



Indian Country

THIS WEEK FROM

TODAY

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

A Letter from the Publisher



Shekōli. In the old days, the United States would attempt to fulfill its treaty obligations to our nations by appointing a federal Indian agent to control just about every federal debt owed us, from the running of schools, housing and elder care to the development of infrastructure such as road and water systems. The corruption in the system, and the poor results from even well intentioned projects, is well documented. Since the passage of the highly regarded Indian Self-Determination and Education Assistance Act of 1975, the Bureau of Indian Affairs has entered into contracts with

tribal nations so that the nations may best determine how their budgets are spent. However, thanks to the way that Congress supports the BIA and manages its own budget, a flaw in the new system soon emerged.

In the modern era, some patently unjust actions centered around the innocuous-sounding part of the agreement called “contract support costs.” While Congress met its obligations to reimburse Native governments for personnel required to provide mandatory services, it rarely authorized other essential costs, such as insurance, worker’s

compensation, and computer hardware and software. In 2012 the Supreme Court ruled that for 25 years, the federal government had dodged basic laws of professional service agreements and underpaid Native governments and contractors massively. The high court thus ruled in favor of Native class-action members who had brought suit.

This week, we feature a concise account of the facts behind news of the announcement of the \$940 million settlement that was just reached by the claimants and the White House. It is a great achievement for all the Indian leaders, activists and lawyers who strived together for years to halt a great injustice. It is also another proud moment for the Obama administration, which settled the case and is showing the fortitude to make good on its promise to improve the federal government’s relationship with our peoples and nations.

Na kī wa,

Ray Halbritter

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Is This Our Next Dolezal Snafu?

Lakota Times editor and Dartmouth alumnus **Brandon Ecoffey** is upset that his college has hired non-Native Susan Taffe Reed to direct its Native American program:

I find it bothersome that Dartmouth representatives have boasted of Taffe Reed's status as President of the Eastern Delaware Nations. The Eastern Delaware Nations is actually a 501(c)(3) organization that acknowledges that some of its "members are not of Native American descent" but that those who are not can "join as social members in support of a

family member or to assist EDN in educational outreach and other activities."

At Dartmouth, the director of the Native American Program serves as a bridge between Native students and the college. Whoever fills that position is often expected to advocate for individual students and to oversee funding and programming allocated by the college for Native students. The position also requires that this individual have a solid relationship with students.

Taffe Reed may be able to fulfill these duties. It would seem, though, that the college would best be served by hiring someone with ties to a more culturally active, populated or prominent Native

nation. Or someone who has had an upbringing similar to the Native students that the college claims to recruit, educate and graduate.

Dartmouth says, "We are satisfied with the information she provided and are confident in her qualifications for this position." But while Dartmouth may be satisfied, many of us in the real world are not. A member of the Delaware tribal council has already told the *Valley News* that Taffe Reed is "using the Delaware name, and that's not OK with us." Who is Dartmouth to argue with a sovereign Nation over the authority to define its own identity and citizenship? <http://bit.ly/1gKlnS3> 📍

A Soft Answer And Native Wrath

When high schoolers in Watertown, South Dakota posted a Facebook photo of themselves in stereotypical Indian garb, arousing much ire, **Sarah Sunshine Manning** (Shoshone-Paiute, Chippewa-Cree) found that such flashpoints can be worked through:

I had the opportunity to meet with Watertown High School Superintendent Lesli Jutting. She was immediately gracious, and I give her a huge amount of credit for responding immediately, compassionately, and respectfully even con-

sidering that her school was under attack.

"I believe that our school board is willing to work with all the people in our community," said Jutting. "We ask that all are respectful in the discussion and judgments are not made. I don't believe this needs to be divisive as a community. I believe that in today's time, we should be educated enough to listen and discuss this."

Yet many people are already defensive, unaware of the facts surrounding the issue, and the kids are in the midst of the backlash. This is going to be an uphill battle, on many fronts.

Kids should not be under attack at Watertown High School. They are innocent

students, who simply ended up at the school by virtue of the town in which they reside. They are not the Washington football franchise, and they definitely are not Dan Snyder. They deserve to be respected and protected. And they need to be provided with the evidence to help them understand the role that they play.

It is good, thus far. We are in the midst of an extremely powerful opportunity to learn, reconcile, to make a meaningful and positive change and to stand as an example of how to understand each other better. Social justice transformations occur best when there is understanding. <http://bit.ly/1LAmEIn> 📍

Native Lives Matter, Too

If black lives matter, then so do those of Natives—as the historical record shows, writes ICTMN culture editor **Simon Moya-Smith** (Oglala Lakota):

Native Americans are the racial group most likely to be killed by law enforcement in the U.S., according to the Center on Juvenile and Criminal Justice. The CJCJ found that among Natives ages 20-24, 25-34 and 35-44, the killing rate is 4.6 percent, 6.6 percent and 5.9 percent per million annually from 1999-2011.

Why? The answer is rooted in history.

Throughout history, there have been numerous campaigns to wipe out the indigenous North American bloodline. There was westward expansion, the Trail of Tears, Indian boarding schools, and many indiscriminate killings. At one time Native Americans were considered a problem because, among other reasons, there were so many of us on this continent. Demographers have estimated that prior to the European invasion of these shores, the indigenous North American population was as high as 100 million.

Today, Native Americans are the smallest racial group in the country, at a mere 5.2

million. Getting Native Americans down to 2 percent of the total U.S. population was no mean feat. It took detailed planning. It took legislation, and it took viciousness.

Now here we are at the latter end of 2015, and it still seems that Native Americans have a bounty on our heads. There is very little coverage of this disturbing reality for Native Americans on mainstream news. The difference is that back in the 19th century, one could make \$250 for every "red-skin scalp" collected.

