Vol. 1, Issue 13 October 9, 2013

## **Indian Country** THIS WEEK FROM TODAY THE PREMIER E-NEWSLETTER SERVING THE NATIONS, CELEBRATING THE PEOPLE

### A Letter from the Publisher



*Shekóli*. On Monday, October 7, the Oneida Indian Nation hosted a symposium in Washington, D.C. to address the continued use of a derogatory term as the name for the Washington football team. We held it in conjunction with the NFL Fall Meeting with the goal of beginning a formal conversation with

the league about changing the Washington team's name and had invited NFL officials to attend the conference. Although no NFL representatives were in attendance, we were graced with a substantial media presence, thanks to comments made by President Barack Obama the weekend prior. We were so gratified that the President expressed a view that if he were the owner of the Washington professional football team he would consider changing the name out of respect for the people it offends. As the first sitting President to speak out against the Washington team name, President Obama offered historic comments over the weekend. The President's comments added momentum to our collective efforts to get the NFL to urge Daniel Snyder to change the Washington team's name.

As readers of this publication know, the Oneida Indian Nation launched our "Change the Mascot" campaign about a month ago. In radio ads throughout the country, we are asking the NFL to stop using a racial slur as the name of Washington's football team. As a proud sponsor of the NFL, the Oneida Nation has a vested interest in the league's being a unifying force in communities throughout America. That means finally changing a name that is an outdated sign of division and hate. This campaign was prompted by both the history of the team's name and by students near our homeland (two of whom attended our event) who courageously voted to stop using the same name for the sports teams at Cooperstown Central School District.

In light of NFL Commissioner Roger Goodell's call for the league to listen to critics of the name, we gathered esteemed leaders from the U.S. Congress, the Smithsonian Institute, the public health community, and the public education community to talk about the name. These leaders, including Congresswomen Eleanor Holmes Norton (Washington, D.C.) and Betty McCollum (Minnesota) represented not just the diversity of America and a rich diversity of experience—they also represented the diversity of objections to the use of racial slurs as marketing devices for sports teams. Also in attendance were NCAI Executive Director Jacqueline Pata and USET President Brian Patterson.

Washington's team name is a painful epithet that was used against our people when we were held at gunpoint and thrown off of our lands. It is a word that few would ever use in casual conversation when talking to a Native American. When marketed by a professional sports team, it is a word that tells Native American children they are to be denigrated. One of the major points we made to the press was that if young people at a high school in Central New York understood why sports teams shouldn't be using racial slurs, then so too can the National Football League.

There was a time when I held jobs as an ironworker in Washington, D.C. Washington was my favorite team. But I evolved in my thinking when I became a parent, and contemplated the negative effects this stereotype could have on my children. How could I explain such a name and image? Now, as panelist Dr. Michael Friedman explained, there are reams of scientific evidence that point to the dangers such things cause. For a people who suffer the highest suicide rates in the country, it is important for us to ensure the self-esteem of future generations and not subject our children to having to learn to accommodate mascots and racist imagery.

As an Indian Nation that values the ideals of mutual respect, we only had one simple objective: We no longer want to be treated as targets of racial slurs. And we are only continuing in the tradition and standing on the shoulders of strong leaders who paved the way for us, and as we intend to for our children. I was pleased to point out one of my heroes, Suzan Shown Harjo, among the many Native leaders who lent their support by attending the conference. For many years Harjo had worked ceaselessly to challenge the Washington team, and helped bring us to where we are today.

I am also happy to share the news that the NFL has accepted our request for a meeting. In the coming weeks, we hope to meet with NFL representatives, face-to-face, and explain to them why this mascot must be changed.

We are not going to let this issue go away.

NAKiun,

Kay Hallow

Ray Halbritter



2	COMMENTARY	
3	NEWS	

- 6 TAKING STOCK OF IGRA
- 9 BREWER HOLDS FORTH
- 10 WEEK IN PHOTOS
- 11 SENATORS BACK TRIBES ON CONTACTS SUPPORT COSTS
- 12 TRADEWINDS CLASSIFIEDS
  13 WEB, EVENTS, LETTERS
  14 CARTOON, NEWS ALERTS
  15 UPCOMING POW WOWS
  16 THE BIG PICTURE

### How Tribal Nations Need To Be Understood

In a world where "nations," "states" and "nation-states" make for political confusion and conflicting rights, **Dina Gilio-Whitaker**, a research associate at the Center for World Indigenous Studies, suggests how indigenous peoples might ensure their needs are met:

One significant trend in today's international system is in how nations are able to mediate their often very contentious relationships with states, thanks to the ever-increasing demands for democracy and human rights. States are being held accountable by nations who are reclaiming their autonomy, and as a result we are seeing new formulations of nations

### Rethinking Native Education For Real

Jerad Koepp and Jason Medina, both certified teachers in Washington State, propose an alternative approach to education for Native children:

Rather than continually funding failing schools and districts, we must embrace alternatives. Our students thrive in project-based learning environments, where what they learn can be tied to immediate practical application. Student success and achievement should be based on progress rather than failure to meet state standardized test scores. Tribes must exercise their sovereignty in education.

For many Natives, education is about

### Disenrollment is Bad for the Bottom Line

The current attempt of the Nooksack tribal government to purge 306 members from its rolls is a bad idea for very practical reasons, says **Jared Miller**, an attorney practicing tribal and federal Indian law:

Let's be clear: Disenrollment is a business issue. Ugly battles like the one at Nooksack have potential to deeply affect tribes' bottom lines. That's partly because non-Indians may view such controversies as indicators of greed and corruption. Investors may also conclude that partnering with a tribal government engaged in abandoning its own citizens is not worth the risk to investment. And non-Indians as international political entities that exceed domestic laws. These are supported by the international system via human rights instruments like the U.N. Declaration on the Rights of Indigenous Peoples.

For tribal nation governments this means the emergence of new kinds of arrangements with the U.S. federal government. It increases self-determination and how nations exercise it at every level, from within their communities to their engagement with the United Nations and even in diplomatic relations with states as a process of their political development. We can call this process the practice of "nation-craft" (as opposed to "state-craft"). It was evident this year at the Twelfth Session of the Permanent

survival and not the delayed achievement of future goals. Native students also learn with all of their senses and the spiritual, physical, and emotional sides must be educated as much as the mental. What works for Native students works for all students, but only tribes have the ability to adapt and fund progressive, student-centered education that works. Tribal schools are a great start but often fail to provide the intended opportunities to students because they are too often facsimiles of the culturally illiterate public schools.

