 Peoples National Bank Building  
Seattle, Washington 98171  
Telephone: 623-7881

Retyped by STOW

TRANSCRIPT OF LUNCHEON MEETING BETWEEN  
GOVERNOR DIXY LEE RAY  
AND DELEGATES TO THE  
1977 CONFERENCE OF TRIBAL GOVERNMENTS

Tukwila, Washington  
Tuesday, February 15, 1977  
11:00 A.M.

CHAIRMAN JIM: We will come to order at this time at the luncheon meeting here with our Governor, Dixy Lee Ray. We will have a welcome speech from the Shoalwater Tribe. They are the host tribe here; Rachael.

RACHAEL WHITISH: All I want to do is thank everyone of you for coming here, and I want to make a special welcome to Dixy Lee Ray to be present at this time. Thank you.

CHAIRMAN JIM: Thank you, Rachael.

GOVERNOR RAY: May I? Thank you. I just want to say in reply that I appreciate very much the invitation to be here with you today. I am happy for this word of welcome from the Shoalwater Tribe. I haven't had a chance individually to greet each one of you, but I trust that will be possible, if not today, in the days to come. I am looking forward with a great deal of anticipation to the discussions, whatever it may be and to the outcome. We all know that we will not find ultimate resolution of all of the questions in a short time. We will be dealing, as I have just seen from your outline, with many complex issues.

I want to compliment the organizers of this conference on the very fine work that is going into it. I know it is going to be very useful both for the Indian people and for the State Government. I hope that today's discussions is simply the first step in a long journey, the first of many such meetings which will lead to a time that when we will find our relations out of mutual respect and our avenues of working together both greatly enhanced. Thank you.

CHAIRMAN JIM: At this time, I will introduce the chairpersons of the special issues that are going to be discussed with you during this luncheon. On your right, coming around, is Joe DellaCruz. He is the Chairman of the Quinault Tribe. He is the Chairman of the Tribal State Relations Committee.

Next to him is Russell Jim, from Yakima, member of the Legislative Committee Council, and he is Chairman of the Natural Resources Committee. He will be talking about natural resources.

Next to me here is Sam Cagey from Lummi. He is now the Chairman of the Lummi Tribe. He is also Chairman of the Fish Committee that will be presenting their feelings about future issues to you.

On my right is Lucy Covington. She is the Chairperson for the Colville Tribe. She is also Vice President of Affiliated Tribes of the Northwest. She is the Chairperson for the Jurisdictions Committee that will be talking to you about law and order, and such.

That place is suppose to be filled by Mary Jo Butterfield who will be here later. She is a member of the Makah Tribe. She is the Chairperson of the Human Resources Committee.

There, next to you, is Mr. Cal Peters, the Chairman of the Squaxin Tribe, and he is the Chairman of the Tribal Government Committee.

It is my pleasure to be able to sit across the table from you at this time. So, to begin, we will ask Jo to give his feelings in regard to Tribal State relations.

MR. DEL LA CRUZ: Dr. Ray, it is my pleasure and honor to present on behalf of the conference and the Indians of the State of Washington, some of the feelings and areas of concern of the Indian people regarding the State of Washington and Indian tribal government relations.

After three days of deliberation, the representatives of 24 tribal governments have agreed on a host of issues and policies which may affect the future relations between the State of Washington and 36 Indian nations and tribes located in this area. We have noted that since the formation of the State of Washington in 1889, the relations between the Washington State government and the many tribal governments, long present in the region, have been persistently strained.

Tribal governments have experienced near constant threats issued by the State government aimed at reducing tribal government authorities -- and imposing the will of State government over Indian rights and property. The State government has attempted to subordinate tribal governments while asserting no responsibility for its actions effecting tribal governments, Indian people, and Indian resources.

Although historically we work with Indian people with past governments on building better relationships, in the 1950's, one of your predecessors was instrumental in forming a Governor's Interstate Council of Indian Affairs. In the early formation of this organization, the Governor chose the Indian person who represented the Indian People. As the negotiations and the deliberations of the State government pursued through the years, your predecessor, Governor Evans, at a meeting in his office, formed the present Governor's Advisory Board that we had as a vehicle to try to get our input for Indian-State relations. That organization in that set-up did not meet our needs.

The tribal governments have broad authority to deal with other units of government without limitations. We have found that the State government has authority to deal with other units of government pursuant to its enabling act, but is limited in its authority by the National government to deal with tribal governments.

Both tribal and State governments have constitutional responsibilities to serve and protect Indian citizens -- both governments must preserve and protect the special rights of Indian people. The State government must understand and respect the governments within its boundaries to insure effective service and maximum protection of Indian citizens. Because of the physical proximity of Indian Nations and tribes to the State of Washington, conflicts over authorities and responsibilities in the areas of jurisdiction, natural resources, and Indian rights, exist.

In accordance with these findings, we believe new attempts should be made to improve the relations between our governments. We, the representatives of the 24 tribal government, offer the following proposals:

That the Office of the Governor should examine several alternative staff arrangements to insure that the Governor and Executive Branch subordinates are fully informed about limitations on State government authority and relations with tribal governments; and,

That should the Governor or legislature decide to establish Indian advisory groups within the State government, they should be composed of Indian citizens of the State of Washington, provided that an adequate intergovernmental forum is established to permit open and responsible exchange of information; and,

That both tribal governments and the Washington State government seek agreement on the degree and extent of governmental responsibilities for serving and protecting Indians, given that Indians are members of tribes and nations and citizens of the State of Washington; and,

That tribal governments should formally create an inter-tribal forum separate from the State and National governments to insure maximum coordination and communication among tribal governments to negotiate and better our relations with the State of Washington.

I will present also a policy resolution regarding remarks, and I thank you for the opportunity to present this statement of position on behalf of the Indians of the State of Washington. Thank you.

GOVERNOR RAY: Thank you very much.

I too am very interested in the recommendations which you have drawn up and look forward to receiving them.

I am aware, of course, of the existence of the Indian Advisory Council. We have spoken of this individually on a number of occasions in the past, and believe that the initiative for how such a group can best serve the needs of the tribes, meeting people in general; that initiative should come from the group.

I stand ready to discuss with you any of several possible arrangements that might be made to have a body recognized by the Executive Branch as the official mechanism for liaison. I think we need to consider closely what role the legislature might play, because we can take some actions by executive order, but if we get into the question of tribal State relations, there will be many questions that come under statutes or State law, which by its nature, would require some kind of input or action from the legislature.

I, therefore, would like to suggest that you consider what we might do when, for example, there might be a request of the legislature for a resolution or a memorial or some statement from the legislature or request of the legislature to set up an oversight committee, a joint committee between the House and the Senate that would be a parallel body for liaison with the legislative branch.

I can tell you that I stand ready to assist in any way if there needs to be, for example, an introduction of a legislative proposal that would come from an Indian Advisory Council. As you may agree upon, that would be more effective if introduced as an executive request measure.

These are things I feel very ready we can work together on. So, I look forward with anticipation to your recommendations as to the forum and the membership of an Advisory Council or whatever name might be put on it; a body that can properly represent the Indian people and through it all the tribes and all the different units -- put it that way recognizing the non-reservations of small tribes so that it can be truly representative so that we can definitely have a better mechanism of working together.

CHAIRMAN JIM: Thank you. I would like to interject here at this time and call on one of our elders to say a prayer for our food. I will call on Eddy Davis to do this.

(Whereupon, there was a prayer).

CHAIRMAN JIM: Our next presentation will be Natural Resources, Russell Jim.

MR. JIM: Thank you. It is indeed an honor for me to be told by this presumptuous group to address such a prestigious person in office to try to convey to you the problems and our concerns of natural resources.

In my region where I come from, the Yakima Country, and I am sure the same is true in many other tribes, that a Creator put the water here first and the fish, and this is the basis of our culture. So, with that, I would like to read a prepared statement by the Committee.

By virtue of aboriginal occupation, Indian people have basic property rights and interests that have been recognized by aboriginal possession, treaty, an act of Congress, Executive action, and purchase.

Any authority that the State of Washington has obtained to regulate the natural resources applies, by virtue of the enabling act of the State of Washington, only to those rights which were specifically taken from Indian people by treaty, Executive order or act of Congress.

The conference of our tribal governments recognizes the following immutable and undisputed principles:

1. Indian rights to their natural resources are private rights for the exclusive use and benefit of Indians and are not public rights to be controlled by unilateral action of the U.S. or the State of Washington.

2. Indian resource rights are inherent sovereign rights deriving from aboriginal ownership. Such Indian rights may extend beyond reservation boundaries to ceded areas or usual and accustomed places.

In addition, the conference reaffirms that all original Indian title and ownership applies not only to land, but to all natural resources contained thereon and adjacent to those lands, and the paramount nature of aboriginal water rights as defined in the Winters Doctrine and succeeding U.S. Court decisions.



However, the State of Washington continues to violate its own constitution and the laws of the United States by pursuing such policies as issuing water rights on and near Indian reservations.

Therefore, to alleviate these problems, the State of Washington must stop issuing water permits on Indian reservations, invalidate such existing permits and pursue a policy of cooperation with the tribal governments regarding natural resources matters and actively develop the necessary technical, administrative, and legal mechanisms to deal effectively with tribal governments and to that end, include them in all phases of natural resource policy, planning and development.

From that, Governor Ray, here is a policy statement, a resolution of the natural resources, and again I thank you, you are in my honor.

GOVERNOR RAY: Thank you very much. I appreciate your very thoughtful statement. I think it points once again to the need to bring a mechanism into existence for goodness into the legislative branch.

