

**Statement of**  
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**John F. Kennedy School of Government, Harvard University**  
before the  
**Committee on Indian Affairs**  
**United States Senate**

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Good morning Mr. Chairman, Mr. Vice Chairman and Members of the Committee. Thank you for the opportunity to appear before you today to discuss an issue of tremendous importance to Indian Country – effective tribal governance and its impact on economic development and the well being of Native citizenry. My name is Andrew Lee, and I have the pleasure of serving as the Executive Director of the Harvard Project on American Indian Economic Development (the Harvard Project) at the John F. Kennedy School of Government, Harvard University.<sup>1</sup> The Harvard Project is co-directed by Prof. Joseph Kalt (Harvard University), Prof. Stephen Cornell (University of Arizona) and Dr. Manley Begay (University of Arizona).

The Harvard Project on American Indian Economic Development seeks to understand and nourish the conditions under which sustained, self-determined social and economic development is achieved on American Indian reservations. Since the Project's creation in 1986, we have been working for and with tribes and tribal organizations to research and document how tribes are building healthy, prosperous Indian nations. Our service to Indian Country centers on four activities. We administer three of them collaboratively with the Udall Center for Studies in Public Policy at the University of Arizona: comparative and case research, pro bono advisory services, and executive education for tribal leadership. The fourth is the Harvard Project's awards program, *Honoring Contributions in the Governance of American Indian Nations* (also known as Honoring Nations). Honoring Nations, as discussed below, identifies, celebrates and shares outstanding examples of tribal governance.

I would like to take this opportunity to talk about three issues: the importance of good tribal governance, some characteristics of it, and the specific nexus between governance and economic development in Indian Country. My testimony concludes with a presentation of broad policy principles for the Federal government to consider that my

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<sup>1</sup> The Harvard Project is housed at the Malcolm Wiener Center for Social Policy at the John F. Kennedy School of Government, and is a project of the Harvard University Native American Program, a University-wide interfaculty initiative.

colleagues and I believe will encourage and facilitate American Indian economic development.

### The Importance of Tribal Governance

Like other nations around the world, tribes and their leaders struggle to preserve and enhance their political sovereignty, establish sound economies, and ensure the well being of their citizenry. Events and trends of the last decade have forced tribes to spend an unprecedented amount of time and resources fighting critical legislative and court battles to protect their inherent sovereignty, challenge misperceptions of vast and widespread casino wealth, and navigate through evolving relations with other governments at the federal, state and local levels. While all important matters, I would like to suggest that the most ambitious challenge facing Indian Country can be posed in a single question: How can Indian tribes build and sustain healthy, prosperous nations?

In its decade-and-a-half of research and fieldwork, the Harvard Project has come to a fundamental conclusion: Successful Indian nations assert the right to govern themselves and exercise that right effectively by building capable and culturally appropriate institutions of self-governance. Neither economic development nor the other cultural and social goals of Native nations can take hold without sovereignty backed by effective self-government. The importance of effective self-governance and governmental performance to the American Indian nation building process cannot be overstated. Although the need to continue defending tribal sovereignty in outside arenas remains pronounced, too little attention has been placed on exercising the very sovereignty tribes seek to preserve. Sovereignty is hollow unless it is backed by institutions that, at the most basic level, can “get things done.”

Governing institutions (which are tribal-specific but include legislative, executive and judicial components) are the backbone of the nation building process. That good governance and American Indian *national* success go hand-in-hand should not be surprising. Like others in the community of governments, tribal governments’ responsibilities are tremendous. They create and institutionalize the “rule of law” rather than the rule of personalities and politics; they manage human and natural resources often in the midst of jurisdictional uncertainty; they administer social and cultural programs upon which citizens depend; and they negotiate with other governments and entities. The degree to which an Indian nation is able to perform these and other functions effectively has a direct impact on the nation’s overall well being and future outlook. Indeed, a core challenge of any nation, whether in Eastern Europe, Latin America, Africa or Indian Country, is to build governing institutions that advance the common good and meet the needs of the citizens they serve. Therefore, if we are concerned about the future of Native America, we need to take seriously questions of tribal governance.

Fortunately, a growing number of governance success stories from Indian Country are rising up as examples to lead by and as a source of optimism. Today, we see Indian nations replacing the decision-making power of outsiders with tribal institutions of self-governance. These institutions not only get the job done, but do it better. More and

more tribes, several of which are represented at this hearing today, are putting into place effective policies and codes, designing and building their own social and economic programs, improving governmental services and forging innovative partnerships at the international, federal, state and local levels. Slowly but surely, excellence in tribal governance is becoming the norm, not the exception.

### Characteristics of Good Tribal Governance

Recognizing that governmental excellence deserves attention and encouragement, the Harvard Project launched *Honoring Contributions in the Governance of American Indian Nations* (Honoring Nations) in 1998. Primary sponsorship comes from the Ford Foundation, which supports similar programs in Brazil, Chile, the Philippines, South Africa and the United States. Supplemental support comes from the Rockefeller Foundation.

