

**THE USE OF THE JOINT TRIBAL ADVISORY COM-
MISSION FUNDS BY THE STANDING ROCK
SIOUX TRIBE**

HEARING

BEFORE THE

**COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE**

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

ON

TO DISCUSS THE FUNDING AUTHORIZED UNDER THE THREE AFFILI-
ATED TRIBES AND THE STANDING ROCK SIOUX TRIBE EQUITABLE
COMPENSATION ACT

APRIL 3, 2002
FORT YATES, ND



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**THE USE OF THE JOINT TRIBAL ADVISORY
COMMISSION FUNDS BY THE STANDING
ROCK SIOUX TRIBE**

WEDNESDAY, APRIL 3, 2002

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Fort Yates, ND.

The committee met, pursuant to notice, at 10:30 a.m. at Standing Rock High School, Fort Yates, ND, Hon. Kent Conrad (acting chairman of the committee) presiding.

Present: Senator Conrad.

Mr. MURPHY. I would like to introduce Senator Kent Conrad to the Standing Rock Indian Reservation here. Let's give him a nice round of applause. Okay?

[Applause.]

Mr. MURPHY. Senator, I know that we're pushing for time and we've got a lot of people here that's going to be asking questions and telling you what good things we're doing for Standing Rock, so I'll turn the mike back to you.

**STATEMENT OF HON. KENT CONRAD, U.S. SENATOR FROM
NORTH DAKOTA**

Senator CONRAD. Thank you very much, Chairman Murphy, and a special thanks to the veterans and to the singers for a very appropriate way to begin this hearing.

Let me just first indicate that this is an official hearing by the Committee on Indian Affairs of the U.S. Senate, and, therefore, we will follow the rules of the U.S. Senate in conducting this hearing. Chairman Inouye, himself, has authorized this hearing, and as the second-ranking member of the committee, this is a special privilege for me to be here to discuss legislation that is critically important to the tribe and critically important to me.

I am very pleased to be here to discuss the funding authorized under the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act, more commonly called the JTAC legislation.

People ask me all the time, what does JTAC stand for? It stands for Joint Tribal Advisory Committee.

You'll recall back in the 1980's this committee was created to determine what was owed to the tribes because of the flooding of lands that belonged to the tribes, the Three Affiliated Tribes and Standing Rock Tribe. There were promises that were made that

were never kept. There were valuable resources of the tribes that were destroyed and that were not properly compensated for. There were tremendous timberlands that were destroyed from the flooding of the lands. There were ranching and farming lands that were lost. And while they were paid for at the time of the taking, the judgment was made that they were not properly paid for. The compensation was not as much as it should have been.

I was the principal sponsor of the JTAC legislation to try to right this wrong that was done years ago. And in the settlement that we were able to reach with our colleagues in the United States Senate, this Tribe received over \$90 million that is held in a trust account. The interest from that account is made available for expenditures to improve the economic conditions of the people of this Tribe. That is the purpose for the JTAC funding. It is to improve the economic lives and restore the economic vitality of this community.

Now, we know \$90 million, while it's a lot of money, is not enough to do everything that needs to be done. There are many things that should be done that are not being done. We know that there are tremendous unmet needs. We can see it in this school building that we're in. This school building is not what it should be. Money should be spent here. The Federal Government has an obligation here to provide a good place for an education. And we know there are many other unmet needs. We can see it in the housing and in the health care. We can see it in the jobs or the insufficiency of the jobs that are available in this community. Those are all unmet needs. And the JTAC funding was intended to provide a down payment on meeting past promises, promises that were not kept.

So this hearing is an attempt to find out what is happening with those funds, the money that has been committed so far, remembering that the \$90 million of principal is in the Federal treasury. It is only the interest from that money that is available for the tribe.

I think many of us understand that when the Federal Government flooded the lands of these reservations during construction of the two mainstem dams on the upper Missouri, that great injustices were done to the people of this Tribe and to the people of the Three Affiliated Tribes.

When the Oahe Dam was constructed, 56,000 acres of private land were lost and 190 tribal families were forced to relocate. Ninety percent of the timbered area on the reservation was demolished and thousands of acres of exceptional grazing and rangeland were eliminated. Of the ranchers at Standing Rock, 60 percent saw their land disappear.

Those are the facts. Those are things that happened to accommodate the flooding of the land to provide these mainstem reservoirs. And JTAC is designed to go back and try to redress some of the wrongs that were done at that time.

The Equitable Compensation Act was the result of recommendations made by two reports. The first was entitled the Final Report of the Garrison Unit Joint Tribal Advisory Committee; therefore, JTAC, Joint Tribal Advisory Committee, a special committee created by former Interior Secretary Donald Hodel. The 1986 report acknowledged the Federal Government's obligation to compensate the tribes.

The second report, which was conducted by the General Accounting Office, analyzed the JTAC report and the methodology used in developing it. The General Accounting Office concluded the Tribe was owed between \$64 million and \$170 million. The levels of compensation proposed in the JTAC bill fall within that range, and we were able to secure \$90.6 million for Standing Rock.

I am proud, very proud, of the work we did in passing the JTAC bill. It was the result of years, and I mean years, of work and much negotiation. When we started this effort, I was told by colleagues in the United States Senate there was no way that we could possibly succeed. We were at meetings in which we were told repeatedly that we would never get this kind of money for the Standing Rock Reservation.

It was only when I came up with an idea of funding this legislation outside of the Federal budget window, which was a 5-year period, and in a way that avoided the Appropriations Committee entirely that we were able to succeed.

As the principal sponsor of the JTAC legislation, I am very interested in ensuring that it produces long-term benefits to the people of this reservation. The compensation legislation was designed to allow the Standing Rock Tribe the opportunity to rebuild and gain financial independence. It provides resources for the general health and welfare of the Tribe and its members, and by doing so it also adds important resources to the North Dakota economy as a whole.

While it was not everything that we wanted, I will tell you I didn't start by asking for \$90 million. It was only when it was clear that that's the most that we could get that I agreed to that figure. It does have the potential to make a big difference in the future of this tribe and its people.

The interest on the money in the Standing Rock Sioux Equitable Compensation Fund became available for use on October 1, 1997. That's just over 4 years ago. I believe now is a good time to take a look at how these funds are being used.

I want to first thank Chairman Murphy and his staff for helping organize this hearing. I appreciate all that you have done to accommodate the needs of the hearing, Chairman Murphy.

I would also like to thank Cora Jones, who is the Great Plains Area Director of the Bureau of Indian Affairs, for testifying here today. The United States Department of the Interior is charged with approving the plan for the use of these funds. That responsibility has been delegated to Ms. Jones, so I believe her testimony is especially important today in giving a complete picture of what has occurred.

Finally, I would like to remind everyone that this is a public hearing. Although we only have time for a limited number of witnesses, additional testimony can be submitted for the hearing record up to 14 days following this hearing. Those who would like to submit testimony for the record can do so by sending it to my office no later than April 17.

Again, I want to thank all of you for being here today. I look forward to your testimony and to the discussion that will follow.

Our first panel will be Chairman Murphy of the Standing Rock Sioux Tribe and Cora Jones, the Great Plains Regional Director for the Bureau of Indian Affairs from Aberdeen, SD. I thank you both

for being here today. And we will then follow with a second panel of four witnesses who have been selected and recommended by members of the broader community to be the official witnesses at this hearing.

After we have finished with the first two panels, we will then open it for comments by people in the audience. At that time you will be asked to identify yourself for the record and we will take whatever comments that you would want to make at that time.

Let me begin by welcoming Chairman Murphy to this hearing and asking you to proceed with your testimony.

**STATEMENT OF CHARLES W. MURPHY, CHAIRMAN, STANDING
ROCK SIOUX TRIBE**

Mr. MURPHY. Thank you, Senator. First of all, I want to welcome you here again.

I want to thank you for allowing us to say a few words on what has happened with the JTAC since we had received it, only the interest. There is many things that we have done with our money to make the improvements within the reservation. We have built a school in Wakpala, helped build that school, because one of the problems that we have been having in Wakpala with your partner—Senator Tom Daschle was also down there visiting that particular school at Wakpala. The school was in terrible shape. Now the students are living and working in a nice facility.

The other thing—

Senator CONRAD. Is that on the South Dakota side?

Mr. MURPHY. Yes; it is.

Senator CONRAD. Can we get something on the North Dakota side now?

Mr. MURPHY. Well, I guess, Senator, we don't have that line here. That's the reason why we have to work the whole reservation. But those are some of the things that are happening, Senator.

But the problem I have with this—with the hearing today, is what I would like to see done is that the 20,000 acres that belongs to us be returned to us, and that has not happened yet.

And my testimony has other things in there. We have helped the colleges, and so forth, and we are doing a lot of good things with it, but I have other people who are going to be talking about that and it's also in Mr. McLaughlin's report, also. What I would like to do is let my time go for other people so they can give their testimony on the positive things that are happening within the Standing Rock Reservation.

Senator CONRAD. For the purposes of the record, Chairman Murphy, let me just first enter your letter to me dated March 29 regarding the disposition of the funds. And I think it might be useful before we go to Cora Jones' testimony for me to go through the highlights of that so I understand as fully as we can what the disposition of the funds has been thus far. And I think that's important for the record.

Mr. MURPHY. Okay.

[Referenced letter appears in appendix.]

Senator CONRAD. First, I think we start with the total of the funds that have been committed. I believe the total of funds that have been committed is \$46.3 million. Is that correct?

Mr. MURPHY. That's correct.

Senator CONRAD. \$46.3 million. And as I analyze what I see in your letter to me on the disposition of those funds, it indicates that there are still some \$8 million of interest that is available for expenditure at this point.

Mr. MURPHY. That's correct.

Senator CONRAD. Of the \$46.3 million that has been allocated, these are the categories that I draw from your letter, and I would like if you could correct me if I am in error on any of these amounts.

Mr. MURPHY. Okay.

Senator CONRAD. I see under the broad category of schools \$12 million that's been drawn down that is on deposit for school construction and repair that has not yet been obligated. It's been allocated for the purpose of schools, but it has not yet been actually used. Is that correct?

Mr. MURPHY. That's correct.

Senator CONRAD. And those funds, what is the intention for that \$12 million with respect to schools?

Mr. MURPHY. Some of it is with the colleges, Department of College where we had committed x number of dollars for them to do the college out here, and other needs—like this school here also has some needs. Those are the things that we are talking about, Senator.

Senator CONRAD. Well, one thing I would very much like to see is, I would like to see some of that money used for this school. I think we all know this school was badly designed.

Mr. MURPHY. That's correct.

Senator CONRAD. And we have this open architecture and we have a heating system that doesn't work for North Dakota winters. I guess this school was designed by an architect from the southwestern part of the United States; isn't that right?

Mr. MURPHY. That's correct.

Senator CONRAD. So hopefully some of those funds that are on deposit now for schools, some of that money will be used here. Is that the intention?

Mr. MURPHY. That's correct.

Senator CONRAD. In addition to the \$12 million that's on deposit for construction of additional schools in Standing Rock and maintenance, there's an additional \$4 million that has been committed to Sitting Bull.

Mr. MURPHY. That's correct.

Senator CONRAD. Then there is the \$4.3 million for Wakpala which you mentioned in your opening testimony. And then there is \$500,000 that has been allocated to help tribal members attend graduate school. Is that correct?

Mr. MURPHY. That's correct.

Senator CONRAD. Have all of those funds been used? The \$4.3 million, has that been expended for the Wakpala School fully?

Mr. MURPHY. Yes; it has.

Senator CONRAD. All that money has been used. The \$500,000 that was allocated to help people attend graduate school, has all of that money been consumed?

Mr. MURPHY. Yes; that has been used.

Senator CONRAD. So that is gone. What amounts has that gone to? How many students has that helped?

Mr. MURPHY. I don't have the number right offhand, Senator, but I could sure get you the number.

Senator CONRAD. If you could give us the number of how many students that's helped. Do you have a rough idea of how many students that may have helped?

Mr. MURPHY. I do not want to give a number because I would have to—I would look the number up first.

Senator CONRAD. If we could get the number. I think it's important for the record how many students that's helped.

The \$4 million for the Sitting Bull College, has any of that money been used so far?

Mr. MURPHY. The Sitting Bull College president will be up here testifying and you can ask him that.

Senator CONRAD. We can ask him that question. So there's \$12 million on deposit to help schools, \$4 million for Sitting Bull College, \$4.3 million for Wakpala, \$500,000 to help people go to graduate school. That's a total of \$20.8 million for schools.

Then in the broader category of economic development there's been \$13 million provided to the districts. As I understand it, each of the districts has received a million dollars, although the Kenel District has received \$6 million. Is that correct?

Mr. MURPHY. That's correct.

Senator CONRAD. And what is the reason for the difference between what the districts have individually received and the Kenel District getting—is that because they have more population?

Mr. MURPHY. No; what has happened, Senator, it was given to the Kenel District for a couple reasons. One was that they moved from the bottom up to the top of where they are living right now, which is approximately about 5 miles—4½ miles south of old Kenel, and they were subsidized back in 1958, but not really subsidized for what had happened. They lost more homes and agriculture land, and so forth. And what has happened then is that we gave Kenel District x number of dollars by the recommendation of the Tribal Council.

Senator CONRAD. And that was to compensate for what had been taken?

Mr. MURPHY. Correct.

Senator CONRAD. Then under the broad category of—so in terms of the districts, there's \$13 million. So that gives us a total so far of \$33.8 million.

Mr. MURPHY. Correct.

Senator CONRAD. Then there are moneys that has been allocated for land purchases.

Mr. MURPHY. Correct.

Senator CONRAD. As I see it, there's \$12 million been allocated for that purpose and \$8.4 million of that used so far. Is that correct?

Mr. MURPHY. Just about that much, right.

Senator CONRAD. So there is still some \$3.6 million available in that category?

Mr. MURPHY. That's correct.

Senator CONRAD. Of the \$12 million for land purchases, in one part of the letter it indicates that 30,000 acres has been acquired. In another part of the paragraph it indicates some 60,000 acres has been acquired. For the record, can you clarify that?

Mr. MURPHY. Those are particular ranches that were purchased in South Dakota and North Dakota.

Senator CONRAD. And what is the total that has been purchased so far? In one part of the letter it indicates 30,345 acres. In another part of the letter it says, thus far we have purchased over 65,000 acres. It was just unclear to me. Is the 65,000 the total that's been purchased?

Mr. MURPHY. That's what we have on hand. We purchased part of the 65,000, but a lot of the applications that we have on hand are not added up to that yet.

Senator CONRAD. I see. So what's actually been purchased so far is 30,000 acres?

Mr. MURPHY. Correct.

Senator CONRAD. But there are applications for an additional 35,000?

Mr. MURPHY. Right.

Senator CONRAD. That would give a total of 65,000 if all of that were done?

Mr. MURPHY. Correct.

Senator CONRAD. All right.

Mr. MURPHY. But, Senator, some of the 60—the total of the 60,000 acres that we bought partials in, also, so we don't have that completely purchased.

Senator CONRAD. No; I understand. Only part of that has been acquired.

Mr. MURPHY. Correct.

Senator CONRAD. But just so we make sure we are clear here, the total purchases thus far would be the 30,000 acres?

Mr. MURPHY. Correct.

Senator CONRAD. And that's consumed \$8.4 million?

Mr. MURPHY. Correct.

Senator CONRAD. All right. So that's roughly \$280 an acre?

Mr. MURPHY. Approximately that.

Senator CONRAD. So that gives us a total of \$45.8 million, and then there's the category of EDF&I. Under the EDF&I fund the Tribe has withdrawn \$500,000 and established a business equity loan committee to administer these funds; is that correct?

Mr. MURPHY. That is correct.

Senator CONRAD. So that would add up to the total of \$46.3 million.

Mr. MURPHY. Correct.

Senator CONRAD. Just to repeat, of the \$46.3 million, \$20.8 million reserved for schools, but it would appear to me that most of that has not yet been expended.

Mr. MURPHY. Correct.

Senator CONRAD. There would be the \$13 million that's gone to the districts. Can you tell us the disposition of those funds? Have the districts used those funds at this point?

Mr. MURPHY. Some districts are. Some are still hanging onto their money yet, until they bring a plan in showing us what they are going to be doing.

Senator CONRAD. So do we know how much of that \$13 million has been expended so far?

Mr. MURPHY. Not at this time. I could check. I would have to check with the finance office.

Senator CONRAD. All right. And of the land purchases, \$12 million, \$8.4 million has been used of that \$12 million. So a substantial amount of the money has still not been actually spent. It's on deposit for specific uses, but we have not yet seen the full effect in the community. That would be fair to say.

Mr. MURPHY. Correct.

Senator CONRAD. And of the EDF&I funds, the loan funds, as I read this, about 400,000 is still available of that \$500,000.

Mr. MURPHY. That's correct.

Senator CONRAD. \$393,000 is still available. So as I total it up here, a substantial amount of the money, \$16 million under the schools category, almost \$4 million under the land purchases, that's \$20 million, plus the \$8 million that's still available to draw-down, plus some part of the district money has not actually been spent yet. It's been allocated, you have reserved it for certain purposes, it's not yet been spent. Would that be a fair summation?

Mr. MURPHY. That would be fair.

Senator CONRAD. All right. I think that's important for the record and for people to understand how these funds are being allocated thus far. I think one thing that would be important for the record is, what is the intention with respect to the \$12 million for schools? What are the specific projects that that money has been reserved for?

Mr. MURPHY. Some of them are for repairs. Some of them are asking to add onto their school for larger classrooms, and so forth. But, Senator, the problem is that we do not have all the dollars to really meet the needs of our schools because we have several schools on the North Dakota portion and we have several schools on the South Dakota portion.

Senator CONRAD. How many schools do you have that are being supported by the Tribe? You have got this school, of course.

Mr. MURPHY. Probably about 12 to 13 schools.

Senator CONRAD. Probably 12 to 13 schools. So there's obviously a tremendous need in that area.

Mr. MURPHY. Correct.

Senator CONRAD. All right. With that, why don't we turn to Cora Jones for her testimony.

Mr. MURPHY. Thank you, Senator.

Senator CONRAD. Again, welcome. Thank you, Chairman Murphy, for your testimony.

**STATEMENT OF CORA JONES, ABERDEEN REGIONAL
DIRECTOR, BUREAU OF INDIAN AFFAIRS**

Ms. JONES. Good morning, Senator.

Senator CONRAD. Good morning.

Ms. JONES. Always a pleasure to see you and welcome to Standing Rock. It's a nice place to come and visit.

Good morning, everyone, Mr. Chairman, members of the committee. My name is Cora Jones and I am the Regional Director for the Great Plains Region of the Bureau of Indian Affairs. And I am pleased to be here today to discuss the Standing Rock Sioux's economic recovery fund provisions within JTAC.

And the act, of course, which established the Economic Recovery Act, the Bureau has been delegated that authority to ensure that it is utilized the way the law states. And the tribe is authorized to use the interest on the 90.6 million and those purposes are for education, social welfare, economic development, and other programs, subject to the approval of the Secretary. And that would be the Secretary of the Interior, of course.

In fiscal year 1998, the tribe could begin withdrawing the accrued and annual interest subject to approval of the Secretary. This, of course, was delegated down to my office.

On June 16, 2000 I did approve the Standing Rock Sioux Tribes' Joint Tribal Advisory Committee Fund Access Plan. And this plan, established in consultation with tribal members and the BIA, outlines the tribe's proposed uses for the interest generated from the principal amount in the fund. The tribe submits requests for withdrawing funds to me through the Standing Rock Agency. These requests are reviewed for compliance with the act and consistency with the plan. When the Bureau approves the request, we forward it on to the Special Trustee's Office of the Trust Funds Management down in Albuquerque, NM, where disbursement is made, and it is the final processing and disbursement of the payment.

And thus far the tribe has requested and received six payments totaling the \$46.3 million in interest. And any funding request outside the plan, of course, will have to be approved. And that concludes my prepared statement, sir.

[Prepared statement of Ms. Jones appears in appendix.]

Senator CONRAD. So let me go over with you, if I can, Ms. Jones, the distribution of these funds. You have heard the outline that I provided based on Chairman Murphy's provision of the letter to me. Do you disagree with any of the allocations that I outlined in the questions to Chairman Murphy?

Ms. JONES. No; and, Senator Conrad, I did bring copies of the 1034's showing what the tribe did draw-down, and I would be happy to submit that to you.

