



**Truman Carter**

State of Oklahoma v. SFN. The SFN had sued Oklahoma for failing to recognize the motor vehicle titles and tags issued by the Tribe.

**Issue before the Supreme Court:** Whether the State of Oklahoma may impose Income taxes or motor vehicle taxes on the members of the SFN.

**May 17, 1993:**

A unanimous Court, in a 9-0 decision, ruled that:

(1) The state lacks authority or jurisdiction to regulate and tax tribal members on

Motor vehicles garaged on Indian land.

(2) The state must recognize and respect the titles and tags issued by the Tribe. How did this court victory come about?

What made the SF tribal leaders different from the leaders of other Tribes?

Basically, SF leaders went back to school. SF leaders stayed the course in difficult times and demonstrated the courage of their convictions.

The Historical Context and Environment of Tribes in Oklahoma

Tribes were viewed as a minority racial group or association of Indians.

For years, the BIA was telling everyone that Indians and Tribes in Oklahoma are legally different from Indians and Tribes in other states.

BIA said SFN is not sovereign; we have no reservation; we have no governmental authority; we are under state control.

Generations of Indian people were told these myths, mistaken assumptions, and outright lies.

As Sac and Fox tribal attorney F.

Browning Pipestem stated, "The Indians went over the hill with the buffalo in 1907 (statehood).

The SF people owe a debt of gratitude to those elected tribal leaders of that era, beginning in 1980.

Principal Chief; John R. (Jack) Thorpe, Second Chief; Gaylon R. Franklin, Sr. Secretary/Treasurer; Hazel Williamson, Committee Member; Henrietta Massey, Committee Member; Thomas Morris Jr. and Committee Member; Alvin Falls.

**What did they do?**

They went back to school and received a real Indian education - a tribal education. They learned the nature, source and scope of tribal sovereign powers. At the time, the tribes were not acting as sovereigns or exercising their rights as tribal governments.

1907-1970 -Tribes acted only as advisors to the BIA

-Tribal leaders met in BIA agency office to approve an oil/gas lease or farming lease.

1971-1982 -Tribes became federal program administrators (running programs normally administered by the BIA)

1982 -SFN enacted a comprehensive code of laws, including the most comprehensive tribal taxation laws in the country.

Taxed: sales - earnings - bingo - tobacco - oil and gas

By 1983 (one year later), the SFN had collected \$100,000 in tribal taxes!

What is Sovereignty? Sovereignty is the power to make laws and to be governed by those laws. For Indian people, sovereignty is a state of mind. Sovereignty is an affair of the heart. You either have it in your head or heart, or you don't have it at all.

October, 1983-SFN imposes laws regulating and taxing motor vehicles of tribal members. Why did SF leaders do this? To exercise our power as a sovereign and to counteract an illegal State tax on our tribal members' property - their cars.

The Question became: If you are Sac & Fox and if you're not legally required to pay a state tax, should you pay it anyway? Of course not!

The SFN leaders and the US Supreme Court decision freed our SF people from an illegal state tax on our motor vehicles.

On May 17, 1993, the SFN became

the most powerful Indian tribe in the State of Oklahoma. State officials were shocked. Newspaper and television media went into a frenzy.

It did not seem to matter that between 1983 and 1993, the Tribe had won every single decision whether in local, state, or federal court.

The Oklahoma City and Tulsa newspaper editors criticized the rulings and predicted the sky would begin falling and other unidentified horrors would be forthcoming. And, by the way, Congress should do something about the "Indian problem."

**Hard Times To Be A SF Indian Motorist**

For a SF motorist with a SF tag on his car, the period after 1983 was a difficult time. The highway patrol, county and local police really did not like seeing tribal license plates driving on the roads and highways. A SFN motorist commuting to the tribal offices could usually expect to encounter a state, county or local policeman either coming from or going to the tribal office. Drivers and passengers were pulled over, harassed, balled-out, and told to go pay for a state tag before driving on the highway again.

As an aside, I believe that I had more highway law enforcement encounters, citations issued, and more cars impounded than any other Indian.

It was really hard to be a SF Indian in those trying days. Your faith and trust in the SFN and its courageous leaders tested your faith.

**The Making Of A Federal Lawsuit**

How did the Tribe get into the Supreme Court? State officials had declared "Open Season" on SF Indian motorists. We discovered that state capitol officials, highway patrolmen, and Prague city police officers were conspiring to violate the civil rights of SF motorists. And SF leaders grew tired of the harassment of tribal motorists by law enforcement officers.

**The Cold War Begins or the State and the Tribe begin playing, "I Spy"**

At least one high public official at the state capitol didn't like how the Indian motorists were being treated, and really didn't like what was being planned by state officials.

From the state capitol, I was contacted by "Deep Throat," as I shall refer to this person. Deep Throat wanted to tell me privately exactly what was be-

ing planned by state officials for the SF people. A neutral site was selected in a Norman restaurant for a series of nighttime meetings. If Deep Throat's bosses discovered our meetings Deep Throat would be fired. If my bosses caught me, I would be fired. At the outset, I wasn't sure I could trust Deep Throat and I'm sure Deep Throat wasn't sure I could be trusted. As a result of the state's planning meetings, and our clandestine meetings, I received accurate and valuable information.

**The Attack on the Indians is Authorized**

Deep Throat said that state highway patrolmen in Lincoln County had convinced Prague city police to begin impounding SF-tagged cars on a Friday night after 6 p.m. in Prague.

This information was relayed to the SF Business Committee and tribal attorneys F. Browning Pipestem and G. William Rice. It was agreed that Principal Chief Jack Thorpe and I would be Indian motorists in Prague on that date and time.

The tribal offices closes at 4:30p.m. that Friday and Chief Thorpe and I decided to have dinner in a Prague restaurant that evening. Unfortunately, when we arrived at the restaurant no front parking space was available, so we parked across the street in front of a saloon. After a leisurely meal, we returned to my car and we began to drive back to the tribal office so Chief Thorpe could retrieve his car. We didn't make it, Just north of the stoplight in Prague, a Prague officer activated his emergency lights, pulled us over, and asked us to both get out of the car. The local officer called a wrecker, impounded my car, and left Chief Thorpe and I to walk home to Shawnee. But we didn't have to walk far. Earlier I had parked another car in Prague. We drove to a payphone at an I-40 gas station, called the law office of attorneys Pipestem and Rice, told them what happened, and gave the names and badge numbers of the officers involved.

The federal lawsuit against the state was filed the following Monday morning.

**Guilty of DWI**

After years of being accused of illegal behavior by the state, I was only guilty of one thing:

**DWI or Driving While Indian.**

## Sac and Fox Nation Victory Day Celebration