Honoring Nations was created to fulfill a simple mission: to identify, celebrate and share information about outstanding practices of tribal government. At the heart of Honoring Nations are the principles that tribes themselves hold the key to positive social, political, cultural and economic prosperity, and that self-governance plays a crucial role in building and sustaining strong, healthy Indian nations. The program serves as a vehicle for shifting focus from what does not work to what does work in tribal governance, bringing greater access to innovative ideas and effective approaches that can serve as models of inspiration and knowledge. Since its creation, Honoring Nations has completed two rounds of awards cycles (1999 and 2000), honoring a total of thirty-two tribal government programs (see attached list of honored programs). Although the awards program is young, numerous characteristics of good tribal governance have already emerged. Let me describe these briefly:

- *Governmental excellence requires tribal governments to identify key problems facing their nations and craft solutions with measurable results.* Whether confronting extraordinarily high rates of suicide or developing an economic development corporation to counter environmental degradation on subsistence lands, it is important for tribal governments to possess clearly defined missions for addressing compelling problems. Equally important, effective tribal governments seek – and produce – outcomes that can be measured. From greatly improving the preparedness of Native high school students to attend institutions of higher education to building partnerships with other Indian nations to address common concerns, exemplary tribal government programs are administered by public servants who understand that tribal government activities must produce positive and clear results. Missions and measurements allow tribes to understand where they are and provide a roadmap for where they are going.
- *Good tribal governance involves “real” exercises of sovereignty.* Exemplary tribal government programs strengthen their nations’ abilities to exist as self-governing sovereigns. When tribal governments spend most of their time insisting that “others” are responsible for creating and solving their problems, they miss opportunities to develop sovereign solutions. The truly path-breaking Indian nations control or offer

fruitful input to hard problems, work to increase the respect that other governments have for them, and build institutions that transform sovereignty into a practical reality. The exercise of sovereignty creates a cultural shift towards self-reliance with quantifiable results. For example, some tribes have overseen the development of new information management systems, and others have developed government-to-government memoranda that ensure Indian nations a seat at the table. Other examples include tribally initiated small business development strategies and partnerships with colleges and universities that lead to a more educated and well-trained citizenry – one that is prepared to move the tribe’s interests forward.

- *Effective tribal governments are agents of innovation and are willing to break the status quo.* Successful tribal government initiatives are frequently those that craft a distinctly “Indian” solution, whether that is the incorporation of old ways or new Native approaches. Culture and tradition can, and often should, serve as the foundation upon which programs are built. For many Indian nations, the efficiency and efficacy of governmental activities – from wildlife management to health and wellness programs, and from victim services to support for the arts – is greatly improved when cultural appropriateness is considered. Tribes can achieve astonishing success (on their own terms) if they are willing to take risks or draw from Native cultural tradition to develop innovative approaches to pressing, and often long-standing, community needs.
- *Successful tribal government activities are institutionalized.* In Indian Country, it is frequently the case that tribal government initiatives have a lifespan only as long as the political life of their most active supporters. Yet to be truly successful, innovations must outlast their initial implementers. Because short-lived quick fixes fail to solve problems and deplete the resources and capacity of governing institutions, tribal leaders and program managers should institutionalize programs, practices and initiatives to assure their ongoing success. Examples include economic ventures that are protected with a firm separation from tribal politics, social and cultural programs that live on through a “code of service” internalized by volunteers, and governmental agreements that perpetuate based on an initial track record of success. Institutionalization may also be achieved when programs enjoy stable policies and codes, pursue financial self-sufficiency, develop performance indicators, and create mechanisms for ensuring accountability and transparency.

### The Link Between Good Governance and Economic Development

The experiences of our Honoring Nations winners underscore the Harvard Project’s research finding that tribal institutions “make or break” the health and prosperity of Indian nations. Not surprisingly, there is a strong and close relationship between tribal governance and economic development.

In our work, we often encounter two very different approaches to economic development. The first is what we call the “planning and projects” approach, and it is based on the idea that economic development is about getting the next big federal grant

or picking the “winning” project that will bring jobs and income to the reservation. This approach generates familiar stories: an enterprise starts up, but fails to live up to the community’s high expectations. Or the tribe gets the big federal grant to initiate a “federal flavor-of-the-day” project, but it cannot survive beyond one cycle of investment. Or the investor shows up on the reservation, gets entangled in tribal politics, and eventually vows never to do business with another Indian tribe. This pattern is both cyclical and destructive. It encourages tribes to become experts in the grantsmanship game; provides incentives for governing institutions to reflect the desires of outsiders; effectively reduces tribal governments to mere appendages of the federal apparatus; and produces strings of failure that sap the energy and expectations of all involved.

The second approach we find – one that is supported strongly by the research results – is the nation building approach. Tribes that take this approach recognize that economic development is first and foremost a political challenge, and that the task of building a healthy economy hinges on the creation of an environment that encourages economic development to take root and become sustainable. These nation building tribes do not exhaust their resources looking for grants or seeking the one big project that will serve as a panacea. Rather, they seize control over decision making and turn sovereignty into a practical reality; establish capable and culturally appropriate governing institutions; maintain a strategic orientation that incorporates community priorities, concerns, circumstances and assets; and empower leaders who will implement a strategic and community-defined vision for the future. In short, these tribes recognize that governance and economic development are inextricably linked.

Importantly, the Harvard Project research provides incontrovertible evidence that the nation building approach, with its focus on questions of governance, produces economic results. Effective self-governance goes a long way in explaining why some tribes like the Mississippi Band of Choctaw, Cochiti Pueblo, Citizen Potawatomi, the Salish and Kootenai of the Flathead Reservation, and the Mille Lacs Band of Ojibwe are able to build the foundation that allows them to break free from dependency, poverty and their related pathologies – while others languish.

### Institutional Attributes that Encourage Economic Development

So what institutional attributes are most conducive to economic development in Indian Country? The research of the Harvard Project finds that there are at least five,<sup>2</sup> each briefly outlined with examples below:

*Stable Institutions and Policies.* Experiences from the developing world are blatant reminders that if governing institutions are in a constant state of turmoil it is nearly impossible to attract investment from within (i.e., educated, empowered citizens or entrepreneurs) or outside (i.e., corporations) the nation. Tribes with unclear “rules of the

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<sup>2</sup> See Cornell and Kalt, “Sovereignty and Nation Building: The Development Challenge in Indian Country Today” in *American Indian Culture and Research Journal* 22:3 (1998) 187-214 or accessed at [www.ksg.harvard.edu/hpaied](http://www.ksg.harvard.edu/hpaied). See also, Cornell, Stephen and Joseph Kalt, *What Can Tribes Do? Strategies and Institutions in American Indian Economic Development*, University of California, 1992.

game” – which stem from frequent or abrupt turnovers in government, policies set on an ad hoc basis, or from elected officials changing the rules to serve their own interests – have difficulty attracting investors to put their energy, time and capital into the tribal economy. The task, therefore, is to implement policies through a process that clearly defines the rights and responsibilities of all affected parties. Some tribes are doing exactly this.

