



Indian Country

THIS WEEK FROM

TODAY

THE PREMIER E-NEWSLETTER SERVING THE NATIONS, CELEBRATING THE PEOPLE

A Letter from the Publisher

Shekóli. Indian activism takes many forms. To the credit of many organizers, and despite historical obstacles, the recognition of common afflictions and solutions has led to the formation of notable associations that fight for specific Native causes. So it is that groups and individuals strive for change and awareness of the issues dear to them. This past week has seen activist issues command major headlines—some for the better, some for the worse.

Most notable, of course, was a distressing turn of events in the Baby Veronica story. ICTMN correspondent Suzette Brewer has been following the case for many months, from the Cherokee Nation's support of biological father Dusten Brown's initial efforts to resist an adoptive couple's suit to gain custody of his daughter all the way to the Supreme Court, which threw the case back to South Carolina in late June with a decision that nominally supported the Indian Child Welfare Act. Now, in an unfortunate ruling that has dismayed large swaths of Indian country, including the Cherokee nation, the National Indian Child Welfare Association, the Native American Rights Fund and the National Congress of American Indians, the South Carolina Supreme Court ruled that Brown's daughter, Veronica, must be handed over to the couple suing for custody—this, after he and his wife have been happily raising his child for the past 19 months. As this week's story illustrates, decisions by the high courts of the United States serve to remind us of the difficulties in fighting for a positive interpretation of the law when it comes to minority rights (see the Commentary section for Steve Russell's interpretation).

On a more positive note, a last-minute amendment added by Rep. Don Young (R-Alaska) to a House Resolution managed to preserve critical funding for Indian education, thanks to campaigns waged by the National Indian Education Association and Tribal Education Departments



National Assembly. At the grassroots level, local advocates from Pine Ridge won a promising victory against the opportunistic sale of alcohol in the town of Whiteclay, Nebraska to Indians. After activist pressure and steady stream of headlines about the destructive effect of these alcohol sales, regional distributor High Plains Budweiser announced it would no longer supply the liquor stores in the border town.

We hope this, the second issue of the This Week From Indian Country Today e-newsletter succeeds in its goal of bringing you the most relevant, recent news of all that matters in Indian country, from politics to pow-wows. We hope this publication serves as a guide and an aide for information and entertainment, and we are eager to hear your thoughts. We encourage you to share your points of view with us at editor@ictmn.com. On a parting note, I'd also urge you to consider the import of Duane Champagne's remembrance of Chief Philip Martin of the Mississippi Band of Choctaw Indians. Champagne recalls asking Martin repeatedly for the secret to his success in bringing his nation well-being and prosperity, and Martin always had a one-word reply: jobs. While we take up the cause to right the wrongs in the world around us, it also helps to remember that if we dedicate ourselves to what our community members can do for one another, then we will put ourselves in position to lead the way through positive example.

Na ki' wa,

Ray Halbritter

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Why the Federal Feather Policy Must Change

Last October, the Justice Department clarified the rights of tribes to possess, carry, use and wear feathers and other parts of protected birds, notably eagles. At the same time, Justice reaffirmed the government's control of such distribution through the National Eagle Repository. Halie Geller, an attorney with Cultural Heritage Partners, PLLC, says tribes should have more control:

Tribal involvement is not without precedent. The Fish and Wildlife Service established the first Native American-managed feather repository in 2010 with the Comanche Nation Ethno-Ornithological Initiative (Sia) to distribute non-eagle feathers. "Those within the tribal community are...

cognizant of the spiritual and historical significance of the parts and feathers they are distributing," said Sia founder and director William Voelker. He has personally viewed eagle carcasses distributed by the National Eagle Repository to tribal recipients and noted that the packaging method utilized, i.e. placing the eagle into a plastic bag and knotting it, sometimes leaves the tail of the eagle curved. This can be problematic, as the condition of the feathers and parts is important for religious and ceremonial use.

Additionally, the National Eagle Repository operates on a first-come, first-served basis. But some tribes have unpredictable needs for feathers: Certain tribes have an

important ritual requiring the use of an eagle feather that must be performed immediately following the death of an elder.

The language of the Justice Department's policy clarification additionally excludes a large class of members of the Native American community: non-federally recognized tribes. Thus, those who identify as Native Americans and require certain migratory bird parts or feathers for ceremonial or religious purposes, but who do not belong to a federally recognized tribe, are not protected by Justice Department exemptions. Clearly the details regarding tribal involvement in the eagle feather distribution process need to be discussed further. 🌸

A Lesson in Jobs From the Choctaw

The Mississippi Band of Choctaw Indians are a model of successful economic development, which many attribute to their late Chief, Phillip Martin. Sociology professor Duane Champagne of UCLA recalls how he came to understand Martin's economic vision:

I was extremely pleased some years ago to run into Chief Martin at a social gathering in Washington, D.C. I talked to him about his political and economic successes and wanted to gain some insight into his knowledge, experience and wisdom. Chief Martin, however, did not give me much information. All he said was that finding and providing jobs was the key to his

political success. When I pressed him, he replied that his economic strategy was primarily about providing job opportunities to tribal members. I peppered him with a variety of questions, hoping he would provide more extended comment. Chief Martin, however, stuck to his guns, and said it was all about jobs. I found this position interesting, but somewhat puzzling.

A few years later, Chief Martin published his memoir *Chief: The Autobiography of Chief Phillip Martin*. I found the book fascinating and paid particular attention to Martin's focus on jobs. It turned out that while serving in tribal office, he began developing a strategy of

creating jobs for tribal members through tribally owned businesses. This was difficult, and he spent many frustrating years writing to companies to invite them to locate businesses on the Choctaw reservation. His strategy was not just to educate tribal members and make them economically viable, but to create a local Choctaw economy.

His efforts paid off. The Mississippi Choctaw have made great progress in hosting industrial manufacturing plants and managing successful gaming enterprises. Their government acts as a holding company that oversees a variety of manufacturing, services and gaming businesses. And their model has proved to be resilient and productive. 🌸

The Supreme Court's Twisted Stance on Baby Veronica

Native advocates are appalled by last week's South Carolina State Supreme Court decision to return Veronica Brown, a.k.a. Baby Veronica, to her white adoptive parents. Taking a step back, Texas trial court judge Steve Russell, Cherokee Nation of Oklahoma, considers the faulty reasoning by which the U.S. Supreme Court handed the case back to South Carolina in the first place:

The Supreme Court held that a father who never had physical or legal custody of a child or provided support had no "Indian family" to be broken up, and therefore the procedural protections of the Indian

Child Welfare Act never kicked in. Notice that the Cherokee Nation's interests are being disregarded because of something the Cherokee father did not do.

