

2016

## Across the Divide: Montana's Tribes Navigate Politics and Progress, 2016

University of Montana--Missoula. School of Journalism. Native News Honors Project

Let us know how access to this document benefits you.

Follow this and additional works at: <https://scholarworks.umt.edu/nativenews>

---

### Recommended Citation

University of Montana--Missoula. School of Journalism. Native News Honors Project, "Across the Divide: Montana's Tribes Navigate Politics and Progress, 2016" (2016). *Native News Honors Project, 1992-2019*. 25.  
<https://scholarworks.umt.edu/nativenews/25>

This Newspaper is brought to you for free and open access by the University of Montana Publications at ScholarWorks at University of Montana. It has been accepted for inclusion in Native News Honors Project, 1992-2019 by an authorized administrator of ScholarWorks at University of Montana. For more information, please contact [scholarworks@mso.umt.edu](mailto:scholarworks@mso.umt.edu).

# ACROSS THE DIVIDE



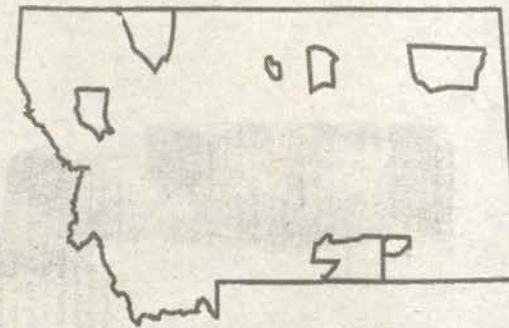
Native News 2016  
[nativenews.jour.umt.edu](http://nativenews.jour.umt.edu)

**Montana's tribes navigate  
politics and progress**

University of Montana  
School of Journalism

# CONTENTS

*see what's inside...*



## Crossing the divide

Charles Curtis was a man of many firsts. A member of the Kaw Nation, Curtis was the first known Native American elected to the Senate, representing Kansas for six consecutive terms. He was the first Native American chosen to serve as the Senate Majority Leader. And in 1929, Curtis was elected as the 31st vice president of the United States.

This year, tribal members in Montana have the opportunity to establish a legacy of firsts. From constitutional reform to representation in state and federal Congress, Native Americans are shaping Montana's state politics in ways often unseen, or at least underreported.

For the 25th issue of the University of Montana's Native News Honors Project, we sent out eight teams of reporters to uncover the state of politics within Montana's 12 Native American tribes spanning across seven reservations and for one landless tribe.

Though Curtis left behind a legacy of firsts, he supported initiatives that weakened tribal sovereignty, revealing the complex nature of representation. His legacy is mixed at best.

Our stories consider an often overlooked side of Montana's politics, exploring progress and stagnation. In a multifaceted world of politics, we see tribal members, state officials and Montana citizens crossing the divide.

## ACKNOWLEDGEMENTS

The Native News Honors Project is reported, photographed, edited and designed by students of the University of Montana School of Journalism. This is the 25th annual edition. The project was produced under the guidance of University of North Dakota journalism professor Mark Trahan.

If you have comments about the project, we'd like to hear from you. Email us at [jason.begay@umontana.edu](mailto:jason.begay@umontana.edu) or [jeremy.lurgio@umontana.edu](mailto:jeremy.lurgio@umontana.edu) or write to Native News Honors Project, School of Journalism, University of Montana, 32 Campus Drive, Missoula, MT 59812.

For a broader,  
statewide look  
see page

40

For more multimedia  
content, find us at:

[nativenews.jour.umt.edu](http://nativenews.jour.umt.edu)

 [nativenewsmt](https://www.instagram.com/nativenewsmt)

 [Montana Native  
News Project](https://www.facebook.com/MontanaNativeNewsProject)



**4** **LITTLE SHELL**  
For Montana's only tribe not recognized by the federal government, tribal members consider the impacts, both symbolic and practical, that recognition could mean.

**15** **FLATHEAD**  
Tribal members recognize the complexities of electing one of their own to state office at a time when Montana could reach parity, a nationally unprecedented feat.

**24** **BLACKFEET**  
A dedicated group of citizens meet weekly to reform the tribe's outdated and defunct constitution.

**36** **FORT BELKNAP**  
County and tribal officials scramble to establish adequate voting access for residents on the notoriously rural reservation.

**9** **ROCKY BOY'S**  
Past corruption could threaten the tribe's financial future by endangering its grant status in the eyes of the federal government.

**19** **CROW**  
Coal, one of the most prolific natural resources on tribal lands, remains both a political enticement, for its potential wealth, and a symbol of antiquated thinking.

**31** **NORTHERN CHEYENNE**  
A prominent tribal school board member faces accusations of hypocrisy for sending his children off-reservation for their education.

**42** **FORT PECK**  
Young Assiniboine and Sioux grapple with definitions of identity that leave many of them disenfranchised and without rights in their home communities.



# LIMINAL EXISTENCE

**The final throes of seeking federal acknowledgement**

STORY by CHRISTOPHER REED

PHOTOS by MATT ROBERTS



Jay Jarvis drinks coffee in the kitchen of his house just on the edge of Hill 57. Jarvis, a Little Shell tribal member, was born on Hill 57 in 1948. LEFT The city of Great Falls forced Native Americans from the banks of the Missouri and Sun Rivers in the 1920s and many were moved to Hill 57.

## “Pakama! Pakama!”

Jay Jarvis didn't speak Cree, but even at nine years old he heard those words often enough to know what they meant: He was in for a fight. Jarvis needed water for his family and he planned to get it, even as the Snakeskin boys that lived at the bottom of Hill 57 convinced each other: “Hit him! Hit him!”

“So we ended up fighting,” Jarvis said, as if that was the only choice. “We ended up fighting a lot. Not big terrible fights, just little kid fights. But still, when you're punching each other — you know, hate involved — that ain't good.”

Jarvis, 68, grew up on Hill 57 as a member of the Little Shell Band of Chippewa Indians. Jarvis (pronounced Jar-vee) is a European last name. Early fur traders intermarried with Native Americans in the Great Lakes region,

bringing European technologies while adopting aboriginal ways of life. The Little Shell band arose from a polyethnic combination of Chippewa-Cree Native Americans and Europeans, typically French, Irish and Scottish.

This heritage made Little Shell people too white for the Native Americans and too Native American for the whites.

“We were half-breeds to them,” Jarvis remembered. “And when you gotta fight to get to the bus, and then once you get to school you gotta fight a different fight, you don't know where you're at. Don't know where you belong.”

The settling of the American West left the Little Shell without land to call its own. Unlike Montana's other tribal nations, the Little Shell Band of Chippewa is not receive federally

recognized, despite pushing for it since treaty talks in the late 1800s.

Recent changes to the Bureau of Indian Affairs recognition process could affect the Little Shell, which has been recognized by the state of Montana as a tribe since 2006, in two ways. It could open the door to federal recognition as it loosened some of the requirements of tribes seeking acknowledgement, it could also close the door on recognition, as the revised policy only allows tribes one attempt to petition.

After a history rife with the sort of turmoil Jarvis experienced because of its unresolved tribal status, the tribe's forthcoming petition is the Little Shell's last chance to be recognized by the BIA.

However, the tribe could still be recognized via congressional action.

Kevin Washburn, a BIA official

who drafted the new recognition requirements, said recognition has been an uphill battle for the Little Shell.

“They have not been successful through the administrative process,” he said. “So that would suggest to me that they would have a better chance through the congressional route.”

As it stands, the Little Shell Tribe of Chippewa Indians Restoration Act of 2015, a bill that would grant the 5,400-member tribe federal recognition along with 200 acres of tribal lands, is currently in the U.S. House of Representatives and the U.S. Senate. For the Little Shell to become the 31st congressionally recognized tribe, identical bills need to pass both chambers of congress.

The bill, co-sponsored by Montana senators Steve Daines, Republican, and John Tester, Democrat, has

CONTINUED ON NEXT PAGE

bipartisan support and is in front of the U.S. Senate.

Meanwhile, an identical bill by Rep. Ryan Zinke, first introduced to the House in January 2015, has made little progress and is currently stalled in committee.

Zinke's office released a statement explaining that he "has personally met with [Natural Resources Committee] Chairman Rob Bishop [R-Utah] about the bill and is keeping pressure on the Committee to recognize the Little Shell before any changes are being made to the process."

After countless trips to the nation's capital, Little Shell Tribal Chairman Gerald Gray Jr. knows this process all too well.

"Zinke's gotta get our bill through markup," he said. "It then has to be attached as a rider to a spending bill that they think would pass."

Unfortunately for the Little Shell people, this is a familiar story. In the 1940s, Montana Sen. James Murray pressed the Department of Interior to purchase land for the Little Shell. In the 1950s and 60s, Montana Congressmen Murray, Mike Mansfield, and Lee Metcalf introduced legislation for federal recognition that failed to pass.

"It seems we have a common problem with government responsibility and responsiveness," said Zinke during the Sept. 29, 2015 legislative hearing on Little Shell Tribe of Chippewa Indians Restoration Act. "I think this is a case where the Chippewa have been wronged and we need to right it."

While recognition comes with a host of benefits including opportunities for housing, healthcare and education, some members of the Little Shell feel that federal acknowledgement will finally provide the respect they deserve after enduring a lifetime of prejudice and racism from Native Americans and whites alike.

"I think for us older folks, not being recognized was hard," Jarvis

said. "Not only in dealing with the major problem of employment and housing and whatever, but it caused a lack of acceptance in our own Native American community."

Gray, who was elected Little Shell chairman in 2012, said any benefits accompanying recognition are secondary.

"We, as a people, as a tribe, are moving forward to become self-sufficient," he said. "We never wanted to be on the government tip."

Self-reliance has always been an essential trait for Little Shell members.

Serena Steffenson, 48, is a Little Shell member who grew up on Hill 57. She now works for the Indian Education Department in the Great Falls School District and is married with two daughters. Her husband is in the National Guard and owns his own business. The family has housing and healthcare, but her daughters will be going into college soon.

"They would be able to apply for the federal grants out there, the federal scholarships that recognize federally recognized tribes," she said.

Steffenson laments that the recognition process has taken so long.

"You know, I wish recognition would have come before my grandfather passed away, because he was very proud of us being Little Shell," she said. "It is just a wrong that needs to be righted."

"Recognition is a matter of justice for the people who deserve it," said Kevin Washburn, the former Assistant Secretary of the BIA who led the effort to rewrite the tribal recognition rules.

Currently recognized by the state of Montana, the Little Shell Band of Chippewa ratified its first constitution in 1977. Gray said the Little Shell is the perfect tribe to take the congressional route to acknowledgement because they have widespread support and no one opposes its recognition.

"We have no negatives," Gray



Nicholas Vrooman, tribal scholar and author of the most comprehensive history of the Little Shell, has been instrumental in helping the tribe navigate the recognition process.

said. "We have support from all the tribes in Montana, we have support from county commissioners, we have support from the entire state basically."

Though Gray's optimism seems well-founded, this is the fifth consecutive Congress to see a Little Shell recognition bill. If the bill doesn't pass both the House and Senate soon, much like the BIA administrative process, the tribe will once again be disappointed and disserved by the bureaucratic process.

Little Shell tribal scholar Nicholas Vrooman, who is originally from upstate New York but has lived in Montana for the last 30 years, describes the Little Shell's ongoing quest for recognition as "the last unresolved conflict from the Indian wars of the 19th century."

Historically, recognition came in a variety of forms including treaties, statutes, presidential executive orders and other federal administrative actions. Today, federal recognition occurs in two ways: Congressionally, if

identical bills pass in both the House of Representatives and the Senate, and administratively through the BIA's newly amended recognition process.

The federal government introduced the BIA recognition process in 1978. The Little Shell immediately petitioned for recognition. Under the 1978 regulations, the BIA required that tribes use outside sources to verify tribal existence and to prove consistent community and political authority over tribal members since first contact with Europeans.

The BIA process is rigorous. Only 17 tribes have been recognized since 1978, while 34 have been denied recognition. Thirteen other tribal petitions, including the Little Shell's, are pending.

Vrooman sees the process as the government winnowing out the chaff.

"Their job is to say, we're not against recognizing legitimate aboriginal groups of people and forming this relationship with them, but we just want to make sure."

Certainty takes time. The BIA



Jay Jarvis, a member of the Little Shell Tribe of the Chippewa Indians, has been living on Hill 57 since 1948. Accepted neither by groups of full-blooded Native Americans or by the white society in cities like Great Falls, Jarvis felt like he didn't fit in anywhere when he was growing up.

issued a negative Final Determination for Little Shell in 2009, 31 years after the tribe's initial petition. The denial astounded many members because the positive initial finding in 2000 received no negative comments opposing Little Shell recognition.

"This has never been done to any other petitioner," Gray said during the September 2015 committee hearing.

The BIA rules rewrite occurred in part because of extensive criticism of a broken, time-consuming, inherently biased administrative process. The rewrite enabled the Native American Rights Fund to file a lawsuit on behalf of the Little Shell so the tribe could re-submit its petition under the new regulations. The new regulations were completed in June of 2015.

The BIA changed the date for the burden of proof of existence, community and political authority from the time of first contact to 1900 and removed the third party verification requirement.

"This is a vast improvement. It'll save applicants millions of dollars in anthropologists and historians having to go back to the 19th and 18th centuries," Washburn said.

But the BIA's 2009 Final Determination indicated inconclusive evidence of the tribe's existence for

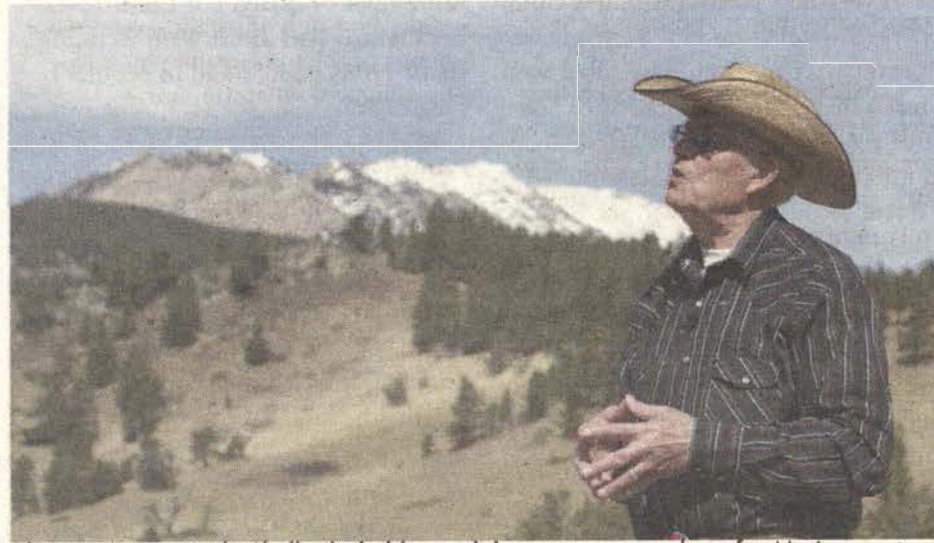
several decades after the turn of the century. So even with the new burden of proof date redefined to 1900, providing a record of existence that satisfies the BIA's stringent requirements still poses a significant challenge for the Little Shell.

The Little Shell's convoluted existence began when the fur trade collapsed and the tribe became a semi-nomadic buffalo people. After ceding tribal land near the Red River in the 1864 Pembina Treaty, the tribe eventually settled near the present day Turtle Mountain Indian Reservation in North Dakota.

However nearly 30 years later, Chippewa band members signed the McCumber Agreement of 1892, effectively selling 10 million acres of land near Turtle Mountain to the federal government at less than 10 percent market value. Chief Little Shell was absent for the transaction.

Though later determined to be illegal, the McCumber Agreement left Little Shell members off of the official government records and the US government labeled them "Cree," a Canadian tribe.

The Cree Deportation Act of 1896 funded Federal Buffalo soldiers to ride out of Fort Assiniboine and



Al Weisman is a Little Shell tribal elder and the current caretaker of a Metis cemetery nestled in the mountains near Choteau, Montana. He said most of the Little Shell culture has been diluted and that recognition won't bring it back.

through Great Falls, Helena, Butte and Missoula to expel the now landless people consisting of The Little Shell and others, living on the outskirts of Montana's newly forming cities.

Tribal Elder Al Wiseman, 79, care-takes a Little Shell cemetery near where he grew up, along the Rocky Mountain Front near Choteau.

"They made roundups on our people and took em back to Canada. Just like you'd heard cattle or sheep," Wiseman said while standing among his relatives' gravestones. "Thank god they never got up here or these people woulda been gone too."

Many of the deported Little Shell quickly returned to the fringes of Montana's cities to pick up the pieces of their fragmented existence.

The city of Great Falls forced Native Americans from the banks of the Missouri and Sun Rivers in the late 1920s. Many people moved five miles west of the city to Hill 57.

Hill 57 is named after an 80-foot-tall Heinz 57 advertisement written in whitewashed river rocks that once laid on the hill's east slope. The Hill 57 community rested on the west side of the hill in a shallow, broken semi-circular bowl of drab earth filled with desiccated patches of grass. The landscape spills down toward the

final serpentine twists of the Sun River before it confluences with the Missouri.

While looking at scattered piles of debris in an otherwise now-barren field, Jarvis described his grandmother's home, a shack in the navel of the bowl. It sat near an old, gnarled cottonwood, the only tree in an expanse of scattered tarpaper shacks, teepees and capsized and corroded automobiles.

Built in the early 1930s and only big enough for her bed, her home expanded as the Jarvis family added generations. By Jarvis' ninth birthday, the shack swelled to three rooms and the lean-to surrounding the cook-stove transformed to an enclosed kitchen where his grandmother sometimes hatched chicks from eggs she scavenged at the dump.

When Jarvis was a child, roughly 300 permanent residents and an additional 200 seasonal and temporary residents lived on Hill 57. They stayed because it was rent-free, family and friends had settled there, or because they were passing through and were unwanted in the city. Roughly half of Hill 57's inhabitants were Little Shell and nearly all of the residents were Native American.

CONTINUED ON NEXT PAGE



Every day, Jarvis, the oldest child, retrieved water from Hill 57's only water source, a hand-pump installed by Great Falls municipal authorities just three years earlier, in 1954. Jarvis loaded milk bottles onto a wagon, pulled it down to the pump, filled them and hauled it back up Hill 57.

At age 11 Jarvis' grandmother taught him to drive a '48 Chevy stick shift. The need to haul water with his wagon ceased, but the fights with the Snakeskin boys who spoke fluent Cree continued.

For many Little Shell members with similar experiences to those of Jarvis on Hill 57, maintaining the kind of cultural cohesion and political authority required by the BIA seemed impossible.

"Because of oppression and prejudice, they kept their mouths shut. They didn't tell their children who they were and where they came from and what their rights were and the proud heritage that they had," Vrooman said. "So there was a lot of introversion that comes with oppression. It affected deeply the expression of aboriginality."

Jarvis recalls his grandmother and Mrs. RedThunder, a neighbor speaking Cree while he sat on the floor as a small boy, but his knowledge was only skin deep. Jarvis said he understood the entire conversation but never spoke the language.

"I probably could have spoken

more than I realized but I didn't because my dad didn't want us doing that," Jarvis said. "I had to act like I didn't come from the Hill. That was a hard thing."

Though he remembers his grandparents and their friends participating in giveaway dances, a traditional means of expressing grief after someone died, Jarvis always sat out.

"It wasn't part of my world. It wasn't part of the world that I was going to be accepted in," he said. "It wasn't part of the world that I was going to live in."

In the absence of some of their historical traditions, the Little Shell are finding that the Sisyphean task of engaging the political process of recognition is becoming a birthright of each new generation.

"In a sense that struggle for community defines the Little Shell community to this day," Vrooman said. "One thing that never went away, and indeed really is stronger now than ever, is the political consciousness of their just rights."

Though the Little Shell continue to strive for recognition, it means something different to most members than it once did. They no longer need a reservation or tribal land because like Jarvis, Pocha and Wiseman, the Little Shell people live in communities across the state and country. Like most Americans, they grew roots where they grew up or moved to where work and

life called them.

According to Vrooman, "If you want to look for a saving grace in this debacle, and it's not because of the federal government, it's because of the strength and beauty and stamina and persistence of the little shell, is because they're not on a reservation, over these generations they've had to learn how to survive in the larger dominant society."

Wiseman never questioned the Little Shell resolve to survive in the larger society. After leaving school at age 16 because of discrimination and spending his next 52 years as a carpenter, Wiseman said, "The Indian is a survivor, so you're never gonna get rid of him either. We're a resilient people."