The experience of the Swinomish Indian Tribal Community is instructive. Up through the 1980s, the Tribe and the surrounding county were administering conflicting and ill-defined zoning, permitting and regulation enforcement programs. The resulting confusion over jurisdiction and allowable land use engendered anti-Indian and anti-non-Indian sentiments, a litigious atmosphere and serious difficulty in attracting investment. In response, the Tribe worked with the county to design a framework for conducting permitting activities within the boundaries of this highly “checkerboarded” reservation, and formally institutionalized processes through memoranda of agreement and understanding. Today, both Indians and non-Indians alike benefit from a predictable land use process, which affords tribal leaders the freedom to focus on other sovereignty enhancing pursuits (such as tribally directed economic development, job creation and improved livelihoods for tribal citizens).

*Fair and Effective Mechanisms for Dispute Resolution.* Governing institutions have to be able to provide consistently non-politicized and fair dispute resolution in order to assure people that their claims and disputes will get a “fair shake.” Unfortunately, many tribes possess inadequate court systems, and in some cases, the court and its decisions are under the direct control of tribal politicians. This is not a promising environment for potential investors. At the Harvard Project, we have examined 67 tribes for which comparable information is available, and have found that those tribes with strong, genuinely independent judicial systems economically outperform those that do not. If you control for the effects of other factors on employment, you find that simply having an independent judicial system reduces unemployment, on average, by five percentage points. This suggests that of the quickest ways to reduce unemployment on reservations is to establish a strong, genuinely independent judiciary.

Some tribes have made such investments. The Navajo Nation and the Grand Traverse Band of Ottawa and Chippewa Indians, for example, possess genuinely independent (i.e., institutionally separated from other branches of government) courts. These courts send a reassuring signal to investors – whether the tribal member looking to start up a small business on the reservation or the joint venture partner – that if a contract dispute arises, the ruling will not be predetermined or subject to overturn by tribal politicians. Yet the need for effective judiciaries does not equate with the need to develop “western” looking courts; it merely requires that the courts be consistent and enforceable. The Navajo and Grand Traverse courts are distinctly Native. Both possess peacemaking divisions, and Navajo common and statutory laws are the “laws of preference” in the Navajo Nation’s Supreme Court.

*Separation of Politics from Business Management.* Many reservations possess centrally controlled economies, and consequently, the tribal government controls tribal enterprises. Business decisions are made by the tribal council; personnel issues are referred to the council or president for resolution; and elected politicians play a central role in the day-to-day running of tribal enterprises. This scenario is economically unproductive. In fact, the Harvard Project has surveyed about 125 enterprises on more than 30 reservations. The results are striking: tribal enterprises that were insulated from political interference – generally through a managing board of directors and/or a corporate charter beyond the direct control of council members or the tribal president – were four times as likely to be profitable than those that were not.

The Winnebago Tribe of Nebraska's Ho-Chunk, Inc. is a shining example of the benefits of separating politics from business management. The mission statement of this tribally owned economic development corporation is telling: "Ho-Chunk was established so that Tribal business operations would be free from political interference and outside the bureaucratic process of the government." The results speak for themselves. In 2000, the Corporation's actively managed enterprises, joint ventures and passive investments produced \$25 million; operating cash flow was \$1.5 million; and net income was \$1.2 million. Such performance enabled Ho-Chunk, Inc. to make a \$225,000 dividend payment to the Tribe for governmental services. These results are especially impressive when contrasted to the early 1990s, when the sole source of tribal income was derived from land leases and amounted to less than \$180,000 per year.

*A Capable Bureaucracy.* The twin policy principles of self-determination and self-governance, first articulated through federal legislation in the 1970s, provide excellent opportunities for tribes to take over program management. The responsibilities of "638 contracting" and self-governance compacting, however, require tribes to possess capable bureaucracies. Regularized and efficient policies guiding natural resource management, robust labor grievance procedures, financial management systems and the like are crucial to a tribe's ability to govern itself and thus undertake the process of economic development.

Many of the Honoring Nations winners possess capable bureaucracies deserving of mention. The Kayenta Township on the Navajo Reservation, for example, has done something that the Navajo central government has not: it put into place a streamlined bureaucracy for handling business site leases. Almost immediately after the Township reduced the dozens of steps and signatures typically required, it saw new businesses lining up to locate within its borders. The Jicarilla and White Mountain Apache tribes have developed sophisticated yet pragmatic codes and policies for managing their abundant wildlife resources. Their respective investments in institutional effectiveness and technical capacity produce bottom line results: some of the healthiest elk herds in the world live on their reservations, and both tribes are able to bring in hundreds of thousands of dollars from trophy hunts they coordinate – which can command as much as \$38,000 for a single elk tag.

*Cultural Match.* Our research keeps uncovering the result that successful economies in Indian Country stand on the shoulders of culturally appropriate institutions. Institutions have to be legitimate in the eyes of the people they serve. Constitutions and governing structures that have been imposed upon tribes from outsiders (e.g., IRA constitutions), are unlikely to match the prevailing norms in the community about how authority should be organized and exercised. The *self* in self-governance cannot be forgotten, and it is no coincidence that tribes functioning under essentially “foreign” governing systems have a sad history of economic failure. The trick for Indian nations is to equip themselves with the institutional tools that fit their unique societies and modern circumstances. We cannot expect that a highly centralized government found at Mississippi Choctaw or Mescalero Apache will produce healthy economies for reservations like Pine Ridge or Rosebud Sioux, where district and sub-tribal allegiances remain strong. History proves that a “one-size fits all” approach is simply unfeasible.

