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Political football at Yucca Mountain  
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**Cast out of Paiute tribe, disenrolled confront struggles**

**By Lynnette Curtis LAS VEGAS REVIEW-JOURNAL Apr. 22, 2012**

Cameron Harris is only 3 years old, but he's already learning about his rich Paiute heritage.

"My grandpa must be buried here," he says, growing still for a moment in the arms of his father, Norman Harris.

The two are visiting a tiny, fenced-in cemetery set beneath majestic red cliffs at Spring Mountain Ranch State Park, about 20 miles west of Las Vegas. They've traveled here on a sunny spring day to pay respects to their ancestors, including Norman Harris' great-grandfather Tweed Wilson, one of two adopted Paiute sons of James Wilson, a rancher and Las Vegas Valley pioneer.

It's a bittersweet bonding moment for Norman Harris, 45. He's always considered himself Paiute through and through. But he feels like part of that heritage was stolen from him, more than a decade ago, by some of his own people.

"It was identity theft, pure and simple," he says.

Harris was one of 14 people disenrolled from the Las Vegas Paiute Tribe in 1999 - about a quarter of its membership at the time - after tribal officials said they didn't meet the "blood quantum" required for membership, despite the fact that their ancestors were listed on a 1940 census roll.

Such controversial disenrollments have been on the rise among Native American tribes in recent decades, especially in the West. Critics say the main motive is money, along with disagreements among those who share it. Tribes argue that as sovereign nations they have the right to review membership to determine who is deserving of inclusion.

Along with losing a symbolic part of their identity, those disenrolled from the local tribe were stripped of their share of lucrative disbursements - up to about \$100,000 a year from the tribe's businesses, including a Las Vegas smoke shop and three golf courses.

The action ignited a bitter, years-long "blood" feud both in and out of court, creating a chasm in the small tribe that endures to this day. The tribe eventually allowed several disenrolled members back in. But at least nine people - part of one extended family - remained ousted.

Some faced financial ruin, went bankrupt and lost their homes. Others became consumed with the fight to get back into their tribe, and are still fighting. Some moved on but still carry resentment over what they say was the injustice they suffered.

In November, a Review-Journal reporter and photographer encountered one of the disenrolled, 52-year-old Darla Hatcher, sleeping with her meager belongings in front of an upholstery shop in the homeless corridor. By way of introduction, she gestured toward nearby tribal land and said: "I am a disenrolled Paiute."

For most of them, the scars remain.

"It has devastated us," says Gloria Shearer, 72, whose children - including Hatcher - were disenrolled. "It has messed everybody up."

## A TRANSFORMATION

Tucked in the middle of the homeless corridor just north of downtown Las Vegas is a tiny sovereign nation.

Local ranch owner Helen Stewart deeded the plot of land to the Paiutes in 1911.

For decades, members of the tribe were among the poorest of the poor in the Las Vegas Valley. They had no running water and no electricity. It was a bitter existence for a people whose ancestors thrived in Nevada.

In the 1960s, leaders from the Church of Jesus Christ of Latter-day Saints helped the tribe negotiate for water lines and electricity. The tribe started writing its own building codes and established a police force in the 1970s.

Krishna Carpenter-McDaniel, 42, a former member, remembers the '70s and early '80s as a peaceful, happy time for the tribe.

While she and her family didn't live on the reservation, they visited often, especially during the holidays.

"I remember when it was nothing but a trailer," she says. "We all had Christmas together, a potluck. You could feel the warmth of the tribe, of the community."

That community underwent a dramatic change beginning in the late 1970s, when it established a smoke shop on Main Street near Washington Avenue. It quickly developed the reputation of being the cheapest place in town to buy cigarettes by the carton. The Paiutes' government began getting a steady funding source for its police department, court and other social services. The money also allowed the tribe to replace substandard housing.

Profits were divided among the tribe's members.

Today, the plot is a quiet, roughly 18-acre neighborhood that includes a few cul-de-sacs, a police department, health clinic, child development center, cemetery and court. About 50 people live on the reservation. The tribe has about 65 members, descendants of a band that used to migrate all over the valley.

In 1983, an act of Congress gave the tribe 3,800 acres of land at Snow Mountain, about 20 miles northwest of downtown at the foot of Mount Charleston. That land now includes three tribe-owned golf courses, a gas station, a handful of homes belonging to tribe members and a lot of Joshua trees.

Not all of the changes were positive, says Carpenter-McDaniel, who was disenrolled from the tribe along with two younger siblings.

"Greed set in," she says. "These are people who have lived on a reservation their whole lives, and now they're business people. Now they're trying to say who belongs and who doesn't."

