

On The History of Citizen Potawatomi Government How We Became a “Sovereign”, and the Future of our Tribe

Personal reflections on tribal government from 30 years of service – John Barrett

2008 -2009 may turn out to be one of the most important periods in the history of the Citizen Potawatomi Nation. We are at a threshold. We have a new form of government. How it will work now will have lasting effects on our future. It is the first Citizen Potawatomi government to truly be asked to balance the needs of government over tribal land and revenues, located inside Oklahoma, and government for a people located everywhere. Innovation in government is nothing new to the Citizen Potawatomi. We have a history of adapting our government to the needs of our tribe.

About 150 years ago in Kansas, our tribe, acting as a separate people from the other Potawatomi, decided to form a new “government” using the corporate form then in vogue for Indian Affairs by the United States: a “Business Committee”. White man’s history says we were separate because of religion and some measure of European blood. The truth is a really matter of geography – we had governed ourselves separately from the Prairie Potawatomi for centuries before the forced union in Kansas after the relocation from Michigan and Indiana. The Prairie Potawatomi lived primarily in Illinois and also had Mascouten roots. We have intermarried families and share a common language. The familiar names of our present families were the actors in the new government: Navarre, Beaubain, Bourassa, Young, Anderson, Burnett, Vieux, and others. Unfairly criticized later by historians of the militant Indian 1970’s as “Treaty Chiefs” or pawns of the white man, they actually reacted to the onslaught of events that led to the Civil War. We were in the path of “Manifest Destiny”. We were being overrun by white squatters and thieves. These leaders, our forefathers, made the expedient agreements that became treaties that ultimately resulted in our reduced tribal territory and legal jurisdiction being surrounded by what later became Oklahoma. Our government decline followed the decline of the land base. That condition lasted 125 years and shaped our thinking that government was only about territory, the land on which it sits, not the people who consent to be governed.

Our tribe gradually chose over the last 25 years to go outside of that land restriction and prove its jurisdiction was really over its people in four ways: several forms of services (health aids, prescriptions, scholarships, burial costs, housing, etc.), the powers of the Tribal Court, the right to vote by absentee ballot, and informal government participation called “Regional Councils”. In 2008 you voted to amend our Constitution and gave those areas outside of Oklahoma actual territorial representation in our government. This is accomplished by video teleconferencing the Tribal Legislature. We are the first American Indian Tribe to ever do so in American history, to my knowledge.

But what we did is not actually so “new”. It is really an old idea. It is actually a return to the old “village Chief’s council” of the pre-1838 Potawatomi governments, but on a much, much larger scale facilitated by communications technology. How our tribal government handles the new “tools” we were given by you, the citizens of our tribal Nation this year, may well determine our future for the next 150 years.

Looking back in our history, I wonder if the significance of a particular event was apparent to the old tribal leadership in Kansas at the time they made their decisions. When I look back at my early years of personal experience as an elected tribal official 33 years ago, we mainly reacted to near term threats and a few opportunities – the BIA was treating us like errant children, we had a government that functioned infrequently, and some of our own folks were using the government to pursue personal ends. We were broke. There was a general sense that we could fix things, but the exact solutions and the tools we would need were not clear. We wasted a lot of time fighting each other. All we were trying to do back then was get in front of events that were knocking us around. We were just trying to act instead of react. The old timers in Kansas were probably in the same boat. The important change had not come yet. The pivotal element we did not understand was not what we did but how and why we did it. Cicero's old maxim that "the effect is in the affect" had not become our reality. We were not a sovereign because we did not act like a sovereign.

With benefit of hindsight, I see five events or "eras" of the last 150 years as being of seminal importance. They shaped our present tribal identity. They are: (1) the loss of our traditional land-based governments through the seizure of our aboriginal tribal estate in Indiana and Michigan and the loss of the relocation treaty lands by the next three generations; (2) the ineffectual role of our government until the stimulating effect of the 1948 Indian Claims Commission payments on our identity and tribal government; (3) the Indian Self Determination and Education Assistance Act of 1975 and the concept of tribal sovereignty; (4) the development of independent tribal income; and (5) redefining "tribal governmental jurisdiction" and realizing the cultural needs of Citizen Potawatomi Nation tribal members and the obligations of government to temporarily assume traditional roles,

The Citizen Potawatomi were scattered by poverty and victimized by 41 broken treaties and the destructive U.S. government policies of the allotment period of 1871, 1882, and 1889. The final pre- Oklahoma homeland we bought as a reservation was taken away, split up, and sold. We lost more than our land. Children were placed in boarding school. The language and ceremony was discouraged and fell into disuse. Being an Indian meant discrimination at best, and could get you killed at worst. It meant poverty, ignorance, and disease. The very process of survival worked against our identity as Citizen Potawatomi.

