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5	BIA INDIAN AND TRADE COMMERCE CONSULTATION	
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9	RADISSON HOTEL & CONFERENCE CENTER GREEN BAY	
10	2040 AIRPORT DRIVE	
11	IROQUOIS SOUTH ROOM	
12	GREEN BAY, WISCONSIN 54313	
13	AUGUST 29, 2017	
14	10:00 a.m. to 12:00 p.m.	
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16	REPORTER:	
17	KATHY A. HALMA, RPR	
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1	APPEARANCES
2	PRESENTER/MODERATOR:
3	MR. GAVIN CLARKSON, DEPUTY ASSISTANT SECRETARY FOR
	POLICY AND ECONOMIC DEVELOPMENT, OFFICE OF THE
4	ASSISTANT SECRETARY, INDIAN AFFAIRS
5	ATTENDEES:
6	MR. SCOTT SUFFICOOL, BIA MANAGER
7	MS. KIM BOUCHARD, BIA, GREAT LAKES AGENCY
8	MS. MELINDA JENFARTH, ONEIDA NATION
9	MS. CATHY BACHHUBER, ONEIDA BUSINESS CENTER STAFF
10	MS. LEANNE DOXTATER, ONEIDA PLANNING
11	MR. JEFF WITTE, ONEIDA PLANNING
12	MR. PAT PELKY, ONEIDA
13	MR. ERNIE STEVENS, III, OIBC
14	MR. ERNEST L. STEVENS, JR., CHAIRMAN, NATIONAL INDIAN
15	GAMING ASSOCIATION
16	
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1	PROCEEDINGS
2	MR. SUFFICOOL: Good morning. Welcome
3	to the Department of the Interior's Consultation
4	Session on updating the Bureau of Indian Affairs
5	Licensed Indian Traders regulations. My name is
6	Scott Sufficool. I'm the BIA Midwest Region
7	Deputy Regional Director for Indian Services here
8	on behalf of the Midwest Regional Director, Tammi
9	Poitra, who couldn't be here with us today, along
10	with our Superintendent of the Great Lakes
11	Agency, Kimberly Bouchard.
12	This one of five consultation sessions
13	which the Bureau will be conducting across the
14	country. Before we begin today's session, I
15	would like to invite Councilman Stevens to come
16	up and provide us with an opening prayer, if you
17	would. Thank you.
18	MR. ERNIE STEVENS, III: Great
19	Grandfather Sukwayuntisu, I want to thank you for
20	everything you have provided for us this day and
21	everyday, all the blessings, everything that you
22	provide for our families, for our Nation, for our
23	community, for Indian Country, for our Mother
24	Earth and ask that you watch over these folks as
25	they travel to come visit us, provide them with

- 1 prayers and blessings and protect them in their
- 2 travels and to thank everybody for being here and
- all the work that they do on behalf of our Nation
- 4 and our community.
- 5 Please bless them and their families and
- 6 our community, and I'd also ask to take a moment
- 7 to provide some blessings and prayers to our
- 8 community for those in need, for those who are
- 9 mourning. There's been some loss. So please do
- what you can to provide blessings and positive
- energy to those families and friends who are
- mourning and to continue to focus on those in
- need and provide us the energy and patience to do
- our work and hopefully to help them and help our
- community and Nation and Indian Country across
- the board. Thank you for your blessings.
- MR. SUFFICOOL: Thank you, Mr. Stevens.
- 18 Again, for the record, that was Ernie Stevens,
- 19 III, who led us in this morning's prayer.
- 20 D.A. SECRETARY CLARKSON: If y'all would
- add to your prayers, obviously, the folks in
- Houston. I spent the weekend in Houston, I've
- 23 got family down in the hurricane, but also the
- 24 Karankawa are just slightly north of Houston, and
- 25 right now they are just getting absolutely

- 1 inundated with rain. It's amazing what
- 2 25 inches -- well, it will be 50 inches of rain
- 3 by the time it's all said and done, which is just
- 4 unbelievable. What you see on the news, when you
- 5 are actually seeing it in person, it's even way
- 6 worse.
- 7 MR. SUFFICOOL: Thank you, Mr. Clarkson.
- 8 I would like to thank each of you for joining us
- 9 here this morning to be part of today's
- 10 consultation session. I would remind folks that
- we are being recorded, so that if you have
- comments, if you can please make sure you
- identify yourself for the record and be clear
- with that for the transcriber. We also have a
- sign-in sheet this morning.
- To begin this morning, I'd like to
- introduce Dr. Gavin Clarkson, the Deputy
- 18 Assistant Secretary of Indian Affairs for Policy
- and Economic Development, U. S. Department of
- 20 Interior.
- 21 Dr. Clarkson will lead today's session.
- He's an accomplished individual who will we
- providing more information on what the Department
- 24 hopes to achieve through these consultation
- sessions. Dr. Clarkson is the Department's newly

appointed Deputy Assistant Secretary for Policy 1 2 and Economic Development. Dr. Clarkson is a 3 citizen of the Choctaw Nation and has brought to 4 his new position an extensive background in law, 5 finance and economic development. The 6 Department's intent in updating the BIA Trader 7 Licensing regulations is to make them relevant to 8 tribal governments in the 21st century. 9 The fact is that they were last addressed in 1965 means that they were useful to 10 tribal economies that existed 52 years ago, not 11 12 in 2017. Dr. Clarkson brings a perspective and 13 focus. He's a strong believer in promoting 14 tribal self-determination through increasing tribal access through economic opportunity. He's 15 16 bringing in fresh new ideas and methods on how 17 Indian Affairs works with tribes on their businesses and energy development needs. 18 In announcing Dr. Clarkson's appointment 19 20 last month, Secretary of Interior Ryan Zinke 21 noted that the Financial Times had named Dr. 22 Clarkson the nation's leading scholar in tribal 23 finance. He holds both a bachelor's degree and 24 an MBA from Rice University, and also earned his

doctorate in technology and operations management

- from Harvard Business School And if that wasn't
- 2 enough, he also continued on and received his law
- degree from Harvard Law School.
- 4 He's consulted and served as an advisor
- 5 to tribal organizations and federal agencies on
- 6 tribal finance and economic development issues,
- 7 and is a great supporter of native students.
- 8 He's a lifetime member of the American Indian
- 9 Science and Engineering Society where he served
- as Chairman of the AISES Foundation from 2005 to
- 11 2009. Dr. Clarkson is also a member of the
- 12 Indian Law Section of the Federal Bar
- 13 Association, the Licensing Executives Society,
- 14 Native American Finance Officers Association and
- the State Bar of Texas.
- Dr. Clarkson is a resource for Indian
- 17 Country and has the credentials to back it up.
- 18 Therefore, please join me in welcoming Dr. Gavin
- 19 Clarkson, the Indian Affairs new Deputy Assistant
- 20 Secretary for Policy and Economic Development.
- 21 (Applause.)
- D.A. SECRETARY CLARKSON: Do not let
- 23 him tell you any different. I'm just a simple
- country boy with a couple fancy eastern degrees.
- Thank you very much.

1	We have got one microphone now, so what
2	we will do is I have a few slides I want to go
3	through, but the main purpose of today is to be
4	listening to y'all. So we will pass the mic
5	around when people have something to add to the
6	record. We do have a court reporter, so just
7	when you do speak for the first time, if you can
8	make sure you state your name, and if she needs
9	you to spell it, she may raise her hand and ask
10	you to spell it. We want to try to be helpful to
11	her, as well.
12	So what I'm going to do is first of all
13	I want to share with you some themes that
14	Secretary Zinke has asked me to carry around to
15	Indian Country, and many of these you have heard
16	him talk about before. He always emphasizes
17	sovereignty. He's a firm believer in tribal
18	sovereignty. It's something he both understands
19	and advocates for, and within that is
20	self-determination and self-governance, but above
21	all else is respect.
22	Historically we have and I keep
23	saying "we." Secretary Zinke has said all the
24	problems have been his fault since he took
25	office, and for the last three months they have

- been my fault, too. But we historically have not
- 2 been sufficiently respectful of tribal
- 3 governments, and that's something that at least
- 4 this administration plans on changing.
- 5 Part of what we want to do is focus on
- 6 tribal economic freedom and empowerment. But one
- 7 of the methods to do that is by reducing the
- 8 regulatory burden, and that's not unique to
- 9 Indian Country. We are trying to reduce the
- 10 regulatory burden nationwide, but we certainly
- recognize there's an oppressive burden on almost
- all tribal economies. Most people when they hear
- 13 Secretary Zinke, he always says, "Sovereignty has
- to mean something." What do we mean by that.
- Well, where does that notion come from.
- We have 567 federally recognized tribes,
- all of them with different stories and with
- different capabilities, but all of them have the
- common story of their sovereignty -- their zone
- of sovereignty having been breached. It used to
- be, you know, Chief Justice Marshall described it
- in 1834 that the Cherokee Nation had distinct
- boundaries in which the laws of Georgia can have
- 24 no force. That boundary was something that
- Indian Country understood, but over time that

boundary, we have not necessarily done a great 1 2 job of defending that boundary. 3 But let's stay within that boundary for a second. Even within that boundary we have a 4 5 range of capabilities. We have got tribes with 6 different economic potential, different 7 geographic situations, different levels of rural versus urban. So there's a whole range of 8 9 capabilities, and so there are some tribes that either because of damage or because of need or 10 specifically because of desire we provide direct 11 12 services, and there are going to be some tribes 13 where we are going to be providing those services for generations to come, because you can't undo 14 several centuries of damage in just one or two 15 16 generations. On the other end of the spectrum are the 17 fully empowered tribes. Those are the tribes 18 19 that, you know, in reality wish we didn't exist 20 other than to defend that zone of sovereignty. 21 Those the tribes where we have no value as the 22 federal government. In many cases we just stand 23 in the way. 24 Actually, Ronald Reagan famously once

said the worse thing you could hear as a small

- business is, "Hi, I'm from the federal government
- and I'm here to help." So, Mr. Stevens, hi, I'm
- from the federal government and I'm here to get
- 4 out of your way. And, you know, you don't hear
- 5 that from the Feds normally, but that's really
- 6 what we are trying to do. We are trying to get
- 7 out of your way and not be in places you don't
- 8 want us to be.
- 9 Now we are not trying to move tribes
- from one side to the other. We do think there's
- definitely a benefit for self-governance, and I'm
- a big proponent of your self-governance program,
- but we recognize that there are going to be
- tribes that are going to be on the other end of
- the spectrum for awhile. So this is not, you
- 16 know, this is not trying to abdicate our
- 17 responsibility. We definitely want to help the
- tribes that want to to move into that
- self-governance zone and that fully-empowered
- 20 zone, but there are some things where it just --
- 21 we stand in the way of way too much.
- For example, the Southern Ute tribe was
- briefing the president during the Energy Summit.
- 24 They are a very successful oil and gas tribe.
- And, in fact, it may be closed at the moment

- 1 because of the hurricane, but they have an
- 2 offshore oil platform in the Gulf of Mexico. Now
- 3 why is it that you have a landlocked tribe in
- 4 Southern Colorado drilling on an oil drilling
- 5 platform in the deep water off the Gulf of
- 6 Mexico? Because it turns out it's easier to dig
- 7 10,000 feet below the surface of the earth than
- 8 it is for them to drill in their own backyard
- 9 because of us and all the impediments we throw in
- the way.
- The example he gave to the president was
- it takes them four months to get all the permits
- 13 necessary to start operations off reservation,
- and on reservation in their own backyard it takes
- 15 31 months to go through the process. So
- literally eight times longer to do something on
- 17 reservation than off reservation because of all
- the impediments that we put in place.
- 19 And it's not just big oil and gas
- projects, it's simple things. Mr. Stevens, you
- will probably be dealing with, you know, grandma
- 22 needing to get electricity, wiring up elders'
- houses and so on. Well, guess what, you are
- 24 going to dig a hole, you are going to put a tree
- in that hole. You're going to fill it with