Gray echoes that sense of pride, with or without recognition. "We know who we are, we are a tribe, we're always gonna be a tribe, whether we're recognized by the federal government or not," he said.

Still, Gray said the tribe is in the fight for the long-haul, "We've been

waiting a 130 years. We can wait another five or whatever it takes."

Though unaware of the new regulations or the possible congressional recognition, Jarvis has seen too much disappointment over the years, including during his time on the tribal council, to get his hopes up.

"I never expect anything different. Not after all these years. I'll probably kick the bucket and they'll still be fighting over recognition," Jarvis said.

Despite any disenchantment Jarvis and other Little Shell might be faced with, Washburn urges persistence in the fight for recognition.

"Nothing in the bureaucratic process is fast," he said. "If you read all the literature about business these days, they say the best CEOs are the ones that have persistence. They keep focusing on their goals."

"If tribes didn't have to have persistence and didn't show it for hundreds of years none of them would exist," he said. ♦

experience **moments...create memories...**

access **information...share stories...**

record **history**

Montana's newspapers...chronicling the stories of Montanans for the past 135 years.

**Montana**  
NEWSPAPER ASSOCIATION

825 Great Northern Blvd, Ste 202, Helena MT 59601  
406.443.2850 | mtnewspapers.com

Our Mission: To advance and sustain the news publishing industry in Montana.



Al Weisman, a Little Shell tribal elder, takes care of a Metis cemetery in the mountains near Choteau, Montana.



# ON THE BRINK

**Past government corruption threatens Rocky Boy's financial stability**

STORY by DENVER PRATT

PHOTOS by REBEKAH WELCH



Javon Wing and her family gather in her parent's kitchen to celebrate the 18th birthdays of her twin sons, Stephon and Jeremiah Wing.

PREVIOUS PAGE Javon Wing's niece and nephew, Brooklyn and Tristan Montes, play in the mud outside their grandparents' home on the Rocky Boy's reservation.

**L**ately, it seems money isn't flowing in as freely as it used to in Rocky Boy's Indian Reservation. It's been increasingly hard for Javon Wing to secure federal grant money for the Chippewa Cree tribe.

Wing, who's worked as the tribal grant writer for five years, is aware of past victories on Rocky Boy's, where the grant office was awarded funds for project after project. In one case, the tribe was awarded millions of federal dollars to improve its water system and other programs. It was a great economic success story for Montana's Indian Country.

Then the news broke: Misspent money. Hidden funds. Systemic corruption. It spread to almost every tribal department, eventually leading

to embezzlement settlements for 25 high-ranking tribal officials.

Wing has been present for all of it. She's watched as the tribe slid into further financial decay. Only now does the Chippewa Cree tribe have the ability to attempt to reverse the effects of the past four years, but the path forward isn't so clear.

As a result of the chaos that ensued, the federal government launched a massive investigation into millions of misspent dollars and laundered in intricate embezzlement schemes, which targeted both tribal and federal funds. The Chippewa Cree tribe is in a precarious position as it moves forward, staving off hefty federal sanctions and designations. Meanwhile, at least one of the key players who initially incited the investigation also maneuvers to pick up

his life, both personally and politically, following the era that nearly derailed it.

Like many Native American reservations, the Chippewa Cree tribe on the Rocky Boy's Indian Reservation in north-central Montana heavily relies on mostly federal grants to fund its many projects, this includes cell phone towers, improving housing developments and education, and providing access to clean water. Wing, who typically applies for two to three grants each month, said due to decreased funding at a federal level, which trickles down to the tribes, and tighter restrictions placed on grants make it harder for the tribes to receive grants and comply with regulations. This also makes the grants more competitive, she said.

But for Rocky Boy's, there's more

at play than just federal budget cuts and tighter stipulations.

The actions of the past four years have endangered the Chippewa Cree tribe's financial wellbeing, shifting the future stability of the tribe. Due to rampant corruption in almost every tribal entity, the tribe's grant status is now uncertain.

"We, the United States government, have a unique relationship with tribal nations, and it's a trust relationship," said U.S. Attorney for the State of Montana Mike Cotter. "The individuals who are tribal leaders have a trust relationship to their people, and they broke that trust. The money that flows into the reservation is to be used for the reservation and the people on the reservation, and it was not. I believe over time they can rehabilitate them-

selves, the tribes can ... to be able to be recipients of grants and be recipients of additional funds, but it does take time."

If that relationship between the tribe and the federal government is damaged, the grant status of the tribe can change, said Executive U.S. Attorney for the State of Montana Carl Rostad. At this point, the Chippewa Cree tribe has not been deemed a "high-risk" for the federal government to lend to, but portions of the tribe are being treated as such, Rostad said. This move could potentially jeopardize the future financial stability of the tribe.

Foundations and lending agencies tend to use a simple meter to gauge the financial "health" of an organization such as a tribe. A "low-risk" rating means the organization is likely to repay its debt. "High-risk" means it has a history of not repaying its debt. Federal grant programs use the same scale. An organization's standing can be severely affected by proven misuse of grant money.

A grant status can be relegated to a specific grant, a specific department or the tribe as a whole. So far, the Chippewa Cree tribe is still deemed low-risk, meaning it will receive grant money upfront to pay for the approved programs and projects. However, if lenders were to deem the tribe as high-risk, future funds would be granted on a cost-reimbursement basis requiring the tribe to pay all program and project costs upfront. Grant funds would be reimbursed only after completion, Rostad said. This could be financially crippling, since grant programs tend to cost millions of dollars.

However, the federal government has staved off such a drastic move, despite such a rampant trend of financial misdeeds on Rocky Boy's.

"Many of the times, the problems in the grantee/grantor relationship are not criminal or corrupt, they're just mismanaged," Rostad said.

Wing said the tribe needs grants and would be unable to foot the bill for millions of dollars needed for various

projects. However, she said she has recently focused her efforts on grants that would help make the tribe more self-sustaining. While the past few years have been hard, the tribe is trying to take steps in the right direction, she said.

In 2011, the U.S. Attorney's Office for the State of Montana created the Guardians Project. This federal program is designed to bring together many federal agencies, including the Inspectors General, the U.S. Attorney's office, the F.B.I. and others, in order to track mismanaged federal funds on tribal lands in Montana. It has grown into a nationwide project. Because the money tracked is federal money allocated to Native American tribes, the U.S. Attorney's office has jurisdiction over investigations, according to the U.S. Attorney's office.

Since the project's inception, there have been 44 closed cases in Montana with over half coming from Rocky Boy's alone. With the help of Ken St. Marks, tribal chairman, the Guardians Project discovered an interconnected web of cash kickbacks and embezzlements among many prominent members of the tribe and within many of the tribe's major programs, including the Business Committee, the Chippewa Cree Rodeo Association, the Chippewa Cree Construction Corporation, Stone Child College, Rocky Boy Health Board Clinic and Plain Green Loans.

Some of the tribal officials targeted by the Guardians Project included a former Montana state representative and CEO of the Chippewa Cree Construction Corporation, a former tribal chairman and president of the Rodeo Association, another former tribal chairman, a psychologist for the Rocky Boy Health Clinic and the CEO and chief operation officer of Plain Green Loans. The work of the Guardians Project discovered that many of them were wiring funds to one another or they transferred the embezzled money into joint accounts. Many were con-

victed of more than one felony, and some were charged with misdemeanors as well. All of them accepted plea deals. Their sentences ranged from 90 months in prison to 41 months incarceration. Their restitution ranged from just under \$500,000 to nearly \$1.5 million.

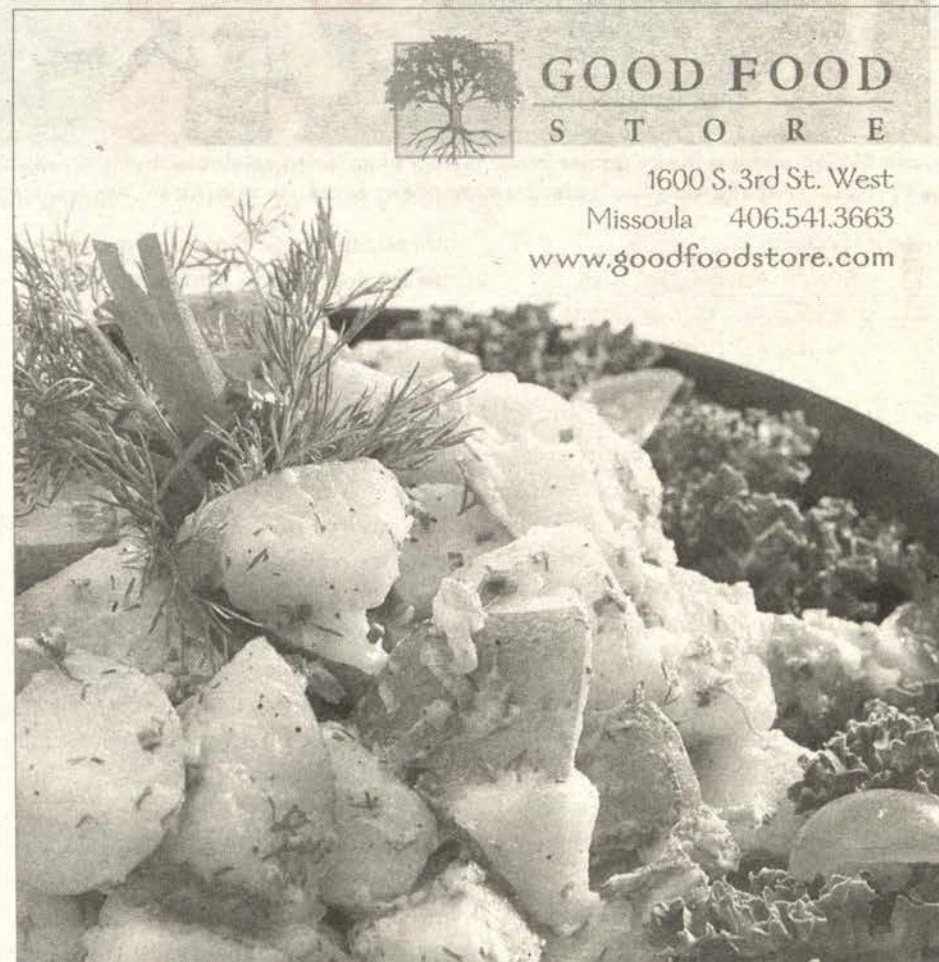
"I think that the program has been immensely successful in exposing the degree and pervasiveness of the corruption in some tribal governments," Rostad said. "The advantage to the Guardians Project is that we also believe there could be some remedial consequences that affect how grants are given, how grants are monitored, the controls put on grants, and various other internal structural changes that may help to ensure when an Indian tribe gets a grant that it gets to the people that it was meant to help."

For the Chippewa Cree, this holds true. Rocky Boy's was the last of Montana's seven reservations to be created by the federal government in 1916, and

is the smallest, with just over 120,000 acres. There are roughly 6,177 enrolled members of the Chippewa Cree tribe, with more than half living on the reservation.

On one end of the reservation is Gramma's Market, the only local grocery store, the elementary and high schools and the agency, it's a small wooden building that used to be white, but has since turned rose-colored from red trim that's bled over the years. On the other end is the construction company, the justice center and Stone Child College, all of which are newer buildings, their shiny metal exteriors out of place in the open space.

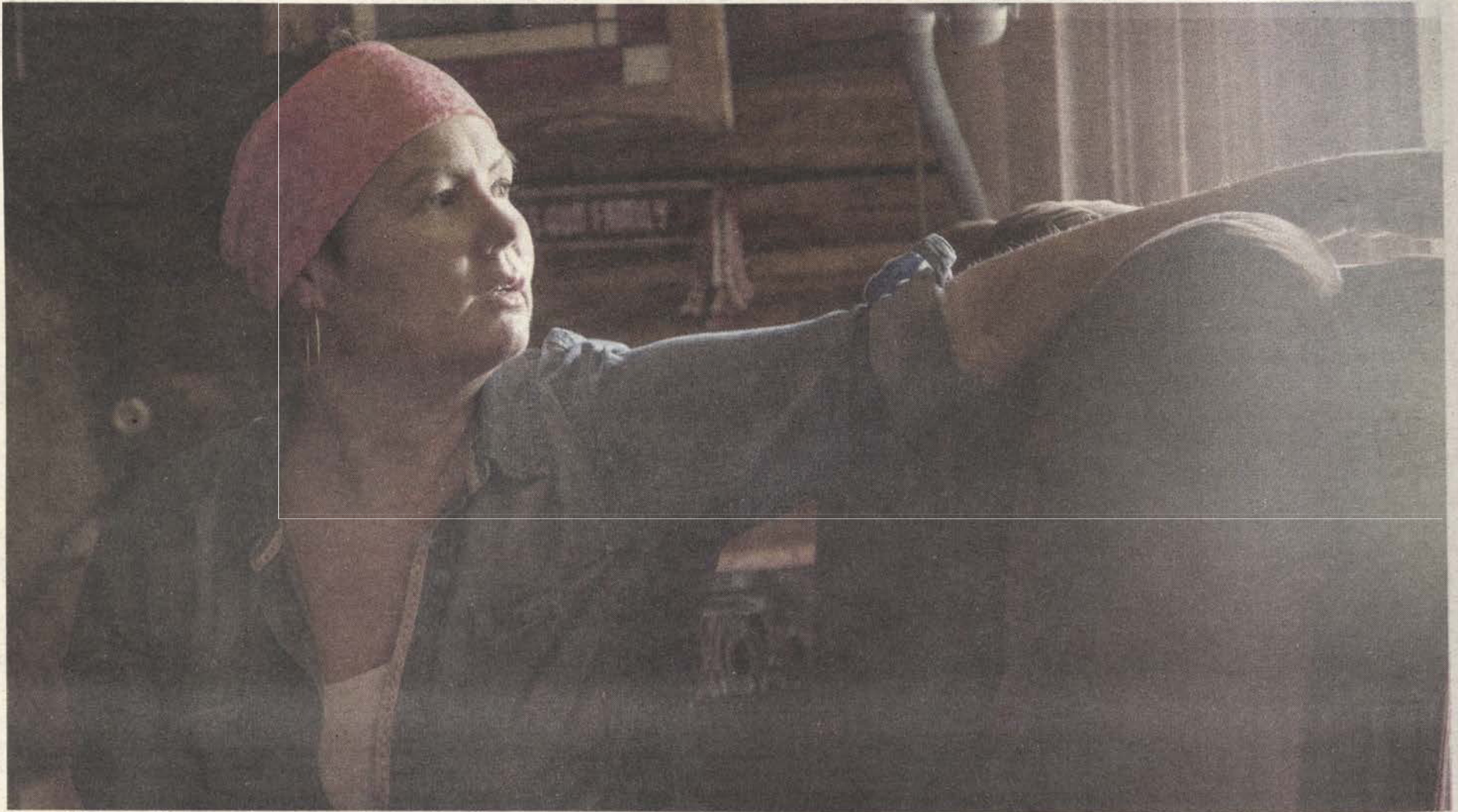
Many of the roads connecting the two ends are unpaved and unnamed, but people who live there know their way around. Tucked in between a few of the hills are some of the larger, well-kept homes, some of which belonged to members of the tribe who were embezzling and used the money to make



**GOOD FOOD**  
S T O R E

1600 S. 3rd St. West  
Missoula 406.541.3663  
[www.goodfoodstore.com](http://www.goodfoodstore.com)

CONTINUED ON NEXT PAGE



Javon Wing works as a tribal grant writer for the Chippewa Cree tribe on the Rocky Boy's Indian Reservation. It has been harder for the tribe to secure federal grants since the federal government's four-year investigation into the mismanagement of tribal funds.

home improvements.

The rural area, coupled with the lacking infrastructure, makes the tribe's current grant situation unique. Although the Chippewa Cree's grant status hasn't officially changed, their rapport with the government isn't great. Wing said this has made the tribe want to create stronger partnerships and more open lines of communication among the agencies. If the tribe were to be put on a cost-reimbursement basis it would have a huge impact.

"Right now, we depend a lot on federal grants and so I guess to take a hard hit like that, yeah it would be difficult. It'd be difficult to find the money for the different projects that we need," she said.

In the future, Wing would like to see the federal government provide

more technical assistance and guidance from the federal government on tribal grants. She said if they're dealing with a high-risk grant, they would like to be able to speak to the lending agencies about the exact steps needed to be taken off high-risk status and to smooth out the process. In order for the tribe to be removed from a high-risk status, they have to be compliant in other grants over a period of time, spending the money on what the grant was designated for. Eventually the tribe can petition the agency with which they are high-risk to ask for a change in their designation, Rostad said.

—◆—  
If he could go back, he wouldn't do it again. Instead, Ken St. Marks, Chippewa Cree tribal chairman, would let his tribe continue to fall into

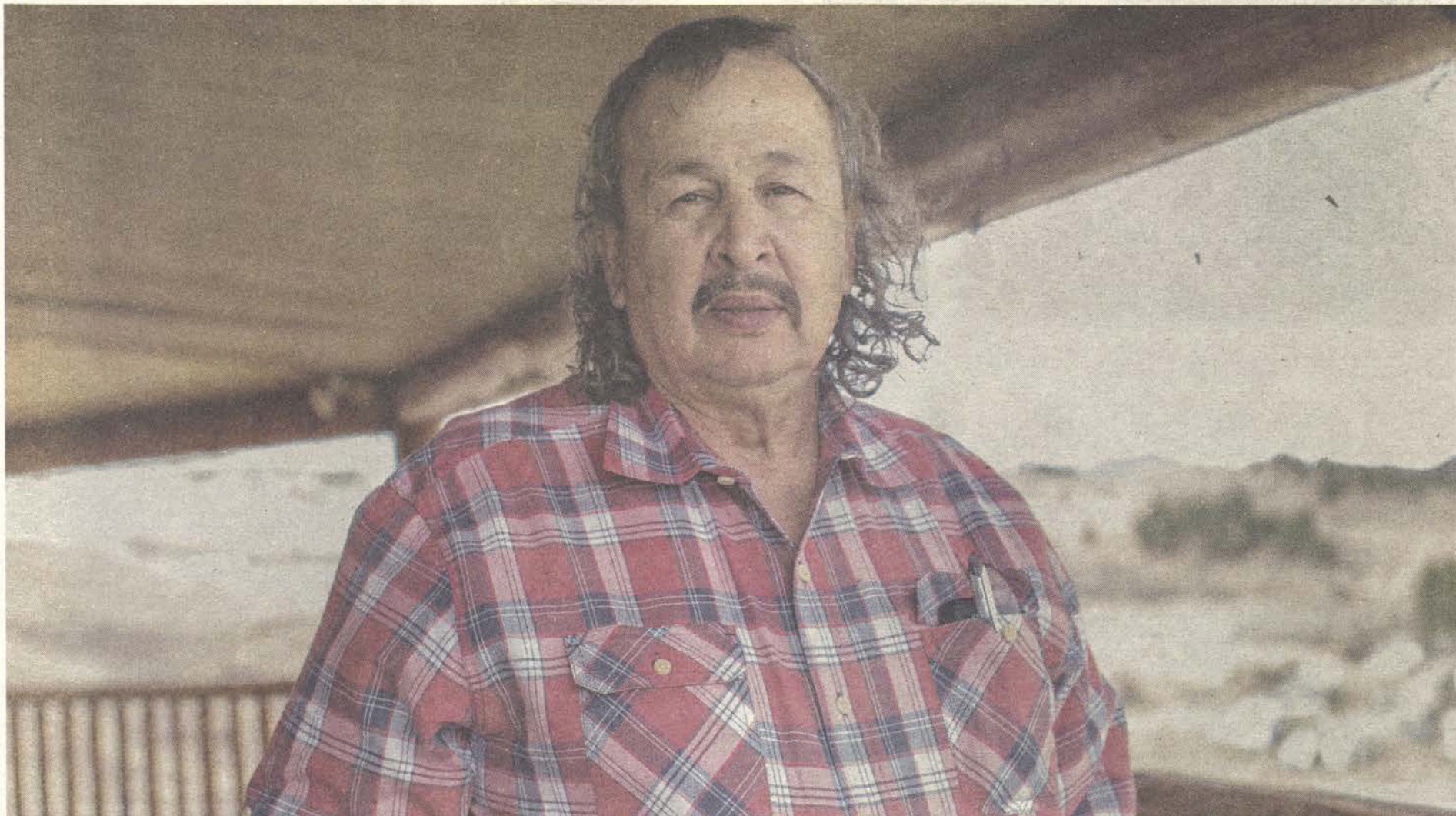
financial ruin. Stepping forward to try to fix the broken system cost him four years of his life. Four years he spent in courtrooms trying to clear his name and contest accusations of fraud, sexual assault, embezzlement and more. St. Marks went from owning a construction company to being one of the most controversial political figures on the reservation.