Imagine a tribal school built upon truly transformative education. Imagine an integrated curriculum taught by culturally literate, highly skilled teachers and admin-

viewing disenrollment through the lens of old stereotypes may extrapolate those notions to tribes generally. It shouldn't happen, but it does.

There is a price attached to everything. Tribes mulling disenrollment need to focus on the cost to business. They must consider that disenrollment can spook investors, and the negative financial impacts can be long term, widespread and devastating. (Just Google "Nooksack disenrollment" to see what potential business partners will read when they research the Nooksack Tribe.) Native American leaders should pause to understand that a tribe going to war with itself drives down the stock price of all of Indian country. Forum on Indigenous Issues in May with the statement of 72 Indian nations.

Indians have been taking their concerns to the international arena since at least the 1920s, so Native peoples working within the United Nations is nothing new. What is new is the engagement of tribal governments, because up until now it has been primarily through the participation of civil society groups, not governments. It will be necessary and appropriate for Native peoples to continue to work for indigenous rights in the realm of civil society, but it is at the level of tribal government where the advancement of nationhood and political status for indigenous nations will occur. http:// bit.ly/173jOUd 🐗

istrators. Imagine a school built around not only college, but also career and technical education with ties to relevant tribal enterprises and departments.

Whether for college or career we must educate our children to be leaders in our communities. Imagine a Native student who loves science and excels in a class that works with tribal fish and wildlife. Here, education meets immediate application and a career. There is no need to "teach to the test" because effective, culturally relevant teaching is the bedrock of this system.

For 150 years, we have sent our students, by choice or by force, to public schools in good faith with no return. It is time we take our children back. http://bit.ly/19Qp6Ey #

In addition to financial interests, there is a real risk that Congress or the Supreme Court might one day make new law in the area of tribal citizenship. We just saw the Court diminish Indian child welfare law and tribal cultural identity in the "Baby Veronica" case. Now imagine how the Roberts Court might undermine tribal citizenship if given the chance.

For these reasons, tribal governments and tribal officials should employ the forces of regional and national intertribal politics to pressure officials pursuing disenrollment. It is time to pick up the phone, or the pen, or write an email. Get creative. Too much is at stake to remain silent. http://bit.ly/1blJfV8 #

### Cherokees Observe Two Decades of Gaming

#### BY BRIAN DAFFRON

What debuted in 1993 as a nearly 41,000-square-foot bingo hall in Catoosa, Oklahoma, staffed by 80 people, has grown to become a 1.3 million-square-foot resort run by 1,534, plus 182 corporate employees.

Twenty years after its debut, gaming within the Cherokee Nation has grown substantially from the Cherokee Bingo Outpost to today's Hard Rock Hotel & Casino Tulsa, featuring 454 rooms, 98 suites, an 18,000-square-foot convention space and several restaurants dispersed from the ground level to the 18th floor.

The Cherokee Nation phased out its bingo operation in 2004, changing its name to the Cherokee Casino Resort, featuring a seven-story tower and the nearby Cherokee Hills Golf Club. Shortly after the 2004 opening, the first table games under Oklahoma's gaming compact with the tribes found their way to the floor, featuring non-house banked card games such as blackjack. The evolution of the location culminated in its current form as the Hard Rock Hotel & Casino in August 2009. Current gaming offerings include a poker room with 12 poker tables, 33 gaming tables on the casino floor, and over 2,300 electronic games.

"As a Tribal Council member for 12 years and now as Chief, I have witnessed firsthand the evolution of this property and what it means to our people and this region of Oklahoma," said Cherokee Nation Principal Chief Bill John Baker. "The Hard Rock Hotel & Casino is the flagship business enterprise for the Cherokee Nation and is a microcosm of our overall businesses growth over the last 20 years." *http://bit.ly/19cDACo* 

### D.C. Fans Support Changing 'Redskins' Name

Sixty-three percent of Washington, D.C. residents would approve if TV broadcasters stopped using the name "Redskins" in referring to their local NFL franchise, according to a survey initiated by the Let's Change the Name campaign. The survey, conducted through the public polling company Survey Monkey, was distributed randomly to a pool of 100 Washingtonians from all ages groups, races and education levels.

The respondents were asked nine questions. Three of them related specifically to team owner Dan Snyder, who has resolved not to change the name. The questions were: 1) "If you were told the name of the Washington football team is insulting to a specific racial or ethnic group, would you encourage the owner to change it?; 2) "If the owner of the team, changed its name, would you be as likely to purchase memorabilia bearing the team name or colors?"; and 3) "If the owner of the team changed its name, would you still watch as many of the games?"

Forty-five percent of respondents answered "Yes" to the first question. In response to the second, 61 percent said they would still buy memorabilia with the team's new name. And 84 percent said they would still watch as many games as they currently do if Snyder changed the team's name.

The survey also asked about new names for the teams. Among the preferred alternative choices were the "Washington Senators" and the "Skins." *http://bit. ly/1eUMyq4* 

### Escalante, Former Tohono O'odham Chairman, Walks On

Jacob A. Escalante, who served as Chairman of the Tohono O'odham Nation from 1974-1975, died on September 24 at the age of 86.

Escalante's tenure as chairman capped off a long career in tribal government; he had previously served as Chairman of the Sells District and as a member of the Tohono O'odham Legislative Council. His tribal chairmanship came at a challenging time in the Nation's history: In 1974, many outlying villages on the Nation lacked reliable electrical power sources; some had no power at all. At the same time, the mining industry was growing on the Nation and had significant electrical power needs. Escalante and the Nation's leadership responding by providing key grant funding that helped the Papago Utility Authority establish its physical infrastructure. Now known as the Tohono O'odham Utility Authority, today it provides critical electrical power throughout the Nation.

It was also during Escalante's tenure that the Nation started a program with the U.S. Bureau of Land Management to invalidate unpatented mining claims on the Reservation if the claim holders could not prove a valid mineral discovery. There were more than 400 unpatented claims on the reservation at the time; the number today has been reduced to eight.