- 1 concrete and hang a wire on it. It ain't that
- 2 hard. But if you do it on Trust land, you have
- 3 to get our permission because we have to do a
- 4 NEPA analysis of a hole. That's insane, that's
- 5 crazy, and yet we do that all the time.
- 6 So there are so many things where I
- 7 fully believe that the Oneida Nation is more than
- 8 capable of digging holes and putting in utility
- 9 holes and making sure grandma gets power. But
- for whatever reason we, the federal government,
- think that we need to come in and tell you what
- to do. That's not right.
- Sovereignty should mean tribes deciding
- what is right. So in terms of my priorities,
- 15 Priority No. 1 is economic development. How can
- we best help tribes develop self-sustaining
- economies that promote jobs, wealth, prosperity
- and independence. And we are not only trying to
- help Indian Country, but it turns out that when
- Indian Country is prosperous, so, too, are the
- 21 sounding communities.
- I'm positive the City of Green Bay is
- economically better off because y'all are here.
- You have probably done a lot of economic analysis
- 25 to figure out how are much you lift up the

surrounding community by having Oneida Nation be 1 2 an economic engine. And that's not unique to 3 here. That's all over. There's lots of data that we have from tribes. Lots of tribes have 4 5 just published their economic impact studies. I 6 know Oklahoma just issued one and we have gotten 7 some from the consultation process, but it's very clear that when Indian Country is, instead of 8 9 being a cesspool of poverty, when it becomes a mountain of prosperity, it lifts everybody in the 10 surrounding communities. 11 Now you will hear me talk a lot about 12 13 energy, and energy development is critical to 14 this effort, but we are not uniquely focused on energy, it's just that energy has the most 15 16 dollars to spend in terms of infrastructure development, because we all recognize that Indian 17 Country has a huge infrastructure deficit. 18 19 There's money sitting on the sidelines 20 ready to employ to build roads and schools and sewers and things like that that's not happening. 21 We will get to that in a little bit. 22 23 The next question is or the next 24 priority is tribal empowerment. How can we

better empower tribal leaders. How can we best

- 1 return economic sovereignty to the tribes. How
- 2 can we have Indian Country decide what is right
- 3 rather than the federal government.
- 4 No. 3 is human capital development.
- 5 Again, three months ago I was a school teacher
- 6 planning summer school, and I was at New Mexico
- 7 State, which has the highest percentage of Indian
- 8 students of any Division I school. I'm a
- 9 lifetime member of the American Indian Science
- and Engineering Society, and I have been
- mentoring native students my entire career. It's
- always a question how do we best invest in native
- people.
- 14 And it's not just a college education.
- One of the things is that, unfortunately, the
- elites have been so hostile towards people that
- work with their hands, and, you know, so it's not
- just college education, it's also the skilled
- trades. It's the plumbers and electricians and
- 20 the carpenters, the roofers and the bricklayers
- and the farmers and the ranchers and the people
- who fix things. It's the people who work with
- their hands, because what you want to have is a
- self-sustaining economy. You want to have it to
- 25 where -- you know, the economists will describe a

- 1 situation where in a healthy economy money will
- 2 cycle five or six times before it leaves that
- 3 economy. In most of Indian Country it cycles
- 4 once, maybe twice. So y'all are close to Green
- 5 Bay. When somebody gets paid here on the
- 6 reservation, how long before that money leaks out
- 7 and goes into the broader economy. You may keep
- 8 it a couple times.
- 9 The Navajo Nation, for example, people
- get paid at Navajo, and it turns out the single
- largest Wal-Mart on planet earth in terms of
- dollar per square foot sales is in Gallup, New
- 13 Mexico. All the Navajo people get paid at the
- end of the month, and they all drive to Gallup.
- 15 If you have ever been to Gallup at the first of
- the month, you can't park anywhere. And it's
- simply because the money is leaking off the
- 18 reservation.
- They actually tried to put a Wal-Mart in
- 20 Chinle once, but, you know, because of dual
- 21 taxation and because of an oppressive regulation
- environment, it just wasn't economical for
- Wal-Mart, so they didn't do it. But we want to
- be able to create an environment where money
- cycles multiple times in a tribal economy, and

- 1 that requires not just people with college
- degrees, but it requires people who work with
- 3 their hands, people who build things and makes
- 4 things and fix things. So, you know, we don't
- 5 want to be snobs and be hostile towards the
- 6 people who work with their hands, because those
- 7 skilled trades are important.
- 8 The way I explain it to my students, my
- 9 father was an orphan Indian kid in Chickasha,
- 10 Oklahoma. He was orphaned during the Dust Bowl
- and the Depression, and he would tell you that he
- was so broke, and he would use the term broke
- rather than poor, because poor is a state of
- mind. Broke is merely a temporary interruption
- of cash flow.
- So my father was so broke that he was
- 17 literally digging through other Indians' garbage
- cans for food. And you know it's bad when you
- dig through other Indians' garbage cans. So at
- age 16 he said two things. One, poverty sucks,
- and he was also mad at the Japanese for bombing
- 22 Pearl Harbor.
- So he joins the Navy and never looks
- back. By 1948 he's the first American Indian to
- 25 fly a vet. By 1962 he's the senior nuclear

targeting strategist for NATO. He has a computer 1 2 about the size of this room with about 16 3 kilobytes where he's doing strategic war planning 4 to blow up the old Soviet Union. He was 5 literally the guy who retasked the missiles off 6 of China and aimed them at Cuba during the Cuban 7 Missile Crisis. So I'm proof positive that Indian poverty is not a life sentence, and I also 8 9 come from a long line of nerdy natives. 10 But we want to have Indian Country be 11 better educated and better trained, because that's better for tribal economies and that helps 12 13 tribal economies become more self-sustaining. 14 But, once again, it's also better for the 15 surrounding states. I mean, Wisconsin is going 16 to be better off if the Oneidas are better educated, better skilled and better trained. 17 Human capital development is really 18 19 the best long-term strategy for promoting tribal economic growth and tribal self-governance 20 simultaneously, because it's really the only way 21 22 to get our economies to be self-sustaining 23 internally. Because otherwise we are always

importing labor from the outside. So that takes

us to the process that we're in right now.

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1	At the tail end of last year, last
2	December, they did an announcement for proposed
3	rule making to update the regulations associated
4	with the Indian Trader Act. We listened to
5	Indian Country. We had comments up through
6	April. Unfortunately, one of my colleagues asked
7	me, she was unable to make it, she got hung up
8	with weather in Chicago, but she and her group
9	did a phenomenal analysis of all the comments
10	that came down.
11	And here's what we heard from Indian
12	Country. First, the statute is old. It was
13	passed in 1790, but it's very broad, but it is
14	old. It was updated in 1834. It was updated two
15	times, but in 1834 very clear legislative intent
16	to have tribal economies be separate from the
17	state economies and not to have the state
18	involved in tribal economies. The regulation of
19	tribal economies was exclusively tribal and
20	federal, and nobody else.
21	In fact, Chief Justice Marshall and
22	George Washington, some of our founding fathers,
23	echoed those exact sentiments. Again, Chief
24	Justic Marshall described it as the Cherokee
25	Nation having distinct boundaries in which the

laws of Georgia can have no force. It was a real 1 2 simpler system. 3 If you were in Georgia, you paid Georgia 4 tax under Georgia regulations. If you were a 5 Cherokee, you had Cherokee tax, Cherokee 6 regulations. Indian Country identified very 7 strong legislative intent to exclude the states from tribal economies. The regulations are also 8 pretty old. They were promulgated in 1957 and 9 updated in 1965, so they are definitely due for 10 an update. 11 But if we go back to this notion that 12 13 the founding fathers had -- Again, I'm a 14 Republican, so I can look to legislative intent and look favorably on legislative intent, but I 15 16 can also complain about activist judges going in and messing things up, which unfortunately is 17 what happened. There were federal common law 18 19 decisions that's went in and breached that 20 exclusivity that the founding fathers had so 21 carefully crafted. And then federal regulators 22 and state regulators and state taxation officials 23 went in and compounded the problem. 24 Indian Country gave us a litany of all 25 these problems and all these challenges that

- Indian Country is facing from an economic 1 2 standpoint. So not only did Indian Country do a 3 phenomenal job of telling us the history and 4 telling us the problems of the current situation, 5 but Indian Country also made suggetions. 6 We actually also got draft regulations 7 from several tribes. I believe it was the 8 Lummi, Otoe-Missouria and Citizen Potawatomi 9 actually gave us draft regulations about how we 10 can fix this, because what they say is what we 11 have in that statute, it's an old statute and 12 we're an old department, we have very broad 13 authority. Congress spoke very plainly that they 14 wanted the tribal economy to exclude the state 15 economy, and they passed a statute that gave the 16 secretary very broad authority to pass rules to
  - So Indian Country said, "Well, use that expansive authority that Congress has given you, and in turn give tribes the exclusive ability to tax and regulate trade and commerce that occurs on trust or restricted fee lands to the exclusion of the state.

Allow tribes, where they desire to, to

opt out of oppressive federal regulatory

protect Indians in terms of economic matters.

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- 1 oversight of some or all of their Indian lands,
- 2 and replace an uncertain taxation system with a
- 3 jurisdictional geographic based system just like
- 4 the states have."
- 5 If you walk into, you know, if you walk
- 6 into a convenience store, you know, if I go to
- 7 Packers stadium to watch my beloved Cowboys play,
- 8 and I go buy some concessions, I'm going to owe
- 9 Wisconsin some tax. That's fine. But if, you
- 10 know, I buy something here at Oneida, it
- shouldn't matter whether I'm black, white, red or
- green from Mars. I should be owing the Oneida
- Nation a tax and it should be Oneida Nation's
- regulation, if we are implementing what Indian
- 15 Country is suggesting. It would be a simple
- thing, and everybody would understand.
- So the question is what would the world
- look like. If we take Indian Country suggestions
- and we say, "Well, what would that world look
- 20 like," it would still be the same zone. By the
- 21 way, you'll notice I have gone for several
- 22 minutes and I have yet to mention the word
- 23 termination. That is because termination has
- absolutely nothing to do with Indian policy in
- 25 this administration. We are not trying to

- 1 terminate anything. What we are doing is trying
- 2 to have a vigorous, robust defense of that zone
- 3 of sovereignty and have tribes be in control of
- 4 what happens within that zone.
- 5 When we take Indian Country suggestions
- 6 in terms of economic matters, what does that mean
- 7 for state regulation and federal regulation.
- 8 Well, if you look up here, you have got this
- 9 zone, and then if you have state regulation and
- state tax authorities coming in and they try to
- penetrate that zone, they get kicked out. And
- the same thing with federal regulations. When
- the federal regulators try to come in and you
- don't want them, they get kicked out, too.
- So what we have is a system where inside
- that zone tribes are deciding what is right. Now
- there clearly are going to be some federal laws
- that still apply, and that's fine, we we all
- recognize that. But within that zone, it is full
- 20 economic sovereignty for tribes. That's what
- 21 Indian Country is suggesting.
- The question is how do we get there.
- Well, we sent out a dear tribal leader letter,
- and I realize we have a changeover
- administration, and so I apologize if you didn't