Senator CONRAD. I would appreciate that for the record. Can I go over these matters where money has been allocated and ask you for what your understanding is of the uses of those funds. The \$6 million that was the first amount of money that you approved, that was for land purchases; is that correct?

Ms. JONES. Yes.

Senator CONRAD. Then subsequently there was another \$6 million that was allocated for that purpose?

Ms. JONES. Yes.

Senator CONRAD. And is it your understanding that some \$8.4 million of that has been used so far for that purpose?

Ms. JONES. That's correct.

Senator CONRAD. When you allocate money, when you allow a draw-down, is it an open-ended circumstance with respect to land

purchases, or is it tied to specific land purchases that are to be made?

Ms. JONES. Primarily it's open. The tribe generally will have—they will have a list of land that they do want to purchase, but we never know for sure what is going to be purchased because there is negotiations that need to take place and it's a lengthy process. And as you well know, we have an inherited interest, a fractionated interest in this region that is worse than anyplace in the country. And so when the tribe decided to go this route, I really applauded their efforts because it helps to solidify that land base that is so sorely needed.

Senator CONRAD. And what is your understanding of how much land would be purchased with that \$12 million that's been allocated for that purpose?

Ms. JONES. Right offhand, I don't know.

Senator CONRAD. Could you get that for the purposes of the record?

Ms. JONES. Yes.

Senator CONRAD. And of the requests for draw-down that have been made, I would like to know, what is the amount of land that you anticipate being purchased with that amount of money? Let me go to the amount of money for schools. Chairman Murphy indicated in his testimony the money for the Wakpala School, that's \$4.3 million, that was approved by you as part of an overall plan—is there an overall plan that is in place?

Ms. JONES. Yes; there is.

Senator CONRAD. From the tribe?

Ms. JONES. Yes.

Senator CONRAD. And these amounts of money are in line with what is part of this overall plan; is that correct?

Ms. JONES. Yes; they are.

Senator CONRAD. And so the \$4.3 million for the Wakpala School, that was part of an approved plan?

Ms. JONES. Yes.

Senator CONRAD. And the \$4 million for the Sitting Bull College, that has also been drawn down?

Ms. JONES. Yes.

Senator CONRAD. To your understanding, has that money been used?

Ms. JONES. With the Sitting Bull College, I don't know.

Senator CONRAD. We will get the testimony of the president because he will be testifying in the next panel. Then there has been \$12 million drawn down that is on deposit for school needs, for school construction and maintenance purposes. We have heard the chairman's testimony on that. And you approved that draw-down. Did you approve that in light of a specific plan for the use of that money?

Ms. JONES. It was a general plan.

Senator CONRAD. And how general are we talking about?

Ms. JONES. I would have to go back and look at it specifically in order to answer that, but when—I guess we are all so firmly aware of the needs, the needed needs for resources that exist at these schools, I don't have specifics as to, what they are going to be doing in the school, whether it's rebuilding a theater, putting up walls

where the open classrooms used to be. I honestly don't have that. But, you know, we do have an education line officer here at Standing Rock and she should be watching over that very carefully to make sure that the students here receive the best possible education and in the safest and best environment possible.

Senator CONRAD. Let me just say that this concerns me. It seems to me that if there is a plan, before money is released that the specifics of how that money is going to be used should be required by your office. You should know. I mean, if I were in your position, I would want to know what I am releasing the money for. And I think it should be specific, what school, what projects, because I don't know how you can know at the end of this process whether or not the plan has been followed if there aren't specifics attached to the release of funds.

Ms. JONES. I firmly understand your concern with that. My problem is sometimes I get caught up in a Catch-22, and that is, you know, how far do we go in overseeing the tribe's responsibilities? Do we micromanage them, or do we allow them to go with self-determination, do exactly what they know is right—for the best—in the best interest of the tribal membership?

Senator CONRAD. I am going to say—I would give my answer to that. My answer would be the tribe, this is their money, it's their responsibility to spend it, but you have got an oversight responsibility.

Ms. JONES. Yes; I do.

Senator CONRAD. And it's very clear in the law, very clear. And I believe there should be accountability. I really do believe that. I mean, I think it is very, very important that if there is—this is money that comes from the Federal treasury to right a wrong that's been done and there is very clear responsibility. You have responsibility. I have responsibility. The chairman has responsibility. And I believe before funds are released, it should be the tribe's plan. They are in the best position to make a determination how that money is needed, absolutely, but before you release the money, you should know where it's going.

Ms. JONES. Yes; we do receive the 1034. That's the draw-down document that's needed in order to release the money. We receive a resolution from the tribe saying what that money is going to be used for. And we do review it to see whether it's in accordance with the plan.

Senator CONRAD. What I am hearing, I am hearing two different things. I am hearing, on the one hand, there is a plan, but then when I probe for how that money is specifically going to be used, that plan seems to be very amorphous, it seems to be very general. It isn't specific about what school, what project. Am I right?

Ms. JONES. Yes.

Senator CONRAD. Well, I just say it seems to me this thing needs to be changed so that when money is requested from you—a plan doesn't mean anything unless it's got specifics attached to it. I don't know what it means when somebody asks for \$12 million for schools and I don't know what school, what project, is it going to go to dealing with the heating system in this school, is it going to go to having individual classrooms in this school instead of this

open architecture where you can hear the class next-door so you can't hear yourself think?

And, absolutely, that plan should be the tribe's determination. The tribe is in the best position to determine what the priorities are, how the money should be used. That's self-determination. Absolutely. I do say this. I think it is very important that before money is released after the tribe makes a request, that it's got to be sufficiently detailed that you know where the money is actually going.

Ms. JONES. Within the tribe's resolutions, it states where they are going to be using that money.

Senator CONRAD. In what detail? Can you read to me—

Ms. JONES. Well, right here, It has therefore been resolved Standing Rock Sioux Tribe hereby approves to assist the Wakpala District for a new school facility in the amount of \$4,300,000 with revenues from JTAC. And previous to that, one of the "whereases" was to upgrade the school facilities in order to provide the children with quality education. Another whereas, to assist the Wakpala District for a new school facility. You know, and knowing how much various facilities cost across this region, the 4.3 to me was a number that seemed adequate.

Senator CONRAD. I just say to you, that to me—that to me would not be adequate to release money. It really would not. I would expect if—and I'm all for what you did in Wakpala. Don't misunderstand what I'm saying. I'm not being critical of your request for the money.

But I would say to Ms. Jones, I believe it is your responsibility to have sufficient detail attached to those requests that you could tell me exactly where that money is going. And this \$12 million is in an account, as I understand it, for schools. What is the level of detail that has been provided to you as to how that \$12 million will be used?

Ms. JONES. I would have to defer to—I have got my tribal governments officer here.

Senator CONRAD. Why don't we have that person come up.

Ms. JONES. And I would like to have Dean Webb come up.

Senator CONRAD. That's fine.

Ms. JONES. He makes sure the payments get made. If they would come up.

Senator CONRAD. Let's have those people come up, because before we leave here, I want to know what that \$12 million that's in an account is going to go for.

Ms. JONES. Senator, I would like to introduce Earl Azure. He is the tribal governments officer.

Senator CONRAD. If you could spell your name for the stenographer so we have it for the record.

Mr. AZURE. Last name is spelled A-z-u-r-e.

Senator CONRAD. Welcome Mr. Azure. Good to have you here.

Mr. AZURE. Thank you.

Senator CONRAD. And who is the other gentleman with us?

Ms. JONES. Dean Webb.

Mr. WEBB. My name is Dean Webb and I am the financial trust services officer for the Office of Trust Funds Management in Aberdeen.

Senator CONRAD. Okay. The question that I have is, and I would pose it to you with respect to both the money that's on deposit, the \$12 million that, as I read it, has been withdrawn to assist in the construction and repair of additional schools, what level of detail do you know what that money will be used for? Do you know what schools it will be used for? Do you know what specific projects?

Mr. AZURE. Other than what was in the resolutions initially requesting the dollars, we don't have any more specifics beyond that, Senator.

Senator CONRAD. Well, I just say this to you, I don't think that's adequate. I really don't think that's adequate. I think you should ask for the specifics of how that money is going to be used. You are releasing money here, you are in a fiduciary—you have got a fiduciary responsibility. And, absolutely, it should be the tribe's determination as to what the money should be requested for, how that money should be used, but you have got a responsibility before you release it to know where it is going.

What's wrong with what I am saying? Why aren't you doing it that way?

Mr. AZURE. I believe the—personally, I believe the legislation is written in such a way that it provides as much freedom as possible to the tribe to establish, as you indicated, what direction or what purpose these moneys will be used for in basically four broad categories, and, of course, their plan is written in such a way reflecting the broad nature of the legislation, itself.

Senator CONRAD. Well, I wrote the legislation, and I can tell you it was never my intention, never, that money would be released just based on a resolution saying it's going to be used for—the whole reason that we put a reporting requirement in and an oversight responsibility in was so that somebody would be in a position to be held accountable for the use of these funds so that when the tribe made a request, that somebody else would look over it and know what the specific purposes of the request were. I am saying that to you today. I think it is absolutely the responsibility. Frankly, the responsibility was given to the Secretary of the Interior. That's who was given the responsibility. Now, he has delegated that down the chain. I don't quarrel with that.

But, I mean, if somebody read that legislation carefully, there was a reason this was done this way. And it was so that when people would go back, there would be no question as to how that money was used. And that is critically important to the credibility of this whole undertaking.

So I say to you today, I hope that in the future, and I expect in the future, before money is released that it will be released in reaction to a specific plan, not just some broad category. That's not good enough. You should know if there is \$12 million that's on deposit for schools, what schools are going to get fixed, what construction projects are going to be financed, what are the amounts, what are the things that are going to be done.

Mr. Webb, what is your responsibility in this area?

Mr. WEBB. My responsibility is to make sure that all the documents are in place, tribal resolutions, signatures, and so forth, on the 1034's. I send them to our processing unit in Albuquerque for

payment of the money and follow through to make sure that the funds are disbursed correctly.

Senator CONRAD. Is there any requirement once the money has been released as to when it is expended?

Mr. WEBB. No.

Senator CONRAD. So the money that's been drawn down that's on deposit to do construction on schools, that could be on deposit for 5 years?

Mr. WEBB. Yes; it probably could be, if it's construction of facilities.

Senator CONRAD. Well, again, I tell you, I just don't think that in any way is in keeping with the intent of the legislation. The intent of this legislation is that the tribe make the determination as to its needs and how best to use its money. After all, this is the Tribe's money now. It's held in a Federal account, but it is the Tribe's money. But before that money is released, I think you have got an absolute obligation, absolute obligation to know where it is going, and not in just some general category. That in no way I think meets the responsibility that you have.

All right. Let's go to our next panel. Before we leave this, I would ask you this: I am going to take back to my colleagues what's happening here. I can tell you they are not going to be satisfied with this. This was not the intent. And I want to hear from you within 30 days as to how you are going to alter how you do this so that you know before money is released what this money is going for in specific detail. It is not your judgment what they request. That would be micromanagement. That would be a violation of self-determination. But you have got an obligation to protect the taxpayers. You have got an obligation to protect the tribal members that the money is going for the purposes intended. And that's just—good fences make good neighbors. It has nothing to do with the comment on what the Tribe is doing. That's just good management. And I believe you have got an affirmative obligation.

And I am not—I want to make clear, I am not finding fault with the tribe. They're going with the plan that is in place apparently, but I must say that it's troubling to me that money is being released without very specific and clear plans as to how it's going to be used.

Ms. JONES. Senator, I would like to say that we did depend on what the tribe sent in, the general plan, and then we utilized the resolution as to specifics, and that's what we tried to work with. However, I will be happy to ensure that that plan is to you within 30 days. And maybe we had a misunderstanding of what our responsibility was in this because we thought that that money, once it came to the Tribe, it was the tribe's money, and so maybe we had a disconnect there, and I can assure you from this point on that it will not happen again.

Senator CONRAD. Well, I think that's very important. There is a disconnect because it is the tribe's money, but there is also very, very clear responsibility on the part of the Secretary of the Interior to ensure that the money is used for the purposes intended. And the only way that can happen is if you have the specifics of how the money is going to be used. And to me it's not there with what I have heard here this morning. Thank you. And I will expect to

hear from you within 30 days on how that plan is up. I hope you will work with the tribe as to devising that reporting method so we don't have unintended consequences on that side of the ledger.

Ms. JONES. Yes, sir; and, you know, we did have—we followed all the way up to Washington, we had our solicitors look at it in Washington, DC.

Senator CONRAD. Is the solicitor a lawyer?

Ms. JONES. Yes.

Senator CONRAD. There is the problem. We need somebody just with some commonsense.

Ms. JONES. They did approve of the procedures that we had in place.

Senator CONRAD. Yes; I know. But I will tell you honestly, this would never satisfy my colleagues and it doesn't satisfy me and I don't think it would satisfy—just think about it. There has got to be sufficient detail so people know where the money is going. Okay. Thank you.

And we will call the second panel. And I thank you very much. The second panel is Mary Louise Defender Wilson, Robert McLaughlin, Dave Archambault, and Ron McNeil. If you could all come to the witness table, I would appreciate it, and we will go in order that was determined by the notice for the hearing. Mary Louise Defender Wilson will be the first witness on the second panel followed by Mr. McLaughlin, Mr. Archambault, and Ron McNeil.

Dave, before I pronounce your name, or perhaps mispronounce it again, am I pronouncing it correctly?

Mr. ARCHAMBAULT. Archambault.

Senator CONRAD. Archambault. I have been pronouncing it for years, but maybe I have been pronouncing it wrong for years.

Mr. ARCHAMBAULT. You have done good.

Senator CONRAD. Welcome. Thanks to all of you for being here to testify in what I think is a very important hearing. And we will start with you, Mary Louise. Thank you for being here and please proceed with your testimony.

STATEMENT OF MARY LOUISE DEFENDER WILSON

Ms. DEFENDER WILSON. Thank you very much, Senator Conrad and Miss Gross, for coming to Standing Rock Reservation to listen to what the people have to say.

At the beginning, I would like to say this to you, Senator Conrad, that, you know, we come from this sparsely populated area of the country, North Dakota, and you don't know how good it makes me feel when I see you on TV on CNN and talking to all these national, international issues with such ability and such wisdom that I just want to share that with you. It also does the same when I see your other two colleagues, Senators Dorgan and Daschle, on TV, because that really is good to see and we are really, really proud of you, at least I am, and I know a lot of other people are, too.

Senator CONRAD. Thank you.

Ms. DEFENDER WILSON. Thank you very much. I will not read my entire statement because I know some of you have things that you want to say that are very important and are probably more to the issue what Senator Conrad is trying to find out today.

But I am back to my original concern, and that is justice for the 190 homeowners and landowners who lost land at the time of the original construction of the Oahe Dam. You know, our people were living the American dream at that time. Owning a home, having a small piece of land is something many people of this country would probably kill for. I hate to use that word because we have so much concern about terrorism today, but really they would, and they would lie, cheat and steal to have that in their possession.

Yet many of you who are sitting here in this audience came from that kind of a family, a family who lived in their own home, lived on their own piece of land, and you lost that. And to me that was a terrible tragedy that has not yet been addressed. You know, there was never an opportunity for you, the descendants now. There are some of the original people who lost their land. I see Vernon Iron Cloud who lost his land and his home to that in the audience. There was never that opportunity for you to purchase land again and also to live in your own homes for many of you.

When I was going to make the statement, I talked to some people—not enough of them, but some people and I focused on one community which was located south of Cannon Ball. Now, we can look at every area along the Missouri River on Standing Rock and we will find similar communities which existed. They weren't part of the organized district, but they were areas where people who were related by blood when they came to the reservation. You know, we have this word in our language, tiyospye wicozani, people who are of the same group, people who are related by blood, they live together.

And I was talking to one of our knowledgeable elders, Alma Ramsey Mentz, who is also in the audience, and she grew up in this Big Lake area and she told me who lived in that Big Lake community starting at the south end and going north, and I can look at that immediately and see that some of these people were related by blood. They came from east of the Missouri River and they were related to the great chief named Nasuna Tanka. That's been mistranslated to Big Head. Nasuna Tanka is a person with a big brain because Nasuna Tanka evidently had wisdom. But you find several families there who are direct descendants and they were all living there together. They all had to move out of that area.

And if you look at the list attached to my statement, only Harry Fast Horse was able to buy just a few acres to replace what he lost. I think it was six acres that he was allowed to buy.

Now, section 5, you know, of the original Oahe Act set aside moneys to help improve the economic and social conditions of tribal members and also that there was a land purchase program set up which was supposed to help some of these people, but that did not happen. And as I said, Big Lake is only one of the many others where the people lost everything that they held near and dear. We have Black Foot Bottom, we have all kinds of communities named on the reservation. Yet that is what happened.

Now, when this Equitable Compensation Act was passed in 1992, the people knew that the law was enacted because of the devastation they suffered when the Oahe Dam was constructed. And those people were anticipating that there would be some economic recov-

ery for them from this interest money. And I think that the people on this reservation were aware of that. They knew that the people who lost were looking for something.

This Tribal Economic Recovery Fund Committee, which is called TERF, they considered that there would be compensation to the home and landowners, but somehow this whole thing got mixed up. It got mixed up with per capita payment. I don't know how that happened and I don't know what kind of—I did not see the original letter that you wrote, Senator Conrad, about that matter. It was told to me by Bob McLaughlin that there was a letter to that effect that you couldn't deal with these original landowners and homeowners who lost. So every time the homeowners and the landowners ask about compensation, they're always, you know, faced with, well, Senator Conrad said. Now, I don't know what that letter said. We have to trust each other, and I trust Bob McLaughlin that there was such a letter that said that they could not consider the people who lost their land.

The other thing we have to consider is, we have to help our younger people on this reservation who do not know what it is like to have been born and live in your own home, on your own land, and they have not grown up in homes owned by their parents or on estates held by their families since the original allotment made in the early 1900's.

Now, some of these are saying that the landowners should have a business plan and not expect to just buy more land and lease it out and collect rents. And I think we all know that the most influential white people of this country hold properties and lands and collect the rents. And many inherited—many of those white people inherited those estates from their own families.

Now, why can't our Native Indian people, again, have this right to hold property and to collect the rents because they have lost that, and I was very happy to see the words used about, you know, economic vitality and economic—you know, to improve the economic lives. I think that is one thing that would.

Now, there is a lot of things I could say because I lived on this reservation until 1955. I heard all of the original discussions about the Oahe Dam and Reservoir. But I returned in 1976, then I realized that for all the hell our people went through during that time, they were not compensated to the fullest to help them heal. So this is why when these hearings were held on this law—we're talking about Public Law 102-575, my adopted son, Dr. James Fenelon, and myself worked presented it at the hearings, and we did that as volunteers, used our own funds because we believed so strongly that the devastation was not only economic, but they were something that went to the very soul and spirit of our people, so this is why we did that.

And in closing, I would like to just say this, that the United States should decide how it wants to perceive us as people. A long time ago when we were in charge, when we were truly sovereign, the land was all held in common; but in 1989 the land was divided and allotted to individuals, and the people adjusted to that big change, and they put aside all of their laws and customs and practices and traditions about communal landownership and we forgot them. So now we rely on the BIA to manage our individual lands,

and the tribal council I think has one heck of a job trying to cope with managing the tribal lands. And now then, all of a sudden we are faced with another matter. I don't think that the United States wants to see us anymore as individual people. So we have to think about who are we really, then we have to think about what do we do and why has the United States changed its policy at this time? And how are we going to protect ourselves, our personal rights and our property rights?

And I want to thank you very much for allowing me to make this statement.

[Prepared statement of Ms. Defender Wilson appears in appendix]

Senator CONRAD. Thank you very much.

Mr. McLaughlin.

STATEMENT OF ROBERT McLAUGHLIN

Mr. ROBERT McLAUGHLIN. I wish to thank the committee for allowing me to testify here this morning on this very important issue, the Tribal Economic Recovery Fund.

I drafted the original report for the tribe, the Economic Loss Report, that was reviewed by the JTAC Committee in 1986 and then by the GAO.

I was very impressed in your history, Senator. You have a grasp of what went on during that process, and I think it's a good one. As you know, the resources loss, the wildlife resources, the natural resources, the agricultural resources that were lost comprise the basis for the argument that I developed for the additional economic compensation that Congress provided in 1992. So I was going to comment on that, but I can move right along because we are running late.

