



THIS WEEK FROM Indian Country TODAY

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

A Letter from the Publisher

Shekóli. It has been more than a year since the passage of the Stafford Act, a much-heralded piece of national legislation that established greatly improved regulations for releasing emergency funds directly to Indian nations. The act was the result of President Obama's mandate to national department heads to improve the federal consultation process with Native nations. As a rule, leadership and activists in Indian Country in all sectors have insisted on federal compliance with the important treaty obligation of maintaining nation-to-nation relationships between our governments and Washington, D.C. Until last year, tribal nations entitled to emergency relief funds from the Federal Emergency Management Agency had to work with state governments on the request, which naturally presented a number of obstacles. To his credit, FEMA's administrator Craig Fugate championed passage of the bill, which allowed for tribal nations to petition the president directly for assistance.

However, designing a new policy on paper is different than committing it to action, and this week ICTMN reviews FEMA's progress. To date, based on interviews with principal players on both sides of the table, it appears that the results have been good. Tribal leaders have applauded the development of improved consultation and turnaround time for funding, and point to Fugate's initiatives. Milo Booth, FEMA's national tribal affairs advisor, explains that the new consultation policy clearly accounts for how and when Indian nations can interact with FEMA, and also with whom. He tells ICTMN that there is also flexibility in the approach, as



tribal leaders can decide when they would prefer to work through their state partners or directly with the feds.

FEMA is also reviewing more than 800 comments from tribes on further reforms and adjustments. A critical piece of the puzzle is establishing specific needs for more than 500 specific nations (Booth says he turns to national and regional organizations of tribes for overviews as well). Another key element is refining the tribal declaration process and coming up with proper definitions for when a nation is entitled to matching federal relief funds.

While there are certainly hurdles ahead, FEMA's progress shows the benefits of collaboration and transparency. Whether we are leaders, activists or tribal citizens, we must all follow the news as a responsibility to our community. We may never know when disaster will strike, but we are in a position to know what to do about it when it does.

NA Ki wa,

Ray Halbritter

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The Peace Corps and the Rez

Shawn Abeita reflects on his experience as a Peace Corps volunteer in Panama and his upbringing on Isleta Pueblo:

Growing up on a Native American reservation has profoundly affected my life choices and career path. My community members and surroundings taught me about the worldview of my people, and the knowledge I acquired from community elders continues to influence how I interact with others. As an Indigenous person, I represent where I come from along with my community's core values, including love, faith, compassion, service, and dedi-


cation to community. These values are instilled in me. My personal goal is to be of service to my community and I have realized the acquisition of knowledge is one avenue to accomplish my goal.

As a Peace Corps economic development specialist working in Panama, I advised two very different communities on how to identify and develop projects that would contribute to the growth of the area. One community had limited access to water, and its residents lived minimally. The other was close to a major city, and its residents had access to modern amenities.

As an Indigenous person, I was able to share my culture and build personal rela-

tionships. While I faced various challenges throughout my two-year service in Panama, such as learning a new language and integrating into another community, I was able to navigate these challenges and overcome them successfully.

The people of Panama gave me more than I gave them. When I look back on my Peace Corps service, I am proud of the successful projects I completed, the positive changes I helped shape, and the personal development I experienced.

My Peace Corps experience has given me the poise to walk in two worlds—the Native World and the Western World. <http://bit.ly/1A1ZuRb> 

Language Immersion Improves Students

Congress is currently considering two bills that would support Native American language immersion. Teresa L. McCarty, the G.F. Kneller Chair in Education and Anthropology at UCLA, urges their approval, based on empirical educational data:

Between 2009 and 2011, I conducted a study of Navajo immersion at the K-5 Puente de Hózhó (Bridge of Beauty or PdH) Public Magnet School in Flagstaff, Arizona. Part of the national Promising Practices study led by Professor Bryan Brayboy of Arizona State University, this PdH study responded to Executive Order 13336's call for research on the role of Native languages


and cultures in American Indian/Alaska Native student achievement.

On state-required tests, PdH students equaled or surpassed their Native peers in English mainstream schools. In recent years, PdH has ranked among the district's top-performing schools. Equally important, the study showed that Navajo immersion brought parents and elders into the program, reinforcing intergenerational ties.

Among the many examples of successful Native-language immersion programs are the Akwesasne (Mohawk) Freedom School in upstate New York; the Ayaprun Elitnaurvik Yup'ik Immersion School in Bethel, Alaska; the Cherokee Immersion Charter School in Tahlequah, Oklahoma; the Cuts Wood (Blackfeet) Academy School in

Browning, Montana; the Native American Community Academy (Lakota, Navajo, Tiwa) in Albuquerque, New Mexico; and the Waadookodaading (Ojibwe) Language Immersion School in Hayward, Wisconsin.

Overall, three decades of research confirms the benefits of well-implemented immersion in promoting students' language acquisition, enhanced test performance, increased school retention and graduation rates, and college entry. The process also promotes important outcomes like parent involvement and cultural pride.

Children get one chance at their P-12 education, and it serves them for life. They deserve the opportunities and academic benefits that Native language immersion provides. <http://bit.ly/1Bg040l> 

Eagle Feathers Belong to All Tribes

On August 20, the 5th Circuit Court of Appeals found that the federal government had not proved its case that giving eagle feathers to state recognized tribes would harm its relationship with federally recognized tribes. Lakota speaker and author Shawn Abeita now looks ahead:


The Circuit Court's decision is a victory but far from complete. It is almost certain that the U.S. Fish and Wildlife Service will appeal the decision.

That's what happened in 2011 when U.S. District Judge Dee Benson ruled in *U.S. v. Wilgus* (2009) that the enforce-

ment of the current "eagle law" was not "the least restrictive means" for the government to advance its interests in protecting eagles. Benson's findings would have allowed for the eagle feather permit system to be expanded to include non-Native Americans as well as members of state recognized tribes. But Benson's decision was subsequently overturned.

