

BULLETIN BOARD

MEETING NOTICE

OKLAHOMA INDIAN AFFAIRS COMMISSION

Board of Commissioners
Meeting

November 16, 2006
10:00 a.m.

Conference Meeting Room 284
Lincoln Plaza Office Building
4545 N. Lincoln Boulevard
OKC, OK

NEXT MEETING: January 18, 2007

2006 General Election
Tuesday, November 7
Polls open Tuesday, 7 a.m. to 7 p.m.

YOU CAN VOTE EARLY...
At your County Election Board on these Days:

Friday, November 3, 8am–6pm
Saturday, November 4, 8am–1pm
Monday, November 6, 8am–6pm

For more information, see the *State of Oklahoma, Election Board website at www.elections.state.ok.us.*



LIAISON



Quarterly Newsletter of the Oklahoma Indian Affairs Commission

VOLUME XI, Issue II

October, 2006

UNITED INDIAN NATIONS IN OKLAHOMA, KANSAS, & TEXAS ORGANIZED—ELECTIONS SLATED

The fall is the time for elections! With state and federal elections looming on the horizon, tribal leaders are also electing the officers of a newly formed tribal organization, the **United Indian Nations in Oklahoma, Kansas, and Texas (UINOKT)**. Elections will take place on *October 24, 2006*, at the Tulsa Marriott Southern Hills in Tulsa during the American Indian Chamber of Commerce Economic Summit at another location. Officers include a Chairperson, Vice-Chairperson, Treasurer, Parliamentarian, Secretary, and Sergeant of Arms.

A series of tribal leader summits that took place during the past year resulted from an initial meeting of the **Cherokee, Muscogee (Creek), and Osage** leadership. Muscogee (Creek) Nation **Speaker, George Tiger**, has been instrumental in organizing and facilitating the summits that have been hosted by a number of tribal nations. Also instrumental in the organizing of the UINOKT is Sac & Fox **Principal Chief, Kay Rhoads**, **Chairman Wallace Coffey** of the Comanche Nation, and **Governor Darrell Flyingman**, Cheyenne-Arapaho Tribes.

The constitution and by-laws of the group indicate that the purpose is "to establish and en-

hance the preservation and continuity of the membership's rights, powers, laws, and privileges as demonstrated in the relevant Indian treaties and laws of the United States of America and to provide for a unified effort in exerting tribal government authority through tribal regulatory laws, ordinances, and constitutions."

Membership of the organization is inter-tribal, and includes the federally recognized tribal nations of Oklahoma, Kansas, and Texas, as well as those tribes recognized by the Federal Court of Claims Commission.

The organization is designed "to promote tribal unity, better community relations and stronger productive communication with each other and respective state governments; and to safeguard and protect the sovereign rights, privileges and interests of all Indian nations; to improve the educational, economic and political status of the tribal governments; to promote the common welfare through united efforts; and to bring the tribal governments into a more relevant cooperative relationship and unity of position on issues that affect all Indian governments."

UINOKT will provide a unified voice for issues of common concern that will be heard at the local, state, and federal levels of government, but in no way is the new group intended to replace existing intertribal organizations, but rather be an additional resource to address tribal issues.

For more information, contact Speaker George Tiger, Muscogee (Creek) Nation at (918) 758-1410.

State of Oklahoma
Indian Affairs Commission
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STILL RE-DESIGNING
AND
UPDATING

www.oiac.state.ok

"This publication, printed by the Oklahoma Indian Affairs Commission, is issued in compliance with § 3-114 of Title 65 of the Oklahoma Statutes. 485 copies of this publication have been printed and distributed at a cost of \$.20 each. Twenty-five copies have been deposited with the Publications Clearinghouse of the Oklahoma, Department of Libraries."

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OKLAHOMA HISTORICAL SOCIETY
Dr. Bob Blackburn, Executive Director

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Kaw Nation Executive Council

DECEMBER DEADLINE SET FOR TRUST FUND CLAIMS

From Information Provided By
Hobbs, Straus, Dean, & Walker, LLP

Introduction

We are responding to your recent inquiry about background information regarding the impending deadline for tribes to file trust fund mismanagement claims. The statute of limitations for trust fund mismanagement claims against the United States expires on December 31, 2006.

