# Journal #2677

from sdc

9.12.12

DAY OF THE YEAR 12 September 2012, Birthday of LEONARD PELTIER!
Miss Humanity International People's Choice Link
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## DAY OF THE YEAR 12 September 2012, Birthday of LEONARD PELTIER!

Wednesday, September 12 at 12:00am

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### Miss Humanity International People's Choice Link

Thank you for posting the link in one of your journal's. However the voting is not limited to Facebook. That is just one of the 2 ways to vote. If you can please put the following link and information in your journal's I would greatly appreciate it.

Next month I will be the first person from the United States to represent our nation and all of Indian Country at the Miss Humanity International Pageant in Barbados. I was on 102.9 a week ago, and channel 2 is going to conduct an interview soon hopefully to promote the pageant and get the community involved.

One of the categories is People's Choice. USA was in 1st place for 2 1/2 months. This is the United States debut so I really wanted to capture People's Choice. I know your journal reaches a lot of people so I hope they not only vote but share the link to vote daily! You can vote every 12 hours.

Below is the link. It takes them directly to my Miss USA profile. Once there you will see stars in the upper left. Slide your mouse/finger (if on cell phone) over the stars to the big yellow one to rate me a 10. Click it and that's it. You will know you voted when the number tally goes up. You can vote every 12 hours! This is how we can catch up for sure. Please show the USA support and Indian Country.

http://www.misshumanityinternational.com/2012/delegate/miss-usa

Let me know if you have any questions. Thanks again Shayne and for all your support! Christina Thomas

The language program will be using Edmodo, a secure social learning network, to build strong language bridges between home, language classes, Head Start classes, and our

language teachers. Edmodo is a facebook for teachers and students only. On this site students/ learners will be able to obtain language lessons, materials, quiz themselves, communicate with other classmates, parents, language teacher, and the language program. I have set up class groups for the Paiute language, Washoe, and Shoshone, also Head Start, and Eagle Wings. In order to maintain the security for each group, you must you a login in code to enter in your group.

I have attached a flyer that was sent home to the Head Start parents, they can login in as a student, using the provided code, and obtain the language lessons their student will be learning in school, get language materials and lessons so they can learn along with their student and reinforce the language and cultural lessons at home. They can also quiz themselves. If other are interested in joining, they can contact myself, Kellie at 329-8396 to obtain their group code.

I would appreciate your help in spreading the word about this learning tool for the languages. We at the language program, are working to add as many language materials and quizzes onto the site. Please don't hesitate to contact me with any questions or concerns.

Thanks, Kellie, Language Coordinator

#### " NUMU YADOOANA OHOBU POENABE MADABOOE'E"

## Indian Language Makes Strong Leaders

R.S.I.C. NATIVE VOICES LANGUAGE PROGRAM

You can now join "EDMODO" to access the language materials for your head start students. Parents this is a secure network, a facebook for students & teachers only to keep you informed on the language lessons your head start students will be learning.

GO TO: <u>www.edmodo.com</u>

- \* SIGN UP AS A STUDENT
- \* ENTER THE GROUP CODE: 7bkdu7
- \* THEN CREATE A USER NAME AND PASSWORD.

You will then be able to access all the Language Materials, Lessons and Communicate with the Language Program with any questions or concerns you may have.

This will help you reinforce the use of the language at home.

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## Attachments: IBEW 357 Accepting Apps.jpg

Please forward this e-mail to any interested individuals.

As you may be aware, the Moapa Band of Paiutes is in the late planning stages of the kRoads Moapa Solar Project (expected to break ground late fall 2012/early spring 2013), and the early stages of the RES America High Intensity Solar Project. Between these two projects there will be five years of work employing hundreds of workers in a wide range of job classifications.

Information on both projects is below:

http://projects2.pirnie.com/MoapaSolar/

http://permits.performance.gov/projects/moapa-solar-energy-center-res-america

Now is the time for potential applicants to join the union and get training. Starting wages for apprentice is \$17.50. per hour and end at \$34.00. Anyone interested in a career in electrical inside wireman (3 yr training) or lineman (5 year training) should apply now. A high school diploma or GED and high school algebra are needed but should not delay an applicant submitting now. There is time to get those degrees.

Thank you for helping the people get trained.