Critics quickly pounced on the 5th Circuit Court's decision. Recent articles by Angela Deines and Jonathan Stempel for example, claim that court's decision will make it harder to protect eagles. The implication here is clear: protecting the rights of state-recognized tribes means

hurting eagles. This is a not-so-subtle way of saying that the needs and rights of state recognized tribes should not be observed—and that the only way to protect eagles, while also allowing for a Native American religious exception, is to limit feathers and parts to federally recognized tribes.

Nonsense. The government has never given actual concrete evidence that expanding the permit system would necessarily harm eagle populations. It's time to recognize the rights of state recognized tribes. Those who need eagle feathers and parts for prayer and ceremony to practice and preserve their ways of life deserve the right to do so. <http://bit.ly/1vJG463> 

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New Mexico Surpasses \$100 Million in Native HUD Mortgages

BY MARK FOGARTY

New Mexico this fiscal year passed the \$100 million mark in mortgages to American Indian residents of the state through the Housing and Urban Development (HUD) 184 loan program.

Data shared at a breakfast held in conjunction with the New Mexico Mortgage Finance Authority's recent Housing Summit in Albuquerque show private lenders have made \$110 million in government-guaranteed mortgages to New Mexico Indians both on- and off-reservation through 695 loans since the start of the program.

About a third of the lending has come on the state's nearly two dozen Indian reservations, according to a briefing sponsored by the Federal Deposit Insurance Corp., the Federal Reserve Bank of Kansas City, and the Office of the Comptroller of the Currency.

For this fiscal year, lenders have extended 121 mortgages for \$20 million through the HUD 184. Just 14 have been on allotted or tribal land. Deanna Lucero, senior loan guarantee specialist for the Department of Housing and Urban Development, said the HUD 184 is "now the leading loan program in Indian country" after a slow start that saw only 17 loans closed in its first year back in the 1990s.

Three hundred lenders have signed on to be in the program, she said, and her office gets new requests every day. The program has had good credit performance, with about 8.5 percent of loans in delinquency or foreclosure. Nationwide the program has closed more than \$3 billion in mortgages.

The New Mexico Housing Summit had an unusually robust track on American Indian housing in this cycle, featuring tribal leaders, state and federal agency heads, and private mortgage lenders gathering to explain the latest in public and private programs that can benefit tribes. <http://bit.ly/1qrdIKp>

Tester Begins Hearings on Sex Trafficking in Indian Country

BY SUZETTE BREWER

As the trafficking of Native women and girls becomes more prevalent in an expanding radius around the Bakken oil fields of North Dakota, politicians and indigenous leaders are seeking to protect these young victims—and help the survivors heal.

"Human trafficking is a serious issue afflicting our region and much of Indian country," said Senate Indian Affairs Committee Chairman Jon Tester (D-Montana) at a listening session at Ft. Peck Community College on August 28. "Montana and North Dakota have been especially hard-hit by increases in crime, including human trafficking, due to the explosive influx of people and resources following the oil and gas boom in the Bakken."

The listening session was aimed at gathering more information from tribal leaders and local law enforcement re-

garding the spike in sex trafficking of underage girls, as well as other related crimes that have increased since the oil boom began in the Bakken region.

"You would not expect to find 12- to 14-year-old girls sold for sex on the Internet, or lured by an adult for sex or forced into a life of servitude by predators to sell their bodies to strangers," U.S. Attorney Mike Cotter told the audience of about 100 tribal leaders, community members and law enforcement. "It is hard to imagine but it is here in our region, and this corruption occurs with too much frequency and is more prevalent than one would imagine."

Situated on the energy-rich Williston Basin, the Bakken Oil Patch is located in North Dakota. Since the energy boom in that state began, crime rates in the multi-state region have also spiked, including sexual violence, domestic violence, multiple murders and an increase in the use of various drugs.

<http://bit.ly/1uCa3ZS>

Language Immersion Court Victory in Alaska

BY STEPHANIE WOODARD

A federal court in Anchorage has sided with Alaska Natives who demanded that Alaska provide language assistance to voters who are not proficient in English.

In a September 3 hearing, U.S. District Court Judge Sharon Gleason ruled that Alaska violated Section 2 of the Voting Rights Act in the case of *Toyukak v. Treadwell* by failing to adequately translate election materials for Gwich'in and Yup'ik speakers. She criticized the state for relying on poorly paid, poorly informed "outreach workers" to provide interpretation.

"Juk drin Diiginjik K'yaa geereekhyaa geenjit gaayii gwiriltisaii. Shoo tr'aadlit ts'a'hai' tr'oonyaa," said Allan Hayton, speaking for the plaintiff, the Arctic Village Council, in Gwich'in. "Today we have won a victory for speaking our language. We are happy and thankful."

Alaska government officials responded that they would upgrade language-assis-

tance efforts and provide the court with a plan to do so within a few days.

The state's language assistance mistakes were continual and serious, according to court records. A ballot measure regarding parental consent for minors' abortions was translated as pertaining to parental permission "to become pregnant." The phrase "absentee voting" was rendered as "voting for a long time."

Gleason's decision on remaining constitutional claims, relating to Fourteenth and Fifteenth Amendment equal rights protections, is forthcoming, said plaintiffs' attorney James Tucker.

The Toyukak decision comes on the heels of another major win for Alaska Native voters. In July, the AFN (Alaska Federation of Natives) and ANCSA (Alaska Native Claims Settlement Act) Regional Association obtained equal access to in-person absentee voting for the first time in many Native villages across the state, according to AFN general counsel Nicole Borromeo, Athabascan.

<http://bit.ly/1t9HmlP>

Teenagers Charged in Navajo Murders to be Tried as Adults

BY ALYSA LANDRY

All three teenagers who were charged in the July 19 murders of two homeless Navajo men in Albuquerque will be tried as adults. A grand jury has indicted Alex Rios, 18, Nathaniel Carrillo, 16, and Gilbert Tafoya, 15, on first-degree murder charges. If convicted, they could face life in prison.