## LIFE AFTER DISENROLLMENT

Norman Harris heard the news over the phone from his brother: They no longer were members of the Las Vegas Paiute Tribe.

"I was shocked," he remembers. "I was standing there with my jaw on the ground. We had zero warning."

It was particularly baffling, Harris says, because he was once a member of the tribal council and had served on the tribe's police force. He helped with economic development efforts at Snow Mountain.

"I devoted my life to the tribe," he says.

Harris had recently lost re-election to the council. His income dropped from about \$130,000 a year in disbursements and salary "to zero overnight."

He has struggled to support his children, working construction jobs and as a motorcycle mechanic.

"It's even tougher now, with the economy."

Over the years, he also struggled not to let resentment take over.

"How and when do you move on?" he says. "Do you live in bitterness?"

His cousin, Sheila Shearer, slowly rebuilt her life after disenrollment.

"I had to file bankruptcy," Shearer, 46, says. "I lost a house. I lost my cars."

Now a manager and conductor for Union Pacific in Texas, Shearer wants the tribe to be held accountable.

"They disenrolled us illegally," she says.

Carpenter-McDaniel, also a cousin, says her experience differs because she never depended on the disbursements. She was happy with the money, but looked at it as a bonus.

"I was silly with it," she says. "I bought a Corvette."

Still, she had to give up a home she could no longer afford after disenrollment. Whether she needs the money is beside the point, she says, because the tribe's actions were wrong.

Some of the disenrolled never really recovered from the experience.

Harris' brother, Chris Phebus, and Sheila Shearer's sister, Darla Hatcher, were the most affected.

"It consumed them," Shearer says.

Phebus initially agreed to an interview, then changed his mind.

Hatcher moved to Reno after a stint in rehab for alcohol dependency and could not be reached for comment.

Her mother, Gloria Shearer, says Hatcher's life fell apart after her disenrollment. Each of the ousted members suffered in his or her own way.

"Every one of them bought things" with the money, which tribal members begin receiving at 21 years of age, Gloria Shearer says. "They thought it was forever."

## A LONG, BITTER BATTLE

The disenrollments began simply enough: with a review of the tribe's membership rolls.

The idea came about after the tribe accepted one man's membership application, only to oust him later when tribal members petitioned, a tribal spokesman told the Review-Journal in 2000. Several members of the tribe felt the event demanded a complete review of membership records.

Those disenrolled simply didn't qualify for membership despite their past affiliations and family ties, the tribe said. Qualification for membership included having a quarter Southern Paiute blood, being a descendant of a federally recognized tribe and being a descendant of someone on a 1940 official membership roll.

The tribe said the grandmother of Harris and his cousins did not meet all the requirements.

"They disputed her blood quantum retroactively," Harris says.

A lengthy legal battle ensued. The disenrolled won in tribal courts on four separate occasions - twice at trial and twice at appeal - according to Michael Stuhff, a lawyer who represented Harris' family. Stuhff has since retired.

After the tribe lost its second appeal, it simply ignored the decisions, Stuhff says.

Harris' family resorted to selling some of their belongings to pay legal fees.

The disenrolled members also launched a public relations campaign, staging protests at the downtown smoke shop. They alleged that the tribe had crudely altered membership documents with Wite-Out and that the disenrollments were motivated by greed and long-held animosities between tribal factions.

"These were vendettas," Harris says.

A late 2004 tribal court decision ordered the tribe to re-enroll the members and pay reimbursements dating back to 2003.

Harris' family and the tribe at one point sat down for mediation, but the talks broke down, in part because the tribe refused to consider reimbursements, Harris says.

The most vocal critic of the disenrollments at the time was Debra Faria, a disenrolled member frequently quoted in the media, who started a website about what she said was the attack on her identity as a Las Vegas Paiute.

Faria has since been re-enrolled in the tribe, and declined to comment. She is now a member of the tribal council. Other re-enrolled members could not be reached for comment.

#### A TOUCHY SUBJECT

The tribe, meanwhile, long argued it was the victim of a well-orchestrated smear campaign by those disenrolled, saying it has every right to review its membership as a sovereign nation under its own laws and rules.

Tribal Chairwoman Tonia Means declined to comment, calling the disenrollments "an open case" and "a touchy subject."

The tribe has nothing more to say about the matter, says its lawyer, David Colvin.

"The case has been reported on many times over the years. There's no reason to comment any more."

He previously told the Review-Journal the disenrollments were meant "as a correction of a wrong. It wasn't an easy thing. It wasn't undertaken with glee or joy. The deliberations were very serious, very somber."

