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A Letter from Class Counsel:

Concerns have recently been expressed that the **second payments under the Cobell settlement** – the Trust Administration payments – have not yet been distributed. Please be assured that the Court, the Claims Administrator and Class Counsel are taking all measures necessary to make sure those payments are distributed as quickly as possible consistent with the terms of the settlement.

In particular, frustration has been expressed with the Claims Administrator, the Garden City Group (“GCG”), suggesting it is responsible for the payments not having been mailed. GCG, just like the parties, is required to follow the terms of the Settlement Agreement approved by Congress and the Court, including the timeline set forth in that agreement for mailing of Trust

Administration Class payments. At this point, not all requirements imposed by that agreement for mailing of the Trust Administration payments have been satisfied.

Unfortunately, implementation of the settlement was delayed for a year while Congress considered it and almost another year and a half while four individuals appealed the District Court's order approving it. These were matters over which we had no control. However, once the appeals expired in late November 2012, we worked with the District Court and GCG to make sure that distribution of the Historical Accounting payments, commenced within 30 days. In fact, GCG was able to commence distribution in three weeks after receipt of the final data for distribution.

Unlike the Historical Accounting Class payments, under the terms of the Settlement Agreement as approved by Congress and the Courts, the Trust Administration payments could not be distributed immediately after the expiration of the appeals. Instead, these payments can be made only after all Trust Administration Class members have been identified. This was due to the fact that, in many cases, the Department of Interior had no record of trust beneficiaries on its electronic systems, requiring they self-identify.

Therefore, in order to make sure that everyone who was eligible had an opportunity to participate in the settlement, the Settlement Agreement provided additional procedures for identifying Trust Administration Class Members. These procedures included a Supplementary Notice to Trust Administration Class members that commenced shortly after the appeals expired, along with a claim filing and review process. All claims were to be submitted by March 1, 2013.

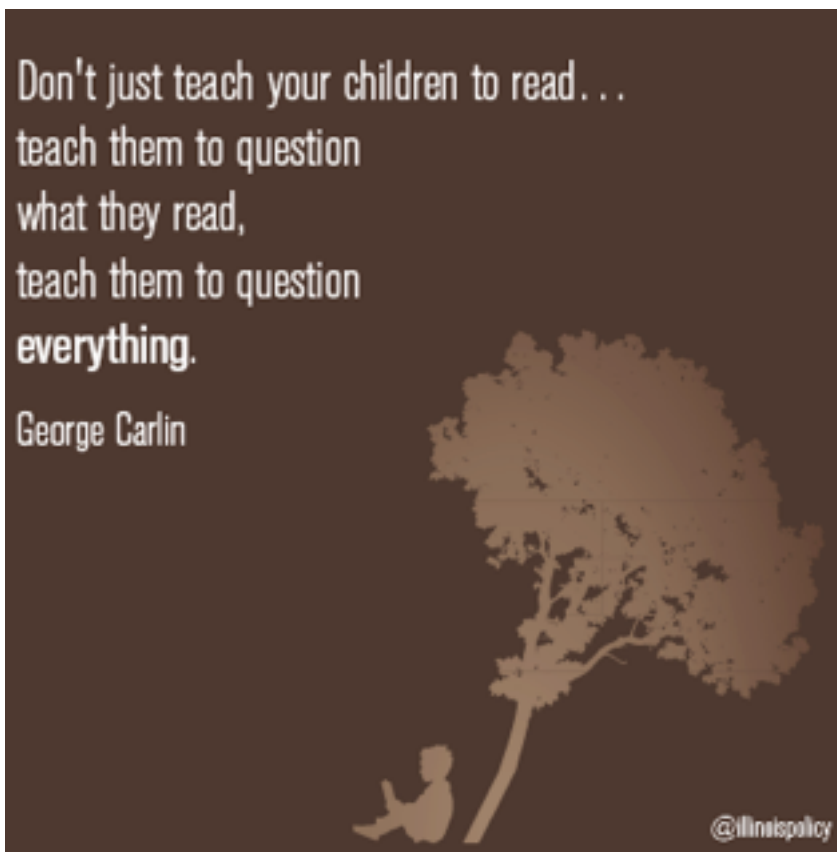
During the claims process, there were concerns expressed by class members in Oklahoma who were experiencing difficulties obtaining records to support their claims due to the absence of those records on Interior's systems and the devastating tornados that affected much of the state. Therefore, the claims process was extended by the Court to make sure that these individuals had an opportunity to participate. As ordered by the Court, claimants had until September 4, 2013 to request an appeal of a claim denial to the Special Master appointed by the Court.