Remember the formerly leading case on ICWA, *Mississippi Choctaw Indians v. Holyfield*, wherein the Indian parents were purposely trying to avoid application of ICWA by arranging for birth off the reservation and giving the children up for non-Indian adoption? The Supreme Court pointed out, correctly, that the purpose of the ICWA was not to benefit individual Indians but rather to benefit the tribes.

Justice William Brennan wrote, "These congressional objectives make clear that a rule of domicile that would permit individual Indian parents to defeat the ICWA's jurisdictional scheme is inconsistent with what Congress intended."

What a difference a few conservative Supreme Court appointments makes! We go from *Holyfield* in 1989, holding that Indian parents can't defeat the ICWA on purpose, to *Adoptive Couple v. Baby Girl* in 2013, holding that an Indian parent can defeat the ICWA by accident. For our own good, of course. 🌸



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Budweiser to Stop Delivering To Whiteclay

High Plains Budweiser announced that it would no longer deliver alcohol to the town of Whiteclay, Nebraska. According to the *Rapid City Journal*, Jeff Scheinost, the owner of the distributor in Scottsbluff, made the decision following repeated incidents, marches and road blockades.

"This decision marks a significant victory in our efforts to stop the flow of alcohol in to our communities from Whiteclay," announced Oglala Sioux Tribe President Bryan Brewer on July 10.

High Plains will only deliver as far as Rushville, Nebraska, a town about 20 miles south of Whiteclay. Whiteclay vendors then would be expected to pick up the product themselves and take it to stores. But that practice is illegal and tantamount to bootlegging, said an Oglala Sioux press release, because retailers cannot act as their own distributors and Nebraska follows a three-tier system that separates producer, distributor and retailer.

"I and all people concerned must ask the Nebraska Liquor Commission to uphold their own policies and laws and prevent this from happening," Brewer said. "If this process continues to take place, we ask the Liquor Commission to revoke the licenses of those profiting from these illegal alcohol sales."

"Residents of Rushville, Nebraska have great cause for concern that their fine community will be used as a tool of the alcohol industry's bootlegging scheme," he continued. "I would hope that the Nebraska highway patrol and the Dawes Country Sheriff's office are also aware of these illegal ploys." 🍷

Chamber of Commerce Head Pleads Guilty To Embezzlement

BY CAROL BERRY

Abandoning previous assertions of innocence, the former head of the Rocky Mountain Indian Chamber of Commerce pleaded guilty on July 12 to charges of embezzlement from the chamber, including felony theft of more than \$20,000.

Joshua Running Wolf, 32, of the Blackfeet Nation, Browning, Montana, has been ordered to pay \$30,000 in restitution before his sentencing on October 11 or the felony theft charge will remain on his permanent record and he will serve jail time, a deputy district attorney said.

Dee St. Cyr, Winnebago Tribe of Nebraska and chairwoman of the chamber, said that although justice prevailed, "there are no winners in this case" because Running Wolfe "stole large sums of money from the very people who sup-

ported him." Noting that Running Wolf is the father of four of her grandchildren, secretary of the chamber's board of directors Deb Emhoolah, Kiowa, said, "He abandoned them nearly two years ago and embezzled funds to support his philandering lifestyle."

Chamber of commerce member Don Kelin, of the Caddo Nation of Oklahoma, said that Running Wolf stole funds "from what little dollars the [chamber] had and embezzled funds from the education funds for our youth" as he "continued with lies to the Indian community about what happened."

Running Wolf faces up to 24 years in prison and a fine of up to \$750,000 for the major theft conviction and up to 18 months in county jail with a maximum fine of \$5,000 on a charge of misdemeanor theft of more than \$1,000. 🍷

Study Will Examine Stressors on Aboriginal Health

In an unprecedented study, University of Lethbridge researchers will examine the relationship between unrelenting stress and health among Canada's indigenous peoples. The study, funded by the Canadian Institutes of Health Research, will begin in October, with results expected in 2016-17.

"Aboriginal populations experience high levels of chronic stress as they are often marginalized both socially and economically in Canada," said study co-leader Dr. Cheryl Currie, a public health researcher at the university. "We know that over time, high unrelenting stress can have a profound influence on

biological systems."

Stressful experiences are an inevitable part of life, but repeated and chronic exposure to uncontrollable stressors can disrupt the function of neuroendocrine, cardiovascular and immune systems. Markers of biological disruption can be identified well before the clinical markers of disease are detected.

"We tend to think about social and biological determinants of health separately. Connecting the two is a more comprehensive way to think about health—and may shed new light on why Aboriginal populations are disproportionately affected by chronic

disease," said study co-leader Dr. Jennifer Copeland, a Lethbridge kinesiology researcher.

The study will build on Dr. Currie's past research, which indicates that Aboriginal cultural practices promote resilience against alcohol and drug abuse within Aboriginal populations. The team will examine the extent to which Aboriginal cultural practices may promote biologic resilience and improve health. Furthermore, the study will examine the ways in which western approaches to wellness, such as regular physical activity, may also promote resiliency in these populations. 🍷

\$9.8 Million For Native American Electrical Infrastructure

Despite the current budget uncertainty, the Department of Agriculture on July 17 announced funding for rural electric projects in seven states—more than \$188 million in loan guarantees to upgrade rural electric infrastructure, including more than \$18 million in smart grid funding. The grants will help finance the construction of more than 1,000 miles of new or improved electric line.

Three of those projects—Black Hills Electric Cooperative in South Dakota, Central Rural Electric Cooperative in Oklahoma and Lacreek Electric Association serving South Dakota and Nebraska—include \$9.8 million for service improvements in Native American communities.

“Funding for rural electric utilities is a cornerstone of the Obama Administration’s continuing effort to develop a vibrant rural economy,” said Agriculture Secretary Tom Vilsack. “It is also part of our ‘all-of-the-above’ strategy to support development of energy from a variety of renewable resources. USDA’s support of rural electric utilities’ deployment of smart grid technologies will increase efficiencies, reliability, and bring more jobs to rural America.”