Born near Yuma, Arizona and raised in Sells, Escalante moved to Phoenix, where he worked a day job while taking night classes at the All Tribes Bible School. After graduating, he went on to become an ordained mister, pastoring in the Winterhaven, California and Yuma, Arizona area before returning to the Nation to continue his ministering. He is survived by seven children, 19 grandchildren and 25 great-grandchildren. http://bit. lv/1fXtExR

# THE INCONVENIENT



The Inconvenient Indian: A Curious Account of Native People in North America | Thomas King

A brilliantly-subversive and darkly humorous history of Indian-White relations in North America since first contact.

\$24.95 | hardcover | 272 pages



Survival Schools: The American Indian **Movement and Community Education in** the Twin Cities | Julie L. Davis

The first history of two alternative schools founded by AIM in the Twin Cities in 1972—and their role in revitalizing Native culture and community.

\$22.95 | paperback | 328 pages



### THOMAS KING

# INDIAN

One Good Story, That One: Stories **Thomas King** 

A collection of humorous and provocative short stories ranging from Native traditions to pop culture and trickster tales.

\$16.95 | paperback | 160 pages



A SHORT HISTORY OF INDIANS IN CANADA

\$16.95 | paperback | 232 pages

THOMAS KING

### NEW FROM THE FIRST PEOPLES SERIES

classic wry, irreverent, and allegorical voice.



The Seeds We Planted: Portraits of a Native Hawaiian Charter School | Noelani Goodyear-Ka'opua

Reveals the paradoxes of teaching indigenous knowledge within institutions built to marginalize and displace it.

\$25.00 | paperback | 344 pages

I.		1
-	Mark my Words	
		-
I.	Nalive Women Mapping our Nations	1
A. S.	Contration of the second	
1	Mishuana Goeman	i
L		1

#### Mark My Words: Native Women Mapping Our Nations | Mishuana Goeman

Examining the role of twentieth-century Native women's literature in remapping settler geographies.

\$25.00 | paperback | 256 pages

### University of Minnesota Press

. www.upress.umn.edu



Available at better bookstores or to order call 800-621-2736

## Not a Subscriber?

### Get your own

This Week From Indian Country Today eNewsletter!





### Let's Partner. Let's Create.

We're proud to support the American Indian business community.

Register today: www.comcast.com/supplierdiversity www.nbcunisuppliers.com

COMCAST NBCUNIVERSAL



### A Run on Wolf Hunting Licenses in Michigan

It took 50 years to get Michigan's gray wolf population up to 658, and only 30 minutes to sell three-quarters of the available licenses—900 out of 1,200—when they went on sale on September 28. State residents paid \$100 per license, while nonresidents' price was \$500.

State wildlife officials said the hunt is necessary because of wolves' predation on livestock, while conservation groups such as Keep Michigan Wolves Protected called it glorified trophy hunting.

The limited hunt of 43 wolves, the state's first ever, is relegated to three designated areas in the Upper Peninsula. Hunters must report their wolf kills daily and consult state figures before heading out in the morning to make sure the area they plan to hunt in has not reached its quota, state officials said. They also said the hunt will not hurt the animals' overall population.

"The odds of us having an impact on the wolf population in the Upper Peninsula as a whole is close to zero," said Tim Payne, the Department of Natural Resource's Southeast Regional Wildlife Supervisor, to the Detroit Free Press.

But one wolf is too many, says Keep Michigan Wolves Protected on its site, which is endorsed by Sault Ste. Marie Tribe of Chippewa Indians Chairman Aaron Payment, among many others. "It's not right to spend decades bringing the wolf back from the brink of extinction only to turn around and allow them to be hunted and trapped for trophies," the group says. http://bit. ly/1eX6Xe5 #

### Foxwoods Breaks Ground on \$115 Million Tanger Outlet Mall

### BY GALE COUREY TOENSING

The Mashantucket Pequot Tribal Nation has broken ground on a new \$115 million factory outlet mall at Foxwoods Resort Casino. The project is expected to create hundreds of jobs, pour millions of dollars of tax revenues into the State of Connecticut's coffers and attract customers to the tribe's gaming facilities as more casino competition is about to heat up in the region.

An official groundbreaking ceremony for Tanger Outlets at Foxwoods took place September 26 and featured drummers, dancers, speeches from dignitaries, and a fashion show under a chandelierlit tent in front of an audience of more than 300 people. Later, the crowd moved outside for a smudging ceremony before officials put shovels in the ground while a shower of confetti shot from a cannon.

The new mall will be located between Foxwoods Resort Casino's Grand Pequot Tower and the MGM Grand at Foxwoods. It will encompass 300,000 square feet and feature more than 80 leading brand name upscale fashion outlet discount stores including American Eagle Outfitters, Ann Taylor, Banana Republic, Calvin Klein, Coach, Fossil, Gap, LOFT, Michael Kors, Nike, Skechers, Steve Madden, Tommy Hilfiger and more.

The project is expected to create an estimated 400 jobs during construction and approximately 900 full and parttime retail jobs upon completion. Once complete, probably by the end of 2014, the center is estimated to generate \$10.4 million in annual sales tax.

### Red Cliff Chippewa Band Resumes Dredging of Ammunition From Lake Superior

The Red Cliff Band of Lake Superior Chippewa is having another go at munitions barrels dumped into their waters by the Army Corps of Engineers during the Cold War. Nearly 1,500 55-gallon drums were interred beneath the lake on orders of the Defense Department from 1959 to 1962. In 2012, the band received \$3.3 million in federal funds to pull up 70 of them, but stopped at 25 after they found 22 of the containers to be packed with live ammunition. The band's contractors wrapped the barrels securely and promptly returned them to the depths.

Now, proper permits in hand, the Red Cliff Band has been pulling up the barrels again and will send them to Michigan to be incinerated. The U.S. Coast Guard confirmed that crews have once again started the removal process from the site, which is on Lake Superior near the McQuade Safe Harbor, according to Roundhouse Talk.

Explosive dangers aside, experts said the munitions are not a threat to human life, since no traces of toxins that could contaminate nearby food or water supplies were found. The barrel removal is more about protecting ceded territory and keeping it safe for people and animals using the lake, be it wildlife or humans. "We feel dedicated to do that," said tribal Chairwoman Rose Gurnoe-Soulier. "Dedicated to the cause of things in those barrels, seeing if it's harmful to our lake, to the environment, to the wildlife, to our eagles and just to people who recreate on the lake, if they ingest water."