### Implications for Federal Indian Policy

The foregoing research findings, examples and lessons from our Honoring Nations winners serve to highlight several broad principles and guidelines that should undergird the Federal government’s policies with respect to facilitating economic development in Indian Country.

First, self-determination should continue to serve as the cornerstone of federal Indian policy. Self-determination is both the ends and the means of a coherent policy toward American Indian nations. As our research findings demonstrate, self-determination is not only compelling on legal and moral grounds, but it is the only policy in over a century of federal Indian policy that has brought systematic positive changes to the health and well being of this country’s indigenous peoples. I think my colleague Prof. Joseph Kalt perhaps said it best when he testified before this Committee in September 1996 and stated, “One of the quickest ways to bring development to a halt and prolong the impoverished conditions of reservations would be to further undermine the sovereignty of Indian tribes.” Indeed, to stray from the twin policy pillars of self-determination and self-governance would not only be a disservice to Indian nations, but would ultimately burden the Federal government and America at-large, who would likely witness the reversal of the positive socioeconomic advances made in the past thirty years. In short, to withdraw from self-determination is to condemn reservations to existing as communities of dependency with a citizenry that is disenchanting and downtrodden, and to relegate tribal governments to little more than ineffectual appendages of the Federal government.

Second, the Federal government should expand opportunities for tribes to control programs through compacting and contracting of programs and services that have historically been the exclusive domain of federal agencies. Our Honoring Nations winners demonstrate that programs serving tribal citizens are most effective in meeting their objectives when the tribes themselves are in control and accountable for the results. This factor, more than any other, accounts for the success of foster care placement at Fond du Lac, junior and senior high school education at Hopi, health care at Mississippi

Choctaw, Coeur d'Alene and Puyallup, and natural resource management at Nez Perce, the Pueblo of Sandia, Jicarilla and White Mountain Apache. Increased program effectiveness is due, in large part, to the fact that tribal control shortens the lines of accountability. Tribal leaders and managers have an incentive to perform: if their programs fail, they are held accountable. Of course, putting tribes in greater control over their projects and programs does not guarantee positive results. But when given the opportunity, tribes are more likely manage their own affairs effectively than when their affairs are managed even the most well-intentioned federal agencies.

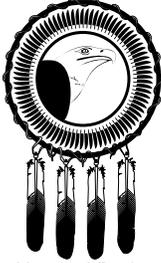
Third, the Federal government should break free from the “planning and projects” mentality. As noted above, our research finds that economic development in Indian Country is first and foremost a political challenge. Those tribes that think economic development is primarily about attracting federal grants and or about picking *the* “winning” project rarely end up with sustainable, healthy economies. In contrast, those tribes that recognize importance of de facto sovereignty, combined with capable, culturally appropriate institutions of self-governance, are far more likely to succeed economically. For the Federal government, block granting and performance-based funding (as opposed to a pre-grant checklist approach) are appealing approaches for shifting accountability for program success away from Washington, DC and to the citizens for whom the programs are intended to serve.

And finally, the Federal government should support institutional capacity building for tribal governments. Our work of the past fifteen years suggests that tribes must have capable institutions of governance, including functioning and legitimate constitutions and governing systems, genuinely independent judicial systems and bureaucracies that can get the job done effectively and predictably. There is no clearer illustration of this fact than the long legacy of tribes’ institutional dependence and the accompanying economic development failures. It is important to recognize that what works for the Navajo Nation may fail miserably at Onondaga. The Federal government can, however, support tribes’ efforts at constitutional, governmental and bureaucratic reform, as these are investments whose pay offs are likely to come in the form of healthy tribal economies that can flourish independently, contribute to local economies and require fewer federal resources.

Let me conclude by expressing my appreciation to this Committee and its leadership for bringing attention to the importance of tribal governance. To be certain, it is a topic deserving of discussion both in these chambers and throughout Indian Country. I join my colleagues at both Harvard University and the University of Arizona in respectfully urging that questions of governance be included in any discussion about and legislation directed toward economic development in Indian Country.

Once again, thank you for this opportunity to testify. I trust that you will not hesitate to call upon me or my colleagues if we can be of assistance to the Committee or its distinguished members.

HONORING NATIONS



The Harvard Project on  
American Indian Economic  
Development

# HONORING CONTRIBUTIONS IN THE GOVERNANCE OF AMERICAN INDIAN NATIONS

*An Awards Program that Identifies, Celebrates & Shares  
Outstanding Examples of Tribal Governance*

## 2000 HIGH HONORS

### **Economic Development Corporation**

*Ho-Chunk, Inc., Winnebago Tribe of Nebraska*

The mission of Ho-Chunk, Inc. is to promote economic self-sufficiency for the Winnebago Tribe of Nebraska and to create job opportunities for its members. Chartered under the laws of the Winnebago Tribe and wholly owned by the Tribe, Ho-Chunk, Inc. was launched in 1994 to diversify the Tribe's business interests while maintaining a separation between business and tribal government. The general purpose company promotes economic self-sufficiency by creating jobs through its actively managed, joint ventures and passive investments which include hotels, convenience stores, web-sites and a temporary labor service provider. Ho-Chunk, Inc. currently employs and trains 140 tribal members and operates under a tribally oriented management team. The demonstrated growth and profitability of Ho-Chunk, Inc. has invigorated tribal pride while establishing a successful business model within Indian Country.

### **Elders Cultural Advisory Council**

*Forest Resources, San Carlos Apache Tribe*

The Elders Cultural Advisory Council was formed by a resolution of the San Carlos Tribal Council in 1993 to advise that body on culturally related matters, to consult with off-reservation entities and to administer and oversee cultural preservation activities. As a source of traditional wisdom, the Elders Council plays an active role in the Tribe's governance by providing insight on issues as diverse as resource management, leadership responsibilities, cultural practices and repatriation of sacred objects. The values of self-reliance and respect and a deep connection to nature are central to traditional Apache life, and are underlying themes in all Elders Cultural Advisory Council activities, consultations and messages. In establishing the Elders Cultural

Advisory Council, the San Carlos Tribe gains access to an important source of traditional knowledge and enables a key constituency to have a voice in tribal affairs.