The teens are accused of killing Kee Thompson and Allison Gorman by smashing their heads repeatedly with cinder blocks and other items while they slept on mattresses in an open field. The case has gained national attention because of the ages of the teens and the brutality of the crime.

"It's hard to wrap your brain around it," said Albuquerque Police spokesman Simon Drobik "It was

such a heinous crime and the nature of violence was so traumatic."

According to estimates from the state Public Defender's Office, about a dozen children every year are tried as adults in the Albuquerque area.

All three teens have pleaded not guilty, though they admitted to the murders in statements to police. Tafoya and Carrillo are in the Bernalillo County Juvenile Detention Center while Rios, who also faces charges of contributing to the delinquency of a minor, is at the Metropolitan Detention Center.

Despite the ages of the two younger suspects, all three will be tried as adults because their first-degree murder charges define them as "serious youthful offenders," said Jeff Buckels, managing attorney of the capital crimes unit for the Public Defender's Office of New Mexico. <http://bit.ly/1pIP5ti> 📱

\$400,000 for Penobscot River Habitat Restoration

The National Oceanic and Atmospheric Administration (NOAA) is granting \$400,000 for restoration of Penobscot River habitat, following its designation of the region as one of two Habitat Focus Areas in May.

The Penobscot, which is the second-largest river in New England, provides habitat for 11 sea-run species of fish. That list includes three species—Atlantic and shortnose sturgeon, and Atlantic salmon—that are listed under the Endangered Species Act.

The NOAA's efforts are aimed at offsetting damage to ecosystems that are compromised by pollution and overfishing, the Associated Press reported. The agency told the AP that the project involves improving passage areas for fish, as well as bettering conditions for commercially and recreationally important species.

The Penobscot Indian Nation, whose members have lived along the river for thousands of years, rely on this habitat and the salmon that return there from the sea every year. Dam removal, NOAA's first restoration phase, has helped bring the river back to life.

"The Penobscot River drains the largest watershed in Maine and is the U.S. Fish and Wildlife Service's flagship river for the restoration of Atlantic salmon in this country," said the Penobscot Nation on its site. "Almost 80 percent of all salmon returning to U.S. waters calls the Penobscot River home."

While these species benefit from large-scale removal projects such as the elimination of the Veazie and Great Works dams, they also benefit from the removal of smaller barriers that have been preventing them from accessing historic habitat, NOAA said.

The other habitat designation made by the NOAA last May was of the Choptank River complex in Maryland and Delaware. <http://bit.ly/1rJJCnW> 📱

Swinomish to Begin Three-Year Climate Change Study

The Swinomish Indian Tribal Community has launched a three-year study to assess the physical and social impacts of climate change on its lands, thanks in part to a grant of more than three-quarters of a million dollars from the Environmental Protection Agency (EPA).

Over the past decade, the Washington State-based Swinomish tribe has invested \$17 million in collaborative work on its natural resources, the *Skagit Valley Herald* reported on August 31. The EPA has now augmented those efforts with a grant of \$756,000.

The Swinomish are studying climate change because approximately 95 percent of their reservation abuts the water and the tribe is concerned about how global warming will affect rising water levels.

In awarding the grant in June, the EPA said the money would help "develop a model showing projected coastal erosion due to sea-level rise, storm surge, and wave energy" through the year 2100. The funding is also slated to map the vulnerability of Swinomish coastal ecosystems, especially for first foods and culturally significant sites.

The study will monitor waves and

winds on the shore during winter and keep careful note of storm surges, the *Herald* said. Levels of sediment, wood debris and eelgrass cover will also be measured. These aspects of the study will help ensure that certain aspects of traditional culture, which are often neglected in scientific studies, are accounted for.

"It's important when you look at overall health to look at not just the foods and the resources, but the gathering," said Swinomish Tribal historic preservation officer Larry Campbell. "There's a process of gathering these things that's traditional in nature."

<http://bit.ly/Ya5H2a> 📱

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Ban On Brown Bear Hunting

Moratorium in Kenai Refuge

The U.S. Fish and Wildlife Service has halted the sport hunting of brown bears in Alaska's Kenai National Wildlife Refuge through May 31 because of the bears' declining population. The rule went into effect on September 1. "The temporary closure to sport hunting of brown bears on the Refuge is being implemented as a resource protection measure and to ensure consistency with Refuge purposes," the Interior Department said. There were 582 bears in the refuge in 2010, the USFWS said, down from an estimated 624. So far in 2014, 54 brown bears have been killed on the Kenai Peninsula, the Fish and Wildlife Service said. <http://bit.ly/1B9iWxW> 📍

Muscogee (Creek) Nation Opens Program Building

'Built with the future in mind'

The Muscogee (Creek) Nation opened its new Women, Infants and Children (WIC) Program building on August 25. The WIC building on the MCN campus in Okmulgee, Oklahoma will be an energy-saving Structural Insulated Panels project, the first of its kind on the campus. "The Muscogee (Creek) National Council appropriated funds for the half-million dollar facility located on the MCN campus in Okmulgee," the Nation said. "Our new space was built with the future in mind," said the director, Katura Bunner. "We are set up to better serve our participants." <http://bit.ly/VYp2Bg> 📍

Inauguration For Haskell President

Seventh leader of university

Haskell Indian Nations University in Lawrence, Kansas will inaugurate Dr. Venida Chenault as its seventh president on September 17. Chenault, a member of the Prairie Band Potawatomi and Kickapoo tribes, began her educational career at Haskell in the fall of 1975. She completed her bachelor's and master's degree in social welfare at the University of Kansas before returning to work at Haskell as a faculty member in 1991; she completed her doctorate in 2005. Dr. Chenault's honors include an American Indian College Fund Mellon Fellowship, the American Indian Leadership Award from the University of Kansas Indige-

nous Studies Program, and the Haskell Outstanding Alumni of the Year Award. <http://bit.ly/1ubfjKY> 📍