What I would like to do, the tribe has engaged me to look at several areas in the JTAC fund, primarily in the area of economic development, and I would like to address those this morning.

The first one is the Standing Rock Business Equity Loan Fund which you mentioned earlier. The tribe contracted with me in 2001 to develop the policies and procedures, and I am going to comment here that I think that these funds should all have policies and procedures. I think it's very important that regulations and policies and procedures be drawn up so that it reduces the tendency to misuse the funds for other purposes.

And we did that with the equity fund, and it was modeled after the highly successful Indian Business Development Grant Program, and I'm not so sure you are familiar with it, but in 1992 I did a study that analyzed all the investments made under that BIA program in the Aberdeen Area Office and the BIA, which I consider to be the best economic program in the history of the BIA, and they had practically a 90 percent success rate for investments. That is just unheard of in Indian country.

Senator CONRAD. What was the name of that?

Mr. ROBERT McLAUGHLIN. The Indian Business Development Grant Program. That was put in place in the late 1970's by the BIA. And what it did, it provided much needed equity finance to Indian entrepreneurs coupled with debt finance that would be provided by outside financial institutions, or if the tribe had a finan-

cial institution, it could be provided by the tribal financial institution, and that put discipline into the due diligence process for investment. And that's why I think it was real successful, because the entrepreneurs knew they had to perform, they had to be real Indian businessmen, and they approached the process with a great deal of concern about their future and they succeeded, and that's why it had a 90 percent success ratio.

We modeled the tribe's economic program after that successful BIA program. And we just—the tribe just started this up and they hired me to draft the policies and procedures, which I have to say I borrowed heavily from the BIA's policies and procedures because they're really excellent policies and procedures.

We did make a couple changes there, and that was to include a micro program for equity along with the regular business program that could finance projects up to \$250,000. The gentleman's—on my right—son was the first applicant, David Archambault, and he bought a convenience store and he just started business now. We have four or five other applicants now that are in the process. I think this one is going to require a lot more financing from the tribe. It will generate economic development here in the future.

Senator CONRAD. Can I just interrupt you on that point?

Mr. ROBERT MCLAUGHLIN. Yes.

Senator CONRAD. I think this is a very, very important point. I look at where the commitments have been made. Land purchases, yes, that certainly is worthy; schools, I think we all agree that is very, very critical to the community; the money to the districts. I would hope that some of that money that has gone to the districts would be used for the purpose that you have just outlined.

I have to tell you, and I think you know this, Bob, the vision behind this legislation was that this would be an engine to revitalize the economy of this area. It was really not designed for per capita payments. In fact, they are specifically excluded.

I want people to know here how we got this money. I was told when I started down this path there was no way we would get this money. You will remember that was the time of tremendous budget deficits. There were no new programs. There were no new programs being started. So for me to go to my colleagues and ask for \$250 million for North Dakota, they thought I had taken leave of my senses. But I knew that this money was owed here. The people were owed this money.

And the whole idea was that this money—the agreement that we made with our colleagues to get the money was that none of the money would go for per capita payments, because when you do that, the money is here, it's gone and the economy is not strengthened; but that the money would go to things that would have a longer-term impact, to improve the schools, to get people an education and to help people go to college, to help people go to community schools, to help people start a business. That's really what it was, so that more people would get jobs, so that there would be more jobs in the community. And certainly buying land, that meets the purpose of the act. To rebuild the land base of the tribe, certainly that is a good thing.

But I have to tell you I thought much more of the money would go for the purpose that you are talking about now. I say that with

respect and with hope that in the future more money will go for this purpose because I, too, believe it can make a tremendous transformational difference in the future of this community. So I wanted to lay that out.

And, Bob, I respect the work that you do, and I can tell you we would never have been successful in getting this money without the work that you had done on what was lost to this community. That work was essential in the case I made to my colleagues as to why we should get this money.

Mr. ROBERT MCLAUGHLIN. Thank you, Senator. The fund is also doing something that I think is pretty exciting with the help—the potential help of the United States, and that is to set up a national bank here. The equity committee applied, with Standing Rock endorsement, to the Treasury Department to seek technical assistance to establish a national bank. What that would do, of course, is permit a depository institution to operate here in Indian country that has long needed that kind of institution.

Previously I have advocated for the development finance to come before the bank, but the demand has grown so absolutely for a commercial financial institution because of the population growth and the growth now of cash and the need for depositing and the need for investment that the committee decided to move forward. And that application is underway. Hopefully, the tribe will be considered favorably for that.

The bank would not get started immediately, of course, because it would have to be designed and then it would have to go through Office of the Comptroller of the Currency [OCC] approval, and that would take several years, but it would require a substantial contribution and equity from the Tribe that would be matched by the Treasury Department. Once it got started, it would probably have around \$21 million in assets, be a substantial institution, I think given the market conditions out here, would grow very rapidly.

The third area, and this is important—I am glad to see there is a representative from the Bureau's Office of Trust Fund Management here, is that the tribe has this endowment that's being managed by the Government, and I understand talking with the Office Trust Fund personnel in Albuquerque, that it's pretty much going to stay there. It is a secretarial fund set up by the Congress, by the Senate and the House and made into law. Therefore, I think it's really important that the tribe request the committee that adequate investment mechanisms be applied here, and I'm talking about direct asset management.

I would like to talk about a trust fund that we had managed by the Government since 1959. This fund has declined enormously in real value. It started out as about a \$1.5 million fund and today it's only worth 17 percent of that amount of money. And the reason being that this decline has taken place is that the Government mandates that the OTFM only invest in fixed-income securities, and if you know what that does to a portfolio, it will erode it over time.

South Dakota had one just like that and they made a constitutional provision just last year that prevented that fund from disappearing. Our education fund under those same type of restrictions will disappear. And although we had a pretty good couple

years because of the decline in the marketplace with regard to equities and the improvement in bond returns.

And I think the Office of Trust Fund Management is doing a fairly reasonable job because our fund is a little different from other funds in that they can invest in overnight treasuries and they can invest in agency securities, so there is a little bit higher rate of return.

But this JTAC fund is heading for the same fate as our education fund. So we need to manage this like the State of South Dakota, the State of North Dakota, which does a tremendously good job in talking with Steve Cochran over at the securities office here. We need to manage this fund so we can at least grow at about 4 or 5 percent above the rate of inflation so that we can have a distribution, and then in our fund allocation that the tribe passed, the distribution plan is also to provide for growing of funds, so in the future it will really be worth maybe \$180 million instead of \$90 million. That's what's happened with the State of North Dakota investment fund. So we should be able to at least do that well. So I am going to recommend to the tribe that they talk to you to advance that in the future.

The last—and this answers one of your questions. The last area that I want to address here is the Fort Yates local district, and they have taken it upon themselves, Terry Yellow Fat, the planning commission there, to advocate for a development finance institution, which I think would work really nicely with the equity fund. But it would be a finance company. It would have to be carefully managed, of course. It would have to do some hedging, which we're all worried about these days, you know, the risk management. I think they can pull it off, and that would greatly add to the economic development of the Tribe, plus it would be able to use and leverage outside capital.

So that, Senator, concludes my comments this morning. I have given you a very lengthy written testimony which I hope you put in the record.

[Prepared statement of Robert McLaughlin appears in appendix.]

Senator CONRAD. I will put it in the record. Let me just say that I think one of the things we might need to think about is, and this would have to be thought through very carefully, but I think we should consider taking the income stream that comes from the JTAC fund and using that money to float a bond and get that money—we could then get in one lump sum probably \$50 million, \$60 million, and then invest that money in higher rate-of-return assets. You know what I'm saying?

Mr. ROBERT MCLAUGHLIN. Yes.

Senator CONRAD. It may be the only opportunity we have to prevent the diminishment of this fund in real terms over time, because right now we are in a circumstance in which we are locked into Government securities. That is in effect the investment income that flows from the \$90 million. The only way that I know of that we could escape that fate is to take the income stream from this trust fund account and float a bond, sell bonds to the investment community backed up by that stream of income and get a pool of money, and it would probably be in the range of \$60 million, that could

then be invested in higher rate-of-return assets. I think we have got to very carefully consider that.

Mr. ROBERT McLAUGHLIN. Senator, I really urge—I think these are the recommendations that we will be bringing to you. We must do something or this fund will go away in 20 years.

Senator CONRAD. That's why I think we need to think very carefully. One of the reasons I wanted to come here today is to get us thinking about the various options we have. And that's one that's got to be very closely and carefully considered.

Mr. ROBERT McLAUGHLIN. I will take that up with—the tribe just recently established an investment committee. I will take that up right away, Senator, with the committee.

Senator CONRAD. I would appreciate that.

Mr. Archambault.

STATEMENT OF DAVE ARCHAMBAULT

Mr. ARCHAMBAULT. Good morning, Senator.

Senator CONRAD. Good morning, Dave.

Mr. ARCHAMBAULT. I want to thank whoever it was that allowed me some time to speak. I would like to say that I am probably going to say a lot of the same things that Bob did, Mr. McLaughlin here, because I think that's kind of the way it goes, but I'm probably going to say it in a little different way—or a whole lot different way.

And I am real happy to see that we have students every now and then drifting in and sitting down seeing this hearing. I think it's a real—could be a real learning experience. But I guess this message that I have is maybe as much for them as for the people sitting here, and I think we have KLND, also, as well, that it's on air, and I think my message is bent toward that, as well as toward the hearing.

As you may recall, Senator, I drafted the first overall plan for use of JTAC funding in 1993. At the time I was president of Sitting Bull College and later was a tribal councilman, and I did submit a copy for your review. Recently I have been assisting in the effort to put together an oversight office for an administrative structure to handle the day-to-day affairs of the JTAC funding.

Senator I do have definite ideas that I envision for the use of JTAC interest earnings and I wish to convey this message to you and everyone listening.

I would like to start by telling a story that was told to several of us on the Pine Ridge Reservation in the 1960's. The story was told by Edward Iron Cloud, who was born on the Standing Rock Sioux Reservation, but believe it or not, he was born on the Cannonball River before there ever was a reservation. Edward was 97 years old when he died. I am told he was both Oglala and Hunkpapa Lakota. What I read next is a Lakota story about starvation.

There is a Lakota story about a village that was starving. This occurrence was not uncommon to the Great Sioux Nation or to any other people of the world. In this one particular story, the people were experiencing an unusually hard winter, the snow was deep and recently a storm had raged for almost 1 week. The village had consumed almost all their food. Everyone was very weak from hun-

ger. The situation was so bad that death songs could be heard now and then.

The headmen and some of the elders that could make it met to discuss what should be done. We had to get what food that is left and feed the sick and dying, is what some were saying. We need to see that at least the children and the elderly are fed was said by others. It was a very difficult meeting because everyone was personally experiencing misery within their own family lodges.

One of the older men in the group gestured for his request to speak. When it was his turn, he started out by saying, my wife and I were lying under our robes this morning talking. We heard the people suffering, my daughter's baby cried all night. Everyone here is being pressed to help the needy right away. The hunger is causing us to think selfishly and behave ugly to one another. We are not thinking clearly. He looked around at everyone seated there and asked, who is the most needy? There was a long pause and then he went on, this morning my wife said, our problem is strength. We need strength if we are to survive. If we don't have food soon, we will lose all our strength and we will waste away.

Everyone shook their head in agreement, then he went on, should we be arguing over who is most deserving of the food, or should we be thinking about what is best for our people tomorrow and the days after that? He paused for a long while and said, I know it is hard and some would think that it is cruel for me to say this, but my suggestion at this time—important time is to gather all the food we can and give it to our best hunters, feed them good, pray with them and then send them out with all of the provisions that we can gather.

He waited, not sure of the reaction, then went on, we all know it's very hard to move in the deep snow. It takes a lot of strength. We also know if the hunters we send out are successful, they will need twice as much strength to bring the food back. Right now our people see no tomorrow, only pain. We have to give the village something to hope for.

When he was done speaking, the leaders left and immediately started asking everybody in the village for what food they had left.

This again was told by Edward Iron Cloud. He was born in about 1876 and he passed away in approximately 1973.

Senator today the people of Standing Rock Sioux Tribe are looking at another survival issue just as the people did in this story. Although the people are not starving, our people are in a bad way. The difference is the timeframe has been moved forward 150 years.

Today the people and the leaders are arguing about JTAC. JTAC is like the food that is talked about in the story. Many people want the food and money right away to fix hunger or problems of their own communities. The question is, who is most deserving when everyone is in need? Which lodge or community should get more?

But what of tomorrow? JTAC should be looked at as the food and strength for a better tomorrow. Use JTAC for present-day needs and satisfaction, and tomorrow the same problems of poverty and turmoil will be knocking on the door again.

I believe JTAC presents the opportunity to invest in our own strongest asset, which I believe is our own human or tribal ingenuity. Like in the story where the people put their faith and hope in

the hunters, I believe the way to overcome the terrible social ills that threaten our culture is to invest in our own people. Of course, today is somewhat different, so today we need a new kind of hunter. I believe that if we ask our people to come forward with ideas and plans that focus on future economic recovery, our tribal members will come forward and they will effect positive change in this place we call home.

As an example of how we can invest in our own human natural resource, please consider the mission statement of the American Indian Business Leaders.

The loss of a national treasury and heritage is at hand. The beautiful customs, traditions and values of American Indian people could be but pages in history books by the end of the 21st Century. The economic viability of indigenous people will determine this fate.

The American Indian Business Leaders is an organization that recognizes this dilemma and faces the challenge by placing seeds of self-sufficiency and culturally appropriate economic development in youth and students, thereby sparking their own creativity and resourcefulness to address the future well-being of their own people and, most importantly, AIBL offers a concrete vision of something to hope for.

By investing in educational programs such as AIBL and others, in the long run, eventually we can develop a new modern-day hunter, one that provides for the people in a dynamic cultural way. Therefore, we should invest heavily in educational or entrepreneurial activities that pull, assist, and reward those learners, young and old, who are so inclined and want to help solve the tribe's problem of unemployment.

We should also invest in a lot of research and planning so that good ideas and plans have the best chance of succeeding. We need to be patient and plan and plan and then plan some more. We on this reservation are facing no quick fix or solution. It will take a long time, so we need to constantly be thinking of the seventh generation, not of our own immediate good. We need to understand that there is more hard times ahead, but gradually as our new hunters come into being, they will alleviate our present-day existence and our people will again enjoy a healthy lifestyle.

JTAC funding should be used to lure our people into concentrating and attacking the joblessness issue. Those who can create jobs for themselves and others should be rewarded as a priority; 80 percent of the adults on this reservation are without work. Welfare is eating away at our self-dignity. We should not be worrying about how much I or we can get of this JTAC money, rather, what can I or we do to create jobs.

We should consider the following possible initiatives. I have listed 22 options here, different things that are possibilities that I think about that could be done by us. I look into this room and I see the students and I see anybody in this room that should be able to have a shot at some money with, and just as Bob said, and I think it was mentioned before, some due diligence, that they put together a business plan and be required to give it good so it has the best chance of succeeding. I think if you did that, the money was there, you would see our people coming forward.

There was a program on TV, I think Bill Moyer had it, it was one of the network correspondents, but he's talking about Muncie, IN. Maybe some of you saw it. It's called Middle Town and it was talking about typical America, Muncie, IN. He was talking about what that town went through, and at first it was—the people survived in there by these big plants that were there and now it's completely changed. The people are supporting one another with a lot of small business activities.

And I see that. I see that as a possibility for our tribe. I see everybody in this room and everybody should have a chance at least to take these businesses and we start them up, we work at them, make them successful, do the best we can with them, then that money stays here.

The bank proposition, I have been pushing that for a long time. We need to keep that money here, the \$35 million the tribe has annually, and more, the college has money, this school has money, the IHS has money, and we should be thinking about how we can help one another.

So that's the list. I have got down here pheasant farm. I think we have Bob Molash over here who is thinking about that. Gee, I just see there is things that we could do, recreational activities. There's all kinds of stuff that we could do with that river out there, but we just need to lure or help our people say that here is a pot of money. I think we've only got—far too little money has been allocated right now, I mean way too far. We need a lot more pull for our people with a lot more possibility of getting this and applying for it.

I have said the list of possibilities that I just read are but a few ideas that can become a reality. In my opinion, we must do everything we can to encourage the spirit of resourcefulness and do everything we can to empower a host of creative problem solvers with JTAC funding. Just as in the story, we should endeavor to strengthen those that can give our tribe the best chance of surviving. I do believe that this direction offers our people the best hope to constructively exist in the future.

To conclude my comments, Senator, I would strongly recommend that the Senator stick to his stated commitment of economic recovery. I believe there is a lot of cultural wisdom, such as the story I just shared, which supports such a position and, consequently, backs your stance to appropriately use the JTAC interest earnings.

Thank you for allowing me to give this testimony. Thank you.

[Prepared statement of Mr. Archambault appears in appendix.]

Senator CONRAD. Thank you very much. And now to Ron McNeil. Welcome, Ron. It's good to have you here. Why don't you proceed with your testimony.

**STATEMENT OF RON McNEIL, PRESIDENT, SITTING BULL
COLLEGE**

Mr. McNEIL. Thank you, Senator Conrad. Welcome to the Standing Rock Sioux Tribe. We are pleased to have you here today. I wanted to thank you, as well as the chairman, Senator Inouye, for allowing me to testify before the Senate Committee on Indian Affairs today.

For the record, my name is Ron McNeil. I am the president of Sitting Bull College. I am an enrolled member of the Standing Rock Sioux Tribe. My testimony today is going to cover primarily two issues which I have been asked to cover today on JTAC, and that is the planning process and compliance with the Act, as well as implementation of the fund.

To start with, the planning process—I guess I should back up. One point, Senator, is that I am a lawyer, but I don't practice law so I haven't lost all my common sense yet, although some people have accused me of that.

In terms of the process, Senator, I think it was a—as the chairman had mentioned in his testimony, it was a learning process for us. We weren't given any guidance by anybody in terms of how the planning process should look. And in and of itself that sometimes created a stumbling block, but I think it was a good lesson for us to learn; that is, that it's better for us to create our own process as opposed to having one dictated to us. And I don't think there is going to be any planning process that ever works for all tribes. Each tribe is, as we have always said, sovereign, each of them have their own rules on how they govern themselves, their own customs and traditions, et cetera, et cetera. So there's not going to ever be one planning process that's going to be good and cover all tribes in this situation.

Be that as it was, it was a difficult process for us because we did have to live by two requirements of the law, and that is specifically section 35-04, which designated the funds for four specific purposes; that is, education, social welfare, economic development, and other programs. What the idea was is that they would assist at least in the economic development and social welfare and education of this tribe.

I think that the categories that were set up, the six categories that were finalized by this Tribe, do meet the requirements of section 35-04. None of them fall outside of that.

The other requirement that we were very—that was very hard for us to meet simply because a lot of the people on this reservation still grieve over losing the land, and that is section 35-06 which said no capita payments. We did have a lot of discussion on that on this Tribe. The discussion even continues today. And it's not always understood by the members of the tribe that this money was meant purely as an economic recovery tool, not to equitably compensate the original landowners who lost that land. That, I believe, is a different subject not covered by this particular legislation.

And, again, it was hard for us to get around that. Every time we went out to the districts for comments, there were a number of different committees that did go out there to seek input from the districts, and continually were faced with the idea of somehow compensating the original landowners. I believe that's one of the reasons why Kenel was one of the first jurisdictions to receive funding under the access plan because their district was impacted the most out of any of the river districts.

Be that as it may, the idea that—it was again a lengthy process. We had to deal with the idea of the per capita payments. We did get around that. I don't think everyone understands that. There were six categories that were set up. With the idea that it was

quite a lengthy process and there was a lot of input from both grassroots people in the community, as well as the tribal government, as well as some of the institutions, Sitting Bull College being included, that we were able to create, if you will, this access plan which set up those six categories.

It comes to the implementation actually of that access plan where I think that we start to run into some difficulties. In the implementation of it, as I read from the chairman's statement, he talks about three categories that have been funded of the six categories, that being the economic fund, the money had been spent there; the community economic development fund, the money was spent there; and the resource development land acquisition, the money was spent there, as well.

And we had listened to the testimony in terms of the amounts of millions of dollars that has been drawn down primarily for those three categories. Some of it is spent, not all of it at this point in time has.