### **Navajo Child Special Advocacy Program**

*Division of Social Services, Navajo Nation*

Responding to high rates of child abuse and neglect, the Navajo Child Special Advocacy Project was launched in 1990 to provide Western and Navajo therapy to child victims of sexual abuse between the ages of 3 and 17. With five offices on the Reservation, the Project administers Navajo diagnosis, treatment and traditional healing as well as sand play, art therapy and forensic interviews to help create a safe environment that restores and nurtures children and families' emotional, mental, physical and spiritual well-being. Prior to the creation of the Navajo Child Special Advocacy Project, child victims of sexual abuse and their families lacked adequate support and help. Today, the Program has accomplished the almost insurmountable task of coordinating the efforts of separate agencies by forming a core discipline group to address child sexual abuse. The results of this effort ensure that law enforcement, prosecution, child protective services and advocates can work together for the benefit of the child.

### **Poeh Center: Sustaining and Constructing Legacies**

*Poeh Cultural Center, Pueblo of Pojoaque*

Faced with the common challenge of raising funds for construction of a cultural center and museum, the Tribal Council created the Pojoaque Pueblo Construction Services Corporation in 1993. The Corporation's chartering mandate was to generate revenues for cultural activities and to oversee the construction and maintenance of the Poeh Center and Museum. Having completed a variety of local construction initiatives (including the Poeh Center) and having received its 8(a) certification, today the Pojoaque Pueblo Construction Services Corporation bids profitably on commercial projects throughout New Mexico and provides a sustainable funding stream for cultural and artistic activities. As a result, the Poeh Center is able to offer training and studio space to Pueblo artists and stimulate knowledge of Pueblo legacies and traditions. By blending culture revitalization and economic development in a unique partnership, the Pueblo is creating new revenues and employment opportunities through its construction company and providing support to cultural activities for years to come.

### **Swinomish Cooperative Land Use Program**

*Office of Planning and Community Development, Swinomish Indian Tribal Community*

The Cooperative Land Use Program provides a framework based on a memorandum of agreement between the Tribe and Skagit County for conducting permitting activities within the boundaries of the "checkerboarded" reservation and establishes a forum for resolving potential conflicts. The process, which began in the mid-1980s, was the first of its kind in the United States and illustrates a promising alternative in land use conflict resolution by promoting between-government jurisdictional coordination. Since 1996, the tribal and county governments have jointly adopted a Comprehensive Land Use Plan and procedures to administer the plan, which together foster a mutually beneficial government-to-government relationship. Significantly, the model also has served to improve relationships between the Tribe and *other* contiguous local governments. To date, the Swinomish Indian Tribal Community has instituted

more than a dozen separate agreements with federal, state, county and municipal authorities in the areas of land use, public safety, public health, environmental protection and utility regulation.

### **Hopi Jr./Sr. High: Two Plus Two Plus Two**

*Hopi Junior/Senior High School, Hopi Tribe*

Developed in 1997, the Two Plus Two Plus Two college transition program is a partnership between Hopi Junior/Senior High School, Northland Pioneer College and Northern Arizona University. The program recruits junior and senior high school students to enroll in classes (including distance learning courses) that offer concurrent college level credits. Upon graduation, students enrolled in Two Plus Two Plus Two can earn up to thirty transferable credits to any state or out-of-state accredited community college or university. The Program has led to a growing demand for math and science courses by students within the school and to increased college enrollment (forty-five percent of this year's graduating class will attend two or four year institutions of higher education). Two Plus Two Plus Two is helping Hopi students attain advanced educational degrees and, in so doing, empowering them with technological and academic skills that they can bring back to the rural reservation.

### **White Earth Suicide Intervention Team**

*White Earth Chippewa Tribe*

The White Earth Suicide Intervention Team (WESIT) was created in 1990 in response to an extraordinarily high rate of suicide attempts and completions among tribal members living on the White Earth Reservation. With the Tribal Council's official support, a group of volunteers came together following a series of grassroots community meetings and adopted the mission of "suicide intervention." Their volunteer program is designed to provide support and care to clients and family members and to ensure that appropriate intervention and treatment occurs in the event of suicide ideation or a suicide attempt. In 1990, there was great despair among members of the White Earth Reservation that they might not be able to overcome this difficult problem; today, WESIT's effectiveness is best demonstrated through a renewed level of community hope. While it is impossible to eliminate *all* suicides in any community, WESIT has turned the tide of opinion at White Earth, showing that, with compassion, coordinated resources and proper training, something can be done.

### **Yukaana Development Corporation**

*Louden Tribal Council*

The Loudon Tribal Council created the Yukaana Development Corporation in 1998 to address the concerns of environmental degradation, environmental justice, training and employment. Under a contract with the U.S. Air Force, the tribally owned Corporation cleans contamination caused by a local military base and collaborates with other agencies to train Natives in environmental remediation. Given Alaska Natives' unique political context, assertions of tribal self-governance must be creative and have broad-ranging benefits. Within this framework, the Loudon Tribal Council has been extremely resourceful in marshalling the necessary resources to fulfill its twin objectives of starting a for-profit corporation and undertaking environmental remediation on its

traditional hunting and fishing lands. The Yukanna Development Corporation is both improving the environment and creating new job opportunities in this rural area in the interior of Alaska.