The fact is, Native lives have always mattered, and it is our job to remind the United States of this matter. <http://bit.ly/1LrbfdI> 📍

Mashpee Wampanoag Celebrate Land Taken Into Trust

BY GALE COUREY TOENSING

The Mashpee Wampanoag Tribe, which met the Mayflower colonists almost 400 years ago, last week celebrated the news that the Interior Department will issue a reservation proclamation announcing that land had been taken into trust for the tribe to create its first reservation.

The announcement, made on September 18, takes into trust 170 acres in the town of Mashpee, Massachusetts and 150 acres in the city of Taunton, Massachusetts. The former acreage will be used for tribal government and cultural and conservation purposes, while the latter will be given over to the construction and operation of a gaming facility and resort. The Mashpee property is not contiguous but rather is broken up into various parcels around the town itself, which once belonged to the tribe.

Mashpee Chairman Cedric Cromwell was exulted by the news, shouting to assembled citizens, "We have sovereign land! We did it! We have our own universe!" He also said, "You know, my mom passed away this year. She was the tribal secretary for 35 years. She always told me I'd be the leader of our people. She'd say, 'One day you're going to go to Washington,' and 'One day you're going to represent our people,' And I'm doing it, I'm doing it. I'm straight with my mom and I'm straight with my people. In the light of the Creator we have risen and we'll continue to rise."

Although the Mashpee have lived in the area since time immemorial, they have held only fee land for years and did not achieve federal recognition until 2007. <http://bit.ly/1ONyTSN> 🌀

Sisseton Wahpeton Oyate Reinstate Chairman After Drug Testing Dispute

BY SHEENA LOUISE ROETMAN

Bruce Renville was reinstated as tribal chairman of the Sisseton Wahpeton Oyate of the Lake Traverse Reservation in South Dakota following his suspension for 10 days after he had ordered drug testing for all tribal administrative employees.

Renville faced a backlash when, on August 15, he told some 350 employees to undergo drug testing two days later. However, citing Renville's "improper conduct, misuse of office and malfeasance of office, including gross partiality or oppression," the tribal council voted on September 4 to suspend him. Tribal secretary Crystal Owen signed the official notification, which stated, "No justification provided by your office shows the drug testing was performed pursuant to policy or law, which could lead to violations of the Indian Civil Rights Act as well."

"Some people were concerned with how the test was conducted," Renville said, specifying matters of employee confidentiality and privacy rights. "The council looked at the situation and decided I made some mistakes. So we agreed, the council and myself, to work together to fix our drug policies and processes, but also to work together on other pressing issues."

A majority of five out of seven total council votes would have been needed for removal, but only two district representatives voted against reinstatement, according to Allison Renville, media consultant to the chairman, who is also her uncle.

"This was a disagreement on the interpretation of policy," said former South Dakota U.S. Attorney Brendan Johnson. "My advice to the tribe is to look at the policy and clarify the specifics." <http://bit.ly/1MH1IRu> 🌀



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United States Has Fewer Than 20 Indian Banks

BY MARK FOGARTY

There are only 19 tribally owned banks in the United States as of March 31, with assets totaling \$2.5 billion, the Federal Financial Institutions Examination Council has determined. Of the 19, nine had less than \$10 million in assets and 10 had more than \$100 million. The banks had a low 0.14 percent of assets in provision for loan and lease losses and were well capitalized, at an average of 10.21 percent of average assets.

Oklahoma, whose population is more than 10 percent Native, is home to 11 of the nation's Native-owned banks. The state also has the largest such institution: F&M Bank in Edmond held \$367 million in assets as of June 30. The Anderson family, who are members of the Citizens Potawatomi Tribe control F&M; it earned \$2 million in the first quarter of this year, according to call reports filed with the federal government.

Lumbee Guaranty Bank, Pembroke, North Carolina, was second with \$310 million in assets on June 30, according to the Office of the Comptroller of the Currency. The OCC also says it is the oldest Indian-owned bank in the country, dating back to 1971. The smallest Indian banks include Native American Bank, Denver, with \$63 million in assets, and Eagle Bank, Polson, Montana, with \$51 million.

Other Indian-owned banks include Peoples Bank in Seneca, Missouri; Pinnacle Bank in Marshalltown, Iowa; Turtle Mountain State Bank of Belcourt, North Dakota; and Woodlands National Bank in Hinckley, Minnesota. Among the states whose Native populations are 10 percent or nearly so, but which have no Indian-owned banks, are Alaska, New Mexico and South Dakota. <http://bit.ly/1OPC9gr>

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Native Activists Greet Clinton's Keystone XL Opposition With Guarded Approval

Native grassroots environmental leaders mixed gratitude with skepticism upon hearing Democratic presidential candidate Hillary Clinton announce her opposition to the Keystone XL pipeline.

As Secretary of State, Clinton supported the 1,779-mile oil pipeline, which would traverse treaty lands of the Oceti Sakowin Great Plains tribal nations. But on September 22 she said, "I oppose it because I don't think it's in the best interest of what we need to do to combat climate change."

"We were disappointed when Hillary Clinton took a stand supporting KXL as Secretary of State but we are happy to hear of her changed position," said Gay Kingman, executive director of the Great Plains Tribal Chairman's Association Coalition of Large Tribes. "Hillary Clinton's new stance reflects the clear facts that this pipeline is all risk with no rewards for the people of this land."

Not all Native activists were as enthusiastic. "Hillary's switched opinion on KXL is a plus for our climate change efforts," said Ihanktonwan Treaty Council spokesperson Faith Spotted Eagle. "However, given her previous support of this pipeline, our celebratory reaction as Oceti Sakowin people remains guarded. Hillary is like sand cherries to us, moving in whatever direction the strongest wind is blowing. She knows how to harvest votes."