In 2012, St. Marks catalyzed the large-scale federal investigation, led by the Guardians Project, into the mismanagement of tribal funds on Rocky Boy's. He owned and operated a construction company, which was contracted in 2010 to work with the Chippewa Cree Construction Company. Over the two-year contract, St. Marks found that not all the money made was accounted for. He reported his findings to the

federal government, disclosing that the Business Committee, or tribal government, was mismanaging tribal funds, according to federal court records.

In December, a month after St. Marks was elected chairman of the Business Committee, he wrote a letter to the U.S. Bureau of Reclamation claiming the chairman's office would continue to investigate where federal grant money had gone, conflicts of interest and ethical violations of tribal entities and their members, according to federal court records. This set off a chain of events that ballooned into something greater than what most tribal members had anticipated.

As St. Marks investigated further, he came to realize that Business Committee members, prominent business owners and employees of the tribe were



A month after being elected chairman of the Chippewa Cree tribe Ken St. Marks told the federal government that tribal officials had mismanaged funds.

embezzling the money, spending it on private jets to Las Vegas, lavish parties, new vehicles and extravagant homes. A December 2013 audit of tribal funds found that almost \$13 million dollars, more than a third of which was federal money, was mismanaged by the Business Committee. Corruption had infested every entity on Rocky Boy's.

The next four years of St. Marks' life were turbulent. According to court records, St. Marks has been threatened repeatedly, both politically and personally.

He was removed from office as chairman three separate times. The first time was the result of a unanimous vote by the eight other tribal council members at a secret meeting. The council also took out a restraining order, barring him from his office. The council

said St. Marks would cause irreparable harm to the tribe, according to court records.

A week later, St. Marks was arrested and charged with trespassing while trying to attend a public meeting at the tribal office.

Still, three days later, he announced his intent to run in a special election for chairman, essentially campaigning to fill his renounced seat.

The Election Board cleared his candidacy but revoked it three days later. It was later reinstated after a legal battle.

In July, when the candidates for chairman appeared online, St. Marks' picture was digitally altered to make him look like a demon, and his qualifications for office weren't listed, according to federal court records. On July

30, St. Marks won the special election by 140 votes and was re-elected chairman.

It was during the short time after his first suspension that another Business Committee member approached all the members of the council proposing they kill St. Marks and burn down his house, according to federal court records. St. Marks has only served about one year of his four year term in office as chairman. And if he could go back, he wouldn't do it again. He wouldn't speak up.

"I kind of hate to talk about it because it gives our reservation a black eye," he said. "If I knew back then what I know today, I probably wouldn't have done it. I guess we would still be corrupt."

But things weren't difficult only

for St. Marks. Other council and tribal members said an oppressive tension hung in the air.

Dustin Whitford, a Business Committee member since 2012, said he would come to work each day not knowing who was being kicked off or indicted. One after another, council members, directors, CEOs and prominent tribal members were sentenced for corruption. Whitford said while the corruption was unfortunate, it was necessary for the tribe to start following its own rules and policies, and its exposure allowed the tribe the chance to move forward.

"It's been a hard test of will, of patience. It was a test on mental strengths, spiritual strengths, and everything that we went through as a tribe,

*CONTINUED ON NEXT PAGE*



Aimee Montes, left, and her sister Javon Wing walk outside to watch the sunset and throw a ball for the family dog, Shooter.

even though it was painful, embarrassing, I believe it was necessary. We had to experience that to move forward," Whitford said. "I think it was our rock bottom, where there was no other way but up."

As the number of indictments and prison sentences grew, the local and regional papers filled their pages with the latest name and dollar amount embezzled. And now that the indictments have slowed, the question of what's left and how to move forward for those still on Rocky Boy's remains. The fallout can be seen in the tension between tribal members' weariness of one another and their government, mixed with their desire to move forward.

"It's a hard thing. Some of these people that went to jail were my friends, but at the same time, just because they were councilmen, that doesn't give them the right to do what they did. And I believe that wrong is wrong and right is right," St. Marks said.

For some, the shakeup has been a blessing. Because of the shift in power on the council caused by the Guardians Project's involvement, Chase Watson now has a job at Gramma's Market as the butcher. The job allows him to save money to return to college to continue his studies. Before, Watson, 22, couldn't get a job on the reservation due to political unfairness, he said.

Watson said when he approached the council in need of help, either to fix his house or pay bills, he wouldn't receive any money, but people related to council members would. Watson said he's grateful St. Marks stepped forward because it's given more tribal members opportunities like his. He believes the ends justified the means.

"We can hope for a better future now that that's all out in the open," Watson said.

For St. Marks, the clean slate requires a future commitment to ensure the tribe proceeds in the right direction. The past four years may have shook him, but his desire to leave things in a better condition keeps

him coming back. This November, St. Marks will run in the election for chairman again. He hopes to eventually get the tribe to a point where he can walk away knowing the rules are set in stone and followed, and that there's equal treatment among tribal members. But until then, he'll stick it out.

"I really love our reservation. In the summer and spring of the year, it's the Garden of Eden," St. Marks said. "It's the most beautiful reservation you'll ever see, and it's home. It's what our people know as home." ♦



# A SEAT AT THE TABLE

**Politics and parity on the Flathead**

STORY by KATIE RIORDAN

PHOTOS by MADDIE VINCENT



**I**t was a first for the tribes. At a community dinner in April, Flathead Tribal Chairman Vernon Finley stood in the shadow of the Mission Mountains in the town of Pablo to offer a rare political endorsement.

"As a body, we haven't endorsed specific candidates because politically, we need everyone's help," Finley said into the microphone, addressing the rapt crowd gathered at an outdoor space in the heart of the Flathead Indian Reservation. "But today the tribal council of the Confederated Salish and Kootenai Tribes stepped outside of that and voted to endorse Denise as the next representative for the state of Montana."

The gathering of roughly 150 people—a blend of tribal members and other local residents—erupted in applause followed by the echoing affirmation of drumming.

Denise Juneau, who had served nearly eight years — the maximum allowed by state law — as the Montana superintendent of public instruction, stepped forward and took the microphone. Daylight dipping behind her, the 49-year-old and descendent of the Blackfeet tribe who grew up in Browning had her sales pitch ready.

Dressed in a pale blue blazer with a pair of sunglasses resting neatly on top of her chin-length hair, Juneau spoke about her track record. This included, she said, working for all Montanans.

She told the crowd about her initiative, Graduation Matters. She said the program led to historic high graduation rates across the state, and cut the Native American dropout rate by a third.

Then, she tailored her message to for the immediate audience. She reminded everyone that her position made her the first Native American woman ever elected to a statewide executive position anywhere in the United States.

"Think of what that means," she said.

"We get one voice for one million Montanans and that voice should actually reflect the diversity of this state," Juneau said, drawing on a line she has routinely used to acknowledge Montana's significant Native American population.

"In this election, with all of your help, I will be the first American Indian woman to serve in Congress, ever," Juneau said, emphasizing the final word. The crowd erupted in applause.

Juneau, a Democrat, is vying for Montana's sole House seat against Republican incumbent Ryan Zinke, a former Navy SEAL veteran, who has held the seat since 2014.

Juneau deftly maneuvered through the event in Pablo, emphasizing her need for both a broad electorate throughout the state as well as the more targeted Native American vote, which in Montana has become an increasingly necessary demographic.

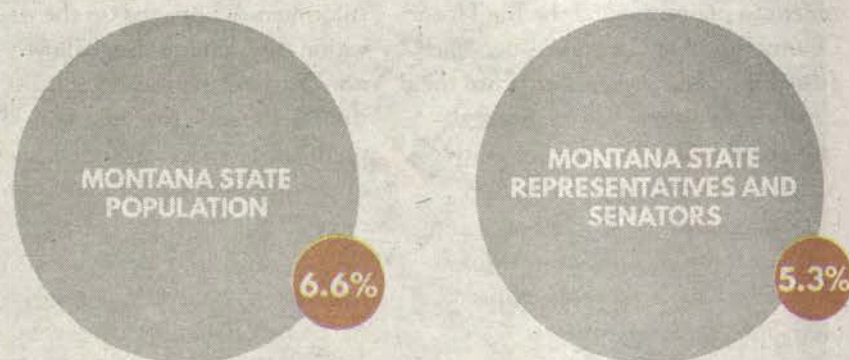
Nationally, Native American representation in D.C.'s policy-making positions leaves much to be desired. Out of a 535-member congressional delegation, only two members, just under .4 percent, identify as Native American. This is paltry, if not severely uneven, considering that the U.S. Census reported that Native Americans made up about 2 percent of the country's population in 2013.

In Montana, where Native Americans are the largest minority group, the representation is much closer to equal.

The state's 150-member legislature includes eight Native American representatives, about 5.3 percent. This is just under the 6 percent Native American population reported statewide. In fact, the state legislature has a robust, nine-member American Indian caucus, which includes the eight tribal representatives, that has been building momentum for decades.

The American Indian caucus has made Montana the envy of practically every other state in the union with a Native American population, said Mark Trahan, a journalism professor at the

## PARITY IN THE LEGISLATURE



Native Americans make up Montana's largest minority group, accounting for 6.6 percent of the state's 1,023,579 total population in July 2014. The legislature almost reflects that. Eight of Montana's current 150 state representatives and senators, or 5.3 percent, identify as American Indian. Source: State of Montana legislature data, 2015-2016, and U.S. Census Bureau

**PREVIOUS PAGE** Candidate for U.S. Congress, Denise Juneau, begins her campaign tour on the Flathead reservation. Juneau traveled to each Montana reservation to gain support as she runs against Republican Ryan Zinke. Juneau says her campaign is about building bigger tables, not walls, as she represents all people of Montana. Photo by Brontë Wittpenn

University of North Dakota. Trahan has been writing extensively about Native Americans and politics.

"It is exceptional," Trahan said. "No one else comes close to this kind of parity."

While other states, including Oklahoma and New Mexico, elect more Native American legislators, they also have larger Native American populations, making it harder to reach parity, or an equal percentage on the legislature as in the population, Trahan said.

Whether this level of parity in Montana is the result of a more politically-inclined Native American voter bloc or a simple anomaly caused by the physically widespread population, candidates, in both local and statewide races, seem more aware than ever the sway of Montana's Native American vote.

Candidates in elected offices are waking up to the collective power of Native American voters to swing elections in Montana. High-profile figures like Democratic Sen. Jon Tester have credited Native American voters with their election victories. And Juneau said she needs "Indian Country to turn out"

for her to win.

Juneau is a candidate with many qualifiers. If elected, Juneau would be the second woman to ever fill the seat. The Harvard graduate is also the first openly gay candidate to run for Congress in the state. Furthermore, she could end an almost 20 year losing streak for Democrats looking to turn the seat blue.

"She's a viable candidate and she represents all of the issues that we find important," said Finley, who has served as chairman of the Confederated Salish and Kootenai tribes since 2015. "And more importantly than that, you can trust her word."

Before 2000, achieving today's Native American representation numbers in Montana's legislature would have seemed nearly impossible. That's the decade when the hard-fought creation of "Indian-majority" voting districts really began to take hold.

These districts, of which there are now six for House seats and three for Senate, were drawn in compliance with the federal Voting Rights Act. But not without a fight.

In the late 1980s, Native

American plaintiffs sued the Big Horn County Board of Commissioners and School Board. The plaintiffs, from the Crow and Northern Cheyenne reservations, alleged their votes for Native American candidates running for local offices like the school board and board of commissioners were diluted in county-wide "at-large elections" that overlapped the reservations.

Using the federal Voting Rights Act, which mandates that minority populations like American Indians have a fair opportunity to elect the candidate of their choice, the plaintiffs won and smaller districts were drawn for local elections.

"After the Windy Boy case, the tribes started to pay attention," said Pat Smith, a lawyer who specializes in Native American affairs and is an enrolled member of the Assiniboine tribe.

Smith said rather than risk more federal lawsuits, policy makers began to examine state legislature districts and consider some where blocs of Native American voters, like those on reservations, could be safeguarded.

Following the 1990 census and the proceeding redistricting process based on the new population number, an initial five House and one Senate Indian-majority districts were created. Another Senate seat was later added.

But the Flathead reservation presented a unique problem for the commission designing the districting maps.

The representation afforded by Montana's American Indian caucus doesn't always conveniently provide a tribal voice from each reservation. For example, the Confederated Salish and Kootenai Tribes have not, in recent memory, had a tribal member elected to the state legislature.

In large part, this is because the Flathead, the state's westernmost reservation, is a singularity of demographics.

It's the only reservation in the state where non-tribal members outnumber Native Americans. The 1904

Allotment Act opened up the reservation for homesteading, allowing for non-Native American settlement and tipping the scale toward a non-Indian population. Today, tribal members are outnumbered by more than two-to-one.

In order to preserve the Flathead reservation's Native American vote, the state's legislative districting commission proposed House District 15, which would span parts of the Blackfeet reservation encompassing Heart Butte and cut down the east side of the Flathead reservation.

The vast expanse of the district made it ripe for critics to suggest it was an overstep. And so the district was twice-challenged in the 9th Circuit Court of Appeals throughout the 1990s, Smith said.

"It was the hardest fought district in Montana's history," he said.

The court eventually decided that the district boundaries were acceptable, prompting inclusion of House District 15 in Montana's 2003 redistricting plan and handing a huge victory to Native American voting rights.

As District 15 became a permanent outline on the state's map, the legislature's American Indian caucus began to climb. Another Indian-majority Senate district was also added to include House District 15 and House District 16, which sprawls the northern part of the Blackfeet reservation.

For the past 16 years, largely as a result of these Indian-majority districts, Montana's Indian caucus has fluctuated between five and 10 members.

It has proven crucial as a powerful swing voting bloc, said Joey Jayne, a Democrat and former member of the caucus. She served as a House representative from 2001 to 2008 in one of several voting districts spanning the Flathead reservation that wasn't originally drawn as an Indian-majority bloc.

"The tribes depended on us," she said. Jayne is Navajo but has called the Flathead her permanent home after marrying a Confederated Salish and



Denise Juneau, a Blackfeet descendant who is running for U.S. Congress, was honored at the 48th annual Kyi-yo Pow Wow in Missoula on Saturday, April 23, 2016. If elected, Juneau will be the first Native American woman to serve in the U.S. House of Representatives.

Kootenai tribal member more than 20 years ago.

In her tenure, Jayne said she and her colleagues worked on bills and appropriations for a wide range of issues that affect Native American communities. This included expanded funding for health care, initiatives to curb racial profiling in law enforcement and a push to incorporate more indigenous history in school curriculums.

"Native American [voices] are essential," Jayne said about the need for diverse backgrounds in elected offices. "You are going to know their needs. We share like values and life experiences."

But Jayne also prides herself on her ability to represent a wide variety of constituents, a mantra she, like Juneau, is employing as she looks to re-enter the political arena.

After an eight-year hiatus from politicking in Helena, and a failed Senate bid in 2010, Jayne is once again running for a Senate seat.

Her district, 47, stretches from just south of Polson on the Flathead reservation down to just north of Missoula, encompassing a diverse constituency. In at least one of the two House districts that comprise Senate district

47, there is a 25 percent Native American population, according to a 2013 districting report.

It's not completely uncharted territory. A large portion of the Senate district includes voters she already served as a House representative.

"I have a history of representing everybody," Jayne said.

The lawyer and former justice of the peace in Lake County did defy odds with her first victory in 2000. She beat a Republican incumbent in a district that traditionally voted red.

To win her latest election—first a Democratic primary and then a tough battle against a Republican who most recently represented one of the House districts in Senate District 47—Jayne will once again have to build common agendas. She will have to prove she can represent a diverse voting bloc that includes Native American constituents.

"We cannot take for granted that I am Native and live on an Indian reservation that they will vote for me," she said. "You have to earn their vote."

Part of earning a vote is often convincing people to vote, Jayne said as her voter registration cards peak out

CONTINUED ON NEXT PAGE



Joey Jayne talks with potential supporters at the Mission Valley Auction in St Ignatus, Montana on April 9, 2016. Jayne is running in Senate District 47 this year. She served as a legislator for House District 73 and House District 15 from 2001-2008.

of her purse, swinging loosely from her shoulder. They are a weapon of sorts she carries with her, on hand in case she encounters an unregistered voter.

Across the board she combats voter apathy, but convincing Native American voters that their state representation matters takes some additional finessing.

"Tribal people know who their council people are, but they usually don't know who their state representative is," Jayne said. "I don't mean that as a criticism, that's just the way it is."

But it's something she and James

Steele Jr. have worked to convince people otherwise.

Steele Jr., a former tribal council chairman for the Salish and Kootenai tribes, has also run for the state legislature three times, most recently in 2014.

Now the director of student success at Salish Kootenai College, Steele Jr. initially made a state run in 2008 when he saw council members from other reservations also serving in the state legislature.

The Confederated Salish and Kootenai Tribes have long earned a reputation for wielding political prowess in

Helena through savvy lobbying efforts and sagacious tribal government leaders. But Steele Jr. draws a distinction between having direct representation at the decision-making table and advocating from the outside.

"You can lobby. You can have someone else speak for you. That's fine, and we have been able to be successful at that," he said. "But to me, it's really important to have that opportunity for a tribal citizen to be able to represent the people of our community in the legislature."

Steele Jr. lost all of his races in democratic primaries. He isn't completely surprised. The seat he ran for twice is in the Indian-majority bloc, House District 15. That seat has traditionally gone to someone from the Blackfeet reservation. Historically, Blackfeet have had slight population advantages in the bloc and turned out their voters in higher numbers, Steele Jr. said.

But redistricting lines drawn in 2013 have moved the slight population advantage to the Flathead reservation, Smith said. The lawyer, who specializes in Native American affairs, added this should make the district more competitive.

Regardless of numbers, Steele Jr. said the real battle is convincing his community that their vote matters, especially at the state level.

"These local offices and legislatures often times become the governors, the senators, the presidents," he said.

Anna Whiting Sorrell knows that her vote is powerful and spends a lot of time thinking about how politicians can earn it.

Whiting Sorrell, a Confederated Salish and Kootenai tribal member, has spent a significant amount of her career assisting others in elected offices. She served as the Native American outreach coordinator for John Kerry's 2004 presidential bid and later as part of former Montana Gov. Brian Schweitzer's transition team when he assumed office in 2005.

Now, as a pivotal election year looms, she is brainstorming ways to build accountability for Native Americans casting their ballots in mainstream elections. In March, Whiting Sorrell headed a forum in Helena, gathering female Native American leaders from across the state. This group created an incipient list of policy issues that Native American communities could use to generate agenda items they can leverage with elected officials soliciting their vote.

"It's not about winning the election, it's about what happens in their position, and how do we hold them accountable to the community they represent," said Whiting Sorrell, who also headed the Montana Department of Health and Human Services from 2008 to 2012.

At the top of Whiting Sorrell's list of demands of elected officials is the incorporation of more Native Americans into Montana's government workforce.

"It's not about Indians doing Indian work," she said.

As those like Whiting Sorrell look to bring clout to Native American communities through their vote, those like Juneau say they are paying attention.

As part of her state-wide campaign, in late April Juneau launched a tour of Montana's seven reservations and an event in Great Falls with the landless Little Shell Tribe. The Flathead reservation, where she gathered Finley's endorsement, was her first stop.

As Juneau shook hands and greeted enthusiasts sporting T-shirts emblazoned with "Team Juneau," she kept a watchful eye for unregistered voters. Her campaign manager was nearby with a stack of voter registration cards.

"There is power in the Native vote," Juneau said. And that's a power, she added, that is still coming to fruition. ♦

## Boom Swagger

Mon-Thur  
9:00 - 7:00

Fri  
9:00 - 6:00

Sat  
9:00 - 4:00

A diverse salon  
for a diverse Missoula



boomswagger204



boomswagger204



# MINING FOR VOTES

**How coal powers politics in Crow Nation**

STORY by PEREGRINE FRISSELL

PHOTOS by FREDDY MONARES



Winters PlainBull takes care of Autumn Charges Strong's baby during basketball practice. PlainBull receives a scholarship for managing the woman's basketball team at Little Big Horn College. He said children are the future of the Crow and wants to come back after getting his degree in elementary education. PREVIOUS PAGE Darrin Old Coyote, center, sits on a panel at the Montana Energy Conference on March 31, 2016 at the Radisson Hotel in Billings. Old Coyote spoke about the big opportunities that coal provides for the Crow reservation.

**W**hen Dana Wilson was a young man, he thought politicians dressed sharp, had big guts and wore cowboy hats, even if they weren't cowboys.

