

August 16, 2017

Attn: Revise Indian Trader Rule
Office of Regulatory Affairs & Collaborative Action
Office of the Assistant Secretary – Indian Affairs
1849 C Street NW,
Mail Stop 4660-MIB
Washington, DC 20240

Dear Sir or Madam:

My name is Rodney R. Miller. I am the experienced and qualified Manager of Economic, Community Development and Comprehensive Planning for the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, whose central office is in Poplar, Montana.

This letter is provided in response to your correspondence of July 28, 2019 in which your office is soliciting comments to upgrade the “Licensed Indian Trader” regulations found at 25 CFR Part 40. In response, I provide brief introductory information on the Fort Peck Indian Reservation, preliminary historical information on “Indian Trade” followed by my distinctive statements for consideration and possible incorporation in modernizing 25 CFR Part 40 to make the regulations more effective from a contemporary economic perspective. Finally, appropriate information is provided on the Fort Peck Reservation economy and how it may benefit from any new revisions to 25 CFR Part 40.

To begin, the following evolutionary summary of historical/chronological “Indian Trade” transactions throughout the Northern Great Plains area of America and the remainder of the United States is presented via summary remarks obtained from a paper presented by Mark A Eifler of the University of Portland. In his comments, Mr. Eifler indicated that “Native peoples of the Great Plains engaged in trade between members of the same tribe, between different tribes, and with the European Americans who increasingly encroached upon their lands and lives. Trade within the tribe involved gift-giving, a means of obtaining needed items... Trade between plains tribes often took the form of an exchange of products of the hunt (bison robes, dried meat, and tallow) for agricultural products, such as corn and squash. European and American items, such as horses, guns, and other metal products, were incorporated into existing Plains trade systems after the seventeenth century.

Trade among the Plains Indians has a long history. The archaeological record shows and active trade in Knife River flint in the Northern Plains beginning before 2000 B.C. Moreover, copper, obsidian, and marine shell artifacts suggest an existence of an early east—west trade route crossing the Northern Plains and connecting to the Great Lakes and the Atlantic Coast in the east and the Rocky Mountains and the Pacific Coast in the West. Farther south, the people living along the lower Missouri, Arkansas and Red Rivers traded in copper and marine shells with the Mississippi Valley people after 2000 B.C. There is also evidence of local trade for this period. While the Northern Plains trade system remained relatively stable throughout the following centuries, the Southern and Central Plains trade patterns changed dramatically around A.D. 1200, when the ties between the Mississippi valley and the lower Missouri, Arkansas, and Red River societies were cut. Further changes came in the fourteenth and fifteenth centuries, when the Southern Plains societies began to trade in corn, pottery, and bison products with

the Pueblos of the Southwest.

At the time of European contact, there were two types of Native American trading sites in the Great Plains. The first was associated with permanent agricultural villages, including those of the Mandans and Hidatsas in present-day North Dakota and the Arickaras in present-day South Dakota. These sites hosted trading parties from the Crows, Shoshones from the West, Assiniboines and Crees from the North, and Plains Apaches, Cheyennes, Arapahos, and Pawnees from the south. Lewis and Clark, who wintered with the Mandans in 1804, noted that traders in the villages obtained items from as far as Mexico and the Pacific Coast. In the Southern Plains, the Wichita Villages on the Arkansas and Red Rivers served as trading sites for Jumanos, Apaches, Commanches, and Pawnees.

The second type of trading site was a trade fair, or rendezvous, in which bands met to exchange goods away from a permanent village, generally at a point convenient to nomadic bands. The Dakota rendezvous, held on the James River in present-day South Dakota, and the Shoshone rendezvous, held in southwestern Wyoming, were regular trading fairs at the beginning of the nineteenth century. A major trading site—perhaps as important as those at the Mandan, Hidatsa and Arickara villages—was operated by the Western Commanches in the valley of the upper Arkansas River from the 1740s to around 1830.

An integral part of the trading system was the middleman who operated between the various trade Centers. The Cheyenne served as intermediaries between the upper Missouri villages and the Southern Plains hunter-pastoralists and carried firearms and other European American goods to the south and horses to the north. The Crows trafficked in horses and firearms between the central upper Missouri and the Shoshone rendezvous. The Assiniboine and Plains Crees carried manufactured goods to the upper Missouri from Canadian fur traders and took back horses and corn. In the Southern Plains, the Jumanos and Apaches and later the apaches and Commanches, competed for the lucrative middleman position between the Wichitas and the Pueblos. By linking the trade centers, these middleman groups integrated the Plains tribes into a compact commercial network that covered the whole region.