"Hillary Clinton, your stance opposing Keystone XL pipeline is encouraging yet is met with skepticism," said P'te Ospaeye Headsman Byron Buffalo in a statement of the Indigenous Environmental Network. "We implore you to not only voice your opposition but to actively seek ways to stop the climate-destroying corporations that believe continued mutilation of our earth is the only way progress can be made." <http://bit.ly/1Wjvo8V> ☞

'Distracting' Mohawk Haircut Gets Second-Grader Disciplined

BY VINCENT SCHILLING

A Native 7-year-old second grade student at the Washington County School district in Santa Clara, Utah was disciplined by his school earlier this month because his traditional Mohawk hairstyle was deemed "too distracting" to teachers and students.

Jakobe Sanden, whose parents are Seneca and Pauite, wanted a hairstyle "popular to Native peoples," reported *USA Today*. But the school, Arrowhead Elementary, called his mother, Teyawwna Sanden, to tell her that the haircut violated the school's dress code. *The Washington Post* reported that Jakobe was sent to the principal's office; according to a Fox News affiliate, the principal asked Teyawwna to pick him up and that her "initial reaction was to take [him] out of school."

At the request of Sanden's parents, Tribal Council member William Canella wrote a letter to administrators that read in part, "It's disappointing that your school does not view diversity in a positive manner, and it is our hope that Jakobe does not suffer any discrimination by the school administration or faculty as a result of his hair cut."

First adopted in 1998, the school district dress code states, "Extremes in body piercings, hair styles and hair colors may be considered a distraction or disruption." It is up to administrators to make the call.

"We try to reflect the values and norms of the community," Rex Wilkey, assistant superintendent over primary education, told *USA Today*. "You try to manage it the best you can. Kids come in dressed all kinds of ways and it can be an issue for the school." <http://bit.ly/1V9SmSE> ☞

In Field And Stream, Two Tribes Tackle Environmental Recovery

BY RICHARD WALKER

The Tulalip and Swinomish tribes recently unveiled two very different significant environmental initiatives—less than three weeks apart and within 32 miles of each other in Washington State.

On August 28 at Tulalip, bulldozers removed about 1,500 linear feet of levee in the Snohomish River's Qwuloolt Estuary, reopening 350 acres of wetlands to threatened salmon and other species. The effort is part of what is reportedly the largest restoration project so far in

the Snohomish River watershed.

A system of levees had cut off and drained the Qwuloolt Estuary from the rest of the Snohomish system in the early 1900s, converting it into farmland. When the land was no longer viable for that purpose, the Tulalip Tribes, NOAA Fisheries and other partners spearheaded its restoration to boost salmon populations, restore ecological systems, and improve flood control and recreational opportunities. "Today, we witness the culmination of years of coordination, planning, and preparation," said Tulalip Tribes Chairman Mel Sheldon.

Twenty days later, on the Swinomish Reservation, the tribe and Ecotrust announced a \$528,000 three-year match-

ing Natural Resource Conservation Service grant to develop a forest conservation plan. It is being developed, said former Swinomish Tribe attorney Marty Loesch, with public input and could include carbon sequestration credits, conservation easements and forestland acquisition. The Swinomish own 70 percent of the land within the reservation (7,000 acres are uplands, 3,000 acres are tidelands); two-thirds of the reservation is undeveloped.

"They want to try to preserve as much of that in its current form [as possible], but at the same time, there are constant pressures for timber to be harvested or for land to be developed in some way," Loesch said. <http://bit.ly/1PxLQOK> ☞

Misery On The Rez

Unemployment, limited housing, crumbling infrastructure and lives lost too soon

BY VINNIE ROTONDARO



At Cheyenne River, residents are torn between staying rooted or leaving to save their own lives.

Bottom Line: *A microcosm of Native woes can be found at Cheyenne River in South Dakota.*

A visitor's first impressions of the Cheyenne River Indian Reservation can be deceiving. The physical environment is awe-inspiring. The sky casts a presence. Land rolls before the eye.

And the Lakota people tend to be friendly and easygoing. Many display a solid sense of humor. You don't shake hands hard in Cheyenne River; that's rude. Traffic moves slowly and respectfully in Eagle Butte, South Dakota. Time

passes with a stillness and quietude.

It would be a refreshing place to visit if not for the ever-present human suffering. The homeless aren't hard to find in Eagle Butte. Just look around.

The produce at the local grocery store is often yellowed or rotten. "How's it going?" a dollar store cashier is asked.

"Still breathing," he says, eyes to the ground.

Waiting in line, a young man in basketball shorts and an oversized T-shirt slouches. A row of fresh stitches from an unknown wound lines the back of his shaved head.

* * *

Poverty is rampant in Cheyenne River. According to one estimate, about 75 percent of the Lakota are currently living in poverty or hovering just above it. A charitably funded study called the "Cheyenne River Voices" report found that median annual income for reservation families is \$18,156.

Meanwhile, annual family expenses are listed at a median of \$14,055.

"That means you only have \$4,000 of disposable income [a year] to save or to take your kids to a doctor's appointment," said Karen Ducheneaux, who helped re-

search the study. “We’re just talking about utilities, and monthly bills, like car payments, credit card payments ... that’s \$300 a month for our families to do all their business.”

There is little margin for error, even for people with jobs, Ducheneaux said. “If something happens and they miss one paycheck, it just collapses.”

“Cheyenne River Voices” was designed to create a “baseline data source” for the reservation, not unlike the U.S. Census for the general population, Ducheneaux said. The data is different, of course. The reservation population that the study tallied, for instance, was about 30 percent higher than that of the Census sample—10,564 versus 8,470.