As I am sure we are all aware, the question of water rights is being debated in the legislature at the present time particularly with respect to irrigation and much of the eastern Washington area, farm land area.

I think it is important that there are to be testimony in the hearings on this bill from the Indian people, because as you so rightly point out, water flows not only on the reservation, but beyond it. Especially now -- let's say it now -- that we recognize that this has always been an important topic because water is essential to the lives of all of us. Our State has been blessed with a plentiful supply of water. Most often at the moment, this has become ever so much important than ever before because we are suffering from one of these -- I think probably recurrent problems -- of draught.

Your history goes back so much further than our culture history does, that even in my life time, there have been periods of draught previously during my childhood when water, even in the western part of the State, was rashed, and there have been low water years which come from time to time. This appears to be a very severe one, and its affect will be much more extensively felt since the pressures on the water have grown so much in the past few decades.

The water comes from the snows, and the snow comes from the clouds, but the snow or rain is a recurring thing, and it moves from the mountains and the rivers and the streams to the ocean and through evaporation comes back, and somehow that cycle this year has been interrupted. If it returns to normal, it will make it easier for discussion of the various uses and distribution. If it does not return to normal for a while, there are very serious consequences of lack of water shown already and most importantly right now in the Yakima valley, that water shed down into Klickitat, but increasingly turning up in the upper Wenatchee and east into Oroville and as far as Kennewick and such areas. So, the problem is a very difficult one and compounded by a weather pattern over which none of us really have any control.

Because of that, and because of the Phase II discussions, I think it is imperative that we give the very best

thought possible to the whole question of the water which nourishes the land and all of the resources and all of its people, and try to lay a basis for a greater understanding and a better means of determining jurisdictions and where the various rules and rights apply.

It is not easy: we will need to work together with the legislature to be able to come to a resolution that I feel is certain can be reached by adult people sitting down being able to talk openly and to negotiate with all of our best interests in mind.

Thank you for your resolution.

CHAIRMAN JIM: Our next committee report will be on the fisheries by Sam Cagney.

MR. CAGNEY: Thank you. It is a pleasure of the Lummi Tribe to be able to sit here and make our positions known along with the other tribes that have developed policy resolutions on the fishing issues and make this presentation later to you, Governor Ray. It would be rhetoric for me to present another narrative declaring our intent of what we want you to discuss with us.

In view of the jurisdiction and the natural resources which fisheries is a part, I am making some statements here that we want the State to understand -- its own Constitution, the ability to regulate anything, attempt to regulate anything on Indian reservations. We believe that the Indian reservations have been managers from the time in memorial of their resources. If this wasn't so, then the immigrants to this great area would have found total desolation. Instead, they found everything in abundance.

During the period of negotiations, the State must understand the inherent rights of the aboriginal people of this great northwest and the points of law that we are forced to abide by and you abide by in your negotiations with those of your kind that any issues or any granting of rights specifically mentioned in legislation, but whatever form of negotiations specifically addressed remains a right of that native body in which your case would be the State of Washington, and in our case, would be the aboriginal tribes of the Washington State of the United States.

One of the important things that the State of Washington should make known to their citizens which includes Indian nations, that the tribes did not grant or give away any part of the fisheries. They should educate their people to the language to be interpreted by intelligent people, unbiased people, the language of the treaty. It is there for all of us to read. Intelligent interpretations specifically leave out any mention of granting of fishing rights to the United States or to the states that would be involved. To go any further, I would be going beyond my intentions.

Governor Ray, we have developed in the past three days a policy resolution dealing with the fishing issues as we see them come and we do have the Northwest Indian Fish Commission dealing with this problem, but this policy resolution is coming to the tribes that are assembled here for the conference on tribal governments. I will have a copy that is with this small amendment here delivered to you before this luncheon is over.

GOVERNOR RAY: Thank you, Mr. Cagney. I appreciate your words. I look forward to the receiving of the recommendations.

We have been through a very difficult time, I think, in these last couple of years. We don't have to dwell upon them. Many things have happened that I think looking back on it we wish had not happened. I want to assure you that the attitude and policy of my administration will be to resolve our differences; to work together. We accept the law as has been interpreted. We accept the understanding of the reservations of fishing rights. We accept the decisions as it has been enunciated.

I think we are beginning to move in a far more mature and responsible way toward formalizing our understanding of the fishing issues. I commend the newly worked out arrangement and agreement that the Puyallup people have developed with the State Fisheries people on the steelhead question. I believe that the very sensitive and intelligent negotiations conducted on the Columbia River over into the Yakima is a very great step forward, and I believe that these will point the way toward a pattern which can be applied in other areas since the situations always differ a bit from stream to stream and from fishing locations to fishing locations, but I will pledge this: We want to work with you to put aside the tempers and the attitudes of the past and look forward to greater resolution in working together in the future. I can't emphasize that much more or say it too often.

Thank you.

CHAIRMAN JIM: The next presentation will be by Lucy Covington on jurisdiction.

LUCY COVINGTON: Thank you, Roger Jim and Dr. Ray. I am certainly pleased to address you as Governor of the State of Washington and as its first lady of the State.

I am the chairperson of the Jurisdiction Committee of the conference of tribal governments. My statement to you is on behalf of all of the tribal governments in the State of Washington on the subject of jurisdiction. The tribes have been battling with the State of Washington on jurisdiction, its agencies, its counties, over who has the right to exercise authority and jurisdiction for many years. These fights leave the tribes frustrated, confused and we are often prevented from going ahead with our plans and responsibilities to our people. Sometimes these battles end up in court at the great expense and time to both the tribes and the State.

We hope you will use the prestige of your office to bring a halt to these power struggles and work with us in bringing about a settlement of these differences. Many of these difficulties result from the State of Washington assuming jurisdiction under Public Law 83-280. These difficulties are often in very sensitive areas and many sad and regrettable actions have taken place causing children to be taken from their homes and families to be broken up.

Last year Governor Evans' representative testified before the United States Senate in support of legislation that would return the legitimate authority to the tribes. We hope you will continue that policy. We urge you to recognize tribal governments as governments of equal dignity so

that information from ideas and attitudes might be exchanged. With that kind of communication, I am convinced that tribal governments and State governments can negotiate on its differences when uncertainty or overlap of jurisdiction occur and cooperative solutions will emerge.

As a guest speaker at the conference of the Affiliated Tribes of Northwest Indians in Spokane last summer -- before your election, we were very pleased to hear your statement there. As you recall, there were no questions asked after you made the statement because you brought up the fact that you were going to respect law and law was made to be respected and these laws that concern Indians are these agreements and the treaties, Executive orders, Court decisions, and therefore, I have a great hope that something is going to be worked out with your administration.

I think with some of the staff that you have now, it will probably be worked out well, but I notice that you have not as yet had any Indian staff people working that would bring the closeness or close the gap between the two consultants. There are many Indians that are very qualified that could be serving on your staff, and I hope that you will look to these people and have them on your staff to resolve some of these problems that we face.

We have developed a policy resolution that sets out the historical background of the jurisdiction issue and suggests certain policies and actions that could bring about better relations between tribal governments and State governments. I do have here the policy resolution. It is complete and I will give it to you now.

Thank you very much for giving me this time, and I am so proud and I must say this nation-wide everywhere I go, I am proud to say that our governor is a lady and they say we know all about her; she made history. I thank you very much, Governor.

GOVERNOR RAY: Thank you. I really do appreciate what you just said. I really do, and I have not forgotten about the delightful time of that great visit I had with you when the Affiliated Tribes were meeting in Spokane nor have I forgotten some of the important things I said at that time.

I am attempting to tell you what I told another group about a week ago. I am doing a little bit of arithmetic here, so I hope you forgive me while my mind is a bit divided. I would like to say, not at all in any defense I have or as justification, but only as explanation.

As your governor in a normal four-year term, I would have 1,481 days of office. Of that number so far, 33 have gone by, so now to accomplish all of the things we want to do, there remains 1,448 days. I am not sure if that is adequate, but it gives you some perspective.

If I believe what some of our friends of the press print in the papers, I would believe that already because there have been 33 days in office and we haven't solved a good many of the problems, that it is already a failure. Well, I don't believe that at all. A new administration coming into the State government after twelve years will take a little time as new people learn their jobs; as we are at the same time in the midst of an important legislative session, as we have many appointments to make into important

State Offices and so on, and all of these things are going on. We have not as yet moved with respect either to the Indian Advisory Council or to other groups of our citizens who, in each of their own way, recognize special needs for special problems.

I have before the legislature by Executive request a bill which would create an Office of Citizens Affairs. All citizens will form a focal point to the administrative back-up and will be able to support the Indian Council or special committees in with the affairs of various groups of citizens whether it be racial, minorities, or women. Some of the groups of citizens as of yet have not found the way to organize themselves or to speak with anything like a coordinated or unified voice.

You know, for example, that we have in our State something between two and five thousand gypsies who are a minority group of citizens with many of the same kinds of problems that native American citizens have, and yet, have not found the way yet to express themselves, and we are trying to move so that we have an administrative structure that will accommodate these people as well as our Asian American citizens, Mexican or Spanish, and so on.

Therefore, I am very conscious of the fact that we have not yet been able to move definitely to staff this new office nor to give recommendations from you of the Indian citizens who can serve in this important government office activity, to be able to function as a continuing arm that will make the jurisdictional problems at least more clearly identified as the first step toward moving to a better relationship.

