The story of our nation’s republic is the continual struggle to measure up to the lofty goals established in our founding documents. While the Declaration of Independence, U.S. Constitution, and Bill of Rights sum up who we aim to be, our history has certainly been marked by a combination of trials, mistakes, and successes along the way. And even today, we have not reached perfection or eliminated all shortfalls. The effort to fully realize and live up to the principles prescribed at our founding remains a work in progress at every level and in every branch of government.

While often overlooked, misunderstood, or even intentionally undermined, we would be remiss to forget that in addition to federal, state, and local governing authorities there is another level of government that pre-exists the very nation in which we live. The enduring presence of tribal nations and lasting recognition of their sovereignty is not only significant in Oklahoma, but to all Americans. It is important for us to understand how tribes have shaped and contributed to our way of governing.
A Rich Heritage

Without question, tribal heritage is part of our culture in Oklahoma. We appreciate and recognize the richness of tribal heritage that exists around us. Across the nation, there are more than 530 federally recognized tribes, with the highest concentration existing in Alaska, California, Oklahoma, and Arizona. In our state alone, there are 39 sovereign tribes. I consider it a great privilege to be a citizen of the Chickasaw Nation of Oklahoma.

Growing up in Oklahoma, I was fortunate to not only live in a state brimming with tribal heritage, but I was surrounded by family members who were actively involved in tribal affairs and who sought to preserve our unique history and culture. My great-great-grandfather served as clerk of the Chickasaw Supreme Court, and my great-grandfather was treasurer of the Chickasaw Nation. My great-aunt Te Ata Thompson Fisher was a gifted actress, entertainer, and Native American storyteller whose talent took her all over the world. And I am especially proud that my mother, Helen Cole, was the first Native American woman ever elected to the Oklahoma State Senate.

At an early age, I remember my mother instilling in my brother and me the importance of our tribal heritage and passing down our family’s compelling history. She taught us to know and understand that it was a remarkable gift to not only be American, but, as Native Americans, we belonged to a special and unique group of people. A significant figure in her own right and the person I admire most to this day, I never doubted that my mom was indeed right that we have a lot to be proud of as Native Americans.

Tribal Identity

Tribal heritage is a source of great pride for me and others across Indian Country, but knowing one’s family history is not what makes Native Americans unique in our culture. Being indigenous and, more importantly, being tribal is unique by nature.

Being indigenous is as much an historical identity as it is an anthropological or cultural identity. Tribal identity transcends being “Native American” and rests within the specific tribe to which one belongs. In discussing tribal identity, it helps to understand what constitutes a “tribe.” It is not a genealogical association or fraternal society. While lineage and ancestry are certainly factors, tribal identity is not strictly a matter of bloodline.

A tribe is a living, breathing entity that exists organically. Its purpose is to improve the lives and preserve the identities of its members. If a tribe fails at this, it eventually ceases to exist. Tribes are recognized as sovereign entities in the U.S. Constitution. That means that membership in a tribe gives one
a political identity as well as a cultural heritage. And the political identity that exists collectively for tribes has long been shaped by the events before, during, and since the founding of the United States. It was initially determined by how the first Europeans and American settlers chose to treat Native Americans and how Native Americans demanded they be treated in return.

**Recognizing Sovereignty**

Before the birth of our republic, Native Americans were treated as and dealt with as tribal people who belonged to specific tribal units. That is, tribes were seen as pre-existing sovereign and separate entities. Sometimes those entities were conquered or destroyed, but over time their political legitimacy inside the whole of the nation was recognized and enshrined in both law and legal precedent.

This process of dealing with Native Americans as tribal people and units has led to what is called “tribal sovereignty.” That is, as recognized by the U.S. Constitution, these citizens enjoy a unique status and their tribes possess a right to a measure of self-governance within our larger American political system.

Though not without flaws, the system of dealing with tribes was rightly founded on the understanding that the first Americans had and should retain existing rights. This status was not granted nor did Europeans or early Americans create tribes; it was a status that was simply recognized. And that recognition of tribal sovereignty instituted a framework and defined a process that has guided the relationship between the United States and tribal nations. As told by an often mixed history, it hasn't always been smooth sailing. 

**Sovereign but Separate**

Viewing tribes as pre-existing, sovereign entities has not always been an advantage to tribal nations, nor was it meant to be an advantage. By recognizing someone as belonging to a sovereign entity, the federal government could deny Native peoples the right to American citizenship. It even denied them the right for personhood—to be viewed as a human being—until the 1870s. And for most tribal citizens, the right to vote did not come until 1924.

While the federal government saw an advantage in keeping Native Americans essentially outside American society, tribes did not necessarily view separation as a disadvantage. Collectively and traditionally, Native Americans did not want to abandon the right of tribal self-governance but instead wanted to hold onto that special identity and live within the community and culture of their tribes. In fact, during the early years of the nation, many tribes were uninterested in assimilation into the larger culture if it required them to abandon their tribe’s traditional way of life, including the right to speak in their native languages and run their own affairs.

Without question, the darkest days in the relationship began in the 1830s with the forced removal of Native Americans from their historic lands. Disregarding sovereignty and claiming authority under the Indian Removal Act, President Andrew Jackson notoriously told southeastern tribes to assimilate or turn over their lands to white settlement in exchange for unknown lands to the west. As history unfortunately reminds us, citizens of the five predominant tribes in the southeast who chose to stay together were transferred along the “Trail of Tears” and removed to Oklahoma, then called Indian Territory. After brutal journeys with great losses, the Choctaw, Chickasaw, Creek, Cherokee, and Seminole tribes tried to settle once again. In similar circumstances, other tribes were forcibly moved to Oklahoma and elsewhere in the United States to exist on reservations.