Today, Wilson is vice chairman of the Crow Nation. He dresses sharp, has a big gut and wears a cowboy hat. They compliment what is almost a handlebar mustache and he speaks with a truncated drawl that could be from a wild west movie.

He is a big man, with thick arms and a barrel chest he developed working for 15 years at the Apsaalooké coal mine before he went to college. He calls himself "kinda the coal guy."

"I was always a rock hound when

I was a kid," Wilson said. "Pick up a rock and that's cool. Just the allure of it. Maybe I'll find a gold nugget, or maybe I'll find a diamond."

As a tribal leader, Wilson still hopes to find wealth in earthly sediments. Coal is his new diamond and Wilson is sitting on a lot of it.

Leaders on the Crow reservation have been angling to stake the tribe's economic future on the coal that lies beneath tribal lands. However, overall demand for the resource is plummeting. Spearheaded by federal regulations, opportunities to export the product to better markets in Asia are rapidly closing.

Crow officials often speak of diversifying the tribe's revenue streams

by investigating and implementing other types of revenue-generating operations, but fail to back up that talk with action.

The Crow Nation, Montana's largest tribal reservation, sits on 2.4 billion tons of coal. The resource has become fodder, a common enticement politicians use to highlight the potential wealth therein as a carrot on a stick to curry public favor. It's not a difficult sell, considering the Crow Nation sees a truly dire economic situation with little hope of improving without big investments in other resources.

If the past has any predictive power, the coming November election will do little to help the tribe find or

develop new revenue sources. Without that, the candidates are likely to use nearly identical campaign strategies as the last election cycle.

That includes free food and Trump-style speeches filled with rhetoric and nepotistic promises.

The pressure has been exacerbated by the death of Supreme Court Justice Antonin Scalia. His passing breathed life back into the federal Clean Power Plan, which could cut Montana's carbon emissions 47 percent by 2030 and all but eliminate coal mining in Montana. It's legislation that Scalia, Tribal Chairman Darrin Old Coyote, and Montana Governor Steve Bullcock strongly opposed, and any high court nominee appointed by President

Obama, or a succeeding Democrat, will likely support.

The four big companies that develop coal in the United States, including Cloud Peak and Peabody Energy, have seen their net worth decrease by over 90 percent in the last five years, according to a 2016 report by Foreign Policy, a policy and business focused media organization based in Washington D.C.

In response to the proposed emission cuts, this past winter Gov. Bullock appointed Chairman Old Coyote to the advisory council, tasked with strategizing exactly how Montana will meet the more stringent regulations that could shutter the doors of Apsaalooké mine.

It's one of many appointments Old Coyote hopes will help him forge a future for Apsaalooké resources.

In late March, Old Coyote was a keynote speaker at the Montana Energy Conference in Billings. The conference, co-hosted by Montana Sen. Steve Daines, the Montana Petroleum Association and the Montana Coal Council, was the largest discussion addressing Montana's energy potential.

In his keynote address, Old Coyote said the Crow perspective concerning energy was different from many of those in attendance.

That difference began in 1825 when the Crow tribe signed a friendship treaty with the United States government. At that point, Crow lands consisted of half of Montana and half of Wyoming, an area renowned for its rich ore deposits.

In the 1851 Treaty of Fort Laramie, Crow lands were shrunk exponentially to about 8 million acres. Later, Congressional acts reduced the land the Crow held to the current 2.2 million acres by the year 1904.

Both Montana and Wyoming have profited off the coal that lies under what used to be Crow land in the ensuing 112 years. In tax revenue alone, Montana pulled in \$58 million over the last three years for exporting coal

out of the state. Half of that money goes to a fund that today holds \$953 million dollars and is used for economic development and infrastructure, including water systems, in the state of Montana.

The other half of the money is divided among several programs, including the general fund, state parks and the long-range building program accounts. Despite the fact that a large portion of it came out of former Crow country, the state's plan does not require any of the funds be returned to the Crow government or people.

That leaves the Crow Nation reliant on its sole mine, the Apsaalooké, to extract what remains of its former claim. The mine sits just Crow-side of the Bighorn River, past a fireworks stand and behind the low-lying hills from Interstate Highway 90. The mine is the largest private employer on the reservation. Since the first trainload of coal shipped in 1974, the Apsaalooké

has produced over 200 million tons of coal, according to Old Coyote.

But that's only about 8 percent of the coal that the Crow tribe currently sits on. The mine has a capacity of five-to-seven million tons per year, a rate that would take the Crow tribe 400 years to mine.

But those estimates assume no outstanding issues, a set of circumstances unlikely in the current political climate with a market quickly evaporating.

Dana Wilson is from a small reservation town south of Crow Agency. After high school, he went to work as an apprentice at the coal quality lab at the mine, where his interest in geology took root. He later earned a geology degree from the University of Montana in 2012.

Soon after, he was elected vice chairman, running on a slate with Darin Old Coyote, the current chairman.

Their term is up in November, and like other representatives in his government, Wilson is coy about whether he will seek reelection.

He does not deny that he and Old Coyote enjoy a strong support base, which he credits to them being "people-oriented." They play to traditional preferences their people appreciate, like playing hand games and driving modest cars.

Wilson said the intersection between tribal and state politics is minimal, but when they do interfere with each other it is rarely beneficial.

He said the biggest political issue his administration faces is lack of jobs. The Crow tribe has an unemployment rate of nearly 50 percent, 10 times greater than the rest of Montana. He also said he isn't sure how to combat that, but he hopes to promote small businesses.

"Instead of being the biggest employment source, we should be working



Sen. Sharon Stewart-Peregoy, D-Crow Agency teaches tribal politics at Little Big Horn College. Classes on the Crow reservation have a tendency to empty out after the seventh week of instruction when Pell Grants get distributed to students.

CONTINUED ON NEXT PAGE



Winters PlainBull sits in front of his health and wellness class at Little Big Horn College. He is transferring to Salish Kootenai College this fall, but he wants to come back to help educate future generations of Crow people.

on things that bring jobs in," he said.

In five years, Wilson would like to see a resurgence of the Crow language and expansion of the tribe's commercial buffalo herd. He would like to expand the national dialogue surrounding the Crow tribe beyond coal and have people refer to them as a meat exporter too. He would like people to consider that his legacy.

Wilson is responsible for two programs that created jobs on the reservation: A Crow language program and a bison herd. Today those programs don't employ many people, but he hopes that will change.

The language program culminated in a free app available for download on smart phones through the Google or Apple app stores.

Wilson said the Crow language is the best preserved of any tribe in Montana. Many sources say the fluency rate is as high as 80 percent, but most people on the reservation admit that it has plummeted among young people in recent years.

The app has a 4.9 out of five average reviewer rating on the Google app store.

"Now our children who didn't

grow up with the language can now learn on their own," said Shyra Three Irons in a review. "Litchiikbaa!"

Nikki Cloud, another reviewer, is hopeful the app will help her forge closer relationships with her family. "Now I can tease my cousins back and pray in my language."

The second effort at diversification involves developing the 2,500 head buffalo herd Wilson said his tribe owns. Wilson said Chairman Old Coyote assigned him the task of turning that herd into something more profitable.

Wilson got the herd insured, and the tribe is working on getting it approved by the USDA to sell meat to larger markets off the reservation. It's a long, arduous and bureaucratic process, but one Wilson hopes to have accomplished in the next several years.

In the meantime, he said the tribe plans to hire a tribal member to run a small business that can help it get that certification. He hopes if it goes well, that business can hire a couple more people.

Wilson said he and Old Coyote share a remote working relationship, something mirrored in the tribe's relationship with state elected officials.

He has met Congressional candidate and Blackfeet tribal member Denise Juneau several times, but appreciates the way incumbent U.S. Representative Ryan Zinke sits down and speaks with the tribe about its needs. Zinke makes Wilson feel that his issues are important, even if the Republican congressman doesn't follow through, and that makes him stand out over the actions of Democrats Juneau and Tester, Wilson said.

Wilson wants to get coal out of the ground, but the extra bureaucratic steps the Crow tribe has to take with the state government make it more difficult to nimbly navigate a volatile global market for coal.

Because of this, he said the Crow Nation cannot put all their eggs in one basket. He said he and Chairman Old Coyote both feel the tribe should have diversified 30 or 40 years ago, but it didn't.

That's the reality tribal leaders deal with today. They don't want all their eggs in one basket, but after four years they have only moved one or two eggs elsewhere.

Despite it all, Wilson remains optimistic about the future.

Even though state and federal politics could potentially decide the fate of the tribe's economics for him, Wilson hasn't watched many of the national presidential debates yet. He spent the beginning of April watching college basketball.

Lucky for him, he has his own superdelegate to make his voting decision for him. She's young, intelligent and more sprightly than most of the people Wilson works with.

It's his daughter in the eighth grade. They're pulling for Bernie.

"They are young men," said Sharon Stewart-Peregoy, who represents the Crow tribe as state senator. "I call them young men because that is what they are. Wet behind their ears."

Stewart-Peregoy makes Wilson look like a tall man even though he isn't. She has long, peppered hair and an ardent gaze she employs while teaching politics and education at Little Big Horn College in Crow Agency.

She said during the heyday of Crow coal development, several large companies came to the reservation to strike deals with current tribal leaders, all wanting a slice of the pie that Crow Nation sat on. That pie was packed with over two billion tons of coal, enough to power the entire U.S. for over a year.

A series of shortsighted decisions quickly turned that interaction negative.

Coal that was mined and exported from the Crow reservation sold for a fraction of the market price. Train cars shipped it out and the tribe was paid only 12.5 cents a ton, while non-tribal entities could sell a similar product for as much as \$14 a ton.

Stewart-Peregoy maintains leaders well before that era should have diversified the tribe's energy and economic portfolios, but since then the reasons have only become more apparent.

"These young men should have been really aggressive in looking at resources instead of running around

talking about coal this and coal that and making backroom deals," Stewart-Perego said.

She asserts that data exists supporting the development of solar and wind energy projects on Crow land, but the only alternative energy the tribe has chosen to look at is a hydroelectric dam.

Stewart-Perego teaches a course on tribal politics at Little Big Horn College, and sees promise in her students. She thinks a critical step on the road to reforming their constitution is to implement increased education requirements for any chairman.

Winters Plainbull is a successful soon-to-be graduate of Little Bighorn College. He spends time between classes wedged in a small booth in the college cafeteria, talking with friends about what comes next in life.

"There is no future for the Crow tribe if Crow coal stays in the ground," he said.

Plainbull is tall, expressive and kind, and a social connector. Everywhere he goes, someone shouts his name and they exchange nods of greeting. He is on scholarship as a manager of the women's basketball team and boasts that he has 1,400 Instagram followers.

He, in many ways, reflects the problem today's Crow youth are experiencing. PlainBull's drive to participate politically is coming to a crescendo, but

information about the nexus of tribal, state and national politics remains hard to access and put to political use.

Plainbull recalls being told who to vote for in previous elections by an older family member standing over his shoulder as he filled out his ballot.

"Vote for him," they said, "because he's your cousin."

Coal is not the issue he wants to hear candidates debate in the coming November election. That's mostly because there will be very little debate. Tribal members agree that any successful politician needs a pro-coal platform as a foundation, but candidates disagree on how to spend proceeds the coal could generate and aren't made to disclose those opinions to the public during election season.

Coal is a distraction, a red herring that encourages candidates to out-coal other pro-coal competition. In the end, they all ignore the more nuanced issues distinguishing them that their electorate actually cares about.

PlainBull wants to hear emphasis put on education. Throughout his time attending school, he felt the reservation hasn't been a supportive place when it comes to getting a degree.

He said at the beginning of the year his teachers tell him to look around. They tell the class they expect less than half the students will still be there after student refunds from scholarships and federal Pell Grants come

back partway through the semester.

After he graduates this spring, PlainBull plans on leaving the reservation to pursue his bachelor's degree.

He would like to see a candidate who has been to college, someone who would be able to promote it.

Plainbull shares a sentiment held widely in his community. In the eight years since the Crow tribe officially adopted Barack Obama as a member, PlainBull said it feels like the politician has turned his back to the tribe.

"Obama was supposed to do so much for us," he said. "We all elected him, and then he didn't."

PlainBull can't articulate exactly why, but the excitement surrounding Obama's grace on the campaign trail has worn off and he is disinterested in federal politics. He doesn't plan on voting in the 2016 presidential election. The disgrace local politicians bring to their tribe makes him feel just the same.

"I regret all of it. The chairman before [Old Coyote] was my uncle, and he messed so much up. They are spending money foolishly," PlainBull said.

"They put up outdoor basketball courts with glass backboards. Kids broke them, and now there are no backboards. It shows we're American and everything, but we don't need to spend \$15,000 on a pole to show that," PlainBull said, referring to the poles that held up the glass backboards.

"We're Native Americans, I feel like we could make our own pole that big."

Geraldine Bull Chief is a classmate of PlainBull, also set to graduate this spring. After class she congregates in the same area of the cafeteria as PlainBull. She talks in a different circle but the topic is the same. She is quieter and more reserved than her classmate, but no less fierce in her beliefs.


She feels similarly hopeless in the search for a political candidate who could lead their nation out of the dark.

"I guess you could say aboriginal people are very dependent," Bull Chief said. "Right now we are dependent on coal, but if that is gone, what would we be dependent on next? The coal is where the money comes from. We already sold the land."

"The way I see it, the Crow tribe runs on coal," Bull Chief said. "Other tribes have other resources, but the Crow tribe runs on coal." ♦



Four teepees stand outside the Custer Battlefield Trading Post on the Crow reservation.



**BUTTERFLY HERBS**

—◆—

**THE ESSENCE OF MISSOULA**  
COFFEES TEAS HERBS SPICES  
UNUSUAL GIFTS

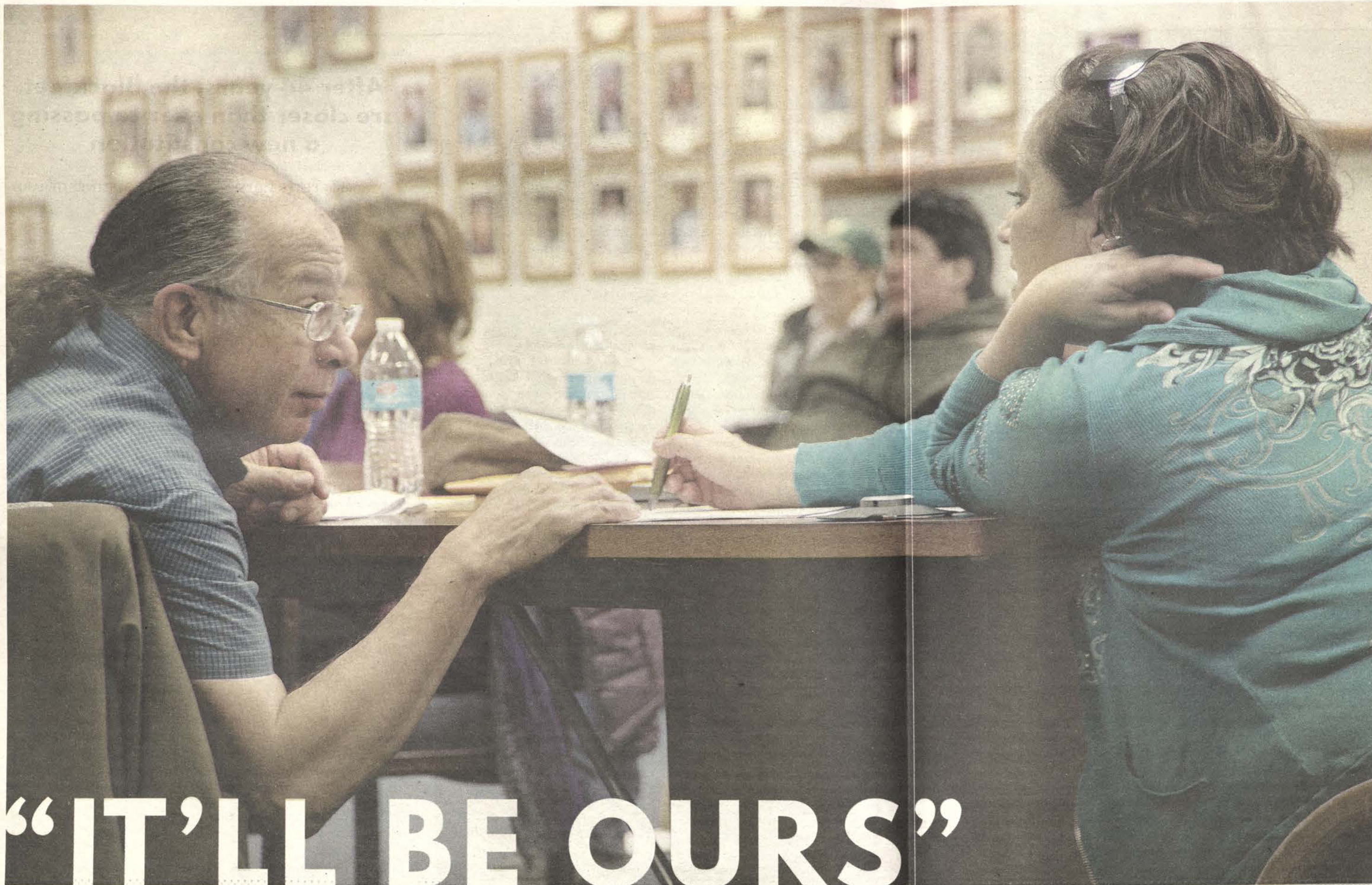
Montana's Original Coffee House

MAIL ORDER

toll free  
1-888-728-8780

**232 NORTH HIGGINS AVENUE**  
**MISSOULA MONTANA**





“IT’LL BE OURS”

## After 44 years, the Blackfeet are closer than ever to passing a new constitution

STORY by PETER FRIESEN PHOTOS by COURTNEY GERARD

**I**t's a *Tuesday night* in Browning, Montana, the most populated town on the Blackfeet Nation.

The Blackfeet Tribal Business Council chambers sits, half-lit, as tribal members gather underneath the bison, deer and elk heads hanging on the walls, with photos of former tribal council members overlooking the room.

There are 22 people gathered in the council chambers, a mostly older, but diverse group who are, by day, maintenance workers, professors, lawyers, council members, tour guides and secretaries. But by evening, at least on Tuesdays, their work here could have far-reaching implications for the future of their tribe.

CONTINUED ON NEXT PAGE



Mary Johnson recently retired after a 10-year stint as the superintendent of the Browning Public School District. She is one of a core group that attends the weekly constitution reform meetings.

PREVIOUS PAGE Joe McKay talks with Penny Bird Rattler during a reform meeting. The open dialogue and conversational demeanor helps attendees who have little to no experience in politics or legislature. The group works hard to cultivate understanding.

Following a prayer and a quick meal of rice, pork and banana cream pie, along with generous amounts of coffee, councilmember Joe McKay stands up to begin the meeting, interrupting small talk about Donald Trump and Hillary Clinton.

The room grows quiet as Scott Carlson, a Blackfeet appellate court judge, presents the specifics of judiciaries in England, the U.S. and other tribal governments in a dense PowerPoint presentation.

Eventually, members of this group will have to choose which, if any, of the judicial systems the Blackfeet Nation should adopt as one of its government branches. But not tonight.

"I'm not here to pitch a system to you," Carlson said. "I'm here to explain how some of these systems work."

Carlson pointed out the corrup-

tion in the tribe's current court system.

Since there are no checks and balances, there's no accountability for the court to answer to what the council or the public want them to do, although the current constitution gives the council oversight of the court, including its appointments.

"How do you build that accountability in though?" asked Mary Johnson, a community member.

"That's the point of this whole exercise," McKay replied about the effort that would make this nine-seat council extinct and cost him his job.

One old man in the very back appeared to be asleep for the last hour of the 90-minute session.

McKay called this meeting a "food for thought night." The next week would be more discussion-based. Tribal members could debate, outline and

vote on a judicial system for the third of their three-branch constitution.

This group has met every week since February of this year to rewrite the Blackfeet Nation's constitution. It's a reform long-needed and twice-tried, and there's a cautious optimism this time around. A majority of the council has promised to let the people vote on the new document. Neither of the previous constitution reform efforts made it that far.

The Blackfeet Nation is rebounding from a low point in its political history, an era when administration lost its power and government lost its meaning.

In 2012, the tribal council split over issues regarding elections, enrollment and embezzlement, among other problems. This division led to an almost two-year period with two

revisions of the tribal council trying to run the tribe at the same time.

"Change is really, really hard to do and we have to convince people to change," McKay said.

The tribe's current constitution was adopted in 1935, as part of the Indian Reorganization Act. A boilerplate document, the constitution was written as generally as possible, so it could apply to the over 100 tribes that adopted the document, said Ian Record, director of the Partnership for Tribal Governance of the National Congress of American Indians.