What is the statute of limitations?

Claims against the federal government for mismanagement of tribal trust funds must be brought within six years of the date the claims arise. By federal law, tribal trust fund mismanagement claims do not arise until the tribe receives an accounting from the Department of the Interior. Department of the Interior, Environment and Related Agencies Appropriations Act, Pub. L. No. 109-54, 119 Stat. 499, 519 (2006).

In 1996, most tribes received a report reconciling the tribe's trust fund accounts for the time period 1973-1995. The Department of the Interior provided these reconciliation reports pursuant to the American Indian Trust Fund Management Reform Act of 1994, Pub. L. 103-412, 108 Stat. 4239 (1994) (codified at 25 U.S.C. §§ 4001-4061). Since 1996, the Department has provided annual accounting reports to the tribes.

In 2005, Congress extended the statute of limitations, by one year, to December 31, 2006, for claims based on the Department of Interior's reconciliation reports. Thus, tribes which have received reconciliation reports and which have reasonable breach of fiduciary duty claims for trust fund mismanagement should file such claims before December 31, 2006.

Which claims are covered?

Two issues exist with regard to which claims are covered by the statute of limitations. First, it is unclear whether the reconciliation reports provided for fiscal years 1973-1995 (or the subsequent annual reports) constitute a proper accounting that would trigger the statute of limitations. See U.S. General Accounting Office, *Indian Trust Funds: Tribal Account Balances*, No. GAO-02-420T (2002). If the reconciliation reports qualify as an accounting, then the tribes have six years from the date they received the report to bring claims against the United States for breaches of fiduciary duty in the management of the trust funds at issue in the reports. Second, it is unclear whether the reconciliation reports cause the statute of limitations to run on claims for mismanagement prior to fiscal year 1973 (the first year for which an accounting has been provided). See *Osage Nation v. United States*, 57 Fed. Cl. 392 (2003) (allowing Indian tribes to file claims within six years after an accounting of the trust fund is furnished to the Tribe no matter when the mismanagement occurred).

Conclusion

Tribes with reasonable claims against the United States for breach of its fiduciary duty for mismanagement of tribal trust funds should carefully consider whether to bring such claims before December 31, 2006. We caution, however, that these claims are highly fact specific. Based on specific factual circumstances, a particular tribe may have cause to assert certain trust fund mismanagement claims after the December 31, 2006 deadline.

Note: Information was requested by Barbara Warner, Executive Director, Oklahoma Indian Affairs Commission. Response was provided by Kirke Kickingbird, Attorney with Hobbs, Straus, Dean, & Walker-OKC, LLP on October 12, 2006.

COMMISSION CORNER

The fall months are quickly passing by and the Oklahoma Indian Affairs Commission is in full-planning mode as we move into our busiest time of the year. In the upcoming weeks, we will be requesting a lot from Oklahoma's tribal leadership, state leadership, our Board of Commissioners, and other resource agencies and individuals. Those requests will be relative to the finalization of our annual products, which will be enhanced and embellished for our 40th Anniversary commemorative editions.