The band is using a \$3.3 million grant from the Department of Defense under the Native American Lands Environmental Mitigation program, which aims to address the effects of past military operations on Indian lands. http://bit.ly/16hlahs

### First Order for New Business

### NativeVet will supply Navajos and feds

One day from its five-month anniversary, the Nativeowned business NativeVet Materiel, LLC received its first order, totaling almost a quarter-million dollars, from the Navajo Housing Authority. NativeVet will provide the Authority with approximately 200 wood stoves used for heating homes under the Housing Authority's care. Additionally, the Indian Health Service issued Keres three blanket purchase agreements with Red Lake Hospital and Cass Lake Hospital in Minnesota for medical supplies, and Gallup, New Mexicoarea clinics for alcohol-free hand sanitizer. "This is a story of entrepreneurship, of hard work and dedication," said NativeVet president Tim Chavez. "Revenues didn't just appear. We pounded the pavement for five months to get to this point." *http://bit*. ly/19nlcqv 🐗

### Damage of Colorado Floods is Assessed

### Drinking water and crude oil are issues

Flooding from September rains in Colorado wreaked considerable havoc, authorities say. "Changes to stream courses, erosion of stream banks, and loss of vegetation and soil in certain areas will leave the riparian landscapes significantly changed," said Todd Hartman, spokesman for Colorado's Department of Natural Resources. Tainted drinking water, homes damaged or destroyed, mold, and rutted or impassable roads are more immediate

problems. So are spills in the oil fields in the northeastern part of the state, which toppled hundreds of oil and gas wells and storage tanks. "The primary pollutant of concern associated with oil and gas locations is crude oil, which is stored in tanks on site," said the Colorado Oil and Gas Conservation Commission, noting that about 37,380 gallons have spilled in significant releases. http:// bit.ly/1fMd46D

### Sisters in Spirit Remembers the Missing

### Vigils and ceremonies held across Canada

Thousands of observers gathered across Canada on October 4 to honor legions of indigenous women whose murders or disappearances have gone unsolved. The annual Sisters in Spirit day of remembrance was marked by more than 200 vigils, ranging from moments of silence to daylong ceremonies and community-building sessions that were held across the land and beyond. Participants called, once again, for a national inquiry into the 600 unsolved cases of missing or murdered indigenous women that have been logged over the past several years. http:// bit.ly/1hqyL7w 🐗

### Two Resorts Win Top Honors

### Kudos for Talking Stick and Agua Caliente

The Talking Stick Resort and the Agua Caliente Resort were recently ranked in the top ten percent worldwide for traveler feedback. Based on guest responses, the resorts won the 2013 TripAdvisor Certificate of Excellence in which the property must successfully maintain an overall rating of four or higher across the board. Talking Stick Resort is owned and operated by the Salt River Pima-Maricopa Indian Community and the Agua Caliente Casino Resort is owned by the 400-member Agua Caliente Band of Cahuilla Indians. http://bit. ly/18G4L4G

### Santa Clara Pueblo Is Disaster Area

Familiar situation for besieged locale

Santa Clara Pueblo has been declared a disaster area eligible for federal aid following devastating storms and flooding in July, the Federal Emergency Management Agency (FEMA) announced on September 27. Federal funding is also being made available for the tribe and some nonprofit private organizations helping in recovery, FEMA said. In addition, Federal Coordinating Officer for the recovery operation Nancy M. Casper could make additional designations as damage assessments progress. The Santa Clara Pueblo has been flood-prone since it was devastated in the Las Conchas fire in 2011. In 2012 floods also swept through the tribe's lands, causing enough damage to require a FEMA designation. http://bit.ly/1bjHrM6

### Cleveland Fans Paint Their Faces Red

### Racist display shocks sportscasters and fans

Three fans of the Cleveland Indians painted their faces and necks red to imitate the team's mascot, Chief Wahoo and wore feathered headdresses for the team's wild-card playoff game on October 2. Their display, capture on the air by TBS, set off a firestorm of reaction; Craig Calcaterra of NBC-Sports.com called it an "odious scene" and Ted Berg of USA Today declared, "It's not good." Twitter was aflutter with the news; Brandon Lott wrote, "Indians fans dress up in red face for Wild Card game exactly why I stopped supporting my home team." MLB Memes posted an image that said, "That Awkward Moment When You Are Racist on National Television." And Rusty Ryan wrote, "Who's the idiot that thought this was a good idea?" http:// bit.ly/19obPRm 🐗

### Pot Farm Damages Archaeological Site

### Possible harm to spawning grounds also

A sheriff's raid on a marijuana farm in the Burr Valley area of Bridgeville, California on October 1 found more than just \$525,000 worth of pot. It turned out that in diverting a stream to provide more water for their plants, the growers had caused damage to what authorities are calling "a prehistorical Native American" archaeological site and had potentially caused sediment to flow downstream into Burr Creek, where it could affect salmon and steelhead spawning. The Humboldt County Sheriff's Department, which has not yet made any arrests in the case, is seeking information; tipsters are asked to call the Sheriff's Office at (707) 445-7251 or its Crime Tip Line at (707) 268-2539. http://bit.ly/18yIhUa 🐗



## **Taking stock of IGRA**

### Reflecting on a grand compromise BY GALE COUREY TOENSING

**Bottom Line:** When the Indian Gaming Regulatory Act came into being 25 years ago, no one could have foreseen its enormous economic consequences. A quarter-century later, IGRA offers a complex legacy.

In the decade before Congress passed the 1988 Indian Gaming Regulatory Act (IGRA), approximately 80 Indian tribes were engaged in some form of gaming, mostly bingo and card games, generating an estimated \$100 million to \$500 million a year in revenue. Fast forward to a recent announcement from the National Indian Gaming Commission (NIGC) that in 2012, more than 420 gaming establishments operated by nearly 240 tribes in 28 states generated gross gaming revenues of \$27.9 billion.

That is phenomenal growth, and the gaming industry will accordingly be marking the 25th anniversary of the Indian Gaming Regulatory Act on October 17. The stated purpose of IGRA, which established the Commission as a regulatory body, was "to provide statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments." The law also aimed at protecting tribes from falling prey to organized crime.

But 25 years after its establishment, is IGRA a wholly good thing?