He's seen a groundswell of reform movements in recent years, even from tribes without Reorganization Act constitutions, led by disillusioned tribal members.

"Ultimately it's about the nation and the citizens talking about, 'Where

do we want to go as a nation?" Record said.

Although many tribes have passed one or more amendments to their general constitutions, very few have been able to institute a new document. There's no comprehensive data on how many IRA tribes have passed new constitutions, numbers Record said he's wanted to gather for a while now.

Despite a lack of successful reform, Record doesn't think the ideology and education that comes with progressive movements goes to waste; rather it informs the next group willing to try.

"There's no such thing as a failed constitution reform movement," he said.

The original boilerplate constitution was drafted with the intent to reflect traditional tribal governments, however, the one-branch council system actually overlooked them. The Iroquois Confederacy used a checks-and-balances system that influenced Thomas Jefferson, leaving the Blackfeet only one of many tribes struggling under a system that is easily corruptible and almost impossible to change.

"One of the biggest obstacles to changing tribal governments are the tribal councils themselves," McKay said.

In smaller, rural areas like the Blackfeet reservation, which sits in the northwestern corner of Montana, government workers and council members are family and friends as well as coworkers. Most grew up together. McKay said he can reprimand someone, but if they go down the hall and find someone to back them up, the consequences are neutralized, creating rifts within a council that isn't effective if it's not unified.

McKay said tribal members knew the Indian Reorganization Act constitution stunk from its adoption in 1935, but as time went on it became harder and harder to reform the system, as people grew used to the corruption and mismanagement.

"The government, the constitu-

tion, is really a bad habit that we've become addicted to," he said. "It will be a culture shock to people, because they've become so ingrained."

And now is the time to act, McKay said. The Bureau of Indian Affairs and the federal government are the least involved in tribal affairs they've ever been.

In fact, the U.S. government's overall hands-off policy has resulted in more federal support of tribal reform efforts. The BIA gave the Blackfeet a \$65,000 grant to pay for an educational informational tour, a January symposium and any legal or drafting fees that arise.

The BIA is so removed it's encouraged the Blackfeet reform group to pass an amendment eliminating the provision that requires federal approval of a new constitution, which would also require approval in an election overseen by the Secretary of the Interior.

The constitution committee hopes to assuage fear and suspicion by conducting meetings with complete

transparency. McKay is quick to note that this is more than a mere political promise.

McKay is right in assuming much of the Blackfeet population will approach a new constitution with cynicism. One of the most controversial issues in the original document led to the government shutdown of Blackfeet the last time a group attempted reform.

Transparency is essential for letting the tribe know that the committee is not going to address blood quantum, an issue that still dominates small talk about the constitution around town.

The committee decided not to deal with the blood degree law until after the tribe approves a constitution, one of the only concessions made in this effort. But they'll be in a better position to reform that controversial law with a more stable government.

Every week on the opinion page of Browning's weekly newspaper, the Glacier Reporter, McKay publishes each section of the constitution they draft in that week's reform meeting.

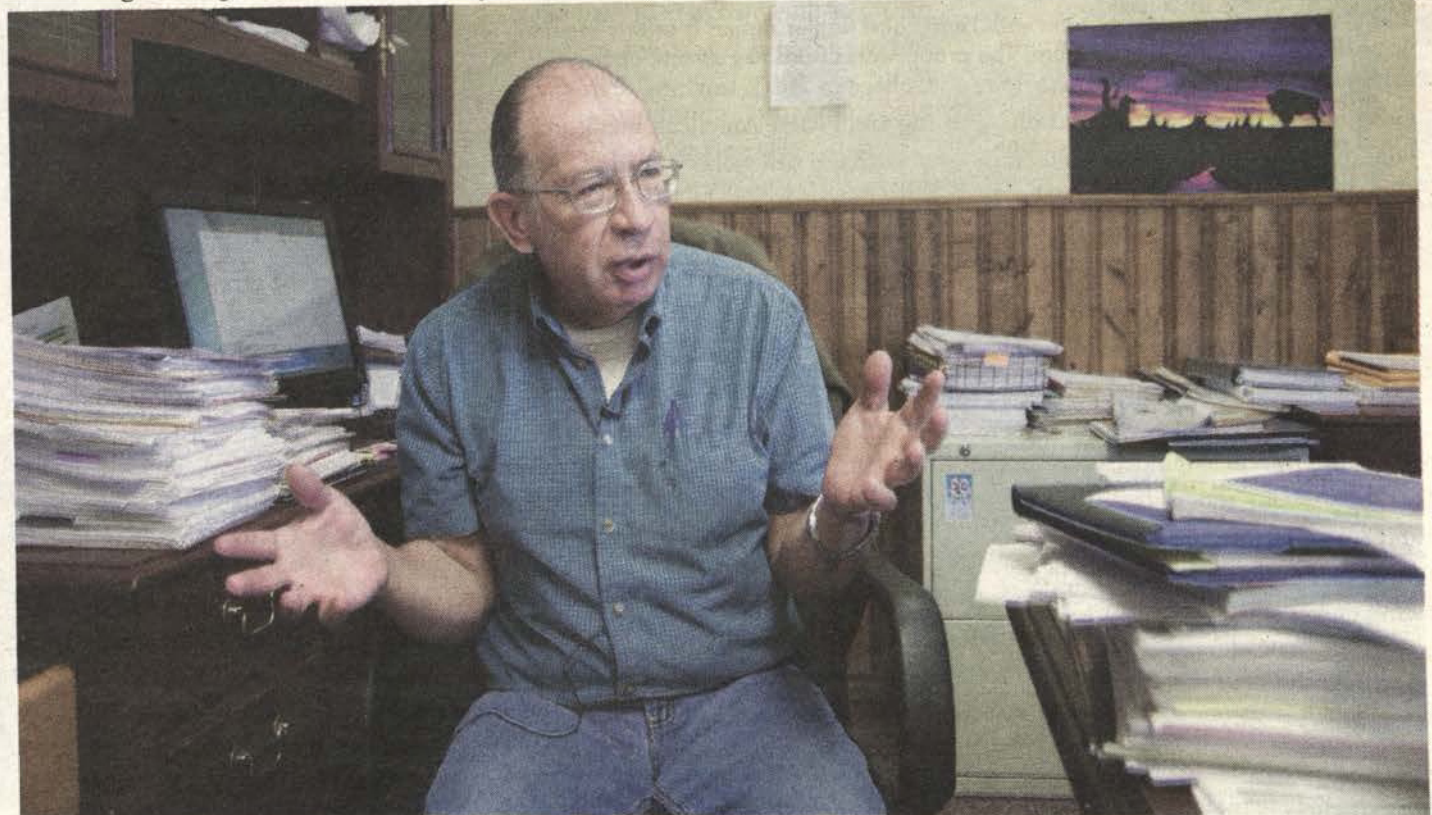
Everything is also uploaded to the Blackfeet Constitution Forum Facebook page.

"We're doing this in a way that ... shows we're not hiding anything," McKay said.

Those against the effort mostly make their opinion known on Facebook and the opinion section of the Reporter, although earlier this spring, several tribal members showed up to protest a meeting, one of the only public outcries against the movement.

In every 2016 issue of the Reporter sans the first three, a write-in comment, news article or survey ran about the new constitution, on the page next to local bowling league scores and opinion surveys taken on the website ("Do you think the current heat wave will end soon?" was a close one from last summer—54 percent said "no.").

Verena Rattler wrote in several times, informing those who didn't attend the meetings what happened, but with a skeptical eye. She didn't agree



Joe McKay is serving his third, non-consecutive term, on the Blackfeet Tribal Business Council. He ran for his current position for the sole purpose of initiating the constitution reform process once again.

CONTINUED ON NEXT PAGE



Darrell Norman, a traditional Blackfeet artist, works on an elk fetish in his studio just outside of Browning. The artist has been involved in the constitution reform process since the first attempt in the 1970s and remains optimistic.

with many of the final decisions.

In a Jan. 13 survey, 74 percent of respondents agreed that the current government needs changing, but on Jan. 20, 53 percent were “pessimistic” that the current effort would work, while just 33 percent remained optimistic.

“It’ll eventually happen, ‘cause we need a new constitution,” Woody Kipp, a political radical and professor at Blackfeet Community College said.

Kipp was at Wounded Knee in the early ‘70s being shot at by FBI agents and took over Alcatraz Island with the American Indian Movement, a left-wing group of young Native Americans who were struggling to return to their culture in the civil rights era.

The incident at Wounded Knee left Kipp disenchanted with the movement. He moved to Heart Butte, Montana, on the Blackfeet reservation.

He went to school, taught jour-

nalism at the University of Montana and was hired at Blackfeet Community College in 2003, teaching drama, writing and Native American literature.

Kipp still works outside the system, distrustful of the Blackfeet Tribal Business Council and Blackfeet Chief Earl Old Person, especially after taking part in the 2008 reform movement.

Kipp said he attended every meeting during that reform attempt, working from the end of class sometimes until midnight for two months drafting a constitution.

The tribal council didn’t let the people vote on the document, wiping away the whole effort with callous quickness. Kipp felt betrayed by the council, and when the most recent effort began in 2014, he wasn’t interested in trying again.

“I was very dispirited after last time,” he said.

Besides feeling undermined and

undervalued, Kipp isn’t sure there needs to be a whole new constitution. He’s backed off the full-on reform that he was committed to in 2008.

“All we have to do is tweak it. You don’t have to write a whole new document,” he said.

Among the group who believe a whole new document is necessary is Darrell Norman, who’s been trying to get the Blackfeet a new constitution for over 45 years.

He even tried to convince his friend to attend a drafting meeting. The friend was skeptical, but Norman was persistent.

“We’ve had the ability to study past attempts,” Norman said. “We have a more dedicated group, a more informed group.”

Norman knows those past attempts well. The first, dubbed “Charlie Conley’s Constitution,” after the Blackfeet member who spearheaded the

attempt, was in 1972.

Only five years after helping to found the National Association of Blackfeet Indians in Seattle in 1966, Norman was taking three days a month off work to travel to Browning to attend drafting meetings.

He was just over 30 and already intricately involved in modern Blackfeet history. The association was the first group organized to serve off-reservation Blackfeet Indians and kept the culture strong in the Seattle area.

Keeping the culture relevant was only one part of the Blackfeet Association’s work. They were involved in tribal politics as well, bussing Seattle Blackfeet to the reservation every summer to vote in council elections.

The Facebook group keeps those off-reservation members involved and up-to-date. Iva Croff, a graduate student at the University of Montana in American Indian Law and history, used

to work at the tribal elections administrator's office in Browning. She's living off the reservation for the first time in her life.

Croff is excited by the idea of a new constitution every time it's brought up.

"It'll be ours," she said with a smile.

After McKay served in the Blackfeet Tribal Business Council in the mid-1980s and again in the early 1990s, he was elected in 2014 after running a campaign for change. He represented tribal citizens and issues in many court cases as an attorney in between his council stints.

This intimate knowledge of the Blackfeet tribe's inner workings prepared McKay for his current work. After spending an estimated 90 percent of every day in his council office as a social worker, he works as the drafter of this new tribal constitution.

With a receding hairline and a long ponytail, McKay's lined, thoughtful face speaks to a never-ending uphill battle.

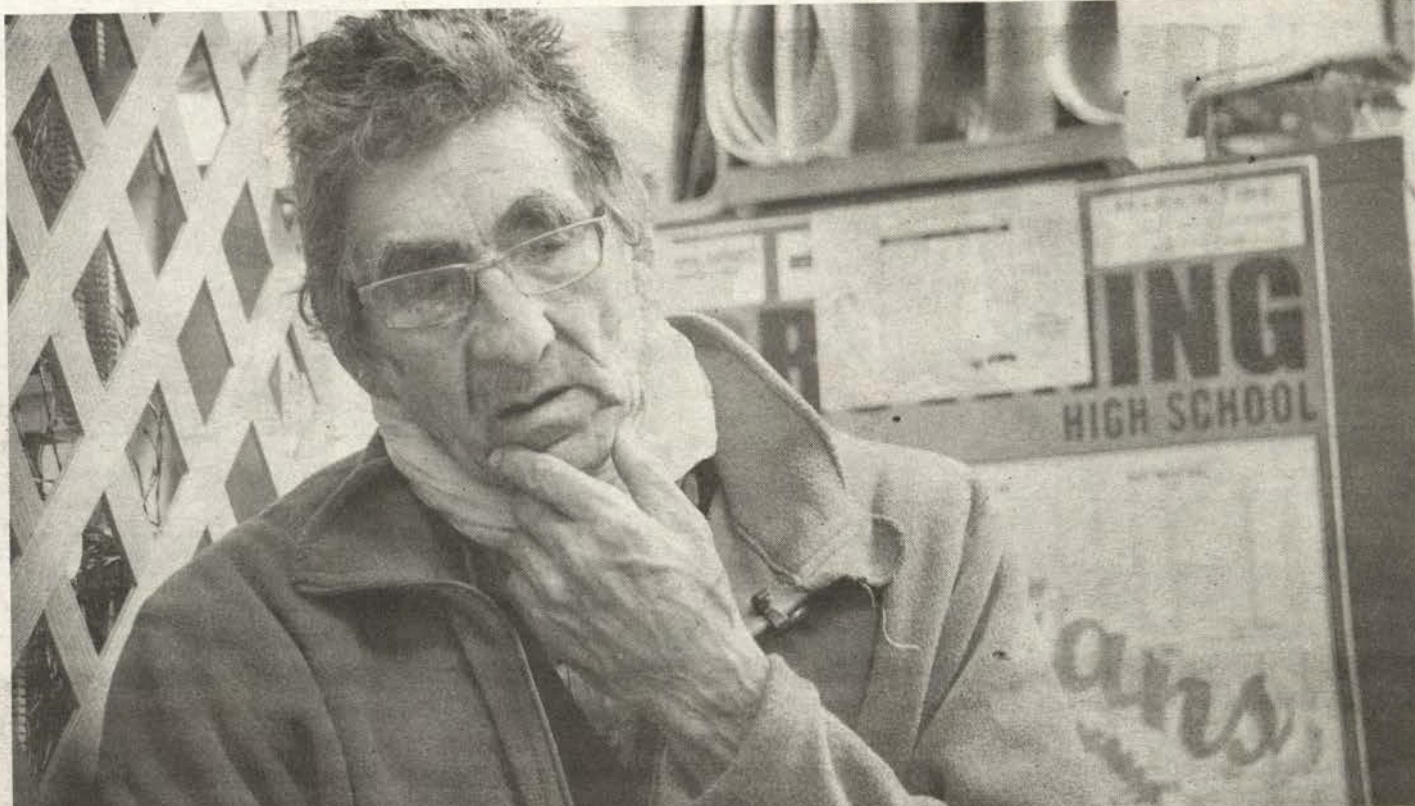
"If we took the governing documents of most tribes and compared them to how the government actually works, the two wouldn't be same," he said.

The old constitution states most ordinances, policies and laws enacted by the council are supposed to be reviewed by the Bureau of Indian Affairs. Now, unless the laws address trust lands, the Bureau doesn't bother.

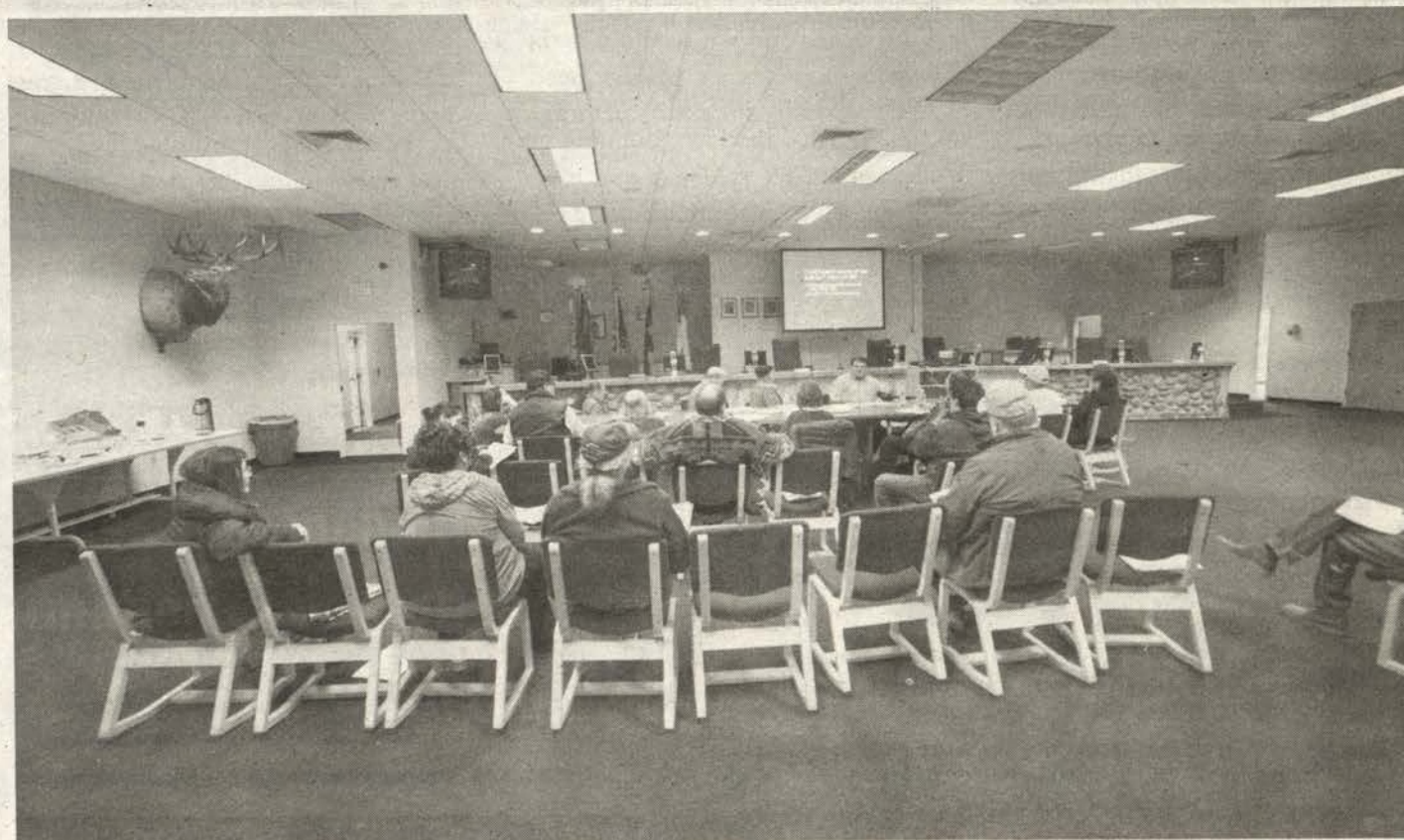
McKay said having tribal business so intertwined with the government — the governing body is called the "business council" — has only caused economic failure, as politics get in the way of capitalist advancement.

"Only when we take tribal government out of tribal business will we give our tribal business the chance to grow," he said.

