



E-Weekly Newsletter - November 28, 2018



R. Trent Shores, Choctaw Nation. Courtesy photo DOJ

## "Indian Country needed more resources."

- U.S. Attorney R. Trent Shores

### U.S. Atty R. Trent Shores, Choctaw, on new justice initiatives in Indian Country

By Vincent Schilling

R. Trent Shores, Choctaw Nation, is the United States Attorney for the Northern District of Oklahoma who was sworn into office in September 2017. As described on the [United States Department of Justice website](#), Shores is the chief federal law enforcement officer responsible for all federal criminal prosecutions and civil litigation involving the United States in the Northern District of Oklahoma, an area covering eleven counties and including fourteen federally recognized Indian tribes.

As chair of the Native American Issues Subcommittee – a select group of U.S. Attorneys responsible for championing national policy in Indian Country – Shores has recently been party to a huge announcement in Indian Country: 25 tribal nations have recently been granted access to national and federal crime databases through what the DOJ calls the Tribal Access Program or TAP. The program significantly increases the law enforcement outreach and collaboration between tribes and state and federal agencies. ([Read Schilling's conversation with Shores here](#))

Inside this week's issue of Indian Country Today

#ICWA  
Long legal battle expected as tribes begin appeal process

#ClimateChange  
New report notes tribal people face disproportionate impact

#HolildayContest  
Gingerbread House contest now open for submissions

# A long legal battle is expected as tribes appeal Texas court ruling on ICWA

By Rebecca Nagle

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Fifth Circuit Court of Appeals - Lafayette Square North.

Photo: U.S. Court of Appeals

*After a U.S. District Court declares ICWA unconstitutional and denies a motion, tribes take appeal to the Fifth Circuit*

After a federal judge **declared the Indian Child Welfare Act (ICWA) unconstitutional last month**, tribes defending the landmark legislation have filed an appeal. Now the Fifth Circuit Court will not only rule on the constitutionality of ICWA, but more immediately decide whether or not the law will still apply in Northern Texas during the appeal process.

The Indian Child Welfare Act was created in 1978 to address an epidemic of predatory adoption of Indian children and prioritizes placing Native children with their family, their tribe or in another Native home.

In *Brackeen v Zinke*, **Judge O'Conner ruled** that the Indian Child Welfare Act is unconstitutional and violates the 14th amendment by treating Native children differently based on race. ICWA and Native advocates have long declared that the protections of ICWA are based on the political status of Native Americans as tribal citizens, not race. Judge O'Conner also opined that ICWA violates the 10th amendment by "commandeering" state courts to enforce a federal law.

The decision impacts Indian children living in the district of Northern Texas, which covers most of the state North of Interstate 20, including Dallas. Intervening tribes of Cherokee Nation, Morongo Band of Mission Indians, Oneida Nation, and Quinault Indian Nation immediately filed a motion to stay, which, if granted, would mean ICWA would continue to be followed in the affected area while the case is under appeal.

On October 29, The U.S. District Court of Northern Texas denied their motion to stay and on November 19, the intervening tribes appealed both the stay and the original decision to the Fifth Circuit Court. The United States government, the named defendant in the case, has yet to take any action.

Texas shares its Northern border with Oklahoma, the state with the second highest population of Native Americans in the U.S. and home to 39 tribes. Texas currently has 52 Cherokee Nation children in state custody and is a state with "one of the highest incidents of ICWA cases for the tribe outside of Oklahoma" according to Cherokee Nation Deputy Attorney General Chrissy Nimmo.

[\*\*Continue reading about controversial case here\*\*](#)

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# Tribal people face disproportionate impact from climate change

By Mark Trahant

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Arctic ice cover plays an important role in maintaining Earth's temperature—the shiny white ice reflects light and the net heat that the ocean would otherwise absorb, keeping the Northern Hemisphere cool.

(Photo from U.S. Bureau of Ocean Energy Management)

*An immediate threat cited by the report is that many communities will again have to move away from tribal homelands*

A new climate report released Friday by the Trump administration predicts significant -- and expensive -- impacts on the planet as a result of climate change. The threats from weather-related catastrophes are already clear: Stronger and more frequent hurricanes, deadly heat waves, and more intense destructive wildfires.

The changing climate is a threat to "Indigenous peoples' livelihoods and economies, including agriculture, hunting and gathering, fishing, forestry, energy, recreation, and tourism enterprises," the report says.

Though Indigenous peoples "may be affected by climate change in ways that are similar to others in the United States, Indigenous peoples can also be affected uniquely and disproportionately."