The claims process was successful as over 485,000 claims were filed. All of those claims were reviewed and timely determinations made by GCG. Over 2,400 appeals from those decisions, many several hundred pages in length, are being carefully considered by the Special Master. As provided for in the Settlement Agreement, once all Trust Administration Class members are substantially identified and the Department of Interior has calculated the pro rata share of the settlement to which each Trust Administration Class member is entitled, we will promptly request that the Court approve the Trust Administration payments. We can't predict with certainty when these matters will be completed enabling us to request payment from the Court. However, we will provide continual updates as new information becomes available to keep you advised of the status of those payments.

Meanwhile, we continue to work with the Court and GCG to ensure the settlement is administered in accordance with the highest standards. When the Cobell case settled, we inherited the Department of Interior's records of individual Indian beneficiaries – including the many inaccuracies known to exist within those records. However, a commitment was made that the Cobell settlement would not suffer from the deficiencies that historically afflicted the Indian

trust system – in particular that everyone who was eligible to participate in the settlement would have an opportunity to do so. Individual Indian trust records have markedly improved as a result of the Cobell lawsuit. However, problems remain. Delays in, or the absence of, probates have resulted in individuals who had passed away remaining on the list of living trust beneficiaries. Multiple records often exist for a single beneficiary. The Department of Interior still does not know the identity of some trust beneficiaries and current contact information was not available for tens of thousands of known beneficiaries.

We continue to work through these issues. By way of example, to date, through extensive



outreach and working directly with tribal governments and GCG, we have been able to locate over half of the 65,000 individuals on the government's "whereabouts unknown" list published by the Office of the Special Trustee, to insure they receive their settlement funds. Thousands more continue to contact us each month. This has been a serious deficiency that has plagued the individual Indian trust since its inception. We are committed to make sure that it does not continue.

If you have contact information for anyone on the government's "whereabouts unknown"

list, please contact the Claims Administrator at 866-591-2958.

Once again, please be assured that we are doing everything we can to make sure all class members receive their payments as soon as possible. We understand the frustrations experienced over the timing of payments. Many beneficiaries are in great need of these funds and we will continue to do everything we can to make sure the payments go out as soon as possible.

You are welcome to email us at beneficiaryline@kilpatricktownsend.com or call us at 866-383-6554 if you have any questions at all.

David Smith and Bill Dorris

Attachments: [ATT00001.htm Study Group Report Draft April 17 v2.pdf](#)

FYI - Information on Bureau of Indian Education (BIE) schools. Please share with your education directors and/or any other appropriate departments. Thanks - Athena Brown

Join us this summer for a **Service Project in wondrous Rocky Mountain National Park** as we help the park with re-vegetation and trail restoration. To get all the details, [take three minutes and view our Volunteer Video Invite.](#)

We will be guests of the park, sharing in hard work and great fun as we serve the park, make new friends, and explore new places.

[Reserve your place now!](#) Par Rasmusson, Service Leader, Southern Nevada Group

There's no cost to attend the online **Food Revolution Summit** event, happening April 26 – May 4. Get your access details now. You'll hear directly from Jane Goodall, Jonathan Safran Foer, Woody Harrelson, Amy Goodman, and 20 more speakers! Once you register, feel free to invite your friends and family to join you by forwarding this email.