In 2016, the tribal government was helpless in the face of Browning's bankruptcy, McKay said. Since Browning is under Glacier County, not the

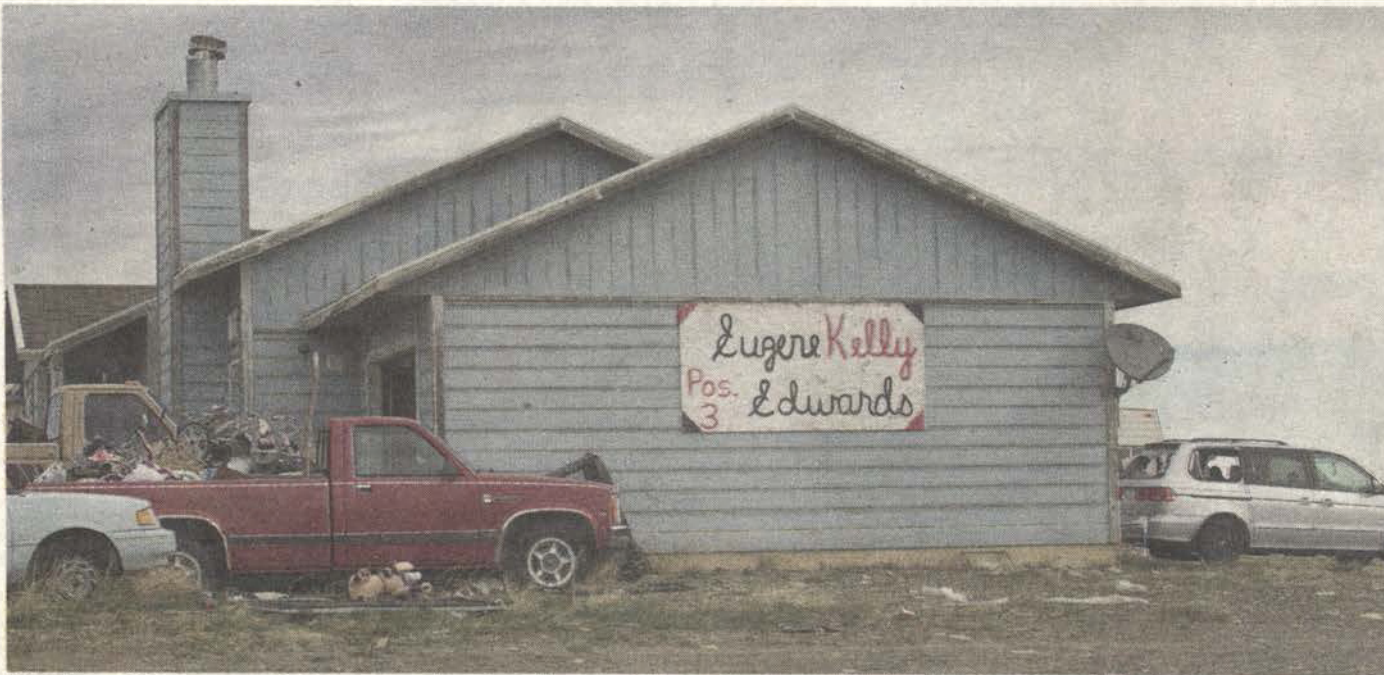


Woody Kipp explains the problems that the constitution reform has faced in the past. Despite previous participation, the Blackfeet Community College professor has decided he won't engage in the group's efforts as they attempt reform for a third time.



Community members gather at the Browning City Council Hall every Tuesday to work on the constitutional reform. They discussed possible models of the judicial branch and the following week they planned a formal discussion to begin drafting the document.

CONTINUED ON NEXT PAGE



Members of the community hang campaign signs from their homes in preparation for the upcoming tribal election.

Blackfeet reservation, the council had no oversight over the mismanagement of the city's funds, leaving the tribe a powerless bystander while the city's basic amenities were shut down and citizens refused to pay their bills.

No matter the outcome, this attempt at constitutional reform is purely a people-driven effort, even if that group of people is scant in numbers.

"Who is the group? It's anyone who shows up on Tuesday nights," McKay said.

A core group of around 15, who first met in October 2014, are the most consistent and dedicated reformers, but McKay said up to 30 show up at the weekly meetings. The Blackfeet

Constitution Forum page has over 500 members.

Harold Wippert was there on a Tuesday night this spring. He works as a maintenance man at the Blackfeet Care Center and was involved in the 2008 reform attempt. McKay roped him back in for the current reform discussions.

Wippert said he hasn't learned much new about government systems—that's mostly review from last time—but he is much more aware this time of other members' cautious attitudes about reform.

He said he didn't want to be what he saw as "a lot of gung-ho ones who really want to change, but when it

comes down to it, they haven't stayed involved."

Ed DesRosier, who owns and operates Sun Tours, wanted to represent small-business owners. He started attending only two weeks ago, but after following McKay's and others' columns in the local newspaper, he was encouraged by the initiative and effort to improve the government.

McKay said the group represents the tribe pretty well in terms of demographics, except those under 30.

"That's because they expect us to do it for them," he said.

McKay said older tribal members are more involved because they've lived under the Indian Reorganization Act constitution so much longer and are more aware of its shortcomings.

Of those that attend the meetings, most believe they're doing the right thing for the next generation; an elder-led reform that lives to see its children and their children be members of a functioning, accountable government.

Martin Norunner is an enrolled member of the Blackfeet tribe living in Great Falls. He grew up on the

reservation and owns his own business in Missoula. Right now, he is a full-time father, while his wife works as an attorney.

"This is something that's going to be affecting future generations of the tribe," he said. Norunner has three children all under the age of five.

With little education in law or government, Norunner asks his wife and other members of the reform group for explanations if he's confused or doesn't understand a particular issue before going to the next meeting to debate it.

At one meeting, after some debate that seemed unsolvable, the group was ready to just go home. McKay said that was fine, but they weren't moving on to the next section until they'd come up with a draft. No problem would be left unsolved.

McKay remembered when George HeavyRunner stood up to address the group.

"What I see are a bunch of leaders who stood up to challenge and to take on this burden for the community," HeavyRunner said. "Whoever's out there that opposes this, they don't have a proposal on the table. We have a proposal on the table."

The group has a rough timeline in place for the document; they'd like to submit a draft to the BIA by June, before tribal council elections later that month. McKay thinks they can meet the deadline.

After the document is submitted, the hope is that the council will finally let the Blackfeet tribe vote on a new constitution, one that promises to change only for the better.

"When it's all done ... most of us are going to go home and go back to our lives and leave it to another generation to lead under a new system that maybe gives them a better chance than we have today," McKay said. ♦

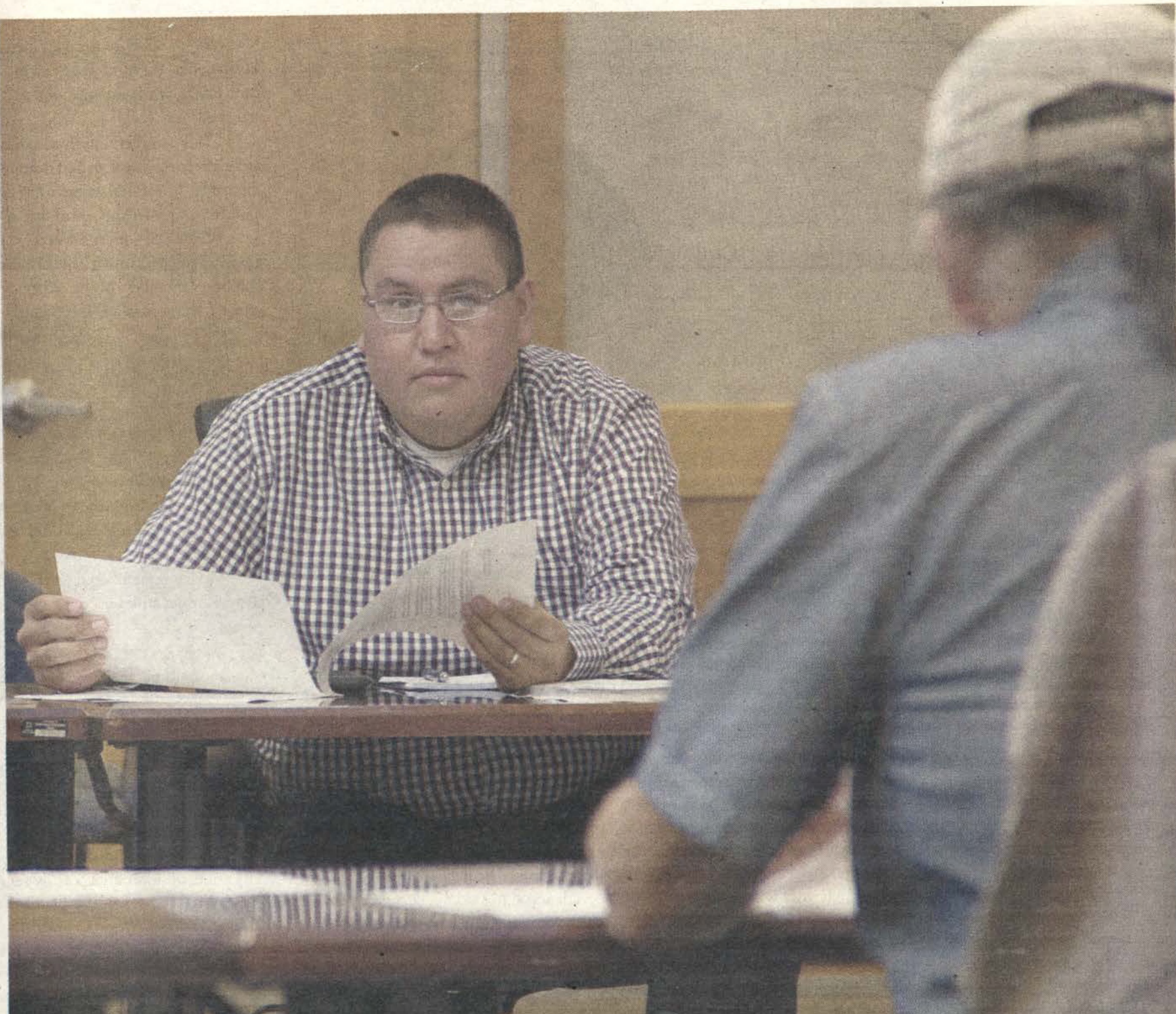
UNIVERSITY OF  
MONTANA

dhc

DAVIDSON HONORS COLLEGE

We inspire, challenge,  
and support motivated  
students from all  
majors at the  
University of Montana.

www.dhc.umt.edu



# DISTANCE LEARNING

**Engaging and educating the youth of the Northern  
Cheyenne reservation**

STORY by JOHANNA BERNHARD

PHOTOS by TAILYR IRVINE



Shelby King, 12, reads a book on the bus during her hour-long commute to school. While Shelby reads, other children use the time to get a little more sleep. PREVIOUS PAGE Tribal Councilman Sheldon King wants to provide activities and educational opportunities for Northern Cheyenne youth.

**T**he school said she was doing fine. At seven years old, Shelby King was in the midst of the first grade. She thought everything was alright, even if what she remembered was playing with Barbie dolls and watching movies.

Halfway through the school year, it became evident Shelby King wasn't learning. It turned out her teacher was unqualified to teach such an integral level of foundational education. In fact, her father, Sheldon King likened Northern Cheyenne Tribal School to a "daycare with no curriculum."

Shelby King couldn't read.

While students usually learn to read in the first grade, and Shelby King gave no previous indication of a learning difficulty, the news was alarming because of the source. The Northern Cheyenne Tribal School notified

Sheldon and his wife Salley King that their daughter had underperformed on the Measures of Academic Progress, a standardized test that measures students' performance and growth in key subjects.

"My wife was very upset," Sheldon King said. "We were told one thing and then they told us she couldn't read."

The King's pulled their daughter from the Northern Cheyenne Tribal School in Busby and transferred her to St. Labre Indian School in Ashland, 20 miles away

Shelby's experience at her local, tribal school wasn't an anomaly.

While the achievement gap for students in most ethnic groups and their white counterparts has decreased since the early 2000s, the gap between Native American students and white students remained the same, according

to a 2013 report from the Education Trust, a D.C.-based nonprofit advocacy organization.

According to the report, only 18 percent of Native American fourth graders were considered proficient or advanced in reading, compared to 42 percent of white students. Likewise, while students' reading levels increased across all ethnic groups between 2005 and 2011, the level of fourth grade Native American students remained flat.

Many parents on the Northern Cheyenne Indian Reservation choose to send their children to schools off the reservation in order to receive a better education.

Sheldon King sits on the tribal council in Busby and the Northern Cheyenne Tribal School board. He has hopes of engaging the youth and improving his hometown's education system, but faces bureaucratic detours

and criticism that his actions belie his intentions.

"It's more of a power trip," Dana Eaglefeathers, Busby's district chairman, said of King's mission to fix local education while simultaneously sending his children to St. Labre Indian School. "There is no concern for the kids, no help and he is not invested enough to care about the school or the welfare of the kids."

As a student, King went to the Northern Cheyenne Tribal School. When he returned to the reservation from Billings six years ago, he wanted to send his children there too. Today, he lives across the street from the ageing blue and white building in Busby.

Upon returning, his first concern was his own children. He wanted them to receive a quality education, which now means getting them up at 5.30 a.m. and putting them on a bus for 40



minutes to attend St. Labre.

The King's 8-year-old son, Sheldon Jr. is in the fourth grade at St. Labre. He has the reading proficiency of a sixth grader, his father said.

For now, King is faced with the long-term vision he sees for his community, which doesn't align with the short-term needs of his children.

"Busby was a top school in Montana 10 years ago," King said. "One day I hope to get it back up to that."

After witnessing the experiences his daughter had at the Northern Cheyenne Tribal School and the general lack of youth engagement on the reservation, King decided to run for tribal council in 2014. The incentive was 'Busby Strong.' His focus: The youth.

In January 2015, the tribal council appointed King as a school board member for the Northern Cheyenne Tribal School. Since then, he has been working to fix the holes in school's administrative system and provide the youth with more educational and recreational opportunities.

"I made that vow to always take care of the youth and that's what I do," King said.

The challenges facing Northern Cheyenne Tribal School are many. A tight budget coupled with a lack of experienced teachers and fluctuating enrollment means the problems are complicated and not easily fixed.

Montana public schools are run by the U.S. Department of Education, whereas tribal schools across the nation are run by the U.S. Bureau of Indian Education. Although the schools are governed in similar ways, they are funded differently. Tribal schools receive funding from federal grants based on student enrollment numbers.

The Northern Cheyenne Tribal School is a K-12 tribally run school, funded by BIE grants.

Superintendent Loverty Erickson would not release details of the tribal school's funding. However, according to a document published by the tribal council, in 2015 the BIE granted the Northern Cheyenne Tribal School

\$60,000 from the U.S. Department of the Interior, and the Office of Special Education granted an additional \$168,000 from the U.S. Department of Education. A total of \$228,000.

King's wife Salley is a sixth grade teacher at the Northern Cheyenne Tribal School, where she said there isn't just one issue.

The tribal school's tight budget leads to limited resources. There is one textbook for each class, which is shared among the teachers. The pages are photocopied and passed out for the students, Salley King said.

There are also no extra curricular activities for students, no drama club and no music.

Salley King has the second largest class with 25 students, including five with special needs. Some cannot read. She said there are teachers who don't want to deal with students who need extra time and attention, so they pass them through the system.

"It's easier for teachers to pass them than work with them," she said.

In the spring of 2015, the Northern Cheyenne Tribal School board sent its superintendent and human resources team to career fairs around the state in the hope of recruiting some decent teachers. The response was dismal.

According to a Bureau of Indian Education Division of Performance and Accountability annual report from the 2012-2013 school year, the Northern Cheyenne Tribal School filled all but one of its 23 teaching positions. Just under half, 11 of them, were new teachers. Before the end of the school year, two had quit and another six reported they did not intend to come back to the school the following year.

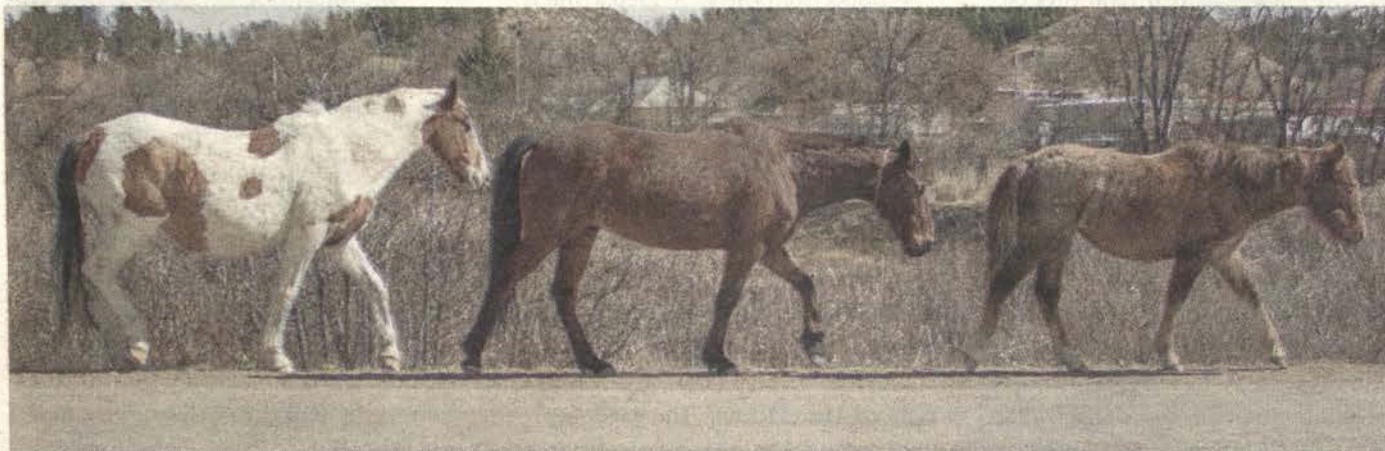
"Good teachers come and go," Sheldon King said. "Most people have no interest to move to rural Montana."

There are no retirement or health benefits for the teachers at the Northern Cheyenne Tribal School, no gas station or grocery store and Busby is 86 miles from the nearest city. Teachers stick around for an average of two years, King said.



Sheldon King waits for his children as they get ready for school. King's house is full of prom dresses and prom supplies as he and his wife prepare for their annual Belle of the Ball event. The Kings and other volunteers supply girls with dresses, makeup, shoes, manicures and a fashion show.

CONTINUED ON NEXT PAGE



Horses roam the Northern Cheyenne Indian Reservation. Councilman Sheldon King said that drivers don't worry about hitting deer on the highway, they worry about hitting horses instead.

The school's administration tends to hire young, underqualified applicants with no experience. King said during the past five years, the school has gone through four superintendents.

Current superintendent Loverty Erickson said, "there has been a low teacher turnover rate this year, for some reason," admitting this is an anomaly.

There are always a number of openings for teachers in physical education, special education, English and more, she said.

But not only the teachers come and go. Student enrollment at the Northern Cheyenne Tribal School fluctuates wildly.

During the 2012-2013 school year, there were 350 students enrolled at the school, Erickson said. Enrollment fell the following year to roughly 249 students but rose again to 280 in the 2014-2015 school year. At the beginning of this academic year, the

school reported 325 students enrolled.

The BIE report also indicates that the Northern Cheyenne Tribal School graduates less than half of its high school seniors with 41 percent of high school students graduating in 2013.

Nationwide, about 69 percent of Native American high school students graduate in four years, according to the Education Trust report. For white students, about 83 percent graduate in the same timeframe.

There are two schools on the Northern Cheyenne Reservation: The Northern Cheyenne Tribal School in Busby and the public high school and elementary school in Lame Deer. Ashland Public School, St. Labre Indian School, Hardin Public School and Colstrip Public School are located just off the reservation and are also popular choices among tribal members.

Established in 1884, St. Labre is a private, Roman Catholic school that

borders the eastern part of the reservation, approximately 20 miles from Lame Deer. With an annual budget of roughly \$46 million, the school is funded by private donors across the nation who use a direct mail plan to send their donations.

St. Labre Executive Director Curtis Yarlott credited the school's healthy funding to numerous factors that resonate with supporters: A faith-based education, a safe environment, good academic instruction, help for Native American communities and children and support for graduating students.

"We help to make a better life for the kids who attend our school," Yarlott said.

There are 725 students enrolled in K-12 on St. Labre's three campuses. The graduation rate between 2008 and 2013 was 92.8 percent, with a dropout rate of 1.4 percent, according to the school's website.

Although St. Labre is a private school, there are no entrance fees. Students are required to wear the school uniform, a purple t-shirt, which costs \$10. If families can demonstrate their lack of income, the school provides the t-shirt for free.

Yarlott said some parents choose to keep their children at the Northern Cheyenne Tribal School in Busby if there is an expectation for family generations to attend the same school, or if the family is not religious and wants to keep their kids closer to home.

Busby's District Chairman Dana Eaglefeathers has four kids enrolled at the Northern Cheyenne Tribal School, where he and his father also went to school.

It's a sign of community on the Northern Cheyenne reservation for all the kids to be enrolled at tribal schools, he said.

Eaglefeathers understands King's hesitation to send his children to the tribal school. He thinks as a member of the Northern Cheyenne Tribal School board, King should send his children to the school in Busby.

"It's almost cowardly to run the school and not send his kids there," Eaglefeathers said. "It's a big concern for the district and the Northern Cheyenne people."

Eaglefeathers wants to see a change in power on the school board.

In 2004, the Northern Cheyenne Tribal School board was changed to an ad hoc committee after the previous members mishandled the funds and fell into debt, King said.

"We almost lost the school because of them," he said.

The board now consists of three council members, the tribal education director and the director of Head Start.

Eaglefeathers, King and Oly McMakin, a tribal councilman on the school board, want the board changed so one person from each of the five districts on the reservation acts as a representative for the school and its students.

This would make the system more reliable and accountable, Eaglefeathers said.

The school board is revising the school's manual policies and working to rectify the financial misdeeds of the past, by 2017. That way, tribal members can be elected to represent their communities on the school board again, King said.