The trade systems were maintained through a variety of sustaining mechanisms, including the calumet ceremony, redundancy trading, and sign language. The calumet ceremony made unrelated peoples one family through the working of a fictional kinship. Leaders of different bands or tribes adopted each other as father or son, allowing trade to take place, even between traditional enemies. In such exchanges, tribes gained access to foodstuffs that would otherwise have been difficult to acquire. However, Native peoples often exchanged corn for corn, or meat for meat. The Pawnees, for example, traded corn for corn with the Arickaras. This redundancy trading was a security mechanism, setting up avenues for exchange in case of local crop failure. Sign language allowed linguistically diverse tribes to negotiate the terms of the trade.

European traders began to engage in this trade from the edges of the Plains, Spanish settlers in Santa Fe exchanged goods of European manufacture, such as beads, mirrors, and blades, for hides, foodstuffs and services early in the seventeenth century. British traders infiltrated the network from the northeast, and French and Spanish traders pushed up the Missouri River from St. Louis in the late eighteenth century. By the early nineteenth century, American and British fur companies had created networks of fixed trading posts throughout the Missouri and Saskatchewan river drainage basins. At these points European and American manufactured products were exchanged for bison robes, beaver pelts, and other furs and skins. The Plains Indians became the primary producers in an international trade system controlled from New York and London. American and Canadian traders also sought to

bypass the traditional middleman and used alcohol as a means to curry favor. The Indians would have not participated if they had not valued the introduced product (especially guns), but a dependency on outside supplies was created, and when there no longer were furs to trade the Indians could not obtain the goods they had come to rely upon.

The increased market demands resulted in the collapse of the resource base. By 1840 beaver had been eliminated from large parts of the Plains, and the virtual destruction of the bison herds in the 1870s brought an end to the traditional Plains Indian trade. Restricted to Reservations in both Canada and the United States, the Indians' trade was often a sale of annuity goods, at inadequate prices, at the local trader's store. Native American conventions of trade continued, and continues, within tribes and in contexts like powwows between tribes, but the traditional Plains trade system that had endured for so long fell victim to imposed European American economies."

In lieu of this information, functional indigenous traditional Native American trading routes were established, maintained and transpired all over North America. The sprawling traditional territory of various tribes encompassed what is today the United States of American and Canada or the United States of American and Mexico. Therefore, in the contents of any subsequently revised regulations to 25 CFR Part 140, these traditional cross-country trade ties must be recognized, respected and modernized.

Today, the concept of Native American "trade" has effectively transitioned from a traditional to contemporary perspective. Indian Tribes as a whole—and not just individuals or sole proprietors—are now actively and successfully involved in the process.

Also, from another essential introductory perspective, requisite point to be considered and included in the process is that the Commerce clause of the U. S. Constitution must be understood and applied in revising 25 CFR Part 140. The commerce phrase of the American Constitution grants Congress plenary power to regulate commerce (trade) between the United States and three other forms of **sovereign entities**: the states, foreign nations **and the Indian Tribes**. Therefore, Congress has the power to regulate commerce with the Indian Tribes. As a result, I strongly recommend that recognized tribal sovereignty and the established right to trade between Tribes in the United States of America--and also abroad (Canada, Mexico, New Zeland, etc.--) be respected and recognized as a special commercial relationship in the final revised regulations.

In addition, today's developing contemporary international inter-tribal trade environment must be looked at from a "most favorable trading" status in revisions to 25 CFR Part 140. They illustrate allowable foremost examples of relevant trade transactions between a "sovereign tribe to sovereign tribe," spanning the United States, Canada and Mexico. Currently, the International Inter-Tribal Trade and Investment Organization <http://iitio.org> is actively attempting to enhance cross-border trade opportunity between the Canadian First Nations and the U. S. Federally recognized Indian Tribes. Therefore, at a minimum, I highly recommend that the United States Department of the Interior consider adopting and granting "preferential trade status" provisions in the revised 25 CFR Part 140 stipulations between all Federally recognized Indian Tribes in the United States of America and all Federally recognized First Nation, Inuit and Metis in Canada.

Furthermore, on Page A7 of the Wednesday, August 16, 2017 edition of the Billings (Montana)Gazette newspaper, an article entitled "Efforts to Revise NAFTA (the North American Free Trade Agreement) Begin." Relevant excerpts from the editorial state that "five days of talks aimed at overhauling NAFTA

begin today in Washington, with negotiations to follow in Mexico and Canada. The United States has never before tried to overhaul a major trade agreement. A new version of NAFTA would require approval from a divided Congress. Economists and trade analysts do see opportunities to improve NAFTA..." In any subsequently renegotiated trade activities within an ensuing revised NAFTA, I unequivocally recommend that domestic Tribal sovereignty and the right to complete inter-tribal/international trade be considered and included in any newly adopted NAFTA legislation and placed into 25 CFR Part 140.

Due to its proximity to Canada, the State of Montana and Canada presently complete extremely important and mutually beneficial trade relationships which positively support the economies of each geographical area.