## **2000 HONORS**

### **Coeur d'Alene Tribal Wellness Center**

*Benewah Medical Center, Coeur d'Alene Tribe*

Created in 1998, the Wellness Center aims to promote healthy lifestyles by offering programs in fitness, aquatics, rehabilitation, childcare and community health to 3,000 Indian and non-Indian clients. By employing the medicine wheel, or whole-life, approach to health and by focusing on preventative care, the Center complements the acute and chronic illness care provided by the Benewah Medical Center, which was created in 1990 through a joint venture between the Tribe and the City of Plummer, Idaho. Together with the Medical Center, the multi-purpose Wellness Center is the culmination of the Tribe's goal to provide affordable health care services for all residents on the Reservation. Program participation is growing, tribal citizens are enthusiastic and the Center is positively impacting members' health—evidence that the Coeur d'Alene Tribe has successfully integrated primary health care, prevention and wellness care.

### **Enhancing Government-to-Government Relationships**

*Intergovernmental Affairs Department, The Confederated Tribes of Grand Ronde*

The Intergovernmental Affairs Department has achieved positive intergovernmental relationships with federal, state and local governments by pursuing a five-pronged strategy of communication, education, cooperation, contributions and presence. Since the Department's creation three years ago, the Tribe has raised public awareness, built coalitions and forged partnerships with the Oregon Department of Environmental Quality and the U.S. Forest Service. By establishing a strong presence at the state capitol, forming a skilled team of tribal advocates and developing a legislative tracking system that informs the Tribal Council of important bills and initiatives, the Department is now in a position to take a proactive role in state and federal Indian affairs and to earn credibility and respect for the Tribe amongst all governments.

### **Grand Traverse Band Planning and Development**

*Planning & Development, Grand Traverse Band of Ottawa & Chippewa Indians*

Faced with a growing land base and an increasing number of visitors to the Reservation, the Grand Traverse Band Tribal Council established the Planning and Development Department in 1997 to build capacity within the community to accommodate new needs. The Department addressed its challenge by embarking on a comprehensive planning process that relies on community involvement at both the reservation and off-reservation levels to help identify key community needs. Since its inception, over 400 tribal members have taken part in the Department's participatory planning process. Together with the community, the Department has overseen the development of tribal regulatory standards, housing initiatives, state-of-the-art public works projects and plans for public spaces and public buildings. In sum, the Planning and

Development Department improves the Band's internal governance capacity and lays the ground-work for sound community growth well into the future.

### **Navajo Nation Archaeology Department – Training Programs**

*Navajo Nation Archaeology Department, Navajo Nation*

The Navajo Nation Archaeology Department was created in 1977 to facilitate historic preservation on Navajo Nation lands as mandated by both U.S. and tribal government legislation. In 1988 and again in 1993, the Department expanded to include training programs, undertaken in partnership with Northern Arizona University and Ft. Lewis College, which are designed to give Navajo students the professional skills needed to conduct these important historic preservation activities. The training programs provide field and laboratory experience to Navajo graduate and undergraduate students concentrating in anthropology or archaeology. By combining academic training with practical application on the Navajo Reservation, and western technical skills with traditional Navajo knowledge and oral history, the programs are preparing a pool of qualified Native professionals to assume cultural resource positions that historically have been filled by non-Navajos.

### **Pharmacy On-Line Billing Initiative**

*Human Services Division, Fond du Lac Band of Lake Superior Chippewa*

In 1995, faced with rising pharmaceutical costs, limited Indian Health Service (IHS) funds and an inability to bill and collect from third party insurers, the Human Services Division contracted with a private sector firm to design and implement a computerized pharmacy billing system. The first of its kind for Indian Country, Fond du Lac's on-line system not only increases the Division's revenue stream, but also updates prices automatically, interfaces with the Indian Health Service's Resource Patient Management System for health record-keeping and warns of drug interactions. This initiative and its spin-offs at Fond du Lac (in dentistry, for example) demonstrate the Tribe's capacity to direct complicated technological innovations that significantly improve existing management information systems. The initiative also is noteworthy for the changes it augured in IHS policy and for the partnership it created between the Band, the IHS and the private sector in searching for monetary support that went beyond the usual sources of tribal health care funds.

### **Small Business Development Program**

*Corporate Commission, Mille Lacs Band of Ojibwe Indians*

The Small Business Development Program assists Band members in developing the private sector economy by providing low-interest loans up to \$75,000 to businesses that are at least 60 percent owned and operated by Band members located on or near the Reservation. The Program offers both "micro" loans to serve as seed money for business development and "macro" loans for more extensive business start-up or expansion needs. Additionally, it offers assistance with business plan development, marketing, accounting and management. Since its inception in 1996, the Program has provided loans and training to more than 30 businesses, including construction companies, coffee houses, a septic service, lawn care and snow removal businesses, a karate studio, a horse breeding operation, a hair salon and an art gallery. Together, the Mille Lacs Corporate Commission and the Small Business Development Program help diversify the tribal

economy by providing economic development opportunities that span beyond government jobs and the gaming industry.

### **Treaty Rights/National Forest Management Memorandum of Understanding**

*Member Tribes of the Great Lakes Indian Fish and Wildlife Commission*

The Great Lakes Indian Fish and Wildlife Commission (GLIFWC), a tribally chartered intertribal agency, negotiated a memorandum of understanding (MOU) with the U.S. Forest Service that both recognizes and implements treaty-guaranteed hunting, fishing and gathering rights under tribal regulations and establishes a consultation process for National Forest management decisions that affect treaty rights. Under the MOU's government-to-government process, there is increased communication, consultation and integration of the tribes into National Forest decision-making on issues such as sugar bush management and timber harvesting. The MOU establishes standards and processes by which the Forest Service and the Tribes will act consistently across the four National Forests located within areas ceded by the Chippewa in the Treaties of 1836, 1837 and 1842. The MOU provides a model for other tribes seeking to exercise tribal self-governance and to protect treaty resources through a negotiated agreement with a partnering agency from another jurisdiction.