I don't think—in defense of the tribe, I don't think that the tribe in spending in those three categories went outside the spirit of the law or the intent of the law. That is they did stay within the educational category, the idea that this was for economic development. None of it did go into any individual's pockets that I am aware of. Again, they didn't violate the spirit or the intent of the law, but where I think the problem occurs is that, and you mentioned it, there needs to be some accountability, accountability not only in terms of how the money is actually spent, but I think accountability in terms of creating plans prior to the time the money has actually been disbursed.

The access plan as approved, and, again, with input from a lot of people in this tribe, spells out a lot of the requirements that should be looked for in terms of how you access the funds, what it's used for. Specifically, there are some requirements that are in there that haven't been met at all and I think are going—if they were, would lend to the idea of a good planning process for this tribe.

Each fund is supposed to establish—or the tribe, itself—excuse me—is supposed to establish and allocate to each one of those funds a set amount each year. The tribe has failed to do that. Because it's failed to allocate said amounts to those different funds—and the amount that they put in those can change depending on how the tribe prioritizes each of those categories. That's the tribe's wish, but I would hope that they would at least inform the public of the plan that they have put in place of the amounts allocated on a yearly basis. The plan calls for that and I think that's a simple requirement of sitting down and budgeting the money that you have so far allocated and what you anticipate for next year.

I think Mr. Archambault has worked on a similar-type concept that is basically a budgeting plan for each of those categories. It hasn't been done, so nobody knows how much is allocated to land purchase, nobody knows in this tribe how much money is going to education until after the money has actually been drawn down. Prior to that nobody is really aware of how much money is supposed to be put in any of those categories because there has been

no allocation. That's one problem I see, is that allocation is begun each year in those categories.

One of the other problems I see with it is that there are supposed to be fund administrators for each of those funds. After the money is allocated to those funds, the fund administrator then is supposed to put in place an application process whereby people who fit within those categories, whether it be a district or whether it be a school or whether it be an individual, knows what the application process is. At this point in time there is no application process. Part of that application process requires that the entity seeking funding, whether it be Sitting Bull College asking for \$4 million, that we need to show the fund administrator, the tribe, how our request fits into a long-range strategic plan for the institution. If it's the district, the district needs to put forward a long-range district plan on what it plans to see, not only for this year, but for years down the road and how much money it intends to encumber or needs to fulfill its plan over the years that allows for the budgeting process.

Those are basic tenets and they are laid out in the access plan that has been submitted by the tribe to the BIA. However, those things, those requirements haven't been met. And I think that, again, the tribe hasn't violated the spirit of the law in terms of where it spent the money. I think that it makes for much better fund accounting, it makes for better strategic planning for this whole tribe if those basic tenets that are laid out in that plan are actually followed.

Now, I'm not going to fault the BIA at this point in time for saying that they didn't know what to look for. That, yes, there is this idea that the tribe is sovereign and should be able to utilize the funds in a manner which it sees consistent with this act. However, when the Tribe created this plan—it wasn't the BIA that created the plan, it was the tribe that created the plan. In doing so, the tribe should simply follow the procedures that it sets forth in the access plan, itself.

Now, the tribe hasn't done that in the past. It has, I think, learned a valuable lesson in terms of, and I mentioned that in my testimony, and that is that when you start allocating funds, giving funds out without strategic plans, without sending in an overall budgeting, you're going to get a run from every institution or individual in the community that can get its hands on the money.

I think the tribe experienced that run when it gave money to one district and the rest wanted the same amount. You gave to one educational institution, Sitting Bull College was the next in line, we stood in line for \$4 million, and after that—so every other school on this reservation stood in line for money. And so you've got another \$12 million which has been drawn down for schools, but hasn't been given out.

The tribe has learned a lesson, I think, and that is that it's asking for the schools, it's asking for the districts to submit strategic plans. It is going back to utilizing the process laid out in the JTAC access plan, but I think there needs to be some monitoring by the Bureau of Indian Affairs to see that in fact the requirements that the tribe put out for itself is being followed by the tribe. It does lead then to strategic planning, long-range planning for the institu-

tions, for the districts and for the individuals on this reservation to know where the money is going to be spent not only today, but tomorrow, and what are the priorities of the tribe.

Senator CONRAD. Thank you very much. Ron, let me ask you, \$4 million has been allocated to the college. Has that money been expended?

Mr. MCNEIL. No; it hasn't, Senator. To date I know the figures have changed slightly. We have accumulated—that money is put in an account in Bismarck for this college. Today we have accumulated approximately \$150,000, a little over that, maybe \$160,000 worth of interest income on it.

What we have spent to date is approximately \$450,000. What that has been spent on so far is approximately \$360,000 has been spent on architectural fees. Another approximately \$89,000 to \$90,000 has been used to fund the cultural center which is currently out there. So—excuse me. It was \$360,000 for the architectural fees and approximately \$90,000 for the cultural. We have spent about \$450,000. Adding \$150,000 on top of \$4 million and then reducing that by the \$4.5—\$450,000 we spent, we currently have \$3.7 million remaining.

Senator CONRAD. What have the architecture fees been spent on?

Mr. MCNEIL. Drafting—a number of things. One is—the architectural fees include testing of the soil to make sure that it can support buildings, the surveying of the property to make sure that we actually got our boundaries in place, the actual drawing now of a science laboratory, which will be one-quarter of the science classes and administrative building. It's actually about a \$40 million project that we have got planned right now. So the tribe's contribution represents 10 percent of that \$40 million campus.

Senator CONRAD. Thank you very much for that. You're talking about a \$40 million long-term plan?

Mr. MCNEIL. Yes.

Senator CONRAD. Let me just say, and this is hard to say, but it's the truth, and it needs to be known. This legislation was passed on the idea that it would provide an economic recovery fund to the entire Tribe, that the entire Tribe was hurt by what occurred. This was not intended, and specifically it was precluded by our colleagues—and let me just say that the tribal leadership at the time was absolutely involved in these decisions. This wasn't Kent Conrad just making a decision. It didn't work that way. This was consultation with the tribal council, the tribal chairman in terms of the negotiation with our colleagues to get this money passed. And we were specifically precluded—the only way we could get this money was to make the commitment that it would not go out in per capita payments.

Now, why did our colleagues insist on that? They insisted on it because even though there's desperate need, if you put the money out in for the future. We haven't built a stronger base. We haven't built jobs. We haven't built opportunity. We haven't improved the long-term condition of the tribe and its members. That's why they insisted on that condition. And we agreed to it. Let's be absolutely clear and honest with each other, we agreed to that condition. I agreed to it. The tribal leadership agreed to it. That's a fact. And so that's where we are today.

The idea was an economic recovery fund. Yes, invest in our people. Invest in education so they have a better future. Invest in jobs so they have an opportunity to get a job and to make money. Yes, buy land to restore the land base. All of those things were contemplated. Yes, have things that could help people with immediate needs such as medical. If there was a medical situation or some special need, that's provided for.

And the idea for those who suffered the most, those who had their lands taken, that that should be part of a consideration on their trying to get money to go to college or that they are trying to get started in a business, that that would be one part of the consideration of how the funds would be used to build the economic base of the community. That was all part of the agreement.

So I wanted to say that. That is what happened. That's how it came about. And we have got an obligation to try to the best of our ability to carry out the intentions of the program. And the intentions are good intentions. The intention is to use this money so that five years from now we come back and 1 year from now and 2 years from now things are better here, the people have a better future. And I think these witnesses have done an excellent job in outlining that here today. I thank you for that.

I thank each of the witnesses for your participation here today. Your full statements will be made part of the record.

Now I am going to open it to people in the audience who might want to say something. If you would just go to the microphones—anybody who would like to make a statement go to the microphones and line up there so you have a chance to be heard. My intention would be—we have got a real time crunch here, but we are going to take 15 minutes to get statements. We probably won't be able to hear from everybody who would like to make a statement. I would say this to you. We will go back and forth. We will start on this microphone to my left, then we will come over to this microphone. We will go back and forth. We will give everybody 1 minute, 1 minute. That's the only way we can do it fairly. So if you have got more than 1 minute, think quickly about how you reduce the length so that we can give as many people a chance to make a statement here as possible.

Let me just say that when you begin, if you would give your name and spell it for the stenographer, that would help her. And we will start to my left. Yes, sir.

**STATEMENT OF TERENCE YELLOW FAT, CHAIRMAN, FORT
YATES LOCAL DISTRICT**

Mr. YELLOW FAT. Thank you, Senator. My name is Terrence Yellow Fat, T-e-r-r-e-n-c-e Y-e-l-l-o-w F-a-t. I'm chairman of the Fort Yates local district.

I will submit the full text—

Senator CONRAD. Just withhold for a minute. We would ask people to refrain from conversation so that we can hear the witnesses. Please proceed.

Mr. YELLOW FAT. Thank you. A quick overview, Senator. I would like to quote from the Congressional Research Service, Library of Congress in correspondence to the Honorable Senator Dorgan dated September 8, 1998, relative to the use of the funds under Three Af-

filiated Tribes and Standing Rock Sioux Tribe Equitable Compensation Program. I quote:

Currently, there are no Department of the Interior implementing regulations to provide the tribes with procedures and standards in making requests for expenditures from the Funds. There is scant legislative history.

Next, the Congressional Research Service indicates that if one of the tribes establishes a program to improve the education, social welfare, or economic development of tribal members and sets criteria for eligibility for financial assistance or grants, nothing in the statute would bar the Secretary of the Interior from approving a request by a tribe to fund such a program despite the fact that the program would eventually result in payments to individuals. In proposing such programs, the tribes would be advised to draft eligibility standards to identify recipients and set up procedures to screen applicants and oversee management and disbursements, rather than submitting prescreened lists of tribal members.

And basically our local district has been blamed for proposing a per capita payment, and actually we are trying to use this criteria here to assist the residents of Fort Yates local district.

I will end my comments there. The full text will be submitted.

[Prepared statement of Mr. Yellow Fat appears in appendix.]

Senator CONRAD. I appreciate that. Let me just say this to you very directly. That may be the Congressional Research Service. I was there. I wrote this law. I got it passed. I had to negotiate with my colleagues to get it passed. There is absolutely no question that the commitments were made not to make per capita payments. That does not mean you can't help people go to school, you can't help people do other things, you can't loan money to them to start a business. You can do all of those things. But you can't just make per capita payments. That was a very clear commitment that was made.

Mr. YELLOW FAT. And we are not proposing that.

Senator CONRAD. Okay. I appreciate that. Yes, sir. We'll come to this side, and if you would give your name for the record and spell your name to help our stenographer.

**STATEMENT OF CEDRIC GOOD HOUSE, VICE CHAIRMAN,
EXECUTIVE JTAC COMMISSION**

Mr. GOOD HOUSE. My name is Cedric Good House, C-e-d-r-i-c G-o-o-d H-o-u-s-e. And I am a member of the Fort Yates community. I'm also vice chairman of the Executive JTAC Commission. The Executive JTAC Commission is members of each community elected by their communities, and it's a commission established by the tribal ordinance that we develop and the tribal council pass.

What is significant here, Senator, is that in our development of the ordinance, we proposed an administrative structure to be put in place to manage and administer the funds outside of tribal government, a non-political, unbiased administrative structure so that what you are talking about helping people recover economically can be done free of politics.

To date—and I just want to—and I will be submitting additional documentation to support our claim for that it needs to be administered outside of tribal government, not outside of the government of the tribe, but outside

It's the same thing that you use when you make allocations at the Senate level. You give money to different departments, like the Interior Department. They in turn make money available to different park people, and communities and tribal governments apply for that money with appropriate data. That's not done here. Whoever you're in favor with with council, that's—you know, whenever—and a lot of the allocations were done not without data, and I think that to date things have been pretty nice as to how this has been done.

I want to use one example that you raised some questions about, and that concerns the \$12 million that was told to you that's been deposited in the bank of Wells Fargo—Wells Fargo Bank in Mobridge. That resolution that authorized that draw-down, that resolution was rescinded, so there is no \$12 million for going to those schools that you might think. It's just sitting in the bank at the discretion of the tribal administration. And without a resolution, that money—\$7.4 million plus of that money was used to—was encumbered to collateral for cosigned loans prior to the election of 2001.

And there is a great deal of concern over that. It was brought to our attention as the Executive JTAC Commission because we were advocating that there be an oversight office for management and accountability of these funds and this is where we started trying to rectify that problem. We wanted to have the plan suspended, rewrite the plan so that we can—so things can be followed. We wanted to have policies and procedures initiated, because the policies and procedures portion of the plan that was approved by the BIA, there have been no policies and procedures ever established. The BIA in turn, they say they submitted resolutions for draw-down. There is a reg that states that there is—the membership of the tribe needs to be notified of the intent of the draw-down, of the intent. And prior to that, prior to any draw-down there has never been any sort of public hearing. We tried to rectify that by writing it into the ordinance.

Senator CONRAD. Let me interrupt you and ask you—

Mr. GOOD HOUSE. Sure. Please.

Senator CONRAD. [continuing]. Something about something you have said.

Mr. GOOD HOUSE. Sure.

Senator CONRAD. What I hear you saying, correct me if I have heard you incorrectly, is that the \$12 million that was drawn down for school repair and construction is in an account, that some portion of that has been encumbered for loans to individuals?

Mr. GOOD HOUSE. Yes; that's right. \$7.4 million of it. And it's also in banks, different banks across the country, from Austin, Texas, to Minneapolis, to various other banks surrounding this area in North and South Dakota, Montana, and, you know, outside—further outside.

And I believe there is a definition that you put into the legislation that talks of Standing Rock Sioux Tribe and what that means, and the definition of that means for residents of the Great Sioux Nation residing on the Standing Rock Reservation.

Senator CONRAD. That's exactly right, it is for Standing Rock. Well, that's a real concern. If the money has been drawn down for

one purpose and used for another purpose, that's exactly why we are having this hearing today, to find out how the funds have been used. And if money was drawn down for school construction and used as collateral for loans to individuals, then that presents a very serious problem.

Mr. GOOD HOUSE. You know, Senator Conrad, the tribal government was petitioned—when the loan program was closed, the tribal government was petitioned by membership to utilize \$5.5 million for a lending program. The BIA returned that resolution back to the tribe saying which fund did it come out of? That resolution was never justified to the request of the BIA. Instead, they just let it go. And yet at the same—without an authorizing mechanism or authority or resolution, they encumbered—the administration encumbered \$7.4 million of that \$12 million that was sitting in a bank. There are regulations of the Office of Trust Management that allow the tribe to return money back to the U.S. Treasury and the resolution that rescinded that, and I have the minutes and will be submitting that to your office.

Senator CONRAD. Will you submit that for the record, please?

Mr. GOOD HOUSE. Yes; and in that resolution it admits that we did not follow the plan, the tribal government.

Senator CONRAD. All right. Thank you very much.

Mr. GOOD HOUSE. Thank you.

[Prepared statement of Mr. Good House appears in appendix.]

Senator CONRAD. Yes, sir.

STATEMENT OF MANAJAUNJINCA HILL

Mr. HILL. Thank you, Senator Conrad. My name is Manajaunjinca, M-a-n-a-j-a-u-n-j-i-n-c-a, Hill, H-i-l-l, descendent of John Taggert. My mom was Rose—my grandma was Rose Taggert, so I am a direct descendent of the people who lost land out there.

I would just like to say thank you for making one comment, and that was that landowners or people who actually lost lands can be given a preference in these millions of dollars. I think that has been overlooked so often so many times. I appreciate you saying that and it being on the record that maybe the tribe will look at us as landowners who lost and give us some type of preference. Thank you.

Senator CONRAD. Next.

STATEMENT OF PETE RED TOMAHAWK, CHAIRMAN, CANNON BALL COMMUNITY

Mr. RED TOMAHAWK. Thank you, Senator Conrad. My name is Pete Red Tomahawk. I am the district chairman for the Cannon Ball community. And also I sit as one of four national cochairs for negotiated rulemaking committee. And it's a privilege and an honor to represent the Standing Rock Sioux Tribe in this capacity.

But my concern, Senator Conrad, is that we are one of the communities that is adjacent to the Missouri River. Our community was relocated—97 percent of our community has been relocated on top of the hill. On top of the hill where our community now sits, it faces the harsh climate of the winter, of the elements that come and whipping at our housing, but yet at the same time we still have a dire shortage of housing that was shared with our people

back then. You know, what is your need? You know, where are the grandchildren of our grandparents that are finally seeing the reality of the JTAC dollars that become a reality? Our grandparents and our parents have not seen that. But yet, most importantly, now as grandchildren we see what our grandfathers—our parents have said was that it's not what I want. It's for my grandchildren that are going to be here for tomorrow. So I am looking at that.

We have a dire shortage of housing. We have a very serious problem with our youth in looking at youth suicides. We are in a crisis even as we speak, Senator Conrad, and looking at even as late as last night, I was informed of a young man that was going to try to commit suicide.

What we did as a community, we established a zero tolerance looking at alcohol, drugs and youth violence. But what it stems from is alcohol. We have this resolution on file that was approved by the tribal council and we have just recently had a liquor license passed for our communities to look at the problem—the stem of all of these problems. So this is a great concern of ours. In looking at that—

Senator CONRAD. I am going to have to ask you to wrap up because, otherwise, we are never going to get through all the people who would like to speak.

Mr. RED TOMAHAWK. The last point is roads. We need better roads, Senator, and looking at our streets and the roads, our school bus routes. That's all.

Senator CONRAD. Thank you very much. Yes, sir.

STATEMENT OF JEFF McLAUGHLIN

Mr. JEFF McLAUGHLIN. Welcome to Standing Rock, Mr. Conrad. My name is Jeff McLaughlin, M-c-L-a-u-g-h-l-i-n. I am a landowner through inheritance. I was directly affected as a result of the flooding the Oahe taken area. Therefore, several lawsuits were filed in tribal court. And the Hunkpapa Treaty Council, Standing Rock Landowners Association that initiated lawsuits on the JTAC through permission we acquired because my parents—my mother is from Kenel, my dad is from Wakpala, and so our family has a direct say in this. And there is a lot of things I want to say, but these lawsuits were filed because landowners are not being sufficiently compensated to their satisfaction. Because 85 percent was lost, the priority should be to the landowners secondary to the outlying district. The tribe does not lose as much land as the landowner. This is submitted in the court documents, that factual evidence, and we will be submitting some more.

The case that—the angle that we came from is the landowners' priority and we should deem it necessary to take back the money or to reappropriate it to the landowners because as a solution, land replacement may be—just compensation may be a trust fund, a hundred thousand dollars for each family because there is a lot more than 180 families in the whole district. There is 300-plus individuals who are asking for more information, but the way the system is set up that we cannot access this because of the lawsuit, so we have to go—that's the only alternative. We try to reason with the tribe, the district.

Currently I'm self-employed, unemployed maybe because of my activities. But this is what I believe in. I volunteered my services. The information is factual, but for whatever reason, the landowner should be dealt with appropriately, sufficiently and compensated, and that's why the lawsuit was filed. That's the only alternative. So I ask that—make a challenge if you reappropriate the money, because the way the system is set up now it's not working. And as a landowner we are asking for your help because we have been waiting 40-plus years for this. So another thing is interpretation of the law because each family's needs are different. Some may have lost houses, some may have lost all of it. But that's what we are asking, make it a priority for the landowners. With that, thank you.

Senator CONRAD. All right. Let me just say—I would ask Cora Jones to come back to the witness table. I understand she is still here. Let me just say, Lynn, if you would come up, too, because I am going to have to have you take over after I hear from Cora Jones on what we were just told here. We have to go to Dickinson today and we have people waiting for us there. So Lynn Clancy is my State chief of staff. He will take the rest of the testimony, it will all be recorded in the record and we will review that.

I want to ask, Cora, we heard something here today that is a concern to me and that is that the \$12 million that was drawn down for schools, apparently the assertion is that \$7.4 million of that was used—has been used as collateral for loans which is not the purpose for which it was drawn down. Were you aware of that?

Ms. JONES. No, sir.

Senator CONRAD. Well, that kind of goes back to the whole point I was making about knowing where the money is going and have very specific indication of where it's going before it is released. And this is exactly what I was worried about. Money was released for one purpose, and the testimony is here today it's been used for another purpose. Does that concern you?

Ms. JONES. Very much, yes.

Senator CONRAD. Well, I think we have to get to the bottom of this. And I am asking as part of the process that you engage in to come back to us in 30 days with a process that we can be assured that money is released for a specific purpose and goes for that purpose, that you get to the bottom of this.