To answer that question, it is helpful to recall the three important legal battles leading up to the act. The first was the 1976 landmark case of *Bryan v. Itasca County*, in which the Supreme Court ruled that states do not have authority to tax Indians on Indian reservations or to regulate Indian activities on reservations. By the time *Bryan* was won, Indian gaming was already taking place in almost all regions of the country, sparked by the proliferation of state lotteries—and Indian legal clout was growing along with

### $8\,$ INDIAN COUNTRY TODAY

it. In Florida, for instance, the Seminoles sued Broward County *in Seminole Tribe v. Butterworth* (1981) for threatening to shut down their bingo operation. In California, the state and Riverside County's attempt to regulate the Cabazon and Morongo Bands of Mission Indians' reservation bingo games resulted in *California v. Cabazon Band of Mission Indians* (1987).

In both cases, the courts ruled that Indian tribes could conduct whatever level of gaming was allowed within the state, free of all state control. *Cabazon* especially was an enormous victory for tribal sovereignty and self-determination. That's why it didn't stand for very long. IGRA was a way to limit the freedom of Indian nations that *Cabazon* affirmed—and states lobbied long and hard for it.

As finally enacted in law, IGRA established three classes of gaming. Class I includes all manner of traditional and ceremonial games and is under total tribal authority. Class II includes games of chance such as bingo and other games played against other players rather than against the house or a player acting as a bank. Tribes maintain authority over Class II gaming, but they have to adopt an ordinance approved by the NIGC, which has oversight of the gaming operation. Class III gaming includes all other forms of "casino style" gaming such as blackjack, roulette and slots, the most profitable of all casino games. Class III gaming requires a tribal-state compact—a legal mechanism by which federal law enables states to get a cut of tribal gaming profits.

Thus, in the end, the Act, and especially Class III, represented a grand compromise. And today, while some casino tribes have become spectacularly wealthy under IGRA, most Indian leaders agree that it imposed a jurisdictional framework of restriction that allowed federal and state encroachments on what had been unrestrained tribal jurisdiction on gaming in Indian country. Hence, IGRA's 25th anniversary is worth recognizing but not everyone thinks it is worth celebrating.

"Rather than look back at what we could have or what we should have done. I'm just like my grandma—I say we've got to look forward," Ernie Stevens Jr., chairman and national spokesman of the National Indian Gaming Association, told Indian Country Today Media Network. "But if I do look backwards, I see that the bottom line is our teachers and our elders, most of whom have gone on, didn't appreciate where that law went. It restricted our sovereignty, so there are a lot of things that we would have changed. I don't celebrate IGRA-I celebrate what the leadership did to champion that reduced sovereignty and make the best of their conditions."

'There's a small number of very successful tribes, a much larger number for whom gaming means jobs and less poverty, and many tribes don't have casinos at all.'

Eric Eberhard, Distinguished Indian Law Practitioner-in-Residence at the Law School at Seattle University and former partner in the Seattle office of Dorsey & Whitney LLP, echoed Stevens. "Most, if not all, tribes would have preferred to live with the Cabazon decision and leave things at that," he said. "However, once IGRA was enacted, tribes went to work to make it work as well as possible and have largely succeeded in doing so. The success of tribal governmental gaming is attributable to the hard work and skill the tribes have brought to bear on the implementation of IGRA, including the integrity of the gaming operations conducted at tribal facilities."

Anthony Broadman, of the legal firm Galanda Broadman, sees IGRA as a platform for Indian country to demonstrate its economic potential, rather than as a limitation. "Just look at the successes and the corollary development that gaming has spawned," he said. "But like sovereignty in general, IGRA is a muscle. It has to be flexed or it will atrophy."

The test of whether IGRA is working, suggested Katherine Spilde Contreras, chair of the Sycuan Institute on Tribal Gaming at San Diego State University, is to revisit its original purpose of

strengthening tribal governments and tribal economic development. "When Congress passed the IGRA, it was not possible to predict the profound socioeconomic and cultural changes that would occur on and near American Indian reservations in the United States due to gaming on tribal lands," Spilde said. "Tribal governments have invested gaming revenues wisely and continue to grow out of poverty while making substantial capital investments in tribal communities as well. By now, it is clear to those both in and outside of Indian country that the two major policy mandates of IGRA have been achieved."

"IGRA has been an enormous benefit for many tribes, but the benefit is not equally distributed," said Judy Shapiro, who has practiced Indian law for nearly three decades. "There's a small number of very, very successful tribes and a

much larger number for whom gaming means jobs and a lesser level of poverty, and many tribes don't have casinos at all. The problem is people see the successful tribes and think there are no more problems in Indian country.

## **Brewer Holds Forth**

### For Oglala Sioux president, an eventful tenure so far BY VINCENT SCHILLING

**Bottom Line:** In the nine months since Bryan Brewer became president of the Oglala Sioux Tribe on the Pine Ridge Reservation, he has had to contend with a welter of issues, as he discussed on a recent Native Trailblazers online radio show.

### There was a recent referendum vote on Pine Ridge to lift the alcohol ban. What are your thoughts?

The people have spoken. They have voted to have alcohol on the reservation so I respect the vote of the people

and my job now is to make sure that we do it right, and that the protocols of the law are followed. So we, the tribe are actually going to sell it. In my research, I discovered you can manufacture it, distribute it or retail it. But I figure, if we are going to do it, we are going to do it right and I am going to do all three to create jobs.

### Do you support the use of alcohol?

I am against it because alcohol has affected 100 percent of our families. I do not know one family on the reservation that has not been affected by alcohol. A number of our peo-

ple have been killed because of it and Whiteclay is a horrible place. People are dying up there.

### The current landowner of Wounded Knee, James Czywczynski, is now selling to anyone that is interested. Does this concern you?

He has been threatening to sell this land for years. This isn't the first time. He wants to sell it and it has only been valued at about \$8,000. The owner has valued this land at \$6 million, I say to him, "Then why aren't you paying taxes on land that is valued at \$6 million?"

Some people have said they want to

buy this land and return it to the tribe. This would be of great benefit. But if that happened, the owner would be the only one to benefit financially. I told him that we would gladly offer to support and bless the sale if he could find a place in his heart to give half the money to the descendants of Wounded Knee so that we could fix up the area so our own people could learn about what really happened in Wounded Knee.