Even though we had a Tribal Constitution under the 1936 Oklahoma Indian Welfare Act, it actually included only a few people in the local area in the government. We kept an allotment roll and a 1936 tribal roll current for the BIA to determine inheritances and disposition of allotted land. Basically that was it. We almost moved the tribe to Mexico in 1898 because our future here was so bleak. We were losing our tribe as we were losing our land.

Then there was a turning point for the next generation. We were finally united as a tribe by a common prize. It was the possibility of getting paid for the injustices of our past under the 1948 Indian Claims Commission settlement payments. Our elected officials, and those of other tribes, had been pursuing claims against the government for treaty

abuses for two hundred years by offering a share to Washington lawyers. The federal government decided to end all claims in one fell swoop: an Act of Congress that settled all claims and ended the possibility of any new ones. Suddenly every Potawatomi had the common dream of “getting our Indian money”. Being a Citizen Potawatomi now had personal value. For many it was the first time they thought of themselves as Indians. For many it was the first time they would officially admit it. “Indian Money” was the fantasy of my youth and the stuff of evening dreams of my elders. The final amount received was laughable in light of what we had imagined. The best result was not the money. It was the requirement by Congress for our fading tribal government to function to get the money to the people. We were forced to govern to get the prize.

The worst result was how the money was paid out. Two historical wrongs were inflicted on our people. The first was by the Indian Claims Commission, acting for the US Congress, and the second by our own tribal government acting to comply with that federal law. The great wrong of the Claims payments was the denial of economic power in the hands of the tribal government that a lump sum payment, some \$9,000,000, would have provided. There is testimony in the Congress at that time that the intentional policy of the Claims Commission was to refuse payment to the tribal governments, signers of the treaties that were broken and the actual parties that lost the land, and pay it out in “per capita” payments that would be of little consequence to individual Indian citizens of those tribes. That way no land could be bought back, no politicians influenced, and no permanent income producing ventures or investments could be made - except the meager 10% “set-aside” requirements held in BIA mismanaged trust funds. The second wrong was even worse: we closed our tribal rolls, excluding our rightful members with an artificial “blood degree” that was a farce to begin with in 1861, poorly documented throughout our tribal history, and a blatant denial of our traditional way of determining who was a Citizen Potawatomi. It took us 30 years to right that wrong.

The next 30 years of Congressional stalling, legal delays, the gathering of tribal rolls, and the planning required before the distribution of the checks was viewed as a nuisance in the 1960’s, but it held our government together past the threat of “termination” by loss of federal recognition by the Eisenhower Administration. The requirement that the tribal rolls be maintained and new members enrolled who were entitled to “Indian money” payments was almost the sole motivation for the tribal government to exist through the late 1960’s. Almost as an afterthought of Congress, the Johnson Administration made Indians tribes part of the “Great Society” and the “War on Poverty”. The tribal government then had some small opportunities to directly provide services through the Indian Health Service and the Bureau of Indian Affairs into the early 1970’s. The Business Committee still met just a few times per year, but the tribal office was open every day. We had something happening but it was very minimal and poorly compensated.

That all changed with the passage of the Indian Self Determination and Education Assistance Act signed by Richard Nixon on January 4, 1975. I say that things changed, but very slowly. The federal bureaucracy in Oklahoma prevented any of the mandates of the 1975 Act from taking effect in Oklahoma at all for five years. They continue to fight

the mandates of the subsequent amendments of the 1975 Act for Self Governance to this day. But in 1975, the Business Committee knew that there was something coming. There was a sense of momentum. Congress was going to let us do something, but we didn't know what. Notice that I said: "let us do something", not that we were going to determine for ourselves to do something. In our minds, we were still "wards of the government", but the potential for the tribal government to be of more value to the people became more real.

The Chairman in 1973 believed that official meetings of the Business Committee required attendance by the BIA Agency Superintendent. He, like most tribal officials then, grew up in a time when the BIA had complete power over tribes and Indians. Sovereignty was an unimaginable concept. For example, in 1974 the tribe decided to take the responsibility to keep custody its own records of minutes and tribal resolutions. Before that, the BIA Shawnee Agency was the repository of all our tribal government records. In this day of 2008, that sounds unbelievable, I know. That may be viewed as an early step towards asserting our tribal sovereignty, but we didn't even know it. What were we thinking that day? The vote was 3 to 2 on the Resolution, I recall. I proposed the idea because I had seen penciled-in changes to documents after being sent over to the Agency. They were open to anyone who wanted to read and handle them. I thought the Agency didn't take care of them properly. I didn't know sovereignty from sour apples. Then, on an August night in 1983, F. Browning Pipestem and G. William Rice gave a presentation to the Business Committee on the concept of tribal sovereignty that was an epiphany. With their eloquence, the light came on. Sovereignty was not something the government "gave" us permission to have on these few acres outside of Shawnee, Oklahoma. It was a state of mind. It was in our head, in the history of the families that united to make the Citizen Potawatomi Nation. It had always been there. We just had to do it.