Ms. JONES. I understand.

Senator CONRAD. I want to know if this is accurate. I want to know how this occurred, how money has been released for one purpose and used for another purpose because that is not acceptable and we have got to have an answer.

Ms. JONES. Yes; I agree with you wholeheartedly. I wrote that down to ensure that that gets investigated.

Senator CONRAD. All right. I want to—I intend now to hold the record of this hearing open until I get the answers to those questions. And if you will provide it as soon as you have it.

Ms. JONES. I will. Senator, can I add one more thing?

Senator CONRAD. Yes; was a resolution that was not rescinded, talking about the \$12.5 million. In actuality, there was only \$7 million that was drawn down on that, on this particular draw-down,

and as far as—I have Dean Webb down here. Dean, can you come up and explain this, please? I'm sorry, my voice is going.

Senator CONRAD. No; that's fine. If he's got the most direct information, that's what we want in this hearing. Identify yourself for the record again, Mr. Webb.

Mr. WEBB. Dean Webb with the Office of Trust Fund Management. Just to make clear here, there was a draw-down that was requested for \$12.5 million dollars, and in that \$5.5 million was to be used for this credit program, that was mentioned in one of the testimoneys. That did not fit the plan and we did not release that \$5.5 million.

Senator CONRAD. Well, what we heard here today is \$12 million was released and \$7.4 million was used for a purpose other than the stated purpose. That's what I heard here today.

Mr. WEBB. But the comment was also made about this tribal credit program.

Senator CONRAD. Right.

Mr. WEBB. And we did not release \$5.5 million.

Senator CONRAD. You did not release the money for that purpose.

Mr. WEBB. We adjusted the 1034.

Senator CONRAD. It seems somehow the money got used for that. You may not have released it for that purpose, it got released for another purpose and used apparently in that other way.

Let me just say this. I want to apologize to those that are standing in line and waiting to testify. I have to go because I can't make it in time for the next meeting if I don't. But Lynn Clancy, who is my chief of staff here in the State, has worked closely with people on the Standing Rock Reservation for many years and he will listen to the rest of the testimony, it will all be recorded in the record, so we will have a complete record of everybody's testimony.

I want to thank everybody who has participated here today. I want to thank Chairman Murphy for his courtesy in helping organize the hearing. I want to thank Cora Jones for being here. I want to thank all of you who participated in this hearing. I appreciate it very much.

Lynn Clancy will now take the additional testimony. And we will hold the record open for the hearing until we have these additional items made available.

Mr. GOOD HOUSE. Sir, may I make a point of clarification here for Cora, as well as Dean Webb? There was \$12 million drawn-down for three schools, one was the McLaughlin School, one was the Solen-Cannon Ball School and one was the Fort Yates District School. That \$12 million that was drawn-down was rescinded after they got the money here. That money was deposited in the bank in Mobridge. It has since sat there and the tribe then, the administration because there was no resolution by the tribe reauthorizing use of that money, so the administration of this Government took that and used \$7.4 million of that money to collateralize—to cosign for loans across the country. Now, we have the documents from Larry New Bird, the finance officer, that speaks very clearly to that, as well. Thank you.

Senator CONRAD. Let me just say, I would like you to share that documentation not only with the committee, but with Cora Jones, because that should not happen, very clearly, and we have got to

get to the bottom of what's occurred here and we have got to make sure that does not happen again. Thank you very much.

Mr. CLANCY. Thank you, Senator. We will continue now with the testimony and I believe we are on this side.

**STATEMENT OF FAITH TAKEN ALIVE, BEAR SOLDIER
DISTRICT**

Ms. TAKEN ALIVE. For the record, my name is Faith Taken Alive. I'm from the Bear Soldier District.

And I would like the Senator to hear my comment, and please take notice that there are two JTAC status reports, both dated September 20, 2001. One JTAC status report shows a \$50 million minus that was issued in October at the Prairie Knights Casino. The second JTAC status report also dated September 20, 2001, that was passed out at the January Cannon Ball JTAC reservationwide meeting reflects a minus \$57 million figure. There's a discrepancy of \$7 million between the two documents.

Also, on the September 20—yes, September 2002 JTAC status report, there is a list of where the banks—of money—where the JTAC money has been collateralized, there's a list of the banks where and the amounts where the JTAC funds have been sent as collateral.

Also, if you go to the May 4—back to the May 4, 2002, motion number 47, I included it in the packet of documents I gave to you, a transcript of the May 4 meeting whereby there is no motion to approve the JTAC access plan or the EDFI or there was no motion, period. That was—Mr. Murphy clarified that himself three times in a row, and then proceeded to call for a second based on another councilman's recommendation, then took a vote on a motion that did not exist, then turned and used that tape verbatim to state that a motion by resolution was made to approve of the draw-down of the first \$6 million of money to approve the JTAC access plan when in fact no motion even existed. I ask the Senator to take special—look at that for fraudulent obtaining of Federal funds.

Also, the loans and land purchases suddenly stopped after Mr. Murphy was re-elected. I also request that the Senator's office investigate this stopping of the loans and the land sale based on election fraud laws—Federal laws of the United States.

Also, I would like to emphasize to the Senator that we heard some nice, shiny, fluffy reports here today, but not one single job has been created with the JTAC funds. We have continued to live in a high rate of poverty. We continue the dependence of community members on the tribal council and the tribal government because of the lack of jobs. There is no financial dignity on Standing Rock for individual enrolled members. And I request that the Senator do a full-blown investigation on the JTAC funds of the Standing Rock Sioux Tribe, and I thank you for your time.

Mr. CLANCY. Thank you, Faith. Now we will go to the next mike here.

STATEMENT OF WANDA WHITE EAGLE

Ms. WHITE EAGLE. My name is Wanda White Eagle. Shall I spell it? It's just the way it—

Mr. CLANCY. Spell your last name.

Ms. WHITE EAGLE. White Eagle, two words, W-h-i-t-e E-a-g-l-e.
Mr. CLANCY. Thank you.

Ms. WHITE EAGLE. I have heard a lot of comments, and there was just one person that I really found—you know, this Archambault guy that told the story about our people, how the people are suffering on the reservations, the children, especially the children.

We have a lot of educated people. We have a lot of people sitting on several committees, our and it seems to me like a lot of people kind of get carried away when it comes to money, when you talk money. And we should really sit down and put our minds together and start, you know, trying to create a different—you know, a different community, a different life for—there are seven districts—I think there are eight now on the Standing Rock Reservation total, okay, to create economic development. Just like I said, there's a lot of educated people within our reservation, but I see a lot of greedy people, too.

I am one of the people that was applying for a business loan. I was told that there was a set amount of 350,000. I have a business plan that is like a multimillion-dollar project, not only from—well, I am from the Rock Creek community, probably one of the smallest communities on the reservation.

I have this business plan, I am working on it right now, but just like everyone else, you know, personal problems, family crisis, medical emergencies, everything that can get in the way of you sitting down and putting your business plan together. And I am working on my own. I am not getting paid from any sources, no committees. I do not sit on any committees.

I am a mother, full-time mother, concerned member of our community, and I see a lot of the children struggling and suffering, and I as a person want to make a commitment to make those changes, and with this business plan I have, you know, I am going to see these changes, I'm going to carry out these changes, and I have a multimillion-dollar project, and I'm talking about dinosaurs, I'm talking about fossils. You all know what that is. We have those in our community of Rock Creek, within the boundaries, the natural resources.

And I'm going to tell you a story about how our people lived a long time ago, but we lived off the land. I'll cut my story short so other people can give their input and whatever. But I just want to let the people know that it's time now to stop and to take a real good look at what we—the opportunities that we have to create a better future for our children. I am talking about a cultural center with arts and crafts. All our people on the reservation have been gifted with the talents of art, being able to create costumes, beadwork, star quilts, and I hope you know what I am talking about. Just to give you an idea what I am talking about—

Mr. CLANCY. I think so, Wanda. But we do need to have your plan—business plan, and so on, fairly addressed by a process that would be put in place that administers the business development fund or the equity fund. I don't think we will be able to do that in this hearing.

Ms. WHITE EAGLE. Yes; well, I was just here to inform the people I am one of the people that is trying to create economic develop-

ment for our community. By this I was talking about the dinosaurs, we can create jobs that way for our people, on-the-job training to bring back, you know, and then a museum to preserve our natural resources. By that I am talking about the dinosaurs and the fossils. Our home is where Sitting Bull was born and where he was raised and where he died. And there is a lot of history in our community that the people kind of fell away from, so we want to preserve that. You know, with this museum we want to be able to preserve those things, but we would also like to create economic development and a better education for our community and for our younger generation, but not only the Rock Creek community, the whole Standing Rock Reservation as a whole. I'm talking about the whole reservation. I'm not just thinking about Rock Creek.

Mr. CLANCY. Well, thank you very much.

Ms. WHITE EAGLE. Thank you.

Mr. CLANCY. Now to this mike.

**STATEMENT OF SHIRLEY MARVIN, TETUWAN OCETI SAKOWIN
TREATY COUNCIL**

Ms. MARVIN. Thank you. My name is Shirley Marvin. I'm with the Tetuwan Oceti Sakowin Treaty Council.

And, Mr. Clancy, we were up visiting you in your office last month, and if you remember, we gave you a packet of material, a tape—

Mr. CLANCY. Yes.

Ms. MARVIN. [continuing]. A transcript. I would encourage you to really read those and go through everything that we did give you. Listen to that tape. It's a shocker.

But what you've heard here and what you are hearing is just the tip of the iceberg. You know, there's been a horrible misuse of power in regard to JTAC funds. People have said earlier that there have been no jobs created, and that's the truth, no jobs. You have documentation within that packet that shows you illegal use of resolutions, instruments of government, have been misused. They have been doctored. And that's all in that packet that we gave you.

Mr. CLANCY. And that material has been put into the record and we do have it.

Ms. MARVIN. Thank you. What I would like to recommend is that we have a complete investigation from the IGA's or RG's office because there is just too much. People have lost money. I am a landowner, too. I never did get paid for the land that we had here. My home that I grew up in, that was flooded. I never did get paid for it, so I know what these landowners are talking about because I am one of them. And I don't have a job. I also know what the unemployed are talking about. We need jobs. I don't have a home. I know what the homeless are talking about. So I fit in all these categories.

And I am requesting a complete investigation, not just an audit, an investigation because the deeper you dig on this material, the more you are going to find the illegal things that are happening and have happened. And I think the people of Standing Rock deserve that.

Mr. CLANCY. And Senator Conrad shares your concern.

Ms. MARVIN. Thank you.

**STATEMENT OF RANDAL WHITE, TRIBAL COUNCILMAN,
PORCUPINE, ND**

Mr. WHITE. Randal White, R-a-n-d-a-l W-h-i-t-e. I represent the Porcupine, North Dakota, I'm a tribal councilman there.

I guess my wishes—I have been sitting—our community has been sitting around the roundtable for the last 6 years of planning, planning, planning, and we are one of the communities that would like to see some of that money so that we can build maybe a small clinic in our community, more houses, we can do more things within our community, probably put in a convenience store, because there is a need, that we have been sitting down for the last 6 years.

And I hope each of the eight communities also need the same in each of the communities. Each need is different. So I just wanted to share that with you, because we have been sitting around the roundtable for the last 6 years planning and planning and now it's time that we see some of that money to build jobs in our communities, give education money to our kids to go to school.

I know my wife goes 80 miles roundtrip just to work. A lot of our community members drive a long ways to work. We want to put jobs there so we don't have to travel as long. Also, the community of Selfridge needs water. And our roads in Porcupine and Selfridge need some repairs, so we sure could use some of that money out to the eight districts. Thank you very much.

Mr. CLANCY. Thank you. This mike.

STATEMENT OF ALMA MENTZ

Ms. MENTZ. My name is Alma Mentz, A-l-m-a M-e-n-t-z.

I'm here on behalf of the landowners that have lost land. My mother happens to be one of them. And this is the thing Mary Louise Defender Wilson spoke about, so many of the families that grew up along this Missouri River that have been forced to the top, to the back. To no-man's land, they put us, the government—the U.S. Government. And we need to be healed. We need to be healed. We're hurt. We are still hurting today because of what the U.S. Government has done to you and I. For what? No money.

My mother lost all her allotments. She lost four allotments. I believe she received \$1,200. You cannot put or I cannot put value on the trees, the land. You cannot put a value on their being. But this is nation, the red nation, the Sioux Nation, the Great Sioux Nation I have been saying.

But now what I want to see is that some of the landowners—some districts have been given millions and millions of dollars. When are the ones that had lost land and from thus generated the JTAC money, when are we ancestors going to get any of the money, the funding that's going out? The landowners lost all this land. We're sitting here and over there somebody else is fighting over the money that has been generated from the landowners' land. I'm hurt. I will speak against that to my people today again. I speak like this to my council when I go before them, because they are sitting on these serious problems. We need to be healed. We have no funds set aside for the healing process.

Look at our people. We are all going under with alcohol, which the Government sent up the river to destroy the red nation with. He first tried to kill off our buffalo. A little history to you, sir. He

said let us starve the people when he got defeated by the Great Sioux Nation. He said let us starve them. He chased my people all over. He massacred here and there. Then when he couldn't, we were still survivors, he said let us give them blankets with the disease of smallpox, and which he did. This is why Lewis and Clark—the people are strong on Lewis and Clark heavily today. I don't need to hold them up there just because he's going to give me a few dollars for my pocket to be remembered. Why aren't our ancestors instead of Lewis and Clark? What kind of Indians are we today?

Mr. CLANCY. I appreciate your comments.

Ms. MENTZ. I really get upset, all these issues going on here today. We need to be compensated.

Mr. CLANCY. The purpose of this program is to try to address some of those injustices.

Ms. MENTZ. Thank you so much.

Mr. CLANCY. Thank you.

STATEMENT OF ANTHONY WHITE MOUNTAIN, PROGRAM COORDINATOR, LAKOTA RESIDENT MANAGE CORPORATION, McLAUGHLIN, SD

Mr. WHITE MOUNTAIN. Hello. My name is Anthony White Mountain, A-n-t-h-o-n-y W-h-i-t-e M-o-u-n-t-a-i-n, Senior. And I work with the Lakota Resident Management Corporation as the program coordinator in McLaughlin, SD.

And our resident management program and the boys and girls club have put in requests JTAC money, which we are denied over and over. I was wondering if that money can be used for social programs to help the people and the residents such as finding them jobs, and so forth? Can that money be used for that purpose, for the purpose of a boys and girls club?

Mr. CLANCY. Are you talking about a club?

Mr. WHITE MOUNTAIN. JTAC money use.

Mr. CLANCY. It would seem like it's within the purview of the legislation. You know, I'm sure again there is a process for evaluating these proposals, a determination can be made. I don't think I should be trying to make that determination here today. But certainly that's a worthwhile process to develop youth. We need those kinds of programs.

Mr. WHITE MOUNTAIN. One other question I have is the fact that the illegal use of the JTAC money for election purposes, what would happen if that was found to be true?

Mr. CLANCY. Well, that's a whole—another issue that really gets separate from JTAC and it needs to be looked at perhaps by law illegal process of conducting elections, and I have heard some very serious allegations made here and they need to be investigated in a different way than this hearing would provide.

Mr. WHITE MOUNTAIN. Will that jeopardize the JTAC funds as it exists now, if that is found to be true? If that's the case, it can be found to be true, will that affect the JTAC money as it is now?

Mr. CLANCY. I don't see it affecting JTAC money for the future. It's certainly something that would need to be stopped and other legal proceedings brought to bear, investigations to make sure that

justice is brought for the past, but we would through this process be making sure it doesn't happen in the future.

Mr. WHITE MOUNTAIN. Thank you very much.

Ms. DEFENDER. Last but not least, Mr. Clancy, I have a letter that was written by a renowned actor—I don't know if you have heard of him—Gary Busey. Dear Mr. Conrad: The following message was telephoned to me last evening. The messenger is a young renowned actor who had the opportunity to know the late Joseph A. Walker, who was vice president of our Lakota/Dakota Advocates for Human and Civil Rights and one of the founders of this organization.

Mr. Busey states to Senator Conrad, quote:

Whatever Standing Rock needs for the good of the people relative to JTAC, you must listen to the elders and the advocates for human and civil rights.

And I would like to give this to you because he's got a little note at the bottom.

Mr. CLANCY. Very good. I appreciate that. Okay. At the left here.

STATEMENT OF PHYLLIS YOUNG

Ms. YOUNG. My name is Phyllis Young, P-h-y-l-l-i-s Y-o-u-n-g. I am a resident of the Fort Yates District and an elected member of the Fort Yates Local District Planning Commission. And I would like to welcome the Senator and thank him for having a hearing in our community and here on Standing Rock.

From the onset the Fort Yates local district has acknowledged the importance of effective plans, clear accountability and grass-roots tribal development in developing and implementing the recovery program.

Our district has actively participated in the development of the required tribal plan for implementation of the funds, including the seven drafts of the plan that was approved by the BIA in 2000. The Fort Yates community focused on the development of the ordinance, as well, that ordinance having been drafted several times and in fact still in the development stages.

The key factor in the development of our plan is finance. The Fort Yates community leaders are determined that equity development finance will be a reality for our community and our tribe. The district has strongly recommended that the EDFI, Economic Development Finance Institute, not be included in the ordinance so that a financial structure can be developed in its proper context.

There are many community members who are still trying to grasp this new technology finance. There are many members and leaders who are trying to grasp the entire development of the legislation. It has not been easy. It has not been timely. But our time is here now. The Standing Rock Sioux Tribal Council has approved \$1.2 million for a Fort Yates housing plan that will be reservationwide to begin healing and recovery through home building. Hopefully this will be a yearly program to rebuild the 197 homes destroyed in the flooding in 1960.

The Standing Rock Sioux Tribal Council has approved of an additional million dollars which the Fort Yates local district will use for a quilting project, \$250,000, purchase lots and facilities for business development, 189,500, an Economic Development Finance Institute phase 1, which is \$160,500.

The Standing Rock Sioux Tribal Council has approved \$6 million for the Fort Yates District Oyate Wicha Ukini Project, Re-awakening of the People, which fits in the social component of the plan and the ordinance as adopted. The plan will be used to bring the people up to standard living conditions as much as possible, \$3.5 million. And the Community Equity Development Finance Institute, which may be a consolidated effort with the tribe, but currently the plan is to craft a project that would fit the needs of the Fort Yates District, \$1.8 million, phase 2.

The Fort Yates local district appreciates the uniqueness of Public Law 102-575 as it applies to Fort Berthold and Standing Rock. As stated earlier, the Fort Yates community involved itself in the development of plans and guidelines. It has been a tremendous exercise of responsibility and self-help as the Congress gave broad discretion to the development under this act.

Senator Conrad and committee members, we thank you for your interest and your continued support of the issues at Standing Rock. For now we thank you and urge your support of our projects, particularly Oyate Wicha Ukini, Re-awakening the People, so that our people may live.

In closing, I would like to recommend that there be an amendment so that the financing and the floating bonds can be a reality, that there will be an amendment for accountability for ourselves here at home and in the law that we all had dreams of that became a reality. Thank you.

Mr. CLANCY. Thank you, Phyllis.

**STATEMENT OF SHANNON SILBERNAGEL, MEMBER,
EXECUTIVE JTAC COMMISSION**

Ms. SILBERNAGEL. Good afternoon. My name is Shannon Silbernagel, S-h-a-n-n-o-n S-i-l-b-e-r-n-a-g-e-l. I am a member of the Porcupine community. I'm also an Executive JTAC Commission member. I sit on the Commission with Cedric Good House.

I want to stress today that there is a need for the oversight office to be put in place by the Standing Rock Sioux Tribe. My concern is that there has been millions of dollars allocated out and given to various groups of people. My concern is that that money needs to be accounted for, that there needs to be audits done. We as a commission have stressed this. We've talked about it repeatedly.

And I am thankful that you people were able to come to the Standing Rock Sioux Tribe today to hold these public hearings, and hopefully we can get in place our oversight office, and that's to ensure the accountability of how these dollars have been spent. To date we don't know if there was a plan that was submitted and if that plan has been followed in detail, we don't know how those dollars have been expended. As a commission member, I am concerned about that, as well as the rest of the commission is. That's where the accountability comes in.

I also want to stress that there are some positive things that have come out of JTAC dollars. There was moneys given to each district. I am from the Porcupine District. We are striving forward. We have initiated a plan for that million dollars. I am ensuring and working along with my district people to ensure the accountability of those dollars.