Sincerely, Ian Zabarte, Director of Human Resources/Tribal Empoyment Rights Office Moapa Band of Paiutes, 1 Lincoln Street, Moapa Nevada 89025 p:702/865-2787 x23 f:702/865-2875 E-mail: mbophr@mvdsl.com

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#### **New Rules**

By THOMAS L. FRIEDMAN

NYT

9.8.12

Shanghai

I JUST arrived in Shanghai, but I'm thinking about Estonia and wondering about something Presidents Clinton and Obama have been saying.

Wired magazine reported last week that public schools in Estonia are establishing a program for teaching first graders — and kids in all other grades — how to do computer programming. Wired said that the curriculum was created "because of the difficulty Estonian companies face in hiring programmers. Estonia has a burgeoning tech industry thanks in part to the success of Skype, which was developed in Estonia in 2003."

The news from Estonia prompted The Guardian newspaper of London to publish an online poll asking its readers: "Children aged 7 to 16 are being given the opportunity to learn how to code in schools in Estonia, should U.K. school children be taught programming as part of their school day?" It's fascinating to read about all this while visiting Shanghai, whose public school system in 2010 beat the rest of the world in math, science and reading in the global PISA exam of 15-year-olds. Will the Chinese respond by teaching programming to preschoolers?

All of this made me think Obama should stop using the phrase — first minted by Bill Clinton in 1992 — that if you just "work hard and play by the rules" you should expect that the American system will deliver you a decent life and a chance for your children to have a better one. That mantra really resonates with me and, I am sure, with many voters. There is just one problem: It's out of date.

The truth is, if you want a decent job that will lead to a decent life today *you* have to work harder, regularly reinvent yourself, obtain at least some form of postsecondary education, make sure that you're engaged in lifelong learning and play by the rules. That's not a bumper sticker, but we terribly mislead people by saying otherwise.

Why? Because when Clinton first employed his phrase in 1992, the Internet was just emerging, virtually no one had e-mail and the cold war was just ending. In other words, we were still living

in a closed system, a world of walls, which were just starting to come down. It was a world before Nafta and the full merger of globalization and the information technology revolution, a world in which unions and blue-collar manufacturing were still relatively strong, and where America could still write a lot of the rules that people played by.

That world is gone. It is now a more open system. Technology and globalization are wiping out lower-skilled jobs faster, while steadily raising the skill level required for new jobs. More than ever now, lifelong learning is the key to getting into, and staying in, the middle class.

There is a quote attributed to the futurist Alvin Toffler that captures this new reality: In the future "illiteracy will not be defined by those who cannot read and write, but by those who cannot learn and relearn." Any form of standing still is deadly.

I covered the Republican convention, and I was impressed in watching my Times colleagues at how much their jobs have changed. Here's what a reporter does in a typical day: report, file for the Web edition, file for The International Herald Tribune, tweet, update for the Web edition, report more, track other people's tweets, do a Web-video spot and then write the story for the print paper. You want to be a Times reporter today? That's your day. You have to work harder and smarter and develop new skills faster.

Van Ton-Quinlivan, the vice chancellor for work force and economic development at the California Community Colleges System, explained to me the four basic skill sets out there today. The first are people who are "ready now." That's people with exactly the right skills an employer is looking for at the right time. Employers will give the local labor market and schools the first chance at providing those people, but if they are not available they'll go the "shortest distance to find them," she said, and today that could be anywhere in the world. Companies who can't find "ready now" will look for "ready soon," people who, with limited training and on-the-job experience, can fit right in. If they can't find those, some will hire "work ready." These are people with two or four years of postsecondary education who can be trained, but companies have shrinking budgets for that now and want public schools to do it. Last are the growing legions of the "far from ready," people who dropped out or have only a high school diploma. Their prospects for a decent job are small, even if they are ready to "work hard and play by the rules."

Which is why if we ever get another stimulus it has to focus, in part, on getting more people more education. The unemployment rate today is 4.1 percent for people with four years of college, 6.6 percent for those with two years, 8.8 percent for high school graduates, and 12.0 percent for dropouts.

That's why I prefer the new mantra floated by Clinton at the Democratic convention, (which Obama has tried to fund): "We have to prepare more Americans for the new jobs that are being created in a world fueled by new technology. That's why investments in our people" — in more community colleges, Pell grants and vocational-training classes — "are more important than ever."