Mansion To Go Up On Burial Ground

'Utter disgust' over project

Numerous First Nations are opposing permits that the British Columbia government has granted for a mansion to be built on the tiny burial-ground island of Grace Islet. On August 27, the Union of B.C. Indian Chiefs sent an open letter to Steve Thomson, the district representative in the provincial legislative assembly, to voice their "utter disgust" over the project. "It is a legal and moral imperative," the union wrote, "that provincial leaders move away from old prejudices that First

Nation burial sites containing human remains are less worthy of protection than settler cemeteries.” However, construction has already begun. <http://bit.ly/VYs74u> 🌐

Spotlight On Species Revival

Young Natives try to preserve

The New York Times on August 25 spotlighted the efforts of the Three Affiliated Tribes, the Lakota and other Native groups to restore certain animal species to their natural environments. Among the subjects was Bronc Speak Thunder, who is helping bring purebred bison back to Fort Berthold Indian Reservation; and Robert Goodman, Oglala Lakota Sioux, who moved

back to the Pine Ridge Indian Reservation to help reintroduce such specimens as the swift fox. “A lot of younger folks are searching, seeking out interesting experiences,” Speak Thunder told the Times. “I have a lot of friends who just want to ride with me some days and help out.” <http://nyti.ms/1luGv0i> 🌐

New Portal To Provide Training

Targeted toward Native entrepreneurs

The National Center for American Indian Economic Development of Mesa, Arizona has launched an interactive web portal for Native American business training and education. The new National Center Edge for Busi-

nesses “consists of a collection of tools and resources for expanding Native American business,” its website states. “The assortment of instructional videos, editorials and direct access to hundreds of Native American businesses around the country provides ongoing training for small business, emerging markets, business strategies, and entrepreneurship.” Membership will offer access to other American Indian business people, and to new articles, training and business development content on a weekly basis. <http://bit.ly/1qmjbSQ> 🌐

Upset Over ‘Trail Of Tears’ Banner

Criticism at Oklahoma State

A group of Oklahoma State University (OSU) football fans sparked criticism for their display of a banner reading “Send ‘Em Home #trail_of_tears #gopokes” during ESPN’s GameDay football preview show on August 30, when OSU faced off against the Florida State Seminoles. “Trail of Tears” is the historic name for the fallout of the Indian Removal Act of 1830, whereby Southeast Natives were forcibly relocated to present-day Oklahoma. The banner drew many negative comments on Twitter and met with this response from OSU’s official Twitter feed: “OSU does not condone the insensitive sign shown at today’s GameDay event and have requested that it be removed.” <http://bit.ly/1u9asnc> 🌐



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Special Education Denied On The Rez

How the system failed Wyatt DuBois BY TANYA H. LEE



Wyatt DuBois with his parents, Paula and Rick DuBois

Bottom Line: *Paula and Rick DuBois, Chippewa, adopted their son Wyatt when he was 2 years old. Wyatt, exposed to drugs and alcohol prenatally, was born prematurely and had special needs. This conclusion to a two-part story reveals the inability of their best efforts to give him the education he deserved.*

In his first two years of life, Wyatt DuBois was, it is said, severely abused in his foster homes. His adoptive mother, Paula, says that at 2 he was an angry, distrust-

ful child who would head butt, kick and bite. He was also nonverbal, and, as his parents found out when he was almost 4, he had a severe-to-profound hearing loss.

After a harrowing experience at the North Dakota School for the Deaf (NDS), Wyatt started in the second grade at Turtle Mountain Community School when he was 8 years old. He began learning under Marlene Shroeder, Turtle Mountain Band of Chippewa, an experienced early childhood and elementary teacher who had been going

to school to get her credentials in deaf education. She hoped to teach Wyatt and other deaf and hard-of-hearing children at Turtle Mountain.

Wyatt's parents, family attorney Monique Vondall, the Turtle Mountain Band of Chippewa Indians and Shroeder all said Wyatt began to make progress in language acquisition once he had an appropriate teacher. However, he still had many educational needs that his parents felt were not being met.

A slew of Individualized Education

Plan (IEP) meetings ensued involving Wyatt's parents, personnel from the Bureau of Indian Education (BIE), Belcourt School District No. 7, representatives of the NDSB, and speech and language and other professionals who had worked with or evaluated Wyatt.

Paula DuBois said the meetings were extremely difficult for her and her husband because they were treated dismissively. Moreover, they did not know their rights until they were able to obtain the help of a child advocate. IEP meetings, said Vondall, continue to be adversarial.

The family signed a resolution settlement agreement in April of 2011. Under its terms, Wyatt was to receive services and compensatory education. These were designed to ensure that he could get the most out of his cochlear implants (Wyatt received his second implant in 2010) and deal with his other issues. These ranged from suspected fetal alcohol syndrome to hyperactivity to emotional outbursts.

Under the agreement, Wyatt was to receive intensive specialized speech therapy in a clinical setting, at home and in school; audiology services; and testing and maintenance of his cochlear implants.

He was also to be accorded a qualified hearing-impaired teacher, a one-on-one aide, occupational therapy, physical therapy, psychological counseling and an extended school year.

In addition, teachers and staff at Turtle Mountain Community School were to receive training in how to teach Wyatt. The school district would look at systemic issues that contributed to the school's failure to educate Wyatt. Finally, Wyatt would have a written and signed IEP.

The school has met some of these requirements but not all of them. For example, Wyatt has not had a one-on-one aide. Nor does he receive psychological counseling and he receives only limited occupational therapy, his advocates said.

Paula said school personnel refuse to learn about CI children and so keep putting Wyatt in dangerous situations, such as environments that are too hot, too noisy or have strong electrical fields. So far, the school has not developed a current IEP for Wyatt.

In August of last year, Vondall filed a due process complaint in tribal court

against Belcourt School District No. 7 on behalf of Wyatt and his parents. The complaint is making its way through the legal process.

