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Tribal–State Relations

- Historically, tribes and states have had difficult relationships, and conflict over jurisdiction has been common.
- Interactions between tribes and states are increasing, particularly as a result of the devolution of program responsibilities from the federal government to state and tribal governments. Today, Native nations and states have a renewed need for open channels of communication and cooperation.
- New models of cooperation and dispute resolution, bolstered by some states' explicit recognition of tribes as governments, are helping alleviate tensions without litigation.
- A number of states are beginning to acknowledge that supporting tribal sovereignty is advantageous since sustained economic development on Indian lands benefits all state residents.

Tribal governments and state governments exist side by side in 37 states, and relations with these states have been some of the most contentious and litigious that Native nations have had to face. Frequently, interactions involve struggles for authority over resources or for the right to exercise governmental control when jurisdictional boundaries are unclear. As tribes experience a "convergence of economic strength, legal muscle and political will,"[1] many states are growing increasingly focused on their troubled associations with Indian neighbors. In some instances, tribes and states are choosing to interact in new ways to mitigate long-standing mutual distrust. This movement toward a new relationship based on cooperation is enabling tribes and states alike to better serve their citizens.

TRIBAL VERSUS STATE AUTHORITY

Regional and local history shapes the relationship between each Native nation and neighboring states. The language of the U.S. Constitution justifies the view that Native nations' primary intergovernmental relationship is with the federal government, rather than with state governments. Article 1, section 8 of the U.S. Constitution provides that "Congress

shall have the power . . . to regulate commerce with foreign nations, and among the several states, and with the Indian tribes." In other words, states and tribes exist as distinct governments, each dealing directly with the federal government.[2]

Supreme Court rulings in cases such as *Worcester v. State of Georgia* (1832) and *Williams v. Lee* (1959) have protected tribal rights from infringement by the states.[3] In the former, Chief Justice Marshall noted the following:

> The Cherokee nation, then, is a distinct community occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter, but with the assent of the Cherokees themselves, or in conformity with treaties, and with the acts of congress. The whole intercourse between the United States and this nation, is, by our constitution and laws, vested in the government of the United States.[4]

State politicians and officials, however, have tended to act on the belief that they have responsibility for, and attendant regulatory jurisdiction over, all people and activities that occur within their geographic boundaries. Entrenched perceptions held by many state officials are that tribes are simply another constituency within the service population or that the tribes function merely as local interest groups.[5] These views have led to clashes with tribes over economic development initiatives, resource management, land use, taxes, and numerous other issues. State and tribal governments frequently have been unable to arrive at a nonlitigious solution to jurisdictional disputes, and struggles commonly have had to be resolved in the federal court system.

In many instances, driven by public opinion and a distrust of the effects of tribal sovereignty, state and local officials have led opposition to the exercise or strengthening of tribal jurisdiction. Typically, their consternation is triggered by fears of differing land use policies for contiguous land parcels, foregone tax revenues, and unclear jurisdictional questions involving environmental and business laws. As an example, when Governor George Pataki of New York wrote a letter to the federal government concerning an Indian land claim in 2000, he accused the Oneida Nation of attempting to "amass large quantities of land upon which it pays no real estate taxes, evades all state and federal environmental and land-use regulations, and wages a war of unfair business competition against the law-abiding, taxpaying business owners in central New York."[6]

INCREASED INTERACTION BETWEEN STATES AND TRIBES

Even though the federal–tribal relationship remains the primary intergovernmental relationship for Indian nations located within the United States, trends over the last few decades have increased dealings between tribes and states. Some of the factors which are influencing the necessity and frequency of these interactions are the growing number of independent decisions made by Native nations, federal policy that shifts administration of certain programs to local and state governments, economic development, and the growing importance of natural resource management.

The assertion of tribal sovereignty has given Indian nations more decision-making power over issues of concern to states. Starting in the 1970s, this dynamic became ever more

pronounced as tribes started to take on the management of programs formerly delivered by the federal government.[7] This has meant that, in many cases, state governments objecting to an activity occurring on Indian land can no longer appeal to the federal government but must take up the matter directly with the tribal government that has made the relevant decision.