- get it in time or didn't get it at all, but we
- 2 want to make sure that everybody has a chance to
- 3 comment, so we are contemplating extending the
- 4 time frame for comments. But basically what we
- 5 need to do is we need to make an economic case.
- 6 I mean, I can sit up here and tell you this is
- 7 the right thing to do, that returning economic
- 8 sovereignty to the tribe is just morally right,
- 9 it's ethically right, it's legally justifiable,
- but that won't matter because it all comes down
- 11 to dollars.
- So we have got to be able -- and it
- should be straightforward. I think everybody in
- the room can probably in their own heads make the
- economic case that it's good for Indian Country
- if Indian Country is able to capture all these
- economics. But it turns out that from a macro
- economic standpoint it's also good for the
- surrounding community. We were talking earlier,
- you were asking why is it you keep saying it's
- 21 good for the states. It's because it has to be
- good for the states for us to be able to do
- something. And it turns out that it is.
- So that's where a lot of the opposition
- 25 might come from. There are some states where

- 1 they have, you know, they have been taxing the
- 2 tribes quite heavily, and they are saying, "Gee,
- 3 what happens if you take that revenue away from
- 4 us." Well, this is where the economics become
- 5 critical. This is where we need your help.
- 6 Because if you think about it, I mean,
- 7 we're not too far from farm country here, but if
- 8 you think about it, you want to let the crop grow
- 9 and expand and become viable before you harvest
- it. So down in the south we had a problem with
- an invasive species called boll weevil, and the
- boll weevil came in and it would attack the
- juvenile cotton plant and suck the life out of it
- before the cotton plant had a chance to grow and
- multiply and become useful.
- In some sense what we are now fighting
- is tax weevil where certain folks come in and try
- to suck the life out of tribal economies before
- tribal economies have a chance to grow and
- prosper. But if those tribal economies, if we
- 21 remove those shackles and remove those
- impediments and tribal economies are allowed to
- grow and reach their full potential, there will
- be so much economic activity that the natural
- process of leakage economically will benefit all

- 1 the surrounding communites. We have already seen
- 2 this in the gaming context.
- We have already demonstrated that when
- 4 Indian Country prospers, surrounding communities
- 5 prosper. Imagine if you unleash the entire scope
- 6 of tribal economies. So much money would flow
- 7 out of the tribal communities. And we also have
- 8 situations -- this again is where we need
- 9 information from Indian Country. We have
- identified some situations like I had already
- identified the Wal-Mart in Chinle that didn't get
- built because of dual taxation. Well, I'm sure
- there are projects that are not being built right
- 14 now.
- In fact, I know that in New Mexico, for
- example, people have been telling me there's
- about a billion dollars of projects in just one
- county that would happen, but don't happen right
- 19 now because the company went to the Tribe and
- said, "Hey, we have got a billion dollars to
- 21 invest as long as you take a tax holiday." The
- Tribe said, "No, these resources have been here
- longer than New Mexico has ever been a state.
- 24 Why should we take the tax holiday. Go talk to
- 25 the state." New Mexico is having some financial

- difficulties, so they didn't take a tax holiday,
- either. Well, guess what. Nothing happened.
- 3 There was no capital investment, there was no
- 4 annual revenue and there were no jobs created
- 5 because of the dual taxation system.
- 6 So, again, you know, some of these ideas
- 7 aren't even new. Ronald Reagan in 1983 suggested
- 8 one of the biggest challenges the tribes have is
- 9 the fact that they don't have a tax base, and his
- 10 Presidential Commission recommended that in order
- for tribes to be able to have the economic
- wherewithal to provide services for both tribal
- members and non-tribal members, they need to be
- able have to -- they need to end the problem of
- dual taxation and have the tribes have exclusive
- ability to tax economic activity on the
- 17 reservation regardless of the person who's doing
- the economic activity.
- 19 So the only way we are going to
- succeed -- and I cannot be any more clear on
- 21 this. If we do not get Indian Country's help, we
- will not succeed. We will fail. If we get
- Indian Country's help, I believe we can be
- successful in building an macro economic case
- 25 that shows that not only is Indian Country more

- 1 prosperous, but Wisconsin is more prosperous,
- 2 North Dakota is more prosperous, New Mexico is
- 3 more prosperous. Every single state with tribes
- 4 will be better off with tribes in full control of
- 5 their economies, because then those economies can
- 6 grow.
- 7 Some people, you know, the fancy elites
- 8 will go to Whole Foods and buy bean sprouts. I
- 9 love bean spouts, but they don't last very long.
- 10 You have to keep them refrigerated. They are not
- 11 nearly as useful and productive, they can't feed
- nearly as many people as a bushel of beans. So
- what we want to do is not harvest the bean
- sprouts, let's wait and let the crop grow and
- emerge and have a big, massive bushel of beans
- and we can feed everybody.
- We want to allow Indian Country
- economies to grow and prosper and thrive and
- become fully-fledged domestic economies, and then
- 20 they will become massive employers of people off
- 21 reservations. For example, at one point the
- 22 Mississippi Choctaw was the single largest
- private employer in the entire state of
- 24 Mississippi. The vast majority of people working
- in the Mississippi Choctaw were from off

1 reservation.

-	16061 (401011.
2	There's no reason why Indian Country
3	can't be a massive job creator, a massive
4	economic engine. Just imagine if there's several
5	billion dollars of economic stimulus ready to
6	flow into Wisconsin because now all of a sudden
7	we can make it economically viable to invest in
8	Indian Country. That's the world we're trying to
9	envision. That's what Indian Country suggests to
0	us, and we think it's a good suggestion.
1	But in order to make that case, we have
12	to get the economic data. We have to be able to
13	show what's not happening now, but could happen
4	if Indian Country had full economic sovereignty.
15	What we asked for was data. We want information
16	about projects that aren't happening. Now,
17	again, we recognize that people have propriety
18	and confidential business information, and
19	everything we are getting is a public record, so
20	we don't want you to disclose anything that's
21	confidential. But if you'd just give us enough
22	information, you know, identify the business
23	sector or the economic sector where the activity
24	would take place, the capital investment that
25	would be spent, that would be for the one-time

- startup expenditures, then the annual revenues
- 2 that those projects would be generating and the
- 3 jobs that would be created, we're going to amass
- 4 all this information to build a large macro
- 5 economic model to show that every state is going
- 6 to be better off.
- Also, if you have done economic studies
- 8 to show where you are benefiting surrounding
- 9 communities. My sense is you probably have
- already done that. Finally, if there are treaty
- obligations that you have where we have failed,
- and we failed, you know, in countless treaty
- obligations, but if there are treaty obligations
- specifically focused on protecting your
- economies, please let us now about that. Those
- are really important.
- 17 Again, this is a collaborative
- consultative process. We cannot succeed without
- 19 your help. We will not be able to move forward
- if we can't make the economic case not just about
- Indian Country, but about the nation as a whole.
- And this is consistent with my role in Indian
- Affairs. I describe it as I am the fiduciary
- 24 trust officer of a publicly-traded bank. I work
- 25 for the CEO. I have to maximize the value of the

- shareholders, in that case that's the people of
- 2 the United States, but I have a fiduciary
- 3 obligation to the tribes.
- 4 In this case, in this instance, I see no
- 5 misalignment between my mission of maximizing the
- 6 value of the shareholders and my fiduciary
- 7 obligation to Indian Country. In this case
- 8 absolutely what's going to be good for Indian
- 9 Country is going to be good for the rest of the
- 10 country. The United States as a whole will be
- better off if Indian Country is more prosperous,
- but the only way we will be able to move forward
- with these regulations to acheive that goal is
- with the assistance of Indian Country.
- So for the tribal leaders here, we
- definitely need to get information about the
- economic projects that aren't happening, but
- would happen if you were in charge of regulation,
- if you were in charge of taxation. But also for
- the folks from BIA, if you can make sure that the
- 21 other tribes are aware of our need for
- information and get that word out that we need
- data. Because not only do we have our own
- economists that will go through and look at this,
- 25 there are economists at the Department of Energy

- 1 that will look at this. There are folks at the
- 2 Federal Reserve that will take a look at this.
- 3 There are folks at other universities that are
- 4 doing economic analysis. So the data coming in,
- 5 again, we are going to make that dataset publicly
- 6 available and have everybody else do an
- 7 independent analysis of it so we can pull all
- 8 this information together and then make a very
- 9 strong peer-reviewed macro economic case that
- it's in the nation's best interest, as well as
- 11 Indian Country's best interest, to have full
- economic sovereignty under this statute.
- Now this question about how we do that,
- 14 you know, because the Supreme Court has said
- certain things. Well, the Supreme Court is the
- 16 final arbiter of what is and what is not
- 17 constitutional. However, the Supreme Court goes
- in and they opine in other areas that's referred
- 19 to as federal common law. Federal common law can
- 20 be overturned either by Congress, or if Congress
- 21 has already spoken and we just as a regulatory
- agency have not fully encapsulated the scope of
- 23 that, we can pass new regulations that can also
- overturn federal common law.
- So in this case there are some cases out

- 1 there like cotton, petroleum. They go out and
- 2 basically interpose the state as a taxing
- authority where if an Indian digs a hole in the
- 4 backyard and oil comes out, there's no tax. If a
- 5 white guy goes in and digs a hole, there's a tax.
- 6 The Supreme Court decided in a federal common law
- 7 decision that that was the way they wanted it.
- 8 Well, we can go in and say that it shouldn't
- 9 matter, that if anybody, again, if a martian
- decides to come to Oneida and dig a hole and
- discover oil, he still owes the Oneida Nation a
- tax. It shouldn't matter. The status of the
- person doing it should not matter. It should
- matter geographically, because that's how every
- single state does it, that's how every other
- 16 county does it, that's how every other city does
- it, is that geographic borders matter. That's
- what the founding fathers suggested, was that
- 19 geographic borders should mattered.
- Indian Country has asked us to return
- 21 back to the situation envisioned by the founding
- fathers and actually advocated by President
- Reagan, but we need your help. So that's what we
- are thinking in Interior, but we are very
- interested in what y'all are thinking.

So at this point I'd like to stop, but I 1 2 we'll stay on record. I want to make sure if you 3 have any questions, we have a microphone here and 4 we will pass it around and give y'all a chance to 5 ask questions or -- and if you have any stories to share. I know we have the economic 6 7 development folks here. If y'all have stories, 8 please share them, because that's how we are 9 going to make a change. 10 When you do speak, make sure you identify yourself for the court reporter. 11 12 MR. ERNIE STEVENS, III: Thanks for your 13 remarks. Again, I want to reiterate our thanks 14 and appreciation for coming out here and taking the time. As always, these consultations do take 15 16 time and they are the start of an ongoing communication and continuation of a 17 communication. So I appreciate that. I thank 18 19 everyone for being here. 20 I will keep my remarks brief. I am Ernie Stevens, III, a councilman for the Oneida 21 22 Nation of Wisconsin. I look at this 23 presentation, and to be perfectly honest, it's 24 very similar to what I would communicate if I 25 were in your shoes or if I was proposing

something. 1

25

2 My remarks are going to be consistent 3 with some of the communications we have had as 4 the Oneida Business Committee thus far, some of 5 the history of stuff we have worked on, and they 6 will pass it along to our practitioners, who are 7 the experts and who are the ones who are out there doing it and will be doing it, and we will 8 9 empower them to do so. 10 So, again, speaking generally, you know, there's a couple things that we are working on 11 that I want to share, and one of those things is 12 13 very, very much in its infancy. It's very much 14 going to need the input of these folks here and the entire Department. So, again, it's a 15 16 conceptual plan. It's something that we are calling the Master Sustainability Plan. 17 You know, I can't fully speak on the 18 rest of the committee's behalf, because we have 19 20 to vet this up yet and go through a lot of 21 details, but the general aspect of it, I guess 22 the tip of the iceberg, if I may, the Master 23 Sustainability Plan will outline more or less 24 three main levels of sustainability, and you

outlined pretty much all of them here.