Even Native culture is a risk as well as increased health threats from increased asthma to diabetes rates.

The report says: "Many Indigenous peoples have lived in particular areas for hundreds if not thousands of years, and their cultures, spiritual practices, and economies have evolved to be adaptive ... Indigenous knowledge systems differ from those of non-Indigenous peoples who colonized and settled the United States, and they engender distinct knowledge about climate change impacts and strategies for adaptation. Indigenous knowledges, accumulated over generations through direct contact with the environment, broadly refer to Indigenous peoples' systems of observing, monitoring, researching, recording, communicating, and learning and their social adaptive capacity to adjust to or prepare for changes. One of these knowledge systems that is often referred to in the context of climate change is traditional ecological knowledge, which primarily focuses on the relationships between humans, plants, animals, natural phenomena, and the landscape."

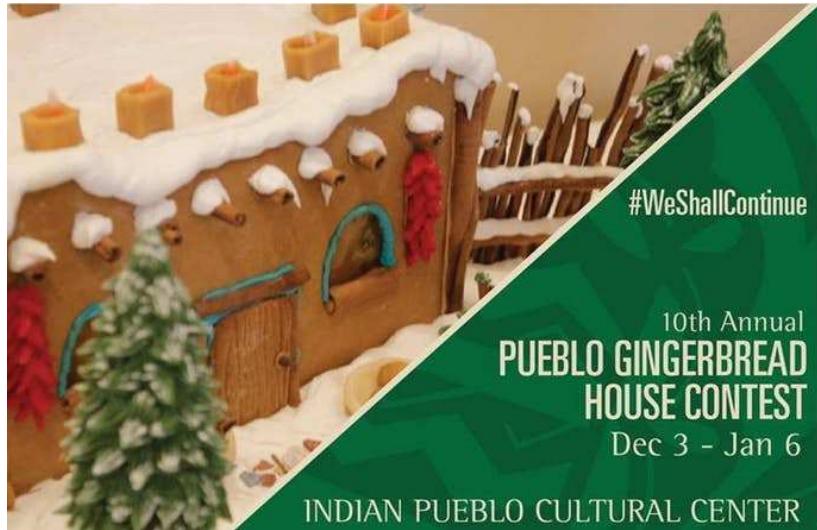
"While the lands, waters, and other natural resources of Indigenous peoples hold sacred cultural significance, they also play a principal role in ensuring the viability of these communities' economies and livelihoods," the report says. "Tribal trust lands provide habitat for more than 525 species listed under the Endangered Species Act, and more than 13,000 miles of rivers and 997,000 lakes are located on federally recognized tribal lands."

[Continue reading how climate change affects Native people here](#)

# Submit to 10th Annual Pueblo Gingerbread House Contest! - See 2017 winner pics!

By Lisa J. Ellwood

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*The houses do not have to be constructed of home-baked gingerbread, however, they must be ENTIRELY EDIBLE.*

The Indian Pueblo Cultural Center (IPCC) has kicked off the holiday season by opening submissions for its **10th Annual Pueblo Gingerbread House Contest** on November 23. Children and adults are invited to enter a creation inspired by a Pueblo village, house, community, church or historic building.

The houses do not have to be constructed of home-baked gingerbread, however, they must be ENTIRELY EDIBLE. **Graham crackers, cookies, or other pre-made foods may be used for the buildings** instead of traditional gingerbread. Cardboard and plastic are not allowed. Due to size limitations, the entry base must not exceed 24 by 24 inches. There is no submission fee and competitors of all heritages are welcome. Complete **rules and entry forms are available online**, at the Indian Pueblo Cultural Center Guest Relations desk, and can also be completed at the time of delivery.

Entries are being accepted through Monday, December 3, 2018, 9 am to 4 pm at the Indian Pueblo Cultural Center, 2401 12th St., NW, Albuquerque, New Mexico. All entries must be received by 4 pm on Monday, December 3 to qualify. Professional bakers are not eligible.

The contest will be judged the week of December 3 with winners announced Tuesday, December 11. In the following weeks, visitors will be encouraged to cast their votes for the People's Choice Award and those winners will be announced on Thursday, January 3, 2019.

## Prizes:

Adult: 1st \$650, 2nd \$400, 3rd \$250, People's Choice \$500  
Children: 1st \$250, 2nd \$150, 3rd \$100, People's Choice \$250

**Finish reading and see pictures of last year's winning Gingerbread Houses here**





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## Native actors and John Legend, Oprah shine in animated film: 'Crow: The Legend'

By Vincent Schilling

Baobab Studios releases a beautiful virtual reality film based on the Native American origin story of the Crow.

