



# Indian Country

THIS WEEK FROM

## TODAY

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

### *A Letter from the Publisher*

*Shekóli.* In less than a week, on December 7, the Supreme Court will convene to hear oral arguments in *Dollar General v. Mississippi Band of Choctaw Indians*. In a previous issue, Indian Country Today Media Network correspondent Suzette Brewer reported on the genesis of the case and the potentially enormous implications for Indian country should the high court eventually rule against the Choctaw nation. In this week's issue, Brewer surveys the state of the extensive judicial systems run by Indian nations and gathers assessments from observers on what—other than chaos—would ensue should civil cases involving non-Indians be tossed off the dockets.

As former U.S. Attorney Eric Reed tells Brewer, since the 1990s Congress has approved billions in funding for establishing mutually beneficial court systems in tribal nations as part of the government's obligations in supporting the Indian Self-Determination and Educational Assistance Act. Many tribal courts outpace local and state systems in terms of sophistication and resources. Reed and many others in the article find it ironic that Dollar General attorneys have written arguments around their interpretation of "what Congress intended," and challenging the idea that non-Natives cannot receive a fair hearing in such a foreign environment.



In a related Opinion piece this week, legal scholar Peter d'Errico concludes that some justices on the high court agreed to hear the *Dollar General* case for less than encouraging reasons. He sees the court's intervention as a means to examine Indian jurisdiction in the context of corporate freedom from regulation. Given this court's inclination to expand the power of corporations, and past attempts to limit the sovereignty of native nations in the face of federal recognition of same, d'Errico finds that this coming Monday's hearing will be a pivotal clash of forces.

Many Natives, rallying around the National Indigenous Women's Resource Center's call to action, will be making their views known on the courthouse steps. ICTMN will have reporters inside and outside the hearing, which to

most court watchers will be another case on the morning docket, intellectual business as usual. But for Indian country, the case is shaping up to be anything but.

NA Ki wa,

Ray Halbritter

### Table of *Contents*



2 COMMENTARY

4 NEWS

7 ART AND HISTORY

9 TRIBAL JUSTICE ON TRIAL

10 SAINTS & STRANGERS

12 WEEK IN PHOTOS

18 WEB, EVENTS, LETTER

19 CARTOON, ALERTS

20 HOW DID I MISS THAT

21 BIG PICTURE

### Making Noise, Yet Still Invisible

*While acknowledging the reality of assault against women, **Adrianne Chalepah** (Kiowa/Apache) explains why the Native case is unique and keenly felt:*

On November 15, a group of indigenous women and children chalked statistics, quotes and hashtags on the downtown sidewalks of Durango, Colorado. I was one of them. We wanted to start a dialogue about why indigenous women in the U.S. and Canada, the smallest demographic, have the highest rates of violent and sexual assaults.

Within one minute of writing my first statistic on the sidewalk, a young man walked up and began asking me questions. I expected this. However, what I didn't expect was to be asked, "What would you do if I raped you?" At one point, an older white man approached us and inquired about one of our writings, which was, "Honor and respect indigenous women." He said, "Shouldn't we honor and respect all women?" and "When I read that, I saw a different form of racism."

I explained to the man, who was respectful and genuine in his inquiry, that to bring attention to a specific de-

mographic that is underserved, underrepresented, and misrepresented, e.g. Pocahontas and sexy savage costumes, does not diminish or insult other races of women.

If all races experienced rape at the same rate as indigenous women, we would not feel the need to bring public attention to our demographic. The sad reality is that when a Native woman is beaten and raped in a nearby reservation border town, as in the case of one of my relatives, the police dismiss her as a wild girl whose promiscuity caused her to be assaulted. She is in no way viewed as a victim. <http://bit.ly/1Om3O7e> ☞

### The High Court and Dollar General

*Attorney **Peter d'Errico** suspects that the U.S. Supreme Court's decision to hear Dollar General v. Mississippi Band of Choctaw Indians is yet another attempt to undermine tribal sovereignty:*

Why did the Supreme Court agree to review this case? The court grants fewer than 200 of the more than 7,000 petitions it receives each year. There is no conflict among circuit court decisions on the issue in this case. The lower courts have ruled the same way, favoring Indian jurisdiction in similar circumstances.

Dollar General ("Dolgencorp") framed its petition on the consideration that this case presents "an important question of federal law that has not been, but should be, settled by [the Supreme] Court." Dolgen argued that the question of Choctaw jurisdiction over the Dollar General store and its manager involves an "open question" of Indian jurisdiction over non-Indians in civil cases.

The fact that the court granted Dolgen's petition for *certiorari* indicates that at least four of the nine judges voted in favor. They apparently want to look at the issue of Indian jurisdiction. They may also want to look at the issue of corporate

freedom from regulation. These two issues cut to the heart of indigenous self-determination in a global economy.

Simply put, the Supreme Court wants to expand corporate power. In a long series of cases going back to 1886, the court has treated corporations as if they are people and has expanded corporate rights to political action. The court also wants to undermine or eliminate what remains of Indian sovereignty. The 2013 case of *Adoptive Couple v. Baby Girl*, in which the court restricted the reach of the Indian Child Welfare Act, is a recent example.

The anti-Indian wars continue. The battlefield is in court. <http://bit.ly/1OtiaTt> ☞

### The Deafening Disenrollment Silence

*The disenrollment movement is growing, writes Attorney **Gabriel Galanda** (Round Valley Indian Tribes), and he wonders who is speaking out against it:*

In September, Sherman Alexie (Spokane/Coeur d'Alene) tweeted a shot heard 'round Indian country: "Dear Indian tribes who disenroll members, you should be ashamed of your colonial and capitalistic bull\*\*\*." Sherman's tweet was retweeted hundreds of times, posted to Turtle Talk and, through the Indian Facebook community, ultimately received over 100,000 views.

Soon thereafter, Winona LaDuke (White Earth) expressed her concerned

agreement that disenrollment causes classism and income inequality. I recently met Winona in Seattle on Indigenous Peoples Day. With a furrowed brow, she conveyed her dismay.

Last month, the American Association of Indian Physicians (AAIP) published a resolution explaining the potential adverse health affects of disenrollment and asking disenrolling tribes to reconsider their decisions. The AAIP published three research papers in support, one of which explains how disenrollment "perpetuates historical trauma by creating a loss of community and culture."

Joseph Hamilton, chairman of the Ramona Band of Cahuilla Indians, recently published an essay titled "Tribal Leaders

Must Talk About Disenrollment." Hamilton wrote, "[D]isenrollment is not an innate right of tribal peoples; it was foisted upon tribes by the federal government in order to extinguish us. ... [W]e better start talking about disenrollment and finding solutions before it's too late."