Over time, the federal government also has enacted legislation to devolve control of certain functions to state and local governments.[8] As a result, states have in some instances gained authority over policies and programs that impact tribes. The establishment in the late 1990s of discretionary welfare block grants from the federal government to the states is a recent dramatic example of this phenomenon. While the law allows tribes to apply for "treatment as state" and manage their own welfare program, many Native nations have not assumed this responsibility and now need to coordinate extensively with states on welfare issues.[9]

Recent growth in the economies of many Indian nations has also generated additional contact—and often conflict—between tribes and states. As growing numbers of businesses flourish on Indian lands, questions around state regulation and the collection of tax revenue become increasingly salient. For example, the spread of reservation-based gaming enterprises has led to complaints and lawsuits by state governments seeking to exert regulatory control and obtain a share of gaming revenues. Federal gaming legislation has acknowledged these concerns by introducing a requirement that tribes negotiate a compact with states before establishing certain types of gaming operations.[10]

Red Lake Walleye Recovery Program, Red Lake Band of Chippewa Indians. Facing a fishery crisis in the mid-1990s, the Red Lake Band of Chippewa Indians worked with the State of Minnesota to bring the walleye population back from virtual extinction to an optimal level in less than a decade. Operating under a consensus arrangement with local and commercial fishermen, as well as state and federal officials, the Red Lake Band now regulates fishing in the lake for a sustainable walleye fishery, restoring subsistence, cultural, and commercial uses. (*Honoring Nations*, 2006 High Honors. Photo courtesy of Richard Green.)

In parallel, growing public interest in natural resource management and environmental degradation has focused the attention of both state and tribal governments on land and water use on and near reservations. Seeking to exert more control over what happens on Indian lands, Native nations are passing an array of laws on hazardous waste storage, water quality standards, wildlife management, and land use planning. Non-Indian neighbors have often vocally objected to tribal activities, worrying that Native nations might set higher standards that could scare off development or set lower standards to attract businesses to the reservation. In the western United States, disputes between states and tribes over water rights have gained particular prominence as demand for water resources grows.[11]

NEW MODELS OF COOPERATION

Faced with more frequent and often difficult interactions, states and tribes have been developing new cooperative approaches to issues of mutual concern. The National Conference of State Legislatures observes that "in this increasingly complex landscape of service delivery and funding arrangements, intergovernmental coordination has become paramount to ensuring that the needs of state and tribal citizens are met."[12] Indeed, many compromises, agreements, and working relationships are being established between tribes and states. A movement toward negotiation and arbitration techniques and away from litigation became evident as early as the 1980s.[13] Many states are now formalizing their relationships with tribes, through agreements, statutes, and executive orders that dictate a new approach to state–tribal relations and establish mechanisms for regular dialogue and even shared jurisdiction.

In 1989, federally recognized tribes in Washington and the state of Washington signed the Centennial Accord, "in order to better achieve mutual goals through an improved relationship between their sovereign governments."[14] This groundbreaking agreement established an annual meeting and laid a foundation for more specific agreements. Ten years later, the state and the tribes reaffirmed their commitment to implementing the Centennial Accord goals by signing the New Millennium Agreement, which focuses on measures to institutionalize the tribal–state relationship.[15]

Taking a different approach, the state of Oregon passed a law in 2001 which specifies measures to promote positive government-to-government relations with tribes.[16] The law requires that each state agency develop a specific policy and submit a yearly report on the agency's communications and dealings with tribes. The law stipulates that the state must provide training at least once a year to employees who regularly interact with tribes and mandates a yearly meeting between tribal and state representatives convened by the governor. In addition, Oregon's state–tribal work groups, known as "clusters," meet regularly to discuss developments and cooperation in six issue areas: natural resources, cultural resources, education and workforce training, economic development and community services, health and human resources, and public safety and regulation.[17] In 2003, the state of Montana passed similar legislation, deepening its government-to-government relationship with tribes by establishing guiding principles, training for state government employees, mandated reporting by state agencies, and a yearly state–tribal meeting called by the governor.