We are moving forward, although I would like to see that there be more equal access out there to the general public, to the private person, a person coming in and wanting to set up their own business, to create jobs on the reservation. I would like to see more equal access. That to date has not been done by our council, nor has any dollars been set aside so that people can come in and start their own business, present a legitimate plan to the tribe to start a business and employ people. I have not seen that to date.

These are my concerns I share with you, the panel, today and I would like to see that that oversight office is put in place by the tribe to ensure that accountability. Thank you.

Mr. CLANCY. Thank you, Shannon. Yes.

**STATEMENT OF FRED WEIST, OWNER, GREY EAGLE
MANAGEMENT**

Mr. WIEST. My name is Fred Wiest, last name W-i-e-s-t. I am the owner of Grey Eagle Management. I do financial management, collections and things of that nature.

You know, I recently am one of those individuals that secured a loan through the tribe to be able to expand my business and go about pursuing defaulted loans that were—the tribe had cosigned for or that they had approved to individuals.

I guess I am really disheartened. The past couple of weeks here I have been down to Sioux Falls, SD, down to Rapid City and into Pierre visiting with attorneys, seeking out lawyers that are a member of the Federal bar for a specific reason, that I believe that myself and my company were violated in what I understood to be a good-faith contract and agreement that I had with the tribal council to collect delinquent loans.

I would like to enter for the record, Mr. Conrad's information, you know, that I am looking at a letter that's dated March 15, 2002, to Larry Luger regarding the tribal loan programs that are delinquent and defaulted loans. And it's written to Mr. Luger, a copy was provided to Chairman Murphy, and it's by William Perry of the Sonosky Chambers Law Firm in Washington, DC.

In essence this correspondence, which has been circulated all over the reservation—I got a copy of this, was provided a copy of this letter from an individual that lives in that district, not even where I'm from. And I immediately the next morning after receiving this—reviewing this letter went to seek an attorney, as I mentioned.

In essence this letter states that there will probably be a point in time where the tribe will be wiping off all these loans. I'm not saying—there were statements here made that possibly JTAC revenues were used for some of these loans. I'm not saying that is to be the case or not, but in the event that it is, the strategy is laid out in this letter, in this communication, you know, that gives, you know, the individual who decides not to pay a loan—payback the loan to the tribe, gives them the strategy on how to defeat it in a courtroom environment. And so it tells me, you know, that it's just a wasted effort on my part.

You know, and if this were the case, then I think that Mr. Conrad's office should see the seriousness of what's going on there and immediately issue an injunction and freeze any further draw-

down of that money, and that any investigation that comes out of the mismanagement of these moneys should be done in concert with the Federal Bureau of Investigation.

And, furthermore, I think that the information that comes out of this investigation should be made public and available to the people of the Standing Rock Sioux Tribe, not just to a select few, maybe a governing body. We have been in the dark for too long. I think that if there were—if there was in fact gross mismanagement of the tribal treasury, I think that we have Mr. Conrad's sincerity that he should be sitting down maybe when he's in Washington with the tribe's law firm and finding out, getting down to the bottom of what's going on here.

Mr. CLANCY. Let's see if I understand what you have said. You had a contract?

Mr. WIEST. I have an agreement with the tribe, as do my company, as a collection agency to pursue delinquent loans.

Mr. CLANCY. To make sure if loans were delinquent, that you would—

Mr. WIEST. I would attempt to collect the money back for the tribe, yes.

Mr. CLANCY. And that has—that contract has never been utilized because there were 100 percent guarantees provided and, therefore, the loans have never gone into default?

Mr. WIEST. There was a variety of different types of loans. What I'm saying, sir, is that if some of these loans were in fact—if the bank notes were retired with JTAC money, I don't know about that, you know, for a fact or not, but it would be my job, you know, to go and attempt to collect back as much as I can from these individuals that are in default or delinquent status for the tribe.

Now, I think that there was a lot of politics played in the whole process, anyway. I was always of the opinion that they never sincerely wanted anybody to collect this money back. This communication that I'm talking about, sir, practically outlines to the individual who chooses to go into a delinquent status, practically outlines the very strategy to use in tribal court and get away without ever having to pay the money back. There was a lot of implications in here.

I was prepared—in fact, we had some council members here that were sitting here earlier today, last month I was prepared to go full steam ahead and start to pursue this. And I asked to be put on the agenda on his respective committee so I can make a report on how I am going to do this and what I consider turn-around times and stuff like that, then this communication was given to me. Like I said, it's dated March 15. And I have taken this and I have shown it to attorneys, and it's a very alarming correspondence, very, very carefully written, choice of words, and in essence it points out quite a few things, no policies in place for the loans to even be granted, no application process, no nothing, and then it goes on to state that he encourages them to develop something immediately, you know, for any future things. He cautions them about doing anything *ex post facto*, and then he goes into the strategy that can be utilized to defeat anyone—not just me, but anyone attempting to collect these loans.

Mr. CLANCY. So you are presenting this document for the record?

Mr. WIEST. I will. I have got the clipping for the hearing, sir. I will send a copy of this correspondence to Mr. Conrad's office. My intention was today to follow Mr. Conrad back to Bismarck. You know, I also want to meet with Jennifer Ring of the Civil Liberties Office up there. But it's a serious concern for me personally to see that this would come out in what I thought was a good-faith agreement with the collect some of this money.

Now, if it turns out so that some of this money was—some of these bank notes were in fact retired with JTAC money and these individuals getting away free and clear, it would confirm something that I was told by the former Legal Aid attorney that was in this area, who is now, I believe, working with the state's attorney's office in South Dakota out of Rapid City, and comments were made about money—loans that were going out during the election. What that attorney advised—well, not advised me, he encouraged me. I'm also an advocate in tribal court for him. But he asked me to look at whether or not these acts being committed by our elected officials, if I felt that they constituted bribery, bribery of the people in order to gain politically for themselves, put them in office. I did never want to believe that, but it's appearing more and more to me that that's in fact what happened.

I'm alarmed, you know, that I did something in good faith, that I approached our government and asked to try to collect this money back for our people. I'm alarmed that I may very well be the only one that will be paying back my loan to the tribe.

Mr. CLANCY. Thank you for your testimony today.

Mr. WIEST. As I said, sir, I will quite possibly be up to Mr. Conrad's office or your office probably tomorrow and I will bring this document with me.

Mr. CLANCY. Is there any more testimony?

STATEMENT OF ERROL MEDICINE, WAKPALA DISTRICT

Mr. ERROL MEDICINE. My name is Errol Medicine, E-r-r-o-l, Medicine, M-e-d-i-c-i-n-e. I'm one of the people from the Wakpala District.

One of my main concerns is that we were the original people that got flooded out along the Oahe. Originally where the headquarters of the tribe is supposed to be is old agency along there. And I feel that we as the people in Wakpala, we have always been given what they say is the "crummy end of the stick."

We have gotten what, that \$4 million for the school to be redone, and we badly need economic development for our people down there to get involved along the Missouri River down there. They know that South Dakota hardly gets anything. Like you said, they want to hear nothing about the South Dakota side. They moved the headquarters from Wakpala up to here temporarily, and a lot of our people feel that we should move it back to where it originally belonged because of the economic sanctions, that we have got a lot of people in Wakpala.

That \$1 million that we got so far is little or nothing to what has happened to our people. I feel that the Wakpala District should be compensated fully for what they have made that town into, a ghost town—at one time it was a thriving community—due to the flooding of the river.

Mr. CLANCY. How is that planning process going on there in that district?

Mr. ERROL MEDICINE. Our planning process is going on pretty good. One of the things that we have a problem with is that they have given us an additional—we got \$50,000 to do the planning with, and when we got done with that, the \$50,000—because of the nature of getting the consultant, that \$39,000, that we expended our \$50,000, you know, just in one shot retaining our people. So our planning, we need more money for planning to get an adequate job on planning. I feel like \$150,000 should be adequate, enough for all the districts to do planning, because \$50,000—you can't do nothing with \$50,000 to plan. To get your whole district involved and to get your people behind you, you need like \$150,000 to make wise decisions, good decisions, thought out, well-planned decisions.

I feel like Mr. Chairman—Charlie Murphy is rushing everybody's decisions to jump through these hoops to spend these moneys and to go wild. I don't think that any of these things that are going on that he's telling you is true because I believe it's just a smoke screen to show you these things. But we are also going to be sending you some of the things that we feel is wrong in the Wakpala District. And we will be sending those up to you, but we just wanted to let you know right now that Wakpala, we feel as a district that we are one of the main people that got a lot of stuff taken from us, including the town. Like I said, Kenel got that \$6 million because they got moved up on top of the hill. Wakpala got—totally lost everything. We should have got \$6 million, too, right off the top. We just got a measly \$1 million. I feel that we should be compensated just, too, with the \$6 million.

Mr. CLANCY. Thank you very much. Any further testimony?

STATEMENT OF CHASE IRON EYES

Mr. IRON EYES. What's your name?

Mr. CLANCY. My name is Lynn Clancy.

Mr. IRON EYES. Lynn, how are you doing? My name is Chase Iron Eyes. And, quite frankly, I don't see how whoever you represent, you know, tries to, what do you call that, structure or pretty much trying to say how we can spend money that's owed to us, whether it be \$90.6 million or \$90.6 trillion, for wrongs that were committed by your government like less than 60 years ago. So, I mean, just the interest we're drawing off of this is just—you know, that's measly. But I guess—then on top of that you're trying to tell us how we can spend that money, when people are just working on home improvements, you know, things like that. So maybe you want to take that back to Senator Conrad. It would be very much appreciated, sir.

Mr. CLANCY. Thank you for your remarks, and this will conclude—

Mr. IRON EYES. Oh, yes. And that fighting Sioux mascot issue, that and the Redskins issue, I want to bring that up a little more.

STATEMENT OF JANET HARRISON

Ms. HARRISON. Good afternoon. My name is Janet Harrison, H-a-r-r-i-s-o-n. And I'm from the Rock Creek District.

Mr. CLANCY. It's Janet?

Ms. HARRISON. Yes; I guess what I would like to see are, I would like to recommend to Senator Conrad is that that I know that you have heard everything about how this money has been distributed or hasn't been distributed. I know that the districts have different populations and according to that there should be some set formula that needs to be developed on how the money is distributed. As you heard, a couple of the districts got \$6 million and others got \$1 million.

I am a descendant of some of the—my grandparents lost a lot of land on that river. I would like to see some type of formula that would be more equal for all of the districts. One is not more important than the other. We're all having the same kind of social and economic hardships as everybody else. And we in Rock Creek, we live the furthest out. To get to Fort Yates on a daily basis, a 54-mile trip. So you double that, that's 108 miles.

We are working on ourselves, our community. We're trying to become self-sufficient on our own. We have begun that by having our own cattle business. The JTAC funds come in. We're hoping to expand, and we would rather do for ourselves than have people give us handouts. We've worked hard for what we got and we hope that Mr. Conrad looks at all the districts, what they're doing, their plans, their detailed plans, their budgets, et cetera, that some of those are using those guidelines that are set forth in the JTAC Act, itself, to right the wrongs, to not—I guess not to hurt the entire Tribe because of a few items that are—seem to be focused at this meeting. That's all I have to say.

Mr. CLANCY. Thank you.

STATEMENT OF WILMA MEDICINE

Ms. WILMA MEDICINE. Hi. My name is Wilma Medicine, M-e-d-i-c-i-n-e. I am just one of the people from the South Dakota side. I am a single mother. I am trying to locate jobs and, if I do, I have to go over to the Mobridge side.

Myself, I wanted to be here on behalf of my children and my great-grandchildren about the school situation. Okay. I went and applied as an assistant cook for the Wakpala School, and there's only a handful, about three or four people, that are Native American now that work in that school. I feel like I got discriminated over there because there's a wasicu guy who had a CDL license. And, myself, I was only applying for a cook's position, not no bus drivers, and I feel like I have got really—really got hurt out of this because now I am unemployed. And I am only just a little person, I cannot feed my children, but I see a lot of people up here getting money, and I haven't got anything. I'm always looking for jobs for myself to support my children.

And I feel that—myself, that Mr. Conrad should look into more of the school and having Native American people work on the South Dakota side for the people because it would show our children that our children can look up to the elderlies, myself, the older people and say, yes, we can be teachers, yes, we can be cooks, yes, we can do this; but, no, we are always the ones that always get left out. And me, myself, I just come to let him know that I am just one of the many in poverty.

Thank you very much and you have a great day.

Mr. CLANCY. Thank you.

STATEMENT OF JERALD KILLS PRETTY ENEMY

Mr. KILLS PRETTY ENEMY. Thank you for allowing me to speak. My name is Jerald Kills Pretty Enemy, J-e-r-a-l-d, K-i-l-l-s P-r-e-t-t-y E-n-e-m-y. I guess I am a representative from the Rock Creek District. I am a JTAC representative, as well as a member of the tribe.

I guess my concern was the expenditures and the drawdowns, as well as what was happening with the JTAC money. We as a JTAC committee had from time to time been addressing and sending letters to the chairman addressing a lot of different issues in regards to JTAC because of our concern on how—what the process and the procedure needs to be.

I, myself, hand-delivered an ordinance and the access plan, as well as documents that we addressed this to the tribe to Cora Jones. I, personally, took it to her office and had her sign a form for me for proof that I had been to her office addressing these things. So she is well aware of a lot of these things that are going on here. And for her to sit here and make things look so good, that she's not aware of it, to me sends a real negative message to the people here. You know, something needs to be done with her position because of the fact that I don't believe, you know, we should have somebody representing us in the Bureau and allowing this to happen, allowing this allocation that we got and these draw-downs and this interest money to happen.

These people are all well aware. They made it look really good here from start. And I'm hoping that, you know, you hear us. We sent a lot of information to Kent Conrad's office. He's well aware of a lot of things that have been going on here. We have been addressing it over and over time and time again.

And I believe there needs to be an injunction here, a full investigation to stop all this. Last January we were suspended as a JTAC advisory committee, but in reality back in September 2001 we were appointed to the JTAC Executive Commission. Back then when the ordinance was approved of, that was not the original ordinance that was approved of. So what we have here is the ordinance and the access plan do not coincide with one another.

And I think a lot of dissension has been created among all of the people here on our reservation, you know, over this money. And I'm glad to hear what Mr. Archambault had to share with shows just what is happening here, what we need to do, our leadership. Where is our leadership?

But my concern again goes back—reflects back to what has happened with this money, the loans that have gone out and gets written off, if it's to be.

Like I say, we were suspended and then we were put back into office again, but, you know, there was a real negative impact that was put upon us in the JTAC Commission as a body, you know, making us look like we were the bad people. But we didn't do nothing wrong. We didn't do nothing bad. We tried to make it so that there was an opportune chance for our people to equally access this money. And that has not been done.

The guidelines and everything that was sent down was not there for the people. The process was not there. No policies and procedures. They have taken all that responsibility away from us. We have developed an administration. We have put a lot together here to see to it that, you know, this was going to be an equal opportunity for our people. That did not happen. And I think you know something needs to happen here and I believe myself that the Senate needs to intervene. People are well aware. We know what's happening here. With that I thank you.

Mr. CLANCY. Thank you very much. Yes.

**STATEMENT OF LYNES END OF HORN, BEAR SOLDIER
DISTRICT**

Mr. END OF HORN. Good day, sir. My name is Lynes End of Horn. I am presently from the Bear Soldier District. I wasn't aware of this forum taking place, and I was up in Bismarck, but I hurried back and here I am.

What I did—you have heard the people of Standing Rock voice their opinion. Prior to this, sir, the first part of March of this year I took a survey, I passed a survey out, and this survey went into five national newspapers, and the response of the survey was 1876 enrolled members of Standing Rock living on and off the reservation.

One of the biggest concerns on the responses, sir, is that these people that do not live on the reservation, where is their money going to? Their heads are counted here, but their money is not going to them.

But, again, on the other hand, an example in Grand Forks, ND, we have 18 college students, 8 of them get money, but the others don't. We also have men in the military. Where is their money going to? We also have children that are in foster homes. They left here years ago as a foster—adopted or orphaned child, but they're not getting money and their heads are counted here. That is the theme question.

And I am not pointing fingers. I am going to leave a copy of this survey and the response with you. I have mailed one to Senator Dorgan's office, Senator Conrad's. Everybody that I can think of that's a congressional person I have mailed this to them, so it should be in their office, but I want to leave this with you for you to look at.

Whatever is happening here, we are all to blame, sir. We have elected these people. We have put these people in a position to be responsible to us, the Indian people, but it is not turning out that way. So with that, I'm going to leave this with you, and I want—I would like you to read it over and discuss this with your congressional people, and if you would respond to me. My address is on here. My phone number is on here. I am concerned. I am a retired teacher, I'm an ex-serviceman, and I'm 100 percent service-connected disabled.

All these years I have been here there was only one time, sir, I have held a job at Standing Rock Sioux Tribe. I made a statement, that following month—that following Friday, I was terminated. So within the past 23 years I was never employed on my own reservation. As of now I don't have a home on Standing Rock. I have been

number one on the list with housing for the last 15 years. The comment I got and the letters I get, you get a house this spring. Fifteen springs went by. I haven't gotten my house yet. I have applied—last year I've made 18 applications to the tribe. I was rejected on every job. I am well-qualified, I'm well-papered, I'm experienced, but I have not been satisfied with anything that is happening on my reservation up to now.

So is the reason that this survey went out. And I think when you read this survey, you will understand what all of these people that are talking about, you will understand. This survey comes from people both on and off the reservation, college students, military men and children that are foster or orphan children, elderly, young and old, sir.

With that, thank you. Thank you, sir.

Mr. CLANCY. Thank you very much. I would appreciate it if you just leave it there, I can pick it up. I think we have come to the conclusion here. Yes.

AUDIENCE MEMBER. What is the address to submit the written documentation?

Mr. CLANCY. To Senator Kent Conrad's office, and that can be in his Bismarck office, which is Room 228, Federal Building, 220 East Rosser, Bismarck, ND 58501. Yes.

STATEMENT OF MAXINE WHITE BULL, KENEL DISTRICT

Ms. WHITE BULL. My name is Maxine White Bull, W-h-i-t-e B-u-l-l. I'm from the Kenel District. And we are the ones that had to move—the whole town had to move out. And I was there. And very few of us are left that live there. But we lost a lot. We had our livelihood there. And I could remember things as I grew up.

The things that are going on now like drugs, alcohol affect all our people. We didn't hardly have those in those days when we were living there. There was nothing. Of course, we didn't have no money or anything, but it seemed like the people got along better, you know. We all helped each other. Something was always going on.

And one of the things I was concerned about, I sat in a lot of meetings at the tribal council just listening, people arguing about money since this JTAC money came out. I'm sitting there thinking that the things they mentioned was—you know, because we were the first ones, I guess, we asked—we put in a budget. The first JTAC committee was formed, they said all you needed was a budget, what our needs were and come up with something, so we did, and we were turned down the first time, so we—one of our councilmen, this was 1998, I think, he pulled it through for us through the council. That was for \$6 million. We still have that plan in place. And we never spent any—the million, and the \$5 million we invested or we put in CDs. It's in a bank, but we have not spent any of it. But we have our plans in place.

And one of the things we always heard, you know, Why did Kenel get \$6 million? I got here late so I don't know what went on in the first part, so I didn't hear what was said, but that really hurts me when I hear that. And they left us out on that million that they gave out, plus \$50,000 was allowed each district for the JTAC planning. We were left out, but we got that again later on.

But why are they saying this when we lost the most? And I tell people, if it wasn't for us, you know, you wouldn't be fighting over this money. We were the ones that were supposed to be compensated and we didn't get compensated enough. And there's a few of us left that have moved out to other districts or completely moved out because there's no jobs now. They live in the cities, they're enrolled here, and they're being left out. I think this was brought out by some of the people that talked here.

Mr. CLANCY. So is the Kenel plan being followed?

Ms. WHITE BULL. Yes.

Mr. CLANCY. Are you making some progress with it?

Ms. WHITE BULL. Right now we have purchased some cattle and we are going into that business, so the last 2, 3 years we have that business. And there's other plans that are coming up that we're going to pursue.

So that's all I wanted to say. But I think that's really wrong, because someone said, you know, it will take more than \$20 million to get what we had before, stores, schools, sawmill, what all we lost there, ball fields. People got around, you know, recreation. So those things we lost, but they bring that up and that makes me mad.