Still, there is no arguing with the bottom line. “When we calculated income,” Ducheneaux said, “it came out much, much, much lower—about half of what the United States identifies.”

Among the most visible examples of poverty in Cheyenne River is housing inequality. The descendants of white homesteaders—people who were given reservation land at little to no cost in years past through the federal Homestead Acts—are present throughout the area. Some of the ranchers own highly profitable farms. Others rent to out-of-state cattlemen for grazing purposes. In Eagle Butte, if you work for the Bureau of Indian Affairs, you are afforded a modest subsidized house. The same is true if you work for the Bureau of Indian Affairs school or the Indian Health Service.

Most denizens, however, live in small, beat-up residences. FEMA trailers are not uncommon, oftentimes stuffed to the brim with people.

On top of everything else, infrastructure is old and failing. “Our water system put a moratorium on building,” Ducheneaux said. “You cannot build a new house; you cannot put a house where a water pit does not already exist. There are no empty houses. There are no houses sitting around for rent.”

Out in the country, away from Eagle Butte—out in the prairie and down in the valley—decorated mounds of dirt dot ru-

ral Episcopal cemeteries. They are fresh graves.

“This one was a burial I did,” said the Rev. Marguerite Watson, an Episcopal priest. “A 12-year-old committed suicide. He hung himself in his closet.”

Watson spends an astonishing amount of time burying people in Cheyenne River, where funerals last 24 hours and “death is a reality that constantly proves itself.”

It’s not the only reality that Watson, who hails from Berkeley, California deals with, of course. “I have 10 congregations in an area roughly the size of the state of Connecticut,” she said. “The whole reservation is, in the old-fashioned Anglican language, what would be called a cure, or a parish.”



Rev. Watson: “Prayers from the heart”

“I do a lot of liturgy,” she continued. “Book work and paperwork to hold me accountable to the diocese. ... Prayers from the heart—I was brought up saying prayers from a book, so I really tried to learn to pray from the heart, and still be theologically cognizant. ... I do a lot of anointing and healing prayer. ... I do some pastoral counseling. ... I’ve been asked to clean a house of spooks or ghosts or spirits.”

Suplicants regularly come knocking on her door asking for help, sometimes for food, sometimes for money, sometimes because they saw something, or felt something, and need spiritual comfort.

She deals with conflict, “anything you might find in the inner city, guns, violence.” Gang activity, too. Death takes up most of her time. “The suicide rate is off the map,” Watson said. Each year, about

half a dozen people under the age of 25 take their life. One resident, 65-year-old Zigmund Hollow Horn, has attended “about 29” suicide funerals.

Watson, who lives in Eagle Butte with her husband, Joel, also an Episcopal priest, has averaged 55 burials a year since coming to Cheyenne River four years ago. “There are two types of suicide on this reservation,” she said. “Slow and fast.” The former is caused, she said, by “drinking and drugs and diet. Diabetes is so prevalent around here.”

She added, “I would say about 70 percent of the people I bury are under the under of 50. Those under the age of 30 are accidents, drunk driving, or suicide. And those between the age of 30 and 50 are drugs and alcohol. At least two a year freeze to death.”

Watson said that 20 percent of the funerals she presided over the last year were for infants or stillborn children. “Some families I see two and three times a year to bury a family member,” she said.

Even among reservations, Cheyenne River stands out for its grimness. “If you look at the numbers, particular in Rosebud and Cheyenne River, those reservations in the Dakotas are some of the most dire in Indian country,” said Blythe George (Yurok), a doctoral candidate who is studying reservation poverty at Harvard University under the noted sociologist William Julius Wilson. “They are an extreme version of Native American poverty.”

He asked rhetorically, “But is it extreme to say that Native American poverty is more extreme [than poverty in the rest of the country]? Forty-five percent living in poverty is not an unusual number, and because they are rural environments, the numbers can actually be much higher.”

And yet, despite everything, “every year, our population increases,” Ducheneaux said. There is a reason, she explained.

“This is our place. People want to be here; they want to belong. We want to be here. But every year people have to leave the reservation because we can’t live here, you can’t find a house, you can’t find a job.

“It sucks,” she said, wiping away tears.

<http://bit.ly/1JtTpRi> ☞

A Native Approach To DWI

Emphasis on recovery, not punishment, yields results BY HARLAN MCKOSATO

Bottom Line: *Drunk driving in Indian country is a sad and familiar phenomenon. But for one city, at least, a more traditional approach in handling repeat offenders appears to be working.*

Of the many dangers that alcohol abuse poses to Natives and those around them, driving while intoxicated ranks near the top. License suspensions, fines, community service and even jail time often don't help. In some states, wellness courts work with tribal courts with a view toward rehabilitation. Still, the problem has resisted any easy solution.

But in Albuquerque, New Mexico, an innovative approach has taken hold. The city of more than half a million—the state's largest—operates the only state-funded drug court in the country that specifically serves Native Americans. And its approach seems to be paying off.

Known as the Urban Native American Drug Court, the program was established in 2004. After being defunded in 2009, its future was in doubt. But the drug court has been back since March, and even in the early stages of its resurgence, hopes for its Native-oriented success are high.

"I do believe we are the first and only program like this," said Karen Watson (Arikara, Yankton Lakota and Navajo), the probation officer for the drug court.

Drug courts have been around for more than 25 years and have proven more effective than any other form of probation or incarceration. In fact, the recidivism rate for Albuquerque's drug court graduates over the years is just 5.5 percent.

