



Indian Country

THIS WEEK FROM
TODAY THE PREMIER E-NEWSLETTER SERVING THE NATIONS, CELEBRATING THE PEOPLE

A Letter from the Publisher

Shekóli. Last week the Obama administration announced that it would abide by Supreme Court rulings and congressional demands to fully reimburse tribal contract support costs, or CSC. Like many things in Washington, D.C., the importance and true meaning of government actions is often obscured by terminology that verges on the Orwellian. Never are things more unclear than when allocation of money is involved—which is why the words “budget” and “battle” seem permanently intertwined.



is on during budget wars, Indians are vulnerable. Contract support costs are funds that pay for, say, Indian Health Services functions that tribes themselves provide to their citizens. In any other circumstance, when the U.S. government contracts a vendor to perform a service, the government is legally obligated to honor that contract. So it would seem for Indian providers of same—but when wrangling started last year, IHS contractors were threatened with taking a life-endangering hit. As you will read this week, this fiscally irresponsible course of action was, in fact, averted.

So what, then, are contract support costs? Students of Indian-U.S. history will recall that we are often said to be living in a time of self-determination. Prior to President Richard Nixon’s endorsement of self-determination policies (policies championed and put forth by Indian leaders at the time), the federal government was engaged in paternalistic or termination activities on Indian territories. The Bureau of Indian Affairs, or its agents, would set the course and expenditure for everything from tribal education to tribal housing. We all know how that worked out. Not only were Indian nations short-changed when it came to what they were legally entitled to receive as part of treaty rights. They were also hindered from operating in their own best interests.

And so, a victory in support of the status quo—or, perhaps, an improvement over same, as long as the support for higher contract support cost obligations does not decrease funding for other essential BIA and HIS programs. When it comes to upholding our treaty rights—whether disguised as contract support costs or some other bit of jargon—we must be prepared to fight the good fight.

Self-determination changed much of that—and many could argue that it was the most fiscally prudent course of action for the federal government as well. Invariably, though, when the pinch

Na ki’ wa,

Ray Halbritter

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Tribal Immunity on Trial

As we await the U.S. Supreme Court opinion on Michigan v. Bay Mills Indian Community, consulting attorney Peter d'Errico considers the high court's skeptical stance toward tribal immunity:

Some may see the Supreme Court's distrustful attitude toward Indian nations as a form of invidious discrimination against non-Western peoples. Others may see it as an extension of the colonial effort to dominate Indians that gave birth to the doctrine of Christian Discovery. Still others may see it as a form of jealousy that is aimed at the recent economic successes of some Indian nations. Yet others may see it as a version of forced

assimilation that has animated colonial and neo-colonial policy in prior eras.

Supreme Court precedents clearly state that Indian nations predate the formation of the United States and have a status that is independent from the U.S. Constitution. The Court has always had trouble trying to squeeze Indians into the mold that shapes the federal-state structure of American government. From the earliest cases of federal Indian law, Indians have been held to be in a special relationship to that structure. Often, Indian law cases have really been about apportioning powers between the federal and state governments, as in the 1996 case of *Seminole Tribe v. Florida*, where the court

restricted Congress's power to abrogate state immunity.

Federal Indian law has been convoluted and complicated since the beginning, being a mixture of domestic and international law. It consists of principles of indigenous nationhood and doctrines of colonial imposition, stirred together with changing social and political attitudes and economic agendas. The irony of the current Supreme Court's attitude is that it aims to undermine Indian self-determination at precisely the moment when such self-determination seems within reach. A cynic will say that is exactly the point. <http://bit.ly/1mvFxAR> ☞

The Generation That Cares

As one of the self-confessed "Diné older folks," Larry Emerson finds himself inspired by the imagination and energy of a young generation of tribal activists:

I recently witnessed six Diné young women openly grieve devastation caused by unabashed hydraulic fracturing in eastern Dinétah (northwestern New Mexico.) They connect this colonized and commodified practice with sexual violence against sacred feminine bodies that includes our mother earth.

We don't associate hydraulic fracturing with cultural fracture, but we should. Why is it that we are surprised at hydraulic fracturing in and around Diné

country—literally in our yards—while our families live in isolation and separation? Why do we no longer see this as we raise our families and seem to forget to value intergenerational k'é (kinship) relations? From a Diné youth activist lens, hydraulic fracturing is simultaneously a fracturing of our k'é and hózhó knowledge and practice. Hydraulic fracturing is yet another example of a deep assault on our being, our souls, our clan system.

Diné youth activists are now seizing the moment to demand the right to healthy Diné identities and ethical, sacred ecological lifestyles, to speak the Diné language, to fully understand Diné traditional knowledge, to demand so-

cial and environmental justice that also embraces mother earth rights and to practice k'é or compassionate, interdependent kinship and community. They seek healthy relations not only with other humans but also with our beautiful earth and sky relatives.

I've heard youth activists wonder why we older folks hide our stories. Why we appear silenced, often unable to show our emotions, unwilling to teach our language, to help them practice our culture or why we criticize them for not speaking our language. Shouldn't us older folks be feeling, caring for and affirming the hurt, anger and pain youth carry? <http://bit.ly/1c0QNv3> ☞

Racism In Our Ranks

Dina Gilio-Whitaker (Colville), research associate at the Center for World Indigenous Studies, attacks the concept of "Indian-on-Indian racism," often expressed by Natives using the term "breed," a shortened form of "half breed," among themselves:

The use of the term breed is of course predicated not on Native concepts of identity and belonging through kinship and relatedness but on settler colonialism's construct of blood quantum. It is no small irony that it is the same racist logic of the Social Darwinists of the nineteenth century who equated higher Indian blood

quantum with evolutionary inferiority, an ideology that justified the genocidal practices of the US government and led to the massive land theft and assimilationist policies of the Dawes era.

Racism is a form of psychological violence when perpetrated by anyone. When Indians exhibit intracultural racism it is an exercise of internalized oppression, i.e. self-hatred, outwardly directed. It is the manifestation of a colonized mind.

Native American people marry and procreate outside their culture more than any other ethnic group in the U.S. This trend is not likely to end anytime soon, which means that there are fewer and

fewer full bloods among us with the passing of each generation. It also means that there are virtually no families that don't have mixed-blood family members.

Colonization is a mental prison that draws no boundaries based on blood quantum. Full or mixed blood, we have all been affected. The common ground we share is the history of our families having been ripped apart, our languages stolen and our cultures violently disrupted. When we judge each other based on our genetics all we do is keep ourselves trapped in a prison of someone else's making. And what is that if not a form of insanity? <http://bit.ly/1gRYWFc> ☞

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Cape Wind Battle Continues as Foes File New Lawsuit

BY GALE COUREY TOENSING

Opponents of Cape Wind's controversial \$2.6 billion industrial wind energy proposal off the coast of Cape Cod have filed a new lawsuit, challenging the developer's state-approved no-bid contract to sell its energy at three times the price of competing out-of-state green energy companies.