Meanwhile, the National Congress of American Indians, the National Indian Gaming Association, regional intertribal associations and others sit deliberately quiet in the face of a disenrollment epidemic. It is that silence among tribal leaders—and the resulting void of peer-to-peer Indian shame—that emboldens tribal elected leaders to become dictators and, in turn, violently dismember their own people. <http://bit.ly/1T87haN> ☞



Twenty-Nine Palms Band of Mission Indians  
Presents

**2015 WINTER  
GATHERING**

# POW WOW

DECEMBER 11TH - 13TH

## HEAD STAFF

**HOST DRUM** Young Bear

**EMCEE** Juakin Hamilton

**ARENA DIRECTOR** Rusty Gillette

**HEAD DRUM JUDGE** Randy Paskemin

**HEAD DANCE JUDGE** Michael Roberts

**TABULATOR** Mariea Jones

**TABULATOR** Christina Johnson

## DRUM CONTEST

### NORTHERN

1st **\$4,000**  
plus 1st place jackets  
2nd **\$2,500**  
3rd **\$1,500**  
4th **\$1,000**

### SOUTHERN

1st **\$4,000**  
plus 1st place jackets  
2nd **\$2,500**  
3rd **\$1,500**  
4th **\$1,000**

Host Drum will not be entered in contest.  
Point system in effect for dance and drum contest.

## DANCE SPECIAL

### IRONMAN FANCY

**\$3,000**  
(Must be 18 years and older)

### WOMEN'S TEAM

**\$4,500**

### MEN'S TEAM

**\$4,500**

Team Dance: Min. of 3 dancers.  
(Must be 18 years and older)

### 1ST, 2ND AND 3RD PLACE PRIZE

Spotlight 29 Casino

46-200 Harrison Place | Coachella, CA 92236

1 (866) 377-6829

www.spotlight29.com



# GRAND ENTRY TIMES

**FRIDAY 12/11 AT 7:00PM**

**SATURDAY 12/12 AT 1:00PM & 7:00PM**

**SUNDAY 12/13 AT 1:00PM**

## INFORMATION

### VENDOR INFORMATION:

Arts & Craft Vendors and Food Vendors Allowed  
(Must be tribal enrolled)

**EARL THOMAS (760) 775-3239**

POW WOW will be held inside the Spotlight Showroom  
with all vendors outdoors.

### GENERAL INFORMATION:

**MATT SINGLETON (760) 775-2070**

## DANCE CONTEST

	1st	2nd	3rd	4th
<b>MEN'S 18 to 54</b> N. Traditional, S. Straight, Grass Northern Fancy, Southern Fancy, Chicken Dance	\$1,000	\$800	\$600	\$300
<b>WOMEN'S 18 to 54</b> N. Traditional Buckskin, S. Traditional Buckskin N. Traditional Cloth, S. Traditional Cloth, Jingle, Fancy Shawl	\$1,000	\$800	\$600	\$300
<b>SENIOR MEN'S 55 to 64</b> N. Traditional, S. Straight (Grass and Fancy Combined)	\$1,000	\$800	\$600	\$300
<b>SENIOR WOMEN'S 55 to 64</b> N. Traditional, S. Traditional (Jingle and Fancy Shawl Combined)	\$1,000	\$800	\$600	\$300
<b>MEN'S GOLDEN AGE 65 &amp; Up</b> N. Traditional, S. Straight	\$1,000	\$800	\$600	\$300
<b>WOMEN'S GOLDEN AGE 65 &amp; Up</b> N. Traditional, S. Traditional	\$1,000	\$800	\$600	\$300
<b>TEEN BOYS 13 to 17</b> N. Traditional, S. Straight, Grass, Fancy	\$325	\$225	\$125	\$100
<b>TEEN GIRLS 13 to 17</b> N. Traditional, S. Traditional, Jingle, Fancy Shawl	\$325	\$225	\$125	\$100
<b>JUNIOR BOYS 7 to 12</b> (N. Traditional and S. Straight Combined) (Grass and Fancy Combined)	\$150	\$100	\$75	\$50
<b>JUNIOR GIRLS 7 to 12</b> (N. Traditional and S. Traditional Combined) (Jingle and Fancy Shawl Combined)	\$150	\$100	\$75	\$50

Tiny Tots 6 and under will have an exhibition dance

## FREE ADMISSON

**NO DRUGS OR ALCOHOL ALLOWED**

**Theresa A. Mike Scholarship Foundation**

www.theresamike.com



## NAGPRA Review Committee Gets Three New Members

Three new members have been appointed to the Native American Graves Protection and Repatriation Review Committee. Heather Hecht Edgar, LindaLee ("Cissy") Farm and Patrick D. Lyons will represent national museum and scientific organizations, the National Park Service (NPS) said on November 18.

The appointments were made by Secretary of the Interior Sally Jewell, whose designations are based on nominations by Indian tribes, Native Hawaiian organizations, traditional Native American religious leaders, national museum organizations and national scientific organizations. The committee monitors, reviews and helps implement some of the requirements of the Native Graves Protection and Repatriation Act (NAGPRA).

Edgar is Curator of Human Osteology at the Maxwell Museum of Anthropology and an associate professor of anthropology at the University of New Mexico. She was nominated by the American Alliance of Museums, the American Anthropological Association, the American Association of Physical Anthropologists, the Archaeological Institute of America and the Society for American Archaeology.

Farm is a partner at Goodsill Anderson Quinn & Stifel, LLP, a Hawaii-based law firm, and was nominated for a second term by the Natural Science Collections Alliance. Farm is no newcomer; a committee member from 2011 to 2015, she chaired the committee for two years.

Lyons, who directs the Arizona State Museum, is an associate professor of anthropology at the University of Arizona. He was nominated by the American Anthropological Association, the Archaeological Institute of America and the Society for American Archaeology.

"The committee faces a challenging set of tasks, ranging from assisting in the resolution of disputes, to advising the Secretary of the Interior on specific actions for developing a process for disposition of culturally unidentifiable Native American human remains," the NPS said. <http://bit.ly/1NvdJX>

## Mortgage Lending Lags in Oglala Lakota County

BY MARK FOGARTY

Less than a half-million dollars of mortgage finance was extended on Oglala Lakota County in South Dakota last year, federal data shows. Only 29 loans, totaling \$475,000, were originated in 2014 for a population of more than 13,000 in that county, which is entirely within the boundaries of the Pine Ridge reservation of the Oglala Lakota.

Of the 29 loans that were originated, the Government National Mortgage Association purchased three, for a total of \$180,000. All together, 55 applications were made, with requests totaling \$1.3 million. Thus, less than half of the requested amounts were approved.

More than 40 percent of the loans that were funded went to home improvement loans (HILs), which are generally for much lower amounts than true mortgages. Of the \$475,000, \$200,000 went to HILs and \$275,000 was extended on home purchases and refinances. The average financing was a low \$15,500.

In terms of the income level of borrowers, 26 percent of the loans went to low-income residents, seven percent went to moderate-income borrowers, 29 percent were allocated to those of moderate income, and less than one percent went to upper income borrowers, according to the data.

The average loan amount on the mortgages was \$60,000, while for home improvement loans the figure was \$8,360. More than 82 percent of the total was designated for single-family homes, while manufactured housing constituted the balance.