New Mexico has taken innovative steps to improve its relations with Indian nations as well. In 2004, the New Mexico Office of Indian Affairs was formally elevated into a cabinet-level department by statute, giving Indian issues more prominent consideration

in state policy development.[18] Governor Bill Richardson also signed statements with the Navajo Nation and with the pueblos, laying out a protocol for mutual consultation on "issues of interest or concern."[19] These developments follow a decade of advances in the state–tribal relationship. At a summit meeting in Santa Fe in 1996, the governor and attorney general of New Mexico, the president of the Navajo Nation, the chairs of the two Apache tribes of New Mexico, and the 19 governors of the pueblos located within the state signed the historic Government-to-Government Policy Agreement. This agreement affirmed the government-to-government nature of the interactions of the state and the Indian nations and formalized the understanding that the parties to the agreement will interact "in a spirit of cooperation, coordination, communication and good will."

Governors in several states have also used executive orders to help institutionalize state–tribal relationships. As an example, in Wisconsin, Governor Jim Doyle signed an executive order in 2004 directing state agencies to work respectfully with tribes and to consult with them "regarding state action or proposed action that is anticipated to directly affect an Indian Tribe or its members."[20] The provisions contained in the Oregon law build on an executive order signed 5 years earlier by Governor John Kitzhaber which recognized that the policy and programs of the state affect tribal interests and that the tribes have a "unique legal status" which requires interaction on a government-to-government basis.[21] In New Mexico, former Governor Gary Johnson issued an executive order in 1998 affirming that the state would interact with the tribes as sovereign governments based on the principles agreed to in the Government-to-Government Policy Agreement.[22] His successor, Governor Bill Richardson, has followed with executive orders requiring state agencies to establish a pilot tribal consultation plan and to develop a statewide consultation plan on the protection of sacred sites and repatriation of sacred objects.[23]

Even when they do not deal with specific issues, the agreements, laws, and executive orders that define the state–tribal relationship as one of governmental equals set the tone for productive interactions. Anecdotal evidence suggests that the frameworks that they provide have a profound impact on the workings of the state bureaucracy as civil servants become used to considering the impacts that state actions and regulations will have on the tribes. Government-to-government principles lead state representatives toward viewing tribal representatives as delegates of sovereign powers from whom they must proactively seek input when state proposals impact tribes. Further, institutionalizing regular "summit"-type meetings between tribal and state representatives helps ensure that significant, emerging issues are identified and discussed in a timely manner.

Many states also have entered into cooperative agreements with tribes on specific policy matters. In an effort to deal with complex jurisdictional issues, almost every state that coexists with tribal governments has entered into some type of taxation arrangement with tribes.[24] Examples of agreements include cigarette tax contracts that four tribes have signed individually with the state of Washington, 34 tobacco tax compacts and 30 motor fuel contracts between various Indian nations and the state of Oklahoma, and tax agreements between individual tribes and the state of Michigan on several types of government revenues, including sales, business, and income taxes. Similarly, tribal–state agreements in law enforcement have helped states and Indian nations maximize the use of their policing resources across jurisdictional boundaries. In one example, the state of Nebraska signed a 2001 cross-deputizing agreement with the Winnebago Tribe of Nebraska which, on Winnebago land, enables designated state patrol officers to enforce federal, state, and

tribal laws and tribal officers to enforce state laws over non-Indians.[25] While state–tribal pacts have been especially common in the areas of taxation and law enforcement, they can pertain to a wide variety of topics, including service delivery, land management, and cultural resources. Increasingly, agreements also are being used to settle water rights disputes.[26]