In honor of Native American Heritage Month, Baobab Studios have recently released a CGI-short / experiential Virtual Reality film that the studios is calling "the first VR movie to incorporate an indigenous worldview."

'Crow: The Legend' was directed, written and produced by Eric Darnell, the creator of such mega-blockbuster hits as *Antz* and the *Madagascar* movies and was executive-produced, and voiced by singer and songwriter John Legend. The other main characters include Oprah Winfrey, as The One who Creates Everything by Thinking; Kiowa-Caddo as the Tribal Elder; Randy Edmonds as the Narrator; Sarah Eagle Heart as Luna, Liza Koshy as the Owl; Diego Luna as the Moth; Tye Sheridan as the Turtle; and Constance Wu as the Skunk.

According to the studio release, 'Crow is based on the moving Native American story about the bird's cultural genesis and its place in Native American mythology.'

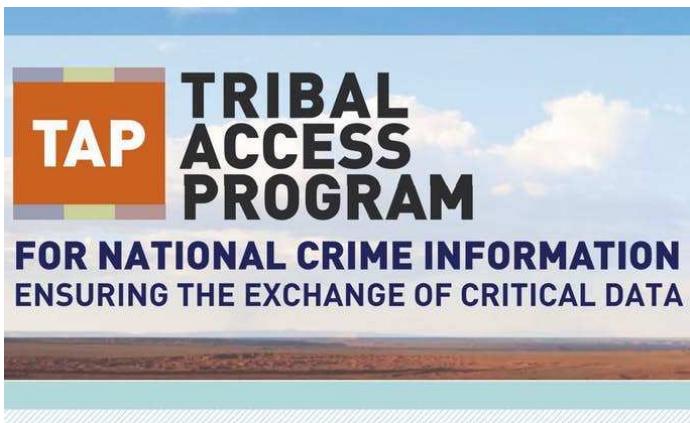
Sarah Eagle Heart who portrayed the part of Luna and is the CEO of Native Americans in Philanthropy consulted on the film. She took a moment to answer a few questions via email about her participation and experiences in the making of *Crow: The Legend*.

**[Read conversation and watch the trailer here](#)**

# DOJ, DOI announce major expansions of Tribal access to federal crime databases

By Vincent Schilling

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*Departments of Justice, Interior Expands Tribal Access Program / TAP to Additional 25 Tribes This Year*

*News Release: Department of the Interior  
Department of Justice*

***Department of Interior Funds the Expansion of DOJ  
Tribal Access Program at 31 BIA Social Services and  
Law Enforcement Locations by 2020***

## ***Department of Justice Expands Tribal Access Program to Additional 25 Tribes This Year***

The Department of Interior's Assistant Secretary for Indian Affairs Tara Sweeney and the Department of Justice Deputy Attorney General Rod Rosenstein jointly announced a dramatic expansion of the Justice Department's **Tribal Access Program** (TAP) for the National Crime Information Center, which is the federal government's key program that provides tribes with access to the national crime information databases.

The Department of the Interior (DOI) will fund the installation of TAP Kiosks at three locations where the Bureau of Indian Affairs **Office of Indian Services** (BIA-OIS) deliver direct service social services by the end of 2019 and DOI aims to expand TAP access at all 28 BIA **Office of Justice Services** (BIA-OJS) operated law enforcement agencies and detention service centers. BIA locations will provide some degree of access to TAP for services delivered to more than 50 tribal communities that currently do not have any direct access. An additional five Pueblo communities will work with BIA-OIS for issues related to social services. The Department of Justice will fund access for 25 tribes, bringing the number with current access from 47 to 72, a 50 percent increase.

"I am proud to authorize the funding for the expansion of the Tribal Access Program to the Bureau of Indian Affairs to make the future of justice in Indian Country stronger," said Assistant Secretary for Indian Affairs Tara Sweeney at the 75th National Congress of American Indians Convention today. "The Bureau of Indian Affairs is proud to grant greater access to these important databases at more locations throughout Indian Country. Performing background checks is a critical step in protecting our precious Native children in foster care, and tribal communities served by the BIA will benefit from access to this extensive public safety tool."

"For far too long, a lack of access to federal criminal databases has hurt tribal law enforcement—preventing them from doing their jobs and keeping their communities safe," said Deputy Attorney General Rod Rosenstein. "With the Tribal Access Program, participating tribes will be able to protect victims of domestic violence, register sex offenders, keep guns out of dangerous hands, and help locate missing people. This milestone demonstrates our deep commitment to strengthening public safety in Indian country."