It has crossed my mind whether sometime in the future it might not be a useful thing to call for a State conference for Indian people and representatives of the Executive legislative and judicial branches to discuss the jurisdictional problems, because we begin as soon as we think about them, to get into some very practical things.

Ms. Covington, you graciously and tactfully did not use the word "tax", and I'm well aware that this is one of the difficult problems. Now, it is one thing for us to have a good activity advisory council, to get some good Indians who can staff it and be in my office, but it is another thing to have the director of the Department of Revenue, Mr. Charlie Hoppe, sit down and discuss these problems with you. And I wonder, if I just throw this out as a suggestion, whether we might not think about organizing in the foreseeable future a State conference that would bring together these people that are in decision making positions that will touch upon these very kinds of laws that do affect the lives and economic health of the Indian people. I think it would be good to lay out a program all the way from public health and social service measures, taxing, and all other kinds of laws which in a variety of ways have been or may, or may not apply.

CHAIRMAN JIM: Our next representative will be Mary Jo Butterfield, the Chairman of the Human Resources Committee and a member of the Council of the Makah.

MS. BUTTERFIELD: Thank you. Welcome to the luncheon, Governor Ray. It is a pleasure to be here.

GOVERNOR & TRIBAL GOVERNMENT  
Delegates' Luncheon Meeting

The Human Resources Committee that I chaired on the past three days, the objective of that was to discuss and develop a State tribal interrelationship towards the goal of a full service and with maximum development of the human resources of Indian tribes.

In the past and historically, I am sure that you are aware of the fact that first we were wards to the Federal government. Under Federal Law 83-280, we then became wards of the State and at no time in the history of my tribe and other tribes of the State of Washington have we been allowed the privilege to develop services so that Indian people will have the privilege of maximum human development so that they can continue in the matter of self-determination, and become assured that they can take care of themselves, their people, and their future, and can acknowledge that development will not ever happen if human development will be deminutive and future rights of our children and our grandchildren will be non-existent if we don't attempt to utilize or rectify this type of system.

The committee dealt with women, infants and children, foster parents, adoptions, aid to the elderly, the facets of education which included the Head Start, elementary, high school, adult basic education, higher education and vocational training, health related services, handicapped, both emotional and physical, employment security, family services, juvenile delinquency, day care, alcohol and drug abuse; all of these services are a privilege of all the citizens of the State of Washington, and I think that relationship between the tribes and as to their abilities to develop and their needs are identified and the direction that they want to go.

I realize now that we have a committee to review the Department of Social and Health Services. We have a recommendation of a person that was on our general assembly floor to possibly be a member of that committee, and it is in the policy statement that we prepared.

I would like in effort, not to be discussed in the past, for the State people to review and educate State agencies in regards to mandated things that the Bureau of Indian Affairs has responsibility for; so that there is an understanding that we are not receiving citizens from the Bureau of Indian Affairs because of Public Law 83-280. We have not divided social service programs and newly developed programs through the Bureau of Indian Affairs because of the Public Law 83-280.

We would like special considerations and opportunities to meet with you or your staff to discuss these State problems and to discuss the Superintendent of Public Instructions Office and the public schools that are provided on reservations. We prepared these statements; we have some attachments on it in regards to the Department of Social and Health Services needing this, and we have the Minutes to a meeting and we are requesting a meeting as soon as possible to do some follow-up on the work that we have done today.

GOVERNOR RAY: Thank you very much. I will be very pleased to see the documents which you referred to.

It is clear when you list the things of interest in that the area of human resources of the basic needs, the requirements are not different from those of other people or

from the white society. The problem is that with you, it has been expected that somebody else was doing the job. The time has come when we do not recognize the word "ward" anymore and this will require special attention from the Department of Social and Health Services, and I think I quite, without reservation, can say that such a meeting will be set up.

The Department of Social and Health Services, as you know, is undergoing review not with the set up committee, not alone with the director of the department and appropriate people there, but also with the Indian committee that is reviewing the structures so that there will be input from at least two areas. That will emphasize that even though the services are not different and the services required for other segments of the population, the fact that a very special situation has arisen because the Public Law 83-280 must be taken into consideration, and I am sure that you will be able to find a way to bring this about.

CHAIRMAN JIM: We have one more committee to report, and I am sorry that we are keeping you from enjoying your lunch. We hope that the rest of you will realize that we are behind here at the table and your time is very valuable. So, Cal Peters, who is the Chairman of the Tribal Government Committee and he will give you his feelings in regard to tribal government.

MR. PETERS: Thank you, Roger.

Governor Ray, I have been honored to chair the committee on tribal governments. We spent many hours coming up with our statement and I wish to make this statement on behalf of the 24 tribes that have been assembled here these past four days.

A tribal government is a basic inherited Indian right. The tribal government has inherited aboriginal right to arrive from the sovereign service from treaties between them and the United States Government. The right of these self-governments extends to all areas and jurisdiction of tribes to all persons within these areas including lands being within the exterior boundaries, lands outside of the exterior foundation of these reservations held in trust.

The ceded areas of the tribes or the original ceded areas of tribes held special rights, that is, hunting, fishing and all lands and resources that may in the future come under the jurisdiction of these tribal governments. These rights of the tribal governments include the power of the tribe to further its own form of government, to determine their own membership, to recognize the domestic relations of its members and to maintain superior land records of all of the lands within a jurisdiction of these tribes and nations.

We have, in the past, been ignored by the State of Washington on these inherited rights to self-government and the State has ignored the right of the government, the tribal governments to assume and assume jurisdiction over lands and resources that have come under the jurisdictions of the treaty terms. We have listed some nine points that the conference has come up with in requesting that the State and yourself be honored and most of all recognize these inherited rights of our tribal government.

I will just hand you the prepared resolution that we have just taken up with the specifics that brings to your

attention right now some of the items that we are concerned with. The remaining portions of these items are included in this resolution.

Thank you, Governor.

GOVERNOR RAY: And I thank you, too. It will be very instructive to see these points of concern and there is little I can say until I can become better informed about this except to observe that the State government has, of course, over the years formalized its relationship with other units of government within the general structure as codified, for example, its relationship between cities of various types of classes and county governments and other units and structures of governments within the general system.

Now, it appears it is time to formalize and codify the interactions and relations with tribal governments as well. I think here again we must look into the existing situation, at the things that has happened in the past. We must also become familiar with the limitations with respect to national law and so on, and that once again in this area, it might be a good place where a state conference including legislative and judicial members might be worth while.

Thank you.

CHAIRMAN JIM: At this time, we have completed our committee reports and our committee feelings.

We have a gentleman here that has a little more comments to make to summarize it and his feelings in regard to all issues. Mr. Joe DellaCruz, Chairman of the Quinault and he is also on a national organization known as National Tribal Chairman's Association and in this area he is the representative. Joe will give a summary.

MR. DEL LA CRUZ: Governor Ray, I am pleased to hear your responses to the six areas of concern of the Indian people from this conference. As you can see just from these six areas, we have got many reasons to sit down together and develop a better relationship between Indian people as citizens of this State and the Government of this State.

What wasn't brought out here are things that we take the brunt of because we are Indian people with some special relations because of our status with the United States Government and our treaties. The Indian people here are landlords of four million acres plus. These Indian governments here represent what has been thrown back into our faces as half of one percent of the population. I am proud to be an Indian as is everyone of us here. This is half of the one percent of the population in the State of Washington because of the type we bring before you now.

Someone has got to be looking into the problem of past management, of the fisheries resource and because of our efforts there, we will be looking into better management of other renewable resources and it has been very difficult as Indian people to take the brunt of what we believe in as Russell Jim pointed out, the land and the water. As we can look at what was here ten years ago, what has happened with the development and exploitation of our natural resources, it makes me very happy to think that we might have a Governor that wasn't a politician and someone that was a scientist and maybe they see things as



we see them.

It is hard for us to move ahead to develop and possibly exploit some of our own resources, which as I mentioned, the Indian people have four million acres of. It was earlier searched out that this half of one percent of our population contributes possibly close to 30 percent of the economy of the State of Washington.

That is why in the final, therefore, in the State government relations, we feel that Indian people are going to have to sit down as the Governor and people in the State of Washington are going to have to sit down and work out a better way for us to deal with one another from one government to another. We have some reservations about doing it through the legislative process.

I was down in Olympia last week and there were several bills introduced that Indian people will be affected by. I picked up a booklet that lists the lobbyists in the State of Washington, and as a half percent of the population, there is almost as many lobbyists in Olympia as Indian people and I wonder what kind of a chance we would have of going to the legislative process, and I think there is going to have to be some deliberations between your office and our office on what type of vehicle that we developed so that we can have our input and we can direct our attentions and some of the concerns of our people.

This State should be proud of what the strides in the Indian people in this State have made because with the concerns that are ours to battle and to defend for our people, it probably takes 85 to 90% of our time and yet in the past 10 years, we have probably moved ahead in many areas with 10% of the time we have had to direct at making things better for our own people because 90% of the time we are trying to defend what we have.

Thank you.

CHAIRMAN JIM: At this time, I would like to introduce a gentleman that will be talking about these types of issues on a nationwide scale that he is dealing with almost daily as President of the National Commerce of American Indians. So, I would like to have Mr. Mel Tonasket come forward and give us a few remarks to our Governor today.

MR. TONASKET: It's good to see you again. I was hiding over there in the corner and I was hoping that I wouldn't be handed the microphone again, but it is my pleasure to see you again, Governor, and I had an opportunity or I had the privilege last night to talk to the tribes at the banquet and I talked to them about where do we go now that we are preparing ourselves. We have educated ourselves and we are grown up and the doors are open. Attitudes are starting to open in the United States Congress.

