Case No. 09-5050

IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

OSAGE NATION,
Appellant/Plaintiff

vs.

THOMAS E. KEMP, JR., CHAIRMAN OF THE OKLAHOMA TAX COMMISSION; JERRY JOHNSON, VICE-CHAIRMAN OF THE OKLAHOMA TAX COMMISSION; AND CONSTANCE IRBY, SECRETARY-MEMBER OF THE OKLAHOMA TAX COMMISSION,
Appellees/Defendants.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA
No. 4:01-CV-00516-JHP-FHM
HONORABLE JAMES H. PAYNE, DISTRICT JUDGE

APPELLANT'S REPLY BRIEF

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ARGUMENT AND AUTHORITIES

I. CONGRESS DID NOT DISESTABLISH THE OSAGE RESERVATION.

A. Congress Expressed No Intent To Disestablish the Osage Reservation.

The Supreme Court uses a three-factor test in reservation diminishment cases, but the three factors do not carry equal weight. The statutory language is most probative. *Solem v. Bartlett*, 465 U.S. 463, 470 (1984). Commissioners concede the Osage Act and Enabling Act lack the "hallmark diminishment language" that has typically indicated Congressional intent to disestablish a reservation. Appellees' Br. 15. Thus, Commissioners' argument relies on unsupported inferences and far less probative "contextual" arguments.

Absent statutory language exhibiting clear Congressional intent to disestablish a reservation, the Court may otherwise find that a reservation has been disestablished only if *unequivocal* evidence derived from the surrounding circumstances supports the conclusion. *South Dakota v. Yankton Sioux Tribe*, 522 U.S. 329, 351 (1998). "Unequivocal" means "leaving no doubt." *Webster's New Collegiate Dictionary* 1268 (1981). Such a high standard is demanded because courts may not lightly infer disestablishment. *Solem*, 465 U.S. at 470. Absent a clear statement by Congress, a court can make a finding of disestablishment only if it is left with no doubt that Congress intended such a result. *United States v. Webb*, 219 F.3d 1127, 1135 (9th Cir. 2000) (stating "the showing must be unequivocal").

If the "contextual" evidence contains ambiguity, or is anything less than unequivocal, the court may not find diminishment. *Id.; see also Yankton Sioux Tribe*, 522 U.S. at 344 (ambiguities regarding reservation diminishment must be resolved in favor of the Indians); *Solem*, 465 U.S. at 471.

B. The Osage Act Does Not Evidence Congressional Intent To Disestablish the Osage Reservation.

Commissioners concede that the Osage Act lacks "hallmark diminishment language" regularly used by Congress in the Surplus Land Acts that have terminated reservations. Appellees' Br. 15. Instead, Commissioners argue that mere allotment of Osage lands to Osage tribal members evidences Congressional intent to disestablish the Reservation. Appellees' Br. 15-18.

Federal courts have uniformly held that laws allotting reservation lands to tribal members do not evidence intent to disestablish and are entirely consistent with continued reservation status. *See* Appellant's Br. 27; *see also Yankton Sioux Tribe v. Podhrasky*, 577 F.3d 951, 965 (8th Cir. 2009) ("the simple act of dividing the Yankton Sioux Reservation into individual allotments was insufficient to divest the allotted lands of their reservation status"); *Wisconsin v. Stockbridge-Munsee Community*, 554 F.3d 657, 664 (7th Cir. 2009) ("the Supreme Court has repeatedly held that allotting land to Indians is consistent with continued reservation status");. This rule applies even if Congress also permits some non-Indian settlement on reservation lands. *Mattz v. Arnett*, 412 U.S. 481, 497 (1973); *Seymour v.*

Superintendent, 368 U.S. 351, 357-58 (1962). Commissioners concede that "allotment alone may not indicate intent to disestablish a reservation." Appellees' Br. 18.

The Osage Act confirms that Congress intended to maintain pervasive federal superintendence over the entirety of the Osage Reservation for the benefit of the Tribe and its members. See Appellees' Br. 15 (defining "reservation" as "lands set aside under federal superintendence for the residence of tribal members"). No portion of the Osage Reservation was opened to non-Indian settlement. Osage Act, § 2. Lands allotted to tribal members were to remain "inalienable" subject to the potential issuance of a certificate of competency. *Id*. Minerals underlying the lands were reserved to the tribe, with royalty payments subject to federal approval. *Id.* § 3. The United States held funds derived from reservation revenues in trust. *Id.* § 4. $30,000 was set aside "for agency purposes and an emergency fund for the Osage tribe." *Id.* Deeds and leases on allotments were subject to federal approval. *Id.* §§ 7, 8. A process for electing tribal government was established. *Id.* § 9. The provisions of the Osage Act allotting the reservation surface solely to tribal members, maintaining tribal government, and continuing comprehensive federal superintendence over tribal affairs, funds, and property are consistent with continued reservation status. *Mattz*, 412 U.S. at 497; *Webb*, 219 F.3d at 1135.

The Osage Act bears no resemblance to Surplus Land Acts found to diminish reservations in *Yankton Sioux*,[1] *Hagen,*[2] *DeCoteau*,[3] or *Rosebud Sioux*.[4] The Osage Act did not open the reservation to settlement, and Congress did not require the sale of Indian lands to non-Indian settlers. Osage Act, § 2. Congress allowed individual Osage Indians the choice to petition the Secretary of Interior for a certificate of competency that would allow an individual Osage allottee to "manage, control, and dispose" of the allottee's non-homestead lands. *Id.* § 2, Seventh. Although some Osages who were granted certificates of compentency opted to sell their surplus allotments to non-Indians, the Supreme Court has repeatedly confirmed that merely allowing "non-Indians the opportunity to purchase land within established reservation boundaries" does not evidence

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[1] *South Dakota v. Yankton Sioux Tribe*, 522 U.S. 329, 344-345 (1998) (interpreting agreement and 1894 Act providing that Tribe will "cede, sell, relinquish, and convey to the United States all their claim, right, title, and interest in and to all the unallotted lands within the limits of the reservation" in exchange for $600,000, as an "unconditional relinquishment of the Tribe's territory for settlement by non-Indian homesteaders").

[2] *Hagen v. Utah*, 510 U.S. 399, 412 (1994) (interpreting 1902 Act that "provided . . . that 'all the unallotted lands within said reservation shall be restored to the public domain' . . . and opened to sale or settlement").

[3] *DeCoteau v. District County Court*, 420 U.S. 425, 445 (1975) (interpreting 1891 Act providing that Tribe will "cede, sell, relinquish, and convey to the United States all their claim, right, title, and interest in and to all the unallotted lands within the limits of the reservation" in exchange for fixed payment).

[4] *Rosebud Sioux Tribe v. Kneip*, 430 U.S. 584, 597 (1977) (interpreting an agreement and 1904 Act providing that Tribe will "cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Rosebud Indian Reservation now remaining unallotted").

disestablishment. *Solem*, 465 U.S. at 470 (opening of 1.6 million acres of reservation to non-Indian settlement did not evidence Congressional intent to diminish reservation); *DeCoteau*, 420 U.S. at 444 (noting that "reservation status may survive the mere opening of a reservation to settlement"); *Mattz*, 412 U.S. at 497; *Seymour*, 368 U.S. at 358. The certificate of competency mechanism in the Osage Act is not indicative of Congressional intent to terminate the Reservation, and unlike the cases in which reservation boundaries were disestablished.[5]

Instead of comparing the Osage Act to Surplus Land Acts previously analyzed by federal courts, Commissioners offer unsupported inferences about what the Osage Act means to them. Commissioners argue – without citation to authority – that Congressional authorization to tax non-homestead lands, application of state inheritance laws, and the affirmative prescription of tribal government evidence disestablishment. Appellees' Br.16-20. Commissioners state – also without authority – that Congress intended to "shift governmental functions . . . to Osage County" despite plain language in the Act that provides for tribal government and retains pervasive federal control over the reservation. Commissioners contend that repeated references to the "Osage Reservation"

[5] Unlike the Surplus Land Acts discussed in *Solem*, Congress did not open up any area of the Osage Reservation to non-Indian settlement. *Solem*, 465 U.S. at 467. If, as Commissioners contend in footnote 9, "Congress' clear intent . . . was to facilitate the removal of restrictions and the prompt sale to non-Indians," Congress chose a remarkably uncharacteristic and inefficient way of doing so.

should be read in the past tense when, considering the surrounding context, they should logically be read in the present and future tense as continued recognition of the Reservation.[6] Commissioners ignore that Congress opened no part of the Reservation to non-Indian settlement.[7] Commissioners fail to cite language evidencing clear Congressional intent to terminate the reservation.

Despite Commissioners' reliance on testimony and references to expert witnesses and academics which conflate unique Osage history with other Oklahoma tribes, Commissioners concede that the "Osage were different from other Oklahoma tribes." Appellees' Br. 8. Commissioners cite no other example where Congress allotted the entirety of tribal reservation lands to the tribal members themselves (as opposed to being opened for non-Indian settlement) while also reserving and retaining the entirety of the subsurface for the benefit of the tribe. The provisions of the Osage Act were (and remain) without precedent and exhibit Congressional intent to maintain federal superintendence over the reservation in trust as a homeland for the Osage people. Appellant's Br. 29 n.10.

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[6] *See* Osage Act, § 4, Third (setting aside $50,000 per year for "schools on the Osage Indian Reservation conducted or to be established and conducted for the education of Osage children").

[7] Appellees argue on page 26 that "at the time of allotment Congress had not yet conceived of a reservation that was coextensive with land owned by non-Indians." That is irrelevant here where the entire reservation was allotted to Indians.

Commissioners make little effort to draw parallels between the Osage Act and the Surplus Land Acts previously analyzed by the courts, likely because the Osage Act exhibits no evidence of Congressional intent to disestablish when compared to any of the Acts previously analyzed by courts.

C. The Enabling Act Does Not Evidence Clear Congressional Intent to Disestablish the Osage Reservation.

Commissioners are correct that Congress treated Indians differently in the Oklahoma and Arizona/New Mexico enabling legislation; however, they omit the most significant difference. The Oklahoma Enabling Act, 34 Stat. 267, § 1 provides:

> Nothing contained in the [Oklahoma] constitution shall be construed to limit or impair the rights of person or property pertaining to the Indians of said Territories (so long as such rights remain unextinguished) or to limit or affect the authority of the Government of the United States to make any law or regulation respecting such Indians, their lands, property, or other rights by treaties, agreement, law, or otherwise, which it would have been competent to make if this act had never been passed.

No similar proviso appears in the Arizona/New Mexico legislation. This Court rejected the Commission's identical argument in *Indian Country U.S.A. v. Oklahoma Tax Comm'n*, 829 F.2d 967, 979 (10th Cir. 1987) (rejecting Commission's interpretation of the Oklahoma Enabling Act because it "completely ignores the effect of section one of the Act, in which Congress explicitly preserved federal authority" and noting that "the enabling acts that the State attempts to

distinguish from the Oklahoma Enabling Act contain no provision that parallels section one.").

There was no reason for Congress to address Indian rights, taxation, or federal jurisdiction issues in specific sections of the Oklahoma Enabling Act, because Congress comprehensively addressed Indian rights and reserved exclusive federal jurisdiction over Indian affairs in Section One. *Indian Country U.S.A.*, 829 F.2d at 979. Commissioners' strained effort to construe the Enabling Act through comparison with other enabling statutes magnifies their glaring failure to find any "clear statement" of Congressional intent to disestablish the Osage Reservation.

As this Court previously held, the Enabling Act did not terminate federal jurisdiction over Indian lands or permit general assertion of state jurisdiction. *Id.* at 978-79. Nor does the grant of citizenship, or rights associated therewith, infer intent to disestablish. *Webb*, 219 F.3d at 1135.

By 1906, when the Enabling Act was passed, Congress knew how to express its intent to terminate a reservation. *See supra* footnotes 1-4; *Mattz*, 412 U.S. at 504-505. Nothing in the Enabling Act or the Osage Act expresses clear intent to terminate the Osage Reservation. Rather, the Enabling Act reflects Congressional intent to broadly protect and preserve Indian lands and retain federal jurisdiction over Indian affairs in newly admitted Oklahoma. *See Indian Country, U.S.A.*, 829 F.2d at 979-80.

D. Commissioners Fail To Show Unequivocal Contextual Evidence Supporting Congressional Intent To Disestablish the Reservation.

Commissioners fail to cite statutory language evidencing a "clear" Congressional intent to diminish. Thus, Commissioners may prevail only if unequivocal evidence derived from the events contemporaneous to passage of the Osage Act proves that Congress intended to disestablish the reservation. *Yankton Sioux*, 522 U.S. at 351; *Webb*, 219 F.3d at 1135.

Commissioners begin their "context" argument with a discussion of *Wisconsin v. Stockbridge-Munsee Community*, 554 F.3d 657. However, the *Stockbridge-Munsee* case strongly supports the Nation's position that Congress did not intend to disestablish the Osage Reservation.

Stockbridge-Munsee addressed two separate acts of Congress, one passed in 1871 and the other in 1906. In 1871, Congress passed a bill "calling for the public auction, run by the government, of three quarters of the [Stockbridge-Munsee] reservation." *Id.* at 660. The remaining quarter of the reservation was "reserved" from sale. *Id.* The Seventh Circuit held that the sale of three-quarters of the reservation evidenced Congressional intent to "slice the opened lands off from the reservation." *Id.* at 663. That 1871 Act bears no resemblance to the Osage Act, which did not "open" any of the reservation and allotted all tribal lands to tribal members.