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We're two weeks out from National Plug In Day! We're a club--we don't sell cars. We just want to give our neighbors an opportunity to ride/drive electric vehicles in a no sales pressure environment. It's free!

The <u>Electric Auto Association of Northern Nevada</u> (EAANN), a 501(c)(3) not for profit organization, is Nevada's premier information resource for next generation transportation solutions and smart-garage technology: the place in our communities where buildings with distributed renewable energy generation capacity, transportation, and the electric grid meet.

It's time to party! A tailpipe free (almost) tailgate party!

National Plug In Day is happening right here in Reno/Sparks, and over 60 other cities nationwide, on Sunday, September 23, 2012! We'll be holding the Reno National Plug In Day event at Idlewild Park from 10:00 a.m. to 2:30 p.m.

They'll be dozens of electric vehicles (EVs) on hand, many of which you'll be able to ride in or drive for free--in a no sales pressure environment! EVs on display will include bicycles, scooters, motorcycles, and of course, both converted as well as OEM electric cars.

And there will be a very special <u>raffle</u> for three opportunities to <u>test drive</u> a 0 to 60 in 3.9 seconds, 240 mile all electric range, <u>Tesla Motors Roadster</u>--WOW!

Over a dozen (mostly) nonprofit booths will feature charging equipment demonstrations, bicycles, public transportation and car pooling information, and all sorts of other alternative transportation options.