McMakin also sends his kids to St. Labre Indian School.

He was appointed to the Northern Cheyenne Tribal School board two

MISSOULA  
Independent

Free Thinking Since 1991



and half years ago with the hopes of creating a model school on the reservation, somewhere he could send his kids. During his four years as councilman however, McMakin said he has seen no change,

"I feel like a failure," he said.

The structure at the Northern Cheyenne Tribal School hasn't improved and he, like King, lacks faith in the administration. With the poor consistency in personnel and such a high teacher turnover rate, the students are suffering, McMakin said.

Among the tribal school's problems, is its close relationship to the tribal government. With three council members on the school board, parents continuously skip the chain of command in the school system, including the principal, and go straight to the council with their problems or concerns, McMakin said.

"We need to get politics out of the school," he said. "People run to us for the craziest reasons and say, 'I voted for you, help me.'"

Although tribal members may dispute some of the council's decisions regarding the school and the community, few can deny King's devotion to the youth and the projects he has implemented.

King said he wants to see younger members of the reservation earning degrees and gaining the skills they need to leave the reservation, find a job and eventually return home bringing business and knowledge back to their tribal community.

Every year, King hosts holiday events for the Busby community. He raises funds for Easter egg hunts, Mothers Day brunches and Christmas events.

But funding is one of King's struggles. The money he receives from the district has to be spent on projects involving solely the Busby youth. The majority of the money King pends on youth projects is his own so he can include all the youth on the reservation.

Last year, the Busby district gave



The Northern Cheyenne Tribal School located in Busby, has seen fluctuations in enrollment. Many residents of the Northern Cheyenne reservation choose to send their children to schools off the reservation for various reasons including better athletic opportunities and special educational needs.

\$1,500 to the Easter egg hunt.

All of the events have a common goal, to bring families together.

"If you can bring your community together, you can accomplish anything," King said.

Last year, Sheldon and his wife started a little league baseball team to occupy the youth during the summer months as there is little else to do on the reservation after the basketball season ends. That's when kids start causing trouble, King said.

Every year they raise around \$100 for the baseball team by standing on the side of the street in Lame Deer, selling pulled pork sandwiches and potato salads. That money buys equipment and merchandise.

For King and his wife, the baseball season also gives them a chance to interact with the youth and other parents. After Salley King warms up the team with a series of exercises, she goes home to prepare dinner. Last year 63 kids filled their house at the end of practice.

"What we give to the kids, we'll receive back from God. He'll take care of us," Sheldon King said.

In March, under the Native Youth Community Projects program, the U.S. Department of Education gave the Northern Cheyenne Tribal School a

\$140,000 grant as part of an initiative to help Native American youth become college and career ready.

Tribal Education Director Norma Bixby saw the grant as an opportunity to improve the Northern Cheyenne Tribal School. She said she saw the potential to create a national model for tribal schools.

As one of the founding members of the Tribal Education Departments National Assembly in Oklahoma, Bixby found two specialists Michael Pavel, the principal grant writer and external evaluator, and Julian Guerrero, the project director of the grant.

The purpose of the grant is to reduce segregation and improve collaborations between the tribe and external communities, Guerrero said. A transformation needs to happen. Education at the Northern Cheyenne Tribal School needs to be influenced more by technology and pushed into the 21st century, he said.

Guerrero and Pavel took a tour of the Northern Cheyenne Tribal School to assess how the grant will be spent. They conducted a series of inventories with the staff to decide how the NYCP program can be locally constructed to customize it to the needs of the school.

Guerrero was shocked by the school and described the situation as

"abysmal."

"The teachers are a bunch of misfits trying to run a school," he said. "Over 50 percent of the students have a below average reading proficiency."

Sheldon King said he would like to see how the grant benefits the tribal members and the community. He wants the kids to understand that there are more opportunities and different fields of work off the reservation and hopes the grant will reflect that.

King is working on his next project for the youth, a ski trip for all the older high school kids on the reservation.

"We are all one tribe, one nation," he said. "We are stronger as a community."

As a councilman, King said he has no regrets. He has the upper hand to get things done and that's exactly what he is doing.

Although he faces obstacles and the process of helping the youth is not happening as fast as he would like, he is confident that the changes he is making now will benefit the reservation in the long run.

"I am going to find a way over the wall and succeed," he said. "I am never giving up." ♦



# ACCESS AFFIRMED

**The fight for voting offices on Fort Belknap**

STORY by LANADA PEPPERS

PHOTOS by SOPHIE TSAIRIS



Sandra Boardman, Blaine County clerk and recorder, and Dolores Plumage, a Blaine County commissioner, explain alternative and satellite voting offices. Boardman and Plumage are working with the tribe to finalize agreements that will make voting more accessible to people living on the Fort Belknap reservation. LEFT Stephanie and Ivan Wing study the pictographs in a buffalo pasture beneath the Little Rocky Mountains. The Wings know every inch of Fort Belknap reservation.

**T**he walls of the Lodgepole Senior Citizen Center brandish the heads of various animals posed with semi-interested expressions as though the daily musings of the tribal elders captivated them even in death. Elders from the reservation village of Dodson gather here daily to eat lunch, play bingo and craft beaded jewelry.

In between the soft murmur of voices, Alpha Ironman, 75, talked about voting. Her sharp eyes closed for a moment as she sat, her proud, yet age-softened, visage deep in thought about the subject matter.

"Now we have a few people from our reservation or near who are in Helena so it's kind of important that we vote," Ironman said. "I think a lot of people now are realizing that their vote counts. I vote."

Ironman's daughter, Marlis Lone

Bear, patiently listened as her mother speculated about the national primaries. Lone Bear is short and to the point. She said she always tries to vote but doesn't know if it makes a difference.

Ironman and her daughter are members of the Gros Ventre and Assiniboine tribes residing on the Fort Belknap Indian Reservation. The people here have a great deal at stake during the average election year but especially this year, with national politics seeing a change in the federal administration, which would include heads of the Department of the Interior and the Bureau of Indian Affairs, both agencies that directly affect Indian Country.

On Fort Belknap however, a laundry list of roadblocks, including an unemployment rate as much as 10 times higher than the rest of the state and a vast rural landscape that could

mean hundreds of miles of travel, make voting impossible for some.

County and tribal representatives know this and want to improve voting access, but instead spent much of the spring caught up in bureaucratic negotiations over logistical information. For them, voting is important but the expense involved complicates everything.

#### Wandering Medicine v. McCulloch

The tribal community in Fort Belknap sits on the Great Plains just north of the Little Rocky Mountains. Remote villages lay miles away from each other and single houses sprinkle the countryside.

Here, long distance traveling is all but essential, whether it be for food, gas or medical treatment—often two or three times farther than non-natives must travel according to a 2016 study that analyzed circumstances surround-

ing voter denial in Montana's Indian Country.

According to the study, "An Analysis of Factors that Result in Vote Denial for American Indian Voters Living on Reservations in Montana," by Moana J. Vercoe and compiled for two Native American voting rights groups, nearly 20 percent or more of American Indians in Fort Belknap have not completed high school. The median family income on Fort Belknap is up to 50 percent less than whites in most counties. Family sizes on Fort Belknap are larger than whites, and a higher percent of these families live in poverty.

Put together, these factors result in the inability of Native American families to make it to the polls due to lack of transportation. Also, people tend to have more fluid addresses because of issues like constant relocation for work

CONTINUED ON NEXT PAGE

and school. Mail ballots don't work for reservation populations.

In 2014, satellite election offices were opened on the Crow and Blackfeet nations in Montana after Mark Wandering Medicine and tribal plaintiffs from Blaine, Rosebud, and Big Horn counties filed suit in U.S. District Court in 2012. They alleged that the counties failed to create offices that would allow late registration and in-person absentee voting for Native American communities.

The plaintiffs claimed this violated the Voting Rights Act. Ultimately, both parties settled and both sides claimed victory. However, many believed the settlement didn't go far enough to secure equal rights for Native American voters. According to the settlement, Bighorn, Blaine, and Rosebud counties would have to provide satellite offices on reservations.

The only binding document resulting from the Wandering Medicine litigation was the settlement agreement,

the legality of which is under constant scrutiny since only one plaintiff signed it. The other, a Fort Belknap tribal member, walked out of the courtroom before the judge set the terms of the settlement.

#### Alternative Voting Offices

Mark Azure, President of the tribal council, is known as the "buffalo president" because of his advocacy for the return of the bison to the Great Plains. Every legislative session, he is aware that he will be among those who argue against the anti-bison bills.

In May, the tribal council and Blaine County officials agreed to work together to satisfy the demands for equal voting access within the Fort Belknap Indian Reservation. The new resolution follows the terms of the settlement agreement ensuring the spirit of the Wandering Medicine settlement is maintained. The suit was the fruition of individuals who saw the need for change in the current voting system.

According to Sandra Boardman, Blaine County clerk and recorder, the county offered alternative voting offices as a substitute to the satellite election offices, like those being placed on other reservations across Montana.

Boardman said the reason the county must offer alternative sites as opposed to satellite sites are multifaceted. While both offices would offer absentee voting and late voter registration for a month prior to Election Day, the ballots must be issued in sequential order in every precinct per state law. In order to do so, the office must close and reopen or face purchasing two machines to ensure the ballots are issued sequentially, a \$44,000 expense. In addition, satellite offices would require three times the personnel, who would also need to be trained.

Dolores Plumage, one of Blaine County's three commissioners, said the county has had to look at the budget and the economics of change. She said their county has a small reserve and

they have to "make that dollar go as far as it can." The tribes also had concerns throughout the negotiations.

"For too long, whether through our own doing or with the help from the non-Indian, we've kind of been left out of the picture," Fort Belknap Tribal President Mark Azure said.

These types of offices are a new concept not only for Blaine County, but for counties nationwide, as no precedent currently exists. Marci McLean, of Western Native Voice, a social justice organization that works to strengthen Native American communities in Montana with voter registration and community outreach, is confident that as legislation catches up, the model for the satellite and alternative election offices will improve and ultimately aid in equalizing the vote for Native Americans throughout Montana and beyond.

The commissioners agree, guaranteeing that the negotiation between county and the tribes will be a 'living




Pictured: Sophie Tsairis. Photo by Lenny Peppers


# MONTANA Journalism


UNIVERSITY OF MONTANA

Proud publisher of  
Native News  
for 25 years.

jour.umt.edu

 University of Montana  
School of Journalism

 @umjschool

 umjschool



Minerva Allen sits in the craft room at the Lodge Pole Senior Center. In the past, informational meetings have been held at the center to explain candidate's platforms to elders who want to vote.



Alpha Ironman, 75, embraces her granddaughter Mason First Raised, 3, at the Lodge Pole Senior Center. Alpha Ironman would like to see more involvement in the voting process from younger generations.

document,' which can be altered and changed as legislation changes, and as more is learned about the offices.

"It will change as time goes on," Plumage said. "It's an opportunity. It shouldn't be us versus them. The county doesn't want to feel like that. I don't want to put the voters in between. It's not their fault. It can be done, and after it's done then it's going to be up to the political parties to get those voters to the poll."

#### Native Vote Matters

Ultimately, both the county officials and the tribal council have said they have the people's rights at heart. The next step is to ensure that the people will show up to the polls to vote.

The tribes are also working with Western Native Voice to increase voter education campaigns banking on national election years seeing higher voter turnouts on reservations throughout Montana. The goal for the tribe is to meet and maybe even surpass these goals.

"What a better way to exercise your voice than to get out and vote en

mass and see change actually happen," Azure said. "Give us the opportunity to show you that we will show up and register and that we will show up and vote."

Historically, the people of Fort Belknap have shown up and voted and this has made all the difference according to McLean. In fact, U.S. Senator Jon Tester and Office of Public Instruction Superintendent Denise Juneau credit their success largely to the Native American vote.

"A lot of the times we know that the Native American vote is enough to make up the win numbers for some elections," McLean said. "There needs to be an education component to educate people on why they should vote. What is the power of their voice and their vote when they cast the ballot? It's beyond checking that box."

McLean said informing the people of their options and helping them register can go a long way. Education is crucial, she said. If Native American people as a society aren't informed, they are not going to vote no matter how many sites are designated.

Blaine County Commissioner Charlie Kulbeck said that education is important but stressed that it starts in the home. He said that parents need to be discuss voting with their children so that they understand the importance of their vote.

"Maybe as the years progress they realize what value voting has and what it can do for their lives to have someone there that represents their ideals," he said.

The commissioners and Azure all concurred on one thing, however. They agreed that once a representative is elected, their feet need to be held to the fire so they keep in mind the people they stand for when making decisions that could shape the lives of the people on the reservation.

#### Attitude Matters

Back in Lodge Pole, just as the lunch rush was dying down, the door opened and the senior center coordinator, Minerva Allen, 73, joined the other elders for lunch.

"There's the boss!" announced Ironman, as the cook helped Allen to

her seat then rushed to grab her a tray of fish sticks and homemade macaroni and cheese.

Once filled in on the topic at hand, Allen joined the conversation happily. She said she has come to understand how candidates on every level can affect her people. She has seen it with her own experiences on and off the reservation over the years. She sat ignoring her full plate of food as she told stories of presidents and border-town racism, never once blaming the people, but the policies and attitudes of the past.

Now Allen said she thinks that change is coming, and that it's up to the young voters of the community to carry the burden of transformation and worries. She said unless they learn to inform themselves and vote, the burden may be too heavy to bear.

For Allen and the others caught in the fight for the right to vote, simply having a choice is essential to begin repairing the realities of the disenfranchised. The vote matters to the people of the Fort Belknap Indian Reservation. ♦

# A broader look...

Though Montana's three electoral college seats are rarely considered swing votes, the ballots cast by nearly 70,000 Native Americans are. Politicians on both sides of the aisle have credited their victories to the Native American Vote, but rarely do we see how reservation politics fit into the state's politics.

We looked at minority representation in the state legislature and found parity. We scanned the media to see what the 2016 presidential hopefuls are saying about Indian Country. And we talked to residents on Montana's seven reservations to hear what's they're looking for this election cycle. Here's what we learned.



**LELAND HUX SR.**  
CROW

"I want to see a democrat win so that way the minorities will have a chance to make a better living."

**ALLEN FISHER**  
NORTHERN CHEYENNE

"Every issue we have ties back into sovereignty and our status as sovereign nations. If one individual tribe diminishes their sovereignty, it diminishes all our sovereignty."



**JANELLE STANDS OVER BULL**  
CROW

"I think one of the most important things in the 2016 election is finding more fundings for the children that are here."

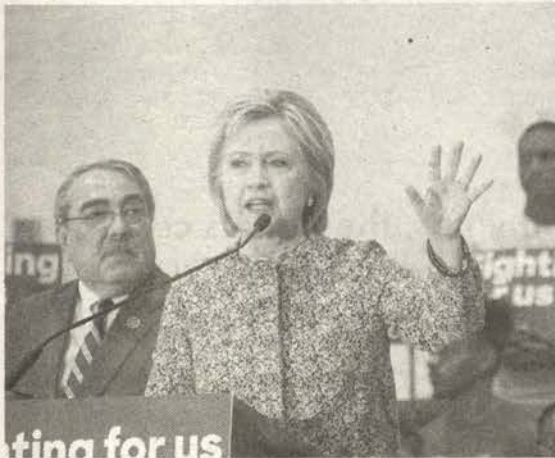
**CLAIRE CHARLO**  
FLATHEAD

"I feel two of the most important issues for the presidential election is livable wage and education."





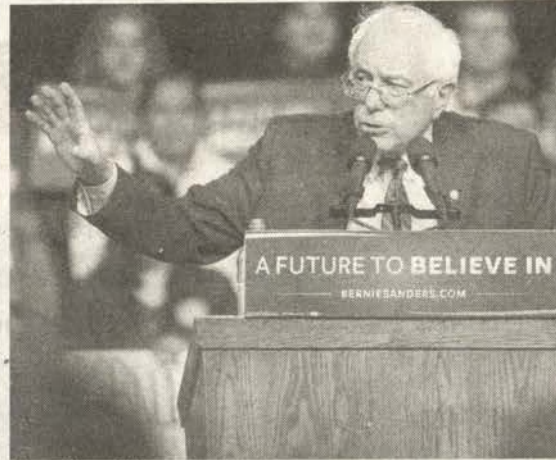
## HILLARY CLINTON



Nathania Johnson

- ◆ Named Charles Galbraith, Navajo, as co-chair of her Native America policy group. Galbraith managed the White House's relationship with 566 Tribal Governments and Native American people for the Obama Administration as White House Associate Director of Intergovernmental Affairs and Public Engagement.
- ◆ Clinton's eight-point Native American policy plan supports programs and initiatives to protect tribal assets and resources, combat drug and alcohol addiction, improve tribal education and commit to regular and meaningful consultation with Tribal officials in the development of federal policies that impact tribes.

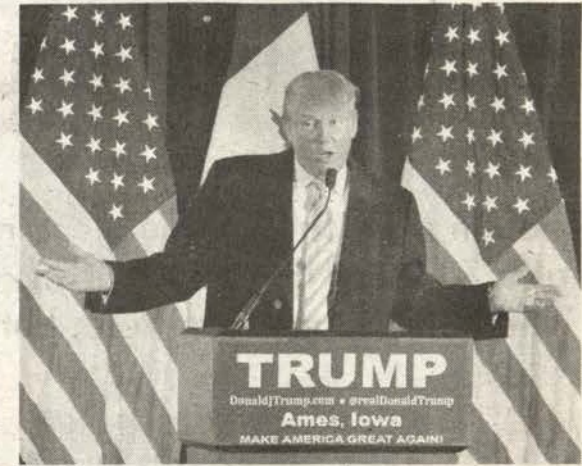
## BERNIE SANDERS



Evan Front/Montana Kaimin

- ◆ Named Tara Houska, Ojibwe, as Native American advisor. Houska is a tribal attorney in Washington, D.C., the National Campaigns Director for Honor the Earth and a founding member of NotYourMascots.org.
- ◆ Sanders' "Empowering Tribal Nations" position platform outlines a 12-point policy plan to strengthen tribal nations through protecting tribal sovereignty, improving healthcare for Native Americans and acknowledging racism by denouncing stereotypes and slurs.

## DONALD TRUMP



Mex Hanson

- ◆ Hasn't named a Native American policy advisor and currently has no position platform regarding Native Americans.
- ◆ Supports the Washington Redskins keeping the name and mascot, although many Native Americans believe the mascot is a racial slur.
- ◆ Repeatedly fought against Native American tribes opening and running casinos, at one time saying tribal members from the Mashantucket Pequot Nation in Connecticut "don't look like Indians to me."

New campus...

New programs...

New beginnings...

Decide your tomorrow  
at the NEW  
Missoula College



# MISSOULA COLLEGE

UNIVERSITY OF MONTANA

909 South Avenue West Phone: (406) 243-7852  
Missoula, MT 59801-7910 mc.umt.edu



# BARRED BY BLOOD

**More Fort Peck members are denied  
suffrage than vote**

STORY by HUNTER PAULI

PHOTOS by JAKE GREEN



Francis Bauer, right, waits for his mother, Joni McClammy, to finish pouring her coffee before leaving to run errands in Poplar, Montana. LEFT Francis Bauer, his son, Killian, and his brother Eddie spend the afternoon exploring the badlands just south of Poplar, Montana.

**F** Francis Bauer drives south in his brother Eddie's brown single-cab away from Poplar, Montana, the tribal seat of the Fort Peck Indian Reservation. The brothers, both in their late 20s, spend the afternoon exploring the country with Francis' son Killian, recently liberated from another spring break afternoon spent playing Grand Theft Auto in his grandmother's small basement apartment.

Francis stops the pickup at the reservation's border in the middle of the graffiti-covered Poplar Bridge spanning the Missouri River, and Eddie takes the wheel. Eddie was recently detained by tribal law enforcement for driving while on the do-not-drive list. He's been on it for six years, but still spends his free-time cruising a circuitous route along the back roads south of the river where tribal police can't touch him.

"One perk of associate membership is you still have the right to get thrown in tribal jail," Eddie Bauer says.

Like many tribes, the Assiniboine and Sioux tribes of the Fort Peck Indian Reservation define membership through blood quantum, requiring at least one-quarter Assiniboine or Sioux blood to be considered a fully enrolled member. The tribes' associate membership is an additional classification for those with less than one-quarter but at least one-eighth. However, these tribal members are all but confined to second-class citizenship.

Under the Fort Peck tribes' constitution, associate members cannot vote or run for tribal government and do not receive resources from the tribe. They do, however, still qualify for federal benefits as tribal members.

"I get more support from the federal government than I do from my own tribe," Francis says.