On June 21, 1906 (seven days prior to the Osage Act), Congress passed an Act that allotted the remaining quarter of the Stockbridge-Munsee reservation to tribal members. The 1906 Stockbridge-Munsee Act is relevant because of its critical distinction from the 1906 Osage Act; that is, in the Stockbridge-Munsee Act, Congress expressly allotted lands to individual tribal members in *fee simple* with no restrictions on alienation. The Act provides: "the members of the Stockbridge and Munsee Tribe of Indians . . . shall, under the direction of the Secretary of the Interior, be given allotments of land and patents therefore in *fee simple*." 34 Stat. 325, 382 (June 21, 1906) (emphasis added). The Seventh Circuit explained:

> The intent to extinguish what remained of the [Stockbridge-Munsee] reservation is born out by the Act's provision for allotments in fee simple. This provision sets the 1906 Act apart from most allotment acts, like the 1871 Act, which restricted the Indian owners from selling their land or required that it be held in trust by the United States. Why include this peculiar provision? Because the reservation could only be abolished if the tribal members held their allotments in fee simple.

Stockbridge-Munsee, 554 F.3d. at 664.

The difference between the Stockbridge-Munsee and Osage Acts, enacted one week apart, provides evidence of Congress' contemporaneous thoughts in June 1906. In the Stockbridge-Munsee Act, Congress demonstrated intent to abolish the Stockbridge-Munsee Reservation and federal superintendence by distributing the entire reservation in fee simple, without restrictions on alienation. One week later,

Congress passed the Osage Act with strikingly different provisions: the Osage Act provided that lands allotted to Osage members would be "inalienable" for twenty five years, provided for tribal government, and maintained pervasive federal superintendence. As confirmed by every court to consider the issue to date, Congress' action of merely allotting lands to tribal members with standard restrictions on alienation and provisions for federal superintendence is consistent with continued reservation status. *Supra* Section I.B.

The remainder of Commissioners' "context" argument relies on modern academic commentary of historians and demographers, post hoc commentary which has little probative value in a disestablishment proceeding. Courts "are not obliged in ambiguous instances to strain to implement (an assimilationist) policy Congress has now rejected, particularly where to do so will interfere with the present congressional approach to what is, after all, an ongoing relationship." *Bryan v. Itasca County*, 426 U.S. 373, 389 n. 14 (1976). The proper question for this Court is whether the Commissioners have provided *unequivocal contemporaneous* evidence proving that both Congress and the Osage Nation understood that the Reservation was being terminated in 1906. That question must be answered by this Court's independent review of the Acts, legislative history, and other contemporaneous evidence. *Solem*, 465 U.S. at 470-72.

Moreover, academic commentary is not subject to the legal standards applied by the Supreme Court to analyze Congressional intent, nor are the commentators bound by the presumptions and canons of construction that require ambiguous statutes to be construed in favor of the Indians.[8] While academic commentators might "lightly infer" diminishment, this Court may not. *Id.* at 470.

There is a striking absence of discussion in the contemporaneous legislative reports of the termination of reservation boundaries, the withdrawal of federal superintendence, or the opening of the reservation to non-Indian settlement.[9] *Compare* cases discussed *supra* notes 1-4; *Webb*, 219 F.3d at 1135 (noting the record lacked contemporaneous "mention of a change in reservation boundaries"). Although the Commissioners reference Osage Act and Statehood Act legislative history, those citations contain no language demonstrating the required "unequivocal" support for a diminishment finding.

Commissioners assert that in 1905, the Osage recognized and expected their Reservation to be dissolved. Appellees' Br. 32. This assertion misrepresents the concerns articulated in the Act's legislative hearings. The hearing transcripts cited

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[8] The Chapman (1942) and Baird (1972) books pre-date significant Supreme Court caselaw evaluating reservation diminishment. All of the cited academic commentary pre-dates the Supreme Court's 1984 opinion in *Solem*.

[9] Read as a whole, and when compared to Acts addressed in other cases, the legislative history supporting the Osage Act fails to provide "unequivocal" evidence that Congress intended to terminate the reservation. *See* Osage Act Hearings I, II (Appellant's Addendum 7-65).

by Commissioners actually support the Nation's position that both the Osage and Congress intended the Reservation to remain intact under federal superintendence. For example, Commissioners' statement that "[t]he Osage sought to ensure their lands would not become alienable through the receipt of certificates of competency, but this approach was rejected" mischaracterizes the testimony quoted on page 32 of the Appellees' brief. In fact, the Osage delegation raised the experience of the Kansas Indians as an omen of the dangers of granting certificates of competency to *all* tribal members after a fixed period of twenty-five years. Chairman Curtis addressed these concerns by reassuring the Osage delegation that Congress intended to issue certificates only "after the Department passes upon the question of the qualification of the Indian, and in such cases the Department is universally holding them up until they look into each case and protecting the interests of the Indians." Appellant's Addendum 59. The significance of these certificates of competency was addressed again forty-eight years later, when Congress considered – and ultimately rejected – terminating federal supervision of the Osage. Osage testimony stressed the importance of allowing individual members to remain restricted.[10]

[10] Testimony of the Osage Indians of Okla. on H. Con. Res. 108: Hearings Before the Subcomm. on Indian Affairs of the H. Comm. on Interior and Insular Affairs before the Subcomm. on Indian Affairs, 83rd Cong. 60-61 (1953) (testimony of Andrew Gray, Osage Tribal Councilman). Attach. at 7-8.

As a result of Osage concerns, the Osage Act bore little resemblance to the Stockbridge/Munsee Act, or any of the allotment acts passed between 1887 and 1906. Instead of requiring the Tribe to cede a large unallotted portion for non-Indian settlement, as in *Yankton Sioux, Solem, Rosebud Sioux Tribe, DeCoteau,* etc., no portion of the reservation was set aside for non-Indian settlement. Congress allotted the entirety of the reservation solely to tribal members. Osage Act, § 2. Osage concerns about inequitable distribution of oil and gas revenues resulted in the reservation of the entire subsurface in trust for the Nation. *Id.* §§ 3, 4. Congress responded to Osage concerns by passing unique legislation that maintained federal supervision and control over the Osage land and resources.

Contemporaneous events surrounding passage of the Osage Act stand in stark contrast to the history of Acts that have been found to diminish reservations. In *Yankton Sioux*, the United States and the Tribe negotiated an agreement for the sale and relinquishment (the "total surrender") of 168,000 acres of unallotted lands within the reservation in exchange for $600,000. 522 U.S. at 336-37, 345. The Commissioner of Indian Affairs negotiated for the "cession" of the Tribe's surplus lands and the contemporaneous annual report notes that the surplus Yankton lands were "restored to the public domain." *Id.* One year later, a Presidential Proclamation affirmatively opened the lands to homestead settlement. *Id.* at 352-54. Significantly, the contextual evidence in *Yankton Sioux* was "not so

compelling that, standing alone, it would indicate diminishment." *Id.* at 351. Instead, the Court relied on the statute's plain "cede, relinquish, and convey" language in conjunction with contemporaneous history to find diminishment. *Id.* If the contextual evidence in *Yankton Sioux* was inadequate, to support diminishment, the contemporaneous events surrounding the Osage Act are plainly inadequate to prove disestablishment.

Contemporaneous evidence cited in *Rosebud Sioux* and *DeCoteau* also contains specific negotiated agreements and contemporaneous legislative reports exhibiting the understanding of both the Tribe and the United States that reservation boundaries would no longer exist. *Rosebud Sioux Tribe*, 430 U.S. at 592 (citing agreement between the Tribe and the United States that contains "an unmistakable baseline purpose of disestablishment"); *DeCoteau*, 420 U.S. at 445 (citing agreement "precisely suited to this purpose [of disestablishment]"). Commissioners can cite no such contemporaneous agreement between the United States and the Osage. Likewise, in *Hagen*, in addition to plain statutory language restoring lands to the public domain, the Court cited contemporaneous reports informing Indians on the Uintah Reservation that "after next year there will be no outside boundary line to this reservation." *Hagen*, 510 U.S. at 417. Such an unequivocal statement is lacking here.

Evidence of the contemporaneous understandings of Congress and the Osage suggest that disestablishment was not intended. In contrast to the Stockbridge-Munsee legislation enacted just one week prior, Congress mandated restrictions on alienation in the Osage Act, retained tribal government, and ensured continued federal superintendence in a manner consistent with continued reservation status.

E. The Commissioners' Demographic Data is Misleading.

Evidence of events that occur subsequent to the passage of the Act in question is the least probative. *Yankton Sioux*, 522 U.S. at 356; *Shawnee Tribe v. United States*, 423 F.3d 1204, 1222 (10th Cir. 2005). Here, not only is the Commissioners' demographic data of little probative value and therefore immaterial, but its presentation is misleading.

For example, Commissioners state that the total Osage member population in the 2000 census was 1,569 compared to the non-Indian population of 44,437. Appellees' Br. 36. However, the 2000 census occurred prior to the Reaffirmation Act of 2004, which removed the artificial restrictions on tribal membership imposed by the federal government. Pub. L. 108-431; 118 Stat. 2609. Indeed, one purpose of the Reaffirmation Act was to allow the Osage Nation to determine its own membership. *Id.* Today, Osage membership is approximately 10,000.[11]

[11] Depo. of James R. Gray 22:8. Attach. at 3.

Thus, the 2000 census would not have included the thousands of individuals now registered on the Osage tribal rolls subsequent to the Reaffirmation Act.

The Glimpse affidavit states that according to the 2000 census, Native Americans comprise roughly 16 percent of the population of Osage County. App. at 309. By comparison, Native Americans make up 7.9 percent of the Oklahoma population[12] and 1.5 percent of the general population nationwide.[13]

F. The Evidence Does Not Support Reservation Disestablishment.

The Osage Act and Enabling Act do not evidence Congressional intent to disestablish the reservation. The Osage Act alloted the surface reservation to tribal members, imposed restrictions on alienation, and maintained pervasive federal superintendence over the entirety of the Osage lands. No court to date has found that such provisions provide unequivocal evidence of disestablishment; to the contrary, such provisions are entirely consistent with continued reservation status.

II. COMMISSIONERS ARE BARRED FROM TAXING INDIAN INCOME IN INDIAN COUNTRY ABSENT EXPRESS CONGRESSIONAL AUTHORIZATION.

Oklahoma's income tax regulations, ignored by the Commissioners throughout this case, bar taxation of income earned by Indians who live and work within Indian country. Okla. Admin. Code § 710:50-15-2(b)(1), App. at 187-88,

[12] *Profiles of General Demographic Characteristics: 2000 Census of Population and Housing: Oklahoma* 1. Attach. at 13.

[13] *The American Indian and Alaska Native Population: Census 2000 Brief* 3. Attach. at 16.

and expressly incorporate Congress' definition of Indian country in 18 U.S.C. § 1151. *Id.* at § 710:50-15-(2)(a)(1). 18 U.S.C. § 1151(a) specifies that all land within the boundaries of a reservation is Indian country, including fee lands. Thus, Oklahoma's regulations mirror Supreme Court jurisprudence categorically prohibiting state taxation of income earned by Indians in Indian country absent express Congressional approval. *Okla. Tax Comm'n v. Chickasaw Nation*, 515 U.S. 450, 458 (1995).

Although Congress authorized taxation of certain Osage lands held by allottees who received certificates of competency under the 1906 Osage Act, Congress has not granted the State general authority to tax earned income of Osage members within the Reservation. Rather, Congress has provided funding for Osage County through provisions taxing specific revenue sources, reflecting an awareness that the State was not broadly authorized to levy all taxes for all purposes. *See* Act of Mar. 3, 1921, § 5, 41 Stat. 1249 (gross production tax on oil and gas from Osage Mineral Estate) *amended by* Act of April 25, 1940, 54 Stat. 168 (tax on Osage royalties capped at five percent and is "in lieu of all other State and county taxes levied upon the production of oil and gas as provided by the laws of Oklahoma").

A. *Leahy* and *Mason* Address Different Kinds of Taxation and Have No Application to This Case.

Commissioners incorrectly argue that this dispute is controlled by *Leahy v. Oklahoma State Treasurer*, 297 U.S. 420 (1936), and *United States v. Mason*, 412 U.S. 391 (1973). *Leahy* addressed a much narrower issue; that is, state taxation of dividends derived from the Osage mineral estate. Application of *Leahy* is further limited to Osage allottees who received certificates of competency.[14]

The result in *Leahy* and its companion case, *Choteau v. Burnet*, was mandated by the Osage Act, which authorized taxation of allottees who received certificates of competency. *Choteau v. Burnet*, 283 U.S. 691, 694-95 (1931). No original allottees with certificates of competency are still living, and *Leahy* and *Choteau* are irrelevant to earned income taxation analysis. *See County of Yakima v. Confederated Tribes and Bands of Yakima Nation*, 502 U.S. 251, 262-63 (1992) (noting that the Court has declined to extend the General Allotment Act's grant of *in personam* jurisdiction beyond the original allottees to include subsequent Indian owners).