1	One, starting from the main core, is
2	having a sustainability within our community and
3	with our families. Families being able to
4	sustain themselves, having the skills and
5	abilities to maintain their families and their
6	households, and then also contribute to the
7	community.
8	So that again brings us to the next
9	level of our community being able to sustain
10	itself, being able to provide food and sustenance
11	and various other resources to its tribal
12	members.
13	And then the third level being expansion
14	of resources and being able to go out and bring
15	in other forms of resources in trade and commerce
16	and other economic development. So very, very
17	much a general viewpoint, but that kind of
18	outlines what we are going to put into that.
19	So there's a lot of work, literally
20	decades of work that will contribute to that
21	plan. It will be sort of a subsidiary plan to
22	what's called the Comprehensive Plan. You may
23	have seen and heard of that. That, you know, is
24	updated periodically. So this at some point may
25	contribute to another update. But, again, within

- 1 that plan it's communicating the needs, input
- 2 from our development areas and our land and
- 3 environmental to ensure that not only are we
- 4 still on task with our previous plans that we've
- 5 had again for decades, but that we are using that
- 6 momentum and that we are pushing forth to create
- 7 I guess I want to say a foundation, a stronger,
- 8 firm foundation of accountability to ourselves
- 9 and to our families.
- 10 It's just not tribal governance, it's
- just not the organization, it's actual community
- members and families that are part of this plan
- and practitioners of this plan. So, obviously, a
- lot of that comes back to, you know, our
- opportunities and our relationships. So this is
- a big part of that.
- 17 I think, speaking generally, that's
- something we are working on in this
- administration. It's a momentum. It's not
- anything new. There will be, I believe, new
- 21 elements to it, some of which we may be able to
- create through some of this new regulation that
- 23 we could potentially discuss and look at.
- So at this point, you know, again, we,
- obviously, have other business entities that are

- out there doing work. Our corporate entities in
- 2 OESC, you know, we mentioned AISES. We just
- 3 talked this morning about providing our youth
- 4 more opportunities to get involved with AISES,
- 5 because the one key thing that you touched on,
- 6 and I like the way you put it, you said human
- 7 capital development. I just refer to it as
- 8 building capacity in our tribal members. Same
- 9 thing, human capital development, and that's
- something that started 10 years ago, 20 years
- ago, it starts today, it starts tomorrow. This
- 12 Sustainability Plan will outline that and how us
- as a Nation sees that, and, again, the
- 14 accountability for our membership to maintain
- that within our families.
- 16 So economic development and
- sustainability, debt, that's a key component.
- 18 That's also in there. I would like to discuss
- the opportunities with AISES that you may be able
- 20 to help with through organizations like OESC that
- focuses on the trades and industry.
- So, again, you know, there's a lot I
- want to share. I don't want to take up too much
- time. At this point I do want to pass it along
- 25 to our folks here who are in attendance to

- 1 maximize their time, but that's just the comments
- 2 I want to share speaking generally from a vision
- 3 standpoint that we're definitely there. This
- 4 stuff isn't new, but at the same time we want to
- 5 focus a lot more on energy, various forms of
- 6 resources to do these things, and this
- 7 communication is going to be key, because, you
- 8 know, myself personally I'm also a liaison to the
- 9 local Chamber of Commerce and the Department of
- 10 Commerce of the state.
- You talked about the different levels of
- relationships, so coalescing that communication
- and that understanding is going to be key. So
- 14 I'm here to do that and here to help with that on
- behalf of the Nation and whoever else is going to
- help me with that.
- 17 So with that, I will pass this along
- to -- I guess we will go down the line here -- to
- 19 Pat Pelky. Thank you for the moment.
- MR. PELKY: Thank you, Ernie.
- 21 I'm Pat Pelky with the Environmental
- Health and Safety Division as the Division
- 23 Director and also the Division Director for the
- 24 Division of Land Management. So I'm just going
- 25 to kind of highlight some of the things you

- 1 talked about and how it might relate to us.
- 2 Certainly you acknowledge that you are a
- 3 Republican and some of the belief systems that a
- 4 Republican has has a lot of similarity to the
- 5 tribes where treaties should be held from the
- 6 constitution as the highest law in the land. We
- 7 believe in that.
- 8 The other thing we believe in is that,
- 9 you know, pushing the authority back down to the
- local government as far as you get. The tribes
- adhere to that. The tribes are the most local,
- indigenous government that there is. I can't say
- enough for that.
- 14 Also, the BIA and the Interior's
- responsibility, that trust responsibility, hasn't
- been always clear to us over the years, and we
- would like the opportunity to strengthen that,
- and not just within the Interior's roles that
- they carry out, but also how can you help with
- 20 EPA and USDA. These are all areas where we are
- at a tremendous disadvantage from a historical
- standpoint.
- I will just use the Farm Bill as an
- 24 example, which is another economic model. The
- 25 tribes weren't even mentioned in the Farm Bill

- 1 for the first 67 plus years. We just recently
- 2 started to get mentioned similar to states, but
- 3 unfortunately things have evolved through all the
- 4 other local governments and the communities, and
- 5 so they have changed how they help these
- 6 communities versus how they are not helping us.
- 7 So, you know, they change the programs
- 8 about developing capacities through granting to
- 9 actually, you know, continue the infrastructure
- through loans. Well, we never had a chance to
- develop those capacities, so we can't get to the
- loans. We are still at the early stages of
- 13 needing that help to build those capacities,
- whether its infrastructure, education, economic
- drivers or whatever it might be. Those are
- things that we still need help with.
- 17 So we like the idea of self-governance
- and the very notion of being treaty tribes and us
- making our own decisions, but we still, from a
- trust responsibility, there's certain things we
- still need you guys to plow a path for us.
- An example is, you know, the Oneida
- 23 Tribe has 26,732 acres about right now out of our
- 24 65,000. So we own about 41 percent. Through the
- 25 Allotment Act we lost a lot of those lands, and

- 1 now we are regaining or buying back those lands.
- 2 But with those lands we have a burden on those
- with taxation through the PETA Trust process.
- 4 It's a very slow process, as you probably are
- 5 aware of. There are some years when we don't get
- 6 any lands in the Trust. Two years ago we had 25
- 7 different properties to go in the Trust. So if
- 8 there's a way of having the ability to get those
- 9 lands in the Trust that is more streamline,
- because as we put those things up, there's really
- 11 nothing that should keep us from getting those
- lands in the Trust. We purchase them, we should
- be our own self-determination. We have a \$1.5,
- \$1.6 million tax burden on these fee lands that
- you talked about. That's huge.
- I would rather pay my taxes to the tribe
- 17 rather than the local county government or the
- township. It just makes better sense to me to do
- that, because that's where I receive my services.
- 20 So when we look at how we pay for the things that
- we do, whether it's social services, our health
- center, our parks and rec, our development
- division, that all comes from our revenue stream,
- not from our taxation, because we are losing our
- 25 taxes to the local government, and they begin to

strengthen their systmes and we fall further and 1 2 further behind. 3 The ability for them to even say, our 4 neighbors, as another disadvantage, you know, as 5 we are trying to move forward, they are suing us 6 saying that we don't even exist. These are areas 7 where we could use the help from the federal 8 government or the Interior's office to actually 9 step up saying that that's our ownership and always has been and, you know, we have people 10 suing us against that. That's where we need the 11 help. 12 13 We have had the Earth Act, ability to do 14 the Earth Act where you talk about where we can 15 do our own environmental assessments. Because 16 there's such a backlog in BIA right now, that would be great, but we have had that up for I 17 18 want to say over a year now waiting for that 19 decision to be made. So that would be a big help 20 in, you know, developing some of our economic --21 D.A. SECRETARY CLARKSON: 22 And that's only been my fault for three months. 23 That delay is my fault for three months. 24 MR. PELKY: So as we look at just the

foundation of Indian Law 101, we're constantly

- 1 getting educated on that. We just don't always
- 2 know what that means. It was just about four
- 3 years ago when on one of our fee lands, local
- 4 government was able to condemn our lands to put
- 5 in a project that we disagreed with right next
- 6 us. We have our comprehensive plan, but our
- 7 neighbor has their comprehensive plan. They say
- 8 they want to maintain a rural characteristic, we
- 9 say we want to maintain a rural characteristic,
- but yet now they are just building like crazy.
- 11 It's one of the highest growth areas in the State
- of Wisconsin. So they are not even listening to
- their own people, and they are certainly not
- listening to us.
- So how do we, as you talked about it
- earlier, if these are our lands, how do we have
- our own influences within our exterior boundaries
- of the Tribe. So I'm very encouraged by the
- words that maybe there is a way that we can do
- that. And I know we do have some old studies out
- 21 there. I don't think we have many recent studies
- about the economics, but we do work with the
- local university just to talk about the impacts
- that our casino has had or retail has had.
- D.A. SECRETARY CLARKSON:

1 Even old studies are useful. 2 MR. PELKY: The youth internship 3 capacity, certainly any help that you can get us 4 towards those kind of initiatives. Our youth are 5 at risk right now with all the issues around 6 alcohol, drug abuse, gangs, identity. A big part 7 of that is just give them busy hands and then their minds aren't so busy doing other things. 8 9 And that leads to capacity for the 10 federal government. We are not sure what the percentage of tribal members are in Indian 11 12 agencies throughout the federal government, but 13 we think if you have more tribal people in those 14 agencies, that will actually help with some of 15 the connection that we have with the federal 16 government and the relationships that we do have and the independence or the self-governance that 17 we have. Sorry. This is all off the cuff. 18 19 D.A. SECRETARY CLARKSON: That's okay. 20 21 MR. PELKY: I think the other important 22 thing, you know, that we look at around 23 opportunities, we have about 12,000 acres that we 24 are under that have ag components. So just

developing some kind of ag hub I think for an

- 1 economic driver. In the State of Wisconsin, the
- 2 agriculture is in the billions of dollars.
- Wisconsin is certainly known for the cheese and
- 4 the dairy, but there's other things that we can
- 5 do, and the biggest thing that jumps out in my
- 6 mind is hemp, hemp production.
- 7 It just doesn't make any sense that the
- 8 DEA says there's issues around hemp when that
- 9 used to be -- the State of Wisconsin used to be
- the second largest producer of hemp and all of a
- sudden it's gone. It's out of our economics.
- 12 It's hard for us -- USDEA saying that
- it's a great product, we should find a way to use
- it, but then the DEA makes it impossible to
- develop that product. So just to streamline
- those regulations I think would be a big help.
- 17 And all the things that we know about hemp, you
- 18 know, I come from an environmental background,
- so, you know, it replenishes the soil, it makes
- it healthy, it helps with water quality. It has
- 21 root penetration. It rebuilds the soil, and the
- fact that you can use hemp for so many different
- projects from clothing to diesel, like non-diesel
- fuels. So it's just -- if there's a way that we
- can build that with us having this much