Most of the lending—\$374,000—was done through Federal Housing Administration mortgages, which carry government insurance. The rest—\$101,000—was in conventional (non-governmental) lending. <http://bit.ly/1YvU4vP>

## Senate Bill Would Rename Wildlife Refuge After Billy Frank Jr.

Sen. Maria Cantwell (D-Washington) has introduced a bill that joins a House initiative to rename a national wildlife refuge after the late iconic treaty rights and environmental activist Billy Frank Jr. (Nisqually).

The Billy Frank Jr. Tell Your Story Act, introduced on November 19, would rename the Nisqually National Wildlife Refuge in Washington State as the Billy Frank Jr. Nisqually National Wildlife Refuge. Cantwell's bill follows a House bill introduced by Rep. Denny Heck (D-

Washington). The National Congress of American Indians, the Affiliated Tribes of Northwest Indians and the Northwest Indian Fisheries Commission support Heck's bill.

"Billy Frank Jr. spent his life fighting for Treaty rights for tribes and Indian people that had long been denied," said Cantwell. "He was a fierce guardian of our cherished salmon, the Puget Sound, and the rich natural diversity that is revered by all of us who call Washington State home."

Like its House counterpart, the Senate bill would establish the Medicine Creek Treaty National Memorial at the site

of the 1854 signing of the treaty of the same name. It also directs the Interior Department to work with the Nisqually, Muckleshoot, Puyallup and Squaxin Island Tribes to develop educational materials for the memorial.

Cantwell introduced her bill just days before President Obama posthumously awarded Frank the Presidential Medal of Freedom, the nation's highest civilian honor. His daughter-in-law, Peggen Frank, received the honor at the White House on November 24—the same day that the city of Bellingham, Washington redesignated "Indian Street" as "Billy Frank Street." <http://bit.ly/1NQziQ0>

## Descending On Paris For COP21

BY MARY ANNETTE PEMBER

Confusing police jurisdiction and actions? Limited or no resources? Dangerous living conditions? Restrictive and confusing bureaucratic policies and actions?

The atmosphere in Paris for the up-current COP21 United Nations Climate Summit sounds remarkably like life on most Indian reservations.

"There is not much about the scenario of government restrictions taking place in Paris that will be new to us," said Dallas Goldtooth (Mdewakanton Dakota and Dine), an organizer at the Indigenous Environmental Network. "If anything, this is our element as indigenous people."

The summit takes place November 30 through December 13. Organizers had expected more than 200,000 people to participate in the rally that traditionally kicks off the conference on the day before talks begin. <http://bit.ly/INT1GB4>

## Justice Department Asks Supreme Court For Domestic Violence Ruling

BY KRISTI EATON

The U.S. Department of Justice has filed a petition with the U.S. Supreme Court, asking the high court to take up a case dealing with tribal court convictions in domestic violence cases in Indian country.

Michael Bryant Jr., Northern Cheyenne Tribe, was convicted of domestic violence as a habitual offender and sentenced in U.S. District Court for the District of Montana to 46 months in prison and three years of supervised release. Federal law makes it a felony to commit domestic violence on a spouse or intimate partner in Indian country if the perpetrator has at least two prior domestic abuse convictions in a federal, state or tribal court proceeding.

But the Ninth District Court of Appeals reversed the decision, saying the lower court had relied on the tribal convictions in which Bryant had not

been provided with an attorney to meet the repeat offender determination, a violation of Bryant's right under the U.S. Constitution's Sixth Amendment. <http://bit.ly/1jo7daB>

## 30 Years Of Donating Turkeys

BY GALE COUREY TOENSING

Imagine a barnyard big enough to hold 100,000 turkeys. Now imagine the turkeys roasted to perfection, the meat moist and succulent, the skin golden brown and crisp, surrounded by seasonal side dishes of mashed potatoes, green beans and cranberry sauce.

How many people do you think could enjoy a Thanksgiving dinner comprised of those 100,000 domesticated flightless fowl?

The Morongo Band of Mission Indians knows the answer. The tribal nation has given away more than 100,000 Thanksgiving turkeys across Southern California over the past three decades, providing an astonishing 1.5 million-plus holiday meals to families, veterans and seniors in need.

This year Morongo distributed 13,000 turkeys to churches, charities and other nonprofit organizations in celebration of its 30th annual Thanksgiving outreach program. <http://bit.ly/1llGE7g>

## First Indigenous High Court President in Bolivia

BY RICK KEARNS

The newest president judge of Bolivia's highest court is an Indigenous magistrate, making him the first Indigenous person in that post.

On November 4, officials announced that Pastor Mamani was elected to be President of the Supreme Tribunal of Justice, where five jurists, including the previous President, voted for him and four against.

In the press conference following the vote, Judge Mamani commented on the historic occasion and described some of his general plans.

"After 500 years, for the first time in history an Indigenous man will occupy

## Nothing's sweeter than family



Diabetes doesn't have to take over your holidays. Health insurance gives you access to the best health care. That means less stress about diabetes and more focus on your family.

## Get covered today

[www.healthcare.gov/tribal](http://www.healthcare.gov/tribal)  
or call 1-800-318-2596



@CMSGov #CMSNativeHealth

this high post...and this happened due to the structural changes that have been made in this country," he stated. <http://bit.ly/1Ovx7V8> 📧

## Great Law of Peace Center Opens

BY ALEX HAMER

Skä Noñh-Great Law of Peace Center celebrated its grand opening on the shores of Onondaga Lake in Liverpool, New York on November 20-21. The center, whose name means "peace and wellness" in Onondaga, is meant to educate visitors about the Haudenosaunee and the Great Law of Peace, the founding constitution of the Six Nations. Interactive displays, art, and cultural items are available. The Native and non-Native community celebrated the opening with food, dancing, artists and an opening address from Oren Lyons, Onondaga Faith Keeper. "I think this is the beginning of a resurgence of American history, of Native American history, here in this country," Lyons said. "The American public is just not taught of it, the history of Native people here. So this is a good beginning and this is where the Tree of Peace was planted a thousand years ago, and I think it's going to grow. Hopefully other nations will join in and the true history will come." <http://bit.ly/1OCVT5v> 📧

## CBC Blocks Comments On Indigenous-Related Articles

BY CHELSEY LUGER

CBC News, Canada's largest news broadcaster, has temporarily blocked all comments on indigenous-related stories until the organization can determine a better system of moderating them. In a statement issued on November 30, the network said it had observed a disproportionate amount of racist and ignorant hate speech targeted at First Nations people. The CBC said that it hopes to reopen comments about indigenous-related articles "as soon as possible"—specifically, once the news service is able to "put some structure around this." <http://bit.ly/21slFAv> 📧

# Not a Subscriber?

## Get your own This Week From Indian Country Today eNewsletter!





# Art And History

*Traditional crafts get a boost at tribal colleges* BY CHRISTINA ROSE



*Leech Lake Tribal College students with rolls of birch bark, used to make quill boxes.*

**Bottom Line:** *With innovative funding, Native college students are creating everything from snowshoes to canoes—and learning about the culture behind their handiwork.*

Ancient Native arts and technology are bringing a cultural revolution to 13 tribal colleges and universities that have received a substantial grant from the American Indian College Fund.