In Indian taxation cases, the Supreme Court has emphasized the importance of interpreting Congressional authorization to tax narrowly. *Id*. at 269 (upholding state assessment of ad valorem property tax on fee lands, but rejecting assessment

[14] *Cohen's Handbook of Federal Indian Law* 311, 313-19 (Nell Jessup Newton et al. eds., 2005) (discussing Osage certificates of competency and the effect those certificates have on Osage property).

of property excise tax on those same lands, because the General Allotment Act authorized only "taxation of . . . land", not "taxation with respect to land," "taxation of transactions involving land," or "taxation based on the value of land"). Since this case concerns earned income of present-day Osage tribal members, not mineral trust dividend payments payable to original allottees holding certificates of competency, *Leahy* is inapplicable.

Commissioners' reliance on *Mason*, a case that indirectly addressed state taxation on estates composed of headright dividends and related funds, is similarly misplaced. The *Mason* Court narrowly limited its holding, noting that it was not asked to rule on the taxability of an Indian estate's property under the Osage Act, but only whether the United States breached its fiduciary duties in paying such tax. *Mason*, 412 U.S. at 397. *Mason* does not support State taxation of non-headright income earned by subsequent Osage members living on the reservation.

B. Commissioners Ignore Established Analysis of Taxation in Indian Country, which Requires Examination of: (1) Who is Being Taxed, and (2) What is Being Taxed.

States lack authority to levy taxes against tribal members inside Indian country absent Congressional authorization. *Chickasaw Nation*, 515 U.S. at 458 (1995). The Supreme Court has upheld these limitations upon a state's authority to levy taxes against Indians within Indian country on both trust and reservation fee

lands. *County of Yakima*, 502 U.S. at 268-70; *Moe v. Confederated Salish & Kootenai Tribes of the Flathead Reservation*, 425 U.S. 463, 478-79 (1976).

By seeking to levy tax against *earned income* of Osage members on the Reservation, Commissioners attempt to tax tribal members within Indian country. Absent express Congressional authorization, the tax is barred. *Chickasaw Nation*, 515 U.S. at 458; *County of Yakima*, 502 U.S. at 267 (balancing of interests is inappropriate where tax is on Indians in Indian country). Commissioners have failed to demonstrate that Congress authorized the kind of taxation which the Commissioners seek to levy against tribal members here. *See County of Yakima*, 502 U.S. at 268-69.

1. Commissioners Fail to Demonstrate an "unmistakably clear" Congressional Intention to Subject the Earned Income of Osage Members in Indian Country to State Taxation.

The categorical prohibition against state taxation authority over Indians may only be overcome by express Congressional authorization to the contrary. *Chickasaw Nation*, 515 U.S. at 458. Congressional authorization will not be found unless Congressional intent to allow taxation is "unmistakably clear." *County of Yakima*, 502 U.S. at 258 (quoting *Montana v. Blackfeet Tribe of Indians*, 471 U.S. 759, 765 (1985)). If the statute in question is subject to two possible constructions, it must be construed liberally in favor of the Indians and against State taxation. *Id.* at 269. To justify the taxation authority alleged here, Commissioners must point to

a federal statute that authorizes *with unmistakable clarity* taxation of *earned income* of Osage members. The only laws that Commissioners cite to support their alleged taxation authority are the Osage Act, § 2, and the Enabling Act. No "unmistakably clear" authorization exists in either Act.

2. Neither the Osage Act Nor the Enabling Act Authorize State Taxation of Osage Members' Earned Income On the Reservation.

Commissioners argue that Section 2 of the Osage Act provides that "Osage lands 'shall become subject to taxation' and members 'shall have the right to manage, control, and dispose of' those lands 'the same as any citizen of the United States.'" Appellees' Br. 45. Commissioners omit the key prefatory condition, which limited taxation to only those members who received a certificate of competency. Osage Act, § 2, Seventh.[15] By omitting the proviso, the Commissioners create the misleading implication that the Osage Act swept far more broadly than it did. Commissioners ask this Court to infer that Congress' act of subjecting some land of Osage members with certificates of competency to property taxation should be expanded to allow taxation of all Osage members, both with and without certificates of competency, for all purposes. The Supreme Court prohibits such a sweeping inference of taxation authority. *County of Yakima*, 502 U.S. at 268-69.

[15] As noted, this case involves neither allottees who hold certificates of competency, nor taxation of royalty income.

In *County of Yakima*, the Court analyzed the effect of certificates of competency issued under the authority of the Burke Act.[16] *Id.* at 264. Although receipt of a certificate of competency subjected the land to ad valorem taxation, it did not subject the Indian owner to "plenary state jurisdiction." *Id.* There is no basis to construe certificates of competency issued under the June 1906 Osage Act as granting broader jurisdictional reach than those issued under the May 1906 Burke Act. There is certainly no basis to give such certificates inter-generational effect on descendants of allottees. A grant of authority to tax for one purpose cannot be interpreted as a plenary grant of taxation authority for all purposes over all allottees and subsequent Indian generations. *Id. at* 262-64*; Moe*, 425 U.S. at 477-481 (rejecting argument that Dawes Act established plenary jurisdiction over Indian allottees for all purposes).

Blackfeet Tribe also refutes Commissioners' assertion that "federal statutes reinforce repeatedly that Osage members pay state tax, unless the subject matter of the tax relates exclusively to trust or restricted lands." Appellees' Br. 43. In

[16] The Burke Act, 34 Stat. 182, was passed on May 8, 1906 (contemporaneous with the Stockbridge-Munsee and Osage Acts). The Act confirmed that the Dawes Act's grant of civil and criminal jurisdiction over Indian allottees was not effective until the 25-year trust period expired and patents were issued in fee. *County of Yakima*, 502 U.S. at 264. Similar to the Osage Act, the Burke Act authorized the Secretary to issue certificates of competency prior to expiration of the trust period and issue fee patents to such competent allottees, in which case "all restrictions as to sale, incumbrance, or taxation of said land shall be removed." 34 Stat. 182.

Blackfeet Tribe, the Court rejected Montana's assertion of authority to tax royalty income from mineral leases executed pursuant to a 1938 act that did not incorporate provisions of a 1924 act that authorized taxation of lease income. *Blackfeet Tribe*, 471 U.S. at 766-67. As in *Blackfeet Tribe*, the Commissioners improperly infer their authority to tax income from language in the Osage Act which only authorizes taxation of certain allottee *lands* and is silent as to earned income. Such inference is impermissible. *Id.* at 767; *County of Yakima*, 502 U.S. at 268 (rejecting a state's effort to infer property excise tax authority from Act expressly authorizing ad valorem property taxation).

Commissioners contend that differences in the Oklahoma and Arizona/New Mexico enabling acts authorize plenary taxation authority over Indians in Oklahoma. Appellees' Br. 21. As discussed above, the Commissioners ignore Section One of the Oklahoma Enabling Act, which preserved Indian rights and federal jurisdiction over Indians. The Commissioners' attempt to use the Enabling Act to justify aggrandizement of their tax authority must fail.

III. LACHES DOES NOT BAR RELIEF TO THE NATION; COMMISSIONERS AND AMICUS CURIAE HAVE NOT ESTABLISHED THE NECESSARY ELEMENTS OF THE AFFIRMATIVE DEFENSE.

Commissioners and their Amici fail to establish that laches or any other equitable defense bars relief to the Nation. To establish laches, the Commissioners have the affirmative burden of proving two elements: (a) plaintiff's delay in

bringing suit was inexcusable; and (b) defendant suffered prejudice resulting from such delay. *Maloney-Crawford Tank Corp. v. Rocky Mountain Natural Gas Co., Inc*., 494 F.2d 401, 403-404 (10th Cir. 1974). Mere passage of time is insufficient to establish laches. *Id*; *see also Jicarilla Apache Tribe v. Andrus*, 687 F.2d 1324, 1337 (10th Cir. 1982).

Instead of focusing on the necessary elements of its laches defense, Commissioners broadly contend that *City of Sherrill v. Oneida Indian Nation* bars the Nation's action. A similar argument was recently rejected in *Saginaw Chippewa Indian Tribe of Michigan v. Granholm,* 2008 WL 4808823, *7 (E.D. Mich. 2008).

Like *Saginaw-Chippewa*, the Osage situation differs from the facts of *Sherrill.* The Nation has neither sought "resurrection of an ancient claim to the land" nor does the Nation's claim "arise from a claim to entitlement of the land or damages from its loss." *Id.* at *22. Nor is the Nation claiming immunity from ad valorem taxes. Unlike in *Sherrill*, the Osage people have occupied the Reservation continuously since 1872, and the United States has repeatedly recognized the Reservation since 1906. Likewise, Commissioners' claim of "long-standing" jurisdiction here resembles Michigan's "inconsistent incremental exercise of governmental authority over time" found inadequate to justify application of laches in *Saginaw-Chippewa*. *Id.* at *23. Although the facts, claims, and laws at issue in

this case are distinctly different from *Sherrill*, Commissioners employ misdirection[17] to distract the Court from those differences. As in *Saginaw-Chippewa*, this Court should reject application of *Sherrill* as a basis to deny the Tribe's claim.

A. <u>Commissioners Fail to Establish Evidence of "Unexcusable Delay," Particularly in Light of the Unusual Limitations on the Osage Tribal Government, its Membership, and its Resources.</u>

Because of the unique status of the Osage Reservation and its vast tribal resources, the federal government remained exceptionally involved in Osage tribal government, even limiting its government and how the Tribe could spend its funds. Osage Act §§ 4, 9. Until Congress passed the Reaffirmation Act of 2004, the federal government artificially circumscribed Osage tribal membership to include only shareholders of the Tribe's 2,229 headrights as of 1906, disenfranchising many Osage descendants. *See Fletcher v. United States*, 166 F.3d 1315, 1326 (10th Cir. 1997); *Logan v. Andrus*, 457 F. Supp. 1318, 1321 (N.D. Okla. 1978), *aff'd,* 640 F.2d 269 (10th Cir. 1981). Until Congress changed the relevant legal

[17] For example, the Commissioners mischaracterize deposition testimony of Principal Chief James R. Gray as a threat to assert the Nation's jurisdiction over nonmembers in Osage County "broadly." Appellees' Br. 56 n. 28. *See* Aplee. Supp. App. 367-77. *E.g.*, Chief Gray's response to the Commissioners' leading question, "…if you win this lawsuit, then you will consider whether to expend that and enforce the [alcohol] statute to the full boundaries of the way it's written?" was that that the Nation would "have to be prepared to assume responsibilities."

circumstances in 2004, the scope of Osage membership – and therefore its government – was significantly smaller.

B. Commissioners Have Failed to Meet their Burden of Proving that they Suffered Prejudice from the Delay of the Nation's Claim.

1. Commissioners have not established factual support for claimed economic prejudice.

To establish laches, Commissioners must show they have been prejudiced by a delay in bringing suit. In the record below, the Commissioners submitted no evidence of reliance upon the earned income taxes of Osage members, nor any evidence documenting their alleged loss of tax revenue from earned income of Osage members who live and work on fee lands inside the Osage Reservation.

By contrast, the Nation can demonstrate that from 2007 to February 2009, the State enjoyed $4,235,204.00 in revenue sharing payments as a result of tribal gaming conducted on fee land within the Osage Reservation pursuant to gaming compacts, a direct result of the United States' 2005 determination confirming authority to conduct gaming on fee lands within the Osage Reservation . App. at 166-71; 412. After accepting millions of dollars in revenues resulting directly from the United States' recognition of the Osage Reservation, and without evidence to support their allegations of lost tax revenue, the Commissioners cannot establish prejudice necessary to support a laches defense. Upon de novo review, any disputed material

facts regarding Commissioners' laches claim would require a remand. *Jacobsen v. Deseret Book Co.*, 287 F.3d 936, 949 (10th Cir. 2002).

2. <u>The hypothetical non-economic prejudice alleged by the Commissioners and Amici Curiae is speculative.</u>

Commissioners continue to advance a speculative, hypothetical parade of horribles that could result should a court determine that Osage County remains Indian country, as defined by 18 U.S.C. § 1151(a). The specter of jurisdictional "chaos" advanced by Commissioners is premised upon a misunderstanding of federal Indian law. The Nation does not seek to assert jurisdiction over nonmembers in Osage County beyond narrow limits already established by federal law. Beginning with *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978), the Supreme Court has established a robust body of law shielding nonmembers from tribal jurisdiction.[18] Considering these limitations on tribal jurisdiction over non-members, and the common dynamic of "overlapping sovereignty" that exists on Indian lands,[19] the State's claim of prejudice resulting from concurrent jurisdiction rings hollow.

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[18] *See also, e.g., Nevada v. Hicks*, 533 U.S. 353 (2001); *Strate v. A-1 Contractors*, 520 U.S. 438 (1997); *Montana v. United States*, 450 U.S. 544 (1981).

[19] *Brendale v. Confederated Yakima Nation*, 492 U.S. 408, 440 n. 3 (1989) ("overlapping of governmental authority . . . characterizes much of our Indian-law jurisprudence."); *Wisconsin v. E.P.A.,* 266 F.3d 741, 743 (7th Cir. 2001) (although state sovereigns normally occupy different geographic territories, "the existence of

3. Amici Curiae portray an unduly alarmist view of the effect of concurrent tribal and state jurisdiction within the Osage Reservation.