The Alliance to Protect Nantucket Sound, the umbrella group for dozens of Cape Wind opponents including the Mashpee Wampanoag Tribe on Cape Cod and the Aquinnah Wampanoag Tribe on Martha's Vineyard, filed the lawsuit in late January in U.S. District Court in Boston against Massachusetts state regulators, energy company NSTAR and Cape Wind. The suit alleges that state regulators' approval of the contract between Cape Wind and NSTAR violated federal law in two ways. The first was by pressuring NSTAR to buy power from the in-state Cape Wind, the regulators discriminated against out-of-state power companies with lower electricity costs. The second was by state regulators exceeding their authority by setting wholesale rates for the contract, an action reserved for the Federal Energy Regulatory Commission.

The suit is one of several pending legal challenges to the Cape Wind project, which would erect 130 turbines, each towering 440 feet above the water across a 25-square mile area between Cape Cod, Martha's Vineyard and Nantucket. The project has been touted by the Obama administration as America's first off-shore wind farm and enthusiastically supported by Massachusetts state government. But its wind towers whirring above the shallow waters of Horseshoe Shoal would obliterate the Wampanoag tribes' unimpeded view of the rising sun. This view is crucial to a ceremony that is central to their identity, and the development could destroy the ocean bed that was once the dry land of their ancestors. <http://bit.ly/N6rMbl> ☞

Cheyenne and Arapaho Tribes Abandon Pursuit of International Site PokerTribes.com

A month after a new tribal government took office, the Cheyenne and Arapaho Tribes are abandoning plans to pursue online gaming outside U.S. borders through PokerTribes.com.

Incoming Tribal Governor Rollin "Eddie" Hamilton, whose official capacity is disputed by a divided government, has removed several casino personnel and an attorney general responsible for pursuing federal approval of the website's international operations, reported the *Tulsa World*.

The tribe invested \$9.4 million in PokerTribes.com, which is currently inactive, but Hamilton has decided not to risk spending more money on what he expects will prove a costly and fruitless effort. Last April, Oklahoma Gov. Mary Fallin granted permission for the tribe to offer online poker and casino games to customers located outside the U.S., paying the State of Oklahoma 20 percent of proceeds.

But in November the Department of the Interior declared that state officials have no authority to sanction that kind of agreement. On December 26, Cheyenne and Arapaho leaders filed a federal lawsuit in Oklahoma City against Interior to push the agreement forward. Hamilton has since directed tribal attorney Richard Grellner to stop pursuing the lawsuit.

The Concho, Oklahoma-based tribe of 12,000 members operates four casinos: two Lucky Star casinos in Concho and Clinton, and two Feather Warrior casinos in Watonga and Canton. <http://bit.ly/1kYKKPP> ☞

Interior Approves Mechoopda's Trust Land for Gaming

BY GALE COUREY TOENSING

Assistant Secretary-Indian Affairs Kevin Washburn has approved a request by the Mechoopda Indian Tribe of Chico Rancheria to acquire 626 acres in trust in Butte County, California, near the city of Chico for gaming purposes.

The Mechoopda Tribe will construct and operate a modest gaming facility on 91 acres of the site. It is estimated that the project will create 214 full-time jobs.

"The Mechoopda Tribe has pursued this initiative for more than a decade,"

Washburn said. "The acquisition of the land into trust for the purpose of establishing a Class III gaming establishment will result in substantial financial benefits to the tribe and help stimulate economic development."

The Mechoopda Tribe has somewhat more than 400 members and little in the way of economic development.

"Having seen firsthand the remarkable transformations Indian gaming has brought to other tribes, the Tribal Council of the Mechoopda Indian Tribe believed it was in the best interest of all members to pursue the development of a world-class gaming facility at Highway 99 and Highway 149 in Butte County," tribal officials

said. "The profits garnered from the gaming project will undoubtedly allow the tribe to meet the housing, medical and cultural protection needs of its members. It will allow the tribe to drastically reduce debt, fund youth and employment programs and academic scholarships. Finally, this generation of Mechoopda has hope and—for the first time in a century—the prospect of living better than their parents and grandparents."

The Department of the Interior approved the Tribe's first application for land into trust in 2008. This decision was challenged in federal court and ultimately remanded to the department for reconsideration. <http://bit.ly/1jRMvhN> ☞



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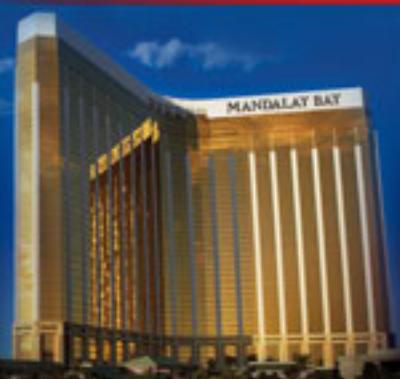
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Foxwoods Partners With Irish Software Company for Free-Money Gaming Site

The Mashantucket Pequot Tribal Nation, owners and operators of Foxwoods Casino Resort, is teaming with Irish-backed GameAccount Network, the London-based game developer and software firm, to offer simulated online gaming via computer and smartphone platforms to free-money players around the world. GameAccount will send promotional offers to potential players for Foxwoods' virtual casino called FoxPlay with Foxwoods Resort Casino, reported *The Hartford Courant*.

"We think this cutting edge technology will enhance the overall guest experience and allow them to bring the excitement of Foxwoods with them wherever they go," said Foxwoods CEO and President Scott Butera.

Foxwoods' simulated gaming remains a marketing tool for now, but the move is likely in hopeful anticipation of intra-state regulation in Connecticut in 2015.

Foxwoods' virtual online casino will offer more than 50 casino games from GameAccount Network's library, including table games and slots promoted by Foxwoods. Players must first sign up for a Foxwoods Rewards Card, which requires they enter their name, address and either their Social Security or driver's license number.

"With the changing landscape of online gaming we are excited to launch FoxPlay with Foxwoods Resort Casino," GameAccount Network CEO Dermot Smurfit said in a statement. "The FoxPlay online casino will enhance online gamers experience across the world and make them feel like they are playing in a live casino."

Smurfit said some of GameAccount's key missions are "converging online with land-based gaming," their ability "to monetize free-to-play gaming" and to "drive increased visitation to the operator's property."

<http://bit.ly/Nc1L19> 🌐

Coalition for Prisoners' Rights Addresses U.N. Human Rights Committee

A coalition of organizations has charged several states with violating the religious freedoms of indigenous prisoners. The charges, which were recently brought before the United Nations Human Rights Committee, came in the form of an update to a previously submitted 15-page report.

In its report the coalition, led by Huy, a Seattle, Washington-based nonprofit that aims to reform state policy toward Native prisoners' Indian religious freedoms and cultural expression, reported violations in California, Montana, Hawaii, Arizona, South Dakota, Texas, Wyoming and Missouri. Among the charges are that Native prisoners have been denied or given reduced access to sweatlodge, pipe, and Wiping Away the Tears ceremonies; and have had such sacred items as pipes and pipe bags, hand drums and rattles,

smudge tobacco, antlers, and herbs confiscated or severely restricted. The coalitions' concerns were presented to Kate Fox Principi, secretary of the Human Rights Committee in Geneva, Switzerland, on February 10.