It asks for damages to pay for Wyatt's education and for punitive damages, alleging that the school "deliberately compromised the education of the minor child, Wyatt DuBois, by not following the agreement and by not conforming the school's special education standards to a student that has a right to attend school under federal laws and local tribal laws."

This type of due process complaint is

Wyatt was supposed to receive specialized therapy, treatment and counseling. But bureaucracy and inattention thwarted him.

one recourse available to parents who feel their special needs child is not receiving an appropriate public education. But for an American Indian family on a rural reservation, that can be complicated.

Among the questions arising is, who is responsible for Wyatt not getting the services to which he is entitled? Belcourt School District No. 7 says that it is the responsibility of the BIE. The BIE says it is the responsibility of the school district, according to Vondall.

Also, since the school is in a rural location, the school might successfully argue it could not find a deaf and hard-of-hearing teacher to hire until Shroeder—at Paula's instigation—made herself available and went back to college to earn the credentials required by the state to teach hearing-impaired children.

Another question that arises is one of

jurisdiction. The Turtle Mountain Chipewewa tribal council has passed Wyatt's Law, which says tribal children can no longer be placed at the North Dakota School for the Deaf but must be educated in the local school. But the school is not under the jurisdiction of the tribe.

Indeed, as stated in the agreement, it could be to the school's advantage to send children to NDSB because North Dakota state law places the entire financial responsibility for educating children placed at NDSB on the state. This arrangement thus relieves the local school of significant costs.

The due process complaint is in tribal court, rather than state or federal court, because "we must exhaust our tribal remedies," Vondall said. "That means that we have to get it heard in Tribal Court prior to filing in federal court against the Belcourt School District No. 7." The DuBois family would also have to find the money to hire a lawyer and file a lawsuit in federal court. The process would likely be extremely expensive.

Paula said the family has been fighting to get Wyatt the education to which he is entitled by law for more than seven years. They are worn out and are considering a move to a different location where they could more easily get the services their son needs.

The move, however, would be heart-wrenching. The Turtle Mountain Reservation is Paula and Rick's home. It is where their friends and family are. It is where Wyatt was born. It is where Wyatt should be able to live and benefit from the support of his tribal community now and build the relationships that will sustain him in the future.

But for this special needs American Indian child, the choice may be between staying on the reservation and getting the education that will help him develop to his full potential.

Rachel Bruner-Kaufman, attorney for Belcourt Public School District No. 7, said that under the federal Family Educational Rights and Privacy Act, the district cannot talk about any student.

"The district is meeting special education requirements and each situation is unique," she said. <http://bit.ly/VTHACJ>

VTHACJ

Progress With Tribes At FEMA

A bureaucratic process becomes more streamlined BY ROB CAPRICCIOSO

Bottom Line: Tribal disaster relief used to be a tortuous process of dealing with state governments before proceeding to the Federal Emergency Management Agency. But by all indications, matters are improving.

Shortly into his first term, President Obama requested that all federal agencies develop “meaningful consultation and collaboration with tribal officials.” On November 5, 2009, he directed his agency heads to submit to the director of the Office of Management and Budget their detailed consultation plans within 90 days.

Some agencies were quick to respond. Others continued to follow the well-worn path of insufficient federal-tribal consultation. Still others submitted late initial consultation plans that tribal leaders and citizens viewed as perfunctory at best.

Such was the case with the Department of Homeland Security (DHS) and its Federal Emergency Management Agency (FEMA). In 2009, the DHS issued a draft of its tribal consultation policy, later followed by a final version in 2010. The policy said that matters sounded good to tribes.

In many respects, however, the policy was sorely lacking. At that time, the only way tribes could receive federal assistance when faced with flood, fires, or other devastation was to ask their respective states to ask the federal government for help. It was not exactly a model of federal respect for tribal sovereignty.

But then, things began to change.

FEMA Administrator Craig Fugate heard and listened to increasing tribal concerns. And so he strongly supported legislation that would allow tribes to directly work with and petition the president directly for disaster-related funds and assistance when needed. To great

fanfare in Indian country, the legislation passed Congress in early 2013.

Since then, six tribes have been able to interact directly with the agency to receive federal assistance in seven instances without interference from their respective states. Tribes that still wish to work through their states have continued to be able to do so. But the option now exists for them to take more responsibility if they can and want to in the future.

The agency still follows the 2010 DHS tribal consultation policy. But FEMA has also developed its own policy specific to tribal relations, released in late August, to provide further guidance to FEMA employees on how to consult with tribes. FEMA’s policy is consistent with the DHS procedure, agency officials say, and it may be a model for other agencies that have in the past lacked solid relationships with tribes.

“We didn’t really have a FEMA-specific tribal consultation policy [before now],” said Elizabeth Zimmerman, FEMA’s deputy associate administrator for response and recovery. “We had different documents that talked about tribal consultation, but we really focused on it this time for this one.”

Milo Booth, a citizen of the Metlakatla Indian Community hired as a national tribal affairs advisor for FEMA in May, said that the new consultation policy lays out an effective action blueprint.

“We have clearly identified roles, specifically with the tribal consultation coordinator [and their role in the FEMA hierarchy],” Booth said. “It also mentions that we will work to the fullest extent possible with tribal stakeholders to take into consideration their preference of consultation method. We like the diversity it provides.”

Booth acknowledged that it is a challenge to consult with all 566 federally

recognized tribes on FEMA issues. So he has made it a priority to connect with the National Congress of American Indians, the United South and Eastern Tribes, and other national tribal organizations. Regular conference calls have become the norm, he said, to help both tribal and federal officials know and understand each other’s needs.

“Although we can’t sit here and understand what all 566 tribes are thinking at any moment,” Booth said, “we can at least go to the leadership in the tribal, non-governmental organizations who handle emergency management to kind of keep our finger on the pulse there.”