The federally recognized Fort Peck Indian Reservation is situated in an extremely rural, isolated and impoverished geographical area in extreme northeast Montana. The Fort Peck Reservation's northern linear border is situated approximately 35 miles south of the United States/Canada international boundary.

In lieu of the Fort Peck Indian Reservation's current destitute and exacerbated economic state, the Fort Peck Tribes possess an ominous unmet requirement for maximum attainment of feasible economic sustainability. However, for the Fort Peck Indian Reservation to attain measurable progress towards reduced destitution and dependency, use of de-facto sovereignty, procurement and application of strategic positive methodologies, use of creative federal economic development initiatives for expansion into the domestic and global marketplaces for attraction of new business investment, trade and employment to the Fort Peck Indian Reservation are urgently required.

Also, in lieu of unmitigated Reservation-wide poverty, acute distress and increasingly decreased federal assistance to the Fort Peck Reservation, diminished external demand for Tribal natural and agricultural based resources, it is now more important than ever for the Fort Peck Tribes to obtain, create and sustain beneficial new modern economic opportunity, particularly those associated with trade, which provides the basis for accrual of mutually beneficial, creative, profitable economic opportunity to the Tribes and its economic partners, are essential.

As a portion of the Fort Peck Tribes' renewed effort to pursue and measurably attain contemporary economic development and progress, the Tribes have incorporated an additional development strategy of applying and attaining meaningful "trade" (which we define as "the means of importing unprocessed ag-based products, unfinished items and targeted commodities into and exporting of raw agrarian products/finished goods from the Fort Peck Reservation to the domestic and international marketplaces') as a goal for economic renewed and to help attain aspired self-sufficiency.

Through measurable attainment and completion of desired international trade, associated benefits which are anticipated to accrue to a renewed Fort Peck Tribal economy include:

- A greater variety of available goods,
- efficient allocation and better utilization of resources,
- promotion of efficiency in production,
- increased employment as markets expand,
- cheaper costs,
- reduction in trade fluctuations,

- utilization of surplus produce,
- fostering of 'peace and goodwill.'

To help the Fort Peck Tribal economic development environment with initiating and measurably attaining its trade aspirations, the Fort Peck Indian Reservation is developing an application for submission to the United States Government for consideration and approval for award of a federal "Foreign Trade Zone" (FTZ) status to the Fort Peck Indian Reservation. To assist in enhancing economic opportunity associated with those Federally recognized Indian Tribes who possess an economic oriented Foreign Trade Zone status, these tribes should also be granted "special or preferential trade status" in the revised regulations to 25 CFR Part 140.

Lastly, if possible, I recommend that the revised trade regulations for 25 CFR Part 40 consider and incorporate incentives for Tribes to complete trade with the non-Indian domestic and international community.

The U. S. Department of the Interior's interest in promoting and adopting renewed regulatory provisions which modernize, support, enhance, recognize and provide benefits to sustain new trade oriented economic opportunity among and between United States Indian Tribes and their international peer partners is appreciated.

Sincerely,

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Comments to revised "Licensed Indian Trader" Regulations

Rodney Miller <rmiller@fortpecktribes.net>
To: "Consultation, IA" <consultation@bia.gov>

Wed, Aug 16, 2017 at 2:08 PM

Thank you.

I also forgot to include the following additional comment into the "NAFTA" portion of my message of today's date. Please include it as an attachment for consideration for supportive revision of 25 CFR Part 140.

In my initial comments, I mentioned that NAFTA is being renegotiated. From reviewing President Trump's prior rhetoric towards revising NAFTA, it seems he wishes to implement a "Made in America" theme into any new NAFTA revisions. Also, the President appears keen on bringing back overseas jobs back to America through his proposed new "Made in America" proposal, possibly to be completed through the revised NAFTA legislation.

If the President's "Made in America" message should be considered and successfully included in the revised NAFTA legislation, it should include provisions to offer the "Made in America" economic provisions to the Nation's Federally recognized Indian Tribes who have the capacity and experience to complete respective economic activities, at competitive rates and terms, to those which are currently offered by overseas and international companies/countries. This suggested effort would hold significant potential to help develop underserved tribal economies and depressed Reservations. I strongly believe that America's Indian Reservation economies can and are economically competitive and experienced in this effort.

If this were to transpire, these provisions and incentives should also be included in the revised regulations to 25 CFR Part 140.

Rodney Miller

From: annette.romero@bia.gov [annette.romero@bia.gov] on behalf of Consultation, IA [consultation@bia.gov]
Sent: Wednesday, August 16, 2017 11:04 AM
To: Rodney Miller
Subject: Re: Comments to revised "Licensed Indian Trader" Regulations

Thank you for your comments, We will be reviewing them closely.

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