This massacre used to be called a battle, so we will not accept federal money to fix up this site. The National

We do get tired of constantly hearing about Whiteclay and all of the negative things. There are so many good things that are happening here.'

> Park Service has made us offers in the past to make this a national park, but we refused to accept any federal money. No one is going to try and develop that land.

### On a national level, Pine Ridge gets a lot of bad press. Does Pine Ridge need saving?

In some instances, national exposure is really great and it can help us. But we do get tired of constantly hearing about Whiteclay and all of the negative things. There are so many good things that are happening here. The documentaries are mostly about our problems, and that is good because people do need to know about our poverty and our problems.

The federal government has never honored our treaties and because they do not honor them, they will never meet the needs of our people. It's because of this that our tribe will never be able to meet the needs of our people either.

We do get funding but with sequestration and a suit we have going against the federal government right now we only receive 50 percent of what is allo-

> cated to us. Congress says we're going to get a certain amount of money, but we only get 50 percent.

### What about Pine Ridge never gets to the press?

Our reservation is so beautiful, it takes a couple of hours to drive across and it is about the same size as the state of Connecticut. There are over 30 million acres of land and there is so much to see, it can't be done in one day.

Our culture is also really coming back. In the 1970s, we couldn't really practice our ceremonies. My parents and I couldn't speak our language

in the schools or you were punished. The federal government and Christian churches try to destroy our culture and our language. The federal boarding schools are now teaching Lakota and they're trying to bring it back after they almost destroyed it.

I want to tell the federal government it is time to allow the Lakota to teach what we think our children need to learn. The way they have been doing it is a failure. This is something that we're going to continue to fight for. Education is so important to us and right now we are losing the battle due to the high dropout rate. http://bit.ly/1fDHVlF @



The Red Cliff Band of Lake Superior Chippewa is again retrieving barrels of munitions dumped by the Army into their waters during the Cold War.

The Mashantucket Pequot Tribal Nation recently broke ground for a new \$15 million Tanger Outlet mall at Foxwoods Resort Casino.



Former Tohono O'odham Nation Chairman Jacob A. Escalante walked on September 24.



*Rep. Markwayne Mullin (R-Oklahoma), Cherokee, vowed to forgo his salary during the government shutdown.* 

## **Senators Back Tribes on Contract Support Costs**

Rare break with Obama administration BY ROB CAPRICCIOSO

**Bottom Line:** Joined by some Republicans, a group of Democratic senators is refusing to go along with a White House plan that would deprive tribes of reimbursements needed to provide critical services.

In a rare policy schism, Senate Democrats have defied pressure from the White House to include a proposal in the federal budget that would authorize the Indian Health Service and the Bureau of Indian Affairs to limit how much each tribe would be paid for contract support costs.

The policy, pushed by the White House Office of Management and Budget (OMB) since this spring and supported by Indian Health Service Director Yvette Roubideaux, would wipe out tribal legal claims and put tribes in the difficult position of being required to spend money to administer contract support programs without providing them the funding to do so, tribal leaders say. Forty-five tribes and tribal organizations sent a letter in early September to Congress, saying the proposal would "cheat" tribes out of millions of dollars they are due.

Senate Democrats are now taking a stand against the Obama administration on the matter. In a letter sent September 30 to OMB Director Sylvia Mathews Burwell, nine Democratic senators said they were against including the policy in a final budget bill this year. At the request of tribes, they also requested a meeting with President Barack Obama with tribal leaders on the matter.

The Democratic senators are Mark Begich (Alaska), Maria Cantwell (Washington), Dianne Feinstein (California), Tom Udall (New Mexico), Tim Johnson (South Dakota), Heidi Heitkamp (North Dakota), Jon Tester (Montana), Brian Schatz (Hawaii) and Amy Klobuchar (Minnesota). Republican senators Mike Crapo of Idaho and Lisa Murkowski of Alaska joined in writing the letter.

"We support ongoing efforts to reduce the annual budget deficit, and understand the difficulty of the broader policy decisions required to make necessary funding reductions," the senators wrote. "Unfortunately we do not understand, nor do we support, the Administration's proposal to cap Contract Support Costs (CSC) owed to federal recognized tribes."

Critics call the pressure 'unjust' and an attempt to 'circumvent the Supreme Court.'

The senators further wrote that the president's fiscal year 2014 budget request "unjustly demands" that Congress, through the annual appropriations process, sets caps on CSC reimbursements to tribes. They oppose that plan, noting that these payments are necessary for tribal governments contracting with the Indian Health Service and the Bureau of Indian Affairs to provide critical services to tribal citizens nationwide.

The Supreme Court, they also noted, ruled last year that the U.S. government must pay all contracts with tribes that provide necessary medical and social services to tribal citizens.

"We view this maneuver to circumvent the Supreme Court's rulings as shortsighted and ill-timed," the senators added. "Even more troubling is the fact that the proposed caps will hinder the ability of tribes and tribal consortiums to file claims for contract underpayments. The ability to file court claims is a necessary tool to ensure the federal government meets its obligations to our Nation's First People."

Senate leadership initially included the policy in its continuing resolution to fund the government on a short-term basis, but tribal leaders pushed back in early September, and both the Senate and House did not include it in their most recent continuing resolutions before the recent government shutdown.

Tribal leaders are closely observing this situation because they do not want to see a final budget that caps contract support costs. Tribes are owed approximately \$200 million in this area already, and costs continue to mount every year that the federal government does not pay its bills.

Tribal leaders say they have been urging both the OMB and IHS to change their positions favoring the caps, but the response has been lacking. In fact, OMB officials have asked tribal leaders to reconsider their opposition, said Ron Allen, chairman of the Jamestown S'Klallam Tribe.

"Often, what we get from those guys is, "Make a choice—what's your priority," Allen said. "Wait, how can they tell us that? How can they ask us to prioritize when we are underfunded in almost every category due to promises that have not been kept to Indian country for centuries."

Allen said he is hopeful the Senate Democrats remain strong against the White House. He urged tribal leaders to contact Cantwell, chair of the Senate Committee on Indian Affairs, to insist she keep up the pressure. http://bit. ly/IbvD0Oo I



### **Health Program Director**

Responsible for maintaining multidisciplinary system of outpatient and community health services under the general direction of the Tribal Council for eligible Native American

populations residing in community. Responsible for coordinating the delivery of medical, dental, behavioral health, pharmacy, lab, optometry, nutrition, outreach/ community health representatives, transportation, respite care, contract health in specialty services in an efficient, comprehensive and culturally appropriate manner. Interact with Tribal, local, state and federal agencies regarding funding, available programs, public health surveillance and emergency preparedness. Overall responsibility for all employee/contracted staff functions.