"The religious and human rights violations being committed by state and county corrections agencies against indigenous prisoners remain prevalent," said initial Chairman of the Huy Board Advisors, Gabriel Galanda, Round Valley, a tribal lawyer with Galanda Broadman, PLLC in Seattle. "International intervention is now needed to bring the U.S. and its state and local siblings into universal compliance with American federal law and worldwide human rights norms."

The Huy coalition includes the National Congress of American Indians, the Native American Rights Fund, the National Native American Bar Association and the American Civil Liberties Union.

<http://bit.ly/IjC3scD> 🌐

Tribal Council Strengthens Contracting Preference for Cherokees

The Cherokee Nation has substantially strengthened a tribal law that will help to put more citizens from all three federally recognized Cherokee tribes to work.

The Cherokee Nation Tribal Council passed an amendment to the Cherokee Nation Employment Rights Act during its regular council meeting February 10. Prior to the amendment, businesses owned by Cherokee Nation citizens received first preference for tribal contracts, followed by businesses owned by citizens of all other Native American tribes.

The act now establishes a preference tier, placing businesses owned by Cherokee Nation citizens first, followed by a second tier preference for businesses owned by citizens of the United Keetoowah Band of Cherokees and Eastern Band of Cherokees. The third tier of preference includes all other Native-owned businesses, and the fourth

tier includes non Indian-owned businesses.

The amendment also provides for the tribe's Tribal Rights Employment Office to terminate the contracts of employers that fail to abide by the Indian preference provisions of the Act.

"This reform will put more Cherokees to work, give our contractors more opportunities to earn business and give Cherokee Nation Businesses the flexibility it needs to compete for more federal contracts," said Tribal Council Secretary Jodie Fishinghawk of Stilwell. "We're now putting into law that Cherokee Nation and CNB must go the extra mile to find Cherokee applicants. We've already boosted Cherokee employment at CNB to record highs, and I expect that number to go higher."

Cherokee Nation's Tribal Employment Rights Office negotiates with nearly 800 certified Indian-owned businesses to fill contracting needs within the Cherokee Nation and its business entities.

<http://bit.ly/O4CLnh> 🌐

Massacre At Cedarville Rancheria

Former tribal chairwoman held

Cherie Lash Rhoades, recently ousted as tribal council chairwoman of the Cedarville Rancheria Tribe of Northern California, shot and killed four people, including three relatives, at an eviction hearing at the tribe's headquarters in Alturas on February 21, authorities said. Rhoades, who was being investigated by the FBI over \$50,000 in missing grant money meant for the tribe, allegedly killed her brother, her niece, her nephew, and a tribal administrator; she also allegedly shot and wounded a fifth victim and stabbed a sixth. "This is like nothing I have had to deal with in my 25 years of being with the city of Alturas," said police chief Ken Barnes. <http://bit.ly/1mBcR9K>

Judge Rules Against Keystone

May cause project delays

A judge has ruled that the Nebraska law that allowed the governor to approve a route for the Keystone XL pipeline violates the state constitution. Gov. Dave Heineman approved the \$7 billion, 880 barrels-per-day pipeline's route a year ago. But the ruling by Lancaster County Judge Stephanie Stacy invalidates the law under which he did so because it gave pipeline builder Trans-Canada Corp. powers of eminent domain, the Associated Press said. "Stacy said the decision to give Trans-Canada eminent domain powers should have been

made by the Nebraska Public Service Commission, which regulates pipelines and other utilities," according to AP reports. <http://bit.ly/1mxZl6O>

School District Won't Change Mascot

Declines request of education association

The Fort Atkinson School District in Jefferson County, Wisconsin, will not change the name of its high school's mascot, the Blackhawks, despite calls from the Wisconsin Indian Education Association to do so. Fort Atkinson received one of 31 letters sent by the WIEA to school districts with Native American mascots and organizations after Gov. Scott Walker signed a bill making it harder to force such changes; a petitioner must now prove that the mascot or nickname is racist. "At this time, we do not believe our use of the Blackhawk mascot is racist or disrespectful," District Administrator Jeff Zaspel told *The Daily Union*. <http://bit.ly/1edqUbf>

Tribal Business Win in Michigan

Federal access for engineering firm

Seven Generations Architecture & Engineering, LLC, a.k.a. 7GenAE, has received a federal designation that helps small disadvantaged businesses compete in the government-contract marketplace. The U.S. Small Business Administration (SBA) granted the nine-year 8(a) program status, which will ensure the firm's assistance with business devel-

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opment and expansion of its services to federal agencies. 7GenAE is wholly owned by Mno-Bmadsen, the holding arm of the Pokagaon Band of Potawatomi Indians. "Achieving 8(a) status gives our company access to federal contracts designated as small disadvantaged set-asides that were previously unavailable to us," said Scott Winchester, general manager of 7GenAE. "This is a huge opportunity for growth."

<http://bit.ly/1haSHwy> ☞

Solar Projects Are Approved

Controversy over Chemehuevi homelands

The Interior Department has approved two controversial solar projects in the Ivanpah Valley, which contains traditional homelands of the Chemehuevi Indian Tribe. The 300-megawatt State-line Solar Farm Project, to be built in San Bernardino County, California on about 1,685 acres of public land, will power 90,000 homes. The 250-megawatt Silver State South Solar Project near Primm, Nevada, which will go up on about 2,400 acres of public land, will power 80,000 or so homes. Environmental groups and the Chemehuevi Indian Tribe have legally challenged the projects, which straddle the California-Nevada line, for infringing on endangered desert tortoise habitat, among other concerns.

[http:// bit.ly/1jgyZRS](http://bit.ly/1jgyZRS) ☞

Student Who Smudges Told To Stay Home

Possible human rights issue in Manitoba

A Birdtail Sioux First Nation high school student in Brandon, Manitoba, was told by school officials not to attend classes because he smelled like sage after smudging at home beforehand. Stephen Bunn, 17, said that administrators at Crocus Plains Regional Secondary School issued the directive because of their no-scent policy to protect allergy sufferers. But Bunn called the policy "a big lie" and said he is considering filing a human rights complaint. "They let all kinds of students stink of perfume, and they have no problem with it," he said. "They've never enforced that rule on anyone but me."

<http://bit.ly/1e8hWvR> ☞

Cherokee Nation Secures Rescue Vehicle

Will be used in local emergencies

Cherokee Nation marshals recently secured a military grade vehicle to assist in searches, rescues and other emergency situations involving Cherokee citizens. The 15-ton Mine Resistant Ambush Protected vehicle was part of a program whereby excess military equipment was donated to state and local law enforcement agencies. The surplus Defense Department vehicle, valued at half a million dollars, is not armed and will be used by marshals to reach citizens who are trapped by weather or other conditions. Marshals will begin training to operate the MRAP in March. The vehicle is expected to be in active service before the beginning of tornado season in April.