**Finish reading news release and see what locations will have access to TAP here**



[ICT Weekly Video News Report by Vincent Schilling](#)  
for 11-25-18

*Indian Horse film, Smallpox Ad for Pizza and  
Nanticoke-Lenape of NJ Win Six-Year Battle to  
Restore State Recognition*



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## #NativeNerd Column - Easy Holiday Gift ideas for the #NativeNerd in your family

*Native Nerds are super easy to buy for ... here's a few tips.*

[Check out the most recent #NativeNerd article](#)  
[by Vincent Schilling here](#)



Have questions about our weekly  
ICT newsletter?

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Contributions to this  
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# Supaman releases new powerful video, ‘Miracle’

By Vincent Schilling Indian Country Today E-weekly Newsletter November 28, 2018 Page 10



Supaman, right, and Maimouna Youssef.  
YouTube screen capture

*Supaman teams up with two Grammy-nominated artists, singer Maimouna Youssef and violinist Luisa Bastidas*

Hip-hop artist, emcee and traditional dancer, Christian Takes Gun Parrish, known as Supaman, has just released his latest music video, titled: Miracle, accompanied by the Grammy-nominated Choctaw hip-hop artist Maimouna Youssef. In addition to Youssef, Grammy award-winning violinist Luisa Bastidas adds another layer to the hip-hop musical genre.

Supaman, known for infusing Native culture and hip-hop culture in his music, says the video for Miracle, featuring Youssef, is “much more than a Water is Life song. It holds so much more meaning and symbolism throughout that the average viewer might miss.”

Youssef, who has been featured on NPR’s Tiny Desk Concert with Black Thought, delivers lyrics supporting the efforts of Standing Rock water protectors and “the spirit of the Ghost Dance” alongside Supaman.

The video tells the story of the Indigenous struggle in fighting for water rights. In a powerful opening scene, Indigenous women warriors are seen standing on the front lines at Standing Rock in addition to other women warriors, who are dressed in the red elk tooth dresses while wearing war bonnets, which are significant to Supaman’s people, the Apsaalooke.

Supaman also says the red colors give tribute and awareness to the Missing and murdered Indigenous women across Turtle Island.

In a statement to ICT, Supaman says the spirit of the Ghost Dance and the unifying of all Indigenous cultures of the video stands as a testament that the Indigenous struggle for water rights have not faded after Standing Rock.

“Many think that the movement at Standing Rock has come and gone, not knowing that was only a wake-up call to what is happening around the world! Indigenous people continue to lead the fight against big corporations who only wish to profit at the expense of the people’s well being in the fight for clean water.”

[\*\*Watch the music video and continue reading the article here\*\*](#)

# People of color know about the ever-present danger of pending violence

By ICT Opinion

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Photo by Vincent Schilling, Indian Country Today

*Real hatred comes explicitly from the mind and lips of America's leader*

**John Tetpon**

*"The growth of these movements is more or less a direct result of the election of Barack Obama and what it represents. And what it represents is the coming disappearance of a white majority in the United States. We are living through a serious backlash, and people will die as a result." – Mark Potok of the Southern Poverty Law Center.*

Law enforcement authorities in the U.S. have publicly admitted for the first time that they have long overlooked the rise of far-right extremism for decades and now they don't know how to stop it, a report from MSNBC said. In the meantime, President Donald Trump has given military troops orders to shoot to kill innocent migrants at the southern border, mostly mothers with children.

Further, CNN reports that investigators have found there is a credible link between South Africa's far-right white supremacist organization and Americans.

People of color have always known the ever-present danger of pending violence because we're the ones who see it, feel it and experience it. White people of America can't relate because they have no clue what it feels like to be the brunt of prejudice and bigotry. Now real hatred comes explicitly from the mind and lips of America's leader. Donald Trump has no clue.

Racism didn't just start somewhere recently. It is the institutionalized hallmark of America's founding fathers who themselves were slave owners and had visions of settling the American west but the Native Americans were in the way. And along came people like General George Armstrong Custer who volunteered to rid the land of these original people by killing them off.

It has always been my contention that racism and bigotry is a mental illness that should be listed in the bible of mental health experts – DSM IV – the codes of classification found in the Diagnostic and Statistical Manual of Mental Disorders, 4th Edition, Text Revision, also known as DSM-IV-TR, a manual published by the American Psychiatric Association that includes all currently recognized mental health disorders. As such, I also contend that it is treatable.

[To continue reading, click here](#)

# Thanks For Reading!

## Indian Country Today

## E-weekly Newsletter

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