The tribe's refusal to follow the rulings of its own court have left the disenrolled little recourse, Stuhff says.

A 1978 U.S. Supreme Court ruling essentially held that tribal governments have sole authority to determine membership.

The Bureau of Indian Affairs has largely left membership matters to the tribes. Now, "the only relief for disenrolled members is through Congress," Stuhff says.

Some critics of the disenrollment process want Congress to empower federal courts to hear the cases of ousted members against their tribes.

Harris and his brother met with representatives from the office of Sen. Harry Reid, D-Nev., about a year ago. They felt Reid was the Nevada congressional representative most well-versed on tribal issues. They left disappointed.

Reid's office confirmed a meeting but declined to comment further "on an internal tribal matter."

Sheila Shearer says the lack of support is frustrating.

"All we hear is, 'This is an internal matter.' But when your own people violate their own constitution, it's no longer an internal matter. It's a federal matter."

The family hasn't given up and is seeking a lawyer willing to continue the fight, Shearer says. It's difficult to find one who has the necessary expertise.

"Nobody knows Indian law."

Harris says talking to the media goes against local Paiute nature.

"We are introverted," he says. "This is an act of desperation. This is our only hope."

'WE DON'T DO THIS TO OURSELVES'

Native American tribes have increasingly used the "mask" of blood quantum to oust members, but there is "obviously something else at work," says David Wilkins, a Lumbee Indian and professor of American Indian studies at the University of Minnesota.

Wilkins has studied tribal disenrollments across the country, which have been on the rise in recent decades.

Tribes always insisted they retained the authority to decide who does and doesn't belong to their nations.

The 1978 Supreme Court decision "was a major victory for tribal sovereignty," Wilkins says. But it also was "a major blow to individual civil rights" - a way for tribes to get rid of members without worrying about repercussions.

The practice is especially prevalent in California, where gambling at dozens of casinos owned by tribes takes in billions of dollars a year. Thousands of Native Americans there have been kicked out of their tribes in recent years.

The oustings can be spurred by family feuds or "alleged" racial criteria, which Wilkins says are questionable.

"How does one accurately gauge blood quantum? Frequently the (membership) rolls were corrupted or flawed. It's a ruse used by tribes to justify their actions."

The main reason is financial, he says, and involves "problems related to the distribution of assets."

Some of the disenrolled in California say they were targeted after "raising questions about the tribal government's political or economic activities," Wilkins says. The tribes "are feeling emboldened, doing whatever they want to winnow out those who don't toe the tribal line."

Wilkins is especially troubled by the practice as a Native American. It goes against the whole notion of the tribe as an extended family, he says.

"It's really a dirty scene. You have tribes violating their own historical traditions and values. Historically, you found a way to restore harmony and balance. Historically, we don't do this to ourselves."

Disenrollment takes an obvious financial toll, Wilkins says. But it also can psychologically devastate former members.

"It leaves them in a tenuous place of being betwixt and between," he says. "They know they still are what they are claimed not to be. I just feel for them."

#### MIXED FEELINGS

So does Alfreda Mitre, a former Las Vegas Paiute tribal council member who now lives in Colorado and is director of the Environmental Protection Agency's tribal assistance program.

Mitre, who was not on the council when the disenrollments occurred, still has mixed feelings about what happened.

"I believe that tribes, as sovereign nations, have the right to decide what their citizenship should be," she says. "On the other hand, as a human being, you care what happens to other human beings and you don't like the hardships people have to face."

Mitre believes the disenrollments were handled fairly because "there wasn't one individual whose tribal bloodline wasn't looked at."

Money had nothing to do with it, she says.

"I support the tribe's efforts in correcting their rolls. But there's no way to make folks feel comfortable with what was being done with their citizenship in the tribe."

She notes that the disenrolled still are welcome to participate in tribal life.

"They receive services through the clinic, the protection of tribal police and share in the culture and community," she says. "They are not ostracized in any way. You don't need a piece of paper to remind you that they're Paiute."

Mitre would like to see her tribe finally heal from the episode, but isn't sure that's possible.

"You have to have meetings and start talking to each other," she says. "Communication and forgiveness on both sides" is needed.

But there will be no forgiveness from the disenrolled - not until the tribe rights the wrong it did to them, Harris says.

"They stole our identity," he says. "I don't think this can get resolved internally."

Contact reporter Lynnette Curtis at [lcurtis@reviewjournal.com](mailto:lcurtis@reviewjournal.com).

### **Disenrollments increase**

California tribes have kicked out more and more of their members in recent years, putting the state at the epicenter of a national trend.