Amici's assertions that their "longstanding observances and substantial expectations" would be greatly disrupted relies wholly on speculative hypotheses, unsupported by facts or evidence. For example, Amici erroneously assert that a ruling in the Nation's favor could allow the Nation to obtain TAS status, thereby allowing them to regulate air and water quality under federal law. Yet, Amici fail to mention the statute that eliminated the ability of Oklahoma tribes to apply for TAS status without first compacting with the State.[20]

Commissioners' apparent unwillingness to amicably discuss co-jurisdictional issues with the Osage tribal government is unreasonable. Using established Indian law principles as a backdrop, state and federal governments regularly agree upon allocation of jurisdictional responsibility.[21] The Nation does not seek to disregard established federal law limitations on tribal jurisdiction over nonmembers, nor is it in Nation's interests to do so. Under Oklahoma law, the State has established a policy to "work in a spirit of cooperation" with the Nation

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federations and confederations shows that overlapping sovereignty is also common feature of the modern political organization.") .

[20] Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005, Pub. L. No. 109-59, 199 Stat. 1144 (2006) §10211(b).

[21] *See, e.g., Saginaw-Chippewa* at *23 (noting that "state and municipal governments operate within Indian country across the country, most often by compact on jurisdictional questions").

in furtherance of federal policy for the benefit of the State and the Nation's government. Okla. Stat. tit. 74 § 1221(B) (2009). Further, Oklahoma's governor is authorized to negotiate and enter into cooperative agreements with the Nation to address issues of mutual interest. *Id.* § 1221(C). Thus, the position of Commissioners and their amici suggests a prejudicial view that tribal governments should remain relegated to anthropological museum cultures, rather than partners in economic development making substantial contributions to state, county, and local development of infrastructure, education, law enforcement, and other traditional governmental functions. This Court should reject the views of Commissioners and amici as an unduly reactionary and historically belittling view of tribal government. *Wisconsin v. E.P.A.*, 266 F.3d 741, 750 (7th Cir. 2001) (declining to accept a state's formal view of tribal sovereignty that would "treat tribes as second class citizens").

CONCLUSION

For the reasons provided, Appellant respectfully requests the court REVERSE the district court order granting summary judgment and REMAND for entry of summary judgment and relief in favor of Appellant.

Dated this 14th day of October, 2009.

Respectfully submitted,

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Date: October 14, 2009

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I hereby certify that on this 14th day of October, 2009, a true and correct copy of the within and foregoing Appellants' Reply Brief was electronically transmitted to the Clerk of the Court using the ECF system for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OKLAHOMA
3
OSAGE NATION,
4 Plaintiff,
5
vs. No. 01-CV-0516-JHP-FHM
6 THOMAS E. KEMP, JR., Chairman
of the Oklahoma Tax Commission;
7 JERRY JOHNSON, Vice-Chairman
of the Oklahoma Tax Commission;
8 and CONSTANCE IRBY, Secretary-
Member of the Oklahoma Tax
9 Commission,
10 Defendants.
11
12 VIDEOTAPED DEPOSITION OF PRINCIPAL CHIEF JIM GRAY
13 TAKEN ON BEHALF OF THE DEFENDANTS
14 ON JANUARY 13, 2009, BEGINNING AT 9:19 A.M.
15 IN TULSA, OKLAHOMA
16
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1 another class of Osages and the majority of those
2 Osages not having any political rights at all. That
3 was a real severe limitation, and the only way you
4 would obtain any rights at all is that your parents
5 would have to pass on and you would inherit their
6 headright.
7 **Q** And there are now, as I understand it,
8 somewhere around 10,000 members --
9 **A** That's correct.
10 **Q** -- of the Nation.
11 **A** Uh-huh.
12 **Q** As of the time you took office, how many of
13 those members could vote, sir? How many voted in the
14 election? Let me strike that prior question.
15 How many voted in the election in which you
16 were elected?
17 **A** Well, the headrights had been fractionated
18 and your vote is based on the fractionation.
19 **Q** Right.
20 **A** So even though we only started out with
21 2,229 original shares, those are divided up between
22 about 4,300 Osages.
23 **Q** I see.
24 **A** Some of those headrights have gone out of
25 Osage hands. So those individuals could not vote, but

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OSAGE INDIAN TRIBE, OKLAHOMA

HEARING

BEFORE THE

SUBCOMMITTEE ON INDIAN AFFAIRS

OF THE

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS HOUSE OF REPRESENTATIVES

EIGHTY-THIRD CONGRESS

FIRST SESSION

TESTIMONY OF THE OSAGE INDIANS OF OKLAHOMA

ON

H. Con. Res. 108

EXPRESSING THE SENSE OF CONGRESS THAT CERTAIN TRIBES OF INDIANS SHOULD BE FREED FROM FEDERAL SUPERVISION

JULY 22, 1953

Printed for the use of the Committee on Interior and Insular Affairs

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Mr. HARRISON. Thank you.
Mr. LABADIE. Thank you, Mr. Chairman.
Mr. HARRISON. Andrew Gray.

STATEMENT OF ANDREW GRAY, OSAGE TRIBAL COUNCILMAN

Mr. HARRISON. Give your full name and inhibitions and your capacity.

Mr. GRAY. Andrew Gray. I am a councilman on the Osage Tribal Council.

Mr. Chairman and members of the committee, I would like to first state that I am a restricted Indian. I am a full-blooded Osage Indian. As Mr. Labadie represents the mixed bloods on the council, I represent the full blooded element in our tribe.

What the chief and Mr. Labadie said before me I will not repeat because of time. But my wish for staying under Federal supervision is not a selfish one for my people. Our delegation from Oklahoma was very kind to stress the mineral interest pretty good this morning, and Mr. Labadie covered up behind them. But we also have the restricted element in our tribe and they have the same problems that you have with all restricted Indians all over the United States, of step by step outlet for doing away with the restricted Indian.

The Osage Tribe has such a step of its own with the individual competency papers issued to each member as he progresses and thinks he is well off financially and educated enough to step out and receive his competency papers. He can put in for them to the superintendent and they will issue them to him if they want. It is not a hard process of getting your competency papers any more as we keep advancing toward getting out of the Indian Bureau.

The tribe I think has advanced along just as well as any other tribe as far as educational program. If Congress and the Bureau will just leave us alone, we will have our individual competency papers. There will not be any restricted Indians 25 years from now.

Mr. ASPINALL. You really think that as a tribe, the individual Indians, all of them will be eligible for and will be desirous of securing competency papers within 25 years?

Mr. GRAY. On their own as individuals, not as a group, sir.

Mr. ASPINALL. That is right.

Mr. GRAY. It is something that is coming just as time rolls on. As time goes on, different members step up and ask for their competency papers and they are issued to them under their examinations and checking up on that in that way. But it is not a difficult problem of proof, to get your competency papers.

Mr. ASPINALL. The thing that bothers many Members of Congress who serve on this committee is the fact that Indians are entitled to ask for their competency papers and yet they do not. By not doing so, it postpones the day when their children will ask for them as a rule.

Perhaps one of the finest statements of what is to happen in the future as far as getting out from under the so-called wardship conditions is the one which you have just made, that everyone will be in possession of their competency papers in 25 years.

Mr. GRAY. I will not say that everyone of them will be out in 25 years, but I do say that the original—allottees were allotted in 1926. They will die off. That leaves my generation to come up. As time

goes on there will cease to be an Osage Tribe. We are eliminating ourselves. All the bills that you gentlemen in Congress are trying to pass and each one of the steps like these individual competency papers, the Osage Tribe as a tribe have already those steps in operation now. All we are asking now is to let us do it in our own way.

Mr. HARRISON. You are a member of the tribal council?

Mr. GRAY. Yes, sir.

Mr. HARRISON. You also attended high school and Northeast State Teachers College and you are a World War II veteran, commended for the service you gave your country. You are operating your dairy farm?

Mr. GRAY. Yes, sir.

Mr. HARRISON. You have your certificate of competency?

Mr. GRAY. No, sir; I am a restricted Indian.

Mr. HARRISON. Why have you not asked for your certificate of competency?

Mr. GRAY. Mr. Chairman, I do not see that it would benefit me in any way. I have certain rights and protections under the Federal Government under their supervision and I have every right that any American citizen has. I vote in Federal, State, county, and local elections. I am not deprived of anything that you are not deprived of.

Mr. HARRISON. Then your statement just a few minutes ago that you think within 25 years all the tribe will have their certificates of competency is inconsistent with your statement of yourself, that as a member of the tribal council you do not see any reason to take it yourself.

Mr. GRAY. Mr. Chairman, not all our members in the tribe are in the same boat that I am, sir. I have older relations that do not have a sixth-grade education. I want to bring them up and put them on the same basis that I am, I am a representative of the Osage Tribe.

Mr. HARRISON. That is where the inconsistency of your whole stand comes in. We recognize the fact there are a lot of the oldtime Indians who are not able to take care of themselves. We recognize full well that some effort must be made to take care of those differently from some of the younger ones who have had an education and are in a better position to get along. That is one of the reasons we would like this study made. We would like to get help along that line instead of your saying we do not want to be touched at all. If you take that attitude, how are we ever going to be able to do anything on this matter?

Mr. GRAY. Mr. Chairman, you speak of doing anything. I was referring to an aunt of mine, 60 some years old. She has a sixth-grade education. I do not know of another corporation or anything that could protect her more than you protect her right now. She will not be with us much more than 10 years if she lives that long. That class of the Osage people is not a problem of yours. Your problem is with the generation that is now and the one that is to be present. I am telling now, sir, that our own individuals, of letting us get our own selves out from underneath the Federal Government is what I was after.

Mr. ASPINALL. I do not understand what your application for the certificate of competency has to do with your aunt's situation.

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Mr. GRAY. Mr. Chairman, you asked my qualifications for being here. You asked me why I did not ask for my certificate of competency. I am not up here on my own individual case. I am a representative of the Osage Tribe. I have to look at all the people, not just myself. That is why I brought that up.

Mr. HARRISON. Of course, all your tribe not being here, we have to ask you as representative, that you yourself would be an indication as to the rest of them.

Mr. GRAY. Our whole tribal council is not a cross section of the Osage Tribe.

Mr. HARRISON. You say it is or is not?

Mr. GRAY. Is not.

Mr. ASPINALL. The record shows that 2,390 of your people have certificates of competency, 1,703 who are minors, a part of whom I suppose are children of those holding certificates, a part of whom are not. That leaves 980 of your people who do not have certificates of competency and you are one of those, yet you are educated, you have responsibility, apparently you are enough of a leader that you have been elected to a place of trust.

Now, the thing that bothers me is when are you going to assume the responsibility of getting your certificate of competency just as 2,390 of your people have and not only have all the privileges that you have as a restricted Indian but also accept some of the responsibilities that come with your competency certificates?

Mr. GRAY. Mr. Congressman, what responsibility are you referring to, speaking of me?

Mr. ASPINALL. Aren't you a member of the tribal council?

Mr. GRAY. Yes, sir.

Mr. ASPINALL. Is that a responsible position?

Mr. GRAY. Yes, sir; very much a responsible position. I hold it very highly. But I do not see where that has anything to do with my having my competency papers. I can walk down to a local bank and borrow money just like anybody else if I have the collateral.

Mr. ASPINALL. Why don't you want your certificate of competency? Why don't you apply for it?

Mr. GRAY. I have my own individual reasons for not wanting it at this time. I think the time will come, maybe in the next 5 or 6 years. It will be of advantage to me to get my competency certificate.

Mr. ASPINALL. That is sidestepping my question.

Mr. GRAY. You asked me why I have not applied for it. I think it is not the proper time. I will go a step further than that. If the Bureau keeps whittling the restricted Indians down, which they are know the figures, I mean I don't have them at my fingertips now but we are rapidly turning the people loose. I say "we;" I mean the Bureau is, as they ask for them and they are asking for them, but as far every day, every month—I have seen it as high as 10 a month—I don't as myself asking for them, I think I will ask for them but not right now. That is the only answer I can give you right now.

Mr. HARRISON. As a member of the council, do you agree with Mr. Labadie's statement regarding the payment of all the expenses on the operation of your funds?

Mr. GRAY. Yes, sir. If that is what it takes, we are willing to do that.

Mr. HARRISON. You are willing to take steps along that line in order to retain the benefits?

Mr. GRAY. Yes, sir.

Mr. HARRISON. You are willing to do that?

Mr. GRAY. Yes, sir.

Mr. HARRISON. That is all.

Mr. GRAY. Thank you, sir.

Mr. HARRISON. Joe Revelette.

STATEMENT OF JOE REVELETTE, MEMBER OF THE OSAGE TRIBAL COUNCIL

Mr. REVELETTE. Mr. Chairman, my name is Joe Revelette. I am a member of the Osage Tribal Council, and a certificated member of the tribe. My certificate was granted by the act of Congress, 1929. I had no choice; it was given to me. I have nothing to add that has not already been covered very ably this morning, and this afternoon, by my predecessors.

We are extremely anxious to be exempted from the provisions of your resolution, as has been pointed out, and wish to remain as we are. We know of no setup to be quite as satisfactory as the present one we have and can see only confusion if it is tampered with.

I have no further statement. I will be willing to answer some questions.

Mr. HARRISON. Mr. Revelette, you have heard testimony of preceding witnesses, Mr. Labadie and Mr. Gray. Would you agree with them as far as their statements regarding the payment of expenses of the operation of this special trust and the operation of the tribal assets?

In other words, assumption by the tribe of the $40,000 which is additional operating cost plus a reasonable and fair equitable sum for the general supervision of this trust which you would like to retain the advantages of?

Mr. REVELETTE. If that is a condition precedent; yes, sir.