Currently, the Albuquerque program serves only Natives who have been convicted of their second or third DWI. What makes it unique is that the court encourages participants to reconnect with their tribal traditions and ceremonies. The court favors a healing approach,

as well as spiritual and physical recovery, rather than punitive practices.

"The idea is to basically help them heal so they can be functional, actually more than functional—productive members of society," said Daniel Apodaca, the drug court team's public defender.

Participants are in the DWI program for an average of about 15 months. That time includes community service, regular court appearances, talking circles, cultur-

'If you send someone to prison or just standard probation, they don't get this type of treatment.'

ally sensitive therapy, AA meetings, and random drug and alcohol testing. Moreover, those who participate must be employed or enrolled in an educational program. The program utilizes intensive treatment and close supervision.

"I know that the participants love it," said Metro Court Judge Maria Dominguez, who leads the effort. She recently told the *Albuquerque Journal*, "These are high-risk, high-needs individuals. We need to retrain their brains. They need to trust us, to know we are there to help them."

The program, the *Journal* reported, is funded through grants from the Substance Abuse and Mental Health Services

Administration. It is extremely cost-effective: The tab per participant per day is \$14.23, compared with a daily cost of \$108.93 for incarceration at the Metropolitan Detention Center.

The program is voluntary. Watson has some say in who is selected and screens candidates to determine their eligibility. But the ultimate decision is Dominguez's.

Participants have a vested interest in their treatment, as they pay for a portion of it (the court pays for 85 percent or more of the balance). It is not necessary to be a registered member of a tribe, have a specific amount bloodline, or even a Certificate of Indian Blood. As it is, all those who are currently enrolled are members of the Navajo Nation or members of a Pueblo.

"What we do is instead of sending them to jail [is] have them go through counseling and therapy," Apodaca said. "Our goal is to have our clients actively think about sobriety. Alcoholism is an issue they have to face on a daily basis. We want them to constantly think about being sober and being in their right state of mind."

"If you send someone to prison or just standard probation, they don't get this type of treatment—and without that treatment it's just going to be a revolving door," he added. "We want to see our graduates go on to have productive lives and hopefully not come back into the court system. That's our goal."

"It's very rewarding," said Dominguez. "You have a lot of hope for them and their life. We've had graduates already. It's amazing to see the change in them and the change in their lifestyle. We just had a recent graduate who is starting an alumni association."

"And we're also planning an aftercare program so they can continue this throughout their life." <http://bit.ly/1jbfKhc> 

Tribes Win \$940 Million From Feds

Long-running dispute involving contract support costs is resolved BY TANYA H. LEE

Bottom Line: *It took 22 years of litigation and three more of negotiation, but one of the largest tribal class-action suits in history has been settled—in favor of the tribes.*

Tribes will receive nearly \$1 billion under a settlement with the federal government that resolves a quarter-century of litigation over the contentious issue of ancillary expenses associated with tribal contracts undertaken for Washington.

The settlement, announced on September 17, concerns “contract support costs” incurred by tribal entities under the terms of the Indian Self-Determination and Education Assistance Act (ISDEAA) of 1975. The resolution takes place three years after the U.S. Supreme Court’s 2012 decision in *Salazar v. Ramah Navajo Chapter*, which favored the tribal plaintiffs.

The agreement provides a \$940 million lump sum payment to the 645 plaintiffs in the class action lawsuit to settle claims for contract support costs for the years 1994–2013. The Departments of Justice and Interior have filed the proposed settlement in federal district court in New Mexico. If approved, funds could be distributed to tribes within the next several months.

Interior Secretary Sally Jewell and Justice Department officials announced the settlement on September 17 in a conference call; joining them were leaders of the Oglala Sioux Tribe, the Zuni Pueblo and the Ramah chapter of the Navajo Nation. “Tribal self-determination and self-governance will continue to be our North Star as we navigate a new chapter in this important relationship,” said Jewell.

“Today’s proposed settlement, together with President Obama’s request for full, mandatory funding of tribal contract support costs in the future, removes one of the significant obstacles to tribal self-determination and self-governance,” said Assistant Secretary-Indian Affairs Kevin Washburn.

“Tribes can now be confident that the federal government will pay sufficient costs to allow them to be successful in running federal programs.”

Under the provisions of the ISDEAA, the federal government signs intergovernmental contracts with tribes that allow them to run Bureau of Indian Affairs programs to benefit tribal members. Such programs include law enforcement, forest management, fire suppression, road maintenance, hous-

‘The government will pay sufficient costs to allow tribes to be successful in running federal programs.’

ing and federal education.

Washington has been contracting with tribes for these programs for four decades. To date, the direct cost of hiring personnel to provide services under the programs has been fully covered by congressional appropriations. But related support costs—such as insurance, workmen’s compensation, janitorial services, computer hardware and software—have not been.

“If the tribes don’t get the money for these costs, they must take it from the programs or other sources,” noted Washburn.

So in 1990, the plaintiffs brought a class-action lawsuit to force the federal government to cover those costs. Washington


maintained that it could pay the tribes whatever amount it wanted to, whenever it wanted to. Moreover, lawmakers said, the federal government could determine the amount after the tribes had performed the services called for by the contracts. The plaintiffs argued that this essentially rendering them non-contracts.

In the 2012 *Salazar* case, the Supreme Court agreed. In their majority opinion, Justices Antonin Scalia, Clarence Thomas, Sonia Sotomayor, Elena Kagan and Anthony Kennedy ruled that the federal government was liable for contract support costs, whether or not Congress appropriated enough money to cover them.

The current settlement addresses the question of how much tribes will receive to reimburse them for contract support costs they incurred, but were not compensated for, during the two decades from 1994 to 2013.