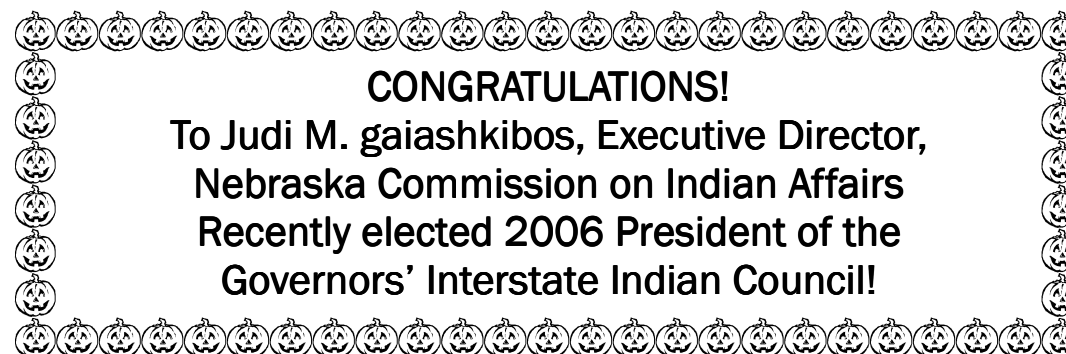
In 2007, the Oklahoma Indian Affairs Commission will be commemorating its 40th anniversary as a statutorily formed state agency, Sovereignty Symposium will be celebrating its 20-year anniversary, and, of course, the State Centennial will also be a high point of the year. Commemorating our 40-year anniversary will be an important aspect of all of our activities and be notably reflected in all of our products throughout 2007.

Color photos of Oklahoma's tribal leaders will adorn our commemorative tribal leader poster, as well as the commemorative pictorial directory. Tribal leaders will be receiving our annual survey, which is in the process of being developed to document the resource information that is normally included in the pocket pictorial directory. An expanded version of the "Oklahoma Indian Nations Information Handbook" is under development for dissemination in February 2007. Additions to the Handbook will include a section on the Native American Caucus, State Department of Education-Indian Education, and other resource information not previously included in the Handbook.

The 4th annual "Opening Day Legislative Reception" has been scheduled for February 5, 2007, in Devon Hall of the newly built Oklahoma History Center. Fundraising efforts are underway and, with the newly elected legislators in place, we hope this venue will provide tribal leaders with an opportunity to interact with the freshman and other legislators of the Oklahoma House and Senate. We are planning an extraordinary event complete with a commissioned ice sculpture, decorations centered around the color ruby (40th anniversary), and much, much more!

This is just a smattering of what will be taking place in the upcoming weeks and months. So, please bear with us as you begin receiving our correspondence. We will try not to make it too confusing, demanding, or unreasonable. We are looking forward to a great year, as well as a historic year.

For assistance or information, contact our office at (405) 521-3828 or email us at oiac60@oklaosf.state.ok.us.



Make a Note

**OK Native Vote United
Rally**
Reed Center
5800 Will Rogers Road, OKC
11:00 a.m.
October 21, 2006

**United Indian Nations of OK
TX KS Meeting**
Tulsa Marriott So. Hills
10:00 a.m.
Tulsa, OK
October 24, 2006

**American Indian Chamber of
Commerce of OK
Economic Summit**
Crown Plaza Hotel
Tulsa, OK
October 23-25, 2006

Veterans Day Holiday
November 10, 2006
State Offices Closed

**INDIAN AFFAIRS
COMMISSION**
Bi-monthly Board Meeting
Lincoln Plaza Offices
Suite 284 - 10:00 a.m.
November 16, 2006

**Native American Day
at the Capitol**
State Capitol Rotunda
November 20, 2006
More Info: Elizabeth Fine
OKDLS - 1-800-214-3529

Thanksgiving Holiday
November 23-24, 2006
State Offices Closed

**Northeastern
Intertribal Council
Monthly Meeting**
Miami, OK
3rd Wed. of Every Mo.



SPOTLIGHT: PONCA NATION

PONCA NATION DEDICATES TIME CAPSULE

The Ponca Nation of Oklahoma, a self-governance tribal nation located in north-central Oklahoma, dedicated a time capsule on August 26, 2006. The following is an excerpt from the program of the event:

"The Warrior Memorial Ponca Time Capsule Dedication" August 26, 2006

**Daniel C. Jones, Chairman of the
Ponca Tribe of Indians of Oklahoma**

During the Annual Ponca Pow-Wow and Celebration, the Ponca Tribe of Indians of Oklahoma will bury a time capsule for a period of (130) one hundred and thirty years. This historic event will commence on Saturday, August 2, 2006. The Ponca would like to make this statement to present generations as an important timely message to future generations.