### **White Mountain Apache Wildlife and Recreation Program**

*Wildlife and Outdoor Recreation Division, White Mountain Apache Tribe*

The White Mountain Apache Wildlife and Recreation Program fulfills the dual role of performing all wildlife conservation and management and serving as a self-sustaining business enterprise based on the Tribe's recreation/tourism industry. The Program's effective wildlife management techniques have allowed the Tribe to gain management control over its wildlife and recreation resources and to better manage them in accordance with Apache values. The conservation management and regulatory component of the Wildlife & Outdoor Recreation Division consists of the Fish & Wildlife Management Department and the Law Enforcement Department; the Division's enterprise component consists of two profit centers, the Outdoor Recreation Department and the Tribe's Trophy Hunting Program. The program has successfully linked effective conservation with enterprise profitability in a mutually beneficial relationship.

## **1999 HIGH HONORS**

### **Idaho Gray Wolf Recovery Program**

*Wildlife Management Program, Nez Perce Tribe*

By developing a plan that includes monitoring, outreach, species management/control, and research, the Tribe is now leading the statewide recovery of the endangered Gray Wolf. The recovery program, which meets the guidelines developed by the U.S. Fish and Wildlife Services, has resulted in a wolf population that is three times larger than it was five years ago. The Idaho

Gray Wolf Recovery Program has brought recognition to the Tribe's ability to manage a complex, and often controversial project. By asserting treaty rights as co-managers of fish and wildlife resources, the Tribe has forged solid working relationships with the federal and state governments, and importantly, the Gray Wolf is rapidly nearing delisting.

### **New Law and Old Law Together**

*Judicial Branch, Navajo Nation*

The Judicial Branch seeks to revive and strengthen traditional common law, while ensuring the efficacy of the nation's western-based court model adopted by the Nation. With over 250 Peacemakers among its seven court districts, the Judicial System utilizes traditional methods of dispute resolution as the "law of preference," which allows the courts to be more responsive to people, issues, and traditional institutions. Responding to a desire for others to learn how the Navajo judicial system operates and to teach others how to effectively utilize common law, since 1992, the Supreme Court has held more than 13 sessions in off-Reservation venues. The Branch has also developed the Navajo Nation Bar Association, comprised of over 300 members who are licensed to practice in the Navajo Courts.

### **Off-Reservation Indian Foster Care**

*Human Services Division, Fond du Lac Lake Superior Band of Chippewa*

By creatively reacting to state laws regarding foster home licensing, the Band established a foster care agency that dramatically reduced the number of Indian children in non-Indian foster care, and increased the number of Indian children in Indian foster care. The agency has successfully channeled nearly \$2 million for foster care reimbursement to Indian families in northeastern Minnesota. While the Fond du Lac Government had been able to license homes within the boundaries of the reservation, this was the first time an all-Indian board sponsored by a tribal government had been able to recruit and license homes outside of reservation boundaries.

### **Ojibwe Language Program**

*Department of Education, Mille Lacs Band of Ojibwe*

Created in 1995, this Tribally-funded program serves 350 students (from toddlers to teenagers) and uses elder-youth interaction, song books, and comic books to teach the Ojibwe language. In addition, the Program broadcasts language classes to local public schools in an effort to teach the Ojibwe language, history, and culture to non-Indian children. Teaching the Band's children their traditional language has allowed Mille Lacs Band members to pass on Tribal values more effectively. At the same time, it has served as an important tool in both preserving the Band's culture and strengthening bonds between Band members.

### **Pte Hca Ka, Inc.**

*Pte Hca Ka, Inc., Cheyenne River Sioux Tribe*

This tribally chartered corporation developed a culturally compatible management system for reestablishing buffalo as a focal point for socio-economic development, community cohesion, and self-determination. Pte Hca Ka Inc. operates a mobile meat processing facility, and is currently

seeking acquisition of 22,000 acres for a buffalo habitat that would become the first tribal national park. By integrating Lakota traditions into an economic development strategy, Pte Hca Ka, Inc. not only operates a profitable enterprise, but is also restoring cultural values into the Tribal economy and fostering pride and dignity among Tribal citizens. Pte Hca Ka, Inc. has been featured in numerous documentaries and has won widespread praise as a culturally appropriate development effort.

### **Tax Initiative Economic Development**

*Kayenta Township Commission, Navajo Nation*

The first township on the Navajo Nation to take advantage of new opportunities for local governmental authority, in 1997 the Township implemented a 2.5% retail tax that brings in hundreds of thousands of dollars annually. This revenue has enabled the Township to: build a solid waste transfer station; obtain leveraged financing for economic development projects; and support a local government office that oversees business and homesite leases, and creates local laws and ordinances. As the only self-sufficient "township" located on an Indian reservation in the United States, the Kayenta Township demonstrates how local empowerment and governance can foster self-determined, self-sustaining economic development that addresses community-specific needs.

### **Water Quality Standards**

*Environment Department, Pueblo of Sandia*

Responding to the severe contamination of the Rio Grande River that threatens human health and ceremonial uses of the water, the Pueblo was awarded "treatment as state" status in 1990. Subsequently, the Pueblo developed and implemented U.S. EPA approved water quality standards that give it control over local and regional water issues, as well as management of water quality improvement efforts. In 1997, the Pueblo of Sandia received EPA's "Partnership in Environmental Excellence Award" for "outstanding success in developing an environmental management program to protect and manage tribal resources." Most importantly, the Pueblo is acting to ensure the program's future success. By having the Pueblo's grade school students tour the river and test its water quality as part of the school science projects, the Pueblo of Sandia is helping to create a new generation of water quality guardians.

### **Wildlife and Fisheries Management Program**

*Jicarilla Game and Fish Department, Jicarilla Apache Tribe*

Recognized by state game and fish agencies as being one of the best of its kind, JGFD's Program includes a game and fish code and a wildlife management fund for habitat enhancement projects. The Program restored the reservation's mule deer population, trophy trout, and established a commercial elk hunting ranch that produces over \$1 million for the Tribe annually. The Jicarilla Tribe's Wildlife and Fisheries Management Program is regarded by both Indians and non-Indians as a model program. In 1987, the Southwest Section of the Native American Fish and Wildlife Society honored the Jicarilla Game and Fish Department with its "Outstanding Program of the Decade" award.