With the consultation policy in place, FEMA officials are turning to strengthening the tribal declaration process—that is, the criteria for how a tribe can get direct help in the case of a disaster. Currently, there is a \$1 million threshold of damage in order to receive matching assistance from the federal government. But some tribes have asked FEMA to reconsider that number.

How to define damage on struggling reservations with crumbling infrastructures is another question being considered, as is how to implement cost-share issues. To date, the agency has received over 800 comments from tribes expressing their interests on reforming the current criteria and definitions in ways that better meet tribal needs.

“The trend that we were seeing in those comments so far is that many tribes don’t even have a million dollars worth of infrastructure,” Zimmerman said. “And we are restricted by federal law what we can reimburse for.”

But can one policy address the diverse needs of all tribes?

“That’s something that we have to take into consideration,” Zimmerman said.

<http://bit.ly/1uD3Koj> 

Time Remains For Recognition

But obstacles may still persist GALE COUREY TOENSING

Bottom Line: *There is still time to submit comments on proposed regulations to reform the process for federal acknowledgment of Indian tribes. Complications, however, remain.*

The Bureau of Indian Affairs (BIA) has extended the deadline to submit written comments on proposed regulations to reform the process for the federal acknowledgment of Indian tribes until September 30. To that end, two public meetings were held via teleconference on September 3 and 5.

The deadline was extended and extra meetings scheduled because of the large number of comments already submitted and the high level of interest in the issue, said Assistant Secretary-Indian Affairs Kevin Washburn.

“With this extended comment period, the Department is providing more opportunities for comment and suggestions from tribes and the public than any other rule issued by Indian Affairs during this Administration,” Washburn said. “Input from tribes, including the 17 that have been recognized under the regulations, states, local governments, the public and non-federally recognized tribes will result in a better final rule.”

The proposed rules were released for public comment in May. In general, both recognized and non-recognized indigenous nations have praised them. Many nations, however, have taken exception to one provision—a third party veto that could prevent tribes that have been denied recognition the opportunity to apply for reconsideration.

The new rules would make the recognition procedure more transparent, efficient, timely, and flexible, while maintaining the seven mandatory criteria and the integrity of the process. Key upgrades would include dispensing with the filing a letter of intent to petition and instead having tribes simply file their petitions; giving weight to tribes with state-recognized reservations or tribes for which the federal government

has held land since 1934; and eliminating the need for third parties to identify the petitioner as a tribe from 1900 to the present.

The system has been criticized as being too time-consuming, arbitrary and generally ‘broken.’

The original federal recognition regulations were adopted in 1978 and updated in 1994. Before 1978, the Interior Department considered requests for acknowledgment on a case-by-case basis. The regulations established a structured procedure for evaluating federal acknowledgment. But the system has been widely criticized as being too time-consuming, sometimes arbitrary and generally “broken,” said Washburn.

Since 1978, and as of last November, the BIA had processed 51 of the 356 petitions for federal acknowledgment it has received. Seventeen tribes have been recognized and 34 have been denied. The process has moved slowly because the federal recognition process is perpetually understaffed and underfunded. Furthermore, said former Interior Secretary Ken Salazar, federal recognition and other Indian affairs came to a virtual standstill under the Bush administration.

“It was an attitude that Indian country was not important and it manifested itself in a whole host of things—[such as] thousands of applications pending for


taking land into trust that simply were not acted on,” Salazar said. “It was a bad time.”

Additionally, since Indian gaming soared to success from the mid-1990s until the 2008 recession, the federal recognition process has become increasingly politicized with opposition from anti-Indian groups, local communities and states.

Connecticut exemplifies such opposition. In August 2008, a federal district court judge in that state dismissed the Schaghticoke Tribal Nation’s appeal to restore its federal recognition, which was reversed, along with that of the Eastern Pequot Tribal Nation. This dismissal followed an 18-month orchestrated campaign of political opposition by local, state and federal elected officials. The federal judge in the case acknowledged that political pressure was brought to bear but dismissed its effectiveness.

“The court must accept the evidence as presented at face value, in particular the testimony by the agency decision makers that they were not unduly pressured by particular politicians or the political climate at large,” the late Senior Judge Peter Dorsey wrote.

Connecticut politicians, led by Sen. Richard Blumenthal (D), oppose the proposed regulations. They are urging federal policymakers to block attempts by the state’s three state recognized tribes to re-petition for acknowledgment under the new rules. The tribes are the Schaghticoke, the Eastern Pequot Tribal Nation and the Golden Hill Paugussets.

The Connecticut politicians fear that if another casino opens in their state, the gaming compacts with the Mashantucket Pequots and Mohegans would be voided and that those tribes would no longer be bound to turn over 25 percent of their slot revenues to the state. That revenue has amounted to more than \$6 billion donated to state coffers over the past two decades. <http://bit.ly/1nLq00j> 

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Yurok Indian Housing Authority Now hiring an Executive Director

Position Summary: The Executive Director is responsible for the day to day leadership, planning, organizing, scheduling, directing, supervising, managing, tracking, achievement and reporting on all functions arising in the course of development, modernization, maintenance, occupancy and operation of the TDHE's housing program, consistent with policies and budgets established by official Board action.

The incumbent is also responsible for the management of all authority programs, serving as the key staff liaison for the Authority with HUD, the Bureau of Indian Affairs, the Indian Health Service, Tribal staff, and other jurisdictional bodies.

Minimum Requirements: To perform this job successfully, an individual must be able to perform each essential duty successfully. The requirements listed below are representative of the knowledge, skill, and/or ability required. Must have a valid state driver's license. Must be insurable under YIHA vehicle policy insurance. Applicants are subject to the Tribe's Drug and Alcohol Free Work Place Policy including pre-employment screening; AND Must pass a comprehensive background and financial check.

Education: Bachelor's degree in Public/Business/Social Service Administration or related field. Five (5) years of managerial work experience in Housing with at least three (3) years' experience in the administration of housing policy; two (2) years supervisory and management experience; or any combination of academic education, professional training or work experience which demonstrates the ability to perform the duties of the position. Experience in HUD Housing programs desirable.