The settlement “provides a fair and equitable system for distributing shares of the award to each of the 645 class member tribes and tribal contractors,” said Benjamin C. Mizer, principal deputy assistant attorney general in the Justice Department.

“Generally, each tribal contractor that submits a claim will receive a share based on the amount of contract support costs it has incurred over the last 20 years,” said Mizer. “There is also a minimum payment for each year that a self-determination contract existed with the tribe in order to ensure that no tribe is excluded from the benefit of this agreement.”

Jessica Kershaw, a spokeswoman for the Interior Department, noted that this settlement applies only to contract support services for BIA programs and does not pertain to Indian Health Service programs. “Those claims are being litigated separately,” she told Indian Country Today Media Network. <http://bit.ly/1PnuS5F> 

Casino General Manager

Responsible for all casino operations that include slot, bingo, pull tabs and food & beverage. In addition to the directing of all planning activities of the organization with the objective of maximizing profitability and customer satisfaction. The Casino General Manager is also responsible for the establishment of short and long-range activities, plans and policies subject to the approval of the Gaming Commission and the Tribal Council and any other job related duties as may be assigned.

Four to eight year's experience in casino management or Bachelor's degree and two to three years' experience in casino operations with demonstrated knowledge in management of slot operations.

Must have a knowledge and experience with Casino operations relating to Security, Technicians and cashiers. Must have customer service skills. Must be willing to work evening and weekends when needed.
Must pass a background investigation to obtain gaming license.

Applications available at www.chickenranchcasino.com.
Mail with resume to Melisa Ralston c/o Chicken Ranch Tribal, PO Box 1159, Jamestown, CA 95327. EOE.

MONTANA HIGHWAY PATROL

is accepting applications for trooper positions (entry level and lateral transfers).



Obtain application materials on the Patrol's website
<https://dojmt.gov/highwaypatrol>
or by calling 406-444-3259 or 1-877-8-PATROL

Closing Date: 10-14-2015
AA/EEO Employer

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Non-Native Susan Taffe Reed's appointment as director of Dartmouth College's Native American Program has drawn fire.



In the first international game played on Onondaga land, the Iroquois Nationals lacrosse team beat Team England 20-6.



Lumbee Guaranty Bank in Pembroke, North Carolina, is one of only 19 tribally owned banks in the country.



Videos by hip-hop artist Talon Ducheneaux (Lakota, Dakota) a.k.a. "Bazille" include "Heartbeat" and "Tell America I'm Sorry."

Headlines from the Web

CHICKASAWS, CHOCTAWS NEGOTIATE STATE HUNTING AND FISHING LICENSES

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

SNOQUALMIE TRIBE RALLIES TO 'SAVE FALLS'

<http://kng5.tv/1LWu0qA>

'ANTI-INDIAN' GROUP PUTS WATER COMPACT ON CONFERENCE AGENDA

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

TIMING OF CHUKCHANSI CASINO RE-OPENING STILL UP IN THE AIR

<http://abc30.tv/1MGzt5s>

TRIBES EYE LEAVING KLAMATH BASIN DEALS

<http://bit.ly/1YwkP4p>

FEDERAL COURT UPHOLDS COQUILLE TRIBE TIMBER SALE

<http://bit.ly/1Yx16kW>

Upcoming Events

WOVEN WORDS: WAMPUM DIPLOMACY OCTOBER 1-2

This two-day event will focus on histories of wampum artistry, diplomacy and research. The conference will feature presentations by prominent Indigenous scholars from the U.S. and Canada sharing insights on historical and contemporary aspects of wampum construction, artistic expression and cultural exchange. Modern reproductions of historic wampum belts, cultural performance and Haudenosaunee social dance will be offered. Sponsored by the Native American and Indigenous Studies Initiative at the University of Pennsylvania.

Location: University of Pennsylvania, Philadelphia, Pennsylvania

BUREAU OF INDIAN EDUCATION STAKEHOLDER CALL OCTOBER 6

This phone-in session, held on the first Tuesday of each month, is part of the Bureau of Indian Education's ongoing effort to improve communication and stimulate an ongoing dialogue among key stakehold-

ers about the restructuring of the bureau. Feedback and questions are encouraged.

Contact Information: Conference line: (800) 369-3311; participant pass code: 6428279

AMERIND RISK INSTITUTE OCTOBER 6-8

Conducted by the only 100 percent tribally owned insurance solutions provider in Indian country, this semi-annual conference is devoted to bringing tribal leaders and business professionals together to learn, share and gain tools for success. The scheduled sessions will feature topics in human resources, claims, workers' compensation, underwriting processes, portal training and more.

Location: Isleta Resort & Casino, Albuquerque, New Mexico

CRIMINAL JUSTICE IN INDIAN COUNTRY OCTOBER 6-8

Presented by the U.S. Attorney's Office for the District of South Dakota, this course constitutes required training for law enforcement officers to be eligible to receive a Special Law Enforcement Commission (SLEC) for the Bureau of Indian Affairs, Office of Justice Services.

All SLEC applicants must pass the course examination with a score of 70 percent or higher in order to meet SLEC eligibility requirements.

Location: Oglala Sioux Tribe Justice Building, Pine Ridge, South Dakota

NATIONAL TRIBAL JUDICIAL AND COURT PERSONNEL CONFERENCE OCTOBER 6-9

"Tribal Justice Systems: Pathways to Healing & Sovereignty" will highlight ways whereby American Indian, Alaska Native, Native Hawaiian and First Nations justice systems are exercising tribal inherent sovereignty and envisioning their tribal justice systems to better effect healing and totality. Topic areas will include, but are not limited to, Indian child welfare court practices; advice for new tribal judges; the role of tribal appellate courts; judicial independence; tribal-federal-state cooperative efforts; the role of tribal courts in supporting tribal economic development; and judicial opinion writing. Conducted by the National American Indian Court Judges Association.