USDA Rural Development’s support for rural electric utilities benefits an average of 8.6 million rural electric consumers annually. Smart grid technology is another tool to increase efficiency and reliability of the rural electric system. Since 2011, Rural Utilities Service borrowers have used USDA funding to invest nearly \$464 million in smart grid improvements, providing for more strategic management of the rural electrical system. 🌻

Greater Civil Rights Contact Between Navajos and Washington

The Justice Department and the Navajo Nation have established a communication process that will bring civil rights violations against tribal members to federal attention more effectively.

The agreement was formalized on July 15 in a memorandum of understanding (MOU) between the Navajo Nation Human Rights Commission and the Indian Working Group of the Justice Department’s Civil Rights Division. The memorandum, which evolved from discussions begun more than a year ago, outlines procedures and provides guidance to both the Commission and the Working Group in sharing information.

“This MOU will assist the Commission by streamlining and expediting information between agencies to resolve civil rights violations that are not afforded the same investigative measures that non-indigenous victims receive,” said Commission Chairperson Steve Darden. “This MOU will be that step-

ping stone toward resolving issues that this Commission has had difficulty with pursuing in the border towns surrounding the Navajo Nation.”

The memorandum “establishes a strong mechanism to assist the Civil Rights Division to address civil rights issues involving citizens of the Navajo Nation,” said Eve Hill, senior counselor to the Assistant Attorney General for Civil Rights. “For far too long Native Americans have experienced discrimination and injustice, and the federal government can and must stop such discrimination.”

“With the MOU approved by both the Navajo Nation and U.S. civil rights office, the Navajo Human Rights Office now looks forward to working on common strategy to address race discrimination against Navajo citizens,” said Leonard Gorman, executive director of the Navajo Nation Human Rights Commission. 🌻

Oglala Lakota Physician Nominated for Surgeon General

BY CHARLOTTE HOFFER

Donald Warne (Oglala Lakota), M.D. M.P.H., a national board member for the American Cancer Society, has been selected as a nominee for the position of Surgeon General of the United States.

The National Indian Health Board and the National Congress of American Indians included Dr. Warne as one of four nominees—all leaders in Indian health—for the post. The list has been presented to President Barack Obama.

Warne has been an American Cancer Society national Board member since 2012. As such, he is passionate about the increasing awareness of American Indian cancer issues. His grandmother, who lived on the Pine Ridge Indian Reservation in South Dakota, died from lung cancer.

Dr. Warne is the director of the Master of Public Health program at North Dakota State University, where he created the first American Indian/Alaska Native track in a Master of Public Health program. He earned his M.D. from Stanford University and his M.P.H. from Harvard.

In addition to Warne, other candidates proposed by the National Indian Health Board include Lori Arviso-Alvord, MD (Navajo); Charles Grim, DDS (Cherokee); and Rear Admiral W. Craig Vanderwagen, who was the U.S. Public Health Service General Medical Officer at the Zuni Indian Hospital, under the auspices of the Indian Health Service Albuquerque Area Office. 🌻

Costner Selling His Black Hills Property

Actor reluctantly parting with 1,000 acres for \$14 million

The actor Kevin Costner is selling 1,000 acres of land in South Dakota's western black hills for \$14 million. The listing includes the site of what would have been the Dunbar casino resort, an unrealized \$100 million project with a golf course and a steam-powered passenger train. "He has a strong sense of loyalty to the area and it was a hard decision for him," real estate agent Mike Percevic told the Black Hills Pioneer. Costner, who filmed most of his Oscar-winning movie *Dances With Wolves* in South Dakota, is putting up three separate listings with price tags of \$1.2 million, \$5.4 million and \$7.4 million. <http://indiancountrytodaymedianetwork.com/2013/07/15/finances-wolves-kevin-costner-selling-1000-acres-black-hills-150418>

Oneidas Open Resort Addition

For Turning Stone's 20th anniversary, a new venue

Accompanied by applause and a formal ribbon cutting, the Oneida Nation opened Exit 33, the long-awaited \$25 million addition to their Turning Stone Resort Casino in Verona, New York on July 18. Besides providing long-term employment, the building project created about 300 jobs for local construction workers, building trade craftsmen and suppliers. "Exit 33 is Turning Stone's most exciting and original creation yet," said Oneida Nation Representative and Nation Enterprises CEO Ray Halbritter. "Exit 33 ensures that Turning Stone will continue to be the first

choice for entertainment in this region for years to come." <http://indiancountrytodaymedianetwork.com/2013/07/18/exit-33-25-million-extension-officially-inaugurated-oneida-indian-nation-150481>

Causes Advanced Through New Grants

Northwest Area Foundation supports a variety of interests

Several grants recently awarded by the Northwest Area Foundation will benefit Native interests. Among them is a two-year, \$500,000 grant to First Nations Development Institute of Longmont, Colorado to scan 75 Indian Nations for financial, institutional, and other assets poised for development. A three-year, \$500,000 grant to the Hopa Mountain Foundation of Bozeman, Montana, will help Native nonprofit leaders in their efforts to improve education, ecological health and economic development. And a two-year, \$300,000 grant to the National Congress of American Indians will empower tribal leaders to implement strategies that advance prosperity. <http://indiancountrytodaymedianetwork.com/2013/07/18/northwest-area-foundation-grants-33m-spur-economic-opportunities-150475>

Wisconsin Mining War Heats Up

Racism and threats grow against anti-mining voices

The dispute over iron ore mining in Wisconsin has taken to the Internet with racist and violent messages. The Facebook page "Wisconsinites for Safe Mining" recently featured a photograph of a stoic, regalia-clad Native man bearing the caption "Tries to Explain How Natives Are a Proud People,

Too Drunk to Form Words." Among the other messages is one that says "Armed guards have been contracted. Trespassers will be neutralized"—presumably a reference to guards posted at the Gogebic Taconite drilling sites in the Penoque Mountains. Yet another message reads, "Today's posts are brought to you by Dirty Harry. Because a .44 Magnum would blow your head clean off. Do you punks feel lucky??" <http://indiancountrytodaymedianetwork.com/2013/07/16/wis-mining-racism-and-threats-reach-facebook-150449>