The three-year “Restoration and Preservation of Traditional Native Art Forms and Knowledge Grant” of \$860,000, originally allocated in 2013, allows tribal colleges and universities (or TCUs) to develop curricula on lost or rare art forms

that have fallen out of usage.

Four TCUs—Leech Lake Tribal College (Cass Lake, Minnesota), Oglala Lakota College (Kyle, South Dakota), Sinte Gleska University (Mission, South Dakota) and Turtle Mountain Community College (Belcourt, North Dakota)—will be able to expand their arts programs by including traditional arts in the curriculum. Nine other TCUs have already received a quarterly grant for the development of new academic classes and community extension activities in traditional native arts.

“It’s art now,” said Ronald Turney (Ojibwe), a multimedia specialist at Leech Lake Tribal College. “But back

then, they were items for everyday living and use. Birch bark and porcupine quills; we are treasuring the gifts the land gives. Everyone had a canoe, everyone always had baskets, there was always someone tanning hides. The rarity [of creating these traditional objects] has transformed into art now, and we are planning on bringing these things back.”

Each college will determine which arts to pursue. “What is endangered in Minnesota could be thriving in North Dakota, so it is up to them to decide which are their endangered or lost art forms,” said Bridget Skenadore, Native Arts and Culture Project Coordinator at the American Indian College Fund.



*Instructor Gabrielle Tateyuskaskan prepares her students' pottery.*



*Students gathered for a quillwork class with Melvin Losh.*

Through the grant, experts—often elders—will teach classes and train apprentices so the college can continue to offer the class after the grant expires. Another aspect of the program, Skenadore said, is to support the livelihood of the artists.

"Sisseton Wahpeton College in South Dakota has a master artisan who gives feedback about how and what has been taught, and sharing knowledge before setting up the curriculum," Skenadore said. "We want to focus on the intergenerational learning that is going on between the master artists and the community members and students. In the snowshoe class at the College of the Menominee Nation, the youngest participant was seven years old and the oldest was 60 years old. All of the participants were sitting together at the table and teaching each other."

When Dakota Studies Instructor Erin Griffin (Dakota) of Sisseton Wahpeton College first started teaching, she asked her students if Dakota people made pottery. They all said no. "So I showed pictures of pottery the people made long ago, and none of them knew about that."

"When we started doing the workshops, people were asking us where we ordered the clay from and we didn't," Griffin laughed. "We dug it from behind the building here."

Sisseton Wahpeton College is also developing a class for bow making and tanning hides. According to Griffin, students and community members jumped at the chance to take the classes. This has been true with all the tribal colleges.

"I have had people call me up in a pan-

ic thinking they aren't going to get in," Griffin said. "I was surprised at how fast the pottery class filled up, and then the quillwork class filled even faster, and then the bow making class filled in two hours. I think that really speaks to the desire in the community."

Turney, at Leech Lake Tribal College, believes the classes fill so quickly because of the rarity of the art forms.

"Not many people around here know how to do quillwork," he said. "Basically it was one elder, Melvin Losh, whose pieces are in the Minnesota Historical Society Museum and the Smithsonian in Washington, D.C. He has been doing it for about 50 years now." Before the classes, only one or two canoes were made each year and there were only two people who made them, Turney said.

The art classes at Leech Lake are part of the development of a two-year associate's degree program or an accredited certificate in Language, History and the Arts. "We are also in talks with Bemidji State University so people can go to school here for two years and then go on there for a four-year degree," Turney said.

At the College of Menominee Nation, the projects have revolved around the arts. But Jennifer Gauthier (Menominee), the community natural resource economic development educator at the University of Wisconsin office of the campus, said there were side benefits.

"We ended up developing community groups and leadership," she said. "We also introduced the language tied to every art, which provided an educational component. Instead of just teaching basket mak-

ing we tied it to the study of traditional Menominee materials, culture—showing how it is rooted in history and showing contemporary applications as well—and focusing on language, too."

The first project the College of Menominee Nation tackled was birch bark baskets.

"We wanted to develop an appreciation for the hard work that our relatives put into that," Gauthier said. "We went into tree identification, time of year to process those trees, what size tree to harvest and how to make their own strips, how to clean them, how to dye them, everything you can imagine; how to make a basket from beginning to end."

"From that first project and every project since then we have tried to tie in the same kind of process. We are doing more active use of the language rather than standing in front of the class and teaching them words."

As is the case with the other schools, the Menominee classes are immensely popular. "Within the workshops, we had a lot of intergenerational activities, and every workshop has incorporated a family working together and learning," said Renee Okimosh, project coordinator for the Menominee College workshops.

"The class fills up almost immediately," said Brian Kowalkowski, dean of Continuing Education at Menominee College. "They are really into it. There is a hunger to learn more within the community. To see the kids working with the elders, it's a way for these groups to get together and laugh, share stories, that sort of thing. That's really important stuff." <http://bit.ly/1SiAqW>



# Tribal Justice on Trial

*The Dollar General case is generating legal concern and personal outrage.* BY SUZETTE BREWER



*The Mississippi Band of Choctaw Indians, whose justice center is shown here, is known for having one of the country's flagship tribal justice systems.*

**Editor's Note:** This is the second in a series examining Dollar General v. Mississippi Band of Choctaw Indians, a case that arose out of an alleged sexual assault of a minor by the store's non-Indian manager. Dollar General is asking the Supreme Court to overturn three lower court opinions that held that the discount retail chain had agreed to tribal jurisdiction when it became a lessee on Choctaw land. At issue is tribal court jurisdiction in civil tort and contract claims involving non-Indians on Indian lands.

## THE HEARTS OF THE WOMEN

After the U.S. Supreme Court granted Dollar General's petition to decide wheth-

er non-Indians could be sued in civil court on tribal lands, Native women began organizing a nationwide coalition to bring attention to the scourge of sexual violence on Indian reservations. On October 18, dozens of mothers, grandmothers, sisters and aunts gathered at an early morning panel hosted by the National Indigenous Women's Resource Center (NIWRC) at a conference in San Diego.

They had already led a long, hard fight to include a jurisdictional provision for tribes in the 2013 reauthorization of the Violence Against Women Act to fix jurisdictional immunity for non-Indian perpetrators. So they understood the vast, complex consequences for what had

become known simply as "Dollar General." As the discussions got underway, the packed, standing-room-only gathering began spilling out into the hallway of the convention center—as Native women and tribal leaders from across the country continued to descend upon the small conference room.

The NIWRC had just submitted its *amicus* brief to the Supreme Court, gathering 105 signatories in support of the Mississippi Band of Choctaw Indians. But the consensus in the room was that filing a brief was not enough. For centuries, Native women and children have been targets of sexual violence while their perpetrators have faced little, if any, consequences.

It was time, the women agreed, to make their voices heard in a cry for justice.

That morning, the NIWRC announced plans to host the “Quilt Walk for Justice” in front of the Supreme Court building on the morning of December 7. Partnering with the Monument Quilt Project, thousands of Indian women are expected to attend the walk to bring national attention to a sexual assault case that has outraged and galvanized Native communities from Alaska to Maine.