Application & Job Description: <http://www.yurokhousing.com/Jobs.html>

Questions: JMarasco@YurokHousing.com



Shoshone-Bannock Gaming, located in Fort Hall, Idaho is seeking a General Manager responsible for the successful overall direction, administration and coordination of all activities at the properties, in accordance with the policies and objectives established by the Tribal Council, with the ultimate objective to provide the maximum profit and return on investment in alignment with the Mission and Objectives of the Company, and in full accordance with all operational policies and procedures.

Candidates must have a Bachelor's degree from a four-year college or university; or four to six years related experience and/or training; or an equivalent combination of education and experience. Ten to fifteen years' experience in the Gaming Industry required. Minimum of five (5) to seven (7) years management experience on an executive level required. Must possess excellent communication skills, and effective public speaking skills.

More information is available at:
<http://www.shobangaming.com/careers.php>

To apply, send employment application, cover letter and resume before October 3, 2014 by 5 pm.



The Penobscot River salmon will benefit from a \$400,000 restoration grant from the National Oceanic and Atmospheric Administration.



Venida Chenault, a citizen of the Prairie Band Potawatomi Nation in Kansas, is the new president of Haskell Indian Nations University.



The bronzework sculpture "Corn Mother" is representative of the work of the Hopi artist Al Qoyawayma.



Five-year-old Malachi Wilson, Navajo, was sent home from his first day of kindergarten because he would not cut his hair.

THINKSTOCK; RHONDA LEVALDO/HASKELL MEDIA PRODUCTIONS FACULTY; AL GOYAWAYMA; COURTESY NATIVE NEWS ONLINE

Headlines from the Web

STATE OF OKLAHOMA, CHOCTAWS SIGN VEHICLE TAG COMPACT

<http://bit.ly/1IDB27C>

NATIVE LANGUAGE SPEAKERS WIN VOTING RIGHTS LAWSUIT AGAINST STATE

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

KICKAPOO IN A RACE TO STEM THE TIDE OF DIABETES

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

OMAHA TRIBE, EPA REACH WATER, TRASH COLLECTION DEAL

<http://bit.ly/1pPN92o>

GOVERNMENT MAKES BUY-BACK OFFERS ON INDIAN LANDS

<http://bit.ly/1puN0vi>

SHERRICK ROANHORSE APPOINTED TO HEAD NATIVE AMERICAN HOMELESSNESS TASK FORCE

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

Upcoming Events

AMERICAN INDIAN TOURISM CONFERENCE SEPTEMBER 14-18

The 16th annual conference is designed to share knowledge, experience and best practices from tourism programs around the country. The gathering will feature mobile workshops, exhibits, networking events and informational sessions with national speakers. Topics will include tribal tourism and business development; tourism marketing; tribal museums and cultural centers; international markets; the protection of tribal intellectual and cultural property; and federal resources and programs.

Location: Paragon Casino Resort, Marksville, Louisiana

THIRD ANNUAL NATIVE AMERICAN HOUSING CONFERENCE SEPTEMBER 15-16

Attendees will hear from top experts in the housing field on topics such as financing, federal loan and assistance programs, master planning and tax credits. Participants will be able network with tribal leaders and tribal housing directors representing over 100 tribes throughout the country and hear their success stories and ideas.

Location: Tuscany Suites & Casino, Las Vegas, Nevada

SEVENTH ANNUAL TRIBAL LEADERSHIP CONFERENCE SEPTEMBER 16-17

The theme of "Transitions" will be highlighted by such topics as "Developing and Recognizing Necessary Authoritative Guidelines," "Protecting the Tribal Sacred," "The Accomplishments of Tribal Appellate Courts and the New Challenges That They Face," "How Strong Ethics Enhance Tribal Government," and "Meeting the Legal Needs of Native Children and Families in New Mexico." Speakers will include Judge Joe Little, Isleta of the Pueblo Tribal Court and Judge Geoffrey Tager, Okhay Owingeh Tribal Court; and Regis Pecos, the co-director of the Leadership Institute.

Location: Isleta Resort and Casino, Isleta Pueblo, New Mexico

RIGHTS-OF-WAY ON INDIAN LAND SEPTEMBER 17

On June 17, the Bureau of Indian Affairs (BIA) published a proposed rule to revise regulations governing rights-of-way on Indian land. Since then, the BIA has received several requests for an extension of the comment period. A public hear-

ing via teleconference will therefore take place on September 17 from 1 p.m. to 4 p.m. Eastern Time. The official federal notice extends the comment deadline by 45 days.

Contact Information: (888) 790-2010, passcode 1863865.

NATION TO NATION: TREATIES BETWEEN THE UNITED STATES AND AMERICAN INDIAN NATIONS SEPTEMBER 18

This symposium will celebrate the opening of a landmark exhibition in connection with the 10th anniversary of the opening of the museum. Scholars, authors, and government leaders will discuss treaties that rest at the heart of American history and that have had profoundly affected lands, cultures, and populations of the Native Nations. Sen. Jon Tester of Montana will deliver opening remarks and Judy Woodruff of the PBS *NewsHour* will join ICTMN contributor Mark Trahan (Shoshone-Bannock) to interview museum director Kevin Gover (Pawnee) and guest curator Suzan Shown Harjo (Cheyenne/Hodulgee Muscogee).

Location: National Museum of the American Indian, Washington, D.C.

LETTERS TO THE EDITOR

Re Malachi Wilson, the 5-year-old Navajo boy who was sent home from his first day of kindergarten because his long hair violated school district policy in Seminole, Texas (September 28):

I was under the impression that there are laws that protect Indian rights under various aspects of social culture. Apparently I was mistaken.

The issue of hair is sacred to many Indians, as it is sacred to several religious groups. Many Christian fundamentalists do not allow their women to cut their hair. Many Jewish and Christian cultures do not allow their men to cut their hair. Judaism requires men to cover their heads.