Tell your friends: For National Library Week, the Boston-based education and library content provider Cengage Learning held a contest — and the **downtown Reno branch was named "coolest internal space."** Find out more at <http://on.rgj.com/1gxEngl>.

[The last of the Navajos to live at Wupatki National Monument?](#)

When Navajo elder Stella Peshlakai Smith dies, so will her family's rights to live on ancestral land. Washington Post

[Navajo family fighting to stay on monument land](#)

WUPATKI NATIONAL MONUMENT, Ariz. (AP) — Before it was Wupatki National Monument, the pueblo ruins in northern Arizona was home to hundreds of Navajos. They slowly they left and now only one remains. MSN

The Irony of Cliven Bundy's Unconstitutional Stand

The Nevada rancher isn't just resisting the Bureau of Land Management—he's also fighting against his state's unusual constitutional history.

[Matt Ford](#) Apr 14 2014

Eric Parker, who lives in central Idaho, aims his weapon from a bridge as protesters gather by the Bureau of Land Management's base camp in Bunkerville, Nevada. (Jim Urquhart/Reuters) Twenty-one years ago, rancher Cliven Bundy stopped paying his grazing fees.

Bundy [does not recognize federal authority](#) over land where his ancestors first settled in the 1880s, which he claims belongs to the state of Nevada. The Bureau of Land Management

disagreed and took him to federal court, which first ruled in favor of the BLM in 1998. After years of attempts at a negotiated settlement over the \$1.2 million Bundy owes in fees failed, federal land agents began seizing hundreds of his cattle illegally grazing on public land last week.

But after footage of a BLM agent [using a stun gun on Bundy's adult son went viral](#) in far-right circles, hundreds of armed militia supporters from neighboring states flocked to Bundy's ranch to defend him from the BLM agents enforcing the court order. The states'-rights groups, in echoes of Ruby Ridge and Waco, came armed and prepared for violence. "I'm ready to pull the trigger if fired upon," one of the anti-government activists [told Reuters](#). Not eager to spill blood over cattle, the BLM [backed down](#) Sunday and started returning the livestock it had confiscated. The agency says it won't drop the matter and will "continue to work to resolve the matter administratively and judicially."

Federalism—genuine states' rights—is perhaps more familiar to Nevadans than to any other state's denizens. To boost the state's ailing economy in the early 20th century, Nevada exploited the federal architecture of American law to create uniquely permissive laws on divorce, gambling, and prostitution, bringing in much-needed tourism revenue and giving the state a distinctive libertarian character. Just this weekend, the state Republican Party [dropped statements opposing abortion and same-sex marriage](#) from its platform at their convention, bucking the party's national stance.

But Bundy's understanding of states' rights is far different. As he [told Sean Hannity](#) in an interview last week (emphasis added):

Well, you know, my cattle is only one issue—that the United States courts has ordered that the government can seize my cattle. **But what they have done is seized Nevada statehood, Nevada law, Clark County public land, access to the land,** and have seized access to all of the other rights of Clark County people that like to go hunting and fishing. They've closed all those things down, and we're here to protest that action. And we are after freedom. We're after liberty. That's what we want.

Bundy's claim that the land belongs to Nevada or Clark County didn't hold up in court, nor did his claim of inheriting an ancestral right to use the land that pre-empts the BLM's role. "We definitely don't recognize [the BLM director's] jurisdiction or authority, his arresting power or policing power in any way," Bundy told his supporters, [according to The Guardian](#).