Mr. HARRISON. There is no condition because, as I say, I do not intend to enter into such a situation or any members of this committee. There will be no coercion or anything else. We want to know if you are willing to do it in good faith because all legislation must be determined on its merits.

I want it definitely understood that this committee is not trying to make any deal whether you do or do not. It is entirely up to you. This committee will not consider that in any way. We are only asking for information.

Mr. REVELETTE. That is correct.

Mr. HARRISON. For the record, Mr. Revelette, you received your B. A. degree from the University of Oklahoma and your M. A. degree from Harvard.

Mr. REVELETTE. That is correct.

Mr. HARRISON. You are the owner and operator of a 3,000-acre ranch near Elgin, Kans.

Mr. REVELETTE. 2,000 acres.

Mr. HARRISON. Is that a cattle ranch?

Mr. REVELETTE. Yes, sir.

Mr. HARRISON. Or a combination operation?

Profiles of General Demographic Characteristics

2000

Issued May 2001

2000 Census of Population and Housing

Oklahoma

U.S. Department of Commerce
Donald L. Evans,
Secretary

Economics
and Statistics
Administration
J. Lee Price,
Acting Under Secretary for
Economic Affairs

U.S. CENSUS BUREAU
William G. Barron, Jr.,
Acting Director

CONTENTS

State
County
Place
Consolidated City
Metropolitan Area – State Part
American Indian Area – State Part
Congressional District (106th Congress)
About the Profile

Table DP-1. Profile of General Demographic Characteristics: 2000

Geographic Area: Oklahoma

[For information on confidentiality protection, nonsampling error, and definitions, see text]

Subject	Number	Percent
Total population	**3,450,654**	**100.0**
SEX AND AGE		
Male	1,695,895	49.1
Female	1,754,759	50.9
Under 5 years	236,353	6.8
5 to 9 years	244,525	7.1
10 to 14 years	252,029	7.3
15 to 19 years	269,373	7.8
20 to 24 years	247,165	7.2
25 to 34 years	451,647	13.1
35 to 44 years	523,522	15.2
45 to 54 years	453,761	13.1
55 to 59 years	173,199	5.0
60 to 64 years	143,130	4.1
65 to 74 years	242,499	7.0
75 to 84 years	156,276	4.5
85 years and over	57,175	1.7
Median age (years)	35.5	(X)
18 years and over	2,558,294	74.1
Male	1,238,267	35.9
Female	1,320,027	38.3
21 years and over	2,393,620	69.4
62 years and over	539,188	15.6
65 years and over	455,950	13.2
Male	188,111	5.5
Female	267,839	7.8
RACE		
One race	3,294,669	95.5
White	2,628,434	76.2
Black or African American	260,968	7.6
American Indian and Alaska Native	273,230	7.9
Asian	46,767	1.4
Asian Indian	8,502	0.2
Chinese	6,964	0.2
Filipino	4,028	0.1
Japanese	2,505	0.1
Korean	5,074	0.1
Vietnamese	12,566	0.4
Other Asian [1]	7,128	0.2
Native Hawaiian and Other Pacific Islander	2,372	0.1
Native Hawaiian	702	-
Guamanian or Chamorro	585	-
Samoan	388	-
Other Pacific Islander [2]	697	-
Some other race	82,898	2.4
Two or more races	155,985	4.5
Race alone or in combination with one or more other races: [3]		
White	2,770,035	80.3
Black or African American	284,766	8.3
American Indian and Alaska Native	391,949	11.4
Asian	58,723	1.7
Native Hawaiian and Other Pacific Islander	5,123	0.1
Some other race	102,585	3.0

Subject	Number	Percent
HISPANIC OR LATINO AND RACE		
Total population	**3,450,654**	**100.0**
Hispanic or Latino (of any race)	179,304	5.2
Mexican	132,813	3.8
Puerto Rican	8,153	0.2
Cuban	1,759	0.1
Other Hispanic or Latino	36,579	1.1
Not Hispanic or Latino	3,271,350	94.8
White alone	2,556,368	74.1
RELATIONSHIP		
Total population	**3,450,654**	**100.0**
In households	3,338,279	96.7
Householder	1,342,293	38.9
Spouse	717,611	20.8
Child	989,710	28.7
Own child under 18 years	796,868	23.1
Other relatives	153,263	4.4
Under 18 years	72,426	2.1
Nonrelatives	135,402	3.9
Unmarried partner	53,307	1.5
In group quarters	112,375	3.3
Institutionalized population	66,746	1.9
Noninstitutionalized population	45,629	1.3
HOUSEHOLD BY TYPE		
Total households	**1,342,293**	**100.0**
Family households (families)	921,750	68.7
With own children under 18 years	434,793	32.4
Married-couple family	717,611	53.5
With own children under 18 years	311,735	23.2
Female householder, no husband present	152,575	11.4
With own children under 18 years	94,403	7.0
Nonfamily households	420,543	31.3
Householder living alone	358,560	26.7
Householder 65 years and over	135,273	10.1
Households with individuals under 18 years	479,275	35.7
Households with individuals 65 years and over	319,395	23.8
Average household size	2.49	(X)
Average family size	3.02	(X)
HOUSING OCCUPANCY		
Total housing units	**1,514,400**	**100.0**
Occupied housing units	1,342,293	88.6
Vacant housing units	172,107	11.4
For seasonal, recreational, or occasional use	32,293	2.1
Homeowner vacancy rate (percent)	2.5	(X)
Rental vacancy rate (percent)	10.6	(X)
HOUSING TENURE		
Occupied housing units	**1,342,293**	**100.0**
Owner-occupied housing units	918,259	68.4
Renter-occupied housing units	424,034	31.6
Average household size of owner-occupied units	2.55	(X)
Average household size of renter-occupied units	2.36	(X)

- Represents zero or rounds to zero. (X) Not applicable.

[1] Other Asian alone, or two or more Asian categories.

[2] Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

[3] In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000.

The American Indian and Alaska Native Population: 2000

Issued February 2002

Census 2000 Brief

C2KBR/01-15

By
Stella U. Ogunwole

Census 2000 showed that the United States population was 281.4 million on April 1, 2000. Of the total, 4.1 million, or 1.5 percent, reported[1] American Indian and Alaska Native. This number included 2.5 million people, or 0.9 percent, who reported only American Indian and Alaska Native in addition to 1.6 million people, or 0.6 percent, who reported American Indian and Alaska Native as well as one or more other races.

Figure 1.
Reproduction of the Question on Race From Census 2000

6. What is this person's race? ***Mark* ☒ *one or more races*** *to indicate what this person considers himself/herself to be.*

- ☐ White
- ☐ Black, African Am., or Negro
- ☐ American Indian or Alaska Native — *Print name of enrolled or principal tribe.*
- ☐ Asian Indian
- ☐ Japanese
- ☐ Native Hawaiian
- ☐ Chinese
- ☐ Korean
- ☐ Guamanian or Chamorro
- ☐ Filipino
- ☐ Vietnamese
- ☐ Samoan
- ☐ Other Asian — *Print race.*
- ☐ Other Pacific Islander — *Print race.*
- ☐ Some other race — *Print race.*

Source: U.S. Census Bureau, Census 2000 questionnaire.

The term American Indian is often used in the text of this report to refer to the American Indian and Alaska Native population, while American Indian and Alaska Native is used in the text tables and graphs. Census 2000 asked separate questions on race and Hispanic or Latino origin. Hispanics who reported their race as American Indian and Alaska Native, either alone or in combination with one or more races, are included in the number of American Indians.

This report, part of a series that analyzes population and housing data collected from Census 2000, provides a portrait of the American Indian population in the United States and discusses its distribution at both the national and subnational levels. It begins by discussing the characteristics of the total American Indian population and then focuses on selected tribal groupings,[2] for example, Navajo, Cherokee, or Eskimo. The report is based on data from the Census 2000 Summary File 1.[3] The text of this report discusses data for the United States, including the 50 states and the District of Columbia.[4]

[1] In this report, the term "reported" is used to refer to the answers provided by respondents, as well as responses assigned during the editing and imputation processes.

[2] Tribal grouping refers to the combining of individual American Indian tribes, such as Alamo Navajo, Tohajiileehee Navajo, and Ramah Navajo into the general Navajo tribe, or the combining of individual Alaska Native tribes such as American Eskimo, Eskimo and Greenland Eskimo into the general Eskimo tribe.

[3] Data from the Census 2000 Summary File 1 were released on a state-by-state basis during the summer of 2001.

[4] Data for the Commonwealth of Puerto Rico are shown in Table 2 and Figure 3.

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United States Census 2000

The term "American Indian and Alaska Native" refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment. It includes people who reported "American Indian and Alaska Native" or wrote in their principal or enrolled tribe.

Data on race have been collected since the first U.S. decennial census in 1790. American Indians were first enumerated as a separate group in the 1860 census. The 1890 census was the first to count American Indians throughout the country. Prior to 1890, enumeration of American Indians was limited to those living in the general population of the various states; American Indians in American Indian Territory and on American Indian reservations were not included.

Alaska Natives, in Alaska, have been counted since 1880, but until 1940, they were generally reported in the "American Indian" racial category. They were enumerated separately (as Eskimo and Aleut) in 1940 in Alaska. In the 1970 census, separate response categories were used to collect data on the Eskimo and Aleut population only in Alaska.

The 1980 census was the first in which data were collected separately for Eskimos and Aleuts in all states. The 1990 census used three separate response categories to collect data on the American Indian and Alaska Native population.

Census 2000 used a combined "American Indian or Alaska Native" response category to collect data on both the American Indian and Alaska Native population. Also, respondents were asked to provide the name of their enrolled or principal tribes. Previous decennial censuses collected data on both American Indian and Alaska Native tribes. However, Census 2000 provides more extensive data for tribes than ever before.

The question on race was changed for Census 2000.

All U.S. censuses have obtained information on race for every individual and for the past several censuses, the responses reflect self-identification. For Census 2000, however, respondents were asked to report *one or more* races they considered themselves and other members of their households to be.[5]

Because of these changes, the Census 2000 data on race are not directly comparable with data from the 1990 census or earlier censuses. Caution must be used when interpreting changes in the racial composition of the United States population over time.

The Census 2000 question on race included 15 separate response categories and 3 areas where respondents could write in a more specific race (see Figure 1). For some purposes, including this report, the response categories and write-in answers were combined to create the five standard Office of Management and Budget race categories, plus the Census Bureau category of "Some other race." The six race categories include:

- White;
- Black or African American;
- American Indian and Alaska Native;
- Asian;
- Native Hawaiian and Other Pacific Islander; and
- Some other race

For a complete explanation of the race categories used in Census 2000, see the Census 2000 Brief, *Overview of Race and Hispanic Origin*.[6]

The data collected by Census 2000 on race can be divided into two broad categories: the race *alone* population and the race *in combination* population.

People who responded to the question on race by indicating *only one* race are referred to as the race *alone* population. For example, respondents who reported their race only as American Indian or Alaska Native on the census questionnaire would be included in the American Indian *alone* population.

Individuals who reported *more than one* of the six races are referred to as the race *in combination* population. For example, respondents who reported they were "American Indian ***and*** White" or "American Indian ***and*** Black or African American ***and*** Asian"[7] would be included in the American Indian *in combination* population.

[5] Other changes included terminology and formatting changes, such as spelling out "American" instead of "Amer." for the American Indian or Alaska Native category and adding "Native" to the Hawaiian response category. In the layout of the Census 2000 questionnaire, the seven Asian response categories were alphabetized and grouped together, as were the four Pacific Islander categories after the Native Hawaiian category. The three separate American Indian and Alaska Native identifiers in the 1990 census (i.e., Indian (Amer.), Eskimo, and Aleut) were combined into a single identifier in Census 2000. Also, American Indians and Alaska Natives could report more than one tribe.

[6] *Overview of Race and Hispanic Origin: 2000*, U.S. Census Bureau, Census 2000 Brief, C2KBR/01-1, March 2001, is available on the U.S. Census Bureau's Internet site at *www.census.gov/population/www/cen2000/briefs.html.*

[7] The race *in combination* categories are denoted by quotations around the combinations with the conjunction ***and*** in bold and italicized print to indicate the separate races that comprise the combination.

Table 1.
American Indian and Alaska Native Population: 2000

(For information on confidentiality protection, nonsampling error, and definitions, see *www.census.gov/prod/cen2000/doc/sf1.pdf)*

Race	Number	Percent of total population
Total population	**281,412,906**	**100.0**
American Indian and Alaska Native alone or in combination with one or more other races	4,119,301	1.5
American Indian and Alaska Native alone	2,475,956	0.9
American Indian and Alaska Native in combination with one or more other races	1,643,345	0.6
American Indian and Alaska Native; White	1,082,683	0.4
American Indian and Alaska Native; Black or African American	182,494	0.1
American Indian and Alaska Native; White; Black or African American	112,207	-
American Indian and Alaska Native; Some other race	93,842	-
All other combinations including American Indian and Alaska Native	172,119	0.1
Not American Indian and Alaska Native alone or in combination with one or more other races	277,293,605	98.5

- Percentage rounds to 0.0.

Source: U.S. Census Bureau, Census 2000 Summary File 1.

The maximum number of people reporting American Indian is reflected in the American Indian *alone or in combination* population.

One way to define the American Indian population is to combine those respondents who reported only American Indian with those who reported American Indian as well as one or more other races. This creates the American Indian *alone or in combination* population. Another way to think of the American Indian *alone or in combination* population is the total number of people who identified entirely or partially as American Indian. This group is also described as people who reported American Indian, whether or not they reported any other races.