Now the other districts are asking for more, and I think they're getting it. So I said maybe we should ask for more, too, to replace what we had. That's all I want to say. And education is the most important thing because right now the students are suffering. Some can't get funded, they have to quit. And what's there to come back to on this reservation? There's nothing. Thank you.

Mr. CLANCY. Very good. Well, again, thank you all for being here and being a part of this hearing today. Senator Conrad is very appreciative of your participation. As we work together to develop the common good for this reservation, we hope that this program, this economic recovery program can make a big difference and help to build up the people in this area.

Thank you for being here.

[Whereupon, at 2:02 p.m., the committee was adjourned, to reconvene at the call of the Chair.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF CORA JONES, DIRECTOR, GREAT PLAINS REGIONAL OFFICE,
BIA, DEPARTMENT OF THE INTERIOR

Good morning, Mr. Chairman and Members of the Committee. My name is Cora Jones and I am the Director for the Bureau of Indian Affairs' (BIA) Great Plains Regional Office. I am pleased to be here today to discuss the Standing Rock Sioux Tribe's Economic Recovery Fund provisions of Title XXXV of Public Law 102-575, the "Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act," an Act to ensure that the Three Affiliated Tribes of Fort Berthold and the Standing Rock Sioux Tribe were adequately compensated for the taking of Indian lands for the site of the Garrison Dam and reservoir, and the Oahe Dam and Reservoir, and for other purposes.

The Act established the Standing Rock Sioux Tribe's Economic Recovery Fund in the United States Treasury. In fiscal year 1993, the U.S. Treasury began making annual deposits into the Economic Recovery Fund, as required under the Act, until it was fully capitalized at \$90.6 million. While this principal is retained in the U.S. Treasury, the Tribe is authorized to use the interest earned for educational, social welfare, economic development, and other programs, subject to the approval of the Secretary. In fiscal year 1998, the Tribe could begin withdrawing the accrued and annual interest subject to approval of the Secretary. This approval authority is delegated to the BIA's Regional Director for the Great Plains Regional Office.

On June 16, 2000, I approved the "Standing Rock Sioux Tribe's Joint Tribal Advisory Committee Fund Access Plan"(Plan). This Plan, established in consultation with tribal members and the BIA, outlines the Tribe's proposed uses for the interest generated from the principal amount in the Fund. The Tribe submits requests for withdrawing funds to the Regional Director through the Standing Rock Agency. These requests are reviewed for compliance with the Act and consistency with the Plan. When the BIA approves a request, it is forwarded to the Special Trustee's Office of Trust Funds Management in Albuquerque, New Mexico, for final processing and payment. Thus far, the Tribe has requested and received six payments totaling \$46.3 million in interest.

Any funding request outside the Plan will require approval by the Regional Director.

This concludes my prepared statement. I will be happy to answer any questions the Committee may have.

PREPARED STATEMENT OF RONALD SUN McNEIL, PRESIDENT, SITTING BULL COLLEGE

I am Ronald Sun McNeil, President of Sitting Bull College. I am grateful and thank you for the opportunity to provide testimony on Public Law 102-575 and its implementation on the Standing Rock Sioux Indian Reservation.

I will focus on the planning process and compliance with Public Law 102-575, and then on the implementation of the plan approved by the Bureau of Indian Affairs [BIA] in 1998.

The planning process, though not funded by BIA, was lengthy, stalled at one point, but eventually through a collaboration with Tribal Administration and Sitting Bull College [SBC] a plan was submitted and approved by the BIA in July 1998.

The process began in 1996 under Chairman Jesse Taken Alive's administration with a tribal appropriation of \$100,000. The Tribal Council created an advisory committee of eight members elected by each district, the Tribal Economic Recovery Fund Committee (TERF). The TERF Committee met over the course of approximately 1-year and developed five (5) categories of funding. The TERF Committee had local input through its elected members, guidance from a consultant, and occasional assistance from the tribal attorney in framing the categories to stay within the requirements of the act.

The TERF Committee eventually exhausted its tribal appropriation and Chairman Taken Alive requested assistance from the BIA, but none was provided. With no additional funding and pending tribal elections (primary elections-July 1997), the TERF Committee recommendations and the process was stalled.

In October 1997, SBC approached the newly elected Tribal Chairman, Charles Murphy with a proposal to match funding that SBC had acquired from the Ford Foundation, to recreate the TERF Committee, and hire a consultant to continue the planning process. The Tribal Council approved a \$15,000 match, and approximately nine (9) months later, after numerous committee meetings and public forums, the Tribal Council approved the Access Plan.

The plan expanded the original five (5) recommended categories of funding to six (6), and established a framework of procedures with which the allocated interest funds would be distributed. This Plan was submitted to the BIA for approval.

The Access Plan established a process but the implementation, once approved by the BIA, has been flawed and the BIA has failed to monitor compliance with the procedures outlined in the framework of the Plan.

The Tribal Council under heavy pressure by its constituents to fund the approved categories began by approving to appropriate interest income for the purchase of lands. The Tribe has purchased over 80,000 acres of land within the reservation boundaries; of which 50,000 acres increased the economic viability of the Tribe. In and of itself the land purchase was a good tribal investment, which increases the tribal land-base, lending to its future economic stability.

However, since the fund was accessed without a strategic plan in place on the d? of the individual fund and there needs to be addressed and since no JTAC oversight office nor JTAC business advisory board was created as requested by the Plan, it set in place a procedure driven by Tribal Council action without relation to an overall strategic plan or budget.

The Tribal Council was then met with an urgent request to assist with the building of a sorely needed public school in the Wakpala District of the reservation. Also, SBC was engaged in raising funds for the development of a new college campus, The Tribe gave to both of these efforts \$2 million and \$4 million respectively. Again, although both are needed for the education and future stability of the Tribe and both can show matching funding and strategic plans as required by the Access Plan, neither was required to do so to receive funding, nor had the Tribe established the oversight office or the advisory board.

Once the precedent of giving to educational institutions was established, the Tribal Council received over \$20 million worth of requests from other educational institutions across the reservation. The Tribal Council approved the requests 1 month and then rescinded their actions the following month when it became apparent that the total requests would exceed the total accumulated interest.

A similar precedent was established when the Tribal Council approved a \$6 million request to Kenel District from the District's Economic Development Fund. The request from the District, which was hardest hit from the flooding of any community, was also funded without regard for a strategic plan from the District or from the tribal committee designated to do so. The Tribe has since received similar requests from other tribal districts and has now planned to allocate \$6 million for each district from future accumulated interest revenue.

Since the Tribe has seen the demand by the other education institutions and districts, it has now begun requiring the Districts to provide strategic plans for future development, proposals, and an accounting of the use of those funds actually distributed.

The Tribe has now put together a JTAC Committee to establish a strategic implementation plan for funding allocation to each category as well as establishing the oversight office and hopefully the Business Advisory Board.

It should be noted that during the planning process, and even today, those committee members and the Tribal Council has faced extreme criticism for not providing for per capita payments, nor for additional compensation to individuals who lost land during the flooding. Congress would be wise to address the issue of equitable treatment of those individuals in the future.

SENATE COMMITTEE HEARING ON USE OF FUNDS
AUTHORIZED BY TITLE 35 OF PL 102 - 575 -
THREE AFFILIATED TRIBES AND STANDING ROCK
SIOUX EQUITABLE COMPENSATION ACT, HELD AT
FORT YATES, NORTH DAKOTA, APRIL 3, 2002

Statement of Mary Louise Defender Wilson, P.O. Box 923, Shields,
ND 58569, Dakotah/Hidatsa, enrolled on Standing Rock Reservation,
302U005634

Mr. Chairman and Honorable Senators, Committee on Indian Affairs:

The Standing Rock people who lost their homes and land because of the construction of the Oahe Dam on the Missouri River experienced economic ruination and the total destruction of their way of life in 1958, and since then have had little or no assistance to partially regain what they lost. Home ownership is an American aspiration. Many people can only dream about acquiring land to hold and pass on the estate to their children and grandchildren. Prior to the construction of the Oahe Dam, 80 to 90 per cent of the indigenous people of Standing Rock Reservation were living in their own homes, many on their own lands. Our people who lived along the River and the tributaries in proximity to the Missouri River lost all that. There was never an opportunity for them to purchase land. A woman, my age from the Wakpala, South Dakota area, told me before her death, "After our home went under the water, I never again lived in a home that was our own."

South of Cannon Ball, North Dakota, there used to be an area called Big Lake. In the preparation of this statement I talked to a number of knowledgeable people, one being our respected elder, Alma Ramsey Mentz. She was born and grew

up in the area. "Starting at the south and going north, as I remember," she said, "these were the families who lived there:

Charles Fool Bear, Sr.
Thomas Ashley
Bede Uses Arrow
Ed Two Horses
John Elk
Maggie Russell
Charles Ramsey
Ben Dogskin
Harry Fast Horse
Percy Tibbets
John Gates
Ed Yellow Hammer
Carrie and Willie Hunt
Charles Shell Track

All had to move. Only Harry Fast was able to buy just a few acres."

Honorable Senators, Section 5 of PL 85-915, 72 Stat. 1763 set aside a sum of money to be used for relocation, reestablishing, etc. to help improve the economic and social conditions of tribal members..... The Standing Rock Sioux Tribal Council with the approval of the Department of Interior did have a program of land purchase and resale to tribal members. You will note on the attached list of those enrolled members who were privileged to buy land only Harry Fast Horse from the Big Lake area bought a very small acreage. Big Lake is only one area of many others where the people lost everything they held near and dear.

When the Equitable Compensation Act was passed in 1992, the people knew that the law was enacted because of the devastation they suffered when the Oahe Dam was constructed. The

approximately 190 homeowners and many more landed people anticipated some measure of economic recovery from the interest funds available under this law. Being cognizant of the people's understanding, the Tribal Economic Recovery Fund (TERF) Committee established by the Tribal Council considered compensation to the home and landowners. However, there developed some confusion about landowners compensation and per capita payments. Per capita payments are prohibited by the Act but landowners' economic recovery is entirely different as it pertains to the losses suffered by landowners and compensation to only those property owners. Whereas per capita payment means payment to all enrolled members.

Upon inquiry to one of the former TERF Committee members about this misunderstanding, I was told that a letter of December 3, 1996 from your office, Honorable Senator Conrad was received wherein it stated that direct compensation to landowners is prohibited. A further query about why didn't the TERF Committee have further discussions with your office about this matter to clarify the vast difference between economic recovery for landowners and per capita payments. The answer was that the TERF Committee was not funded and was disbanded. The subsequent committees, Planning and JTAC have used the letter to completely ignore any requests for justice for landowners.

Some of our younger people who may not have grown up in homes owned by their parents or on estates held by their families since the original allotments made in the early 1900's say that the landowners should have a business plan and not expect to just buy more lands and lease it out and collect rents.

You of this Committee know and we know that the most influential white people do hold lands and collect the rents. Many inherited the estates from their families. Why can't the Native Aboriginal Indian people of this land have that same privilege?

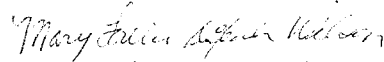
There is much more that I could say as I was here on the Reservation until 1955 and heard a lot of the beginning discussions about the Oahe Dam and Reservoir. I returned in 1976 to know that the people who lived in the communities and on their own lands along the River went through HELL and resources were not used to the fullest to help them heal. (That is why when PL 102 - 575 was being heard my adopted son, Dcotor James Fenelon and myself worked on the booklet "The Taken Land" and presented it at the hearings. I might add using our own coin.)

In closing, I would like to say this: The United States should decide how it wants to perceive us aboriginal people. The land was held in common. In 1889, the land was divided and allotted to individuals. The people adjusted to that. All the aboriginal laws, customs, practices and traditions about communal land ownership were put aside and forgotten. The people relied on the Bureau of Indian Affairs to manage their lands in a just and businesslike manner with the Tribal Council doing what it could to cope with the tribal lands. Now, it appears that there is this move not to view us as individual people anymore. we have to ask: Who are we? What

What do we do? Why has the United States changed its policy at this time? How are we going to protect our selves, our personal rights and our property rights?

Thank you for allowing me to present this statement.

Respectfully submitted,


mary Louise Defender Wilson

Attachment - List of Section 5 land purchasers

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Name	Allot. #	Description
Duane Claymore	T5013	NE $\frac{1}{4}$, Section 20; W $\frac{1}{2}$ Section 20, T. 21 N., R. 30 E. 480
Clayton Dwarf	1779	SE $\frac{1}{4}$ Section 30, T. 131 N., R. 80 W. 160.ac.
Joe Harrison	1908	W $\frac{1}{2}$, SE $\frac{1}{4}$ Section 28, T. 132 N., R. 81 W. 480.ac.
Joe Keeps Eagle Jr.	1860	S $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{4}$ Section 29, T. 132 N., R. 80
Joe Keeps Eagle Jr.	1861B	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, T. 132 N., R. 80 W. 180.ac.
Joe Keeps Eagle Jr.	2064	W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, T. 132 N., R. 80 W. 480.
Sam Nettervill	764	NE $\frac{1}{4}$ Section 14; W $\frac{1}{2}$ Section 13, T. 22 N., R. 28 E. 480.
Peter Taken Alive	357	NW $\frac{1}{4}$ Section 28 T. 19 N., R. 27 E. 160.ac.
Jack Ward	3873	Section 21, T. 19 N., R. 25 E. 440.ac.
Charles White	478	NE $\frac{1}{4}$ Section 11, T. 20 N., R. 27 E. 160.ac.
Charles White	3193	S $\frac{1}{2}$ Section 32, T. 23 N., R. 25 E., 320.ac.
Gillard White	3055	SE $\frac{1}{4}$ Section 2, T. 20 N., R. 27 E. 160.ac.
Arverdell See Walker	1822	SW $\frac{1}{4}$ Section 17, T. 131 N., R. 80 W. 160.ac.
Pat Kelly	1804	W $\frac{1}{2}$ Section 25, T. 131 N., R. 81 W. 320.ac.

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Purchaser	Allot. #	Description	
Leonard Alkire	852	S $\frac{1}{2}$ Section 32, T. 23 N., R. 29 E.	640. ac.
Ivan Black Cloud	2217	S $\frac{1}{2}$ Section 26, T. 133 N., R. 80 W.	320. ac.
Sam Claymore Jr.	2205	SW $\frac{1}{4}$ Section 13, T. 131 N., R. 83 W.	
Sam Claymore Jr.	2626	SE $\frac{1}{4}$ Section 35, T. 131 N., R. 85 W.	320. ac.
Albert Gipp	1112	S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	Section 24, T. 19 N., R. 24 E. 150. ac.
Albert Gipp	3319	S $\frac{1}{2}$ NE $\frac{1}{4}$ Lots 1 & 2 Section 2, T. 18 N., R. 24 E.	159.68
Tom Iron	387	S $\frac{1}{2}$ Section 27, T. 20 N., R. 27 E.	320. ac.
George Keeps Eagle	2217	S $\frac{1}{2}$ Section 27, T. 133 N., R. 80 W.	320. ac.
Virginia McLaughlin	586	SE $\frac{1}{4}$ Section 35, T. 21 N., R. 28 E.; SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, Lots 1, 2, 3, & 4 655.52 ac.	Section 1, T. 20 N., R. 28 E.
Tom Iron	388	S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 27, T. 20 N., R. 27 E.,	120. ac.

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Purchaser	Allot.#	Description	
David Black Cloud	614	N $\frac{1}{2}$ Section 17, T. 21 N., R. 30 E.	320. ac .
Duane Claymore	625	NW $\frac{1}{4}$ Section 28, T. 21N., R. 30 E.	160. ac .
Duane Claymore	1731	NW $\frac{1}{4}$ Section 29, T. 129 N., R. 80 W.	160. ac .
Duane Claymore	3153	E $\frac{1}{2}$ Section 16, T. 130 N., R. 84 W.	320. ac .
Duane Claymore	3456	N $\frac{1}{2}$ Section 33, T. 21 N., R. 30 E.	320. ac .
James Chapman	1834	S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 22, T. 131 N., R. 80 W.	80. ac .
Margaret Dunn	1883	S $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Lots 3 & 4 Section 2, T. 131 N., R. 80 W.	4
Margaret Dunn	1886	NE $\frac{1}{4}$ Section 11, T. 131 N., R. 80 W.	160. ac .
Ray Dunn	1974	53200/109350 interest in Section 9, T. 132 N., R. 80 W.	
Henry Gayton	1723	SW $\frac{1}{4}$ Section 25, T. 130 N., R. 82 W.	160. ac .
Henry Gayton	1929	SE $\frac{1}{4}$, NW $\frac{1}{4}$ Section 16, T. 130 N., R. 81 W.	320. ac .
Henry Gayton	3767	SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Lots 2,3 & 4 Section 19, T. 130 N., R. 81 W.	23
Francis J. Gipp	1847	N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27, T. 131 N., R. 80 W.	80. ac .
Robert Gipp	2052	E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 10, T. 132 N., R. 80 W.	80. ac .
Alvina Gray Bear	1745	S $\frac{1}{2}$ NE $\frac{1}{4}$, Lots 1 & 2 Section 4, T. 130 N., R. 80 W.	159.1
Virginia McLaughlin	491 & 492	E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, and SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 29, T. 21 N., R. 28 E.	390. a
John McLaughlin	2421	N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, T. 131 N., R. 83 W.	5. ac .
Lavina McLaughlin	2421	E $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Secti: 155. ac . T: 131 N.	
Leta McLaughlin	2452	S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sectio: 170. ac , T. 131 N.,	

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Leta McLaughlin	4717	E $\frac{1}{2}$ NW $\frac{1}{4}$ Lots 1 & 2 Section 18, T. 131 N., R. 83 W. 159.65 ac.
Harold Murphy	T3500	Lots 1 & 2 S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 2, T. 131 N., R. 83 W. 159.49 ac
Hugo Ploog	2879	NW $\frac{1}{4}$ Section 9, T. 22 N., R. 18 E. 160. ac .
Laura Silk	1584	SE $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$, Section 18, T. 129 N., R. 79 W. 200. ac .
Robert Sherwood	4296	SE $\frac{1}{4}$ Section 20, T. 20 N., R. 29 E. 160. ac .
Franklin Thomas	1196	SW $\frac{1}{4}$ Section 33, T. 21 N., R. 24 E. 160. ac .
Albert Two Bears	2098	S $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, T. 133 N., R. 150. a
Albert Two Bears	2114	SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, T. 133 N., R. 79 W. 60. ac .
Kenneth Ward	558	S $\frac{1}{2}$ NW $\frac{1}{4}$, lots 3 & 4 Section 2, T. 21 N., R. 27 E. 160.02 ac
Kenneth Ward	3175	S $\frac{1}{2}$ Section 12, T. 21 N., R. 28 E. 320. ac .
Arthur Yellow	1811C	1/12 interest in SE $\frac{1}{4}$ Section 19, T. 131 N., R. 80 W. 13.33
Samual Claymore	654	SE $\frac{1}{4}$ Section 27, T. 21 N., R. 30 E. 160.00 ac .
Harry Fast Horse	2126	40320/18144 interest in E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23 T. 133 N., R. 6.6
Pat McLaughlin	194	NE $\frac{1}{4}$ Section 34 T. 21 N., R 28 E. (Litho bar gr) 160. ac

JTAC HEARING
ROBERT W. McLAUGHLIN
(RWM): REMARKS TESTIMONY
4 MINUTES MAX
APRIL 3, 2002 - GRANT SCHOOL AUDITORIUM
FORT YATES

*** I AM ROBERT McLAUGHLIN, A MANAGEMENT CONSULTANT WHO HAS PROVIDED ECONOMIC AND FINANCIAL ANALYSIS SERVICES FOR THE TRIBE SINCE 1983 AS ROBERT McLAUGHLIN CONSULTING OR RMC.**

*** I WANT TO THANK THE COMMITTEE FOR THIS OPPORTUNITY TODAY TO TESTIFY ON THE PLANNING AND USES OF THE TRIBE'S JTAC ECONOMIC RECOVERY FUND.**

*** I WILL SUMMARIZE KEY POINTS OF MY DETAILED WRITTEN TESTIMONY WHICH HAS BEEN SUBMITTED TO THE COMMITTEE FOR THE HEARING RECORD.**