**Qualifications:** Minimum of four years of administrative experience in health care management. A Masters or Bachelors in Public Health and/or Health Care Administration may be substituted for two years of experience. Must have supervisory and managerial experience. Must have the ability to motivate, educate, work effectively with people who have a variety of educational and experience backgrounds through positive and dynamic leadership. Knowledge of governmental contracting and other funding operations. Ability to represent the Fort Mojave Tribe in negotiations of proposals and scope of work development with a variety of funding agencies.

How to apply: Send resumes to wandajenkins@fortmojave.com.

Washington Plaza Associates a 75-unit building including 5 units designed for the handicapped or disabled located at 2302 Washington Avenue, Bronx, NY 10458 is reopening its waiting list for 1 & 2 bedroom rental units to eligible families with limited income.

Qualifications will be based on Section 8 Federal guidelines.

Interested persons may obtain an application in person on **October 23, 2013** between 11 am & 3pm at Washington Plaza Manager's Office located at 2302 Washington Avenue, Bronx, NY 10458 or request an application by writing to Washington Plaza Associates Att: Waiting List 277 Northern Boulevard, Great Neck, NY 11021

If you have a disability & need assistance with the application process, please contact Carmela Siragusa at 516-487-0050.

All requests must be postmarked no longer than October 30, 2013.



### Not a Subscriber? **Get your own**

This Week From Indian Country Today **eNewsletter!** 





Visit IndianCountryTodayMediaNetwork.com/ datecatcher

### MANAGING ATTORNEY VACANCY

Closes: November 29, 2013

The <u>Colville Confederated</u> <u>Tribes</u> is recruiting for a Managing Attorney within the Office of Reservation Attorney.

- 10 years experience
- 5 years of supervisory and government experience.

To apply or to get a complete list of requirements, please go to:

http://www.colvilletribes.com/ jobs.php

## Headlines from the Web

CONNECTICUT, TRIBES COLLIDE ON FEDERAL RULE http://on.wsj.com/1hodj34

### INTEREST LAGS FOR SOUTHEAST CASINO IN MASS.

http://b.globe.com/16DwZ40

### Upcoming Events

### NATIVE AMERICAN PROFESSIONAL DEVELOPMENT CONFERENCE

OCTOBER 11-12

Designed to provide career-advancing tools, resources and professional development guidance, the conference will feature Native professionals from various university campuses, network-building opportunities, nationally renowned speakers and presenters from within and outside the University of California system. **Location:** University of California, River-

side, California

#### AMERICAN INDIGENOUS RESEARCH ASSOCIATION CONFERENCE OCTOBER 11-12

The association's first conference is expected to draw community members, college students, faculty and administrators from any and all institutions involved in research by or about Indigenous peoples.

### LETTERS TO THE EDITOR

We wish to correct ICTMN's recently published article "Passamaquoddy Leaders Question Harper's Human Rights Judgment" (September 26). The article was misleading and misconstrues the facts surrounding the Tribal Trust case recently settled by our Tribe.

At no time were our Tribal leaders pressured to settle the case by Mr. Harper or his colleagues at Kilpatrick Townsend. Our attorneys provided us with very detailed periodic reports and made us aware of the pros and cons of a potential settlement. The joint **REPORT: ONLY MINOR ECONOMIC LIFT FROM MORE GAMBLING IN FLORIDA** *http://bit.ly/GzQPkj* 

LODGE OWNER OFFERS \$25,000 TO REOPEN GRAND CANYON http://nyti.ms/173J24K

Free registration is made possible by grants from Humanities Montana and the Montana State University INBRE Foundation, in collaboration with the Salish Kootenai Department of Social Work. **Location:** Arlee-Charlo Theater, Salish Kootenai College, Pablo, Montana

#### HISTORICAL TRAUMA HEALING CONFERENCE OCTOBER 11-12

This two-day workshop and benefit conference for the Pte Oyate (Buffalo Nation) will show the effects of historical trauma resulting from a cataclysmic history of genocide on Lakota and indigenous peoples, and how healing can be integrated into families, schools, programs and communities.

**Location:** Rushmore Plaza Holiday Inn, Rapid City, South Dakota

#### NCAI ANNUAL CONVENTION & MARKETPLACE OCTOBER 13-18

The National Congress of American Indians' 70th annual convention will feature broad-based meetings and discussions of **CADDO TRIBE IN LEADERSHIP LIMBO** *http://bit.ly/1bz5830* 

JUDGE: HUALAPAI MUST DISCLOSE SKYWALK FINANCIAL RECORDS http://bit.ly/1g0mysk

priorities in education, housing, health, agriculture, and human rights; NCAI committee business, procedures and protocols; and over 75 vendors. Speakers will include U.S. Attorney General Eric Holder; Assistant Secretary for Indian Affairs Kevin Washburn; Deputy Secretary of Agriculture Krysta Harden; and National Indian Gaming Association Chairman Ernie Stevens.

**Location:** Cox Business Center, Tulsa, Oklahoma

#### NATIONAL/INTERNATIONAL NATIVE AMERICAN INDIAN ALCOHOLICS ANONYMOUS CONVENTION OCTOBER 17-20

Some of the offerings of the 23rd annual gathering, which is open to all members of Alcoholics Anonymous, are speaker meetings, a flag ceremony, talking circles, an Al-Anon brunch, a social pow wow, and 24-hour marathon meetings.

**Location:** Best Western Ramkota Hotel & Conference Center, Rapid City, South Dakota

Tribal Council felt the settlement proposal was fair, and that it did not make sense for the Tribe to continue the litigation. Therefore in March 2012, the Joint Tribal Council officially approved the settlement.

There was never any effort by Kilpatrick Townsend or our Tribal Council to hide or conceal legal fees or contingency agreements. Our contingency arrangement was established in 2007. Without a contingency arrangement, we would not have been able to proceed with the case. We are very proud that our President has nominated the first Native American to serve as U.S. Ambassador to the United Nations Human Rights Council. We are certain Mr. Harper will do an outstanding job filling this role and promoting the human rights of all people as he has done for two decades.