Looking to Legalize Online Poker

Barton of Texas introduces bill in the House

Rep. Joe Barton (R-Texas) introduced legislation on July 11 that would license and regulate online poker on a national level, reported TheHill.com. Known as the Internet Poker Freedom Act, the bill would give states the opportunity to opt out of the federal system and require technology to block underage players. "Poker is an all-American game," said Barton in a statement. "I continue to be supportive of the Americans who play poker online. They deserve to have a legal, on-shore system that makes sure everyone is playing in an honest, fair structure. The complex web of state and local regulations now being devised could leave players at risk." <http://indiancountrytodaymedianetwork.com/2013/07/14/internet-poker-freedom-act-aims-federal-regulation-150412>

Helping to Appoint White House fellows

Ramirez is one of 27 members on commission

President Obama named

Rion Joaquin Ramirez, general counsel for the Suquamish Tribe's Port Madison Enterprises, to the President's Commission on White House Fellowships on July 12. Ramirez will help select men and women to work for a year as full-time, paid assistants to senior White House staff, the vice president, Cabinet secretaries and other top-ranking government officials. He is the second presidential appointee associated with the Suquamish Tribe this year; in May, Obama appointed Suquamish Tribe Chairman Leonard Forsman to the Advisory Council on Historic Preservation. <http://indiancountrytodaymedianetwork.com/2013/07/17/native-presence-added-commission-white-house-fellowships-150445>

Class Action Suit in Massacre

The heirs to Sand Creek seek recompense

Despite more than 100 attempts over the last century, federal financial agencies have failed to pay out or account for trust funds that should have gone to descendants of victims of the infamous Sand Creek Massacre of 1864. Now, four tribal descendants from Oklahoma have filed a class action lawsuit seeking reparations. The plaintiffs say that the suit, filed in U.S. District Court in Colorado on July 11, is necessary because reparations to the more than 15,000 estimated descendants of the victims would "repudiate the gross and wanton outrages perpetrated" against their Cheyenne and Arapahoe forebears. <http://indiancountrytodaymedianetwork.com/2013/07/16/sand-creek-descendants-seek-reparations-1864-massacre-150427>

A Tragic Turn for Baby Veronica

South Carolina gives nod to adoptive parents **BY SUZETTE BREWER**

Bottom Line: *The agonizing case of Adoptive Couple v. Baby Girl, known to millions as the Baby Veronica case, may have reached a wrenching conclusion with a court decision to take her from her biological father. Native organizations are unanimous in their condemnation, and Veronica's family is devastated.*

In what would appear to be a jolting end to one of the nation's bitterest Native child custody cases, the South Carolina State Supreme Court ordered on July 17 that 3-year-old Veronica Brown should be returned to Matt and Melanie Capobianco, the white couple who had agreed to adopt her from her birth mother before she was born.

The decision apparently concludes the struggle of Veronica's biological father, Dusten Brown, Cherokee, to retain custody of his daughter. Invoking the Indian Child Welfare Act, Brown had taken his case all the way to the Supreme Court, which in June remanded the case to the Capobiancos' home state of South Carolina.

In a statement issued through his attorney, a devastated Brown said, "I want everyone to think of Veronica and her life as it is now. My wife and I are her whole life. This is not right."

A chorus of Native voices has joined Brown in expressing their chagrin at the turn of events. "We are outraged and saddened," said the Cherokee Nation, "that the South Carolina Supreme Court would order the transfer of this child without a hearing to determine what is in her best interests, particularly in light of the fact that this very same court previously found: 'We cannot say that Baby Girl's best interests

are not served by the grant of custody to Father, as Appellants have not presented evidence that Baby Girl would not be safe, loved, and cared for if raised by Father and his family.'"

"[T]he decision by the South Carolina Supreme Court yesterday sends a chilling message," said the National Indian Child Welfare Association. "Like other Americans, American Indians rely on the integrity of the judicial sys-


identity and now the courts have endorsed this whole pattern of white settler mentality."

"They don't get it," said A. Gay Kingman, executive director of the Great Plains Tribal Chairman's Association. "Who is thinking and representing the best interests of this child? Like many of our American Indian children in South Dakota, she is being removed from her birth father, her Indian family and her tribe. Shouldn't the child have due process?"

The decision has struck the extended Brown family hard. Kelsey Brown—Veronica's half-sister by Dusten Brown's ex-wife, Rachel Reichert—learned of her sister's fate the same way most people did: on television. Because of the unexpected timing of the decision, Kelsey's parents did not have the chance to sit down with her and break the news in an appropriate manner before it hit the media.

"She just lost it," said Rachel Reichert, Kelsey's mother and Dusten Brown's ex-wife. "She was beside herself. She's afraid she will be cut off and never see her sister again. They are inseparable. It's amazing to see how close they are. They're siblings in every sense of the word. I had to talk to her several times and leave work and go pick her up, because she was in hysterics."

As ICTMN went to press, Dusten Brown had approached the five-day deadline for a rehearing in state court. He has already filed litigation to move the case back to his home state of Oklahoma and has appealed to that state's U.S. senators for help.

"This is not over," said the Native legal scholar in Washington. "It's not over by a long shot." 

Native groups and the Brown family are united in their grief and outrage over the court's decision.

tem to protect our children. Now our faith in that system is shaken. Since the earliest contact, non-Indians have seen fit to take whatever they covet from Indian people. The sad truth is that this decision is one more chapter in that shameful history."

"This is Indian country's Trayvon Martin moment; we cannot pass on this," said a Native legal scholar in Washington, D.C., who asked not to be identified because of the ongoing litigation. "The message is clear: They are continuing to take our land, they're taking our children, they're taking our

Saving Indian Education

Young Breaks Ranks With Fellow Republicans **BY ROB CAPRICCIOSO**

Bottom Line: *GOP House members tried to cut millions of Native education dollars, but the funding is safe for now thanks to the actions of Rep. Don Young. And some feel that it is Republicans themselves who need to be educated about the subject*

At the eleventh hour, Rep. Don Young (R-Alaska) pulled out a save for drastic cuts to Indian education planned by his fellow House Republicans. Native advocacy organizations, tribes, and House Democrats had widely decried the proposed cuts, which would have stripped millions of dollars in funding and eliminated some successful Indian-focused programs altogether.