His personal grievance with federal authority doesn't stop with the BLM, though. "I believe this is a sovereign state of Nevada," Bundy [said in a radio interview](#) last Thursday. "I abide by all of Nevada state laws. But I don't recognize the United States government as even existing." Ironically, this position directly contradicts Article 1, Section 2 of the [Nevada Constitution](#):

All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people; and they have the right to alter or reform the same whenever the public good may require it. **But the Paramount Allegiance of every citizen is due to the Federal Government in the exercise of all its Constitutional powers as the same have been or may**

be defined by the Supreme Court of the United States; and no power exists in the people of this or any other State of the Federal Union to dissolve their connection therewith or perform any act tending to impair, subvert, or resist the Supreme Authority of the government of the United States. **The Constitution of the United States confers full power on the Federal Government to maintain and Perpetuate its existence, and whensoever any portion of the States, or people thereof attempt to secede from the Federal Union, or forcibly resist the Execution of its laws, the Federal Government may, by warrant of the Constitution, employ armed force in compelling obedience to its Authority.**

The paramount-allegiance clause, a product of the era in which Nevada gained statehood, [originated](#) in Nevada's first (and unofficial) constitutional convention of 1863. Some 3,000 miles to the east, the Civil War raged between the federal government in the North and West and the rebellion that had swallowed the South. In early 1864, Abraham Lincoln—who wanted more pro-Union states in Congress so as to pass the amendment to abolish slavery, and a few more electoral votes to guarantee his reelection that fall—signed a bill authorizing Nevada to convene an official constitutional convention for statehood. The state constitution's framers, who were overwhelmingly Unionist, [retained the clause](#) in solidarity with the Union when they gathered in July 1864.

Even the states that retain the phrase "paramount allegiance" today don't share Nevada's explicit openness toward armed federal intervention to enforce it.

Nevada isn't the only state with a paramount-allegiance clause. Republicans added similar clauses to Reconstruction-era state constitutions throughout the South, although few survived subsequent revisions after federal troops departed. Even the states that retain the phrase "paramount allegiance" today, like [North Carolina](#) and [Mississippi](#), don't share Nevada's explicit constitutional openness toward armed federal intervention to enforce it.

That pro-federal sentiment also guided Nevada's first congressional delegation when it arrived in the nation's capital in early 1865. William Stewart, the Silver State's first senator, [proposed an amendment](#) to the U.S. Constitution in December 1865 that would've enshrined a weaker form of the paramount allegiance clause at the federal level:

First—The Union of the States, under this constitution, is indissoluble, and no State can absolve its citizens from the obligation of paramount allegiance to the United States.

Second—No engagement made, or obligation incurred by any State, or by any number of States, or by any county, city, or any other municipal corporation to subvert, impair, or resist the authority of the United States, or to support or aid any legislative convention or body in hostility to such authority, shall ever be held, voted, or be assumed or sustained, in whole or part, by any State or by the United States.

This proposed amendment—which would have resolved secession's constitutionality for all time—did not succeed. The U.S. Supreme Court later ruled in *Texas v. White* in 1869 that secession had been unconstitutional and that "the Constitution, in all its provisions, looks to an indestructible Union composed of indestructible states." Stewart nevertheless left his mark on the Constitution the same year as *White*, when he wrote [what would become the Fifteenth Amendment](#), guaranteeing black suffrage.

Two decades after Nevada's founders proclaimed unswerving obedience to federal authority, Cliven Bundy's family first settled the land where he and his supporters now make their heavily armed stand against federal power. It's doubtful even the Nevada Constitution will change their minds—if legal and constitutional arguments could persuade the militia movement, there might not be a militia movement.

[An Idahoan shows Bundy what a real Western rancher is](#)
Bud Purdy was so revered in Idaho that even a bunch of Republicans pay tribute to him. Being a Westerner and the daughter and granddaughter of cattle ranchers, I...
Daily Kos

<http://www.salon.com/2014/04/17>



[fox news demented poster boy why angry rancher cliven bundy is no patriot/](#)

<http://www.newsreview.com/reno/this-land-is-our-land/content?oid=13238460>

10 Things You Don't Know About American Indians

Apr. 9, 2014 By [Braudie Blais-Billie](#)

There are many misconceptions when it comes to modern American Indians and the way we identify ourselves in society. As a Seminole Indian woman, I've had my share of "rain dance" jokes and uncomfortable conversations.