“These crimes continue to be committed against Indian people and very little is done about it and if Dollar General has its way, it will be a green light for pedophiles, perpetrators and bad corporate actors on our lands,” said Jacqueline Agtuca, a lawyer and policy consultant for NIWRC.

Agtuca does not mean to imply that Dollar General supports pedophile and other deviants. But she suggests that a lack of jurisdiction will open the door to criminal behavior.

“It will ensure they won’t have any accountability whatsoever for the crimes they commit,” she said. “That is not okay. We are dedicated to ensuring the safety of our Native sisters and our children.”

The Mississippi Choctaw and Dollar General has not responded to repeated ICTMN requests for comment.

#### TRIBAL JUSTICE ON TRIAL

In petitioning the Supreme Court to hear its case, Dollar General asserted that tribal courts are an “unfamiliar forum” for non-Indians who would be subject to “an unwritten set of laws and customs” that would deny U.S. citizens their basic Constitutional rights. Further, they maintained that non-Indians in tribal courts are subject to adjudication without representation, concluding that tribal courts are “harmful.”

Legal experts and tribal court practitioners vigorously object to the retail giant’s position as legal grandstanding. They point out that not only did Dollar General have “fair notice” in agreeing to tribal jurisdiction when it became a lessee on Choctaw land, but that tort and contract claims are heard in tribal courts across the country every day, with little fanfare or complaint.

With thousands of civil cases on tribal

court dockets, tribal leaders say there is no evidence that the constitutional rights of non-Indians have been abrogated in their courts.

“Dollar General seeks to avoid accountability for the conduct of its supervisor through the use of jurisdictional gymnastics, litigious tactics that could have far-reaching and devastating consequences for the ability of Indian tribes to protect their Native women and children,” said Mary Kathryn Nagle, a partner at Pipestem Law Firm and counsel of record for NIWRC’s amicus brief.

A review of federal laws and tribal justice systems by Indian Country Today Media Network reveals a far more sophisticated legal infrastructure than Dollar General and its allies have alleged—more advanced, in many cases, than their surrounding county and state courts.

“In the 1990s, Congress approved funding for the tribes under provisions of the Indian Self-Determination and Educational Assistance Act [Public Law 93-638] with the specific purpose of improving and enhancing tribal law enforcement, court systems and jurisdiction,” said Eric Reed, a former U.S. Attorney now in private practice in Dallas, Texas. “This included the construction of jails and courthouses, as well as funding for technology, communications and public safety programs.

“So, it’s curious that the plaintiffs in this case have postulated their argument around ‘What Congress intended,’ because Congress approved billions in federal funding to build, staff and deploy these tribal courts throughout the country for the purpose of expanding their legal systems.”

The federal government did not merely approve these programs, said Reed, who was Special Assistant U.S. Attorney and tribal prosecutor on the Cheyenne River Sioux Indian Reservation in 1990s. He pointed out that Washington also provided hundreds of millions in additional funding to train tribal court judges, attorneys, paralegals, prosecutors, public defenders and courthouse personnel with the purpose of strengthening the tribe’s authority over criminal and civil jurisdiction within their territorial limits.

“We provided an enormous amount

of training and technical assistance programs for courts, social services and law enforcement not only to the tribes, but also to the states as well,” said Reed. “So, to push the tribes to build and improve their justice systems, only to remove civil jurisdiction—which is one of the most vital components to the whole purpose of self-determination—is an enormous step backwards.”

The Mississippi Band of Choctaw Indians (MBCI) has been distinguished as one of the flagship tribal justice systems in the United States. In 2012, for example, the tribe was recognized by the National Council of Juvenile and Family Court Judges as a model court whose brand new, state-of-the-art justice complex handles all manner of criminal, civil, youth and peacemaking courts.

Additionally, MBCI has a three-member Supreme Court that includes Edwin R. Smith, a battle-hardened Mississippi lawyer who in 1978 represented the tribe before the Supreme Court in the historic *United States v. Smith John*. Later, Smith also argued—and won—the historic Supreme Court case *Mississippi Band of Choctaw Indians v. Holyfield* (1987), which concerned tribal jurisdiction and the Indian Child Welfare Act.

“The notion that tribal courts lack legal experience and expertise and are incapable of fairly adjudicating civil torts and contract claims is not only fundamentally wrong, but demonstrates a profound lack of knowledge about the Indian law business,” said John Echohawk, co-founder of the Native American Rights Fund, which recently celebrated its 45th anniversary. “Many tribal courts across the country, including the Mississippi Choctaw, have some of the best, most experienced litigators and legal practitioners in the country.”

#### ‘AN UNFUNDED MANDATE’

In addition to the negative consequences for tribes, observers point out the enormous impact that a ruling in Dollar General’s favor could have on state courts.

Troy Eid is the former chairman of the Indian Law and Order Commission, which released its findings and recommendations to the President and Congress in A Roadmap for Making Native America Safer in 2013. As a former U.S. Attorney and an ac-





*The Dollar General store #2278 at the Choctaw Town Center in Philadelphia, Mississippi*

tive member of the Navajo Nation Bar Association, Eid said that a staggering number of civil cases involving non-Indians currently in tribal courts could create an enormous burden upon county and state courts across the country that are already bursting at the seams with caseloads.

“The Navajo Nation alone adjudicates nearly 75,000 cases a year in its court system, 10,000 of which are backlogged criminal cases,” said Eid, a partner at Greenberg Traurig in Denver. “So there could be a tremendous number of civil cases on the docket that state courts would have to absorb. This effectively creates an unfunded mandate the logistical and financial implications of which would be enormous. I’m not sure anyone has really pondered the unintended consequences of removing the tribes’ ability to take those cases.”

Tribes across the country have been watching the case with growing unease about the potential for judicial chaos. In particular, they are concerned about serious problems with jurisdiction, tolling statutes, forum, venue, statutes of limitation and inadequate remedies in active cases currently in tribal court systems.

“This has the potential to be very detrimental to thousands of cases,” said Chrissi Nimmo, Senior Assistant Attorney General for the Cherokee Nation. “A ruling in Dollar General’s favor could raise a jurisdictional defense in every pending case involving non-Indian defendants. All of those cases would become subject to motions to dismiss for lack of jurisdiction. Because of these procedural issues, many people may be left without any remedy whatsoever.”

Nimmo said that many cases would be left in limbo over proper forum or declared null because the statute of limitations would have expired.

“Even if a person timely filed in tribal court, the state courts may not recognize those filings for the purposes of computing statutes of limitation,” she said. “And even more important, if the Supreme Court rules that the tribe does not have jurisdiction in Dollar General, that does not necessarily mean that the state does.”

“There very well could be situations where neither the tribe nor state have jurisdiction. The issue across the country then becomes: No one does. This leaves Indian people with no legal remedy for

injury at the hands of non-Indians.”

#### **‘THROUGH THEIR HANDS’**

As both sides prepare for the Supreme Court hearing, thousands of Native women from across the country are making plans to travel to Washington, D.C. to carry their handmade quilt squares during the Quilt Walk for Justice in support of victims of sexual assault in Indian country. Some are even chartering buses.