Tribes there have kicked out thousands of members, claiming they didn't have the proper bloodline. One tribe, the Picayune Rancheria of the Chukchansi Indians, has disenrolled about 1,000 members since the late 1990s - more than half the tribe.

Meanwhile, the dozens of Indian casinos in California took in billions of dollars last year.

Critics say the big profits and disenrollments are directly related. Money and disagreements among those who share it - not bloodlines - are the real motive behind ousting members, they say.

Tribal governments know "if they can reduce the number of individuals in the tribe, they can increase the per capita check distributed" to remaining members, said David Wilkins, a Lumbee Indian and professor of American Indian studies at the University of Minnesota who has studied tribal disenrollments across the country.

The Chukchansi tribe, whose home is at the fringes of the San Joaquin Valley, opened the Chukchansi Gold Resort & Casino in 2003. The casino takes in about \$9 million a month from slot machines and table games, according to The Fresno Bee. A portion of those proceeds go to tribal members as monthly benefits.

Just a few years after the casino opened, large-scale disenrollments began.

Another California tribe to make recent headlines over controversial disenrollments is the 1,000-member Pala Band of Mission Indians, which in the last year ousted 162 descendants of a revered elder of the tribe. The Los Angeles Times reported that the disenrolled were cut off from their monthly share of the tribe's profits from casino and other ventures, about \$7,500 a month in addition to health insurance and other benefits.

Wilkins wants tribal nations, especially in California, to band together to create "an intertribal judicial body" dedicated to resolving disenrollment complaints. Otherwise, the federal government will at some point have to step in, he said.



"We don't want to yield additional power over tribal citizenship to the federal government," he said. "But it's insane what's happening right now."

LYNNETTE CURTIS/LAS VEGAS REVIEW-JOURNAL

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### **Political football at Yucca Mountain**

**By Janice Ayres Nevada Appeal** Tuesday, May 15, 2012

Well, I see that Yucca Mountain is the newest political football for the upcoming presidential election. Two Republican federal court judges are now leaning toward a decision that President Barack Obama had no right to cease proceedings to make Yucca Mountain, 90 miles from Las Vegas, the dump for other states' nuclear waste.

The main supporters of the dump to be in Nevada are from the state of Washington, and they have urged a federal appeals court to force the Nuclear Regulatory Commission to move forward on a licensing plan for Yucca Mountain.

Republican Judges Brett Kavanaugh and Raymond Randolph said that the NRC can't shift power from Congress to the executive branch. The ruling came after testimony from Andy Fitz, a

lawyer for the Washington state attorney general's office, who said that the NRC violated a 1982 law requiring it to act on an application for construction of Nevada's Yucca Mountain site.

Never mind that it is only 90 miles from Las Vegas and located on an earthquake fault. Can you picture a state like New York transporting its nuclear waste all the way across the country and having an incident? Can't you just hear the screaming if the NRC decided that Washington state would be the ideal repository rather than Nevada? Boy, would you hear a different argument from Fitz then.

The judges, siding with Fitz, told the NRC they needed to explain how they could ignore the statute requiring action on Yucca Mountain just because Obama's administration canceled the project in 2009.

Charles Mullins, a senior NRC attorney, replied that the project was canceled and that Congress itself did not appropriate funds in the current budget year, so the project is considered stopped. The opinion of federal appellate Judge Merick Garlando, a Democrat, is that the failure of Congress to appropriate funding for the project this year is their way of telling us that they also don't want it, not just the executive branch. Still, the Republican judges argued that the project could be funded next time around because no one can second-guess Congress. And so it goes.

Washington and South Carolina are among those that have filed a lawsuit seeking to force the NRC to rule on the Yucca Mountain application, for which a decision is expected this year. Isn't it strange that although this has been a huge issue for a long time, it is only now (presidential election) being turned into a lawsuit that charges the Obama administration with wrongdoing? Senate Majority Leader Harry Reid has been the key player in stopping the Yucca Mountain project. However, Nevada's entire congressional delegation has been opposed to Yucca Mountain.

There are arguments that Nevada should welcome the dump as it can be recycled and bring in money and jobs and — oh yes — nuclear waste. Well, if it's so great, why aren't other states bidding for it? States such as Washington and South Carolina are saying “not in my backyard.”

I'm just happy that our congressional delegation and the Obama administration are on the same page. We don't need the country's nuclear waste sitting 90 miles from Las Vegas on an earthquake fault.

We are a wonderful, beautiful state with great people living here, and politics be damned. Stay tuned!