These stereotypes stem from inaccurate portrayals in popular culture that were never properly challenged. They establish a limited perception. Movies, television shows, mascots. There's poverty porn, media that sensationalizes marginalized communities with exploitative or voyeuristic motives. Even Disney perpetuates these problems.

But Native America is far more complex than what mainstream media and education depict. I can go on for pages about my tribe alone and its colorful history. Though I'm in no position to speak on behalf of all indigenous community, here are a few basics I think everyone should know.

1. We exist today and live contemporary lives.

Being type casted or dismissed is a problem American Indians face daily. Hearing, “Do you live in a teepee?” is like a rite of passage.

We are so marginalized that references to shaman, “Redskins,” and dream catchers are all that certain people think of when they hear “Native American.” We’re represented as artifacts in a museum, a few chapters in a history book. A group of people frozen in time. I’ve had experiences with people who didn’t even know American Indians were still alive!

So I’m here to say yes, we do exist today. We drive cars, tweet about Game of Thrones, listen to Beyoncé. Though some of us may chose to stay in touch with our traditions, Native Americans aren’t “mystical” or “savage” people from the past. We go to college, write books, become doctors, run businesses.

2. There are multiple ways to address Native America.

Native Americans, Natives, American Indians, Indians, Indigenous peoples, First Nations peoples, Aboriginal, Indian Country. The list can go on. It’s ideal to use the name of a specific tribe or nation, like Sicangu Lakota or Comanche. It’s the difference between asking a Japanese person “how’s Japan?” as opposed to “how’s Asia?”

With whichever term you use, be cognizant of your relationship to whom you’re addressing, where you are, etc. Context and respect are everything.

3. We don’t all look the same.

Some Natives are tall, some are short, some are fair-skinned, some are dark. We have varying highness of cheekbones, varying weights, varying hair lengths and hair color.

Native American is not so much a “racial” identity. It’s more of a political one. We share the same relationship to the United States government in that we are indigenous, but are distinct nations from one another across North America.

4. There are more than 560 federally recognized tribes in the U.S.

To be federally recognized means to be legally recognized by the United States Bureau of Indian Affairs. Even still, there are thousands of tribes, bands, nations, and peoples throughout the U.S. that are not recognized on a government or legal level. They self-identify as American Indian.

Tribes are separate entities from the United States, are self-governing individuals with tribal courts and elected leaders. “Domestic Dependent Nations.” Though not entirely sovereign, like a foreign country, American Indian sovereignty continues to be pushed and expanded.

5. And each tribe has its own identity as a nation, independent from one another.

I can’t stress it enough: Natives aren’t a unanimous culture across North America. We don’t all hunt buffalo or wear buckskin. Every tribe has its unique languages, traditions, histories, politics, economies, religions, and overall ways of life.

Of course, there are overlapping practices and characteristics because of complicated histories. Still, each nation remains individual. Southeastern tribes are totally different than Northwestern ones. I can't speak for totem poles because Seminoles don't practice that tradition, but my friend from the Shuswap nation can.

There are countless nuances between nations. It can be hard to keep up with, but it's what makes Indian Country so intriguing and beautiful.

6. Some Natives live on reservations, some don't.

Reservations are areas of land owned and managed by Native nations. Not every tribe has a reservation. With the Dawes Act in the late 1880s, there are only ~300 reservations in the U.S. today. Reservations vary in size and location. The Navajo nation has territory equivalent to the size of West Virginia.

Then there are Natives who, due to the Indian Relocation Act of 1956, come from families that were encouraged by the government to move off of reservations and into cities to "assimilate."

7. There are American Indians in the U.S. that don't speak English.

Once, on a train, I was telling my ex-boyfriend about my great grandmother. I explained how we weren't that close because of our language barrier: she only spoke Miccosukee, one of the two languages spoken by Seminole people in Florida. He was shocked.

Oral history is a vital part of our history. Though the number is dwindling, there are elders who speak their Native language exclusively. Bilingual individuals are more common. Many nations keep their languages alive, preserving them and teaching them to younger generations.