Additionally, other area nonprofits will be on hand discussing regional air quality, engineering opportunities for young professionals, renewable energies and much more!

~~~ Volunteers needed! ~~~

Okay Electric Auto Association of Northern Nevada (EAANN) members--time to help out with your EVent: National Plug In Day!

Here's what we need help with (hours will run from 9:00 a.m. to 3:00 p.m. or choose a time frame within those hours that you care to work the booth, or whatever option you choose below):

#### Our needs are:

- (1) **Tabling:** Responsibilities include getting people to sign up for the EAANN email list, telling people about the EAA and encouraging them to join, and answering general visitor questions.
- (2) **Raffle tickets sales:** Responsibilities include selling raffle tickets, keeping tickets sales cash secure, and explaining the raffle rules to ticket buyers. (Please see the back of the event <u>flier</u> for the raffle details.)
- (3) **Docent:** Responsibilities include wandering the event grounds and providing guidance to folks who look lost or seem to have questions. Also, and very important, trying to encourage people to sign up for our newsletter at our booth and buy Tesla raffle tickets.

- (4) **Site layout assistant:** Sometime during the week of the 17th I need to go down to Idlewild Park and layout the event, that is, where vendors will be setting up their booths. I could use some help with this, mostly holding the tape measure. However, if someone reading this has a measuring wheel handy that would be a huge help if I could I borrow it? And if there's anyone who has some temporary utility location marking paint that would be great too!
- (5) **Brochures:** We need folks to print out and fold brochures from <u>Plug In America</u> and <u>Electric Auto Association</u> (there's several at the EAA page, please advise which one(s) you are willing to print before you print any of them). We need a total of three hundred of each of these brochures.
- (6) **Outreach:** Download our <u>local National Plug In Day flier</u> and print some out and distribute them everywhere! Place few in the lunch room at work or on the bulletin board, hang them at your favorite stores, hand them to friends and ask them to hand the fliers out to their friends, be imaginative--and help us get the word out!
- (7) **Displays:** We need display vehicles: bicycles, scooters, motorcycles, home built, conversions, and OEM cars and trucks. Space is very limited. Preference will be given to those willing to give rides or let people test drive their cars. There will be spillover parking directly across the park road for extra EVs. The event layout can be downloaded at this <u>link</u>.
- (8) **Facebook:** Are you on Facebook? If so, please go to this the <u>official National Plug In Day</u> (Reno) Facebook event page and click that you are "going." And then find the "Invite Friends" at the top left side, click that and invite your friends! Also--be sure to click on the "share" button on the left lower side of the page just under the people who have been invited. Thanks, doing this will super helpful!

#### Why not join the Electric Auto Association (EAA)?

If you like what you see, please show your support by becoming an <u>EAA member</u>. Your membership will support our volunteer efforts to keep the public aware of EV's as a clean, easy, and fun transportation option. EAA Members regularly receive the national EAA newsletter <u>Current EVents</u>. (It's a real newletter unlike this one!)

And if you think your friends would be interested in electric vehicles, please forward this email to them!

**Electric Auto Association of Northern Nevada (EAANN)** 

Download the full official 2 sided flier in PDF format at this link. Please print some and post them at your favorite stores or lunch room at work--thanks!

NPIDflier2sided.pdf

879743dd-a-62cb3a1a-s-sites.googlegroups.com

Lakota performer comes home after more than a century

It has taken 112 years, but Albert Afraid of Hawk is home.

rapidcityjournal.com

# <u>Underwater forest shows Fallen Leaf Lake once suffered from</u> <u>'megadrought'</u> <u>Jeff DeLong, Reno Gazette Journal</u>

Blue-green algae study on Klamath reservoirs frustrates tribes; PacifiCorps says treatment is safe

Luke Ramseth, Eureka Times-Standard

The Hoopa and Karuk tribes are raising concerns about a PacifiCorps Energy algae study that took place in the Copco Reservoir of the Klamath River this week.

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September 11, 2012

Dear Indian Country,

This open letter discusses events and issues in the *Cobell* case since the last communication on May 22, 2012. Unfortunately, your settlement trust payments continue to be blocked because of appeals taken by four class members and their attorneys. The four class members are Kimberly Craven, Charles Colombe, Carol Eve Good Bear, and Mary Lee Johns.

Until their appeals are exhausted or withdrawn, no payments may be made to desperate class members, no scholarship money may be provided to needy Indian students, and no money is available to purchase fractionated interests in land that would be consolidated and transferred to tribes free of liens. In short, another winter is approaching, but there is no money for you, your children, and grandchildren because of Craven, Colombe, Good Bear and Johns – as well as their attorneys.

So, what is the current status of the case? Weren't their appeals resolved by the court of appeals on May 22, 2012? No. On May 22, 2012, two separate three-judge panels of the United States Court of Appeals for the D.C. Circuit concluded that the settlement is fair and they affirmed unanimously the district court's order granting final approval of the *Cobell* settlement. This is a major victory for you; however, it is not the end. All four appellants elected to seek review by the Supreme Court of the United States. The appeal to the Supreme Court is not a right and the objectors must petition the Court to hear their arguments. Craven's petition was filed August 20. Colombe, Good Bear and Johns, whose appeals are consolidated, sought a 60-day extension to file their petition. We vigorously opposed that request, but they were granted a 30-