# 1999 HONORS

## **Cherokee Tribal Sanitation Program**

*Tribal Utilities, Eastern Band of Cherokee*

Working with its neighboring counties, the Band developed a waste management system that includes a Tribally-owned transfer station, waste collection and recycling, bio-solids and food composting, and an education component. This revenue-generating system has enabled the Band to shut down open dumps, reduce levels of illegal dumping, and avoid the need for a tribal landfill. In addition to revenue from sales of recycling and compost materials, the station also services two neighboring counties lacking federally-certified landfills. Environmentally, the waste management program has been extremely effective in cleaning up the reservation. Whereas two years ago there were five dumps on the reservation, today there is only one. Finally, the Tribe is helping to ensure the program's future success by educating its youth about the need for recycling.

## **Choctaw Health Center**

*Choctaw Health Center, Mississippi Band of Choctaw Indians*

After transferring all health care decisions from Indian Health Services to tribal control over a ten-year period, the Band significantly improved its health care delivery system. Its state-of-the-art Health Center provides health and dental care, behavioral health care and community health promotion, education and prevention programs, and the first-ever on-reservation disability clinic. In addition, the Tribe has implemented an efficient billing and records system that has reduced the "red-tape" typically associated with third party billing. By taking a more active role in its reservation health care, the tribally-controlled Choctaw Health Center is improving community health and meeting the specific health care needs of its citizens. In 1997, the Choctaw Band's Disability Clinic received the Vice President's prestigious Hammer Award for the Clinic's effective disability determination process.

## **Institutionalized Quality Improvement Program**

*Puyallup Tribal Health Authority, Puyallup Tribe of Indians*

Following a major Tribally-initiated restructuring in the early 1980s that created a quality improvement committee and a flatter organizational structure, the PTHA has increased patient access for urgent care visits, reduced "no show" rates, created clinical objectives, increased dental treatments, and incorporated the use of traditional healers into health care delivery. The Puyallup Tribe's Quality Improvement Program has enabled the PTHA to address effectively many of the health care needs of the community that were previously unmet under the Indian Health Service's management. With 6 full time physicians and a staff of 210, the PTHA has become a model for other Indian nations seeking to create and sustain health systems that meet the highest standard of excellence.

## **Land Claims Distribution Trust Fund**

*Chairman's Office, Grand Traverse Band of Ottawa and Chippewa Indians*

After 26 years of negotiation with the U.S. government over how monies from a land claims settlement would be distributed, the Band assumed financial control over the settlement by creating a Trust Fund system that will provide annual payments in perpetuity to Band elders to supplement their social security benefits. The Land Claims Distribution Fund was created to not only provide an additional, permanent, safety net for the Tribe's elders, but also to honor their lifetime contributions and sacrifices. The Fund also enables the Tribe to effectively manage its own settlement award rather than having it remain under the management of the U.S. government.

## **Minnesota 1837 Ceded Territory Conservation Code**

*Department of Natural Resources, Mille Lacs Band of Ojibwe*

In 1997, the Band successfully developed a conservation code that enables the tribe to exercise its treaty rights to hunt, fish, and gather. The Code sets out detailed hunting and fishing regulations for Band members that protect the natural resources while allowing for traditional practices to continue. The Conservation Code has endured challenges in district courts, appeals courts, and the Supreme Court, which ruled in March 1999 that Band citizens retain their rights to hunt, fish and gather in east-central Minnesota under Band regulations. Crucially, goodwill between Band members and non-Indians has developed. The Code demonstrates that tribes can successfully develop, implement and monitor important natural resources programs in cooperation with non-Indian governments. It provides a model for other Indian nations to strengthen their regulatory mechanisms and improve their government-to-government relations.

## **Navajo Studies Department**

*Rough Rock Community School, Navajo Nation*

Created in 1966 as the first contract school in the country, Rough Rock is a Navajo-run institution that combines traditional Navajo learning with Western education. Its Navajo studies curriculum, which addresses such subjects as culture, history, and language, was named by the Tribal Council as the only "Navajo Studies" program on the reservation., and today students from any of the Nation's 110 chapters are eligible to attend. As the first school to be controlled entirely by a local Indian community, Rough Rock Community School paved the way for the approximately 200 contract/grant schools that have subsequently opened on Indian reservations across the United States.

## **Rosebud Sioux Tribal Education Department and Code**

*Education Department, Rosebud Sioux Tribe*

Responding to disproportionately low academic attendance, achievement, and attainment levels, the Tribe created an education department (TED) in 1990 and developed a Code that regulates and coordinates various aspects of the tribal schools, public schools, and federally-funded Indian education programs on the reservation. Since the TED was established and the Code enacted,

drop-out rates have declined substantially and graduation rates have increased. By supplementing state and federal law, the Tribal Education Department and Code enables the Rosebud Sioux Tribe to play a greater role in the education of its youth. The Tribe is now responsible for critical components of formal education— curriculum, staffing and funding— which, for decades, had been assumed by non-tribal governments.

### **Tribal Court of the Grand Traverse Band**

*Tribal Court, Grand Traverse Band of Ottawa and Chippewa Indians*

Constitutionally separated from the political influences of government, the Tribal Court hears more than 500 cases per year, and utilizes “peacemaking” to mediate in cases in which dispute resolution is preferred to an adversarial approach. The Court adjudicates on such issues as child abuse, juvenile delinquency, guardianships, contract disputes, constitutional issues, personal and property injuries, and employment disputes. By turning to the Peacemaking system, the Tribe has been able to resolve often contentious legal issues in a manner which helps retain the social fabric that ties the community together.

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