Despite their second-class status on the reservation, the federal government sees no official difference between associate and full members. Bureau of Indian Affairs census reports from the Fort Peck Indian Agency may not distinguish between the two but the tribal enrollment office keeps track.

According to tribal enrollment reports, there are more full members than associates, but the ratio is decreasing. More enrolled Fort Peck Sioux and Assiniboine are constitutionally denied suffrage on the reservation than voted in the last tribal election. If the tribal government doesn't change its membership requirements, the tribes could disappear on paper through miscegenation in only a few generations.

Light-skinned Native Americans catch flak across Indian Country for not-looking "Indian" enough, but on Fort Peck, tribal members of perceived significant mixed blood are denied ba-

sic civil rights if they cannot or will not prove a significant enough percentage of qualifying Indian blood.

The BIA definition of race is binary: Native American or not. State governments and the BIA don't recognize any legal difference between associate members and full members of the Fort Peck Assiniboine and Sioux tribes. It's a definition that only exists on the reservation and leaves associate members as a racial contradiction in legally disenfranchised limbo.

The brothers are a contradiction in and of themselves. Eddie wears a John Deere trucker hat and gives Francis grief for combing his hair, a modern high fade comb over. The wind will ruin all his work anyway. Francis wears Adidas and a poly-cotton University of Montana Grizzlies track jacket, Eddie a four-pocketed duck jacket and cowboy boots.

CONTINUED ON NEXT PAGE

Past the town's eponymous poplar groves, the rolling scrubland of the floodplain gives way to the exposed clay-rich hills of Makoshika – the badlands. Eddie isn't much for religion, but knows as much about the spiritual significance of the rocky terrain as its geologic history. Leaning through the car window, he points out the hills' rings of mica and shale punctuated by seams of black – coal Eddie says is too poor to burn profitably.

The region is rich in hydrocarbons, but the Fort Peck tribes failed to get much shale oil out of the ground before prices plummeted. The Fort Berthold Indian Reservation just across the eastern border in North Dakota made billions from fracking, but profits weren't equally distributed among all tribal members. If the Fort Peck tribes ever make significant money off extraction, associate members will never see the financial benefit.

Eddie takes the truck deeper and higher into the badlands before veering off the dirt road and driving cross country to the edge of one of many ravines, with Killian bouncing along in the bed. Wary of snake holes and cacti, the three dismount and descend the cliff face toward the valley floor. Killian scrambles up and down like a mountain goat, but Eddie takes his time, sore and winded from too many days of

working out in a row.

Eddie's years in the University of Montana's Native American Studies program, from which he dropped out six months ago, weren't for nothing. He quotes seminal postcolonial philosopher Frantz Fanon between asthma attacks, detailing how the author's theories of subjugating colonial identity and colonization of the mind manifest on the reservation and in himself.

"When I think, my thoughts aren't in Nakoda, they're in English. Our whole identity is defined in relation to colonialism and the pallid oppressor," he says.

Although they're both associate members, the Bauer's say they technically have enough Sioux and Assiniboine blood to qualify as full members. Killian too.

But the burden of proof for qualifying blood quantum falls on the applicant, and it's not easy. The first step is tracing one's family tree back far enough to find an ancestor on early tribal census rolls and determining the blood quantum of every descendent since then. Most of these records are not digitized and exist only in a ring of file cabinets within Poplar's sprawling tribal administrative building.

Francis says he applied six years ago but gave up after his application was denied. He says he wasn't ever told

why. Since then, his views on tribal identity have changed and he doesn't see his sense of belonging through the binary lens of blood quantum.

"People think blood defines culture," he says, "but blood is political, not cultural."

Although associate members are eligible to reapply every 60 days, Francis never does and says he never will. He's sworn off the concept entirely.

"I don't want to reinforce a dysfunctional system," he says.

Mike Turcott is a Nakoda language instructor at Fort Peck Community College. Despite carrying the weight of passing on Assiniboine oral tradition, the 42-year-old can't prove enough qualifying blood for full membership.

"Bloodwise, if you really want to be detailed and do the math, it's like nine one-hundredths, a really minute insignificant number that doesn't allow me to be enrolled as a full member," Turcott said.

He has enough Ojibwe blood to qualify as a member of the Turtle Mountain reservation in North Dakota, but he's never been there and considers Fort Peck home.

"Growing up as kids in the community, non-Indian people don't view us as full tribal members or associate

members, that's just an Indian person. But in the Indian eyes it varies, and that's just a personal choice people have," Turcott said.

Although restricting the civil rights of those with less qualifying blood is relatively new to Fort Peck, Turcott believes people on reservations tend to treat those with non-Native American features disdainfully because they embody the brutality of colonialism.

"That ugly history carries some resentment, so of course when you have some Indian people start to marry non-Indian people their children obviously have European features. I think that resentment carries over," he said.

Turcott also teaches Native American studies courses where he challenges his students to think how blood affects the future of their families and tribes.

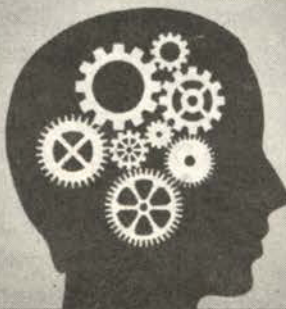
"It's a discussion I bring up a lot in class. What are you gonna do when you can't get your child enrolled somewhere?" Turcott said.

Turcott thinks enrollment numbers are naturally peaking for many tribes. If Native American blood becomes further fractionalized, enrollment will fall after a certain point. Turcott implores his students to think seriously on how to solve the problem of enrollment requirements such as blood quantum, as they'll be leading



## Experience a Live Interactive Escape Room

It's a fun, unique entertainment experience for the whole family to enjoy.



**Think!**



**Solve!**



**Escape!**

f /BIGSKYBREAKOUT

BIGSKYBREAKOUT.COM

307 N 2ND ST W

the tribes when enrollment begins to dwindle even as the reservation population still rises.

"I put that in the back of their minds," Turcott said. "Twenty years from now, 30 years from now, they might find themselves in that position of leadership to determine who is and who isn't a member of the tribe. I've been posing that question for the past six, seven years of my courses and nobody has really come up with a solid answer on how to address that well."

What little data the tribes' enrollment office keeps on its associate member population shows the Fort Peck tribes haven't reached peak enrollment yet, there are still more full members than associate members. But current enrollment trends are not sustainable.

As of March 31, there were 13,274 full members and 2,526 associate members enrolled with the Fort Peck tribes. While that's about 2,200 more members than 2009, the last year similar data is available, almost half of the increase is in non-voting associate members.

Seven years ago, one-in-nine tribal members on Fort Peck were associate members. Now it's one-in-six. The tribe isn't shrinking yet, but greater numbers of members are both unable to participate in tribal politics and at greater risk of having kids in the same or worse position.

The tribes' 2015 election saw the worst voter turnout in 20 years, with only 46 percent of the reservation's 3,768 registered voters showing up to the polls. Out of the reservation's 16,000 members, 1,751, about 11 percent, decided who would run the tribal government for the next two years. That's the fewest voters since 1995 when 1,200 less voters were registered. 2015 was also the first year on record to see a drop instead of a rise in registered voters, losing about 150 from the previous election year.

Fort Peck's voters elect 12 candidates to the tribes' executive board. With such a small electorate, leadership

can be decided by single digit pluralities. The Bauer brother's father, Edward, won the last seat with 438 votes, just 4 more than his closest competitor, who conceded only after a recount.

The first generation of a family to drop below one-quarter blood quantum loses voting rights and access to tribal benefits. If that generation further marries outside tribal bloodlines, their children will fall below one-eighth, losing associate membership status and any constitutional right for enrollment altogether. Not being enrolled in any tribe complicates the application process for federal aid programs like Indian Health Services, where tribal membership is the common standard for qualification.

Executive Board member Tommy Christian said the Fort Peck tribes created associate membership as a strategy to qualify more people for IHS. A constitutional referendum passed by the tribe in 1988 created associate membership for those with one-eighth or more qualifying blood, granting federal benefits to many previously unrecognized Native Americans.

Christian is a strict cultural traditionalist. A fully enrolled Sioux, he wears his hair in twin braids that drape over a rough cotton western vest and terminate at an enormous beaded belt buckle. He considers his attire not as affectations of assimilation, but rather, in his words, as trophies of war.

"None of my kids dress like this," he said.

Despite his traditionalism, Christian sees no cultural reason to deny full tribal membership to those whose blood doesn't meet the tribes' current demands. He may not speak the same rhetoric as the Bauer brothers—few conservatives do—but just the same, he says blood has nothing to do with identity.

However, that doesn't mean Christian thinks it prudent to open up enrollment. Because Fort Peck's enrollment requirements are in its constitution and not its bylaws, only a constitu-



Eddie Bauer, left, and his brother Francis Bauer clean the dishes in their uncle's house. Eddie lives with his uncle and keeps the house clean in return for a room.

tional referendum passed by a majority of the tribe can change membership stipulations.

Christian voted against just such a referendum in 2011 that would have mandated membership through lineal descent instead of blood quantum, despite the fact that all seven of his children were associate members at the time. Blood from the Sioux and Assiniboine bands enrolled on 13 of Canada's First Nation's reservations doesn't count, which disqualified Christian's mother's side.

In this case, Christian's cultural conservatism is at odds with his fiscal conservatism. He said the tribe already can't guarantee a quality standard of life for the 13,000 full members who receive benefits, much less the 2,500 associate members who could qualify overnight if eligibility requirements were relaxed.

"We just cannot accommodate them," he said.

As Francis Bauer sees it, "people are in a survivalist mindset." He isn't interested in the monetary benefits of full membership, but rather the right for all tribal members to participate in the community as equals, regardless of blood.

Conversations about opening enrollment on Fort Peck often start and

end with allegations that people just want money from the tribe.

The Bauer's uncle, Bob McAnally, believes it's the tribal executive board who are greedy, not associate members, considering government handles all the tribal money.

"Greed, that's what it is. Any money that comes to the tribes in the form of sales, revenues, land pieces, settlements, education grants. They don't want to share it with the category five members," he said.

"Category fives," what McAnally calls associate members, references their bottom position on the Fort Peck tribes' constitution's enrollment ordinance. A fully-enrolled Assiniboine, McAnally graduated with a law degree from UM and was appointed as the tribes' first in-house legal counsel the same year associate membership was ratified. One of his first duties was implementing associate membership into enrollment office procedure but he soon opposed it on principle.

"Not being able to vote is a violation of basic civil rights," McAnally said.

What began as an egalitarian move to extend health benefits to vulnerable community members became a method of legally denying a minority

CONTINUED ON NEXT PAGE

population's equal rights.

"You can easily see what's going on here, the dichotomy of this thing is amazing, and why we stand for it, I don't know," McAnally said.

A United States Supreme Court ruling in 1978 found sovereign tribal courts immune from federal law, meaning the Indian Civil Rights Act of 1968 and Voting Rights Act of 1965, which Fort Peck's associate membership provision violates, are unenforceable.

Until the tribes' constitution has a bill of rights, associate members have no avenues to sue for a violation of their equal rights.

"As long as we keep electing the same tribal governors and legislators this is going to continue," McAnally said.

It's conceivable the Fort Peck tribes' rolls will deplete if they keep strict enrollment requirements, but there are a variety of solutions ranging from the restrained to the extreme.

Christian thinks it prudent to accept blood from the Sioux and Assiniboine bands across the Canadian border, which he sees as arbitrary.

"The sad thing is, that line exists, and it shouldn't, because that's all our territory," he said.

His seven children eventually achieved full membership only when Christian proved his mother's bloodline back to Cheyenne River, South Dakota, not Canada.

Turcott supports including all Native American blood regardless of tribe, in quantum calculations, but understands why others criticize it.

"I think some people would have a difficult time accepting that. 'They're more Potawatomi than they are from this tribe, why are they sitting in a position of leadership here?'" he said.

Allowing Canadian or all tribal blood into quantum calculations still keeps a race-based membership system in place that excludes people from trib-

al communities with the lowest concentrations of Native American blood.

"A lot of tribes are going with lineal descendancy," McAnally said. "Now that's what I'd really like to see, because that puts everybody on the same level."

But allowing anyone with an ancestor on the tribal rolls into the tribe is contentious. The Cherokee Nation is commonly derided in Indian Country as the largest tribe only because lineal descent grants enrollment to many thousands of members with less tribal heritage.

Francis sees tribal membership by racial descent indicative of how colonized the conceptual horizons of tribal identity have become. He sees the ability of sovereign states to grant citizenship to aliens as tantamount to their independence.

"Until the Fort Peck tribes can enroll a member with no Indian blood, we are not sovereign," he says.

Back in the Badlands beyond

the borders of the reservation, Eddie points out the hillside religious markers that denote the area as a vision quest site. This is sacred land, essential to the coming of age rituals that define tribal membership through communal spirituality instead of constitutional formality. Eddie isn't religious, but says someday he might like to go through the rite of passage.

A broad vista stretches before the hillside, with Poplar and its three distinctive water towers visible on the northern side of the Missouri River border.

Much like associate members, this part of the Badlands hasn't technically been Native American since colonization, but bureaucratic formality doesn't stop the Fort Peck Assiniboine and Sioux from seeing the hills as any less authentic to their people. Families like the Bauers hope someday for that same acceptance. ♦



Francis Bauer rests on his brother's truck after hiking through the badlands south of Poplar, Montana. Francis is an associate member of the Fort Peck reservation and cannot vote, own tribal housing or receive tribal handouts. "People think blood defines culture," he says, "but blood is political, not cultural."

# STAFF

## ADVISORS

JEREMY LURGIO

JASON BEGAY



## EDITORS

NICKY OUELLET

TESS HAAS

BRONTÉ WITTPENN  
*Photo*



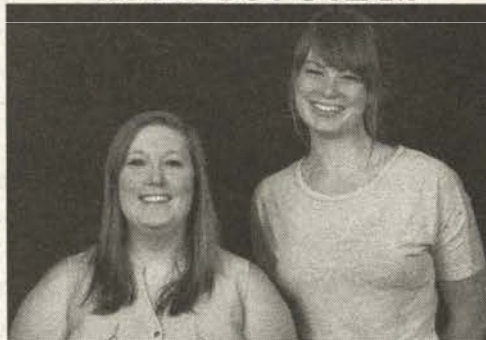
## LITTLE SHELL TEAM



MATT ROBERTS  
*Photographer*

CHRISTOPHER REED  
*Reporter*

## ROCKY BOY'S TEAM



DENVER PRATT  
*Reporter*

REBEKAH WELCH  
*Photographer*

## FLATHEAD TEAM



KATIE RIORDAN  
*Reporter*

MADDIE VINCENT  
*Photographer*

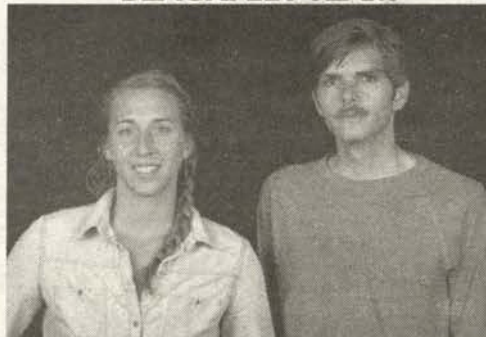
## CROW TEAM



PEREGRINE FRISSELL  
*Reporter*

FREDDY MONARES  
*Photographer*

## BLACKFEET TEAM



COURTNEY GERARD  
*Photographer*

PETER FRIESEN  
*Reporter*

## NORTHERN CHEYENNE TEAM



TAILYR IRVINE  
*Photographer*

JOHANNA BERNHARD  
*Reporter*

## FORT BELKNAP TEAM



SOPHIE TSAIRIS  
*Photographer*

LANADA PEPPERS  
*Reporter*

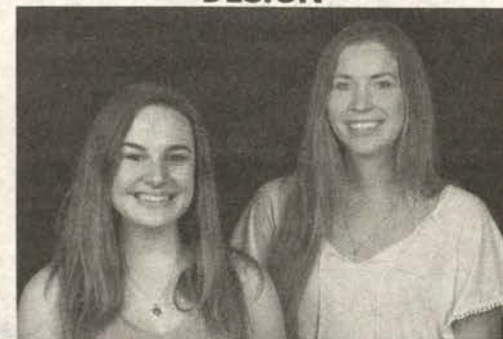
## FORT PECK TEAM



JAKE GREEN  
*Photographer*

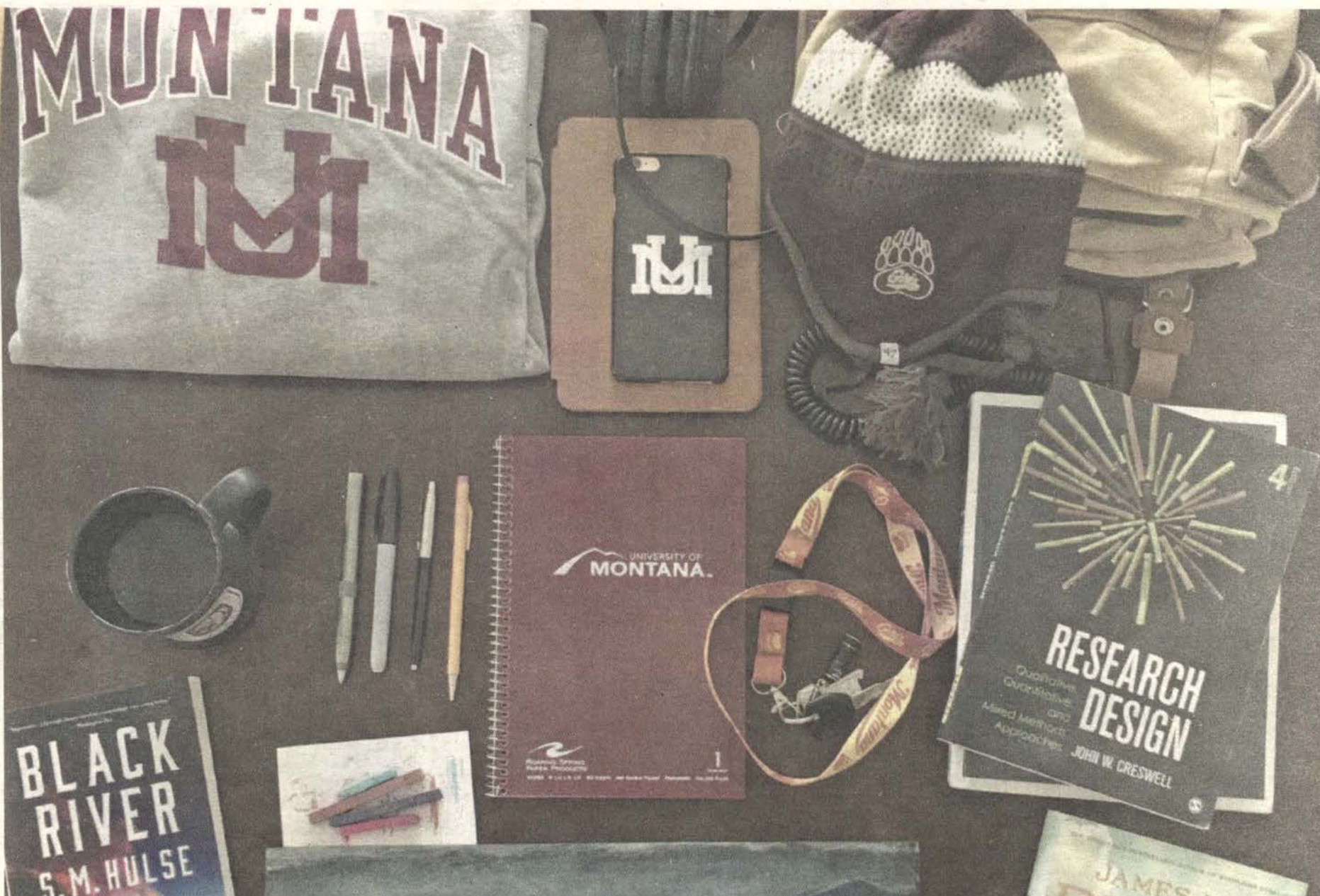
HUNTER PAULI  
*Reporter*

## DESIGN



SYDNEY DAY  
*Social Media*

KATIE HOFSCHIELD  
*Design*



**SERVING MONTANA SINCE 1921**



**Bookstore**

AT THE UNIVERSITY OF MONTANA

When you shop at The Bookstore your dollars stay on campus and help the next generation of UM students thrive. You can't get any more local than that.

MontanaBookstore.com | 406-243-1234

**10% OFF**

Use coupon code NativeNews at checkout and save 10% on a single Griz item online or in-store.

Some exceptions apply, see store for details. Offer ends 7/31/16.