day extension to file their petition – until September 19, 2012. Our opposition to the Craven petition, as well as the government's opposition, is due on September 22.

What did the Court of Appeals say? In a 24-page decision, a three-judge panel rejected all the arguments of Kimberly Craven because they all are without merit. Craven claimed, among other things, that the settlement is not fair to her. The Court of Appeals disagreed, finding, in part, that she "mischaracterize[d] the Historical Accounting Class" and that Craven "offer[ed] no persuasive evidence to support her claim of unfair compensation [for Trust Administration Class members]." Craven personally attacked Elouise, suggesting baselessly that Elouise had colluded with the government to reach a settlement. Craven's contention was rejected emphatically by the Court of Appeals, which found that "Ms. Cobell's singular, selfless, and tireless investment of time, energy, and personal funds to ensure survival of the litigation . . . undermined any attempt to imply that Ms. Cobell had improperly colluded with the Secretary to settle." Notably, the Court held that Craven "ignore[d] the history of this hard-fought litigation and the obstacles to producing an historical accounting."

On the same day that Craven's appeal was rejected as meritless, a second three-judge panel of the D.C. Circuit summarily rejected every argument of Good Bear, Colombe and Johns, pointedly holding that two of their four arguments were disposed of by the Craven decision. The U.S. Court of Appeals admonished the three appellants and their counsel for making two arguments that were "utterly without merit," that relied on a "blatant mischaracterization," or were "contrary to all precedent and to common sense."

Why are appellants appealing the court's rejection of "blatantly mischaracterized" arguments that are "without merit" and otherwise "ignore the history of this hard-fought litigation and enormous obstacles to producing an historical accounting"? What are the chances of the four appellants prevailing? Speculation is inappropriate; however, I note a potentially relevant statistic. In 2010, the latest full term of the Supreme Court, the Court reviewed 7,857 petitions for the Court to hear cases. Of those, only 86 were granted. This suggests that there is about a 1% chance that the petitions of Craven et al. will be granted. As reported by Indianz.com on August 15, Colombe, himself, admitted to the Native Sun News that they, the appellants, were "going to be blown out of the water" by the Supreme Court. But, even so, in the unlikely event that one of the petitions is granted, your payments may be delayed at least another year.

I am not aware of any case in which the Supreme Court has rejected calls from all three branches of government urging the prompt and fair resolution of a settlement with the United States government. You may recall that the settlement received bi-partisan support in Congress. The Senate unanimously passed the Claims Resolution Act of 2010 (the "CRA") and that House voted overwhelmingly to ratify the settlement and appropriate all necessary funds. The President signed the CRA into law, at which time he emphasized the importance of the settlement both to individual Indians and the United States government. Six judges sitting in the district court and court of appeals carefully reviewed the record evidence and the law and they rejected as meritless each of appellants' arguments.

**So, if they have little chance of prevailing on the merits, why are they appealing?** I cannot answer that question because I do not know. Class members, including those who identify

themselves as family of the appellants, ask us the same question. They ask why appellants are doing this when they know that it hurts so many Indian people, including their own grandchildren. To the extent that the appellants ever believed they had a chance of prevailing prior to May 22, 2012, it is clear that they have very little or no chance of prevailing now. And, should they succeed, that means that the settlement would be terminated and that they and you will receive nothing. It is not within the realm of possibility that Congress will again appropriate \$3.4 billion for individual Indian trust beneficiaries. When so many class members are dying and many must do without heat and adequate shelter this winter, I believe that the efforts of the appellants and their counsel are nothing short of a travesty of justice.

**Did you disclose confidential information about the appellants to us?** No, notwithstanding false statements made by Craven, Good Bear, Colombe, and Johns in that regard, each filed in the public record his or her own contact information, including home addresses phone numbers and other such information. Indeed, they or their attorneys disclosed that information publicly nearly one and one-half years ago. Today, the information remains in the public record. Any of you may visit the Clerk of the U.S. District Court at the courthouse or download the information from Internet. *See e.g.*, Dkt. Nos. 3740 at 7 (Craven), 3746 at 105, 108 (Good Bear), 3746 at 238 (Colombe), and 3746 at 150 (Johns).

I understand that Craven is now saying that the creation of the Trust Administration Class was not part of the original complaint, is this true? No. This is another instance where Craven fundamentally is wrong. The complaint that Plaintiffs filed in June 1996, among other things, sought equitable relief, including an adequate accounting of IIM Trust assets and restitutionary relief that is based on whatever the accounting would reveal. Further, the original class certified by the U.S. District Court in February 1997 consisted of all past and present individual Indian trust beneficiaries. Trust Administration Class Members were included in the class certified almost 16 years ago. Put another way, principal claims of the Trust Administration Class were included in the complaint filed in 1996 for the class certified by the U.S. District Court on February 4, 1997.