The rescue came as the GOP seriously considered the first significant legislative effort to reauthorize the Elementary and Secondary Education Act (ESEA) since the No Child Left Behind Act of the George W. Bush administration. As part of their desire to reduce overall federal spending, House Republicans plotted a major reduction in funds for American Indian education, as well as the elimination of Alaska Native and Native Hawaiian education initiatives.

Young, the chairman of the Subcommittee on Indian and Alaska Native Affairs, said he could not allow that to happen, so he inserted an amendment to H.R. 5, known as the Student Success Act, which protected the Indian programs. The amendment passed July 18 as the full House continued debate on the larger bill.

It was a close call, according to Young's office. If not for the amendment, they said, "H.R. 5 would have killed these programs and also crippled the American Indian grant program, which provides similar benefits throughout the nation."

"All of these programs, which are authorized under Title VII of the ESEA, have been historically successful," ac-

cording to Young's office. "As H.R. 5 was originally drafted, Title VII programs would have suffered millions of dollars worth of cuts; the Alaska Native Equity program alone was set to lose approximately \$32 million dollars in funding for grants that promote the educational achievement of Alaska Native students."

Young said he was especially concerned about the possibility of losing culturally based learning and meaningful education support for Alaska Natives and Native Hawaiians.

"Native Alaskan and Native Hawaiian

"We were able to fend off these cuts, while also making major policy improvements to the programs."

education programs stood to suffer crippling cuts to programs that have shown great improvements since they were enacted," he said. "Through the united leadership of the Alaska and Hawaii House delegations, we were able to fend off these cuts, while also making major policy improvements to the programs. Native students continue to face major barriers to their success, and these programs are key to eliminating the disparities that continue to exist between the academic achievement of Native students and their non-Native peers."

Young has said in the past that some of his fellow House Republicans need

more education on Native programs and how they have aided Indian self-determination.

Native advocacy organizations who called for the passage of the amendment were relieved. "The federal government cannot do well by all of America's children if continues to do grave disservice to our Native children," cautioned National Indian Education Association President Heather Shotton.

Indian educators argue that cutting successful Indian education programs to help balance the nation's budget is counterproductive, as they believe that doing so would harm both the U.S. and tribal nations and cost the government more money in the long run. But some Native-focused legislative observers suggest that the general public would not miss these programs because they have little understanding of their impact.

Rep. Betty McCollum (D-Minn.), co-chair of the Congressional Native American Caucus, believes that the current attack on "vital education funding for Indian country" amounted to a "partisan" attack on federal trust responsibility to Indian children. "Students throughout Indian country are already bearing the brunt of sequestration's cuts to education," she said in a statement.

Indian educators, meanwhile, continue their campaigns to educate Congress. On July 11 the Tribal Education Departments National Assembly held its third congressional briefing in as many years titled "Education Native American Students: The Role of Tribal Education Departments."

"We want Congress to be paying attention," said Quinton Roman Nose, executive director of the assembly, who is grateful for the Young amendment. "They need to understand." 🌸

<http://indiancountrytodaymedianetwork.com/2013/07/19/critical-last-minute-save-indian-education-150497>



Dusten Brown and his daughter, Veronica, who has been ordered returned to her adoptive parents in South Carolina.



Rep. Don Young (D-Alaska) saved crucial congressional funding for Indian education at the eleventh hour.



On August 26, 2012, members of the Oglala Sioux Tribe marched from South Dakota's Pine Ridge Reservation to nearby Whiteclay, Nebraska.



The late Mississippi Band of Choctaw Chief Phillip Martin, whose emphasis on jobs led to the tribe's financial renaissance.

Fearmongering in the Nutmeg State

Is Blumenthal Stirring Opposition to Federal Recognition Again? BY GALE COUREY TOENSING

Bottom Line: *An initiative to oppose federal recognition of the Schaghticoke Tribal Nation of Connecticut bears all the hallmarks of Sen. Richard Blumenthal, who has been called “an enemy of sovereignty.”*

In June, the Interior Department released a preliminary draft of possible major changes in the federal acknowledgment process for tribes. At their mid-year conference in Reno late that month, the National Congress of American Indians Federal Recognition Task Force offered its enthusiastic approval.

Then, a few days later, a mysterious three-page document emerged. It was provocatively titled “Talking Points—Proposal Will Change BIA Rules and Award Federal Tribal Status to Previously Denied Tribal Groups in CT.” A copy surfaced at the July 2 session of the Board of Selectmen of Kent, Connecticut—where the Schaghticoke Tribal Nation has a 400-acre reservation and a pending land claim for some 2000-plus acres, including hundreds of acres used by the private Kent School. Selectman Bruce Adams announced he would attend a meeting the following week to discuss the proposed changes.

The meeting was organized by Democratic Senator Richard Blumenthal, who had notoriously led the successful 2005 effort to reverse the federal acknowledgment of the Eastern Pequot Tribal Nation and, of course, the Schaghticoke.

Blumenthal has been called “an enemy of sovereignty.” In addition to scotching federal recognition of the Eastern Pequots and the Schaghticoke, he intervened in *San Manuel v. the National Labor Relations Board*, in which a U.S. appeals court disregarded 75 years of tribal exemption and ruled that federal labor laws apply on sovereign Indian

land. He also led a coalition to intervene in the Narragansett Indian Tribe’s efforts to place 31 acres of land into trust for elder housing, ultimately resulting in the 2009 *Carcieri* ruling.

The talking points memo has not been traced to Blumenthal’s office, which declined to comment for this article. But its exaggerated claims of a hostile land takeover by Connecticut Indians bore his imprint. “In addition to the Kent School property, extensive additional land throughout Connecticut would be subject to land claims, possibly more than one-third of the state,” the document reads. “New tribes also would get federal land removed from state and local taxation and regulations and lead to new large-scale casinos.”

Though needlessly inflammatory, the memo is having its effect. A headline in the *Waterbury Republican-American* read ominously, “Town, school gird for fight/Legal battle looms on tribal recognition.” Bruce Adams confirmed that the July 9 meeting at Blumenthal’s Hartford office—which included staffers from the offices of Democratic Senator Chris Murphy, Democratic Congresswoman Elizabeth Esty and elected state officials—was concerned with fighting the would-be regulations. Adams personally opposes federal recognition of the Schaghticoke “because of what it could do to this town.” Yet when pressed on exactly what that would be, he replied, “It’s hard to say.”