But that did not mark the end of troubles for Native Americans nor eliminate attempts by the federal government to weigh in on their affairs, eradicate tribal culture, or ignore sovereignty altogether. The abrogation of treaties, the confiscation of territory, and the erosion of tribal sovereignty in Oklahoma and elsewhere continued well into the twentieth century.

After more than a century of failed policy, a resurgence in the midst of the Civil Rights Movement reassessed Native American rights to tribal sovereignty and self-determination. In the 1970s, President Richard Nixon specifically called for an end to efforts to terminate tribes. In response, Congress passed the Indian Self-Determination and Education Assistance Act of 1975, pledging to help preserve and assist tribal nations.

**Politics and Perspective**

Despite a checkered past, an important relationship still exists between tribal nations and the federal government, and I truly believe there will be improvement in the future. Indeed, in recent years tribal sovereignty has been enhanced, tribes have been given new resources and powers, and some restitution for the wrongs of the past have been rendered to Native American nations.

Beyond managing their own affairs, there is an ever-growing awareness among Native Americans that they should be involved in the broader politics of our country. Determining what that participation looks like can be challenging; state and local governments often resist the exercise of tribal sovereignty.

As an American lawmaker who identifies strongly with my Chickasaw heritage, I have visited with many tribal groups and citizens about the role they should and can play in political affairs. Remembering my forbearers who fought for preservation of the tribal sovereignty affirmed at our nation’s founding, I believe...
that all Americans stand to benefit when tribes and their members are politically active and recognized for their unique perspective and their many contributions to American society.

**A More Perfect Union**

It is an extraordinary time in which we live—for Indian Country and the broader culture of our nation—a time of tribal renaissance and self-determination. In Oklahoma, tribal governments are helping drive the economy, creating tens of thousands of jobs, and generating hundreds of millions of dollars for the state government. There is amazing vitality in Native American culture and a great deal of interest and respect for Native Americans that is uncharacteristic of our history.

Without question, I believe tribal sovereignty must be defended; but more than that, it often needs to be explained. As I remind my fellow lawmakers in Congress, the same oath we take to uphold the Constitution is an oath to defend tribal sovereignty. Just as Congress has the power and responsibility to regulate trade between other countries and states, so too must we maintain and protect relations with Native American tribes that have been recognized as sovereign entities since before our nation’s birth—in our founding documents and in hundreds of treaties and government-to-government agreements between Native nations and the United States.

If I were to identify and preserve what is special about Native American culture, it would be the very unique identity that pre-exists our country and forever allows tribes a measure of self-governance and control over their affairs. New threats to tribal sovereignty will arise, but we must remember that tribal sovereignty is not and cannot be a partisan issue. It is an American issue that requires true partnership and cooperation on both sides of the aisle and across the political and philosophical spectrum.

The United States did not grant tribes their rights. It recognized that those rights existed before the founding of America. While U.S. recognition of tribal sovereignty was initially meant to separate tribes from the larger society, time has reinvented, redefined, and reinvigorated that sovereignty. It does not mean we have achieved a perfect relationship between tribal, state, and federal governments. One thing we know as Americans is that sometimes we stumble and sometimes we fall. But we always get back up, dust ourselves off, and try again—together—working always to create a more perfect union. In America, that union recognizes, encourages, and protects the existence and sovereignty of tribal nations.

TOM COLE was elected to the U.S. House of Representatives in 2002 and is currently serving a seventh term for the Fourth District. Prior to Congress, he served as a member of the Oklahoma State Senate and as Oklahoma Secretary of State. Cole is recognized as a top GOP political strategist, serving in many key leadership positions. He holds a Ph.D. in British history from the University of Oklahoma and is a member of the Congressional Advisory Board to the Aspen Institute.

G. MAILLARD KESSLÈRE (1894-1979) earned degrees in painting and science, after which he moved to New York and opened a photography studio. He built a substantial career, noted for his portraits of major entertainment personalities. Kesslère also collaborated on pictorial book projects such as *Radio Personalities* (1935) and *Women of Achievement* (1940).

THOMAS E. PHILLIPS was a member of the Chickasaw Nation and studied at Phillips University, the Colorado Springs Fine Arts Center, and the Kansas City Art Institute. After twenty years as a commercial illustrator, Phillips devoted his work to recording the authentic history of Native Americans. Oklahoma Humanities acknowledges the assistance of the Chickasaw Nation and the generosity of Mark Anstendig and Michael Schaefer in granting permission to print Tom Phillips’ art.

**EXTRA! READ | THINK | TALK | LINK**

- Our Documents Initiative. Read texts of the Declaration of Independence, the U.S. Constitution and Bill of Rights, and President Andrew Jackson’s “On Indian Removal” address. ourdocuments.gov
- Bureau of Indian Affairs, U.S. Dept. of the Interior. Information on American Indian rights, the meaning of tribal sovereignty, and the relationship between tribes and the federal government. bia.gov/FAQs
- The Chickasaw Nation. View more of Tom Phillips’ paintings and read about their historical context. chickasaw.net