- agricultural product in tillable acres would be a
- 2 tremendous help, I think, for us.
- 3 I think the last thing, if I can just
- 4 kind of wrap it up, is just that, you know, the
- 5 treaty that we have with the federal government,
- 6 the highest law of the land, is just finding ways
- 7 to recharge that to say, you know, the Supreme
- 8 Court got it wrong, let's try to fix it together,
- 9 try to just help us through this where we are
- actually back in the driver's seat.
- We used to have a treaty with the state
- for water quality standards, but that was
- rescinded from us not because of what we did, but
- because of the process that the EPA had followed.
- 15 You know, finding different ways for us to say if
- this is what we are interested in, we should have
- 17 a clearer path in doing it.
- So from the tribal perspective, when we
- do development projects, it doesn't just come
- down to cost. We look at it from a
- sustainability viewpoint, and I know that's
- overused maybe too much, but it's really looking
- at economic viability, looking at not at the
- 24 expense of the environment and certainly fits
- within the social and cultural component of the

Tribe. So when we look at these things, seven 1 2 generations, that's how we measure things out. 3 The more help that we can get from the 4 federal government staying out of our way, but 5 then coming back into the system when we need 6 help, when we are having troubles with local 7 government, that we are just not out there doing 8 it by ourselves I think would be a tremendous 9 help. Thank you. 10 11 D.A. SECRETARY CLARKSON: One thing you 12 mentioned, and this goes back to the human 13 capital development, runs through a whole range 14 of them. Agricultural development is huge. For many tribal communities, much of Indian Country, 15 16 we are food deserts. We import all of our food. That used to not be the case. One of the things 17 18 is that we are trying to work together with the Department of Agriculture in helping tribes 19 20 achieve food sovereignty. It was at a meeting 21 of tribal ag -- It was an ag youth summit down 22 at the University of Arkansas, and we went over 23 to the Paw Paw Nation, and it was amazing how 24 much that the Paw Paw Tribe has really taken

this food sovereignty initiative and they now

- 1 not only have a bison range, but they are also
- 2 building a bison pen and a bison
- 3 slaughterhouse. So they will do -- literally
- 4 from hoof to table everything is being handled
- 5 by the Tribe. They also have a greenhouse, they
- 6 have pasture land. They are growing as much as
- 7 they possibly can not only for use in their own
- 8 restaurants, but also for consumption by their
- 9 own people. So food sovereignty is a big thing.
- Obviously, as you mentioned, Wisconsin is
- an ag state, as well. Those are initiatives that
- we would definitely be interested in encouraging.
- 13 Again, from a trade and commerce standpoint, that
- should be under tribal control.
- MR. PELKY: One last comment with that,
- 16 too. So when you look at the Oneida Tribe, we
- have about -- I think it's approaching 500 head
- of beef cows that are natural. We have about 200
- 19 head of buffalo.
- We are doing a pilot program around
- aquaponics. We are using fish to use as an input
- for growing plants. We also have -- it's called
- Tsyunhekiva that is teaching tribal members back
- to how to farm again. Not only are we a
- 25 gathering tribe, but we are also an agricultural

- 1 tribe, too. We have our three sisters; our white
- 2 corn, beans and squash.
- 3 So that's something that's just
- 4 continued within our tribe over the years, our
- 5 Nation. So I would also encourage, you know, if
- 6 you have a chance to come back, I think it's
- 7 October 2nd through the 5th, Oneida is hosting
- 8 another food sovereignty summit here at the
- 9 Radisson. I think it's the third one now where
- all the tribes throughout the United States come
- 11 to this to kind of have those kind of
- 12 conversations. How can we actually produce our
- own food. How can we get into export/import kind
- of markets and stuff. So there's a lot of
- activities going around. But, you know,
- certainly it would be great to hear back from you
- guys and say, "Here's what we are proposing."
- Once again, how can you get out of the way, but
- then also how can you help, too.
- Thank you.
- D.A. SECRETARY CLARKSON: Thank you.
- MS. BOXTATER: My name is Leanne
- Doxtater, and I've worked in the Planning
- Department for this great Nation for 11 years.
- 25 I just want to say right up front I

- 1 support everything that Mr. Pelky just said very,
- 2 very strongly.
- We worked with -- when I say "we," I
- 4 mean as planners we have touched on everything
- 5 that was said today. We have also dug deeper in
- 6 some areas, and we see firsthand, and when I say
- 7 that, it's because we work so closely with the
- 8 community. Everything we do is based on what the
- 9 community wants.
- We are getting ready to go into a
- rewrite of our Comprehensive Plan. So that is
- probably, besides our laws, that is probably the
- most important document that we have on the
- shelves collecting dust. But it is still --
- 15 components of that are our working documents, and
- 16 every tribal department, every tribal division,
- is responsible for keeping up with what they put
- inside of those elements.
- 19 So the economic plan is going to be very
- 20 much a part of the Comprehensive Plan. Before it
- 21 was just pretty much mentioned, some detail on
- it, but not enough. Now that the Tribe is -- I
- take that back. Now that the Nation is moving in
- a positive direction slowly, but it's moving, the
- economic component of the Comprehensive Plan will

- 1 be much more extensive, I'm sure, as there are a
- 2 lot of people working on it.
- 3 It's a lot of fun working in the
- 4 Planning Department, simply because of the fact,
- 5 as I said, we have talked, we are argued, we have
- 6 debated almost everything that was said today
- 7 amongst ourselves. We are not afraid to take
- 8 that out into the community and get their
- 9 feedback. So when we look at the possibilities
- of what your words implicate, it's staggering and
- it will be something that I pray I'm going to be
- around to see, because this Nation means a great
- deal to me.
- 14 As I'm always telling me associate here,
- 15 Jeff, you have to hurry up. I have got two years
- left and then I'm going to retire, and then I'm
- going to be trucking my way down my road to
- central Oneida to buy my coffee and to read a
- book or to visit or anything. So with the help
- from the federal government to possibly make that
- become a reality, that is tremendous not only for
- 22 myself, but other tribal members that feel the
- same way.
- 24 Thank you for coming. I really
- appreciate the words and thank you all. I'm

- 1 sorry we don't have a bigger turnout. If they
- 2 knew what this really truly was, this room
- 3 probably would have been filled. But that's
- 4 okay. We can spread the word, too.
- 5 MR. WITTE: So my name is Jeff Witte.
- 6 I've been a community planner for the last 25
- 7 years at Oneida.
- 8 Quick story. I got a HUD scholarship 25
- 9 years ago. I got to pick wherever I could go,
- and I went over to the City of Green Bay and I
- spent about 20 minutes there and it scared the
- heck out of me, so I practically ran out of the
- building. This old planner sat there at his
- desk, and he didn't have anything on his desk,
- and he said, "Yep, I am going to retire in two
- and one-half years," so he wasn't going to do
- anything. Leanne said, "Hurry up," so that's the
- reason why I'm here.
- 19 So I have some very practical
- 20 experiences about getting things done, and I'm
- 21 the one that had to wait for a year and one-half
- to get a permit to put a housing subdivision in.
- I had to wait for a NEPA review and all the
- paperwork for all that kind of stuff. But it all
- boils down to we just got an EEA grant from the

Overall Economic Development Authority to do a 1 2 feasibility study on a food hub. 3 Now we don't have any preconceived ideas 4 of what that is. We want to make sure that this 5 thing gets connected to the regional things that 6 are happening, because a lot of people around us 7 are doing things and how do we fit into that, and 8 how do we make ours stronger. But that grant was 9 the first grant that we have gotten in the 25 years that I have been here through EEA. 10 So the Village of Hobart has this tool 11 12 that they use through the State of Wisconsin 13 called tax incremental financing. So this map 14 that I'm showing has these red areas. These are areas that the Tribe will never be able to get 15 16 back because they use a mechanism to loan money from the State of Wisconsin that finances all 17 18 their infrastructure so that they can entice 19 developers and give the land away to developers 20 to develop it so they can increase the tax base. 21 We always make the argument to them why 22 do you want to bring all these people here. They 23 will need services. It requires a lot of other 24 investment and other things. But the Tribe 25 doesn't have that mechanism. We can't invest in

- 1 infrastructure. We have three industrial parks
- 2 that are totally empty. It's hard for us to go
- 3 hustle business, because we don't have an
- 4 infrastructure ready to go for them. Then with
- 5 all the time it takes to get everything put
- 6 together, permits and everything else, it's
- 7 really hard to compete.
- 8 The federal government allows us
- 9 accelerated depreciation. We need to get that
- word out saying, you know, "Joint venture with
- us; we can accelerate the depreciation in the
- building and all your equipment." But that's not
- enough. The other thing we need to strengthen is
- access to federal contracts. If the federal
- 15 government is participating in contracts, then we
- should be the first ones at the table based on,
- 17 you know, building our economy through the
- 18 federal government.
- So, yeah, the ability to put in
- 20 infrastructure. I have to write an Indian
- 21 Community Development Block Grant through HUD
- every year which allows me \$600,000 to work with,
- and that's if we get the grant, and then the
- 24 Tribe has to leverage that with another
- 25 20 percent of that. But that's the only real

- 1 mechanism for us to finance any of these
- 2 projects. So how can we compete economically, if
- 3 we don't have those financing mechanisms
- 4 available to us.
- 5 We can't use bonding resources, because
- 6 that can't be used to generate revenue. That can
- 7 only be used for specific projects. And we have
- 8 only had one of those, which we financed some of
- 9 the civic improvements. So it's just a real
- practical kind of need that the Tribe needs to
- 11 help pull these things off.
- D.A. SECRETARY CLARKSON: Anybody else?
- Even the folks from Interior, also. Feel free to
- 14 comment.
- MS. JENFARTH: Good morning. Melinda
- 16 Jenfarth, a former Vice Chair for the Oneida
- Nation, as well as working for the business
- community analysis staff. I guess some of the
- information that I wanted to share was work
- 20 project specific, some of the opportunities that
- 21 were lost by our Nation.
- What I really wanted to add to the
- comments that Pat and the planners, you know,
- 24 they do a wonderful job for us, but there are so
- 25 many impediments and challenges for us over the

- 1 years that really stole some of the projects or
- 2 the projects ended up having to be moved or they
- 3 just didn't happen.
- 4 One of the largest problems is zoning,
- 5 zoning authority, and the disagreements with our
- 6 local municipalities around zoning and how we
- 7 know that with Trust land that we have the
- 8 ability to do what we need to do on that land,
- 9 but they continue to challenge that in the
- federal court system, as well as I think a lot of
- 11 Indian Country is scared to file legal cases with
- regards to land that is not in Trust, and that
- seems to continue to be a problem.
- So, for instance, one of our tribal
- energy corporations, the Seven Generations
- 16 Corporation, was planning a waste and energy
- project, and we were funding that through the VA
- grants and loans, and we had it all teed up, we
- were ready to go, and the Village of Hobart came
- in and rallied up our tribal membership, as well
- as the local community, at a grassroots base
- saying that we were going to be bringing
- 23 smokestacks like in the industrial part of Green
- 24 Bay, and really went on it from an environmental
- perspective and asked our tribal members, you