Adams even acknowledged that Connecticut would be worse off economically without its Foxwoods and Mohegan Sun casinos, which have contributed more than \$3 billion to state coffers since the early 1990s. At the same time, he said, “The casino industry in Connecticut is dead. Those two casinos out there are still making money but not like they were

making.” (Foxwoods reported slot revenue of \$43.4 million in June, down 12.3 percent compared with June 2012; Mohegan Sun reported slot revenue of \$50.5 million for the month, down 7.9 percent compared with that same time period.)

Adam conceded that anti-federal acknowledgment animus is largely based on fear of more casinos and of the unknown. “I’m not opposed to recognition itself; I’m opposed to what goes with it,” he said. “It is hard [to separate the two issues] but, unfortunately, it’s fact and I think people are primarily opposed to some potential unknowns of what could result from the recognition.”

In any event, the regulations have a ways to go before adoption. The current draft is for discussion and consultation purposes, said BIA spokeswoman Nedra Darling, and it will be pored over at five discussion sessions across the country that will include tribal consultation in the morning and public comment in the afternoon. Once all comments are received, Interior will draft proposed regulations and publish them in the Federal Register for more comment from tribes and the public and likely more meetings and another round of input. Interior will then draft final regulations, which will be published in the Register and become effective 30 days later. The Administrative Procedure Act does not require congressional review of proposed regulations; the Assistant Secretary of the Interior for Indian Affairs is authorized to sign off on the draft and final regulations.

Until then, Blumenthal will have plenty of opportunity to plant further seeds of fear and doubt. 📍

<http://indiancountrytodaymedianetwork.com/2013/07/19/blumenthal-stirs-opposition-federal-recognition-again-150496>

In Search of Water Rights

Charges of mismanagement in California **BY GALE COUREY TOENSING**

Bottom Line: *The Agua Caliente Band of Cahuilla Indians is suing two California water agencies, accusing them of lessening the quality and the quantity of their water. The agencies deny that the tribe has standing and are asking for a dismissal.*

Invoking its aboriginal water rights, the Agua Caliente Band of Cahuilla Indians has launched a legal battle for clean water for its citizens and neighboring communities in the Coachella Valley.

In a federal lawsuit filed with the U.S. District Court for the Central District of California in May, the Agua Caliente asked that the tribe be accorded “prior and paramount” rights to ground and surface water in the Coachella Valley. The lawsuit further asked that the court quantify those rights and stop the local water authorities from further reducing the quantity and quality of water in the aquifer. The lawsuit names the Coachella Valley Water District (CVWD) and Desert Water Agency (DWA) as defendants.

“The failed stewardship of the Coachella Valley’s most precious resource by these water districts has to stop,” said Agua Caliente Tribal Chairman Jeff L. Grubbe. “We do not take this action lightly but as a Sovereign Nation, we have a responsibility, as well as a commitment to communities in the Coachella Valley, to protect and preserve the Valley’s natural resources. We cannot sit idly by as the aquifer continues to be depleted and the water polluted. Our water quality is among the worst in the state.”

The lawsuit claims that the two water agencies have adversely affected the Valley’s groundwater for decades by overdrafting the groundwater while importing Colorado River water with higher levels of salinity and dissolved solids. A water quality study conducted by the U.S. Geological Survey

found higher levels of contaminants in Coachella Valley aquifers than in the rest of California.

“Since at least the 1990s, the Agua Caliente and others have aggressively urged the CVWD and DWA to take action to end the mismanagement, overdrafting and polluting of the aquifer underlying the Coachella Valley,” Grubbe said. “The tribe has patiently attempted to work with CVWD and DWA to address these long-standing concerns, but to no avail. This precious resource is crucial to the future of this region and we must take action now.”

The tribe cited long-established federal law to support its senior water rights claim, including the precedent-setting 1908 Supreme Court decision *Winters v. United States*. In that decision, which set the standard for tribal water rights on reservations, the high court determined that when the U.S. government created Indian reservations, it intended that its residents would become self-reliant and self-sufficient. Since water is needed for self-sufficiency—for example, in agriculture—water rights were implicitly reserved for tribes in the course of establishing reservations, the court ruled.

The Cahuilla Indians, ancestors of the Agua Caliente Band of Cahuilla Indians, have lived in the Coachella Valley since “time immemorial” and the reservation was established in 1876. Therefore, the Band argues, the tribe’s surface and groundwater rights are the most senior in the Coachella Valley, predating all water rights decreed or otherwise claimed under California state law.

The lawsuit asks for an injunction that would block the agencies from withdrawing groundwater from portions of the valley’s aquifer, and also for an injunction blocking them from using “inferior” untreated Colorado River water to replenish the aquifer.

The two defendant agencies filed

separate but similar requests for dismissal on July 8, denying that the tribe has “aboriginal title” to the surface and ground waters of the valley. Their responses say that the groundwater that they supply to customers meets federal and state water quality standards, and that the tribe “does not have ‘ownership’ of pore space in any aquifer underlying the Coachella Valley.” They also argue that the water storage space provided by the aquifer is a “public resource.”

Grubbe said the tribe would review the responses but emphasized that the tribe’s lawsuit is about the future of Coachella Valley’s water supply. “What is most astonishing is the water agencies continue to deny there is any issue with the water,” he said. “Independent investigations and their own documents attest to the fact that the local water is being depleted and polluted. We are asking the federal court to declare our senior water rights so we can be proactive in partnership with Coachella Valley residents and prevent the Desert Water Agency and the Coachella Valley Water District from continuing to overdraft the aquifer and degrade the quality of existing groundwater.”

The water agencies have warned that their water bills will go higher if the tribe wins in court. Grubbe called the warning a “deceptive attempt...to frighten the public and mislead the community.” He pointed out that the water agencies have regularly increased rates over the past 10 years by as much as 394 percent.

“This is not about rates,” Grubbe said, “it is about ending the mismanagement of our water resources and protecting it for generations of Coachella Valley residents to come.”