To remain linguistically sovereign is important. Language allows us to control our own narratives and resist colonial oppression.

8. Land is not just property to American Indians.

The gap between European and indigenous concepts of land is the most fundamental issue Natives face with the U.S. and Canadian governments. For Native communities, land transcends the value of "property" as Locke coined it, and functions spiritually as well as economically.

Indigenous religious beliefs and ways of life are tied to the earth and what it produces. It's a living entity that is not perceived as something to exert ownership over. Instead, there's the notion of a respectful relationship with the earth. Give and take. Things like waterways, forests, and buffalo are essential for life and prosperity, and can even hold sacred value.

This is why the loss and destruction of Native land (North America) is so devastating. Confining nations to allotted areas and destroying the environment disturbs this essence of existence and identity.

9. A genocide was enacted upon Native America.

Did you know that Adolf Hitler was inspired by the indigenous genocide in North America when he created concentration camps? Manifest Destiny and the Third Reich are creepily synonymous.

80-90% of the American Indian population was killed between Columbian contact and today. The Trail of Tears, San Creek Massacre, Wounded Knee Massacre, the Camp Grant Massacre, the list goes on.

When the years of Indian wars came to an end, a new kind of violence emerged. In the late 19th and early 20th century, the Bureau of Indian Affairs founded American Indian boarding schools. For decades, the establishments literally kidnapped children from their homes and families. The children were physically, sexually, and mentally abused in order to “kill the Indian and save the man.” They were coerced into becoming English-speaking servants and laborers.

Genocide can be physical or cultural. Today, remnants of these alarmingly recent tragedies surface in the forms of racism, poverty, drug abuse, and historical trauma. Colonialism is an ongoing system, not an isolated event.

10. Native America is changing the world.

It’s empowering to think that every indigenous person living today is descendent of fierce survivors. And we’re not only surviving, we are making strides.

There’s Winona LaDuke, Anishinaabe activist, environmentalist, economist, and author of three books. She’s even run as Vice President alongside candidate Ralph Nader on the Green Party ticket. Adrienne Keene’s honest blog Native Appropriations has amassed over 50k followers on Facebook, and grabbed the attention of companies such as Paul Frank for their problematic behavior. There are also musicians like A Tribe Called Red, hailing from the Cayuga Six Nations and Nissiping Ojibwe Nation, representing Native expression.

Though there are still huge issues to overcome before Indian Country can rest, Indigenous Resistance is alive and well. With the advantage of the Internet and greater opportunities for education, each generation is getting louder and louder. We are beginning to portray ourselves in the media on our own terms.

In the famous words of Native movie Smoke Signals, “It’s a good day to be indigenous.”

Water expert Mulroy to join Brookings Mountain West, Desert Research Institute

Recently retired water czar Pat Mulroy is bringing her expertise and reputation as an international leader on water issues to a pair of institutions with a connection...Las Vegas Sun

1491s The 1491s should pass a resolution that says all tribal nations will be, from here on forth, in same time zone, no matter their geographical location.

And THAT can be Indian Time.

On April 26, Home Depot nationwide is offering a water conservation class from 10 a.m. to 11:30 a.m

Judges overturn rulings on Sacramento River contracts

Activists have targeted the 2005 renewal of long-term contracts that entitle senior rights holders to divert water while restricting access by junior rights holders

Bettina Boxall, Los Angeles Times

A decision by a federal appeals court Wednesday could allow for changes in water deliveries to irrigation districts that hold senior rights to Sacramento River supplies.

Broadband in Libraries

Panelists talked about the need for high-speed broadband in the nation’s libraries.

<http://www.c-span.org/video/?318935-1/broadband-libraries>



Former Mayor Oscar Goodman and the [The Mob Museum](#) completely surprised [Las Vegas City Council](#) members (and us!) at the meeting today by bringing \$1.5 MILLION in cash to repay the city's loan to them!