Those who cannot attend, Agtuca said, have already sent quilt squares to show their support. All quilt squares received by NIWRC will be carried during the Quilt Walk for Justice to end sexual violence against American Indian and Alaska Native women and children.

“Many tribal women are quilters and so this is a project that is really close to our hearts. Native women from as far away as Alaska have sent us quilt squares to add to our quilt,” Agtuca said. “They can’t attend, but through their hands, they can make a statement about sexual violence against their sisters and mothers and children. Their quilt squares are a message to victims of sexual assault—a way of saying, ‘It’s not your fault.’ That’s powerful.” <http://bit.ly/1Hpp9gJ> 📌



*The Native woman Robin Poor Bear, featured in the PBS documentary Kind Hearted Woman, walked on November 20.*



*Women bearing a climate change treaty were among the many Indigenous Peoples who graced this week's United Nations climate talks in Paris.*



*Pastor Mamani is the first Indigenous Person to be elected as president of Bolivia's Supreme Tribunal of Justice.*



*Darlene Arviso, a.k.a. The Water Lady, has been working to deliver water to the St. Bonventure Indian Mission in Thoreau, New Mexico for the past eight years.*



## REQUEST FOR PROPOSAL – INVESTMENT ADVISOR

---

### **THE THREE AFFILIATED TRIBES REQUEST FOR PROPOSAL FOR AN INDEPENDENT INVESTMENT ADVISOR**

#### **TIME SCHEDULE**

1. Date of RFP request: November 20, 2015
2. Deadline to submit written responses about any of the RFP questions: December 1, 2015
3. Final Filing Deadline Date: December 4, 2015

The Three Affiliated Tribes (The Tribes) is requesting RFP proposals from qualified Registered Investment Advisory firms interested in providing independent investment advisory services.

#### **SUBMISSION OF PROPOSALS**

Please submit 2 hard copies of your original proposal by close of business on: December 4<sup>th</sup>, 2015

To: Three Affiliated Tribes  
Attention: Whitney Bell, Chief Financial Officer  
Address: 404 Frontage Road  
City, State, ZIP: New Town, North Dakota 58763

Questions may be emailed to [wbell@mhanation.com](mailto:wbell@mhanation.com)

#### **PROPOSAL REQUIREMENTS AND INFORMATION TO BE PROVIDED BY REGISTERED INVESTMENT ADVISOR**

The Tribes reserve the right to reject any proposal that, in its sole and exclusive judgment determines the proposal failed to provide all of the relevant requested information. In the event none of the proposals are satisfactory to the Tribe, then no selection will be made.

#### **STANDARDS FOR EVALUATING PROPOSALS**

The purpose of the proposal evaluation process is twofold: (1) to assess the responses for compliance with the RFP's minimum qualifications, content, and format requirements; and (2) to identify the Investment Advisors that have the highest probability of satisfactorily performing the services requested by The Tribes. The evaluation process will be conducted in a comprehensive and impartial manner.

The Tribes will reject any proposal which contains false or misleading statements, or which provides information which does not support an attribute or condition claimed by the Investment Advisor. Any attempt by an Investment Advisor to initiate contact with any member of the proposal evaluation team, the members of the Investment Committee, and/or the Tribe's staff, other than the CFO of The Tribes during the period the RFP is open for submission for proposals may disqualify the Investment Advisor from further consideration.

Proposals will undergo an evaluation process conducted by The Tribes. The Tribes, in its exclusive discretion, shall select such proposals that it considers being in the best interests of The Tribes. Those Investment Advisors, whom The Tribes believe to best meet the requirements for the delivery of the services sought under

this RFP, will be considered finalist candidates. The Tribes will invite the finalists to visit and be interviewed in person.

While cost is a consideration, The Tribes reserve the right to award the resulting contract(s) on the basis of all relevant considerations and overall evaluation of each Investment Advisor's ability to meet the RFP requirements and The Tribe's need.

Proposals that are not selected will remain the property of The Tribes. The Tribes request that firms submitting proposals await the response of their decision and not place calls to anyone on The Tribes staff to learn the status of the proposal. The Tribes will respond its outcome to each and every advisor submitting a response.

The RFP must include a cover letter. The cover letter must be signed by the individual who is authorized to contractually bind the proposing Registered Investment Advisory firm. An unsigned cover letter may cause the proposal to be rejected. The RFP must contain the following information and it must be answered in the same order in which it is requested here:

### **1. Organization**

- a. Describe the organization, date founded, and ownership of your firm as well as all subsidiaries and affiliates.
- b. Name, address, telephone, email address and website of investment advisory firm.
- c. Please identify the office from which this account will be serviced.
- d. Please provide the most recent copy of your firms ADV Part II.

### **2. Staff**

- a. What is the total size of your firm's staff? How many of these individuals are investment advisors?
- b. Provide detailed biographies describing the professional qualifications, expertise and length of service of the firm's key decision makers.
- c. Please list the name and location of the primary individual(s) that will be responsible for the consulting of the Tribe's investments, and provide detailed biographies for such individuals' describing their professional qualifications, expertise and length of service with the proposing firm.

### **3. Legal**

- a. Describe any censure by the SEC or DOL, government investigation, administrative proceeding, any past, current or pending litigation against your firm or on any person that will be assigned to this account.

### **4. Relationships with Other Investment Organizations and Services**

- a. Does your organization receive any compensation of any kind from any investment managers you recommend to construct your investment portfolios? If so, please explain.



- b. Does your organization receive any compensation or services, whether direct or indirect, from any third party in connection with any services provided to your current clients? If so, please explain.
- c. Which third party custodians does your firm use for your client's investment accounts?
- d. Does your firm hold any client investment assets other than through a third party custodian? If yes, please describe.

## **5. Services Offered**

- a. List and briefly describe all types of investment advisory and other services provided by your firm.
- b. Describe the educational opportunities that your firm will provide to The Tribes Investment Committee as part of your engagement. Give details on whether this would be one-on-one, classroom or in a seminar environment and how often.

## **6. Experience/Consultants**

- a. Please describe your firm's investment process for monitoring and maintaining investment portfolios and the market research your firm uses for fixed income, domestic and international equity markets.
- b. Please provide the number of years and types of services your firm has been helping tribal government clients in any capacity.

## **7. Clients**

- a. Describe your client relationships, the number of clients, and the value of assets currently under management with your firm.

## **8. Asset Allocation**

- a. Describe your firm's asset allocation approach, methodology, and modeling capabilities including any market projections, the frequency of updates and the software used in your firm's analysis.
- b. Provide a sample portfolio allocation using 50% fixed income and 50% equities and show how your firm would allocate a portfolio of this mix in each of the various asset classes.

## **9. Investment Policy/Strategic Planning**

- a. Briefly describe the approach your firm would use to assist the Investment Committee with strategic planning, including the review and possible revision of the goals and objectives and Investment Policy Statement design and development.

## **10. Manager Selection**

- a. Describe your firm's approach and process to evaluate and recommend funds and/or investment managers for your investment portfolios.