THE BENEFITS OF COOPERATION

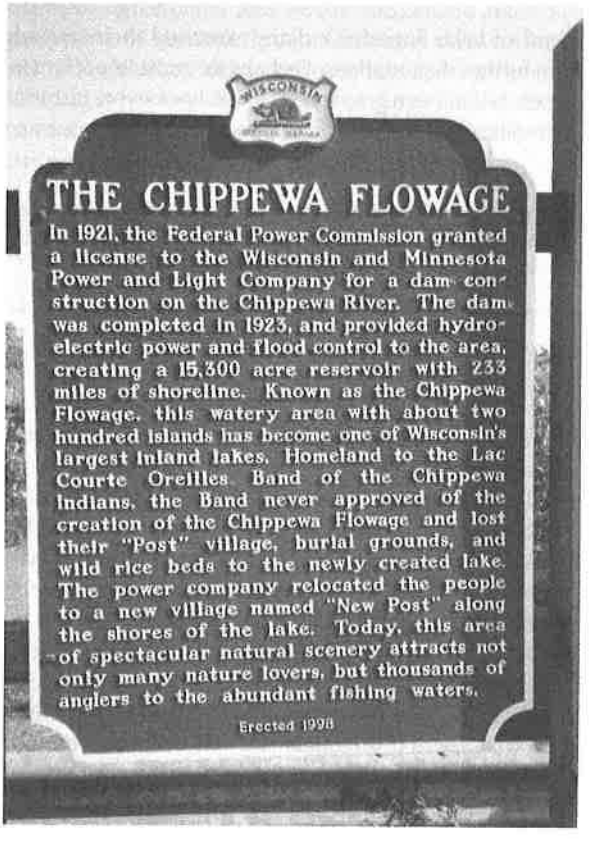
At a time when some states are making groundbreaking overtures toward the Native nations within their borders, others remain locked in a mainly competitive or hostile relationship. Within individual states, cooperation sometimes prevails in one policy area while negotiated solutions remain elusive on other issues. Yet, working toward less confrontational relations is in the best interests of both tribes and states. Indeed, at least two studies undertaken in the 1990s corroborated the benefits accruing both to states/counties and to tribes from seeking cooperative solutions, rather than resorting to litigation, to overcome disputes.[27]

Honoring Our Ancestors: The Chippewa Flowage Joint Agency Management Plan, Lac Courte Oreilles Band of Lake Superior Chippewa Indians

The Chippewa Flowage is Wisconsin's third largest lake. While the Chippewa Flowage is now regarded as a treasure of natural beauty and recreational opportunity, its creation marked a grim loss for the Lac Courte Oreilles Band of Lake Superior Chippewa. In creating the flowage in the 1920s—an endeavor motivated by the prospect of power generation—the federal government authorized the flooding of a significant portion of the Lac Courte Oreilles traditional territory. The Chippewa Flowage decimated the tribal economy, forced tribal members to relocate, and covered sacred cultural and ceremonial sites.

The flowage brought tremendous sadness to the Lac Courte Oreilles people, and for years they sought to obtain the rights to manage the acreage bordering it. The tribal government eventually won these rights in the 1970s. Success in the courtroom, while satisfying, was only a partial win however. The tribal government possessed neither the technical capacity nor sufficient governmental influence to manage the resource.

In 2000, following 12 years of negotiations, the tribe, the Wisconsin Department of Natural Resources, and the U.S. Forest Service signed the Joint Agency Management Plan for the Chippewa Flowage. The plan outlines long-term management goals for the resources of the Chippewa Flowage area. These goals include policies that detail each government's responsibilities regarding the management of land and real estate, flowage area development, recreation, facilities development, water resources, shoreline erosion, fisheries, vegetation, wildlife, fire control, transportation systems, cultural resources, public health and pollution control, and law enforcement. Although there



are many issues about which the three governments must make joint decisions, the plan allows each government to undertake its specified management responsibilities with a great deal of independence.