I hope that with your arrival to this State, the leadership and also that same attitude is going to prevail here, because in my travels around the country, I have witnessed probably more dried-up streams than anybody that is from the State of Washington. I work in Southern California, Arizona, New Mexico, Nevada, Montana and all of these places that I named to get water from the State of Washington from the Northwest.

I am sure that you are aware that there are plans to take water from the Northwest and reroute it to the Columbia in the states down to the South. That has been in the process for about seven years now of planning. I think that with your leadership and with the togetherness of the tribes and you, maybe we can prevent the taking of our resources from the Northwest to those other parts of the country.

I think that if we fight our battle and the states fight their battles, then we will weaken and I think we can hold hands on some of these issues and help each other and make a model for the rest of the country because it makes me sad to see the attitudes of people against people that you see in the South, that you see in the cities, and hopefully we can prove up here that that isn't necessarily so.

I personally look forward to working with you, and I know that the Colville Tribe does, and from the attitudes of the conference in the last three days has shown a positive attitude, a positive frame of mind. We will not want to fight; we would rather work things out. It is too costly and it eats at peoples' hearts and stomachs and doesn't make anybody happy to fight, so we will be working together very closely, I am sure.

Thank you.

CHAIRMAN JIM: I would like to thank the Governor for the time that she has spent with us today. Political activities is a 26-hour day responsibility. I think that tough leaders have evolved to that to be able to understand a person's time is better valuable in respect to working in the political field especially when you are representing people when they elect you and seek you. They are dependent upon you, and the Indian people who have participated in these elections and as you have heard from the various committees, that they have not deemed a good understanding of those things that we, many times have appeared in Olympia in the legislature to give a history class to the senators and the representatives and go home feeling that we had accomplished something and still not see any results. That is why some of the tribes like the Yakima thought that we were in the wrong place so we went to Congress and I think many of the tribes went to Congress because of the way that our neighbors, despite their oath that they take under their own laws, they say yes, I will uphold this and then in their objections of floor was denied and then they were denied act of accordance with their oath. It makes you wonder. It makes you feel mad, frustrated that our efforts at Olympia were not even noticed. We appeared many times in respect to retrocession and met clear into the late hours with the committees of the House, and the Senate promised by politicians that they were going to do something and we ended up in the same place again. So, now the tribes are going to Court on this one issue.

We have today presented a major thing that we are concerned with. As you noticed, we have not talked very much about tax and we hope that you, with your administration, can understand that the Indian Government has not fully exercised its power, and that it can't because it retains that right, that one right of taxation of all those within the steer barns of this reservation. We have been told that we are living upon taxes of other people, but they don't

realize that we created the first tax base in the State by giving them large tracts of land and only retain small little pieces of it.

I hope that our relationship from this day on will go beyond only 37 days, and have a thousand more days to work together. I thank you for your presence here among our people and we have been told to show to this country, to this State, that we are to be on a better relationship as Indians and countrymen. Thank you.

GOVERNOR RAY: I thank you, too. I speak with eloquence, you may only be one half of one percent of the population, but your voice is big and it is being heard.

I think what you are doing now will benefit not only to all Indian people, but it is also a benefit to your white brothers and sisters because your recommendations, your manner in which you are examining the problems, the context in which you present them comes from the heart and comes from the deep belief that in the words of one of your fellow citizens many years ago who gave his name to the largest city of our State, Chief Seattle, indeed, it may turn out as we work together we may be brothers after all. That, I think is the goal to which we strive. Thank you.

CHAIRMAN JIM: I would like to have your attention, please. At this time, I would like to ask Mr. Johnson to read the joint press statement that the Governor has agreed to that we will present to the President.

MR. JOHNSON: "We, the representatives of 24 Northwest tribal governments in the State of Washington and I, Governor Dixy Lee Ray and my representatives, have addressed many of the issues and problems that affect continuing relationship between the state and 36 tribal governments."

"Four days have been spent by the tribal representatives in working out the language or proposals to the State and tribal governments that are agreeable to participants in the Conference. The represented tribal governments believe that the conclusions reached in the form of resolutions can have far-reaching effects on both the State and the Indian tribes."

"In a climate of controversy that has developed around Indian treaty rights and the place of Indians in this State, much of the necessary objectivity that is needed to solve problems has been lost in the politics of special interest and factions. We hope to rise above that factionalism and create a new basis on which to have State/Indian relations in the future."

"Among the issues tribal governments have addressed are: fishing rights, jurisdiction, human resources, natural resources, tribal government and tribal government/State government relations."

"During the winter of 1976, the public debate surrounding tribal government authorities was characterized by intemperate remarks issued by some public officials. These remarks were seen by tribal governments officials as attempts by certain officials to inflame public opinion against tribal governments and the people they represent."

"Tribal governments have urged State officials and private citizens to elevate the public debate to a level of responsible and informed discussion of the issues. In an attempt to promote responsible debate, the tribal governments convened a Conference of Tribal Governments. Responsible officials of State government were invited to begin a process of talks and exchange of information. Governor Dixy Lee Ray agreed to enter into reasoned dialogue with the leaders of tribal governments."

"It is anticipated that this initial dialogue will lead to continuing talks on a wide range of issues affecting the rights and property of Indian citizens. It is further anticipated that respect and a policy of mutual co-existence between tribal and State governments will evolve."

This has gone into the meeting today. Thank you.

CHAIRMAN JIM: At this time before we break up here, I would like to announce that the tribes will again go into session this afternoon. We have some unfinished business, yet. Do not rush off, yet.

Again, I would like to express my thanks for the many appearances with us and being here breaking bread with us and being able to better understand the Indian constituents of this State. I hope it opens the door for many more meetings such as this. We have been mandated by the assembly to work up another one in 60 days with the committees and the special concerns committee must work together within this 60 days to develop another conference such as this. We hope that we will be able to sit together again like we have today and be able to discuss our problems and to solve them together.

So, I thank you all for being able to be a witness to this, these tribes; each tribe leader needs Indian organization; each person that is here would witness this day like a historic moment and be able to say tomorrow that we have started a new road. Thank you again for being here with us, to share this meal with us, breaking bread with us. Thank you. We will reconvene after we disperse from here.

GOVERNOR RAY: Very quickly, I want to say thank you again for inviting me. It has been very useful, very informative. I will study the recommendations of the report and look forward to meeting with you again and to moving forward to setting up these mechanisms for a better liaison coordination in working toward our own ultimate goal, working together for finding in this State a real model, a beacon for other States to follow in the cooperative moving together towards a realization of our rich and diverse cultural heritage, recognizing its distinctiveness in many ways and recognizing that is what makes this land the greatest resource that it has, its people, all its people.

Thank you.

(Whereupon, at 12:30 P.M., the proceeding was concluded).

1977  
CONFERENCE OF TRIBAL GOVERNMENTS

Doubletree Inn, Tukwila  
February 12-15, 1977

Joint Statement of Governor Dixy Lee Ray

and the

Conference of Tribal Governments

We, the representatives of twenty-four (24) Northwest Tribal Governments in the State of Washington, and I, Governor Dixy Lee Ray and my representatives, have addressed many of the issues and problems that affect the continuing relationship between the State and the thirty-six (36) Tribal Governments in this State.

Four days have been spent by the Tribal representatives in working out the language of proposals to both the State and Tribal Governments which are agreeable to participants at the Conference. The Tribal Governments which are represented at this Conference believe that the conclusions reached in the form of resolutions can have far-reaching effects on both the State and the Indian Tribes.

In a climate of controversy that has developed around Indian treaty rights and the place of Indians in this State, much of the necessary objectivity that is needed to solve problems has been lost in the politics of special interests and factions. We hope to rise above that factionalism and create a new basis for State-Indian relations in the future.

Among the issues Tribal Governments have addressed are: Fishing Issues, Jurisdiction, Human Resources, Natural Resources, Tribal Government, and Tribal Government/State Government Relations.

During the winter of 1976, the public debate surrounding tribal governmental authorities was characterized by intemperate remarks issued by certain public officials. These remarks were seen by Tribal Government officials as attempts to inflame public opinion against Tribal Governments and the people they represent.

Tribal Governments have urged State officials and private citizens to elevate the public debate to a level of responsible and informed discussion of the issues. In an attempt to promote such responsible debate, the Tribal Governments convened this Conference of Tribal Governments. Responsible officials of State Government were invited to begin a process of talks and exchange of information. Governor Dixy Lee Ray has agreed to enter into reasoned dialogue with the leaders of Tribal Governments.

It is anticipated that this initial dialogue will lead to continuing talks on a wide range of issues affecting the rights and property of Indian citizens. It is further anticipated that respect and a policy of mutual co-existence between Tribal and State Governments will evolve.

Issued: February 15, 1977

PREAMBLE: Indian people have fished since time immemorial. Fishing formed the basis of their religious beliefs and was an integral part of the culture of Indians long before the white man entered upon the land owned by the Indian nations in what is now Washington, Oregon and Idaho. Fishing was of such importance to Indian People that when negotiating with representatives of the United States, Indians refused to transfer their right to exclusively fish on and off the reservations. The United States merely assumed the duty of protecting these reserved fishing rights from encroachment by others.

Since treaty times, fishing has not diminished in importance either economically or culturally. Unfortunately, the State of Washington has consistently refused to respect the fishing rights of Indian Tribes. U.S. v. Washington was a final effort to affirm the obligations of the treaties. Among other things, the Boldt decision held that Indian tribes have both the power and the duty to regulate their own tribal members, while the State has the added duty of ensuring that it manages its fishermen so as to assure that fish return to the usual and accustomed fishing grounds of Indian People.