- b. Does your firm recommend the same funds and or managers to all of your client's portfolios? Why or why not?
- d. Describe your firm's criteria to recommend placing an investment manager on probation or a watch list and to also remove or replace a fund or investment manager.

### **11. Performance Analysis and Monitoring**

- a. Provide an example how your firm will approach monitoring and analyzing investment performance?
- b. Describe the ongoing procedures for portfolio reviews and client contact.
- c. Provide a sample of your standard investment performance report.
- d. List the key industry benchmarks your firm uses in your investment portfolios?

### **12. Distinguishing Characteristics**

- a. Describe the qualifications that make your firm unique, the value you have to offer and why your firm would be a good fit to manage assets for The Tribes investment portfolios?

### **13. Client Meetings**

- a. How often do you meet with and report to your clients?
- b. Quarterly, in-person meetings are anticipated; please provide a sample agenda you would expect to use when reporting during these meetings.

### **14. Fees**

The minimum starting balance to manage in this portfolio will be approximately: \$ 25 million

- a. Provide your firm's fee schedule for the services requested in this proposal.
- b. Provide a sample monthly report showing how your firm will report the following:
  - a. investment contributions (in dollars)
  - b. distributions (in dollars)
  - c. investment income earned during the period (in dollars)
  - d. performance gain or loss (in dollars)
  - e. deduction of advisor fees (in dollars)
  - f. other additions or deductions from the account (in dollars)



### Waiting List Closing

Affordable Senior Housing  
MacArthur Park Tower  
450 S. Grand View Street  
Los Angeles, CA. 90057  
Call 213-382-8395

As of January 1, 2016, the waiting list  
Of HUD subsidized housing  
community

MacArthur Park Tower will be closed.  
We will not be accepting any  
applications for Move-ins.

Section 504 Coordinator:  
Stuart Hartman

562-257-5100 TDD 800-545-1833  
x35

911 N. Studebaker Road,  
L.B. 90815

Toll Free (877) YES-4RHF

(877) 934-4743  
(562)257-5100



### **Administrator - Skilled Nursing Facility (SNF)**

Tohono O'odham Nursing Care Authority (TONCA), a leader in the field of Native American, tribally operated, nursing homes, is seeking a full time, highly motivated and dedicated, Licensed Skilled Nursing Facility Administrator to be responsible for the operations of the Archie Hendricks Sr. Skilled Nursing Facility, the Tohono O'odham Hospice, and employee housing.

#### **Qualifications**

- Arizona Licensed Nursing Home Administrator or eligible for Arizona license required.
- A minimum of five years operational experience in long term care facility required.
- Evidence of successful skilled nursing facility operations through documented results.

#### **Salary**

Competitive based on experience; excellent benefits. On-site housing may be provided.

#### **Location**

Within the Tohono O'odham Reservation (75 miles west of Tucson).

#### **Contact:**

Carolene Garcia at 520.361.1801 or cegarcia@toltc.org for application and information.

# Not a Subscriber?

## Get your own This Week From Indian Country Today eNewsletter!

**SUBSCRIBE NOW**





# Headlines from the Web

## STATE'S HIGH COURT RULES AGAINST PRISON'S 'SWEAT LODGE' CLOSURE

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

## MCAULIFFE ACCEPTS TAX TRIBUTE FROM VIRGINIA TRIBES

<http://bit.ly/1YwjuK1>

## LAND FORMALLY RECOGNIZED AS RESERVATION FOR COWLITZ TRIBE

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

## NEW PROCESSING PLANT PREPARES TRADITIONAL ALASKA NATIVE FOOD

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

## CHUKCHANSI TRIBE STRIKES NEW DEAL WITH MADERA COUNTY OVER CASINO

<http://bit.ly/21ijS0R>

## SHINNECOCKS EXPLORE STARTING MEDICAL MARIJUANA PROGRAM

<http://nwsdy.li/1QJtuxX>

## Upcoming Events

### THIRD ANNUAL TRIBAL FINANCIAL MANAGEMENT SYMPOSIUM

DECEMBER 3-4

Native Nation Events' Leadership Solutions Group presents a two-day event that will focus on one of the most important aspects of a tribe's economic future—financial management. The exclusive event is geared toward tribal leaders and CFOs. Participants will learn about the state of the economy, building a financial constitution, long- and short-term investments, alternative investment options and more.

**Register:** <http://bit.ly/1RkkXRy>

**Location:** The Westin Resort & Spa, Palm Springs, California

### NATIONAL NATIVE AMERICAN LEADERSHIP FORUM

DECEMBER 7-8

Native Nation Events' Leadership Solutions Group presents this forum to address the next phase of issues, discussions and ideas for tribes. Attendees will learn how to use communication and relationship-building to navigate tribal politics that leads to a positive outcome; find a management strategy that helps them work smarter, not harder; understand the art and science of leadership; increase interpersonal intelligence capacity by engaging in interactive and relevant simulations; and receive real

time feedback from reliable and valid assessments and their application.

**Register:** <http://bit.ly/1YFAFc2>

**Location:** MGM Grand, Las Vegas, Nevada

### NATIONAL INDIAN CHILD WELFARE ASSOCIATION TRAINING

DECEMBER 8-10

Attendees are able to choose which NICWA training works best for them, as all trainings that will cover information about the Act and the new guidelines. Positive Indian Parenting is a train-the-trainer course for implementing a program in one's community.

**Reservations:** <http://bit.ly/1Tsp11d>

**Location:** Indian Pueblo Cultural Center, Albuquerque, New Mexico

## LETTERS TO THE EDITOR

To the Editor:

On April 22, Rep. Rob Bishop (R-Utah) declared at a hearing of the Subcommittee on Indian, Insular and Alaska Native Affairs of the House Natural Resources Committee that Congress is the only body with the authority to federally acknowledge Indian nations and tribes.

On October 20, Bishop further stated that he would pursue this policy through

H.R. 3764, a.k.a. the Tribal Recognition Act of 2015.

H.R. 3764 is wrong on both law and history. The President of the United States, his Cabinet and the executive branch—not Congress—has always taken the lead in dealing with Indian nations and tribes.

In the federally recognized Indian Tribe List Act, Congress affirmed the Secretary of the Interior's authority over the

Federal Acknowledgment Process. H.R. 3764 misreads the Constitution, overturns longstanding historical precedent, and increases the bureaucratic and legislative burden on Indian tribes.

This bill is not well considered.