While the Lac Courte Oreilles were unyielding in their demand that the plan acknowledge tribal sovereignty, they were cognizant that the state of Wisconsin and the federal government had legitimate jurisdictional claims as well. The tribe's willingness to acknowledge other governments' authority inspired a similar willingness on the part of those governments. Now, with the full support of the Wisconsin Department of Natural Resources and the U.S. Forest Service, the plan's preface alerts readers to the injustices suffered by the Lac Courte Oreilles. The plan states that "all parties recognize the treaty rights of the Chippewa." Representatives of the state and federal governments to the plan have become staunch defenders of the tribe's sovereignty.

By making the sovereign choice to work cooperatively with these other governments, the tribe has been able to achieve goals that it could not have achieved alone. Through the Joint Agency Management Plan of the Chippewa Flowage, the Lac

Courte Oreilles Band of Lake Superior Indians exercised their sovereignty to protect their homeland from further degradations. Perhaps the most important lesson to emerge from the plan's success is that even governments that have every historical reason not to work together may realize win–win solutions through a willingness to cooperate.

Source: Harvard Project on American Indian Economic Development, "Honoring Our Ancestors: The Chippewa Flowage Joint Agency Management Plan," in *Tribal Governance Success Stories: Honoring Nations 2003* (Cambridge, MA: Harvard Project on American Indian Economic Development, 2003), 18.

Many state leaders and officials are beginning to recognize that it is advantageous to respect tribal sovereignty. Acknowledging tribes as full governments increases the likelihood that problems and litigation can be avoided and that agreements to partner on issues of mutual concern can be reached. As an example, in a case before the U.S. Supreme Court in 2003, the state of New Mexico, supported by the states of Montana, Washington, and Arizona, filed a friend-of-the-court brief disputing the argument that Indian reservations could become havens for criminals if state law enforcement agencies could not execute a warrant for the release of tribal records. Governor Bill Richardson noted, "In New Mexico, we do not use bolt cutters and search warrants against Indian tribes to conduct our criminal investigations. . . . We have had great success using intergovernmental agreements with Indian tribes to ensure that there is adequate law enforcement for all New Mexicans."[28] By working with Native nations, states can ensure that their concerns are met when tribal governments make decisions that have an impact beyond their borders.

Additionally, states derive economic benefits from promoting the governmental capacity of Native nations. The experience of self-determination over the last 30 years shows that by increasing control of their own affairs, tribes are better able to generate real economic growth on reservations. Businesses started on Indian lands contribute, often substantially, to the states' economies. As an example, the Mississippi Choctaw tribe is one of the very largest employers in the state of Mississippi, creating job opportunities for state residents, increasing state revenue from payroll taxes, and generating investment dollars. More broadly, a number of studies report significant positive spillovers for communities which neighbor Indian casinos, including increases in incomes and employment and a reduction in welfare rolls, robberies, and motor vehicle crimes.[29]

Tribal governments are also increasingly recognizing the benefits of collaboration with state counterparts. Tribes have traditionally seen their primary interlocutor as the federal government and have been sometimes resistant to enter into agreements with state governments. A new willingness to acknowledge that state governments have legitimate concerns about tribal government activities has contributed toward improving the state–tribal relationship. Through innovative arrangements with state governments, Native nations have been able to expand services available to their citizens and address off-reservation issues that are important to the community. In just one example, the Navajo Nation and the Zuni Pueblo have partnered with the city of Gallup, McKinley County, and the state of New Mexico to provide substance abuse services in Gallup, New Mexico. This partnership allows the Native nations involved to leverage state and local resources to help address the needs of their off-reservation citizens.

The proliferation of agreements and newly formalized relationships between states and Native nations points to an underlying, hard-won shift toward mutual recognition. Through the efforts of both states and tribes over the last few decades, a relationship long marred by confrontation is in the early stages of being redefined. States and tribes are finding new ways to interact on a government-to-government basis, and the resulting dialogue between equals ultimately benefits all state and tribal citizens.

EDUCATE. EDUCATE. EDUCATE.