Location: Seneca Niagara Resort Casino, Niagara Falls, New York

LETTERS TO THE EDITOR

I am sick that the nearly 1,200 First Nations women who have been killed or gone missing in Canada between 1980 and 1982 are being overlooked and their cases swept under the rug.

Had this been another culture, finding a solution would be a top priority. There would already be a task force. But cases of the rich and powerful seem to get full attention while the rest of us just seem to

fade out of the headlines, leaving families with a giant hole in their hearts.

—Karla Kirkpatrick

Re Chiitaanibah Johnson, who was reportedly "disenrolled" from her California State University Sacramento history class after disagreeing with her professor over the use of the word "genocide" (September 6):

Ms. Johnson should return to the class-

room and be allowed to speak freely and disagree with the professor every time he is wrong. That is the only way to educate him and the rest of his students.

For her not to return is not allowing her the freedom of speech guaranteed to all students as long as they are not rude or boisterous. Ms. Johnson was neither.

—A.R. Leonard

New Orleans, Louisiana



TOP NEWS ALERTS

From IndianCountryTodayMediaNetwork.com

MORE LAND BUY-BACK AGREEMENTS

Five more tribes have reached cooperative agreements with the Interior Department under the Land Buy-Back Program for Tribal Nations. They are the Fond du Lac Band of Lake Superior Chippewa Indians, the Quinault Nation, the Shoshone-Bannock Tribes, the Ponca Tribe and the Cabazon Band of Mission Indians. The agreements are made possible by the \$3.4 billion *Cobell* settlement, which set aside \$1.9 billion for Native landowners who wish to sell their fractionated interests. To date, the program has yielded 25 agreements.

GUILTY PLEA IN NAVAJO KILLINGS

Gilbert Tafoya, who was charged in the beating deaths of two homeless Navajo men in Albu-

querque, New Mexico, in July 2014, has pleaded guilty to second-degree murder and related charges. Under the agreement, the 16-year-old Tafoya will testify against co-defendants Alex Rios, 19, and Nathaniel Carrillo, 17, in the murders of Alison Gorman, 44, and Kee Thompson, 45. Tafoya's agreement caps his potential sentence at 20 years but holds out the possibility of release upon his turning 21.

CHEF'S HONOR FOR MICHAEL GIESE

Executive Chef Michael Giese of the Indian Pueblo Cultural Center's Pueblo Harvest Café has been named Chef of the Year by the New Mexico Restaurant Association. Giese is known for elevating Native American cuisine and developing a Native fusion menu that bridges

cultures by pairing traditional indigenous foods with culinary influences from around the world. He is also known for his work in establishing a Community Teaching Garden at the Indian Pueblo Cultural Center.

COURT SUPPORTS ARIZONA CASINO

The Arizona Court of Appeals has ruled that the city of Glendale's support for the Tohono O'odham Nation's West Valley casino project cannot be put to a referendum. The 45,000-square-foot Desert Diamond Casino—West Valley, currently under construction, was opposed by East Valley special interests that objected to Glendale's backing of the project. The political committees that brought the current lawsuit were underwritten and orga-

nized by an East Valley tribe that contributed \$278,000 in funds and legal services through a shell political committee called Neighbors for a Better Glendale.

NORTHERN CHEYENNE OPPOSE COAL TRAINS

The Northern Cheyenne Tribal Council voted unanimously last week to oppose the Tongue River Railroad project, a key link in shipping coal by rail from southeast Montana to the Northwest. The project, opponents said, would threaten sacred sites, as well as hunting and fishing grounds by opening up the southeastern part of the state to coal surface mining. Arch Coal, the Burlington Northern Santa Fe (BNSF) railroad and the candy bar company Forrest Mars are proposing the \$403 million initiative.

UPCOMING POW WOWS

CHEROKEE OF GEORGIA FALL POW WOW

10/1/15—10/3/15
110 Cherokee Way
Saint George, GA
912-552-0305
cherokeeofga@att.net
CherokeeofGeorgia.org

27TH ANNUAL MEHERRIN INDIAN NATION POW WOW

10/2/15—10/4/15
Kauwets'a:ka (People of the Water) Meherrin Tribal Grounds
852 Hwy 11 North
Ahoskie, NC
252-209-0934
MeherrinNation.org

REDDING RANCHERIA STILLWATER POW WOW

10/2/15—10/4/15
Shasta Distric Fair Grounds
Anderson, CA
530-225-8079

AMERICAN INDIANIST SOCIETY POW WOW

10/3/15
Camp Marshall
92 McCormick Rd
Spencer, MA
508-254-2098

41ST ANNUAL HONOLULU INTERTRIBAL POW WOW

10/3/15—10/4/15
Thomas Square Park
925 South Beretania Street
Honolulu, HI
808-392-4479 or 808-392-9239
honolulupowwow@gmail.com
HonoluluIntertribalPowWow.com

15TH ANNUAL INTERTRIBAL POW WOW AT GRAND VILLAGE OF THE KICKAPOO PARK

10/3/15—10/4/15
Grand Village of the Kickapoo Park
8144 North 3100 East Road
Arrowsmith, IL
309-261-3043 or 309-846-6720
grandvillagekickapoopark@gmail.com
GrandVillage.net

LAKOTA DAKOTA NAKOTA LANGUAGE SUMMIT & FIRST NATIONS EDUCATION CONVENTION

10/8/15—10/10/15
Rushmore Plaza Holiday
444 Mount Rushmore Rd
Rapid City, SD
605-867-5193
mike@tuswecatiospaye.org
Tuswecatiospaye.org