—John Yellow Bird Steele  
President, Oglala Sioux Tribe



## TOP NEWS ALERTS


From IndianCountryTodayMediaNetwork.com

### FUNDING CUT FOR LAKOTA DOMESTIC ABUSE HOUSE

My Sister Friend's House ("Mita Maske Ti Ki" in the Lakota language) has sheltered Native and non-Native victims of domestic violence and sex trafficking since 2000. However "Mita," as it is known, may have to close by April 2016 and may do so as early as January. For the 12-bed shelter in Sioux Falls, South Dakota failed to win a much-needed competitive grant upon which it has depended for years in the past. "There was too much competition for the grant this year," shelter coordinator Sue McComber told the *Argus Leader*. <http://bit.ly/1XtARhg> 


### WISDOM OF THE ELDERS TO FILM OREGON TRIBAL NATIONS

Wisdom of the Elders has just launched its campaign for the next films and radio programs in a series that is document-

ing environmental and climate changes from the perspective of tribal nations and Native elders. This time, the Wisdom film crew will take viewers to the coastal tribal nations in Oregon, who face threats such as sea level rise, ocean acidification, flooding and erosion, as well as to cities where Native residents are experiencing changes such as the urban heat island effect. <http://bit.ly/1HBLrzq> 


### MOUNTAIN SKY TRAVEL CENTER IS NOW OPEN

Travelers through Riverside County in southern California will have easy access to a gas station, smoke shop, convenience store and fast food at the newly opened Mountain Sky Travel Center beside Cahuilla Casino. The Cahuilla Band of Indians recently unveiled the travel center next to its casino along Highway 371. The pit-stop for travelers and Anza Aguanga Valley


residents was originally scheduled to open in the summer, but was delayed for the tribe to obtain county permits, the *Anza Valley Outlook* reported. The center is expected to be a welcome respite to San Diego and southern Riverside County drivers heading to desert resort locations or visiting the nearby San Bernardino National Forest. <http://bit.ly/1PXdM27> 

### NOT JUST FOR ATTORNEYS

The Master of Jurisprudence in Indian Law program at the University of Tulsa College of Law started in the fall of 2011 with 10 students. The two-year program graduated its first class of four in the spring of 2013. This year, the program graduates seven students. With the current student enrollment, more than 30 tribes are represented in the program, and even a couple of First Nations students, the MJIL program is useful for several career paths.

Students range from traditional-age students, just finishing bachelor's degrees, to professional adults like attorneys and judges who are returning to school to study Indian law. <http://bit.ly/1XDilZf> 

### AKWESASNE MAN WALKS ON

Antoine Delormier, the 67-year-old Akwesasne man who claimed he was roughed up by Canadian border guards while en route to the hospital in September, has died. No word was given on the cause of death in an obituary, other than that he had walked on "peacefully at the Cornwall Community Hospital-McConnell Site on Tuesday, November 24, 2015." Delormier had suffered a number of heart attacks before allegedly being dragged from his vehicle and made to wait in a cell for an ambulance on September 22. <http://bit.ly/1LKcfou> 

# How Did I Miss That?

## *Police Sacrifice Dignity and Doughnuts*

BY STEVE RUSSELL

*The New York Times* editorialized in favor of a student proposal to change the name of the Woodrow Wilson School of Public and International Affairs at Princeton because Wilson was “an unrepentant racist” who purged African-Americans from middle class federal jobs and “established federal discrimination as a national norm.”

My cousin Ray Sixkiller and I agree that if you start pulling on that racism thread you might unravel more than you intended—and I don’t just mean the Founders owning slaves. George Washington called Indians “beasts of prey.” Thomas Jefferson said, regarding war with the Indians, “they will kill some of us; we shall destroy them all.”

Andrew Jackson and William Henry Harrison rode to the White House on the backs of Indians, the former with Removal and the latter bragging of victory over Tecumseh.

Theodore Roosevelt, on whose watch the Five Tribes’ removal treaties were ignored to create Oklahoma, said, “I don’t go so far as to think that the only good Indians are dead Indians, but I believe nine out of ten are, and I shouldn’t like to inquire too closely into the case of the tenth.”

Sure you want to go down that racism path, Princeton?

\*\*\*

Sen. David Vitter from Louisiana claimed to be a Republican but my Republican Cousin Ray always thought he should have been out of politics a long time ago. Vitter was elected as a “family values” holier-than-thou avatar of morality and then was caught in prostitution scandals in Washington and in Louisiana, most famously showing up on the “D.C. Madam” trick list.

It’s not certain whether Louisiana voters got enough of hypocrisy or of the Republican economic policies of outgoing Gov. Bobby Jindal that clobbered their economy almost as badly as the same policies

clobbered Kansas. Whichever, Vitter failed in his bid to follow Jindal.

John Bel Edwards, the Democrat who took Vitter to the political woodshed, became the first Democrat elected statewide since 2008, in spite of Vitter’s campaign calling him an “Obama liberal” and claiming that a vote for Edwards would be a vote for black thugs from prison or Syrian refugees living next door.

\*\*\*

The London *Telegraph* reported that a man in Manbij, Syria, shot a Daesh judge who had sentenced the shooter’s family to be beheaded. He killed two guards along with the judge and then turned the weapon on himself so as not to fall into Daesh hands.

Even more disturbing for the government of the fake Caliphate, the judge’s assassination was followed by a public demonstration in one of the public squares of Manbij with dozens of men chanting “Out! Out! Out!”

No fans of free speech, Daesh fighters opened fire on the crowd, killing two and arresting everybody they could catch.

\*\*\*

Dr. Ben Carson has been sinking like a stone in the GOP presidential primary polls. This could be because every day brings a new bit of nonsense. Last week, Carson—who purported to write a book that purports to be about the Constitution—credited Thomas Jefferson with being the author of that document in a C-SPAN interview.

It also could be that Carson’s soft-spoken style no longer fits with the war drums beating so loudly. The Donald Trump, still leading, gets louder every day.

\*\*\*

*The Wall Street Journal* reported that Liz Mair, who has worked for Scott Walker and for the Republican National Committee, has started a group called Trump Card LLC, for the purpose of sinking Trump with anonymous attack ads, since an LLC

need not disclose where it gets money.

Trump Card had better be careful what it wishes for because, so far, the poll numbers that Ben Carson has lost are being picked up by Texas Sen. Ted Cruz, who is widely hated within the GOP for engineering a government shutdown for which the party got blamed.


\*\*\*

Poll leader Trump continues to slander New Jersey on the campaign trail, claiming that “thousands” of Arabs across the river celebrated the fall of the World Trade Center in real time. He’s been carrying around a clip from *The Washington Post* passing on hearsay that “a few” celebrated. The reporter who passed on the rumor said he saw no such thing and the New Jersey Attorney General flatly denied it.

\*\*\*

One of many problems with policing private sexual conduct is that the government has to gather evidence. Minnesota Public Radio reported that the Minneapolis Police Department has had prostitution cases tossed out on the basis of “outrageous governmental conduct” because the male police officers trolling for cases in massage parlors actually engaged in sex acts to “gather evidence.”

When I was an active judge in Texas, the Houston Police Department was doing the same, but they had an excuse. They were not going for misdemeanor prostitution arrests but rather the felony of keeping a house of prostitution, which required making several prostitution cases at the same location. If officers made a deal and did not go through with it, the owner would catch on. The “outrageous governmental conduct” argument did not work in Texas, so the police were allowed to have their sex and prosecute it too.

“It’s a hard job,” Cousin Ray snickered, “but somebody has to do it.” <http://bit.ly/1NkGsLP> 



*The Native performers Micco and Sam Sampson (the Sampson Bros), flanking partner Frank Waln, indulge in an onstage selfie moment.*



COURTESY MICCO SAMPSON

**THE BIG PICTURE**