<http://bit.ly/1fi1TAo> ☞



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Elvers may be small, but their price has increased nearly a hundredfold over the past decade. That makes for a lot of revenue—and a lot of conflict when it comes to reconciling tribal rights and the interests of state commerce.

No pact on elvers

State official kills proposed tribal agreement—BY GALE COUREY TOENSING

Bottom Line: *Just when it looked like the Passamaquoddy Tribe and Maine might achieve a crucial agreement that would balance conservation laws and fishing rights, the state's attorney general pulled the plug.*

Leaders of the Passamaquoddy Tribe were disappointed and frustrated when

a proposed negotiated fishing agreement with the state of Maine was terminated at the last minute by Attorney General Janet Mills, who invoked a “constitutional” issue that Indian law experts say is not supported by law.

The conflict began when a delegation of Passamaquoddy leaders traveled to the Maine capital of Augusta on February 12

to attend a meeting of the legislature's Joint Standing Committee on Marine Resources, to finalize a Memorandum of Agreement (MOA) with the Department of Marine Resources for the 2014 elvers' fishery season. The agreement had been hammered out over months of negotiation. But instead of finalizing the agreement, Department of Marine Resources

Commissioner Patrick Keliher said that the department was backing off its support of the agreement because of “legal concerns” raised by the attorney general.

The broken agreement was just another example of the state’s refusal to deal with the tribe in good faith, tribal leaders said.

“It is so bad that if the Passamaquoddy Tribe came up with a new way to grow grass so it was greener and healthier, the state of Maine would reject it,” Tribal Councilor Newell Lewey said. “They just don’t want us to succeed—even if we make it better for everyone.”

The MOA was designed to resolve a controversy over how the tribe and state would issue elver fishing licenses and address a conservation order from the Atlantic States Marine Fisheries Commission to reduce the catch of the tiny translucent baby American eels for this year’s 10-week elvers season, which begins the last week of March. The commission threatened to shut down the fishery if conservation measures were not taken. In early February the Marine Fisheries Commission met with the tribe and the state and approved the state plan and tacitly, the memorandum, to meet the commission’s conservation goal to protect the American eel population.

“We were cautiously optimistic,” Chief Joseph Socobasin said. “We were coming out of a Joint Tribal Council Meeting [between the Passamaquoddy communities at Sipayik and Motahkomikuk] where the MOA was approved by a nine to one vote. We had a reliable mandate to seal the agreement.”

“By lunchtime, the agreement had dissolved before our eyes,” said Vice-Chief Clayton Sockabasin, who is also the chair of the Fisheries Committee.

The controversy over elvers erupted last year in regard to the number of licenses the tribe issued. While the tribe issued more licenses than the state permitted, it placed a limit on the total number of pounds that tribal members could catch—which is the basis of the tribe’s conservation plan. This year the state has caught up to the Passamaquoddy’s traditional knowledge and practice of conservation and agreed in the proposed MOA to a 35 percent cut to the 2013 total of 18,000 pounds, bringing the 2014 allow-

able catch to 11,750 pounds. The state agreed to limit the number of pounds caught by individual non-tribal license holders.

The tribe agreed to reduce its total catch this year by more than 50 percent, from 3,600 to 1,650 pounds, without placing quotas on individual members. The tribe also agreed that members would use only dip nets, not the large, funnel-shaped fyke nets that large numbers of elvers swim into, and that members would participate in a statewide program to use swipe cards when they sell their catch.

“Because we are fishers, the fish—in this case the American eel—comes first. We amended our law to further our conservation efforts,” said Vera Francis, a member of the Passamaquoddy Fisheries Committee. And then, the tribe carefully negotiated with the marine resources committee, the tribal leaders said.

“We went to great lengths to make this historic bilateral agreement possible,” Socobasin said.

But according to Mills, the proposed memorandum may violate the equal protection clause in the state constitution by making Indians a “special class” of people who would be dealt with differently than non-Indians should legal conflicts arise. She claimed that prohibiting tribal members from using fyke nets while allowing nontribal fishermen to use them, and imposing penalties on nontribal fishermen who exceeded their individual catches—but not on tribal fishermen who had no individual catch limit—might violate the state constitution.

The tribe is represented by Akin Gump, a Washington, D.C.-based firm that specializes in Indian law. The firm sent a nine-page letter to Mills on February 11, presenting fully articulated legal arguments about the MOA that addressed her equal protection concerns and more, including the tribe’s reserved treaty fishing rights. Attorney Michael Rozzetti, former personal counselor to the secretary of the Department of the Interior, pointed out in the letter that the agreement would not violate the state or federal Constitution because the latter recognizes that Indian tribes occupy a separate political status in the U.S.

That special status is “the legal justification for federal courts to mandate the execution of cooperative agreements between tribes and states, and for other tribes and states to enter into voluntary agreements to settle longstanding disputes,” Rozzetti wrote. Such agreements are commonplace in Alaska, the Northwest, and elsewhere and have “passed constitutional muster,” he also said. Rozzetti cited various examples of case law that show how the separate classification of federally recognized Indian tribes and their members is based on their status as political entities, not racial identity.

“The Supreme Court has expounded on what it meant for federal law to treat tribes and their members differently under federal law,” Rozzetti said. Quoting Supreme Court precedent, he noted that “Indian tribes are unique aggregations possessing attributes of sovereignty over both their members and their territories” and that “[T]hey are a separate people possessing the power of regulating their internal and social relations.

It is not clear how the state will move forward now that the attorney general has pulled back the MOA. The agreement was critical to amendments to Legislative Document 1625, a bill that is meant to codify the rules over elvers fishing. According to the *Bangor Daily News*, Keliher cautioned the committee about the ramifications of not coming to agreement on a bill. If a divided recommendation comes out of the committee, it likely will be harder to get the bill approved by two-thirds majorities in the House and Senate, which is required for the measure to become law before the season starts.

Meanwhile, the Passamaquoddy leaders plan to continue their traditional conservation-centered approach to the fishery. “Once more, the state is on the precipice of the elver season with no road forward,” the leaders observed in a statement. Amid the uncertainty, the tribe is certain that it will manage its own salt-water fisheries.

“Yes, this is our reserved treaty right,” Chief Socobasin said. “But more importantly, it is who we are, who we always have been and who we will be as long as we are on this earth.” <http://bit.ly/1e0T4WM> 

A Gubernatorial First

Deb Haaland may make history in New Mexico **BY VINCENT SCHILLING**

Bottom Line: *Debra Haaland, a candidate for lieutenant governor of New Mexico, will be running unopposed in the June Democratic primary as the first Native American on a gubernatorial ticket in the state's history. A member of the Pueblo of Laguna and a tribal administrator at the Pueblo of San Felipe, she is the first female chair of the Laguna Development Corporation (LDC) Board of Directors. In an interview with ICTMN, she took some time to share her thoughts about her achievements and her aspirations:*

You are the first Native American on a New Mexico gubernatorial ticket. Why has it taken this long?