<http://indiancountrytoday-medianetwork.com/2013/07/17/agua-caliente-water-rights-lawsuit-puts-agencies-hot-water-150441>

Headlines from the Web

NEEDLES WEIGHS SELLING GOLF COURSE TO TRIBE

<http://www.mohavedailynews.com/articles/2013/07/17/news/local/doc51e63930daf33419821550.txt>

COURT RULING SPELLS DEFEAT FOR FIRED SAUK-SUIATTLE WORKERS

<http://www.seattleweekly.com/news/947755-129/sauk-suiattle-tribe-tribal-court-fired>

CHUKCHANSI SUBDIVISION BEFORE PLANNERS AUG. 6

<http://www.sierrastar.com/2013/07/16/63673/subdivision-hearing-aug-6chukchansi.html>

FEE FIGHT EMERGES IN LANDMARK INDIAN TRUST CASE

<http://legaltimes.typepad.com/blt/2013/07/fee-fight-emerges-in-landmark-indian-trust-case.html>

BLACKFEET RELEASE MAN JAILED FOR CRITICISM ON FACEBOOK

http://billingsgazette.com/news/state-and-regional/montana/blackfeet-release-man-jailed-for-criticism-on-facebook/article_e19a5191-ca2b-577f-9086-431e7d0b9284.html

OFFICIAL: YANKTON REINSTATED AS SPIRIT LAKE CHAIRMAN

<http://www.grandforksherald.com/event/article/id/268568/>

Upcoming Events

DISCUSSION DRAFT OF REVISIONS TO FEDERAL ACKNOWLEDGMENT REGULATIONS JULY 25-AUGUST 6, 2013

Tribal consultations and public meetings to review discussion draft of changes to the Department of the Interior's Part 83 process for acknowledging certain Indian groups as recognized tribes.

Locations: Hotel Corque, Solvang, California (July 25); Odawa Casino Resort, Petosky, Michigan (July 29); Sockalexis Arena, Indian Island, Maine (July 31); Paragon Casino Resort, Marksville, Louisiana (August 6)

CULTURAL SURVIVAL

BAZAAR JULY 27-28 AND AUGUST 8-10, 2013

This series of cultural festivals, which work to support Articles 11, 20 and 31 of the United Nations Declaration on the Rights of Indigenous Peoples, features hundreds of artists, cooperatives and their representatives selling traditional and contemporary crafts, artwork, clothing, jewelry and accessories.

Location: Tiverton Four Corners Arts Center, Tiverton, Rhode Island (July 27-28); Mashantucket Pequot Museum, Mashantucket, Connecticut (August 8-10)

ASSOCIATION OF AMERICAN INDIAN PHYSICIANS ANNUAL MEETING AND HEALTH CONFERENCE JULY

29-AUGUST 4, 2013

The theme of this 42nd annual gathering is "Promoting Wellness in Native American Communities Through Exercise, Disease Prevention and Traditional Healing."

Location: Hyatt Regency Santa Clara, Santa Clara, California

INNOVATIVE APPROACHES TO SERVING NATIVE STUDENTS IN HIGHER EDUCATION

JULY 31-AUGUST 2, 2013

The summer conference of the National Institute for Native Leadership in Higher Education seeks to strengthen the skills of education professionals who focus on Native American student recruitment, retention and graduation rates

through culturally appropriate best practices.

Location: University of Northern Colorado, Greeley, Colorado

BIOMASS 2013: HOW THE ADVANCED BIOINDUSTRY IS RESHAPING AMERICAN ENERGY

JULY 31-AUGUST 1, 2013

The sixth annual conference of the Bioenergy Technologies Office, co-hosted by Advanced Biofuels USA, will highlight the successes of the bioenergy industry over the past 20 years and provide a forum to exchange ideas, showcase new technologies and discuss opportunities for the future.

Location: Washington, D.C. Convention Center, Washington, D.C. 

LETTERS TO THE EDITOR

I feel that the major sentiments expressed in your June 12 article "Me-First Agendas" by members of the Senate Committee on Indian Affairs, in particular Chairwoman Maria Cantwell (D-Washington), were underemphasized.

I have worked with Sen. Cantwell over 13 years. In 2005, we worked to ensure that the original Choctaw Code

Talkers from World War I were given proper recognition. The Choctaw Nation fought for years to have Jones Academy elementary school included in the BIE system; Sen. Cantwell was relentlessly by our side throughout the process until we were successful in 2011. For these reasons and others, I take issue with the concern of "some Indian insiders" that Sen. Cantwell does

not consider Indian education among her top priorities. My personal experience suggests just the opposite.

On behalf of the Choctaw Nation of Oklahoma, we look forward to many years of strong leadership as she serves as Chairwoman of the Senate Indian Affairs Committee.

Gregory E. Pyle, Chief
The Choctaw Nation of Oklahoma

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

First Peoples Fund is a national native non-profit organization who seeks to fill its **Program Coordinator** position. This position will provide support to FPF's program departments. This position will provide both programmatic and administrative support. Administrative support may include maintaining databases, managing online resources, booking travel arrangements and processing travel/vendor payments. Programmatic support includes coordinating events and conferences, assisting in grant and/or report preparation and helping prepare presentations.

Education & Experience: Bachelors Degree in related field and three years' experience, or comparable combination of education and experience providing organization and administrative support, preferably for nonprofit and/or Native corporations. Minimum two experience with Native non-profit organization and/or other community / economic development NGO.

To request a copy of the full position description, please email info@firstpeoplesfund.org. Resumes may be submitted via email to info@firstpeoplesfund.org; or by regular postal mail to First Peoples Fund, PO Box 2977, Rapid City, SD 57709-2977. Position is open until filled and salary depends upon experience.

CHIEF EXECUTIVE OFFICER (ACT) Holdings, LLC

The ACT Holding, LLC, a separately organized entity of the Alabama-Coushatta Tribe of Texas with primary mission of developing a framework to stimulate major economic development is seeking a full time CEO to provide direction and leadership; planning and directing development of new businesses, creating strategic partnerships, identifying merger and acquisition opportunities and pursuit of new lines of business opportunities. Responsibility includes strategic planning to create long and short term success goals that will contribute to the growth of the Tribe.

The CEO will coordinate with a five-member Board of tribal leaders and private sector professionals. The CEO must have superior appraising analytical and problem solving abilities. The CEO must be able to work independently and maintain high level of communications and conduct monthly board meetings.