• *Janice Ayres is immediate past president of the Nevada Senior Corps Association.*

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*from delanceyplace.com*

In today's excerpt - an **unconventional approach to education:**

"In 1999 the Indian physicist Sugata Mitra got interested in education. He knew there were places in the world without schools and

places in the world where good teachers didn't want to teach. What could be done for kids living in those spots was his question. Self-directed learning was one possible solution, but were kids living in slums capable of all that much self-direction?

"At the time, Mitra was head of research and development for NIIT Technologies, a top computer software and development company in New Delhi, India. His posh twenty-first-century office abutted an urban slum but was kept separate by a tall brick wall. So Mitra signed a simple experiment. He cut a hole in the wall and installed a computer and a track pad, with the screen and the pad facing into the slum. He did it in such a way that theft was not a problem, then connected the computer to the Internet, added a web browser, and walked away.

"The kids who lived in the slums could not speak English, did not know how to use a computer, and had no knowledge of the Internet, but they were curious. Within minutes, they'd figured out how to point and click. By the end of the first day, they were surfing the web and-even more importantly-teaching one another how to surf the web. These results raised more questions than they answered. Were they real? Did these kids really teach themselves how to use this computer, or did someone, perhaps out of sight of Mitra's hidden video camera, explain the technology to them?

"So Mitra moved the experiment to the slums of Shivpuri, where, as he says, 'I'd been assured no one had ever taught anybody anything.' He got similar results.

Then he moved it to a rural village and found the same thing. Since then, this experiment has been replicated all over India, and all over the world, and always with the same outcome: kids, working in small, unsupervised groups, and without any formal training, could learn to use computers very quickly and with a great degree of proficiency.

"This led Mitra to an ever-expanding series of experiments about what else kids could learn on their own. One of the more ambitious of these was conducted in the small village of Kalikkuppam in southern India. This time Mitra decided to see if a bunch of impoverished Tamil-speaking, twelve-year-olds could learn to use the Internet, which they'd never seen before; to teach themselves biotechnology, a subject they'd never heard of; in English, a language none of them spoke. 'All I did was tell them that there was some very difficult information on this computer, they probably wouldn't understand any of it, and I'll be back to test them on it in a few months.'

"Two months later, he returned and asked the students if they'd understood the material. A young girl raised her hand. 'Other than the fact that improper replication of the DNA molecule causes genetic disease,' she said, 'we've understood nothing.'

In fact, this was not quite the case. When Mitra tested them, scores averaged around 30 percent. From 0 percent to 30 percent in two months with no formal instruction was a fairly remarkable result, but still not good enough to pass a standard exam.

So Mitra brought in help. He recruited a slightly older girl from the village to serve as a tutor. She didn't know any biotechnology, but was told to use the 'grandmother method': just stand behind the kids and provide encouragement. 'Wow, that's cool, that's fantastic, show me something else!' Two months later, Mitra came back. This time, when tested, average scores had jumped to 50 percent, which was the same average as high-school kids studying bio-tech at the best schools in New Delhi.

"Next Mitra started refining the method. He began installing computer terminals in schools. Rather than giving students a broad subject to learn—for example, biotechnology—he started asking directed questions such as 'Was World War II good or bad?' The students could use every available resource to answer the question, but schools were asked to restrict the number of Internet portals to one per every four students because, as Matt Ridley wrote in the Wall Street Journal, 'one child in front of a computer learns little; four discussing and debating learn a lot.' When they were tested on the subject matter afterward (without use of the computer), the mean score was 76 percent. That's pretty impressive on its own, but the question arose as to the real depth of learning. So Mitra came back two months later, retested the students, and got the exact same results. This wasn't just deep learning, this was an unprecedented retention of information. ...

"Taken together, this work reverses a bevy of educational practices. Instead of top-down instruction, [these 'self-organized learning environments'] are bottom up. Instead of making students learn on their own, this work is collaborative. Instead of a formal in-school setting for instruction, the Hole-in-the-Wall method relies on a playground-like environment. Most importantly, minimally invasive education doesn't require teachers. Currently there's a projected global short-age of 18 million teachers over the next decade."

Abundance: The Future Is Better Than You Think  
by Peter H. Diamandis and Steven Kotler by Free Press  
Hardcover ~ Release Date: 2012-02-21 Pages: 174-17

Kay McNeer commented :

*"This is wonderful and why I loved Duckwater so much. The multi grade approach was perfect for me. I've always said, " Kids learn from kids" It is like in To Kill a Mockingbird ... Scout teaches another student to 'carry over' in addition by telling him to 'tote it over'. I'm glad I had my years in the classroom. I loved every minute and learned something wonderful every day."*