The concept of time capsule was born when the Tribe received a grant to construct the Clyde Warrior Memorial Building, which will house a library, museum, multimedia center, classrooms, conference room, and several social service offices. The timeline for this project was set when the Ponca were forcibly removed from their original homelands in Northern Nebraska and South Central part of South Dakota in 1876. The Tribe resided within the areas of the Niobrara and Great Missouri Rivers from time immemorial according to Ponca historians as well as accounts from other neighboring tribes.

Since the removal, the Ponca have primarily resided between the Salt Fork and Arkansas Rivers wherein most of the Tribal Trust lands are held in common by the Ponca people. The current lands of the Southern Ponca (hot Ponca), historically referred to as the "Old Ponca Jurisdiction" originally contained 101 thousand acres. This acreage has diminished over the years due to the sale of individually owned allotted lands, however, the jurisdictional boundaries remain intact. The reality of Oklahoma as our permanent home often seems to be disconnected to many of our aging elders of the Tribe.

The Ponca Time Capsule Project is a monument dedicated as a long-term reminder to the Ponca People that the White Eagle Community, will belong to other Ponca generations to come. This tribal project, as a statement, plants the seed of hope that we are home and our descendants will inherit what we leave. The Ponca Tribe, with a current enrollment of 3,229, memorialize this site for our future descendants.

The Ponca, a spiritual people who will continue to love their children and revere our elders, hold on to our heritage through the Ponca language, music, culture, and oral history. Most of these stories originate from our northern

homelands.

On this date, we dedicate and trust the contents of this "time capsule" in sacred trust to our children to pass on to our descendants for five generations yet to come. This act is intended to plant a mental suggestion and a permanent reminder that we must care for our "Mother Earth and Community" in a way that we wish it to be received by our future generations.



Standing from L-R: Principal Chief Jim Gray, Osage Nation; Barbara Warner, Ponca tribal member, Executive Director of the Oklahoma Indian Affairs Commission, and Moderator for the event; Principal Chief Enoch Kelly Haney, Seminole Nation; Chairman Dan Jones, Ponca Nation. Standing in rear is Ponca Nation Vice-Chairman Earl Howe, Jr.

The overall contents of this time capsule will provide an interesting collection to the Ponca Museum in the year 2136. The vault containing the Time Capsule is engineered to keep the contents dry throughout time while the individual capsules are sealed with state-of-the-art technologies removing all oxygen and replacing it with an inert gas. The Ponca Time Capsule Project will be of great interest to tribes and nations throughout America who will relate to the project because of its environmental importance to the present and timely message to the future. The items preserved in this time capsule are of Ponca Tribal ancestry, wherein we wish to communicate with future generations in song, language, history and with traditions to share our hope for all people.

"This vault shall be opened in the Year of Our Lord 2136, during the annual Ponca Indian Pow-Wow and celebration. We, as a tribe, have been, are, and will continue to be rich in our culture and tradition. May Wakonda, creator of all things, watch over and follow you, and all of mankind, forever . . . until the end of time."

A Brief History of the Ponca Nation . . .

*From a document prepared by the Nebraska Indian Commission, Lincoln, Nebraska
Edited by Barbara Warner (Ponca), Executive Director of the Oklahoma Indian Affairs Commission*

The Poncas were a small tribe, numbering approximately 700 during the 1800's. Lewis and Clark reported that the tribe, once a part of the Omaha Tribe, separated and lived along a branch of the Red River near Lake Winnipeg. However, the Sioux forced the Poncas, as well as many of the small plains cultures, to relocate to the west bank of the Missouri River in the early 1700's.

. . . The Ponca Tribe entered into four treaties with the government of the United States. The Treaty of 1817 was a treaty of "peace and friendship" between the two nations. In the Treaty of 1825, the Poncas acknowledged that they lived within the "territorial limits of the United States" thereby recognizing the United States government and the government's right to regulate trade and commerce.