- 1 know, do you really want that kind of thing here.
- 2 So we convened meetings with our general
- 3 counsel, spoke to it, they supported it, and as
- 4 we continued to progress, the political pressure
- 5 began to rise, even though we were building that
- 6 facility on Tribal Trust land. So then the very
- 7 first time that we were going to build, it was
- 8 next to the recycling, the recycling plant here
- 9 in Brown County, which seemed to be convenient, a
- 10 good location, because that's kind of where --
- 11 you know, that part of the reservation would have
- been great.
- But we ended up moving it, because we
- were looking at taxation, we were looking at
- zoning arguments, we were looking at all these
- arguments with the local municipalities about
- 17 whether or not that would -- that could and can
- occur, and then we were looking at a time frame
- if they were going to litigate and we were just
- 20 not -- it was just not going to be timely at all.
- So then we moved it to Trust land, and
- what happened was the political part of it came
- in and then the City of Green Bay invited us to
- do the plant over in their industrial area, and
- 25 then I don't know if you know the story, but they

- 1 basically pulled their conditional use permit and
- 2 we went into litigation with that, and the
- 3 project ended up not getting done because we were
- 4 arguing about the political part of it, the
- 5 zoning part of it, and so just all that combined
- 6 really took effect and that project never went
- 7 off.
- 8 D.A. SECRETARY CLARKSON: How big of a
- 9 project would that have been?
- 10 MS. JENFARTH: As in?
- 11 D.A. SECRETARY CLARKSON: How many
- dollars would have been spent originally? Like
- was it a \$10 million project?
- MS. JENFARTH: It was up there. I think
- it was more close to like 15.
- D.A. SECRETARY CLARKSON: \$15
- 17 million?
- MS. JENFARTH: Sixteen.
- 19 D.A. SECRETARY CLARKSON: \$16 million,
- and how much would it have generated for the
- 21 community every year?
- MS. JENFARTH: I think the financials
- were around \$300 million over the next 15 years,
- I believe, somewhere around there.
- D.A. SECRETARY CLARKSON: How many jobs

1	would that have created?
2	MS. JENFARTH: Twenty-five.
3	D.A. SECRETARY CLARKSON: So that's the
4	kind of information that we need. That's a
5	perfect example. That project would have
6	benefited the community and it would have been a
7	good project. It would have spent lots of money
8	in the community. A lot of supplies you would
9	have gotten that you don't have here at Oneida,
10	you would have pulled that in. You would have
11	spent that money off reservation to bring those
12	construction materials onto the reservation to
13	build the facility. So not only did this
14	community lose out, but Green Bay lost out. So
15	it's an economic downside to not having projects
16	happen that are good projects. So that's the
17	kind of data we need. That's \$300 million of
18	stimulus that didn't happen for Wisconsin because
19	the Tribe didn't have full economic sovereignty
20	over the zone.
21	MS. JENFARTH: Exactly.
22	D.A. SECRETARY CLARKSON: And I'm
23	assuming that's not the only time that's
24	happened.
25	MS. JENFARTH: No. Not in our history

1	anyway.
2	D.A. SECRETARY CLARKSON: All those
3	examples where things that would happen, but
4	didn't happen because of the current system.
5	That's the kind of information we need. That's a
6	perfect story, and if you don't mind, there are
7	probably some people that will follow up with you
8	to get some more detail, if that's okay.
9	THE WITNESS: That is totally okay. I
10	think you would have to follow up with the
11	councilmen now, but at the same time we had the
12	agreements all set with the landfills. We would
13	have been utilizing waste from our own
14	communities here to turn into energy, and it
15	would have benefited our community. We could
16	have had some economic impact again to our
17	budgets to be able to provide jobs and all those
18	things that you mentioned today. That was a huge
19	issue. Zoning was basically the basis zoning
20	and the politics was the basis of our pulling
21	that project. So that's unfortunate.
22	The zoning part of it, when you couple
23	taxation with zoning, that's very powerful for
24	our Nation, and so even now another example is we
25	do have a Wal-Mart on our Trust land, and at the

- 1 time that the Wal-Mart was built, and you guys
- 2 can correct me if I'm wrong, but this is the
- 3 story that I heard because it was before my time,
- 4 was that our tribal council -- At the time it was
- 5 just a field. There was nothing on it. No one
- 6 knew that that was going to become a prime
- 7 economic corridor for the City of Green Bay and
- 8 for us.
- 9 So they leased out that land, and at the
- time the amount of money that they were getting
- for the lease was so significant to our budget
- here for the Nation that that was awesome, you
- know, that was a great thing for them, but the
- lease was so long, and we didn't have an
- opportunity to negotiate, and we're looking at
- the opportunity to negotiate again, because that
- lease is going to be coming up here shortly.
- So we don't have that negotiating power
- because, again, I think I spoke to you a little
- bit about taxation, and we did look at taxation
- 21 in our community on a few occasions, and one of
- the reasons why we didn't move forward with it
- was because of dual taxation, and having to put
- it on top of other taxes and looking at the
- 25 impact it would have on our customers and looking

- at the impact that it would have with our 1 2 relationships with the surrounding communities. 3 Which our relationship with the 4 surrounding communities wasn't necessarily our 5 number one priority, our number one priority was 6 that it was going to impact our customers. Even 7 when we had the referendum here in the community where they wanted to consider the tax, people got 8 9 word of it and were sending us letters saying, "If you do this, we're not going to patronize 10 your casino and we're not going to patronize your 11 businesses." It was very explicit about what our 12 13 customers were feeling at the time. We all know 14 that it's going to go up and down if they want to participate in gambling or whatever else they 15 16 want to do at the reservation. 17 Then the other consideration was the rebate that we get from the State of Wisconsin 18 19 for cigarette sales. So that was a complicating 20 factor, because that contributes to our bottom line from a retail enterprise standpoint, and 21
- outlets. So that was one of the other things

that's one of the main factors that helps us be

so successful in our retail enterprises or

25 that I wanted to mention.

22

1	Pat touched upon the community
2	development plans are different from our
3	perspective from the surrounding communities, and
4	that's another aspect, and now we are seeing the
5	surrounding communities trying to buy land and
6	are engaging in strategies like condemnation and
7	like annexation. So they want to annex our
8	original lands for their purposes so that they
9	are enlarging their tax base, and that's just in
10	its infancy, but we are hearing the start of that
11	type of strategy coming to the arena in Indian
12	Country.
13	Labor development, you know, Ernie
14	touched on it, as well as Pat. Skilled trades is
15	huge in our community, and even the programming
16	part of it, our community wants it, they want it
17	and we have the people that want to do it, it's
18	just the programming is just not there for us.
19	So that's another area where I thought it should
20	be mentioned.
21	The other issue that I wanted to bring
22	up was with regards to treaty lands, and this
23	doesn't really apply to Oneida, per se, but this
24	is an issue that was brought up through the
25	Regional Tribal Operations Committee that serves

- 1 with the EPA. I found it very interesting,
- 2 because it's both applicable at EPA and in this
- 3 scenario whereby those trades that actually have
- 4 treaty rights on their original treaty lands, but
- 5 don't actually own it, it's not a part of their
- 6 original reservation, they have hunting, fishing
- 7 and trapping rights on some of that land, but
- 8 it's very unclear about what else they can do.
- 9 So, for instance, like the Bad River
- 10 Mining part of it. It would affect them
- downstream to the actual reservation, but the
- actual mining was occurring on the original
- treaty lands. So how does that all play into
- when we were talking about economic development,
- even though we might have taxation and zoning,
- what happens upstream and comes downstream and
- impacts the reservation or any of these
- businesses that the tribes are trying to do.
- 19 That's another factor where we're just not able
- 20 to have that influence about what occurs.
- The other one that I wanted to mention
- was like wild rice standards. The state
- 23 increased it's mercury levels, I believe, and
- 24 that was going to kill off some of the wild rice,
- and that's a huge food issue for the Chippewa

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- 1 tribes. That was another discussion around what
- 2 can we do on our treaty lands, original treaty
- lands, and then what do we have the right to
- 4 govern ourselves so that their sustenance wasn't
- 5 being affected. And that's part of their
- 6 economy, as well, is selling wild rice.
- 7 So those are some of the issues that I
- 8 wanted to bring up, and then I wanted to know if
- 9 you know Lindy Waters.
- 10 D.A. SECRETARY CLARKSON: Yes.
- MS. JENFARTH: Okay. Because Lindy was
- a part of AISES and the American Indian Upward
- Bound Program, and I'm a product of that. He was
- very instrumental in that.
- But other than that, I think, again,
- you touched upon a lot of challenges for us.
- 17 Again, right now we're facing the whole
- condemnation issue that is rearing its ugly head
- again about whether or not the county has the
- 20 right to condemn our land, and unfortunately we
- 21 have bad law and decisions from the courts that
- have been placed upon us already. I'm excited
- about what's being said here, because I think
- 24 it's a great pathway again to self-governance,
- self-determination. I appreciate you being here,

- and I thank you for taking the trip and
- 2 making the time to listen to our concerns.
- 3 D.A. SECRETARY CLARKSON: And just to be
- 4 clear, I want everybody to be excited about
- 5 what's possible, but I want everybody else to be
- 6 cognizant of the fact that without cooperative,
- 7 collaborative effort between Interior, Indian
- 8 Affairs and Indian Country itself, without your
- 9 help we won't succeed. So it's absolutely a team
- 10 effort.
- MS. JENFARTH: I just got a text message
- from our Public Relations area. We are updating
- our Economic Impact Study with St. Norbert's
- 14 College. That should be done within six to eight
- months, so we can help provide the information
- that you are looking for in terms of our previous
- 17 Economic Impact Study, and we definitely can ask
- our legislative affairs area to develop some of
- 19 the talking points and some of the projects
- 20 that -- the actual information that you are
- 21 seeking.
- D.A. SECRETARY CLARKSON: That would be
- 23 great.
- MR. ERNIE STEVENS, JR.: Thank you.
- Good morning. We're just going around the table,

- and I just got lucky that it got to me. Your
- 2 former vice chair lady has done her homework.
- 3 COURT REPORTER: I'm sorry. Could you
- 4 please identify yourself for the record?
- 5 MR. ERNIE STEVENS, JR.: Ernest Stevens,
- 6 Jr. I'm chairman of the National Indian Gaming
- 7 Association based in Washington, D.C.,
- 8 representing 184 gaming tribes.
- 9 My father, I wish I had listened then, I
- wish I could even understand him now, because
- this is -- dad wasn't so -- you put it so
- eloquently in how we deal with the city and the
- folks around you. My father was pounding on the
- table saying, "We tax." He wasn't worried about
- the dual taxation or all of that. He said, "This
- is our land; we tax." Unfortunately, most folks
- thought he was a radical and didn't agree with
- him. When Wal-Mart came, dad wanted to tax
- 19 everybody going through there. He wanted the
- tribe to tax them. So it brings back memories.
- 21 Melinda is now a staffer, I heard you
- say that, too. She was a staffer when I was on
- 23 Tribal Council. She worked for the chair lady,
- Debbie Thundercloud, but now I lost count because
- it makes me older every time I count how many

1 years you were on council. So is it 9 or 12? 2 MS. JENFARTH: Twelve. 3 MR. ERNIE STEVENS, JR.: Twelve years on Tribal Council. So I really appreciate you 4 5 staying close to the firing line, because we need 6 you there. It's imperative that in this day and 7 time that we're fighting with our friends. You know, when I say keep our friends close, I'm 8 9 serious. We keep our enemies close, too, but you have to keep your friends close. That's just the 10 way of the world here. 11 12 At the same time, I never give up on 13 putting my arm around these folks that they will 14 understand us and that they will appreciate us. I think that we really have to try to pound away 15 16 and try to keep being assertive, keep walking with our chest out, but a big pleasant smile and 17 work with these folks so we can bring ourselves 18 19 to the point where we need to be people 20 respecting one another not based on who we are or what we are or anything like that, but based on 21 22 what's best for the economy around us, because 23 all these folks are coming to work for us, their family, their children, they all work for us, but 24 25 they get a few rabble rousers or they even hire

- 1 them to bring them in. I think they sent the
- 2 last one to Montana. You will hear about her up
- 3 there.
- 4 But these folks, they just want to cause
- 5 a miscommunication and issues. I guarantee you
- 6 there's only -- Ernest is the only elected
- 7 official in here, the only tribal official in
- 8 here, but I guarantee you every time there's an
- 9 opportunity, we want to do something that is
- dignified and respectful, and something that can
- 11 help to move us forward.
- Now I apologize, I have forgotten my
- good friend, Mark -- the congressman from
- 14 Oklahoma.
- D.A. SECRETARY CLARKSON: Markwayne
- 16 Mullin?
- 17 MR. ERNIE STEVENS, JR.: Yes, Markwayne
- Mullin. Representive Mullin, he was on that team
- that everybody thought was out of their mind,
- 20 Donald Trump's transition team, and he was the
- 21 head of it.
- D.A. SECRETARY CLARKSON: Native
- 23 American Coalition.
- MR. ERNIE STEVENS, JR.: Yes. Were you
- on that team, Dr. Clarkson?