I have worked with tribes for a long time, so I understand how their governments work. And I know a lot of tribal leaders. This is just my theory, but I think one of the reasons why we have not had a Native American on the statewide gubernatorial ticket is because a lot of men have a lot of obligations at their respective communities. I think that has something to do with people being available. I am not married and I have one daughter who is in college, so I felt like I had the time as well. I know how to work hard.

What is your response to securing the nomination?

We are really excited about it. I have a very experienced team and this will be our third election together. It was kind of a quiet celebration. We were texting back and forth. I think my campaign manager, Scottie Tillman, was more excited than I was. It is always nice to be the first at something, right?

What type of work have you done for the Pueblo of San Felipe?

I am a tribal administrator, so I run all of the consolidated federal programs. There are two administrators there, so between us we also manage all of the political things for the administration. It is a lot of political, legislative and intergovernmental relationship work between the federal and state governments for the tribe. I love it, though. I love working with Indian people.

How does it feel to serve as a role model for Native women in Indian country?

I have never run for a political office before in my life. I hope I can be a role model to young kids. Women were not allowed to run for leadership at my Pueblo until 1997. Some offices are now

go to college and to work somewhere outside of your community, and then come back and help your own people. For a lot of Native people who are growing up in their respective communities, I think that is somewhere you cannot go wrong.

People working in departments where I work will eventually retire. We will always need younger folks to go into these fields. It would be great to see these fields filled with bright young educated people who know their communities and can do some good.

Since a lot of tribal positions are held by men, do you feel any sort of traditional conflict running for lieutenant governor?

I am not married, so that probably alleviates a lot of issues. If I were married to someone who was very traditional, I would have other responsibilities and obligations. I do have several traditional relationships such as godchildren and I make sure I tend to those traditions and I meet my obligations to my mother and family. In the Pueblo way, it is mostly the males who hold these obligations.

'I hope I can be a role model. Women were not allowed to run for leadership at my Pueblo until 1997. Just because women are not often nominated doesn't mean that we don't have the desire to serve.'

open for women candidates. Just because women are not often nominated at Laguna doesn't mean that we don't have the desire to serve our people. When you feel that you have a desire for service and want to make a difference in people's lives and do something good for my community, you find a way to do it.

What is your formula for success as a Native woman?

I didn't start college until I was 28 years old. I always encourage young people to

Will we see you as the governor of New Mexico someday?

(Laughs) That is far in the future, of course, and I would not have joined this race if I didn't think we could win this election. I am positive we will win. When we do win, then there is always a chance of winning reelection. I foresee doing such a great job the people of New Mexico will want to reelect us. My governor's blood is probably eight years in the future.... That is a little far for me to think about. <http://bit.ly/1bpXgog> ☞

Victory On Contract Support Costs

Obama administration will pay in full **BY ROB CAPRICOSO**

Bottom Line: *A controversial plan to cap contract support cost reimbursements to tribes has been defeated, and tribes are celebrating.*

The Obama administration has agreed to congressional demands that it abide by Supreme Court decisions requiring reimbursement of full tribal contract support costs (CSCs).

“The administration will fully fund contract support costs for federally recognized tribes in 2014,” said a White House official on February 18. “Last fall’s FY 2014 continuing resolution funded the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) contract support costs at the agencies’ estimates of full costs. Based on the funding provided in the FY 2014 omnibus, which was enacted in January, both BIA and IHS will fund CSCs at the agencies’ estimates of full costs.”

The official added, “The administration is working with BIA and IHS to develop a long-term accounting and budget strategy to address CSCs in consultation with tribes.”

In a controversial move, the White House last year suggested that Congress cap CSC reimbursements to tribes, despite tribal trust and treaty obligations and Supreme Court decisions that require total reimbursement. Tribal supporters in Congress, including Alaska senators Mark Begich (D) and Lisa Murkowski (R), spoke out against the plan after tribal leaders made their dismay widely known.

But matters improved in January when Democratic and Republican Congress members announced a budget agreement that said the federal government must treat tribal contractors the same way as any other government contractor by getting reimbursed for

work that they perform. Until 1999, payments to tribal contractors were reimbursed by the federal government. But at that time the IHS began citing budget shortfalls as a reason to not reimburse these costs. Since then, hundreds of millions of claims have gone unpaid to tribes.

At a meeting on February 5, as final budget considerations were under way at the White House, leaders with the United South and Eastern Tribes (USET) told IHS Acting Director Yvette Roubideaux that full CSCs should be reimbursed this year. But Roubideaux warned that the cost of paying for full CSCs this year might end up being more than the amount of money that Congress has appropriated to her agency. “At this point, we have more things to fund than we have [in congressional appropriations for IHS],” she said, adding that she wanted to confirm with tribal leaders that they would be fine with her dipping into other parts of her budget to pay all CSC obligations.

Mohegan Tribe Chairwoman Lynn Malerba told Roubideaux that tribes have already faced a reduction in some services because of federal sequestration. As a result, tribes are concerned about more reductions. Kitcki Carroll, executive director of USET, told Roubideaux that it is unfair of Congress to ask her agency to pay full CSCs without appropriating more money. “It is very simple for legislators to make that type of demand, but then to not back that up with appropriate dollars,” he said.

Several more tribal leaders have since spoken to Roubideaux, telling her that full funding for CSCs is a major priority, even given her apparent budget constraints.

Native American leaders and advocates are widely celebrating the new de-

velopments, and they now await word from the administration on whether it will settle all past CSC claims that have gone unpaid to date.

“This is an excellent start,” said Edward Thomas, president of the Central Council of the Tlingit and Haida Indian Tribes of Alaska. “Now we need to make sure that the payment of contract support costs does not take away from BIA or IHS funding [already] budgeted for needy tribal citizens. Payment must come from new presidential budget increase requests, or from the Departments of the Interior and Health and Human Services budgets.” In terms of CSC claims owed to tribes, Thomas said, “Past amounts due must come from the national Judgment Fund.”

“[T]his sad chapter in the federal governments treatment of the tribes won’t be closed until all of the past claims are concluded,” added Lloyd Miller, an Indian affairs lawyer with Sonosky Chambers involved in several tribal CSC legal disputes with the federal government. “The agencies and their outside fraud team have to stop the counter attacks, stop the foot dragging, and stop the delay tactics. The BIA and IHS long ago produced certified financial accountings for Congress showing exactly what they owe the tribes; the dodging and weaving just has to come to an end.”