Photo Courtesy of Duane's Photography, Aitkin, MN

Hon. Marge Anderson (Mille Lacs Band of Ojibwe)
Chief Executive (Former), Mille Lacs Band of Ojibwe
August 2004

I was recently invited to speak to a group of educators about tribal governance. Most of their questions were about sovereignty. They wanted to know what tribal sovereignty is. They wanted to know how we exercise it. They genuinely wanted to understand. When I explained that, as tribes, we exercise sovereignty when we actively assume governance over our own communities, they began to understand its importance. These educators began to understand our desire to write our own laws, to work to ensure that these laws are recognized, and to live according to them.

I seek out opportunities to educate others about tribal sovereignty, and I hope that those I educate will communicate their understanding to others. During my tenure as chief executive of the Mille Lacs Band of Ojibwe, I came to realize that the misunderstanding of sovereignty is a seed of anti-Indian sentiment throughout the United States. Individuals who don't understand tribal sovereignty feel threatened by it and by those tribes that exercise it. Our only effective defense against such anti-Indian sentiment is education. We must assume the responsibility to educate others about sovereignty. We must educate local governments, state governments, and even the federal government. We must educate on both sides of the aisle. We must educate every new legislator entering office. We must educate every 2 years. Educate. Educate. Educate.

I have seen persistent efforts at education succeed. During my tenure, our tribe had a good relationship with the state legislature. The legislature invited us to speak to them about tribal, state, and federal relationships. As we took the opportunity to educate them about issues that were important to us, we made progress. We also worked at the regional and national levels. I founded the Midwest Alliance of Sovereign Tribes to make sure that the interests of tribes from Michigan, Minnesota, Wisconsin, and Iowa were heard in Washington. During our annual impact week, we found that by knocking on the doors of those who had voted against our interests, we could change minds. Many of those individuals simply didn't know anything about Indians. They voted against us without knowing anything about us. In this forum, too, education was effective. I also founded the National Unity Caucus. The caucus allows tribes to donate funds to individuals who support our interests. The success of these individuals in public service promotes an understanding of tribal sovereignty.

Our efforts at education are important because our sovereignty is important. Tribes succeed when we control our own resources to meet our own needs. Several years ago, the Mille Lacs studied the funds that the federal government appropriated for tribes. We learned that only 14 cents of every dollar reached us. That meant that 86 cents out of every dollar were lost in the layers of bureaucracy from the central office of the Bureau of Indian Affairs to the area agencies. Not only were administrators taking most of the money that was supposed to be ours, but they were also making the decisions about how the balance of that money should be spent. This wasn't right. We knew our needs better than Washington. We knew that we didn't need another government telling us how to spend our money. We knew that by directing our funds to meet our own needs, we could make improvements in our people's lives.

The Mille Lacs Band of Ojibwe became one of the first tribes to compact for federal dollars, and our tribe is still unified in its commitment to self-governance. When we told our people what was happening to the funds that were appropriated for us by Congress, we also told them we could do better. We became one of seven tribes involved in an early federal project that demonstrated the effectiveness of self-governance. We have taken control of our resources and have provided better services than the federal government ever provided. We have gone around or through the roadblocks the federal government imposed in order to offer these improved services to our people.

We have defended our sovereignty not only in our relationship with the federal government but also in our interactions with the state. Tribes must work with states when federal funds or federal programs are administered through states. This doesn't mean, however, that we are subordinate to states. Tribes and states must preserve a government-to-government relationship. In Minnesota, Public Law 280 states that tribes and the state have concurrent jurisdiction. However, in the 1970s, Minnesota worded contracts with us in such a way that required us to waive our sovereign immunity in order to receive funds. We refused. We refused to sign contracts for energy assistance, Head Start, chemical dependency monies, or other state-funded programs. Our people were poor. We needed those funds. It was hard to go without, but we refused to enter into contracts that signed away our sovereignty. Our determination to preserve our sovereignty protected all tribes in Minnesota. Within a few years, the legislature passed a law stating that tribes would not be required to waive their sovereign immunity in order to receive funds.