 Joseph Socobasin, Chief
 Clayton Sockabasin, Vice Chief
 Elizabeth Neptune, former tribal council member (2004-2012) and designated liaison to Kilpatrick Townsend

Let us know what you think. To have your letter to the editor considered for publication, please email us at editor@ictmn.com



### TOP NEWS ALERTS 🐗

From IndianCountryTodayMediaNetwork.com

#### HUMANS BLAMED FOR CLIMATE CHANGE

The recently released report of the U.N. Intergovernmental Panel on Climate Change declares categorically that humans are responsible for global warming, extreme weather and related phenomena. "Human influence has been detected in warming of the atmosphere and the ocean, in changes in the global water cycle, in reductions in snow and ice, in global mean sea level rise, and in changes in some climate extremes," states the report, "Climate Change 2013: The Physical Science Basis."

#### OPPOSING CASINOS IN CALIFORNIA

Petitioners have turned in 800,000 signatures to California officials in support of a referendum that would put a stop to Indian casinos built outside traditional lands. The initiative is mainly directed against a proposal by the North Fork Rancheria of Mono Indians for a 305-acre resort and casino 36 miles west of its rancheria. But tribal spokesman Charles Altekruse told the Fresno Bee that the site is indeed traditional land and that state and federal officials support the proposal.

#### ONLINE LENDING CLAIM IS DISMISSED

Two tribes that tried to stop New York State from cracking down on their online lending businesses have had their request denied by a federal judge. On September 30, Judge Richard Sullivan of Federal District Court in Manhattan dismissed claims by the Otoe Missouria Tribe of Oklahoma and the Lac Vieu Desert Band of Michigan that Benjamin Lawsky, superintendent of the Department of Financial Services, overstepped his jurisdictional bounds. "This is an exercise in arrogance," the tribes' lawyer, David Bernick, said, "and people are suffering as a result."

#### TRAINING FOR THE MARATHON—AGAIN

Last year Jeffrey Turning Heart Jr. of Washburn, North Dakota, Cheyenne River Sioux Tribe, was set to run with teammates in the New York City Marathon. But when the race was called off following Super-storm Sandy, Turning Heart and his group, the Lakota 5, helped clear rubble in Staten Island. Now Turning Heart is back training for the 2013 marathon in November and hoping to inspire Lakota youth. "My heart keeps me running," he said.

#### CODE TALKER WALKS ON

Former Marine Nelson Draper Sr., one of the legendary Navajo Code Talkers of the Second World War, died on September 22 at the age of 96. "We have lost another modern day hero whose deeds have brought great pride to the Navajo Nation because the Code Talkers used our language to help win World War II," said Navajo Nation President Ben Shelly. Draper received a Congressional Silver Medal for his services in 2001; in his honor, Navajo Nation flags flew at half-staff from September 26 through September 30.

### UPCOMING POW WOWS

### San Manuel Pow Wow

October 11 - October 13, California State University, San Bernardino, California Contact: 909-864-8933 powwowsanmanuel@gmail.com SanManuel-NSN.gov

### **Bois Forte Miigwech Manomin**

October 11 - October 13, Nett Lake School Gymnasium, Nett Lake, Minnesota Contact: Donald L. Chosa Jr. 218-757-3261 dchosjar@boisforte-nsn.gov BoisForte.com

### Seventh Annual Trail of Tears Memorial Walk

October 12 - October 13, 3011 Port Royal Roud, Adams, Tennessee Contact: Doug Kirby 931-801-1415 rotebard@yaho.com NativeCulturalCircle.Webs.Com

### Nineth Annual Native American Gathering

October 12 - October 13, Wolf Creek Habitat, Brookville, Indiana Contact: Kathy 513-312-9143 wolfcreekhabitat@msn.com WolfCreekHabitat.org

### **Rappahannock Pow Wow**

October 12, 5036 Indian Neck Road, Indian Neck, Virginia Contact: 804-769-0260 rappahannocktrib@aol.com RappahannockTribe.org

### **Cox Osceola Fall Pow Wow**

October 17 - October 20, Cox Osceola Indian Reservation, Orange Springs, Florida Contact: 352-658-1739 *rez@coxosceola.com* 

### Second Annual Native American Heritage Festival

October 18 - October 20, Moncks Corner, South Carolina Contact: 843-899-2576 nacaesc@hotmail.com Nacaesc.Webs.com

### **Alligator Warrior Festival**

October 18 - October 20, O'Leno State Park, High Springs, Florida Contact: 352-804-8846 *pg.rowley@yahoo.com AlligatorFest.org* 

### 32nd NAIA Annual Pow Wow and Fall Festival

October 18 - October 20, Long Hunter State Park, Nashville, Tennessee Contact: 615-232-9179 *leah.caudle@tn.gov TNVacation.com* 

### Second Annual UNACC Harvest Pow Wow

October 19, UNACC, Devens, Massachusetts Contact: 978-772-1306 Intergate.com/~unacc/2013events.html

### Waccamaw-Siouan Tribal Pow Wow

October 19 - October 20, Waccamaw-Siouan Tribal Grounds, Bulton, North Carolina Contact: 910-655-8778 siouan@aol.com Waccamaw-Siouan.com

### Land of Falling Waters Traditional Pow Wow

October 19 - October 20, Parkside Middle School, Jackson, Michigan Contact: 269-781-6409 *landoffallingwaters@hotmail.com* 

### **Healing of All Nations**

October 19 - October 20, Bending Water Park, Marion Station, Maryland Contact: Chief Rudy Lasughing Otter Hall 410-623-2660 accohannock@verizon.net IndianWaterTrails.com

### **Auburn Big Time Pow Wow**

October 19, Gold County Fairgrounds, Auburn, California Contact: 530-888-8767 *afabela7@sbcglobal.net SierraNativeAlliance.org* 

### Adai Caddo Indian Nation Pow Wow

October 19, Adai Caddo Indian Nation Cultural Center, Robeline, Louisiana Contact: 318-472-1007 *adaiindiannation@aol.com AdaiCaddoIndianNation.com* 

CLOSED YELLOWSTONE PARK GOVERNMENT SHUTDOWN NO VISITOR ACCESS Even the national parks are not exempt from the government shutdown.

10/01/2013

### THE BIG PICTURE