Roubideaux said at the USET meeting that she is listening to tribal concerns on delayed payment of past claims. “We have heard loud and clear that you guys want us to hurry up and get those claims paid,” she told leaders. “We have actually invested in additional staff and resources to the claims process. Our goal is to try to get offers to all tribes this year.” <http://bit.ly/1nHkQgF> 



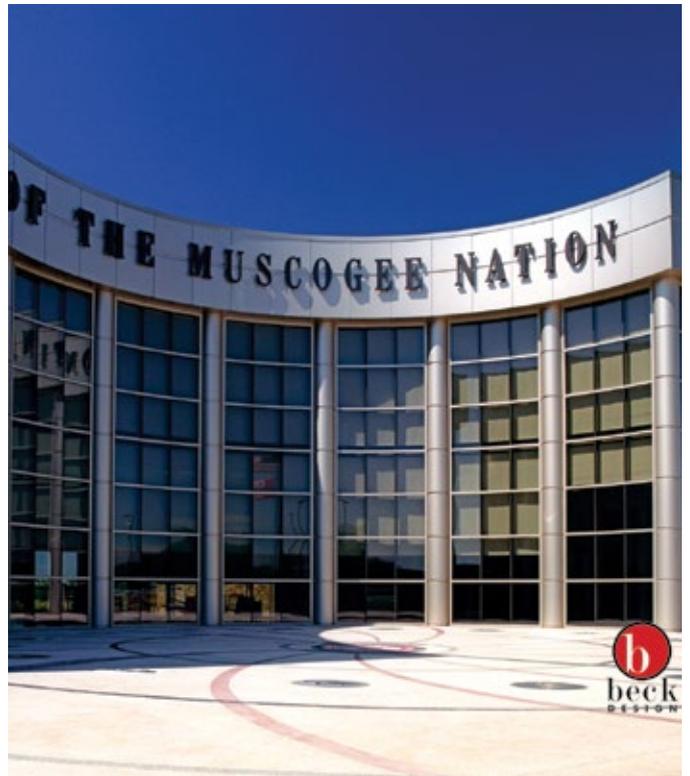
Tribal leaders questioned Indian Health Service Acting Director Yvette Roubideaux closely about fully reimbursing contract support costs.



After considerable delays, new homes are finally being built in the Tohono O'odham San Xavier District in the Sonoran Desert.



Forward T.J. Oshie, Ojibwe, of the U.S. Olympic hockey team, scored the winning goal against Russia in overtime at Sochi on February 15.



The College of the Muscogee Nation in Okmulgee, Oklahoma is now eligible for operation funding from the Bureau of Indian Education.

REQUEST FOR AUDIT PROPOSALS

The **Fort Peck Housing Authority** is requesting audit proposals for the audits for a 2 - 12 month periods from July 1, 2013 - June 30, 2014 and July 1, 2014 - June 30, 2015. Also Modernization and Development contracts or projects. Auditor will audit any open Indian Housing Block Grants in that time frame

Pursuant to 24CFR 1000.52, proposals will be accepted from Indian and Non-Indian owned Independent Public Accountant firms. Firms wishing to qualify for Indian Preference must state in their proposal that they are Indian owned. The scheduled closing date is Thursday, April 3, 2014 at 3:30 p.m. (MST) at which time the proposals will be reviewed for completeness.

The proposals should be in a sealed envelope and marked AUDIT PROPOSAL. Indian Preference applications are to contain the following:

- A. Certification by a Tribe or other evidence that the applicant or parties owning and controlling enterprise are enrolled members of an Indian Tribe (such Tribal certification being adequate to determine enrollment.);
- B. Evidence that the applicant Indian organization or individual has its permanent office of residency in the prescribed geographical area;
- C. Evidence of Indian ownership;
- D. The Proposals may be faxed to the Fort Peck Housing Authority at (406) 768-5489 or mail them to Fort Peck Housing Authority, Box 667, Poplar, MT. ATTN: Dr. Robin Bighorn, Executive Director. Proposals are to be submitted by Thursday, April 3, 2014 at 3:30 p.m. The audit for FY2014 is to be completed by **September 30, 2014**, for any questions please call (406) 768-3460.
- E. Evidence that the applicant has the technical, administrative and financial capabilities to perform contract work of this size and type involved and within the time period provided under the proposed contract, while at the same time not possessing an unacceptable track record. The Housing Authority Board of Commissioners will review the proposals and determine whether any applicants are eligible for Indian preference. Preference will be given to IPA's that provide proof of Indian evidence and stock ownership, organizational structure, management control, financing and salary or profit-sharing agreements; and ownership and qualifications. The audit shall be made in accordance with generally accepted auditing standards and government auditing standards, issued by the U.S. General Accounting Office (GAO). The audit and financial statements shall meet the requirements as prescribed in the Single Audit Act and the audit must be in compliance with OMB Circular A133.

The IPA will be required to perform a detailed review of all payments during the audit period, the review shall include:

1. Verification that all payments are properly documented, i.e., travel vouchers, telephone logs, postage logs, proper invoices attached for reimbursable;
2. Correct computation of fees;
3. Written request from authority for the services as set out in the Contract;
4. That the architect's add on fee is proper and included on only items permitted in the contract; and
5. That the hourly rates for employees are in accordance with the rates established in the contract.

The IPA shall submit to the Fort Peck Housing Authority a written statement that he or she has met all legal requirements concerning registration in the State of Montana.

The Fort Peck Housing Authority unit totals: Low Rent —539- NAHASDA – 78, New Mutual Help – 123-NAHASDA Mutual Help -43,2 tax credit projects- FPLP1 – 23, units and FPLP #2 – 24 units.

Any further information may be obtained from the Fort Peck Housing Authority, P.O. Box 667, Poplar, MT 59255 (406) 768-3459.

The Fort Peck Housing Authority reserves the right to accept or reject any and all proposals. No member of the governing body, officials, or persons directly involved with the Housing Authority will have any relationship nor privileges. Please contact Dr. Robin Bighorn, Executive Director, P.O. Box 667 Poplar, MT

Proposals will be rated pursuant to the following evaluation factors:

- Experience - 35
- Indian Preference - 30
- Geographic location - 20
- Fee - 15

Headlines from the Web

ANCIENT INFANT'S DNA PROVIDES KEY TO NATIVE AMERICAN ANCESTRY

<http://bit.ly/1e8zMyV>

TURTLE MOUNTAIN OFFICIALS WILL PRESENT CASINO PROPOSAL IN GRAND FORKS AND ON THEIR RESERVATION

<http://bit.ly/1c3nnwo>

OMAHA TRIBE TO COLLECT LIQUOR TAX

<http://bit.ly/1crya6V>

PRIMARY ELECTION RESULTS: NOOKSACK CHAIRMAN'S RACE CLOSE AMIDST DIVISION OVER DISENROLLMENT

<http://bit.ly/1fAqahv>

STAND-ALONE CASINO PLAN INCLUDES DEAL WITH SEMINOLE TRIBE

<http://bit.ly/MBIQGA>

TRIBAL LEADERS RESPOND TO CITY SALES TAX DEMAND

<http://bit.ly/1jII85f>

CITY OF SHAWNEE'S 'AGGRESSIVE' BEHAVIOR COULD FORCE OKLAHOMA TRIBE'S HAND, CHAIRMAN SAYS

<http://bit.ly/1nP6fzU>

FRED DAKOTA FOUNDED NATIVE AMERICAN CASINOS— IN A U.P. GARAGE

<http://bit.ly/1hwJVgE>

'LAST AMERICAN INDIAN' FINDS CHALLENGES IN PERFORMANCE ART

<http://wapo.st/1d2caMH>

Upcoming Events

BUILDING NATIVE COMMUNITIES: FINANCIAL SKILLS FOR FAMILIES FEBRUARY 26-28

First Nations Oweesta Corp., along with Cook Inlet Tribal Council and KeyBank, will offer Certified Instructor Training and a certification program to help Native CD-FIs, tribes and other Native organizations establish and sustain financial education programs in their communities
Location: Rasmussen Conference Center, Anchorage, Alaska

WESTERN WASHINGTON NATIVE AMERICAN EDUCATION CONSORTIUM EDUCATORS CONFERENCE FEBRUARY 27-28

Dedicated to fostering relations that provide direct contact with decision makers from all areas of education, the WWNAEC aims to strengthen the web of opportunity, both educationally and culturally, for all Washington State students. Topics will

include inter-agency collaboration, indigenous ways of teaching, the "Since Time Immemorial Curriculum" and S.T.E.A.M. [Science, Technology, Engineering and Mathematics] for Native students.