Census 2000 provides a snapshot of the American Indian population.

Table 1 shows the number and percentage of Census 2000 respondents who reported American Indian alone as well as those who reported American Indian and at least one other race.

Of the total United States population, 2.5 million people, or 0.9 percent, reported only American Indian. An additional 1.6 million people reported American Indian and at least one other race. Within this group, the most common combinations were “American Indian and Alaska Native ***and*** White” (66 percent), followed by “American Indian and Alaska Native ***and*** Black or African American” (11 percent), “American Indian and Alaska Native ***and*** White ***and*** Black or African American” (6.8 percent), and “American Indian and Alaska Native ***and*** Some other race” (5.7 percent). These four combination categories accounted for 90 percent of all American Indians who reported two or more races. Thus 4.1 million people, or 1.5 percent, of the total population, reported American Indian alone or in combination with one or more races.

The American Indian population increased faster than the total population between 1990 and 2000.

Because of the changes made to the question on race for Census 2000, there are at least two ways to present the change in the total number of American Indians in the United States. They include: 1) the difference in the American Indian population between 1990 and 2000 using the race alone concept for 2000 and 2) the difference in the American Indian population between 1990 and 2000 using the race alone or in combination concept for 2000. These comparisons provide a “minimum-maximum” range for the change in the American Indian population between 1990 and 2000.

The 1990 census showed there were nearly 2 million American Indians. Using the American Indian alone population in 2000, this population increased by 516,722, or 26 percent, between 1990 and 2000. If the American Indian alone or in combination population is used, an increase of 2.2 million, or 110 percent, results. Thus, from 1990 to 2000, the range for the increase in the American Indian population was 26 percent to 110 percent. In comparison, the total population grew by 13 percent from 248.7 million in 1990 to 281.4 million in 2000.

THE GEOGRAPHIC DISTRIBUTION OF THE AMERICAN INDIAN POPULATION

The following discussion of the geographic distribution of the American Indian population focuses on the American Indian alone or in combination population in the text. As the upper bound of the American Indian population, this group includes all respondents who reported American Indian, whether or not

they reported any other race.[8] Hereafter in the text of this section, the term "American Indian" will be used to refer to those who reported American Indian, whether they reported one race or more than one race. However, in the tables and graphs, data for both the American Indian alone and American Indian alone or in combination populations are shown.

Four out of ten American Indians lived in the West.[9]

According to Census 2000, of all respondents who reported American Indian, 43 percent lived in the West, 31 percent lived in the South, 17 percent lived in the Midwest, and 9 percent lived in the Northeast (see Figure 2).

The West had the largest American Indian population, as well as the highest proportion of American Indians in its total population: 2.8 percent of all respondents in the West and 1.3 percent in the South reported American Indian and Alaska Native, compared with 1.1 percent in the Midwest, and 0.7 percent in the Northeast.

Over half of all people who reported American Indian lived in just ten states.

The ten states with the largest American Indian populations in 2000, in order, were California, Oklahoma, Arizona, Texas, New Mexico, New York, Washington, North Carolina, Michigan, and Alaska (see Table 2). Florida was the only other state with greater than 100,000 American Indian population. Combined, these 11 states included 62 percent of the total American Indian population, but only 44 percent of the total population. California (627,562) and Oklahoma (391,949) combined included about 25 percent of the total American Indian population.

There were 19 states where the American Indian population exceeded the U.S. proportion of 1.5 percent, led by the western state of Alaska (19 percent), followed by the southern state of Oklahoma (11 percent), and the western state of New Mexico (10 percent). The other 16 states included the western states of Arizona, California, Colorado, Idaho, Montana, Nevada, Hawaii, Oregon, Utah, Washington, and Wyoming; the midwestern states of Kansas, Minnesota, North Dakota, and South Dakota; and the southern state of North Carolina. No northeastern state had more than 1.5 percent of its population reporting as American Indian. Five states, Alaska, Oklahoma, New Mexico, Arizona, and Washington were represented in the top ten states in both number and percent reporting as American Indian.

American Indians were less than 1 percent of the total population in 21 states including Pennsylvania, New Jersey, West Virginia, Illinois, Massachusetts, Kentucky, Iowa, New Hampshire, Indiana, Georgia, Ohio, South Carolina, Mississippi, Tennessee, Connecticut, Florida, Maryland, Virginia, Delaware, New York, and the District of Columbia, a state equivalent. While Texas had the fourth largest American Indian population of all states, it ranked 26th in percent of American Indian among the 50 states and the District of Columbia, with only 1 percent of respondents reporting American Indian. Wyoming had the 44th largest American Indian population, but ranked 8th in percent of the American Indian population among the 50 states and the District of Columbia.

The American Indian population was concentrated in counties in the West and Midwest.

American Indians were the majority of the population in 14 counties in the West and 12 counties in the Midwest (see Figure 3). In the West, the counties were in four states: Alaska, Arizona, Montana, and Utah. In the Midwest, the counties were also in four states: South Dakota, Wisconsin, North Dakota, and Nebraska.

Of the 3,141 counties or county equivalents in the United States, 786 counties met or exceeded the U.S. level of 1.5 percent of the total American Indian population, while the proportion reporting American Indian was below the national average in 2,355 counties.

The counties with their proportion reporting American Indian above the national average were located mostly west of the Mississippi River. Within this area, several clusters of counties with high percentages of American Indians were distinctly noticeable. Alaska Natives accounted for over 50 percent of the population in nearly all of the boroughs and census areas (county equivalents) in northern and western Alaska. In the Southwest, American Indians were represented in high percentages (and

[8] The use of the *alone* or *in combination* population in this section does not imply that it is the preferred method of presenting or analyzing data. In general, either the *alone* population or the *alone or in combination* population can be used, depending on the purpose of the analysis. The Census Bureau uses both approaches.

[9] The West region includes the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The South region includes the states of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia, a state equivalent. The Midwest region includes the states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. The Northeast region includes the states of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

Table 2.

American Indian and Alaska Native Population for the United States, Regions, and States, and for Puerto Rico: 1990 and 2000

(For information on confidentiality protection, nonsampling error, and definitions, see *www.census.gov/prod/cen2000/doc/sf1.pdf)*

Area	1990			2000						
		American Indian and Alaska Native population			American Indian and Alaska Native alone population		American Indian and Alaska Native alone or in combination population		American Indian and Alaska Native in combination population	
	Total population	Number	Percent of total population	Total population	Number	Percent of total population	Number	Percent of total population	Number	Percent of American Indian and Alaska Native alone or in combination population
United States	**248,709,873**	**1,959,234**	**0.8**	**281,421,906**	**2,475,956**	**0.9**	**4,119,301**	**1.5**	**1,643,345**	**39.9**
Region										
Northeast	50,809,229	125,148	0.2	53,594,378	162,558	0.3	374,035	0.7	211,477	56.5
Midwest	59,668,632	337,899	0.6	64,392,776	399,490	0.6	714,792	1.1	315,302	44.1
South	85,445,930	562,731	0.7	100,236,820	725,919	0.7	1,259,230	1.3	533,311	42.4
West	52,786,082	933,456	1.8	63,197,932	1,187,989	1.9	1,771,244	2.8	583,255	32.9
State										
Alabama	4,040,587	16,506	0.4	4,447,100	22,430	0.5	44,449	1.0	22,019	49.5
Alaska	550,043	85,698	15.6	626,932	98,043	15.6	119,241	19.0	21,198	17.8
Arizona	3,665,228	203,527	5.6	5,130,632	255,879	5.0	292,552	5.7	36,673	12.5
Arkansas	2,350,725	12,773	0.5	2,673,400	17,808	0.7	37,002	1.4	19,194	51.9
California	29,760,021	242,164	0.8	33,871,648	333,346	1.0	627,562	1.9	294,216	46.9
Colorado	3,294,394	27,776	0.8	4,301,261	44,241	1.0	79,689	1.9	35,448	44.5
Connecticut	3,287,116	6,654	0.2	3,405,565	9,639	0.3	24,488	0.7	14,849	60.6
Delaware	666,168	2,019	0.3	783,600	2,731	0.3	6,069	0.8	3,338	55.0
District of Columbia	606,900	1,466	0.2	572,059	1,713	0.3	4,775	0.8	3,062	64.1
Florida	12,937,926	36,335	0.3	15,982,378	53,541	0.3	117,880	0.7	64,339	54.6
Georgia	6,478,216	13,348	0.2	8,186,453	21,737	0.3	53,197	0.6	31,460	59.1
Hawaii	1,108,229	5,099	0.5	1,211,537	3,535	0.3	24,882	2.1	21,347	85.8
Idaho	1,006,749	13,780	1.4	1,293,953	17,645	1.4	27,237	2.1	9,592	35.2
Illinois	11,430,602	21,836	0.2	12,419,293	31,006	0.2	73,161	0.6	42,155	57.6
Indiana	5,544,159	12,720	0.2	6,080,485	15,815	0.3	39,263	0.6	23,448	59.7
Iowa	2,776,755	7,349	0.3	2,926,324	8,989	0.3	18,246	0.6	9,257	50.7
Kansas	2,477,574	21,965	0.9	2,688,418	24,936	0.9	47,363	1.8	22,427	47.4
Kentucky	3,685,296	5,769	0.2	4,041,769	8,616	0.2	24,552	0.6	15,936	64.9
Louisiana	4,219,973	18,541	0.4	4,468,976	25,477	0.6	42,878	1.0	17,401	40.6
Maine	1,227,928	5,998	0.5	1,274,923	7,098	0.6	13,156	1.0	6,058	46.0
Maryland	4,781,468	12,972	0.3	5,296,486	15,423	0.3	39,437	0.7	24,014	60.9
Massachusetts	6,016,425	12,241	0.2	6,349,097	15,015	0.2	38,050	0.6	23,035	60.5
Michigan	9,295,297	55,638	0.6	9,938,444	58,479	0.6	124,412	1.3	65,933	53.0
Minnesota	4,375,099	49,909	1.1	4,919,479	54,967	1.1	81,074	1.6	26,107	32.2
Mississippi	2,573,216	8,525	0.3	2,844,658	11,652	0.4	19,555	0.7	7,903	40.4
Missouri	5,117,073	19,835	0.4	5,595,211	25,076	0.4	60,099	1.1	35,023	58.3
Montana	799,065	47,679	6.0	902,195	56,068	6.2	66,320	7.4	10,252	15.5
Nebraska	1,578,385	12,410	0.8	1,711,263	14,896	0.9	22,204	1.3	7,308	32.9
Nevada	1,201,833	19,637	1.6	1,998,257	26,420	1.3	42,222	2.1	15,802	37.4
New Hampshire	1,109,252	2,134	0.2	1,235,786	2,964	0.2	7,885	0.6	4,921	62.4
New Jersey	7,730,188	14,970	0.2	8,414,350	19,492	0.2	49,104	0.6	29,612	60.3
New Mexico	1,515,069	134,355	8.9	1,819,046	173,483	9.5	191,475	10.5	17,992	9.4
New York	17,990,455	62,651	0.3	18,976,457	82,461	0.4	171,581	0.9	89,120	51.9
North Carolina	6,628,637	80,155	1.2	8,049,313	99,551	1.2	131,736	1.6	32,185	24.4
North Dakota	638,800	25,917	4.1	642,200	31,329	4.9	35,228	5.5	3,899	11.1
Ohio	10,847,115	20,358	0.2	11,353,140	24,486	0.2	76,075	0.7	51,589	67.8
Oklahoma	3,145,585	252,420	8.0	3,450,654	273,230	7.9	391,949	11.4	118,719	30.3
Oregon	2,842,321	38,496	1.4	3,421,399	45,211	1.3	85,667	2.5	40,456	47.2
Pennsylvania	11,881,643	14,733	0.1	12,281,054	18,348	0.1	52,650	0.4	34,302	65.2
Rhode Island	1,003,464	4,071	0.4	1,048,319	5,121	0.5	10,725	1.0	5,604	52.3
South Carolina	3,486,703	8,246	0.2	4,012,012	13,718	0.3	27,456	0.7	13,738	50.0
South Dakota	696,004	50,575	7.3	754,844	62,283	8.3	68,281	9.0	5,998	8.8
Tennessee	4,877,185	10,039	0.2	5,689,283	15,152	0.3	39,188	0.7	24,036	61.3
Texas	16,986,510	65,877	0.4	20,851,820	118,362	0.6	215,599	1.0	97,237	45.1
Utah	1,722,850	24,283	1.4	2,233,169	29,684	1.3	40,445	1.8	10,761	26.6
Vermont	562,758	1,696	0.3	608,827	2,420	0.4	6,396	1.1	3,976	62.2
Virginia	6,187,358	15,282	0.2	7,078,515	21,172	0.3	52,864	0.7	31,692	60.0
Washington	4,866,692	81,483	1.7	5,894,121	93,301	1.6	158,940	2.7	65,639	41.3
West Virginia	1,793,477	2,458	0.1	1,808,344	3,606	0.2	10,644	0.6	7,038	66.1
Wisconsin	4,891,769	39,387	0.8	5,363,675	47,228	0.9	69,386	1.3	22,158	31.9
Wyoming	453,588	9,479	2.1	493,782	11,133	2.3	15,012	3.0	3,879	25.8
Puerto Rico	**3,522,037**	**(X)**	**(X)**	**3,808,610**	**13,336**	**0.4**	**26,871**	**0.7**	**13,535**	**50.4**