The third treaty, signed in 1858, nullified the Poncas' title to all their lands occupied and claimed by them "except for a small portion on which to colonize or domesticate them." The fourth and final treaty signed in 1865 ceded an additional 30,000 acres of their reserved land. This final treaty provided for a reservation of 96,000 acres in the present day Nebraska counties of Knox and Boyd.

It was the Fort Laramie Treaty of 1868 that forever altered the course of Ponca history. Among other things, it established the boundaries of the Great Sioux Reservation which included 96,000 acres of land that was the Ponca Reservation. The Ponca became trespassers in their own aboriginal homeland. Over the next eight years the Ponca repeatedly appealed to the government for protection and assistance but received very little.

In 1876, the government formulated a policy to consolidate as many tribes as possible in Indian Territory in Oklahoma. The Ponca Tribe was approached by a government agent who offered to take the Ponca chiefs to Oklahoma to look over several alternative reservation sites. Prior to their departure, the agent promised the chiefs that if they didn't like the land they saw they could return to their Nebraska homeland. The Ponca chiefs made the journey to Indian Territory, visiting many different land reserves which were equally barren and unsuitable for agriculture.

The chiefs agreed not to exchange their land but instead return home. Upon informing the agent of their decision, the agent threatened to withdraw all money and support including the interpreter. The chiefs stubbornly refused to relinquish their Nebraska homeland so the agent departed without the Ponca chiefs. The chiefs, some of whom were advanced in years and ill, were forced to make the journey in the middle of winter without money, food, or an interpreter. Fifty days later, near starvation, the Ponca chiefs reached the Otoe Reservation along the Kansas-Nebraska border. The Otoes provided them with enough food and ponies to make their way back to Niobrara.

When the chiefs reached home, they found their people already preparing for the move. Federal troops were called in to enforce the removal orders. The long march took a heavy toll on the tribe, over half of whom were women and children. Storms, poor road and traveling conditions greatly impeded their journey, causing much suffering and death. The daughter of one of the Ponca chiefs, Chief Standing Bear, was among those who died along the way.

In the summer of 1878, the Ponca arrived in the Indian Territory. The Ponca were quartered in tents they had brought with them; no other provisions had been made by the government for their accommodation. Discouraged and homesick, the Ponca found themselves on the lands of strangers in the middle of a hot summer with no crops or prospects for any. In 1878 they suffered greatly from malaria. As the Poncas had come from their northern home where such ills were little known, the disease was particularly fatal to them and many died of it after they reached the Indian Territory. In fact, since the tribe had left Nebraska, one-third had died and nearly all of the survivors were sick or disabled. . . .

Finally, the death of Chief Standing Bear's eldest son set in motion events which were to bring a measure of justice and worldwide fame to the chief and his tribe. Unwilling to bury another child in the strange country, Standing Bear gathered a few members of his tribe and started for the Ponca burial ground in the north.

Because Indians were not to leave their reservation without permission, Standing Bear and his followers were labeled as a renegade band. The army advanced and took them into custody and were prepared to escort them back to their reservation in Indian Territory. The Omaha Daily Herald publicized the plight of the Ponca and two prominent Omaha attorneys decided that a writ of habeas corpus could prevent the Ponca from being forcibly returned to their reservation in Indian Territory. The government disputed the right of Standing Bear to obtain a writ of habeas corpus on the ground that an Indian was not a "person" under the meaning of the law.

The case of Standing Bear vs. Crook was brought before Judge Elmer S. Dundy in U.S. District Court on April 30, 1879. On May 12, 1879, Judge Elmer S. Dundy ruled in favor of Standing Bear. The ruling was bittersweet, however, in that Chief Standing Bear was to more or less relinquish his Ponca heritage and tribal sovereignty so that American Indians could be classified as "persons" in the eyes of the law.

Today, the Ponca Nation is headquartered in White Eagle, south of Ponca City in north central Oklahoma, and has a population of 3,229. The current Chairman of the Nation is **Daniel C. Jones**.

. . . "The ruling was bitter-sweet, however, in that Chief Standing Bear was to more or less relinquish his Ponca heritage and tribal sovereignty so that American Indians could be classified as 'persons' in the eyes of the law."