U.S. v. Washington has served as the basis of increased enhancement activities by both the Tribes and the State. As the Tribes have continued their role as managers, they have employed biologists and enforcement people who have added to the overall capability to manage the resource. Such advances benefit all people.

WHEREAS, the right of Indian Tribes to authorize tribal fishing is an aboriginal right reserved by treaty, the protection of which is guaranteed by the United States; and

WHEREAS, Indian tribes reserved certain lands for their permanent homes, such that said reservations, lands and waters are not within the territorial jurisdiction of the State of Washington; and

WHEREAS, since treaty times, the State has allowed the fishing habitat to become less productive resulting in the current need to engage in the enhancement of the fishery; and

WHEREAS, Indian tribes prior to U.S. v. Washington, and afterwards, have for the betterment of all people engaged in enhancement projects designed to increase the number of fish available for harvest; and

WHEREAS, it is the responsibility of the appropriate Indian tribal legislation to manage their fisheries, and the responsibility of the State of Washington to manage its fisheries by appropriate legislation; and

WHEREAS, State-regulated fishermen have repeatedly violated State and Federal laws, engaged in fishing activities detrimental to the resource and have engaged in acts of violence both against Indian fishermen and State enforcement officers; and

WHEREAS, the State of Washington has power to influence the American portion of sockeye salmon so as to ensure that Indian Tribes can allow sufficient fishing time to assure a full opportunity to participate in the fishing; and

WHEREAS, the State of Washington has not shown a willingness to implement U.S. v. Washington but, rather, has acted in some cases to obstruct its effective implementation.

NOW THEREFORE BE IT RESOLVED, that it must be the policy of the State of Washington to join with Indian Tribes to co-manage and enhance the fishery resource whenever that resource is within the territorial jurisdiction of the State; and

BE IT FURTHER RESOLVED, that the State of Washington and the Indian Tribes have a mutual obligation and duty to ensure that the fishermen of the State and the Indian Tribes each obey the fishing regulations designed to protect the resource and guarantee a full harvest, and to that end the State shall enforce its regulations fully against the non-Indian fishermen, and each Indian Tribe shall enforce its regulations fully against its Indian fishermen; and

BE IT FURTHER RESOLVED, that it is the duty and the responsibility of the State of Washington to undertake all necessary steps to recognize and fully implement each and every aspect of the decision in U.S. v. Washington. so as to more quickly arrive at the day when the misunderstanding and antagonisms that exist between Indian and non-Indian peoples can be eliminated.

Introduced by: Sam Cagey, Chairman  
Committee on Fishing Issues

Adopted: February 15, 1977  
Conference of Tribal Governments

PREAMBLE: The area now known as the State of Washington was part of a territory occupied by Indian Tribes from time immemorial. Indian tribes exercising an inherent right of self-government had exclusive jurisdiction and authority over all matters prior to the non-Indian arrival. Since that time, other governmental bodies have exerted their powers and authorities within this area causing certain jurisdictional conflicts. One such governmental body, the State of Washington, whose powers were derived from the Federal Government by means of an Enabling Act and a State Constitution, has been a major source of competition with the Tribes, whose inherent jurisdictional rights were initially recognized by the United States government through treaties, agreements, Executive Orders - all affirmed by Congressional acts under specific authority of the U.S. Constitution. More recently the validity of these acts have been reaffirmed by Federal court decisions.

WHEREAS, the Federal Congress in 1953 enacted P.L. 83-280 which provided the option to the States to assume jurisdiction over certain areas of Indian activity; and

WHEREAS, the State of Washington, as a condition of becoming a State, adopted a Constitutional provision (Art. 26, Sec. 2) that forever disclaims jurisdiction over Indian lands; and

WHEREAS, although the Constitutional limitation remains in effect, the State legislature adopted laws assuming certain areas of jurisdiction. One such law, S.B. 56 covering eight points of law, provided for State assumption of jurisdiction without the consent of the Indian Tribes. The lack of clarity in these laws has continued to cause question and doubt among both Tribal and State officials; and

WHEREAS, extremely sensitive matters of child welfare are often involved in the exercise of jurisdiction by the State and large numbers of Indian children have been removed from their homes and their tribes even though a serious question exists as to the State's authority to cause such severance; and

WHEREAS, the Tribes of this area have unanimously called for the repeal of P.L. 83-280 for many years and supported S.2010 which was introduced in the 94th Congress; and

WHEREAS, the State of Washington, through a representative of the Governor, testified favorably on S.2010 by advocating the retrocession of powers assumed under P.L. 83-280, placed the official policy of the State of Washington in harmony with the Indian tribes; and

WHEREAS, in certain instances there are conflicting claims as to jurisdictional boundaries and the exercise of extraterritorial jurisdiction by the Tribes, such as enforcement of off-reservation hunting and fishing in usual and accustomed places will require special attention; and

WHEREAS, there are certain instances where particular tribe's territorial limits extend beyond and to the exclusion of the territory over which the State of Washington claims jurisdiction, an example being jurisdiction of the ocean jurisdiction, an example being jurisdiction of the ocean shelf and beyond; and



WHEREAS, neither P.L. 83-280 nor Washington State's assumption of jurisdiction took any of the legitimate inherent authorities tribes possess; thus, any of the authorities exercised by the State are merely concurrent with tribal jurisdiction and not exclusive; and

WHEREAS, the Tribes have long sought to establish an open dialogue on the areas of overlap or conflict of jurisdiction as one government to another; and

WHEREAS, without such dialogue on many of these conflicts, adversary proceedings have been initiated before Federal courts. Such court proceedings are time-consuming and costly to both the State and the Tribes.

NOW THEREFORE BE IT RESOLVED, that the 1977 Conference of Tribal Governments pledge a responsible exercise of the jurisdiction they now exercise and urge the Governor of the State of Washington to continue the official policy of favoring and supporting federal legislation retroceding jurisdiction assumed under P.L. 83-280; and

BE IT FURTHER RESOLVED, that the Governor exert leadership to assure responsible exercise of legitimate jurisdiction by State agencies and subdivisions of the State after consultation with the tribes involved. Where uncertainty or overlap exists, the Governor use the authority of her office to assure an opportunity for proper negotiation between governments to explore ways that agreements of co-management or cooperative exercise of jurisdiction might be possible; and

BE IT FURTHER RESOLVED, that the 1977 Conference of Tribal Governments meet with Governor Dixy Lee Ray both at its first meeting and on an on-going basis with mutual good will and respect, and as one government to another, to advise and be advised, to teach and to learn, and to resolve the complex problems of jurisdictional authority and governmental powers; and

BE IT FURTHER RESOLVED, that where no easy resolution of such areas of conflict can be reached, that the heads of Tribal Governments and the head of the State Government maintain open and free lines of communication to enable them to work for the future resolution of such conflicts; and

BE IT FURTHER RESOLVED, that the 1977 Conference of Tribal Governments go on record in support of the recommendations contained in the report of the Task Force on Jurisdiction of the American Indian Policy Review Commission.

Introduced by: Lucy Covington, Chairperson  
Committee on Jurisdiction

Adopted: February 15, 1977  
Conference of Tribal Governments

PREAMBLE: Tribal sovereignty is inherent and original, derived not from grants of authority by the United States but from Indian governments, cultures, and social institutions which have been established since time immemorial. Intrinsic to our right of tribal self-government is the responsibility to protect and develop Indian human resources. The fulfillment of this responsibility must be in accordance with established sovereign tribal legal rights, spiritual beliefs, social institutions and customs, and relationship with the land. Concomitantly, it is the responsibility of the State that in providing human resources based on Washington State's disputed assumption of jurisdiction on Indian Reservations and in providing human services required by Indians as citizens of the State, to respect the dual status of Indians as tribal members and as State citizens. The "negative assimilation - termination" policies, practices, and effects which characterize some of the current federal and state health, education, employment and social welfare services delivered to Indian People must be replaced with positive services.

WHEREAS, tribal governments have the authority and responsibility to plan, regulate, protect, and provide our own Indian human resources, and to regulate human services provided by federal and state governments to tribal members, and to ensure delivery of such services in a manner consistent with the unique legal, social and cultural rights of Indians as tribal members; and

WHEREAS, the federal government has the authority and responsibility to provide health, education, employment and social welfare services to Indian People consistent with federal recognition of the unique legal, social, and cultural rights of tribal governments and their members. State government's responsibility to provide human services to Indian Peoples must be consistent with the federal policy and obligation to protect and ensure tribal sovereignty in the planning for and delivery of human services; and

WHEREAS, Indian tribes are not political sub-divisions of State governments but are distinct political entities with inherent and original powers of self-government, whose members enjoy a dual citizenship as citizens of the State in which they reside and as members of their tribes.