Qualifications. Bachelor's degree (BA) from a four-year college or university and a minimum of ten (10) years of related and diversified economic development experience as manager and/or consultant. Must be able to read, analyze and interpret the most complex documents and have highly developed oral and written communication skills. Must be able to interact with the private and governmental sectors. This is a full time position with medical benefits; salary commensurate with education and experience. This announcement for the position will be open until filled. Indian preference in hiring will prevail.

Send resumes to ACT Holdings, LLC,
571 State Park Road 56, Livingston, Texas 77351.
For more information, call (936) 563-1382.

Request for: Audit Service Proposals

Indian Land Tenure Foundation

The Indian Land Tenure Foundation (ILTF) is requesting proposals for preparation of its yearly audited financial statements and related information for the 2013 fiscal year ending December 31, 2013. The audited financial statements must be prepared in accordance with generally accepted accounting principles.

ILTF is a 501(c)(3) community foundation in Little Canada, Minnesota, providing grants and services to federally recognized Native American tribes and other organizations working with Native American land issues throughout the United States.

To view the complete RFP with proposal requirements, please visit <https://www.iltf.org/news/announcements/call-proposals-iltf-audit-services>

Submit proposals by **August 31, 2013** to

Indian Land Tenure Foundation
151 East County Road B2
Little Canada, MN 55117-1523

Contact D'Arcy Bordeaux at 651-766-8999
or at dbordeaux@iltf.org with questions.

THE HOH TRIBE

Is seeking a full time **Human Resource Director**; HR Director's job is to implement HR programs and policies, and to manage every aspect of employee development and relations. The main responsibility of the HR director is to manage recruiting and staffing, performance management, benefits and compensation administration, organizational development, employee counseling services, and training. The position will close July 23, 2013, 4:00 P.M.

The Hoh Tribe is seeking proposals from qualified consultants or firms to provide professional **Grant-writing** and consulting services to the Tribe. The Administrative Assistant will receive proposals until 4:00 PM, July 23, 2013. Please deliver via e-mail or regular mail by the specified date and time to: Kristina Currie at the Hoh Tribal Administration, P.O. Box 2196, Forks, WA 98331 or kristinac@hohtribe-nsn.org.



TOP NEWS ALERTS

From IndianCountryTodayMediaNetwork.com

FIRST NATIONS CHILDREN WERE KEPT STARVED IN THE NAME OF SCIENCE

Widespread outrage has greeted the revelation that the Canadian government conducted malnutrition experiments on First Nations children during World War II. Authorities who found malnutrition in remote Manitoba did not assist the victims but rather studied them, leaving some alone and giving others only vitamin supplements. "This report has sent a shockwave through First Nations in Canada and should be no less shocking to all Canadians and beyond," said Assembly of First Nations National Chief Shawn A-in-chut Atleo.

SACRED KATSINAM RETURNED TO HOPIS

One of 70 sacred objects, most of them Hopi katsinam, which went on a Parisian auction block in April despite strong objections has been returned to the Hopi people. Lawyer Pierre Servan-Schreiber, who purchased the katsina, transferred the item in a handover ceremony. Another katsina, acquired by the family of the late French singer Joe Dassin, is also due to be returned.

NATIVE HEALTH ADVOCATE WALKS ON

Gordon Belcourt, who most recently served as executive director of the Montana Wyoming Tribal Leaders Council, walked on July 15 at the age of 68. Belcourt,

who received a master's degree in public health from UC-Berkeley, became devoted to Native American health issues following the death of his daughter, Elena Katie; among his legacies was his work on the permanent reauthorization of the Indian Healthcare Improvement Act.

DAPICE RECOGNIZED BY ALMA MATER

Dr. Ann Dapice, Lenape-Cherokee, has received the Helen C. Bailey Award, which recognizes an outstanding graduate of the University of Pennsylvania who has made a distinctive contribution in the field of education through research, professional involvement or publications. Dapice, director of Education

and Research at T.K. Wolf, Inc., is the founder and chair of Penn's Association of Native Alumni.

SWEAT LODGE FIGURE HAS BEEN RELEASED

Self-help guru James Arthur Ray, who was jailed for negligent homicide after three people died in his Arizona sweat lodge in 2009, is out on parole. The 55-year-old author and entrepreneur left state prison near Phoenix on July 12, the Associated Press reported. At the time of the deaths, ICTMN's now West Coast editor Valerie Taliman called Ray's sweat lodge ceremony, which was part of a retreat for which he charged clients \$9,695 apiece, "a bastardized version of a sacred ceremony."

OVCDC Request for Proposals 13-14-37

OVCDC is seeking purchase and/or leasing (5 year) options from responsible qualified bidders for organization wide printing, scanning and faxing solutions including maintenance/warranty and training. OVCDC is seeking to standardize and upgrade its network copying, printing, scanning, and faxing capabilities. This project will be funded entirely with Government Grant funds.

For full Request for Proposals please visit www.ovcdc.com

Bids will be received by OVCDC until 5:00 pm, PST, August 30, 2013 at the office of OVCDC Finance, P.O. Box 847, Bishop, CA 93515 or 2574 Diaz Lane, Bishop CA 93514. This RFP will remain open until awarded if sufficient qualified proposals are not received by August 30, 2013. For further information and to request a bid packet please contact the Purchasing/Contracts Administrator by telephone at 760-873-5107 or email contracts@ovcdc.com

Request for Proposal

Salish Kootenai College, Pablo, Montana 59855, subsequently referred to as SKC, invites all qualified Independent Certified Public Accounting firms to submit proposals to perform the following audit of the financial statements and records of the SKC and its discrete entity, Salish Kootenai College Foundation for fiscal year ending June 30, 2013.

Please request a copy of the complete proposal requirements by e-mailing Hayward Coe (Hayward_coe@skc.edu). Please indicate **AUDIT PROPOSAL** in the subject line. A mailed copy can be received by calling 406-275-4991.

Proposals to provide these services must be submitted to SKC by 4:30 P.M., Thursday August 1, 2013.

Note: The SKC reserves the right to reject any and all bids and to waive informalities in the bids received whenever such rejection or waiver is in the best interest of the SKC.



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605.487.7871

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- Affordable housing for seniors/ Wheelchair Accessible
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A new book-length study has found that Triqui farmworkers in the U.S. endure endemic discrimination, inadequate health care and horrible living conditions.

THE BIG PICTURE