While I do not believe that people must be "forced" to wear such items as a cross or

a yarmulke or a Star of David, I certainly do not believe they should be forced to remove them.

Schools should embrace diversity. This country belongs to Native Americans. Give them back their culture.

—Suretta Williams
Saco, Maine

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



TOP NEWS ALERTS

From IndianCountryTodayMediaNetwork.com

DAILY NEWS BANS 'REDSKINS'

Under the headline "Sack the Name," the *New York Daily News* last week ran an editorial vowing that it "will no longer refer" to the Washington, D.C. National Football League franchise "by its unacceptable nickname." The newspaper's statement read in part, "Enormously popular and deeply ingrained in sporting culture, the Redskins name is a throwback to a vanished era of perniciously casual racial attitudes. No new franchise would consider adopting a name based on pigmentation—Whiteskins, Blackskins, Yellowskins or Redskins—today. The time has come to leave the word behind."

MAJOR CLIMATE MARCH IN NEW YORK

The People's Climate March scheduled for September 21 in

New York City is expected to draw a substantial number of Native activists. Canadian aboriginal organizer Crystal Lameman (Beaver Lake Cree Nation, Treaty No.6) estimated that the rally would draw twice the number of the 35,000 attendees who attended a similar demonstration in Washington, D.C. in February 2012. "There is a large delegation of indigenous folks coming from all over Turtle Island and actually on a global level," Lameman said.

ALASKA NATIVE ARTIFACTS RETURNED

Two Alaska Native artifacts that were purchased at a December 2013 Paris auction by members of the Annenberg Foundation have been returned to local Native organizations. The items were part of a wooden box believed to be Chilkat in origin, and a small wooden mask

thought to have been carved by the Chugach Tribe. The Sealaska Heritage Institute received the former and the Chugach Alaska Corp. the latter. "They are associated with our ancestors," Rosita Worl, president of the Sealaska Heritage Institute, told the *Alaska Dispatch News*.

UPCOMING ENTERPRISE AWARDS

The National Center for American Indian Enterprise Development will announce award and scholarship winners during its upcoming Reservation Economic Summit in Milwaukee, Wisconsin (RES Wisconsin). The Indian Progress in Business awards festivities include presentation of Business Leadership Awards, American Indian Business Scholarship Awards, the University of Phoenix Scholarship, and the annual "Native

American 40 under 40" awards. The October 8 gathering brings together tribal leaders, elected officials, top CEOs, established or aspiring Native American business owners, and others to learn, brainstorm, collaborate, and network in an innovative and motivational atmosphere.

LAC DU FLAMBEAU TURNOVER

The primary elections of the Lac de Flambeau tribe on September 2 have set the stage for the election of a new tribal president. Henry St. Germaine Sr. and Joseph G. Wildcat finished first and second and will be listed on the general election ballot as candidates; the current president, Tom Maulson, placed third in the field of four and will not be listed, reported Northwoods Radio WJJQ. The general election will be held on October 7.

UPCOMING POW WOWS

Billy Mills Honoring Wacipi

9/12/14
Lakota Dome Prairie Wings Casino & Hotel
HC49, Box 10
Pine Ridge, SD
605-454-0413

IndianYouth.org/images/uploads/Tour_PowWow_Flyer_NEW.pdf

Lemuel Community Center Pow Wow

9/12/14 — 9/14/14
Lemuel Community Center
206, Highway #145 South
Morven, NY
336-618-0561

NearRiverDwellers.com/Powwow_Info.htm

Welcome Home Traditional Pow Wow

9/12/14 — 9/14/14
Saint Peters Church Grounds
1405 Sibley Memorial Highway
Mendota, MN
651-452-4141

MendotaDakota.com

38th Annual American Indian Day and Pow Wow Celebration

9/12/14 — 9/14/14
Saint Joseph's Indian School
1301 North Main Street
Chamberlain, SD
605-234-3300

STJO.org/powwow

25th Annual Wyandotte Nation Pow Wow

9/12/14 — 9/14/14
Wyandotte Nation Pow Wow Grounds
64700 East Highway 60
Wyandotte, OK
918-678-2297

Wyandotte-Nation.org

Southern Ute Tribal Fair and Pow Wow

9/12/14 — 9/14/14
Sky Ute Event Fairgrounds
200 East Highway 151
Ignacio, CO
970-563-0100 ext. 3624 or 970-779-8149

tvigil@southernute-nsn.gov or eredd@southernute-nsn.gov
SouthernUte-NSN.gov

Mother Earth's Creation Pow Wow

9/13/14 — 9/14/14
Pow Wow Grounds
2145 White Mountain Highway
Center Ossipee, NH
603-323-8181

spiriteagle@motherearthscreation.com
MotherEarthsCreation.com

Manito Ahbee Festival

9/13/14 — 9/14/14
MTS Centre
345 Graham Avenue
MB R3C 5S6 Winnipeg
United States Minor Outlying Islands
204-956-1849

powwow@manitoahbee.com
Manitoahbee.com

23rd Annual Fort Omaha Intertribal Pow Wow

9/13/14
Metropolitan Community College
5730 North 30th Street
Omaha, NE
402-457-2253

bvelazquez@mccneb.edu
MCCNeb.edu/intercultural/powwow/default.asp

11th Annual Mill-Luck Salmon Celebration

9/13/14 — 9/14/14
The Mill Casino Hotel and RV Park
3201 Tremont Avenue
North Bend, OR
800-953-4800

themill@themillcasino.com
TheMillCasino.com

10th Annual Bluff City Pow Wow

9/13/14 — 9/14/14
Rockpoint City Park
928 Fairground Drive
Rockport, IN
812-459-8643 or 812-459-8645

rock104@sbcglobal.net



“Munchie,” a stricken golden eagle rescued by 11-year-old Cody Reston outside Riverton, Wyoming on July 31, is set to make a full recovery.

SUSAN AHALT/IRONSIDE BIRD RESCUE.JPG

THE BIG PICTURE