NOW THEREFORE BE IT RESOLVED, that the 1977 Conference of Tribal Governments hereby affirms the policy that tribal governments have the right to plan, regulate, provide and protect our own human resource services to tribal members and the right to regulate human services provided by federal and state governments in order to ensure the delivery of such services in a manner consistent with the unique legal, social and cultural rights of Indian Peoples; and

BE IT FURTHER RESOLVED, that the 1977 Conference of Tribal Governments support and implement this Conference's major policy statement on the retrocession of state jurisdiction to

BE IT FURTHER RESOLVED, that the 1977 Conference of Tribal Governments supports a policy calling for tribal governments and the Governor of Washington State to establish a series of compacts and agreements declaring the principles of State-Tribal relations in the areas of health, education, employment and social welfare services. These compacts and

Policy Resolution/HUMAN RESOURCES

Page 2

agreements shall also outline the mutually agreeable methods for the development of procedures by which federal and state human services are delivered to all Indian People eligible for such services. The state offices and agencies which will be addressed include but are not limited to: The Department of Social and Health Services, the Superintendent of Public Instruction's Office, the Office of Community Development, and the Employment Security Department; and

BE IT FURTHER RESOLVED, that the 1977 Conference of Tribal Governments supports the formulation of a mutually agreeable bilateral compact between Tribal Governments and the Governor of Washington State related to the reporting relationship, structure, and administration of the Indian Desk of the Department of Social and Health Services.

Introduced by: Mary Jo Butterfield, Chairperson  
Committee on Human Resources

Adopted: February 15, 1977  
Conference of Tribal Governments

**PREAMBLE:** By virtue of their having lived upon the land now within the boundaries of Washington State from a time predating European influences, Indian people have basic property rights and interests in the natural resources of this entire area. These rights and interests have been recognized in at least five ways: aboriginal possession, treaties, act of Congress, executive action, and purchase.

Any authority that the State of Washington has obtained to regulate the natural resources within the State applies, by virtue of the Enabling Act of the State, only to those rights which were specifically taken from the Indian people either by treaty, executive order, or act of Congress. The Enabling Act to which the State of Washington owes its existence states as follows:

"...the people inhabiting said proposed state do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within the said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States...."

**WHEREAS,** the Conference of Tribal Governments recognizes the following immutable and undisputed principle of Indian rights to their natural resources which are private rights for the exclusive use and benefit of Indians and are not public rights to be controlled by the unilateral action of the United States or the State of Washington; and

**WHEREAS,** Indian resource rights are inherent sovereign rights deriving from aboriginal ownership. Such Indian rights may extend beyond reservation boundaries to ceded lands or to usual and accustomed places; and

**WHEREAS,** all Indian title and ownership applies not only to land, but to all natural resources contained thereon and adjacent to those lands, and the paramount nature of aboriginal water rights as defined in the Winters Doctrine; and

**WHEREAS,** the Tribes' ownership rights to tidelands extend to the continental shelf and beyond and the Tribes' use of water extend to all waters; and

**WHEREAS,** the Tribes' rights to the use of water have been well catalogued in a whole line of United States Court decisions beginning with the Winters Case and followed by a whole line of cases expanding upon the original Winters Doctrine which included, but were not limited to, the potential and future needs of tribal and allotted lands and applies to all waters that traverse upon, flow under, or arise upon Indian lands.

**NOW, THEREFORE BE IT RESOLVED,** that the State of Washington shall henceforth pursue a policy of cooperation with the Tribal Governments regarding natural resource matters and shall actively develop the necessary technical, administrative and legal mechanisms to deal effectively with Tribal Governments to that end, including them in all phases of natural resource policies, planning and development; and

BE IT FURTHER RESOLVED that the State of Washington recognize and respect the unique feature of the Indian and Tribal Winters Doctrine rights to the use of water and issue no further permits on reservations or water in which the Tribes have an interest and invalidate existing permits on Indian Reservations.

Introduced by: Russell Jim, Chairman  
Committee on Natural Resources

Adopted: February 15, 1977  
Conference of Tribal Governments

PREAMBLE: Tribal self-government is the most basic of all inherent Indian rights. Tribal self-government is an inherent and aboriginal right derived from the sovereign status of Indian Tribes and Nations. The right of self-government extends to all areas under the jurisdiction of Tribes, and to all persons within those areas, including those lands within the exterior boundaries of a reservation, those lands and tidelands outside the boundaries of a reservation which are held in trust by or for a Tribe, the ceded portions of original tribal lands wherein Indians have special rights, such as hunting and fishing, and all such lands and resources which may at any future time come under the jurisdiction of Indian Tribes or Nations.

Tribal self-government includes the power of a Tribe to establish its own form of government, to determine tribal membership, to maintain Superior Land Records of all land over which the Tribe has jurisdiction, to determine tribal membership, to prescribe rules of inheritance, to levy taxes, to regulate property and resources within the jurisdiction of the Tribe, to control the conduct of persons within the jurisdiction of the Tribe, and to administer justice and preserve law and order in areas under tribal jurisdiction for all citizens and all activities beneficial to the people.

WHEREAS, it has been the policy of the State of Washington to ignore the inherent right of tribal self-government and, accordingly, has failed to establish lines of communication with Indian Tribes or mechanisms to deal with them as Governments; and

WHEREAS, it has also been the policy of the State of Washington to ignore the right of tribal governments to assume or re-assume the jurisdiction of lands and resources which may at any future time come under the jurisdiction of Indian Tribes or Nations; and

WHEREAS, the State of Washington has no authority, including Public Law 83-280, to tax Indian lands, resources or activities thereon.

NOW, THEREFORE BE IT RESOLVED, that the Government of the State of Washington adopt the following policies in its dealings with Tribal Governments:

1. The State of Washington shall recognize the inherent rights of Tribal Governments.
2. The State government has no right or authority to interfere or limit the manner in which Indian tribes organize their governments.
3. The State of Washington shall not enact any law which assumes the federal trust responsibility to protect the right of Indian Tribes to continue to exist as sovereign, independent, self-governing bodies.
4. The State of Washington shall have no authority over the actions of any tribal governments.
5. Neither the State of Washington nor any of its political sub-divisions shall enact laws, regulations or ordinances which attempt to limit, impede or impair the powers of any Tribal Government.

6. The State of Washington shall not amend or delete Article 26, Section 2, which was a federal requirement contained in the Enabling Act for statehood.

7. The State of Washington and its Department of Revenue shall not impose any tax upon any citizen within the exterior boundaries of any reservation. The governmental power of taxation shall remain only with each respective Tribal Government.

8. Neither the State of Washington nor any of its political sub-divisions shall make any laws or ordinances which attempt to regulate the use of land or natural resources within the jurisdiction of any Tribal Government.

9. The State of Washington has never had nor shall it ever assume any jurisdiction or governmental power which belongs to a Tribal Government without the full and informed consent of that Indian Tribe.

Introduced by: Calvin J. Peters, Chairman  
Committee on Tribal Government

Adopted: February 15, 1977  
Conference of Tribal Governments

PREAMBLE: Since the formation of the State of Washington in 1889, the relations between the Washington State government and the many tribal governments long present in the region have been persistently strained. Tribal governments have experienced near constant threats issued by the State Government, aimed at reducing tribal government authorities and imposing the will of State Government over Indian rights and property. State government has taken steps to subordinate tribal governments while asserting no responsibility for its actions affecting tribal governments, Indian people and natural resources.

WHEREAS, tribal governments have the authority to deal with other units of government - pursuant to the powers of government without limitation; and

WHEREAS, the Washington State government has the authority to deal with other units of government pursuant to its Enabling Act, but is limited in its authority by the national government to deal with the tribal governments; and

WHEREAS, it is the responsibility of tribal governments to work toward friendly relations with the State government to insure that the rights and interests of Indians are preserved and protected; and

WHEREAS, it is the responsibility of the State of Washington to recognize the governmental status of the 36 tribal governments within its boundaries and take steps toward friendly relations with tribal governments to insure that the rights and interests of Indian citizens are preserved and protected; and

WHEREAS, because of the physical proximity of Indian nations and tribes to the State of Washington, both governments conflict over authorities and responsibilities in the areas of jurisdiction, natural resource protection and development, and protection of Indian people.

NOW THEREFORE BE IT RESOLVED that the 1977 Conference of Tribal Governments does declare that steps must be taken by the State of Washington and the 36 tribal governments to establish a forum where the governments may begin talks on subjects of mutual concern; and

BE IT FURTHER RESOLVED that the State Government and tribal governments should enter into talks regarding the potential enactment of policies within tribal and state government to guide the delivery of social, welfare and health services to Indian citizens; and

BE IT FURTHER RESOLVED that the Office of Governor should examine alternative staff arrangements to insure that the Governor and Executive Branch subordinates are fully informed about limitations on State government authority in relations with tribal governments; and

BE IT FURTHER RESOLVED that should the Governor or Legislature decide to establish Indian advisory groups within State government, they should be composed of Indian citizens of the State of Washington; provided that an adequate inter-governmental forum is established to permit open



BE IT FURTHER RESOLVED that both tribal governments and the Washington state government seek agreement on the degree and extent of governmental responsibilities for serving and protecting Indians, given that Indians are members of tribes and nations, and citizens of the State of Washington; and

BE IT FURTHER RESOLVED that tribal governments should formally create an inter-tribal forum separate from the State and national governments to insure maximum coordination and communication among tribal governments.

Introduced by: Joe DeLaCruz, Chairman  
Committee on Tribal Gov't/State Gov't Relations

Adopted: February 15, 1977  
Conference of Tribal Governments

21 JAN. 1985

MR. DEAN FOSTER, Chief of Staff  
Office of the Governor  
Legislative Building  
Olympia, Washington  
98504

Dear Mr. Foster:

Quinault Indian Nation Chairman, Joe DeLaCruz, has been asked by other elected Indian Government officials to spear-head efforts to open a formal dialogue between Indian Governments and the newly elected Washington State Administration. To begin this effort, Chairman DeLaCruz directed me to prepare the enclosed briefing paper and supplemental documents for your review, and I will give you an oral briefing as well. Russell Jim, of the Yakima Nation; Randy Scott, former Special Assistant for Indian Affairs during the Spellman Administration and I have been designated as the staff on behalf of Indian governments to coordinate with you on the preliminary and preparatory steps for the establishment of direct, formal contact between Indian Government officials and Governor Booth Gardner.