I've also read that Craven is arguing that the incentive awards to Ms. Cobell and the other named plaintiffs are exorbitant and a Supreme Court decision supporting her argument "would significantly strengthen the [future] enforcement . . . and protect[] the interests of future generations of class members." What does she mean and how would this protect me in any future lawsuits? This is a misguided, erroneous, and fallacious argument. Not a single argument advanced by Craven will "protect[] the future generations of class members." She does not explain how any judgment finding that this particular incentive payment is "exorbitant" would protect you, an individual Indian class member, in some future class action litigation that no one wants to file. Indeed, because no one will ever bring another class action lawsuit of this nature to trial, her argument makes no sense and it is extremely misleading.

But, the incentive payment is larger than average, right? Yes, it had to be in order to reflect the extraordinary efforts of the named plaintiffs. Both the U.S. District Court and the U.S. Court of Appeals for the D.C. Circuit held that Craven has "ignor[ed] the history of this hard-fought litigation and the obstacles to producing an historical accounting." No named plaintiff in a class action case has made sacrifices that Elouise made during the last 15 years of her life. She used

hundreds of thousands of dollars of her own money to fund experts in the litigation and she devoted much of her adult life to the successful prosecution of this case. Unlike Craven, Elouise is a genuine American hero and as President Obama eloquently stated, "[h]er persistent and determined leadership in the pursuit of justice for all Native American's will leave an enduring legacy."

What have you done to speed up this process? We have done everything that is legally possible. In addition, we reached out to the attorneys who represent each of the appellants on multiple occasions to urge them to consider the financial and human cost to the class members, all to no avail.

When can we expect to be paid? Unfortunately, as a result of their actions, your payments could be delayed several more months and perhaps longer – possibly to 2013, or even 2014. If Craven, Good Bear, Columbe, and Johns had not pursued their meritless appeals, you would have been paid by now, the scholarship fund would have been established, and land consolidation would be under way. Even now, if each of these appellants withdrew their appeals, you would receive your first check within a few weeks.

Who are the attorneys who represent the appellants? McGuireWoods LLP, a Virginia law firm with a Washington, D.C. office, is representing Kimberly Craven. An associate in that firm, Anand Ramana, is handling her petition and is counsel of record. It is the same firm that filed an amicus brief in the Court of Appeals on behalf of Competitive Enterprise Institute ("Institute") in support of Craven's meritless arguments. The Institute is a tax-exempt organization and Wikipedia reports that it is funded by ExxonMobil Corporation, Texaco, Inc., Coca Cola Company, CSX Corporation, FMC Corporation, and others. The Institute says that it is "dedicated to the principles of free enterprise and limited government." If that statement is true, why would the Institute want to deny individual Indians their property rights, particularly given that the Institute states that the restoration of property rights is one of its goals.

McGuireWoods is also the same law firm that recently was cited for an "egregious" ethics violation by a panel of the U.S. Court of Appeals for the 9th Circuit in an antitrust case. As a result of its cited misconduct, the Court of Appeals affirmed the District Judge's denial of the law firm's request for attorneys' fees. The firm says that it is representing Craven for free.

David Harrison is an Albuquerque, New Mexico lawyer and Osage Indian who represents Good Bear, Johns, and Columbe. He is a former BIA employee. The Court of Appeals found that certain of the arguments and representations he made to it are "utterly without merit," a "blatant mischaracterization," and "contrary to all precedent and to common sense." Quite a dubious achievement, even for Mr. Harrison! If as the judges say he blatantly mischaracterized facts and the litigation record and if as they say he misstated controlling law, why should you believe that his statements to you about the <u>Cobell</u> case are truthful or sensible?

This and other *Ask Elouise* letters can be found on the settlement website: <a href="http://cobellsettlement.com/class/ask elouise.php">http://cobellsettlement.com/class/ask elouise.php</a>. There is also a "frequently asked questions" section to answer the most common questions received: <a href="http://cobellsettlement.com/faq.php">http://cobellsettlement.com/faq.php</a>.

#### SOUTHERN OREGON STAND DOWN

A Project for Veterans in Need September 14, 15 and 16, 2012

In the Fir Grove

V.A. Roseburg Healthcare System 913 NW Garden Valley Blvd., Roseburg, OR 97470

Veterans Remembrance Ceremony \* Meals \* Clothing \* Haircuts Entertainment \* Camaraderie \* Community Resources \* DOD Issue V.A. Benefits Counseling \* Social Security Information Spiritual Counseling \* Food Stamp Referrals \* Housing \* Reunion Employment Referrals and information \* Eye Exams & Glasses Dental\*Legal Assistance and Homeless Courtroom Substance Abuse Intervention, Counseling, and Referrals V.A. Triage Medical \* V.A. Mental Health Counseling & Referrals

For information, volunteering, donating services - please contact:

Rick Freund, 2012 Event Coordinator 541.643.0254/541.665.4001

Email: huev619@charter.net/sosd@charter.net

To become a corporate sponsor or to make a financial donation -

by mail: Southern Oregon Stand Down P.O. Box 8396 Medford, OR 97504-0396

by phone: 541.665.4001/541.643.0254

for Transportation: D.A.V Transportation - please call Andrea Bernhardt - DAV Roseburg

541.440.1293 /1.800.549.8387 ext. 44358

Southern Oregon Stand Down is a Non-profit 501(c)3 Organization #93-1172350