1	D.A. SECRETARY CLARKSON: Not
2	officially.
3	MR. ERNIE STEVENS, JR.: Okay. I'm
4	giving Dr. Clarkson a hard time. He's my friend.
5	I have known him for a long time.
6	The point that I want to make and I will
7	hand this over, is that when Markwayne Mullin the
8	congressman came in, he came in and talked about
9	economic development, and somebody kind of mixed
10	that message a little bit to spin it to where
11	maybe some of these folks are given to that idea,
12	some of the naysayers and some of the folks
13	around us are influenced by the idea of trying to
14	or are giving us a more harder time about
15	expanding our ability to work with economic
16	development and enhance our community with and
17	beyond gaming. So that message got mixed a
18	little bit, but Representative Mullin never
19	wavered. He held his ground. He said that we
20	want to create knock down barriers that will
21	enhance moving economic ideas forward.
22	Obviously, you came here with the same
23	message. So I think it's important that we tell
24	you some of the obstacles so you understand some
25	of the obstacles that we have to deal with and

- 1 have been dealing with for years. Some of these
- 2 people were our friends. You know, when we make
- a good deal and we hire 3,000 people and gaming
- 4 is rolling, people are very friendly. But then
- 5 as we go forward, the surrounding influence has
- 6 changed. I don't have time for that history
- 7 listen now. I will give it to you a little bit
- 8 this afternoon. But that's what we are up
- 9 against.
- I guarantee you, just the same as
- whether it's Melinda or Ernest III or my father
- or Purcell Powers, who was my late uncle, they
- came to Green Bay and surrounding communities
- with a handshake ready to do business for the
- 15 future. We continue to stand in that mode. We
- iust have a few rabble rousers that are there.
- 17 If we can get people to stand in a high place and
- get this done, we can really move this community
- 19 forward.
- I know Lindy Waters, as well. He's a
- big, mean basketball player from Oklahoma. He's
- about six foot six, and he told me once, he says,
- 23 "I'm not aiminging for your forehead, Ernie. If
- you look, that's where any elbows go just
- 25 naturally." His boy was a starter for Oklahoma

- 1 State this year. I think he got injured. But
- 2 just like his dad, he's a rabble rouser. Nice
- 3 man, though. But I appreciate your time.
- 4 MR. ERNIE STEVENS, III: Yeah, I just
- 5 wanted to again reiterate some of the comments
- 6 that have already taken place both by Chairman
- 7 Stevens here and Melinda, you know, a lot of the
- 8 things she mentioned, the annexation issues and
- 9 stuff. There's a long standing history, and it's
- sad and it's frustrating that this still goes on.
- 11 There's a different way, a more politically
- manipulative way of doing it, but it still
- happens, and it's been going on for a hundred
- 14 years in this community. So how we fight that,
- we will figure that out.
- There's a lot of elements that I want to
- discuss, and we don't have the time for that, you
- 18 know, free trade zone. I want to reiterate what
- 19 Melinda mentioned with the Wal-Mart land lease.
- We have another property across the highway, Home
- 21 Depot. There's a lot of things we have to look
- at there. So I think we will figure that out.
- But, you know, ongoing, just to make
- sure that you know this, and I will definitely
- 25 have a thorough follow-up with your office and

- with Melinda and whoever else to make sure that
- 2 that information can get to you as soon as
- 3 possible.
- 4 Thanks, Melinda, for mentioning the
- 5 Impact Study. That's the other thing I wanted to
- 6 mention. When we were going through our liaison
- 7 positions, I chose to get involved in the Chamber
- 8 of Commerce and the Department of Commerce simply
- 9 for the fact that I would think that we have as
- much of a voice to let everybody know how much
- impact we have and to ensure -- at least push and
- find maybe a more diplomatic, more cohesive,
- coalesced method to get them to communicate our
- impact both here and in the state, and of course
- 15 federally. So that's one of the things I want to
- do. And again going back to those comments to
- ensure that I have the information and the
- history and understanding to do that.
- 19 So that's definitely a goal, too,
- because they have to understand that, they have
- 21 to appreciate it. And not only that, but they
- have to communicate it. They have to let their
- constituents and their communities know, because
- 24 they know, they have heard it, they are just not
- saying it. That's one thing that we have to do,

- and I think we can achieve that. So, again, thispartnership and communication is crucial.
- 3 One thing I want to do briefly, and I
- 4 will pass it along, there's a lot I want to say
- 5 and share, and anyone who knows me knows that I
- 6 share my mind, I share my heart. And this is my
- 7 heart for my community. I think that's just in
- 8 my DNA.
- 9 But the one thing I want to share
- briefly is a really brief history lesson in
- understanding as it relates to Indian trade and
- commerce specifically. So, you know, we are
- originally from New York, the place now known as
- New York State, and there's a whole different
- political, economic, even religious history that
- 16 caused our move to Wisconsin. We won't go into
- 17 that.
- But understand that in a lot of ways we
- invented the modern day diplomacy, the modern
- 20 method of diplomacy and democracy. The founding
- 21 fathers that you mentioned, they were inspired to
- 22 utilize that way of governing ourselves, and that
- also went into how we pursued trade and commerce
- opportunities with other tribes, other countries
- in that area, and it's still maintained in our

- 1 move to Wisconsin.
- 2 So the one thing I want to give you an
- 3 FYI about is something that I really am going to
- 4 push for our community and our government and our
- 5 organization to get behind is our bicentennial
- 6 coming up in 2023. There's a debate there if
- 7 it's 2022 or 2023 as far as our 200 year
- 8 existence, but with that 200 year existence,
- 9 there's a lot to be understood and communicated.
- 10 So this partnership here, I think that's
- a prime context to work through because of the
- history of trade and commerce, and because of the
- economic impact for the last 200 years, both our
- impact and being recipients of different economic
- opportunities. So I know we have to discuss the
- negatives and the issues and the hurdles that we
- face, but also focus on the opportunities and the
- strengths and learning from those strengths, as
- well. So that's a key component.
- I have talked to the Development and
- 21 Planning Department about how we as a community,
- as a Nation, can get behind this bicentennial,
- because if we do it right, if we use the
- information that's there, all these things that
- we're discussing today are a part of that. If we

- 1 can do that right, I think the local
- 2 municipalities and governments, and definitely
- 3 the BIA and federal government will have a better
- 4 understanding of our economic impact and our
- 5 economic opportunity and how that partnership
- 6 affects us all.
- 7 I think it was -- I'm not sure if he
- 8 penned this, but I believe it was Hulk Hogan who
- 9 said in the work he did with Dream Seekers, the
- work that he did with impoverished communities,
- 11 his phrase was when one boat -- I'm sorry. I'm
- 12 forgetting. When the tide rises, we want all
- boats to rise with it, not jut one.
- D.A. SECRETARY CLARKSON: A high tide
- 15 floats all boats.
- MR. ERNIE STEVENS, III: I'm sorry. I
- messed it up. So he mentioned that term, and
- that's been our philosophy both on purpose and
- not. So that is a big part of what I want to
- push and what this partnership is. So I just
- 21 want to provide that historical context, because
- with this bicentennial coming up, that is a
- perfect vehicle for us to push this. It's one of
- 24 many, but just one again that we have to get
- behind.

1	Again, so much to say. I want to pass
2	this on or I will keep talking. Thank you.
3	D.A. SECRETARY CLARKSON: I look forward
4	to being able to participate in your bicentennial
5	as part of the second Trump administration. But
6	to the point about your bicentennial coming up,
7	clearly the Oneidas were a tribe that interacted
8	with the founding fathers. So in that history,
9	as you go back to reexamine, if you find
10	statements from the founding fathers both while
11	y'all were in New York, as well as when you
12	relocated in Wisconsin, where the founding
13	fathers envisioned that the Oneida Nation had
14	distinct boundaries for which the laws of the
15	surrounding state had no force You know, I
16	remember George Washington talking with I believe
17	it was the Senecas, and they had a very clear
18	statement about this zone is, you know, this zone
19	is yours and nobody else's. If you find those as
20	you are researching and doing the historical
21	background for the bicentennial, that is critical
22	information for us as to what the intent of the
23	founding fathers was, because they were the ones
24	that passed those laws. They were the ones that,
25	you know, Congress spoke during that time. They

- spoke in 1790 all the way to 1834.
- 2 So clearly during that time is when
- 3 y'all relocated out here. So if you have that
- 4 kind of information and you may uniquely possess
- 5 that information, that will be great for our
- 6 effort to show that we are consistent with the
- 7 original legislative intent of the founding
- 8 fathers.
- 9 MR. ERNIE STEVENS, III: I appreciate
- that. Real briefly -- I'm sorry, Pat. There's a
- lot of information there that I will provide for
- you, a lot of research that still has to be
- conducted, but the one thing we have determined
- that again goes to this partnership is, you know,
- obviously the Oneidas of Wisconsin specifically,
- and I say that respectfully to our brothers and
- sisters in New York, but a lot of my ancestors
- specifically involved a lot of different -- not
- only the wartime efforts, you know, those
- situations, but also the diplomacy, people like
- 21 Daniel Bread and George Dosliter (phonetic),
- 22 Chrisjan -- I forget his first name -- leaders
- of that time that were a part of this move, and
- for some it was an economic opportunity, for some
- 25 it was an opportunity for homelands. There were

- a lot of different perspectives. But that's the
- 2 one thing we have determined, is our involvement
- with the War of 1812, as well, is those specific
- 4 families and communities were moved here.
- 5 Again, glass half full approach is we
- 6 took that situation to bring in opportunity, and
- 7 that was through economy and trade. We will
- 8 provide that information. I appreciate your
- 9 sentiments there.
- MR. PELKY: And just as people went
- around, I just kind of thought of some other
- things, too. I appreciate the second
- opportunity. I guess, you know, I always try to
- 14 find out what are those common grounds for our
- partnership. Certainly the biggest one that
- 16 comes out is that we are a Treaty Tribe, and the
- importance of that Treaty Tribe and the
- partnership that we do have with the federal
- 19 government of the United States, but also the
- 20 trust responsibility, too. Not necessarily
- 21 looking for a handout, but we are looking for a
- hand up in a lot of these situations where we
- just need a little extra help in order to get us
- to be that self-governance, and that
- 25 self-governance drive that -- being that local