The enclosed briefing materials constitute background on the last formal talks between Indian Governments and a Washington State Administration. It is the desire of the Indian Chairman that the government-to-government discussions begun in 1977 and ended in 1979 be renewed to further develop the principles, structures and guidelines for relations between the State of Washington and Indian Nations and Tribes.

The first stage of this process, we suggest, must be a staff level, preliminary briefing during which time we can review that background of past efforts to facilitate working government-to-government relations and the records of those initiatives. We suggest the preliminary briefings will give an opportunity for us to exchange information concerning the Indian Government view of the State of Washington, and the State of Washington's view of Indian Governments. The preliminary briefings will also provide an opportunity to discuss the possibility for arranging a second stage "preparatory discussion" between you and selected Indian Government officials.

*The preparatory discussions would focus on the current status of tribal-state relations, principles for future relations and preparations for direct discussions between these Indian*

officials and Governor Gardner.

Our experience with the Governor Ray Administration has shown that the process, as outlined above, is an effective method for establishing a working dialogue between Indian Governments and the State of Washington. It is also a method which provides the greatest opportunity for establishing a climate of cooperation and mutual respect.

On behalf of Chairman DeLaCruz and the Chairmen of other Indian Governments, I thank you for your kind attention and offer you and the Gardner Administration best wishes during your term of office.

Sincere regards,

*(Signed)*

RUDDOLPH C. RYSER  
Advisor to the Chairman

Enclosures.

cc: Chairman DeLaCruz  
Indian Government Chairmen  
File

CONFERENCE OF TRIBAL GOVERNMENTS      MEMORANDUM      (sc-TRIST)

TO:            STEERING COMMITTEE  
FROM:        R.C. RYSER  
SUBJECT:     UPDATE--TRIBAL/STATE GOVERNMENT FRAMEWORK INITIATIVE  
DATE:        01 May 1985

This memorandum reviews and updates the Tribal/State Government Framework initiative begun in January as an aid to members of the Steering Committee. A review of the recent events leading up to the Fourth Session of the Conference of Tribal Governments and the General Assembly's subsequent charge to the Steering Committee to "Continue initial efforts to establish a formal dialogue between Indian Governments and the State of Washington for the purpose of establishing a framework for the conduct of formal Government-to-Government relations" (COTG GA Resolution #2-032385/1) is desirable in order to ensure that all members of the Steering Committee are fully briefed.

On October 25, 1984 Colville Vice Chairman Mel Tonasket and Quinault Chairman Joe DeLaCruz signed a joint letter to the Chairmen of tribes surrounded by the State of Washington stating that, circumstances being what they are (potential loss of 456 campaign, growing anti-Indian movement, economic instability of Indian Governments, the likelihood of a change in Washington State Administration and the continuation of the Reagan Administration, etc.), Indian Affairs is in a virtual "State of Emergency". This letter precipitated a series of meetings from November through February, involving tribal officials, where general consensus was developed around the need to renew Tribal/State dialogues, renew operation of an intertribal mechanism, organize initiatives to resolve the tribal economic crisis and formalize government-to-government relations with the State and with the United States.

Eight meetings were held as a result of the October 25, 1985 letter. Unfortunately, these meetings had had varied participation as a result of

conflicting schedules, and, frankly no small amount of confusion. During one of these meetings, the so called Pacific Northwest Tribal Roundtable held at the Daybreak Star Center on January 5, 1985, it was concluded by several tribal officials that immediate steps should be taken to open a dialogue between Indian Governments and the newly elected Washington State Administration. That even though all Indian Governments were not present at the meeting, the initiative should be started to lay the foundations for future formal discussions.

Quinault Chairman Joe DeLaCruz was asked to spearhead the initiative because of his close association with the newly elected State Administration and because of his long-standing role in Tribal/State relations (President of the National Congress of American Indians and Co-Chairman of the National Commission on State/Tribal Relations). Chairman DeLaCruz agreed and immediately requested that a working delegation be formed.

The Quinault Government followed this meeting by preparing a document describing a process for establishing a dialogue with the State of Washington entitled: "PREPARATORY STEPS TOWARD AN ONGOING DIALOGUE BETWEEN INDIAN GOVERNMENTS AND GOVERNOR GARDNER -- FUTURE RELATIONS." (January 15, 1985). This document was presented to a meeting of Indian Government officials at Squaxin Island. Participants in that meeting, including representatives from Yakima, Colville, Skokomish, Chehalis, Quileute, and others agreed to the described process contained in the January 15, 1985 document, and urged its immediate execution.

The document described a three-step process including 1. PRELIMINARY STAFF BRIEFING, 2. PREPARATORY BRIEFING, and, 3. FORMAL TALKS. In accordance with the agreed-to process, the Quinault Government subsequently prepared a document entitled "INDIAN NATIONS AND WASHINGTON STATE: Toward Working Inter-Governmental Relations, Preliminary Briefing Document" (January 21, 1985). This document was delivered to Office of the Governor Chief of Staff Dean Foster on January 21,

1985 as a part of Step 1 PRELIMINARY STAFF BRIEFING. The document contained a short background description of past efforts to establish a dialogue (from early 1970's to the present). It also contained supplemental documents including a copy of the Joint Statement of Governor Dixy Lee Ray and the Conference of Tribal Governments (issued in 1977)<sup>4</sup>, a copy of the transcript of discussions between Tribal Officials and the State's Governor in 1977, and copies of the Policy resolutions adopted by the Conference of Tribal Governments Session I in 1977.

Following the conclusion of Step I, the Briefing Document and the Staff discussion that ensued was reviewed with Tribal Officials at a meeting called on the Muckelshoot Reservation. It was decided at that point that Step 2 PREPARATORY BRIEFING should commence. That step would involve tribal officials in an informal meeting (s) with Chief of Staff Dean Foster. Arrangements for that meeting were to commence immediately. The Quinault Government took steps to arrange the Preparatory Briefing which the Governor's Office agreed should be held on February 14, 1985 in Olympia at the Governor's House Restuarant.

That meeting took place and included representatives from the Yakima Nation, Quileute, Squaxin Island, Quinault, Makah. The Spokane Representative was invited but was way-layed and the Skokomish Representative was invited, but was unable to attend.

The results of that meeting were contained in a memorandum entitled "... UPDATE CONCERNING INTERTRIBAL RELATIONS" (February 20, 1985). It was during Session IV of the Conference of Tribal Governments that this first preparatory meeting of Step 2 was reviewed. These points were highlighted in the February 20 memorandum as conclusions from the preparatory meeting:

1. The informal discussions (step 2) should continue.
2. Each side should designate a staff-level working group so that information communications can be exchanged between informal discussion sessions, and arrangements can be easily made for succeeding informal discussions. (R. Ryser was designated as the lead staff person to be joined by others to be appointed and Foster would continue to serve for the State's side. Quinault requested that four more tribes lend staff persons to make up the Indian Government staff-level working-group -- Quileute offered Sam Black and Colville offered Wendell George.).
3. Dean Foster and Joe DeLaCruz agreed to independently talk with Jim Waldo concerning the possibility that the Northwest Renewable Resource Center could become available as a mediator between the State and Indian Governments during the preparatory phase and the formal discussion phase.

Subsequent to this preparatory meeting and these informal understandings, Tribal officials agreed that a Conference of Tribal Governments Session should be called; and that steps taken to the point of February should be reviewed and discussed. Further, it was concluded that broader Indian Government involvement should be sought before the next preparatory meetings would be scheduled.

Session IV of the Conference of Tribal Governments was convened in March where tribal/state relations discussions were reviewed. Session IV considered the previous resolutions adopted by Sessions I - III of the COTG regarding Tribal/State relations and subsequently updated those resolutions by reference by adopting COTE GA Resolution #2-032385 (Principles of Government-to-Government Relations: The Conduct of Inter-Governmental Relations.)

**UPDATE:**

Resolution #2-032385 designated the Steering Committee as the body responsible for continuing the tribal/state government framework initiative. The staff working-group including Sam Black, Quileute; Wendell George, Colville;

and Rudy Ryser, Quinault is in operation but requires the addition of two more individuals. The Tulalip tentatively agreed to appoint Linda Jones as a member of the working group, though that has not been finalized.

While the COTG has formally put in place several key elements to continue Step 2 Preparatory Briefing or discussions, no further actions have been taken either on the Tribal side or the State side. At Session V of the Conference of Tribal Governments, it was suggested that the Steering Committee and the staff working-group immediately recommence the initiative after reviewing the 1977 resolutions. Informal communications from the State indicate that the Governor's Office will be prepared to commence informal talks between the Governor and Indian Government officials followed by formal talks in June. It is likely, therefore, that Step 2 initiatives should be carried out during May so that Step 3 can commence in June.