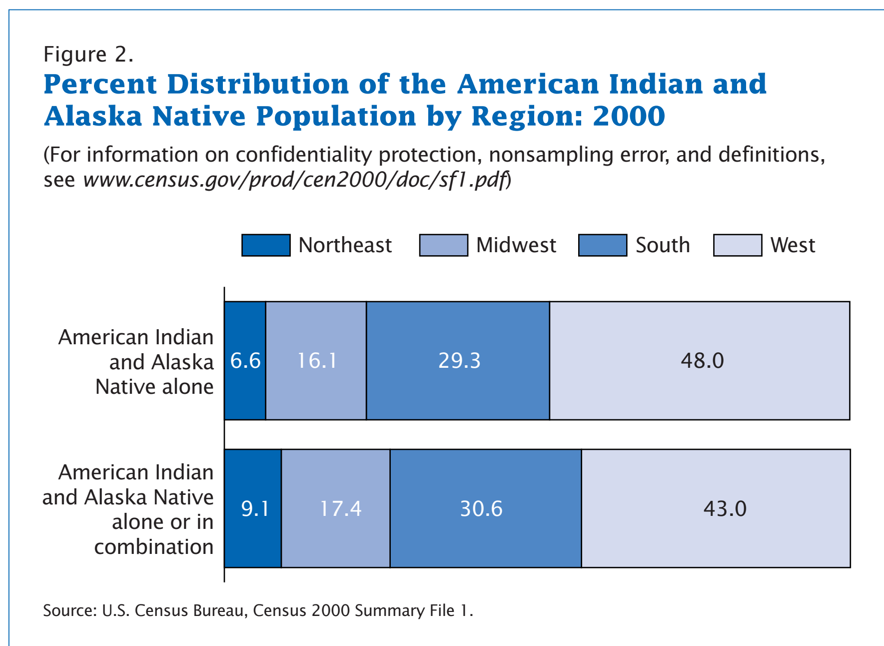
X Not applicable.

Source: U.S. Census Bureau, Census 2000 Summary File 1; 1990 Census of Population, *General Population Characteristics (1990 CP-1).*

also in large numbers) in the counties in the Four Corners area of Arizona, New Mexico, Utah, and Colorado (where the boundaries of these four states meet). In the Great Plains, American Indians were concentrated in a cluster of counties in central and western South Dakota, southeastern Montana, and in several counties along the U.S.-Canadian border in Montana and North Dakota. In the southern Plains, American Indians accounted for relatively high percentages of the population in a cluster of counties in eastern Oklahoma. American Indians accounted for more than the U.S. level of 1.5 percent in all but one county (Harper County) in Oklahoma.

East of the Mississippi, counties in which American Indians were represented in percentages higher than the U.S. level of 1.5 percent were scattered throughout the South, Northeast, and upper Midwest. Two clusters of counties in North Carolina — one in the extreme southwest of the state and the other in the southeast — were evident; each cluster was anchored by a county in which American Indians accounted for over 25 percent of the population. Elsewhere in the South, groups of counties in which American Indians were represented at greater than the U.S. proportion were found in central Louisiana, portions of the Gulf Coast, northern Alabama, and in eastern Virginia.

In the Northeast, counties meeting or exceeding the national proportion of American Indians tended to be nonmetropolitan and along the U.S. and Canadian border of New York, Vermont, and Maine, although concentrations were found in the New York city area, metropolitan Rhode Island and Connecticut, and in western New York. In the Midwest, counties with high percentages of American Indians were located primarily across northern Minnesota, Wisconsin, and Michigan. In general, counties throughout most of the lower Midwest, upper South, and Northeast were distinguished by very low percentages of American Indians.



The places with the largest American Indian populations were New York and Los Angeles.

Census 2000 showed that, of all places in the United States with 100,000 or more population,[10] New York and Los Angeles had the largest American Indian populations with 87,241 and 53,092, respectively (see Table 3). The next eight places with the largest American Indian populations had between 15,743 and 35,093 American Indians. Five of the top ten places — Los Angeles, Phoenix, San Diego, Anchorage, and Albuquerque — were in the West.

The ten largest places for American Indians together accounted for 8.2 percent of the total U.S. American Indian population. New York and Los Angeles accounted for 3.4 percent of the total American Indian population (see Table 3). Of the ten largest places in the United States, Phoenix (2.7 percent) had the largest proportion of American Indians, followed by Los Angeles (1.4 percent), and San Diego and San Antonio, each with 1.3 percent.

Among places of 100,000 or more population, the highest proportion of American Indians was in Anchorage (10 percent) as shown in Figure 4. Tulsa was the second highest. Six of the top ten places with the highest proportion of American Indians were in the West, with two each in the Midwest and South.

ADDITIONAL FINDINGS ON THE AMERICAN INDIAN AND ALASKA NATIVE POPULATION

What proportion of American Indians and Alaska Natives reported a tribe?

In Census 2000, people who identified themselves as American Indian

[10] Census 2000 showed 245 places in the United States with 100,000 or more population. They included 238 incorporated places (including 4 city-county consolidations) and 7 census designated places that are not legally incorporated. For a list of these places by state, see *www.census.gov/population/www/cen2000/phc-t6.html.*

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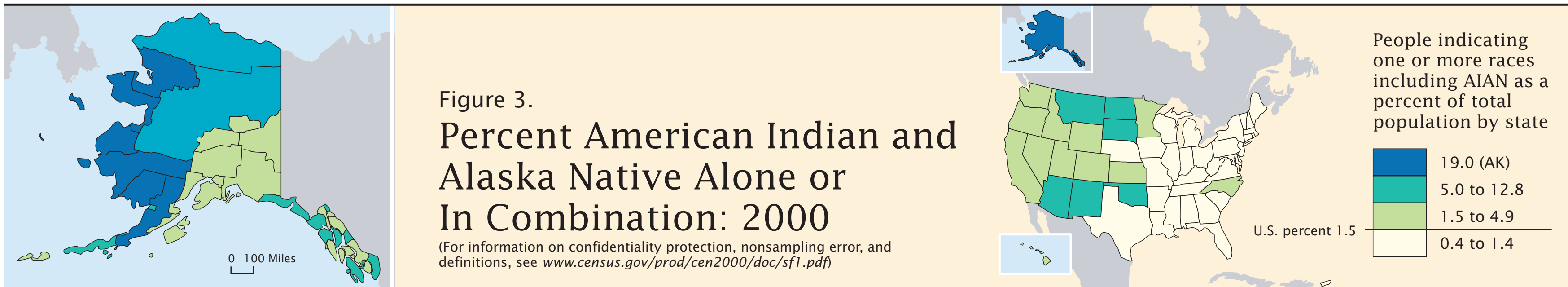
Figure 3.

Percent American Indian and Alaska Native Alone or In Combination: 2000

(For information on confidentiality protection, nonsampling error, and definitions, see *www.census.gov/prod/cen2000/doc/sf1.pdf*)



Source: U.S. Census Bureau, Census 2000 Summary File 1. American FactFinder at *factfinder.census.gov* provides census data and mapping tools.

Table 3.
Ten Largest Places in Total Population and in American Indian and Alaska Native Population: 2000

(For information on confidentiality protection, nonsampling error, and definitions, see *www.census.gov/prod/cen2000/doc/sf1.pdf)*

Place	Total population		American Indian and Alaska Native alone		American Indian and Alaska Native alone or in combination		Percent of total population	
	Rank	Number	Rank	Number	Rank	Number	American Indian and Alaska Native alone	American Indian and Alaska Native alone or in combination
New York, NY	1	8,008,278	1	41,289	1	87,241	0.5	1.1
Los Angeles, CA	2	3,694,820	2	29,412	2	53,092	0.8	1.4
Chicago, IL	3	2,896,016	9	10,290	8	20,898	0.4	0.7
Houston, TX	4	1,953,631	11	8,568	10	15,743	0.4	0.8
Philadelphia, PA	5	1,517,550	24	4,073	21	10,835	0.3	0.7
Phoenix, AZ	6	1,321,045	3	26,696	3	35,093	2.0	2.7
San Diego, CA	7	1,223,400	13	7,543	9	16,178	0.6	1.3
Dallas, TX	8	1,188,580	18	6,472	18	11,334	0.5	1.0
San Antonio, TX	9	1,144,646	10	9,584	12	15,224	0.8	1.3
Detroit, MI	10	951,270	40	3,140	25	8,907	0.3	0.9
Oklahoma, OK	29	506,132	6	17,743	5	29,001	3.5	5.7
Tucson, AZ	30	486,699	8	11,038	11	15,358	2.3	3.2
Albuquerque, NM	35	448,607	7	17,444	7	22,047	3.9	4.9
Tulsa, OK	43	393,049	5	18,551	4	30,227	4.7	7.7
Anchorage, AK	65	260,283	4	18,941	6	26,995	7.3	10.4

Source: U.S. Census Bureau, Census 2000 Summary File 1.

or Alaska Native on the questionnaire were asked to report their enrolled or principal tribe. Additionally, respondents could report one or more tribes (see Table 4). Among respondents who reported as American Indian, 79 percent, or 2.0 million people, specified a tribe. For those who reported American Indian in any combination, 67 percent, or 1.1 million people, reported a tribe. For all people reporting American Indian either alone or in any combination, 74 percent, or 3.1 million people, identified a tribe.

Which American Indian tribal groupings were the largest?

According to Census 2000, the American Indian tribal groupings with 100,000 or more people or responses were Cherokee, Navajo, Latin American Indian,[11] Choctaw, Sioux, and Chippewa (see Figure 5 and Table 5).[12] These six tribal groups accounted for 40 percent of all respondents who reported a single grouping or race. Of all American Indian tribal groupings in any combination, these six tribal groups accounted for 42 percent of all responses. There were 281,069 respondents who reported Cherokee alone and an additional 448,464 who reported Cherokee with at least one other race or American Indian tribal grouping. A total of 729,533 people reported Cherokee alone or in combination with one or more other race or American Indian tribal groupings.

Navajo and Latin American were the next two largest specified American Indian tribal groupings. There were 269,202 people who reported Navajo alone and an additional 28,995 people who reported Navajo in combination with one or more other races or American tribal groupings. This gives a total of 298,197 people who reported Navajo alone or in combination with at least one other race or American Indian tribal groupings. There were 104,354 people who reported only Latin American Indian and an additional 76,586 who reported Latin American in combination with one or more other races or American Indian tribal groupings. A total of 180,940 people reported Latin American Indian alone or in combination with at least one other race or American Indian tribal groupings.

Which Alaska Native tribal groupings were the largest?

In 2000, Eskimo was the largest Alaska Native tribal grouping alone or in any combination, followed by Tlingit-Haida, Alaska Athabascan, and Aleut. These four tribal groupings combined accounted for 3.6 percent of all American Indian

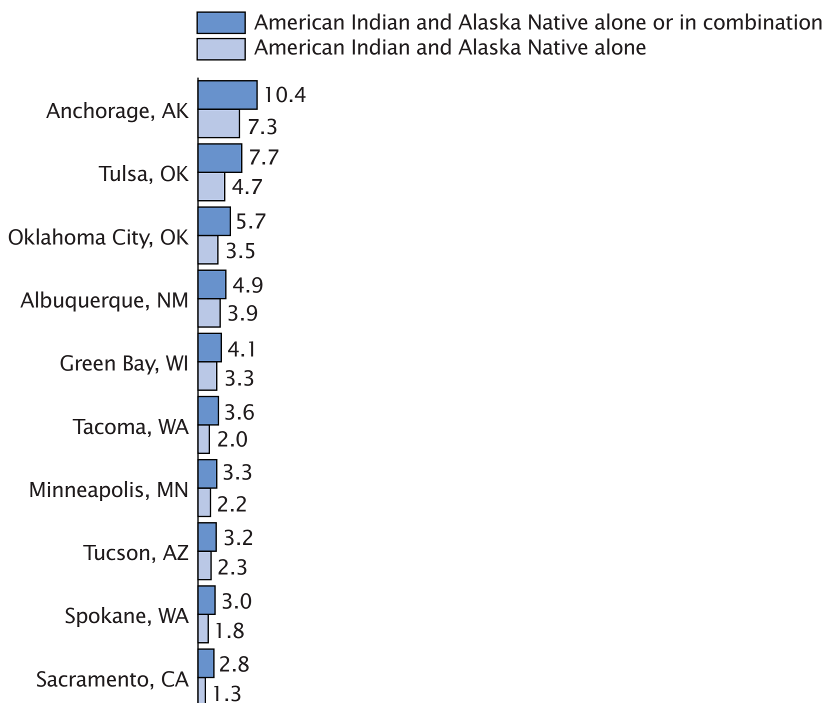
[11] In 1997, the Office of Management and Budget definition of American Indian or Alaska Native included the original peoples of North and South America (including Central America).

[12] Table 5 contains all American Indian and Alaska Native tribal groupings that contained at least 7,000 people according to the 1990 census. Additional information on individual tribes is forthcoming.

Figure 4.

Ten Places of 100,000 or More Population With the Highest Percentage of American Indians and Alaska Natives: 2000

(For information on confidentiality protection, nonsampling error, and definitions see *www.census.gov/prod/cen2000/doc/sf1.pdf*)



Source: U.S. Census Bureau, Census 2000 Summary File 1.

and Alaska Native tribal responses alone and 2.7 percent alone or in any combination (see Figure 6 and Table 5).