SAN MANUEL POW WOW

10/9/15—10/11/15
California State University, San Bernardino
5500 University Parkway
San Bernardino, CA
909-425-3450
powwowsanmanuel@gmail.com
SanManuel-NSN.gov

INDIAN PLAZA COLUMBUS DAY POW WOW

10/9/15—10/12/15
Indian Plaza Pow Wow Grounds
Charlemont, MA
413-339-4096

CHATTAHOOCHEE RIVER PARK LANDING POW WOW

10/9/15—10/11/15
269 River Landing Road
Chattahoochee, FL
850-209-7083 or 850-277-1026
chattahoocheepowwow@yahoo.com

INDIGENOUS PEOPLES CELEBRATION

10/10/15—10/11/15
Randall's Island
New York, NY

BERKELEY INDIGENOUS PEOPLES DAY POW WOW AND INDIAN MARKET

10/10/15
Berkeley Civic Center Park
Berkeley, CA
510-595-5520
info@ipdpowwow.org
IPDPowWow.org

ABENAKI NATION OF NEW HAMPSHIRE ABENAKI HERITAGE WEEKEND

10/10/15—10/11/15
Mi-Te-Jo Campground
Milton, NH
603-473-2746

How Did I Miss That?

Price gouging by big pharma, Pol Pot's literary minded daughter and the inescapable Ann Coulter BY STEVE RUSSELL

Last week, Turing Pharmaceuticals founder Martin Shkreli increased the price of Daraprim, a 62-year-old drug that *The New York Times* called “the standard of care for treating a life-threatening parasitic infection,” from \$13.50 a pill to \$750.

When Hillary Clinton tweeted, “Price gouging like this in the specialty drug market is outrageous. Tomorrow I’ll lay out a plan to take it on,” biotech stocks tanked. Business writer Kurt Eichenwald tweeted to Shkreli, “As the son of a world-famous infectious disease MD who saved continents, let me say: U are the personification of evil!”

For once the Twitter innocent, my Republican cousin Ray Sixkiller, announced that he could sum things up in a tweet: “Your money or your life!”

Daraprim used to cost a dollar a pill when the behemoth GlaxoSmithKline made it. It went up to \$13.50 when Glaxo was sold to CorePharma, which was sold to Turing—at which time what had been one dollar and then \$13.50 became \$750.

The *Times* pointed out that other generic drugs have risen in cost overnight by 525 percent and 212 percent. One antibiotic, according to investigating congressmen, went from \$20 a bottle in 2013 to \$1,849 in 2014.

“Like I said,” Cousin Ray repeated, “Your money or your life.”

Jay Nordlinger appeared on *Morning Joe* to flog his new book, *Children of Monsters*, a history of the offspring of the world’s most odious dictators. One of the stranger stories is about the daughter of mass murderer Pol Pot, who holds a

graduate degree in English literature. Her father, Nordlinger pointed out, “killed people with glasses because they might have read something.”

The dictator might have been right about smoking out intellectuals. When I was in law school, I looked around a big classroom one day and noticed that over two-thirds of my classmates were wearing glasses. Questioning later revealed that most of the others had contact lenses.

Egyptian Foreign Minister Sameh Shoukry issued a joint statement with Mexico’s Foreign Minister Claudia Ruiz Massieu promising a “prompt, thorough and transparent investigation” into an Egyptian air strike that killed eight Mexican tourists and four Egyptian guides. Then, the Egyptian government promptly banned media coverage of the investigation.

Cousin Ray was grim. “Looks like Egyptian transparency is a lot like Mexican transparency in the Iguala Massacre,” he said, referring to the 2014 abduction and presumed death of 43 college students and the murder of six bystanders.

The jaguar—not the sleek but mechanically challenged British sports car, but the cat considered sacred by Mayan Indians—is in danger of disappearing from the earth. The sad state of the species made it news when *Texas Monthly* reported the birth of Balam, a healthy jaguar cub, at the Ellen Trout Zoo in Lufkin, Texas.

Balam is bound to be a rock star in Texas, where the last wild jaguar was killed in 1949. At Mission San Antonio de Valero aka the Alamo, Texas supports

an official cat by the name of Miss Isabella Francisca Veramendi de Valero—Bella for short. Bella’s primary duties are as greeter, but the Institute of Texan Cultures also has a working cat to protect priceless historical artifacts from vermin. Cats rule beside dogs south of the Red River.

On the other hand, Cousin Ray reminded me, Texas allows the killing of cougars and bobcats. My cousin is embarrassed for his party because it routinely buries legislative attempts to designate the big cats as “game animals.”

That doesn’t sound like a conservation measure, but if they were game animals, the Texas Parks and Wildlife Department would have to adopt rules to protect a minimum breeding population.

Christian nationalist Ann Coulter got whacked for a series of tweets about Jews. She was in high dudgeon about candidates in the GOP debate mentioning Israel in response to a question about what the U.S. would look like if they were elected. Fending off a Twitterstorm, she speculated, “Maybe it’s to suck up to the evangelicals.”

Cousin Ray harrumphed, “Why didn’t she just say so?”

The *Chicago Tribune* reported that Pope Francis disappointed those who thought he came to give hope to Cubans who want to see freedom of thought, since he met with the Castro brothers but not with dissidents.

“Big surprise,” grumbled Cousin Ray. “If Frank thinks Junipero Serra ought to be a saint, he couldn’t have much interest in freedom of thought.” <http://bit.ly/1iArZDJ> ☞



Native-themed wool blankets will soon be available from the Seattle-based firm Eighth Generation, led by Louie Gong (Nooksack).

EIGHTH GENERATION

THE BIG PICTURE