As I've argued, our sovereignty is worthy of defense because it is the source of our success. Regrettably, that success itself often generates real resistance. When the Mille Lacs were poor, the fact of our sovereignty didn't seem to matter. However, as the exercise of our sovereignty has resulted in increased economic and political influence, those who don't understand our sovereignty have begun to see it as a serious threat. As a result, our relationships with other governments have become troubled. In the 1990s, the state of Minnesota challenged our rights—rights guaranteed through our 1837 treaty—to fish and gather. Although we worked toward a solution through the Department of Natural Resources and even agreed to a limitation of our rights in order to avoid the confrontations that Wisconsin tribes had experienced during their treaty rights battles, the state legislature rejected our proposal. We had no choice but to take the state to court. We won every step of the way—from the district court through the Eighth Circuit Court of Appeals to the Supreme Court—but that success only increased resentments. Soon afterward, Mille Lacs County began its challenge of our reservation boundaries. Although the Eighth Circuit Court of Appeals has dismissed their case, I find myself wondering what will happen next.

Such battles hurt us; they also hurt the county and state. I hope that these other governments will begin to recognize the benefits that the exercise of our sovereignty offers them.

Since we opened our first casino in 1991, we've taken many of our people off the welfare rolls. We've also generated nearly 3,000 jobs for non-Indians. This deserves celebration. Regrettably, too often our best efforts are not only ignored but actually thwarted. While I was in office, I secured nearly $9 million for a wastewater treatment plant that would have served our reservation and nearby townships while preventing sewage from leaking into Lake Mille Lacs. Our interest—an interest that I know we shared with the county and state—was in cleaning up the lake. However, a few legislators blocked our efforts. I'm not even sure that I understood what their issues were. Too often the issue that thwarts such efforts is fear.

Of course, we can't merely rely on our hope that other governments will begin to recognize the benefits that good tribal governance accrues. I can't stress enough how important it is that we break the cycle of fear ourselves through education. As tribes' economic and political resources increase, we must dedicate some of these resources to educating others. This is already making a difference at the national level. While I was in office, I studied congressional voting patterns and knew that we needed advocates. As a result, we were instrumental in starting the Native American Caucus. When I left office, that caucus had nearly 100 members from both sides of the aisle. An understanding of tribal sovereignty was a condition for joining. Tribal leaders across the country must make a difference in their individual communities. Through meetings with state legislators and through their local and regional organizations, they must promote understanding.

Their efforts may be more welcome than they expect. Years ago, when I was attending a meeting of the National Congress of American Indians in California, I was invited to meet a group of new legislators. At the end of our conversation, they thanked me. They thanked me for talking to them. They thanked me for telling them about who we are, what we are about, and what we hope for. We must create such opportunities for understanding. It is the source of our hope and it is the antidote to others' fears.

NOTES TO CHAPTER 4

1. Timothy Egan, reporter from *The New York Times,* quoted in "From Wounded Knee to Capitol Hill," *State Legislatures Magazine* (October/November 1998).

2. In 2005, approximately 48 tribes were recognized by a state government but not recognized by the federal government. State recognition does not guarantee benefits or funding from either the state or the federal government.

3. There are exceptions to the lack of state authority over tribes, including cases in which federal law specifically grants states jurisdiction over Indians. See Chapter 2.

4. *Worcester v. State of Georgia,* 31 U.S. (6 Pet.) 515, 8 L.Ed. 483, at 561 (1832).

5. Sarah Hicks and John Dossett, "Principled Devolution: Protecting Tribal Self-Determination in an Era of Growing State Power" (working paper, National Congress of American Indians, September 19, 2000).

6. Letter sent to President Clinton by Governor Pataki of New York in April 2000, quoted in "Battle Over Iroquois Land Claims Escalates," *New York Times,* May 16, 2000.

7. See Chapters 1 and 3.

8. In most cases, federal authority can also be devolved to tribes under certain conditions.

9. See Chapter 13.

10. See Chapter 8.