There were 45,919 respondents who reported Eskimo alone and an additional 8,842 who reported Eskimo with at least one other race or American Indian or Alaska Native tribal grouping. A total of 54,761 people reported Eskimo alone or in combination with one or more other races or American Indian or Alaska Native tribal groupings.

Tlingit-Haida, Alaska Athabascan, and Aleut were the next three largest specified Alaska Native tribal groupings. There were 14,825 people who reported Tlingit-Haida alone and an additional 7,540 who reported Tlingit-Haida with at least one other race or American Indian or Alaska Native tribal groupings. A total of 22,365 people reported Tlingit-Haida alone or in combination with one or more other races or American Indian or Alaska Native tribal groupings.

There were 14,520 people who reported only Alaska Athabascan and an additional 4,318 people who reported Alaska Athabascan with one or more other races or American Indian or Alaska Native tribal groupings. A total of 18,838 people reported Alaska Athabascan alone or in combination with at least one or more other races or American Indian or Alaska Native tribal groupings.

Also, there were 11,941 people who reported only Aleut and an additional 5,037 people who reported Aleut with one or more other races or American Indian or Alaska Native tribal groupings. A total of 16,978 people reported Aleut alone or in combination with at least one or more other races or American Indian or Alaska Native tribal groupings.

What proportion of American Indians and Alaska Natives reported more than one tribal grouping?

The proportion of respondents reporting a tribe with at least one other race or American Indian tribal grouping varied among the ten largest American Indian tribal groupings (see Table 5). Of all the respondents who reported more than one race or American Indian tribal grouping, the Blackfeet tribal grouping had the highest proportion, with 68 percent. The next two tribal groupings with the highest proportion of respondents reporting at least one other race or American Indian tribal grouping were Cherokee (62 percent) and Choctaw (45 percent). Of the ten largest American Indian tribal groupings, the Navajo had the lowest proportion (9.7 percent) reporting more than one race or American Indian tribal grouping, followed by Pueblo (19.6 percent).

Among the largest Alaska Native tribal groupings, the highest proportion of all respondents who reported more than one race or American Indian or Alaska Native tribal groupings was the Tlingit-Haida with 34 percent. The other tribal groupings with respondents reporting at least one other race or American Indian or Alaska Native tribal grouping were Aleut (30 percent) and Alaska Athabascan (23 percent). The Eskimo had the lowest proportion of respondents (16 percent) reporting more than one race or American Indian tribal grouping.

ABOUT CENSUS 2000

Why did Census 2000 ask the question on race?

The Census Bureau collects data on race to fulfill a variety of legislative and program requirements. Data on race are used in the legislative redistricting process carried out by the states and in monitoring local jurisdictions' compliance with the Voting Rights Act. These data are also essential for evaluating federal programs that promote equal access to employment, education, and housing and for assessing racial disparities in health and exposure to environmental risks. More broadly, data on race are critical for research that underlies many policy decisions at all levels of government.

How do data from the question on race benefit me, my family, and my community?

All levels of government need information on race to implement and evaluate programs or enforce laws. Examples include: the Native American Programs Act, the Equal Employment Opportunity Act, the Civil Rights Act, the Voting Rights Act, the Public Health Act, the Healthcare Improvement Act, the Job Partnership Training Act, the Equal Credit Opportunity Act, the Fair Housing Act, and the Census Redistricting Data Program.

Both public and private organizations use race information to find areas where groups may need special services and to plan and implement education, housing, health, and other programs that address these needs. For example, a school system might use this information to design cultural activities that reflect the diversity in their community. Or a business could use it to select the mix of merchandise it will sell in a new store. Census information also helps identify areas where residents might need services of particular importance to certain racial or ethnic groups, such as screening for hypertension or diabetes.

Table 4.
Specified Tribe Reported by American Indians and Alaska Natives: 2000

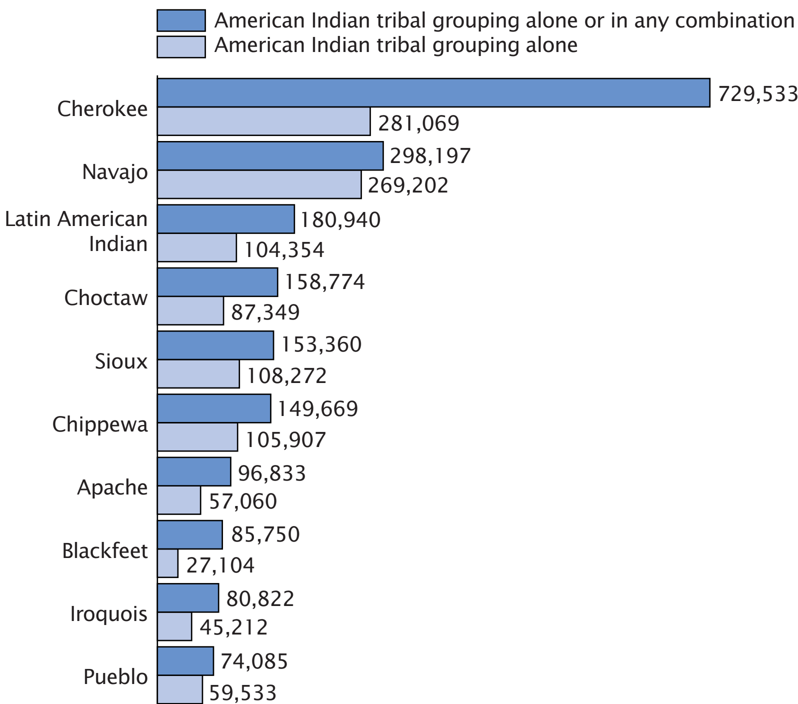
(For information on confidentiality protection, nonsampling error, and definitions, see *www.census.gov/prod/cen2000/doc/sf1.pdf*)

Whether or not tribe specified	American Indian and Alaska Native: Total		Alone		In combination	
	Number	Percent	Number	Percent	Number	Percent
Total	**4,119,301**	**100.0**	**2,475,956**	**100.0**	**1,643,345**	**100.0**
Tribe specified	3,062,844	74.4	1,963,996	79.3	1,098,848	66.9
Tribe not specified	1,056,457	25.6	511,960	20.7	544,497	33.1

Source: U.S. Census Bureau, Census 2000 Summary File 1.

Figure 5.
Ten Largest American Indian Tribal Groupings: 2000

(For information on confidentiality protection, nonsampling error, and definitions, see *www.census.gov/prod/cen2000/doc/sf1.pdf*)



Source: U.S. Census Bureau, Census 2000 Summary File 1.

FOR MORE INFORMATION

For more information on race in the United States, visit the U.S. Census Bureau's Internet site at *www.census.gov/population/www/socdemo/race.html.*

Table 5.
American Indian and Alaska Native Population by Selected Tribal Grouping: 2000

(For information on confidentiality protection, nonsampling error, and definitions, see *www.census.gov/prod/cen2000/doc/sf1.pdf)*

Tribal grouping	American and Alaska Native alone		American Indian and Alaska Native in combination with one or more races		American Indian and Alaska Native tribal grouping alone or in any combination[1]
	One tribal grouping reported	More than one tribal grouping reported[1]	One tribal grouping reported	More than one tribal grouping reported[1]	
Total	**2,423,531**	**52,425**	**1,585,396**	**57,949**	**4,119,301**
Apache	57,060	7,917	24,947	6,909	96,833
Blackfeet	27,104	4,358	41,389	12,899	85,750
Cherokee	281,069	18,793	390,902	38,769	729,533
Cheyenne	11,191	1,365	4,655	993	18,204
Chickasaw	20,887	3,014	12,025	2,425	38,351
Chippewa	105,907	2,730	38,635	2,397	149,669
Choctaw	87,349	9,552	50,123	11,750	158,774
Colville	7,833	193	1,308	59	9,393
Comanche	10,120	1,568	6,120	1,568	19,376
Cree	2,488	724	3,577	945	7,734
Creek	40,223	5,495	21,652	3,940	71,310
Crow	9,117	574	2,812	891	13,394
Delaware	8,304	602	6,866	569	16,341
Houma	6,798	79	1,794	42	8,713
Iroquois	45,212	2,318	29,763	3,529	80,822
Kiowa	8,559	1,130	2,119	434	12,242
Latin American Indian	104,354	1,850	73,042	1,694	180,940
Lumbee	51,913	642	4,934	379	57,868
Menominee	7,883	258	1,551	148	9,840
Navajo	269,202	6,789	19,491	2,715	298,197
Osage	7,658	1,354	5,491	1,394	15,897
Ottawa	6,432	623	3,174	448	10,677
Paiute	9,705	1,163	2,315	349	13,532
Pima	8,519	999	1,741	234	11,493
Potawatomi	15,817	592	8,602	584	25,595
Pueblo	59,533	3,527	9,943	1,082	74,085
Puget Sound Salish	11,034	226	3,212	159	14,631
Seminole	12,431	2,982	9,505	2,513	27,431
Shoshone	7,739	714	3,039	534	12,026
Sioux	108,272	4,794	35,179	5,115	153,360
Tohono O'odham	17,466	714	1,748	159	20,087
Ute	7,309	715	1,944	417	10,385
Yakama	8,481	561	1,619	190	10,851
Yaqui	15,224	1,245	5,184	759	22,412
Yuman	7,295	526	1,051	104	8,976
Other specified American Indian tribes	240,521	9,468	100,346	7,323	357,658
American Indian tribe, not specified[2]	109,644	57	86,173	28	195,902
Alaska Athabascan	14,520	815	3,218	285	18,838
Aleut	11,941	832	3,850	355	16,978
Eskimo	45,919	1,418	6,919	505	54,761
Tlingit-Haida	14,825	1,059	6,047	434	22,365
Other specified Alaska Native tribes	2,552	435	841	145	3,973
Alaska Native tribe, not specified[2]	6,161	370	2,053	118	8,702
American Indian or Alaska Native tribes, not specified[3]	511,960	(X)	544,497	(X)	1,056,457

X Not applicable.

[1]The numbers by American Indian and Alaska Native tribal grouping do not add to the total population. This is because the American Indian and Alaska Native tribal groupings are tallies of the number of American Indian and Alaska Native **responses** rather than the number of American Indian and Alaska Native **respondents.** Respondents reporting several American Indian and Alaska Native tribes are counted several times. For example, a respondent reporting "Apache and Blackfeet" would be included in the Apache as well as Blackfeet numbers.

[2]Includes respondents who checked the "American Indian or Alaska Native" response category on the census questionnaire or wrote in a tribe not specified in the American Indian and Alaska Native Tribal Detailed Classification List for Census 2000.

[3]Includes respondents who checked the "American Indian or Alaska Native" response category on the census questionnaire or wrote in the generic term "American Indian" or "Alaska Native," or tribal entries not elsewhere classified.

Source: U.S. Census Bureau, Census 2000, special tabulations.

Race data from Census 2000 Summary File 1 were released on a state-by-state basis during the summer of 2001, including data for selected American and Alaska Native tribal groupings.

The Census 2000 Summary File 1 data are available on the Internet via *factfinder.census.gov* and for purchase on CD-ROM and on DVD.

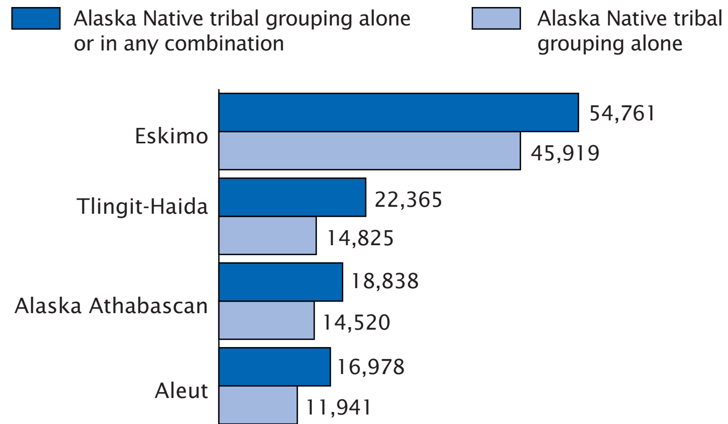
For information on confidentiality protection, nonsampling error, and definitions, also see *www.census.gov/prod/cen2000/doc/sf1.pdf* or contact our Customer Services Center at 301-763-INFO (4636).

For more information on specific races in the United States, go to *www.census.gov* and click on "Minority Links." This Web page includes information about Census 2000 and provides links to reports based on past censuses and surveys focusing on the social and economic characteristics of the Black or African American, American Indian and Alaska Native, Asian, and Native Hawaiian and Other Pacific Islander populations.

Figure 6.

Largest Alaska Native Tribal Groupings: 2000

(For information on confidentiality protection, nonsampling error, and definitions, see *www.census.gov/prod/cen2000/doc/sf1.pdf*)



Source: U.S. Census Bureau, Census 2000 Summary File 1.

Information on other population and housing topics is presented in the Census 2000 Brief series, located on the U.S. Census Bureau's Web site at *www.census.gov/population/www/cen2000/briefs.html*. This series presents information on race, Hispanic origin, age, sex, household type, housing tenure, and other social, economic, and housing characteristics.

For more information about Census 2000, including data products, call our Customer Services Center at 301-763-INFO (4636), or e-mail *webmaster@census.gov.*

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