- 1 government, the importance of that as it fits
- within those federal models and the constitution.
- 3 So even by just looking at some of the
- 4 things, what I have heard you say is we can fix
- 5 the taxation. I will just give you an example.
- 6 So we fixed taxation where we actually collected
- 7 on our own land. You know, we have 1.5 million,
- 8 another probably million from Wal-Mart, another
- 9 maybe 500,000 from Home Depot. These are all
- taxes that are leaving us, and the gaming is
- another big one, another 4 million. So you are
- talking with \$7 million. If we had that
- 13 \$7 million back in our pocket, that would be a
- big economic driver to build this economy even
- stronger where we could rebuild the
- entrepreneurs, really get the skilled people out
- there again.
- We were 4,000 plus employees in the late
- 19 '90s, but as we started getting all these
- 20 taxations on us, you know, now we are down to
- 21 1,700, I think. No, 2,700. Excuse me. 2,700.
- We are one of the major employees of the two
- counties and now, you know, we are still a major
- 24 employer, but we have got 2,700.
- D.A. SECRETARY CLARKSON: That kind of

1 data is exactly what we need where it's -- I'm 2 assuming a lot of those employers or employees 3 were not from the reservation, they were from off reservation, so it's something where people are 4 5 cutting off their nose to spite their face where 6 they are basically coming in and by overtaxing 7 they kill it. Excessive taxation and excessive 8 regulation never grows an economy. I don't care 9 where on planet earth you are talking about. 10 So if you can give us examples of that where because of excessive, dual taxation, all of 11 12 a sudden you went from 4,000 employees down to 13 2,700 employees, that's a major dropoff, and the 14 State of Wisconsin loses out because those 15 businesses shrink. 16 MR. PELKY: And it's indirectly with taxes, I think, because we are losing those 17 moneys where we could have kept up with that 18 economic development. So it relates to not 19 20 having these funds. It goes somewhere else 21 outside of our tribal government and goes to be 22 used somewhere else. 23 D.A. SECRETARY CLARKSON: The lack of a 24 tax base is deleterious to every single tribal 25 community. Ronald Regan identified that back in

- 1 '83, and so that dynamic hasn't changed. It
- 2 wasn't addressed then, unfortunately, beyond just
- 3 the Presidential Commission Report. But the lack
- 4 of a tax base really, really hurts tribal
- 5 economies. I mean, how else is a government --
- 6 you know, there is so much damage that we as the
- 7 federal government has caused. And I don't care
- 8 which party is in power in Congress. No Congress
- 9 is ever going to appropriate enough money to
- repair all the damage.
- The only way that we're going to be able
- to help tribal economies recover from all the
- oppressiveness and damage of the last couple
- centuries is by helping tribal economies grow and
- thrive to where tribal governments and tribal
- 16 economies can produce their own economic
- wherewithal to provide a tax base for those
- tribal economies to then provide services not
- only for their own citizens, but for anybody who
- 20 comes in.
- I mean, if somebody comes into your
- gaming facility and has an accident, who's the
- 23 first responder that comes to deal with that
- 24 non-Indian's injury? My sense is it's probably
- 25 the tribal first responder. So you are already

- 1 providing governmental services to non-Indians,
- and yet you don't have the ability to engage in
- 3 taxation to pay for those governmental services.
- 4 MR. PELKY: And especially our police
- 5 department is a great example.
- 6 D.A. SECRETARY CLARKSON: We heard it in
- 7 Albuquerque. We heard from the Salt River Tribe
- 8 in Scottsdale. They have 875,000 non-Indians
- 9 passing through their territory because they have
- 10 got highways that go through right-of-ways on
- their territory. If somebody gets in an
- accident, they are just driving through, they
- didn't pay a single penny of tax to the tribe,
- 14 yet the tribe is sending out the ambulance to
- save that person's life. So there's clearly
- plenty of examples all around the country of
- 17 Indian Country providing vital governmental
- services to non-Indians with no ability to tax
- any activity. That doesn't make sense.
- 20 MS. JENFARTH: I pay taxes on my
- 21 property, and we don't even use the school system
- that the moneys go to. We use our own, and those
- 23 moneys don't go there.
- MR. PELKY: Even all the environmental
- work that we do, everybody benefits from that.

So as we are restoring the wetlands, you get 1 2 better water quality. It helps all. 3 D.A. SECRETARY CLARKSON: Just to be 4 clear, we're not trying to pick a fight with the 5 state. As Chairman Stevens said, we want to be 6 good neighbors to everybody. My boss is a former 7 Navy Seal, and everybody who's in the military always has to read Sun Tzu's The Art of War. 8 9 I will just share a quote with you about our initiative that we're trying to accomplish. 10 We're not trying to pick a fight. We're trying 11 12 to show everybody that there's no need to fight, 13 that this is in everybody's best interest. 14 So Sun Tzu says, "To fight and conquer in all your battles is not supreme excellence. 15 16 Supreme Excellence exists in breaking the enemy's resistance without fighting." We don't need to 17 pick a fight, because it's actually in 18 everybody's best interest to do this. 19 20 So the other one, again as a nerdy Indian, I guess the new hash tag is indiginerd, 21 22 is the general who wins the battle -- again from 23 Sun Tzu -- the general who wins the battle makes 24 many calculations in his temple before the battle

is fought. Thus, too many calculations lead to

25

- 1 victory. So the way that we win this fight
- 2 without fighting is by demonstrating with
- 3 calculations that it's in everybody's economic
- 4 best interest for Indian Country to be
- 5 prosperous, and that's where we need to go.
- 6 MR. ERNIE STEVENS, JR.: My son has
- 7 given me that book. I haven't read it. He was
- 8 just making that point to me, that he's given me
- 9 that book. I'm going to read it soon, as soon as
- 10 I get done with my work. I think that it's so
- important that -- you know, you talk about the
- 12 next administration. I think we really before we
- even think about that we really have got to get
- the Secretary to understand what we want in
- 15 Indian Country, because the shining lights in
- this thing are yourself and the Secretary, but as
- far as -- I mean, we're eight months in and we're
- hearing that we're going to get another assistant
- secretary or deputy in soon. We really need to
- step up our level of communication.
- This is one of the few that we have had,
- and I don't know -- obviously, folks are really
- 23 not understanding what you can bring to the
- administration, but by the time you leave here
- today, we will fill you full as much as we can,

- and we will start with Ernie, Sr., so we hope
- 2 he's talkative today.
- 3 But I think it's important to
- 4 understand that -- to say that maybe we're -- I
- 5 wouldn't say that we are off to a bad start or
- 6 even a rocky start, but I think that it's
- 7 imperative that people understand and it comes
- 8 from the adminstration that -- we know you
- 9 understand sovereignty, because you teach it, and
- that's why you become a shining light in a rocky
- start. Maybe I can do a movie or something like
- that, but I think it's imperative that the
- administration, expecially the Secretary,
- understands where we would like to go. Right now
- we just want to communicate. I think it's
- imperative that Indian Country understands where
- the president is at in moving Indian Country
- 18 forward.
- So while there's been some confusion and
- a couple rough spots, nobody has taken a shot at
- 21 Indian Country and Indian Country is not up
- against it. But we just need to get to the table
- and we need to have some dialogue. It's
- imperative that the message back to your boss is
- 25 that we really need to have -- Indian Country

- 1 really needs to have an audience with the
- 2 president and his administration.
- We're not going to make any comparisons,
- 4 because if we do -- Again, my father said that
- 5 when he worked for Richard Nixon, that was the
- 6 best administration. Many Indian folks will say
- 7 coming off the last administration, certainly the
- 8 communication level wasn't the best.
- 9 Again, I'm careful not to be partisan,
- because what was then is then. Right now we have
- 11 you sitting before us today, and I think that
- that is historical, and anybody that hasn't
- looked at your resume, that doesn't know you, if
- they look at your background, they will find out
- that you know tribal sovereignty. So we are
- ahead of start, but we are behind the eight ball.
- We need to send a message to the president, and
- 18 you are our guy.
- D.A. SECRETARY CLARKSON: Thank you,
- 20 Mr. Chairman. I think we have about six minutes
- 21 left. If anybody has any final closing thoughts,
- I want to make sure for the benefit of the court
- reporter that you have an opportunity. Does
- anybody else have any comments?
- 25 (No response.)

1	D.A. SECRETARY CLARKSON: All right.
2	Well, I certainly appreciate you making the
3	effort to be here, and this is something that's
4	personally important to me, but I think it's
5	important to all of Indian Country. We all talk
6	about sovereignty. This is our chance to do
7	something and to really change the world. So
8	Chairman Stevens and I have talked about the
9	legacy that his father left in terms of advancing
10	Indian Country. You have the Indian
11	Self-Determination and Education Assistance Act
12	coming out of the Nixon administration and the
13	self-determination, you know, starting in the
14	Nixon administration and being formally put in
15	the ground and buried in the Reagan
16	administration.
17	My hope is that at least for Indian
18	Country's economic prospects that we can live up
19	to the legacy of your father and do right by
20	Indian Country. That's our objective.
21	D.A. SECRETARY CLARKSON: Dr. Clarkson,
22	I'm sorry to inform you, but the Secretary wrote
23	a big check for that. He said to me personally
24	when I told him about my dad working for Nixon,
25	he said, "We're going to do better." That was

Washington, D.C. just a couple weeks ago. I say 1 2 that light-heartedly and respectfully. 3 D.A. SECRETARY CLARKSON: Well I hope 4 history will look back at this administration's 5 efforts for Indian Country and we can say, "Yes, we did exceed the efforts of the Nixon 6 administration." You know, only because we're 7 standing on their efforts. Your father's work 8 9 and the Nixon administration laid the groundwork 10 for self-determination. That's where the self-determination arrow was launched. Even my 11 friends on the democratic side acknowledge, at 12 least for Indian Country, President Nixon was the 13 14 best we've ever had. My hope is to have this administration 15 16 even exceed that and do even more for Indian Country, simply because we do have that 17 foundation to build upon. 18 Thanks everybody for being here. We 19 will go off the record. 20 21 (At 12:00 p.m. the consultation 22 concluded.) 23 24 25

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STATE OF WISCONSIN)
 2
    MILWAUKEE COUNTY ) SS:
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 4
             I, KATHY A. HALMA, Registered
    Professional Reporter and Notary Public in and for the
 5
 6
    State of Wisconsin, do hereby certify that the BIA
 7
    Indian Trade and Commerce Consultation was had before
    me at the Radisson Hotel & Conference Center Green Bay,
 8
 9
    2040 Airport Drive, Green Bay, Wisconsin, on the 29th
10
    day of August, 2017, commencing at 10:00 a.m.
             I further certify that I am not a
11
12
    relative or employee or attorney or counsel of any of
13
    the parties, or a relative or employee of such attorney
14
    or counsel, or financially interested directly or
    indirectly in this action.
15
16
    In witness whereof, I have hereunto set my hand and
17
18
    affixed my seal of office on this 7th day of September,
19
    2017.
20
21
22
    Kathy A. Halma
23
    Notary Public in and for the State of Wisconsin
24
    My commission expires September 30, 2017.
25
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