#### WHAT NOW FOR STEP 2?

It has been suggested that the Steering Committee now attend to redrafting the Policy Resolutions adopted in Session I to serve as the updated basis for continuing the Step 2 Preparatory Briefing. Upon reviewing the Session I Policy Resolutions and examining COTG GA Resolution #2.032385, I would offer the opinion that revising the 1977 resolutions will not substantially advance the process in which we are currently engaged. I believe that Resolution #2.032385 substantially constitutes the necessary revisions and reflects the current thinking of Indian Governments. I would suggest that the Steering Committee could be more productive, and, therefore contribute to the immediate advancement of the tribal/state process of building a dialogue and framework for government-to-government relations if the following things were done:

1. The Steering Committee author a letter to the Governor summarily reviewing the process up to the present and offering a concrete proposal for the continuation of the process. The letter would describe the steps taken by



Indian Governments to prepare our side for Preparatory Talks, and the letter would describe the understandings we have about the steps the State has indicated it is prepared to take (Foster's suggestions). In other words, this letter would formally place on the Governor's front steps a specific, and now formal proposal for establishing a working government-to-government process for establishing an intergovernmental framework for formal talks.

2. The Steering Committee direct the Staff Working-Group to prepare internal discussion papers on the following subjects:
  - a. Tribal/State Intergovernmental Framework.
  - b. Tribal/State Economic Relations
  - c. Tribal/State Civil and Criminal Jurisdiction.
  - d. Tribal/State Political & Social Responsibilities toward Indian Citizens, and non-tribal Indian and non-Indian citizens.
  - e. Tribal/State powers and responsibilities in the fields of Environment, and Natural Resources.

These discussion papers would serve as internal working papers as well as an amplification of the 1977 Resolutions. They would also serve as the basis for Indian Government proposals for the establishment of working principles of government-to-government relations with the State when Step 3 FORMAL NEGOTIATIONS commence.

3. The Steering Committee should give instructions to appropriate staff to reestablish communications with Chief of Staff Foster to arrange a schedule of PREPARATORY BRIEFINGS involving the Steering Committee and key senior Staff of the Gardner Administration during the next several weeks. These PREPARATORY BRIEFINGS should be used to improve key State staff understanding of the process and their own policies while laying the foundation for the establishment of informal discussions between the Steering Committee and Governor Gardner in June.

I would suggest that if these concrete measures, or measures similar to these were taken by the Steering Committee, the process would be more fruitfull, and the progress deemed necessary by Session IV of the Conference of Tribal Governments will have been achieved.

TO: JOE DELACRUZ  
FROM: R.C. RYSER  
DATE: 15 JANUARY 1985

SUBJECT: PREPARATORY STEPS TOWARD AN ONGOING DIALOGUE BETWEEN INDIAN GOVERNMENTS AND GOVERNOR GARDNER -- FUTURE RELATIONS

In response to request from the Yakima Nation, Quileute Indian Tribe and the Colville Confederated Tribes and the consensus of other tribes meeting in December the Quinault Indian Nation has worked with Randy Scott, Russel Jim and Bill Yallup to begin the process of "renewing the formal dialogue" between Indian Governments and the State of Washington -- picking up where Indian Governments and the State of Washington left off in 1979.

Several contacts were made with Dean Foster, Chief of Staff for the office of Governor in preparation for delivering a briefing packet on the past formal discussions during the Ray Administration. The following steps are suggested to facilitate ongoing formal discussions between the State of Washington (Office of the Governor) and Indian Governments:

1. Preliminary Staff Briefing. A briefing packet such as the one attached to this memo should be prepared and delivered to Chief of Staff, Dean Foster within the week of January 21. Initial oral briefing should be delivered by staff level personnel from Indian Governments.
2. Preparatory Briefing. The first meeting with Foster should be used to arrange a second meeting with the Chief of Staff involving several Indian Government Officials. The first briefing will have provided both Indian Governments and the State of Washington with a working background on past relations. The Preparatory Briefing with Foster should be used to talk about general principles and approaches as preparation for a first formal meeting between Indian Government officials and Washington State Governor Booth Gardner. At this meeting, agreement should be concluded on a meeting date, time and place -- suggestion -- third week of February.
3. Formal Talks The first formal meeting of Indian Government Officials and Governor Booth Gardner should focus on "principle of relations between Indian Governments and the State of Washington. These talks should be couched as officials efforts to establish a working relationship on the basis of government-to-government relations and on the basis of mutual respect. It will probably take more than one formal meeting to produce an agreement on the principles, procedures, structures and guidelines for relations between Washington State and Indian Governments. Agreement on the application of these principles, procedures, structures and guidelines government-wide in the State Government and in the Indian Governments should be the goal of these talks.

The preliminary briefing materials which we propose to deliver to Foster include the following:

- \* Joint Statement of Governor Dixy Lee Ray and the Conference of Tribal Governments. Conference of Tribal Governments, Double Tree Inn, Tukwilla. February 15, 1977.
- \* Transcript of Luncheon Meeting Between Governor Dixy Lee Ray and Delegates to the 1977 Conference of Tribal Governments. Irwin & Associates, CSR's. February 15, 1977.
- \* Policy Resolution/Fishing Issues. Introduced by Sam Cagay, Lummi. Feb. 15, 1977
- \* Policy Resolution/Jurisdiction. Introduced by Lucy Covington, Colville. Feb. 15, 1977.
- \* Policy Resolution/Human Resources. Introduced by Mary Jo Butterfield, Makah. Feb. 15, 1977.
- \* Policy Resolution/Natural Resources. Introduced by Russell Jim, Yakima. Feb. 15, 1977.
- \* Policy Resolution/Tribal Government. Introduced by Calvin J. Peters, Squaxin Island. Feb. 15, 1977.
- \* Policy Resolution/Tribal Government-State Government Relations. Introduced by Joe DeLaCruz, Quinault. Feb. 15, 1977.

These materials will serve as background on the last formal discussions between the head of the State and the heads of Indian Governments.

Muckelshoot and Puyallup. You and Quileute Chairman Wally Jackson talked about this problem by telephone on February 12.

The differences seem to settle on two strategies: Taking steps to create a framework for intergovernmental relations (Tribe/State, Tribe/Tribe and Tribe/U.S.) [This approach has been advanced by Yakima, Quinault, Makah, Colville, Quileute, Squaxin Island and occasionally Skokomish; and, Taking steps to deal with immediate "program" concerns [This approach has been advanced by Lummi, Tulalip, Muckelshoot, Puyallup, Chehalis and sometimes Skokomish.] While the efforts aimed at doing the "how" may seem diametrically opposed, they are not. The question which must be resolved is which comes first, the framework or the specific programs and problems?

It is the need to settle broad consensus and this more narrow issue of what comes first which gives rise to the attached draft letter which, after you review <sup>of</sup>, should be sent to all thirty-six Indian governments.

*Feb 14 meeting*  
This letter should probably be followed by some telephone calls from you, Wally Jackson and others you may specify, to "difficult tribes" and other tribes which may need "personal contact". Needless to say, the transmission of this letter and the follow-up calls should take place immediately.

The informal "preparatory meeting" with Dean Foster on February 15 in Olympia went extremely well. Makah, Quileute, Yakima, Squaxin Island, Quinault and United Indians of All Tribes met for about an hour with Dean Foster and Leo LaClair.

Here is a brief summary:

Foster asserted that it was his and the Governor's desire to establish an ongoing "process" between the State and Indian governments to establish a working framework for future relations. He noted too, that it was Gardner's desire to create a method for "working" immediate problems and issues. He further noted that it would be helpful if Indian Governments had a method for monitoring the State Legislature and decisions of the Executive Branch. To this is was suggested from our side that it would also be helpful if the

State had a method for monitoring Indian Government legislation and administrative decisions. We raised the issue of the U.S. Government's interests in matters involving both the State and Indian Governments. These included nuclear waste, fisheries, water rights and land use as well as general civil and criminal jurisdictional issues. It was suggested that a method was needed to determine when and if the U.S. government was to be included in future discussions.

Foster noted that there are differences of opinion among Indian Governments and suggested that, that was normal and that he and the Governor didn't "expect Indian tribes to always speak with a single voice". We responded by saying that differences among Indian governments was a matter for which Indian governments should be responsible, though it was encouraging that he, Foster, was willing to understand that there are important and sometimes desirable differences between Indian tribes. We further responded by noting that State Government also contained important differences in opinion and policy and that we didn't expect the State to always agree even within itself. The Governor, we noted obviously can't control the behaviour of legislators and independent commissions and the Attorney General, etc. We agreed that the state should accept responsibility for its own internal differences, while Indian Governments should accept responsibilities for their "internal" problems. It was, however, noted that a method should be created to "communicate" what these differences mean to each side.

It was suggested by Foster, and then echoed by our people, that a formal process should be eventually created for intergovernmental relations; and, that should the formal process fail, there should be a predefined "backup system" to ensure the ability to continue discussions and minimize conflict.

These are the highlights. Now for the immediate points of agreement:

1. The informal discussions should continue.
2. Each side should designate a staff-level working-group so that information communications can be exchanged between informal discussion sessions, and arrangements can be easily made for succeeding informal discussions. (R. Ryser has been designated as the lead staff person for our

side. Foster will continue to serve for the States's side. -- Quinalt has requested that four more tribes lend staff persons to make up the Indian Government staff-level working-group -- Quileute is arranging to contribute a person. Request has been made to Colville and will be made to two Sound Tribes.)

3. Dean Foster and Joe DeLaCruz will independently talk with Jim Waldo concerning the possibility that the Northwest Renewable Resource Center could become available as a mediator between the State and Indian Governments during the preparatory phase and the formal discussion phase.

Following the meeting, it was decided that steps should be taken to organize a session of the Conference of Tribal Governments (tentatively scheduled for March 15-16 or March 22-23). B. Whitebear was asked if he could make the DayBreak Star Center available for those dates. Basic organizational efforts are now underway involving the Quinalt Office and Bernie's shop.

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