Location: Emerald Queen Event Center, Tacoma, Washington

NATIVE AMERICAN FATHERHOOD AND FAMILIES ASSOCIATION FACILITATOR CERTIFICATION TRAINING MARCH 4-6

Departments and agencies using the NAF-FA's "Fatherhood is Sacred" and "Motherhood is Sacred" certification training program service modality include Human Services, Behavioral Health, Criminal Justice, Child Support Enforcement, TANF and Head Start. Both individual and agency certifications are available.

Location: NAFFA, Mesa, Arizona

NATIVE AMERICAN CONSULTING SUPERVISOR SKILLS TRAINING MARCH 11-12

This two-day seminar will provide professional networking exercises, communication skills, conducting of performance

evaluations, lessons in team building and motivation, and an interactive session on ethics and professional responsibility, goal setting, confidentiality, delegation, strategic planning and evaluations.

Location: Flamingo Casino and Hotel, Las Vegas

NATIVE AMERICAN CHILD AND FAMILY CONFERENCE MARCH 11-13

The 33rd annual conference aims to provide Head Start, Early Head Start, and Child Care programs with training opportunities to build their capacity in providing quality services. Objectives will include building the knowledge base and beginning skills of front-line staff working directly with children and families; increasing the knowledge base of program management staff to provide quality early childhood development services; and providing a learning environment for sharing programs for the benefit of children moving to become future leaders in their communities.

Location: Albuquerque Marriott, Albuquerque, New Mexico

LETTERS TO THE EDITOR

It's been a long time since I laughed out loud at something I read, but Vincent Shilling really snagged me this time with "Are You Native American?" (January 29)

I am at least 1/2 Native American/NDN according to his list. I've got to know: who told him about the painting I've been meaning to hang?

Thanks for the much-needed belly laugh. Keep it coming!

— Anita Glenn
Fort Wayne, Indiana

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

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Completed applications sent by regular mail, not registered or certified mail must be received by March 12, 2014. All applications received after this deadline date will not be processed until all applications received by the deadline are processed.



**Torres Martinez
Desert Cahuilla
Indians TANF**

Invitation for BID DUE
March 14, 2014

RFP # 10243

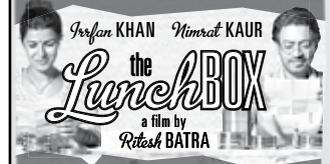
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**Request for Proposals
Self-Monitoring Assessor**

The Yakama Nation Housing Authority is requesting a proposal for services pertaining to:

Self-Monitoring & Program Review Assessment. Firm should be familiar with the Native American Housing Assistance and Self-Determination Act (NAHASDA).

Indian Preference applies to the work performed under this contract pursuant to 24 CFR1000.48-52. subject to Section 7(B) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450E (B)).

Solicitation and specification packet may be mailed by request (509) 877-6171, or sent electronically. For electronic request please contact alfred@ynha.com

Deadline for submitting a proposal is 4:00 pm March 10, 2014. Proposals received after this deadline will not be considered.

Proposals should be submitted by mail to: Preston Harrison, Interim Executive Director, Yakama Nation Housing Authority. P.O. Box 156 Wapato, WA 98951. Or submitted electronically to: preston@ynha.com.

All proposals should have the heading addressed to: Preston Harrison, Interim Executive Director; YNHA.

Staff Attorney to provide advice and representation to various departments and entities of the Swinomish Indian Tribal Community regarding a wide range of issues. Qualified applicants must be licensed, or have the ability to become licensed, to practice in Washington and must have experience or demonstrated expertise in one or more of the following fields: drafting and negotiating contracts; drafting statutes, policies and procedures; litigation, preferably in Federal Court; real estate transactions and foreclosure, preferably involving trust land; health care law; insurance/risk management or employment benefits; taxation; Indian law. We are seeking an energetic attorney with excellent written, oral and research skills, strong interpersonal communication and negotiation skills, an ability to function collaboratively and effectively with interdisciplinary staff in a cross-cultural setting and a fast-paced work environment, and with a demonstrated commitment to working with Native or other minority communities. Compensation DOE. For application and complete job description please provide your contact information to Wendy Otto, 11404 Moorage Way, LaConner, WA 98257; (fax) 360/466-5309; [email wotto@swinomish.nsn.us](mailto:wotto@swinomish.nsn.us).



TOP NEWS ALERTS

From IndianCountryTodayMediaNetwork.com

PAKOOTAS MAKES CONGRESSIONAL BID

Former Colville Tribes of Washington Chairman Joe Pakootas has announced his candidacy for Congress. Pakootas, a Democrat, hopes to represent Washington State's 5th Congressional District, a seat currently occupied by Cathy McMorris Rodgers, a Republican. In an interview with the *Spokesman-Review*, Pakootas suggested that he could benefit from the GOP's partial government shutdown last year. "The way I operate is sitting down and talking, negotiating over issues," he said, citing such examples as women's rights and the Affordable Care Act.

WOUNDED KNEE ACTIVIST DECLARED KILLED

The federal government has concluded that Ray Robinson, a black

civil rights activist who went missing during the 1973 occupation of Wounded Knee, was killed. The fate of Robinson, a disciple of Martin Luther King, Jr., has been the subject of speculation for decades. But newly released FBI documents, first reported by the *Buffalo News*, state that the Bureau suspects he was killed by members of the American Indian Movement who thought he was a government informant. "I've always thought that might not be the case," his daughter, Desiree Marks, told the Associated Press. "He may come home. He may be alive." The whereabouts of Robinson's body remain unknown.

SENATORS BACK LITTLE SHELL TRIBE

Montana's two U.S. senators, Jon Tester and John Walsh, both reaffirmed their support for

federal recognition of the Little Shell Chippewa Tribe while visiting Great Falls last week. "Don't get discouraged, especially not now," said Tester, who chairs the Senate Committee on Indian Affairs. "I think we've got to push the administration." Echoing him, Walsh said, "I will sign on as co-sponsor or supporter of the bill, and do whatever I can." The Tribe has been seeking federal status for nearly 100 years.