Since that day each Constitutional Amendment was about intentionally acting as a sovereign government to the extent that we could get the federal government to approve it. But the big task was getting our own people to think of our tribe as a sovereign Nation, not a sort of "club" with "members". And to think of themselves as Citizen Potawatomi Indians, not "part Indian". To start required two things: first, for the Nation to increasingly act for the common good by helping its people wherever they were; and second, to stabilize our government by extending the right to vote to those who live outside of the boundaries of the diminished reservation in Oklahoma. This represented recognizing the rights of citizenship for every enrolled member of the tribe, anywhere. It happened partially with the Constitutional revision of 1985. The next was the amendment of our Constitution restoring the right of those of Citizen Potawatomi blood to be members of the tribe without some kind of "pedigree" like a dog or a horse proving a "blood degree". That started a change in the perception of their tribe by our people that ultimately would result in the new 2008 Constitution creating elected Legislators for every tribal member in the United States. Now we have truly extended the full rights of citizenship to all our members. You are not "part Indian" because you are no longer "part citizen". You do not have to live on tribal land to fully be in the Tribe. Like sovereignty, it is in you, in your blood. It was there all the time. You just have to do it.

In 1985, we thought tribal government responsibility meant free services, and that took money which we did not have. Almost all of our available money belonged to another sovereign – the federal government. In 1983 we had a bingo game that we did not control and a counter at the Tribal Museum that sold cigarettes. A primary goal of the tribe became the development of an independent income. We have accomplished this and we continue to do so with the understanding of our citizens of the need for strategic reinvestment. But what to spend it on? The Business Committee needed feedback. To find out what the Nation wanted, in 1985 we took the government physically to the people through the creation of eight annual meetings where larger concentrations of tribal population were located outside of Oklahoma. They were called “Regional Councils”. Until last year, they were a primary function of the tribe for over 20 years.

After 20 years, the most lasting direction we gathered from these meetings was that the service the people wanted most was not a handout from the Nation. It was the Citizen Potawatomi culture. It was the knowledge they needed to help them renew their identity as Citizen Potawatomi Indians. They wanted to know what to teach their children that they had missed from their parents and grandparents. The tribal culture is the most valuable thing we all lost when we were scattered before the winds by the federal government and the hardships of the last 150 years. Those things that make us Citizen Potawatomi – the language, the ceremonies, our Indian names, clothing, dances and songs belong to all of us. They are our birthright. Each of us owns them because each of us carries the blood of a people unique on the Earth. Our traditions have always said that Potawatomi are all those who share a common blood with our grandfathers or grandmothers. There is no such thing as “blood degree” in our traditions. That is an artificial definition of an Indian put out by the federal government to ultimately deny their treaty obligations in the future by setting some arbitrary blood percentage. We are all “full blood citizens” with equal rights.

Just as the tribe was responsible for distributing those little “Indian Money” checks back in the 1970’s and 1980’s, the tribe is now responsible for distributing something of more lasting value – the cultural fabric of the tribal identity. In the old times this was done by tribal elders within each family. Our elders were mostly denied access to this knowledge by the accidents of our history. It has become the role of tribal government to provide this to the people in addition to physical services until the elders of the tribe can assume their traditional roles as teachers of the culture. This may take a generation.

We hear from you the most urgent need for financial assistance is for elder health, education, and housing. We will continue to increase the level of services in these areas as our income allows. Certainly the Nation also has an obligation to help those who are in need, as any family helps its own, but the parallel role you have assigned to the Nation through your input is to help our people regain and keep their personal identity as Citizen Potawatomi Indians. To accomplish this we will strive to provide more cultural opportunities and facilities in the new Legislative Districts than were made available at the Regional Councils. The first of those facilities is at Rossville, Kansas.

The challenging task before the new Legislature this August is how to balance the needs of the governmental and social service requirements of the Nation, with the cultural needs of the people while continuing the growth of income producing assets to finance them. The manner in which we accomplish this is as important as what we do. Hopefully we will set precedents for the future that result in a stable and productive tribal government. We ask for your prayers and continuing participation with your votes and advice.

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