BRIDGE TO A NEW CASINO

A new bridge and road will soon be built for the Eastern Band of Cherokee Indians' second gaming facility in North Carolina, east of the town of Murphy. The state's Department of Transportation awarded a \$2.5 million contract to Simpson Construction Co. of Cleveland, Tennessee, for the bridge, whose construction

should begin the first week of March and be completed by the middle of November. The department has not yet awarded the road construction contract.

TOXIC WASTE ON NAVAJO RESERVATION

Uranium pollution is so toxic on certain areas of the Navajo Nation that environmental officials say they are no longer safe for long-term living. The problem persists even though federal agencies spent \$100 million on cleaning up more than 500 of the Nation's abandoned uranium mine sites between 2008 and 2012. "It is shocking—it's all over the reservation," Jared Blumenfeld, regional administrator for the Pacific Southwest, told *The New York Times*. "I think everyone, even the Navajos themselves, have been shocked."

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—Ashley Ambriz (bottom) summer 2013 participant from Colorado

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UPCOMING POW WOWS

Red Mesa High School Class of 2014 Benefit-Contest Pow Wow

February 28 - March 1
Highway 160 Mile Post 448
Red Mesa, Arizona
Contact: Tina Warren-King
928-656-4190
twking@rmusd.net

21st Annual Indian Education Pow Wow

March 15
Siuslaw Middle School
Florence, Oregon
Contact: Lynn Anderson
541-997-5458
landerson@siuslaw.k12.or.us

40th Annual Denver March Pow Wow

March 21 - 23
Denver Coliseum
Denver, Colorado
Contact: Grace B. Gillette
303-934-8045
denvermarchpowwow@comcast.net

DenverMarchPowWow.org

4th Annual Ida'ina Gathering
March 28 - 30
Dena'ina Civic & Convention Center
Anchorage, Alaska
Contact: Emil McCord
907-646-3115
emccord@tyonek.com
TebughnaFoundation.com

Pow Wow at Rocky Top

March 29
University of Tennessee—Humanities Amphitheater
Knoxville, Tennessee
Contact: Savannah Hicks
828-734-5727
shicks17@utk.edu

27th Annual Carolina Indian Circle Pow Wow

March 29
UNC Chapel Hill Campus
Chapel Hill, North Carolina
Contact: Jessica Oxendine
919-843-4189
jloxendi@email.unc.edu
americanindiancenter.UNC.edu/powwow

Red River Intertribal Club Benefit Pow Wow

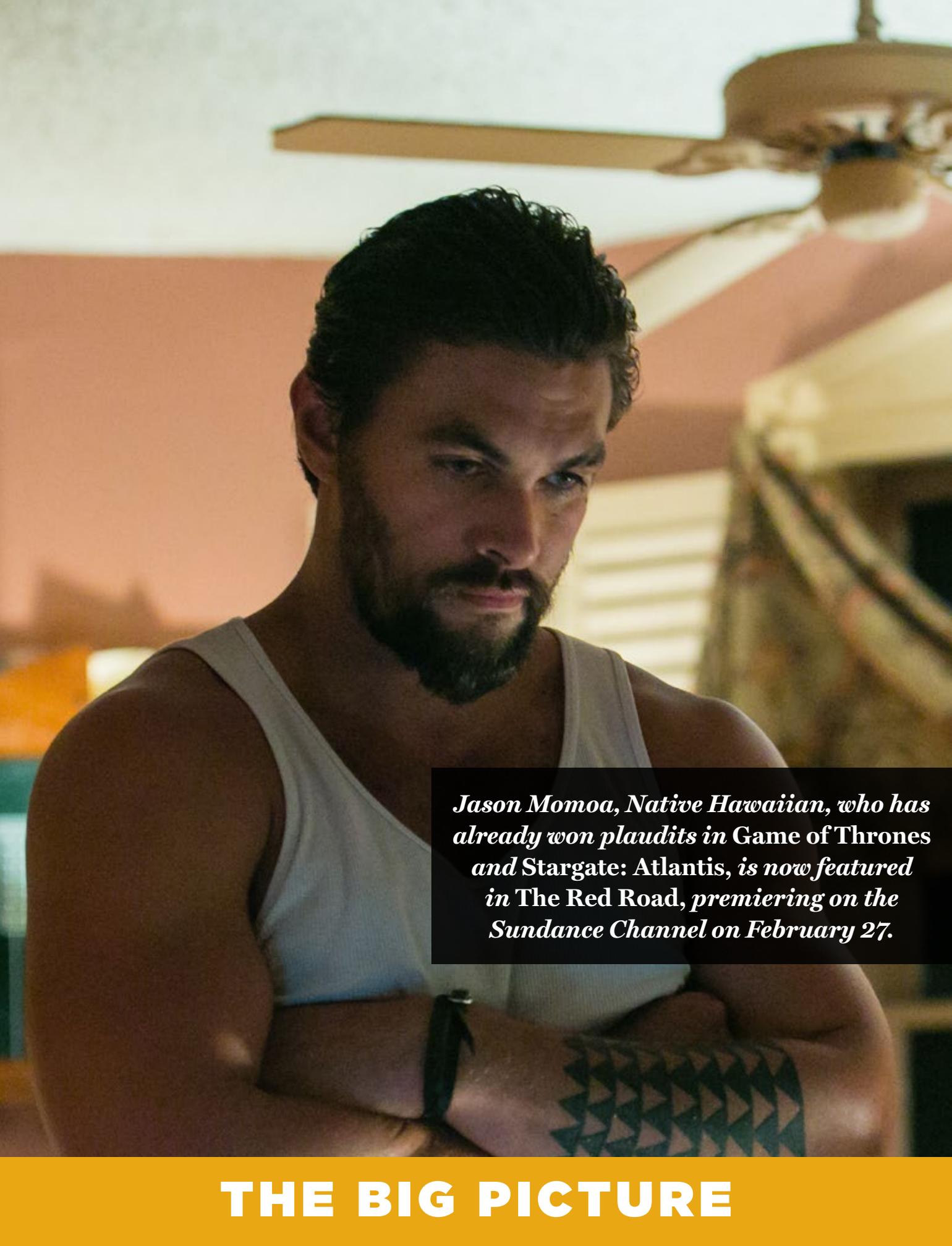
March 29
National Guard Armory
Wichita Falls, Texas
Contact: Jim Moore
950-782-7747
redriverintertribalclub@yahoo.com
RedRiverIntertribal.org

Miss, Junior Miss, and Little Miss Indian Oklahoma City Honor Dance

March 29
Shawnee Expo Center
Shawnee, Oklahoma
Contact: Shirley Wapskineh
405-632-5227
swapskineh@sbcglobal.net
MissIndianOKC.org

University of Nevada Reno Social Pow Wow

March 30
Joe Crowley Student Union
Reno, Nevada
Contact: Saundra Mitrovich
775-682-6499
smitrovich@unr.edu
UNR.edu/cultural-diversity/events



Jason Momoa, Native Hawaiian, who has already won plaudits in Game of Thrones and Stargate: Atlantis, is now featured in The Red Road, premiering on the Sundance Channel on February 27.

THE BIG PICTURE