JTAC PLANNING PARTICIPATION

*** I STARTED ASSISTING THE TRIBE WITH JTAC PLANNING IN 1986 COMMENCING WITH RMC'S ECONOMIC LOSS REPORT RECOMMENDING ADDITIONAL FINANCIAL COMPENSATION FOR ITS OAHE IMPOUNDMENT LOSSES.**

*** THE ECONOMIC LOSS REPORT WAS BASED ON LOSSES THE TRIBE AND ITS MEMBERS DIRECTLY INCURRED AS A RESULT OF THE OAHE RESERVOIR. AS THE NAME SUGGESTS, THESE LOSSES WERE TO THE TRIBE'S TRADITIONAL AND MODERN ECONOMIC BASE, PRIMARILY WITH ITS NATURAL RESOURCE, WILDLIFE AND AGRICULTURAL ECONOMY.**

*** WITH PUBLIC LAW PL 102-575, CONGRESS RECOGNIZED THE NATURE OF THE TRIBE'S ECONOMIC LOSSES AND THAT THE TRIBE WAS NOT SUFFICIENTLY COMPENSATED FOR THEM WITH THE OAHE TAKING LEGISLATION. ACCORDINGLY, CONGRESS ESTABLISHED A 90.6 MILLION DOLLAR FUND - AS A SECRETARY HELD FUND - CALLED THE "ECONOMIC RECOVERY FUND".**

*** THIS FUND WAS ESTABLISHED SO THE TRIBE COULD, IN PART,**

**BEGAN TO RE ESTABLISHED ITS LOST ECONOMIC
FORMER CONDITION.**

*** THE TRIBE, AFTER THE PASSAGE OF THE ACT AND
BEFORE THE TIME WHERE INTEREST MONIES
EARNED BY THE FUND WOULD BECAOE AVAILABLE
FOR TRIBAL USE, COMMENCED PLANNING FOR
BENEFICIAL USES OF FUND MONIES FOLLOWING
THE ACT.**

*** I PARTICIPATED IN THIS PLANNING PROCESS AS
A MEMBER OF THE "TERF" OR TRIBAL ECONOMIC
RECOVERY FUND COMMITTEE WHICH WAS MADE-UP
OF DISTRICT COMMUNITY APPOINTED
REPRESENTATIVES IN 1996. I REPRESENTED THE
DISTRICT OF CANNONBALL ON THE COMMITTEE.**

*** THE TERF COMMITTEE ESTABLISHED THREE
ECONOMIC OR FINANCIAL DEVELOPMENT AREAS
FOR FUND USE - AMONG OTHERS - THAT ARE PART
OF THE TRIBE'S PRESENT JTAC ACCESS PLAN.
THESE FUND AREAS AND WHERE I AM PRESENTLY
PROVIDING TECHNICAL ASSISTANCE SERVICES
ARE:**

**1) THE EQUITY DEVELOPMENT FINANCE
INSTITUTION;**

2) THE ENDOWMENT REPLENISHMENT FUND;

AND THE

3) DISTRICT ECONOMIC DEVELOPMENT FUND

USES OF JTACT FUNDS

**1) THE STANDING ROCK BUSINESS EQUITY LOAN
FUND**

*** IN 2001 I ASSISTED THE TRIBE IN THE DEVELOPMENT OF POLICIES AND PROCEDURES FOR THE STANDING ROCK BUSINESS EQUITY LOAN FUND. THIS FUND WAS SET-UP WITH AN INITIAL FUND BALANCE OF \$450,000. BASED ON THE DEPARTMENT OF INTERIOR'S HIGHLY SUCCESSFUL ECONOMIC DEVELOPMENT LOAN-GRANT PROGRAM, THE FUND INJECTS MUCH NEEDED EQUITY CAPITAL FOR NEW OR EXPANSION INDIAN BUSINESSES ON STANDING ROCK THAT MEET FORMAL BUSINESS PLANNING PROGRAM REQUIREMENTS.**

*** THE FUND HAS BOTH A MICRO AND BUSINESS EQUITY COMPONENT. I HAVE BROUGHT SEVERAL**

**DESCRIPTIVE BROCHURES FOR THE COMMITTEE'S
USE WHICH MORE FULLY DESCRIBE THE EQUITY
FUND'S PROGRAM.**

*** THE FUND RECENTLY MADE ITS FIRST GRANT OF
EQUITY WHICH WAS LEVERAGED ON A 2:1 BASIS BY
THE WELLS FARGO BANK FOR AN INVESTMENT IN A
CONVENIENCE STORE AT CANNONBALL. THREE
OTHER INVESTMENTS ARE NOW UNDER REVIEW
BEFORE THE FUND'S COMMITTEE.**

**2) STANDING ROCK NATIONAL BANK: A CDFI
PROPOSAL**

*** AS PART OF THE EQUITY FUND,S ACTIVITIES, THE
FUND'S COMMITTEE ASK ME TO ASSIST THEM IN
DRAFTING A *COMMUNITY DEVELOPMENT
FINANCIAL INSTITUTION* (CDFI), US TREASURY
DEPARTMENT PROGRAM, TECHNICAL ASSISTANCE
GRANT TO DEVELOP A STANDING ROCK NATIONAL
BANK. THE PROPOSED BANK WILL BE OWNED
AND OPERATED BY THE TRIBE, UNDER THE OFFICE
OF THE COMPTROLLER OF THE CURRENCY (OCC)
REGULATIONS.**

*** THE APPLICATION FOR TECHNICAL ASSISTANCE
WAS SUBMITTED IN JANUARY AND IF APPROVED,**

THE EQUITY FUND COMMITTEE COULD START DEVELOPING THE BANK IN EARLY 2003, LEADING TOWARDS A START-UP IN LATE 2004 OR EARLY 2005. THE BANK WOULD FIRST HAVE TO BE CAPITALIZED UTILIZING TRIBAL AND CDFI EQUITY CAPITAL AND BE APPROVED AS A NATIONAL BANK BY OCC. IT WOULD HAVE ASSETS OF ABOUT 21 MILLION DOLLARS DURING ITS FIRST OPERATING YEARS BUT WOULD GROW SIGNIFICANTLY DURING THE FOLLOWING DECADE.

*** THE POTENTIAL OF A FAST GROWING MARKET AT STANDING ROCK AND THE GOOD POTENTIAL FOR TRIBAL ECONOMIC DEVELOPMENT IN FUTURE YEARS COULD PROVIDE A BASIS FOR SOLID BANK GROWTH IF THE BANK IS WELL MANAGED, WHICH IS BY THE WAY A STRICT REQUIREMENT OF OCC REGULATORS.**

3) STANDING ROCK INVESTMENT MANAGEMENT PLAN

*** IN 2000 THE TRIBE ENGAGED ME TO ASSIST IN THE DEVELOPMENT OF A TRIBAL INVESTMENT MANAGEMENT PLAN UNDER THE ENDOWMENT REPLENISHMENT FUND CATEGORY. THIS ACTIVITY WAS SUSPENDED FOR SEVERAL MONTHS TO**

FOLLOW THE STEEP DECLINE IN THE TECHNICAL INVESTMENT AREA OF THE STOCK MARKET SO THE TRIBE COULD BENEFIT BY INVESTMENT LESSONS LEARNED BY THIS DECLINE.

*** ONE OF MY PRIMARY CONCERNS AS I STARTED THIS CONTRACT WAS THE REMARKABLE LOSS OF ONE OF THE TRIBE'S MOST IMPORTANT INVESTMENT TRUST FUNDS BETWEEN 1959 AND 2001.**

*** THE FUND, THE TRIBE'S OAHÉ EDUCATION FUND, WAS DESIGNED TO PROVIDE FINANCIAL SUPPORT FOR STANDING ROCK MEMBERS FOR HIGHER EDUCATION INTO THE FUTURE. BUT THIS FUND HAS DECLINE TO ALMOST NOTHING, IN REAL VALUE, AT THE HANDS OF GOVERNMENT MANAGEMENT SINCE 1959.**

*** IF THE FUND WOULD HAVE BEEN A STATE TRUST OR PENSION FUND, THERE CERTAINLY WOULD HAVE BEEN AN ENORMOUS OUTCRY AND PROBABLE LAW SUITES FOR LOSS OF CORPUS AND INEPT FUND MANAGEMENT.**

*** THE 1.5 MILLION DOLLAR EDUCATION FUND EXPERIENCE RESULTED FROM THE PRACTICE THAT**

FUND MANAGERS ONLY INVEST IN FIXED INCOME SECURITIES AND THAT ALL EARNED INTEREST WAS PAID OUT EVERY YEAR SINCE ITS INCEPTION. THE FIRST REQUIREMENT IS A GOVERNMENT MANDATE AND THE SECOND HAS BEEN A TRIBAL POLICY BECAUSE OF THE GREAT DEMAND FOR HIGHER EDUCATION FUNDS HERE.

*** THE PURCHASING POWER OF THIS FUND HAS DECLINE TO LESS THAN 17% OF WHAT IT WAS IN 1959. IN A FEW MORE YEARS THIS FUND WILL MELT AWAY TO ALMOST NOTHING UNDER PRESENT MANAGEMENT PRACTICES.**

*** THE PRESENT "ECONOMIC RECOVERY FUND" WILL BE FACING A SIMILAR FUTURE UNLESS PROFESSIONAL INSTITUTIONAL FUND ASSET MANAGEMENT PRACTICES ARE PUT IN PLACE NOW. I WILL STRONGLY RECOMMEND THE TRIBE APPROACH THE SENATE INDIAN AFFAIRS COMMITTEE TO PROVIDE THAT THE OFFICE OF TRUST FUND MANAGEMENT (OTFM) UTILIZE CONSERVATIVE INVESTMENT PRACTICES THAT PROVIDE FOR FUND CORPUS PRESERVATION AND FUND GROWTH EMPLOYING PROFESSIONAL ASSET ALLOCATION PRINCIPLES.**

*** THE TRIBE WILL BE DEVELOPING SHORTLY A BODY OF RECOMMENDATIONS AND FUND PRESERVATION REGULATIONS FOR THE MAINTENANCE AND GROWTH OF THIS FUND FOR THE FUTURE BENEFIT FOR ALL TRIBAL MEMBERS.**

4) FORT YATES DISTRICT DEVELOPMENT FINANCE INSTITUTION

*** THE FORT YATE'S DISTRICT COUNCIL HAS APPROACHED ME AND ASK THAT I ASSIST THEM IN THE DESIGN OF A DEVELOPMENT FINANCE INSTITUTION UNDER THE DISTRICT'S ECONOMIC DEVELOPMENT FUND CATEGORY.**

THIS FINANCE COMPANY CAN WORK EFFECTIVELY WITH THE TRIBE'S EQUITY FUND TO ADVANCE ECONOMIC PRODUCTION AND ECONOMIC GROWTH FOR STANDING ROCK'S LARGEST COMMUNITY.

*** THIS CONCLUDES MY REMARKS TODAY. I WILL BE PLEASED TO ANSWER ANY QUESTIONS THE SENATOR MAY HAVE ON EITHER MY WRITTEN TESTIMONY OR TODAY'S REMARKS. THANK YOU.**

April 3, 2002

Good Morning Senator Conrad,

Thank you for giving me the opportunity to formally visit with you regarding this important issue of JTAC. As you may recall, I drafted the first overall plan for use of JTAC funding in 1993. At the time, I was President of Sitting Bull College and later as a Tribal Councilman, I did submit a copy to your office for review. Recently, I have been assisting in the effort to put together an Oversight Office or administrative structure to handle the day to day affairs of JTAC for the Tribe.

Senator, I do have definite ideas that I envision for the use of the JTAC interest earnings, and I wish to convey my message to you and everyone listening by starting with a story that was told to several of us on the Pine Ridge Reservation in the mid-1960's. The story was told to us by Edward Iron Cloud, who was born on the Standing Rock Sioux reservation, but, believe it or not, he was born on the Cannonball River before there was a such a thing as a reservation. Edward was 97 years old when he died. I am told he was both Oglala and Hunkpapa. What I read next is a Lakota story about starvation.

A Lakota Starvation Story

There is a Lakota story about a village that was starving. This occurrence was not uncommon in the Great Sioux Nation or to any other peoples of the world. In this one particular story, the people were experiencing an unusually hard winter. The snow was deep and recently a storm had raged for almost a week. The village had consumed almost all their food. Everyone was very weak from hunger. The situation was so bad that death songs could be heard every now and then.

The headmen and some of the elders that could make it, met to discuss what should be done. "We have to get what food that is left and feed the sick and dying." Is what some were saying. "We need to see that at least the children and elderly are fed." Was stated by others. It was a very difficult meeting because everyone was personally experiencing misery within their own family lodges.

One of the older men in the group, gestured for his request to speak. When it was his turn, he started out by saying, "My wife and I were laying under our robes early this morning talking. We heard the people suffering, my daughter's baby cried all night long. Everyone here is being pressed to help the needy right away. The hunger is causing us to think selfishly and behave ugly to one another. We are not thinking clearly. He looked around at everyone seated there, and asked, 'Who is the most needy?' There was a long pause, and then he went on. This morning my wife said, 'Our problem is strength. We need strength if we are to survive. If we don't get food soon, we will all loose strength and we will all waste away.'

Everyone shook there heads in agreement, then he started again. "Should we be arguing over who is most deserving of the food, or should we be thinking about what is best for our people tomorrow, and the days after that." He paused for a while, then he said. "I know it is hard and some would think it cruel of me to say this, but, my suggestion, at this important time, is to gather all the food we can and give it to our best hunters. Feed them good, pray with them, and then send them out with all the provisions that we can gather." He waited not sure of their reaction, then went on.

"We all know it is very hard to move in deep snow. It takes a lot of strength. We also know if the hunters we send out are successful, they will need twice the strength to bring the food back. Right now our people see no tomorrow, only pain. We have to give the village something to hope for."

When he was done speaking, the leaders left and immediately started asking everybody in the village for what food they had left.

Told by Edward Iron Cloud (1876 - 1973)

Senator, today, the people of the Standing Rock Sioux Tribe are looking at another survival issue just as the people did in the story just told. Although the people are not starving, our people are in a bad way. The only difference is the time frame has been moved forward 150 years.

Today, the people and leaders are arguing about JTAC. JTAC is like the food that is talked about in the story. Many people want the food or money right now to fix the

hunger or problems of their own communities. The question is, Who is most deserving, when everyone is in need? Which lodge or community should get more?

But, what about tomorrow? JTAC should be look at as the food and strength for a better tomorrow. Use JTAC for present day needs and satisfaction, and tomorrow the same problems of poverty and turmoil will be knocking at the door again.

I believe JTAC presents the opportunity to invest in our own strongest asset, which I believe is our own human or Tribal ingenuity. Like in the story, where the people put their faith and hope in the hunters. I believe the way to overcome the terrible social ills that threaten our culture, is to invest in our own people. Of course today is somewhat different, so today, we need a new kind of hunter. I believe that if we ask our people to come up with ideas and plans that focus on future economic recovery, our tribal members will come forward and they will effect positive change in this place we call home.

As an example, of how we can invest in our own human natural resource, please consider the mission statement of the American Indian Business Leaders.

" The loss of a national treasury and heritage is at hand. The beautiful customs, traditions, and values of American Indian people could be but pages in history books by the end of the 21st Century. The economic viability of Indigenous people will determine this fate.

The American Indian Business Leaders is an organization that recognizes this dilemma and faces the challenge by placing seeds of self sufficiency and culturally appropriate economic development in youth or students, thereby sparking their own creativity and resourcefulness to address the future well being of their own people and most importantly AIBL offers a concrete vision of something to hope and work for."

By investing in educational programs such as AIBL and others, in the long run, eventually we can develop a new modern day hunter. One that provides for the people in a dynamic cultural way. Therefore, we should invest heavily in educational or entrepreneurial activities that pull, assist, and reward those learners (young and old) who are so inclined and want to help solve the Tribes problem of unemployment.

We should also invest in a lot of research and planning, so that good ideas and plans have the best chance of succeeding. We need to be patient, and plan, and plan, and plan, and then plan some more. We on this reservation are facing no quick fix or solution. It will take a long time so we need to constantly be thinking of the Seventh Generation, not of our own immediate good. We need to understand that there are more hard times ahead, but gradually as our new hunters come into being, they will alleviate our present day existence and our people will again enjoy a healthy life style.

JTAC funding should be used to lure our people into concentrating and attacking the joblessness issue. Those who can create jobs for themselves and others should be

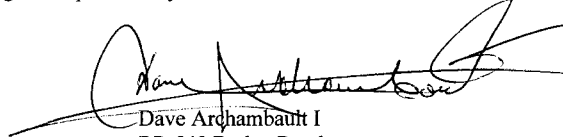
rewarded as a priority. 80% of the adults on this reservation are without work. Welfare is eating away at our self-dignity. We should not be worrying about how much I or we can get of this JTAC money, rather, what can I or we do to create jobs. We should consider the following possible initiatives;

- | | |
|--------------------------------|-------------------------|
| * Value-Added crop businesses. | * Various stores |
| * Meat Packing Plant | * Camera Repair Center |
| * Home Construction | * Food Stores |
| * Full Service Bank | * New Corp Initiatives |
| * Replace USDA with our own. | * Chicken Farm |
| * Pheasant Farm | * Commercial Fishing |
| * Body and Fender | * Engine Repair |
| * Hide Tanning | * Data Processing |
| * Linen Service for Casino | * Recreation Businesses |
| * Wheat & Barley Breads | * Solar & Wind Energy |
| * Fish Farm | * Telephone Company |

The list of business possibilities that I've just read are but a few of the ideas that can become a reality. In my opinion, we must do everything we can to encourage the spirit of resourcefulness and do everything we can to empower a host of creative problem solvers with JTAC funding. Just as in the story, we should endeavor to strength those that can give our Tribe the best chance of survival. I do believe this direction offers our people, the best hope to constructively exist in the future.

To conclude my comments, I would strongly recommend that the Senator stick to his stated commitment of economic recovery. I believe there is a lot cultural wisdom, such as the story I shared, which supports such a position and consequently backs your stance to appropriately use the JTAC interest earnings.

Thank you for allowing me to provide my written and verbal statement.



Dave Archambault I
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Fort Yates, ND 58538
701-854-7246
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**BEFORE THE UNITED STATES
SENATE COMMITTEE ON INDIAN AFFAIRS**

On The

**STANDING ROCK EQUITABLE COMPENSATION ACT
IMPLEMENTATION, USE, AND DISTRIBUTION OF FUNDS**

**STANDING ROCK GRANT SCHOOL
FORT YATES, NORTH DAKOTA**

**Statement of Terrance Yellowfat
Chairman
Fort Yates District Council**

April 3, 2002

Thank you for this opportunity to appear before the Committee on Indian Affairs today. My name is Terrance Yellowfat. I serve as Chairman of the Fort Yates District Council, an organization established under the Constitution of the Standing Rock Sioux Tribe. There are 2,669 enrolled District members residing in 708 homes in the District.

The Fort Yates District Council has authorized the Planning Commission of the District to develop a Recovery Plan for the people. It is the desire of the District to utilize compensation funds for social and economic recovery. It is also the desire of the District to work with Senator Conrad and his staff so that the program is developed in accordance with the Act and with the Congressional Research Service's Memorandum of September 8, 1998.

We submit the following description of the proposed program for the Senator's review, comments, and recommendations.

Statement of the Fort Yates Local District

**OYATE WICHA UKINI PROJECT
(Re-Awakening Of The People)
DISTRICT OF FORT YATES**

SRST EQUITABLE COMPENSATION ACT:

In 1993, the Congress of the United States of America declared that the Standing Rock Sioux Tribe is entitled to additional financial compensation for the taking of over fifty-six thousand acres of its reservation lands, as the site for the Oahe Dam and Reservoir, and that such amounts should be deposited in the Standing Rock Sioux Tribe ECONOMIC RECOVERY FUND established under statute.

The Secretary of the Interior has deposited the interest, which accrues on the recovery fund in a separate account in the U.S. Treasury. Such interest shall be available, without fiscal year limitation, for use by the Secretary, commencing with fiscal year 1998 and each fiscal year thereafter, in making payments to the Tribe for use for educational, social welfare, economic development, and other programs, subject to the approval of the Secretary of the Interior. No part of the principal of the Recovery Fund shall be available for making such payments.

No payments pursuant to the Act shall result in the reduction, or the denial, of any Federal services or programs that the Tribe, or any of their status as a federally recognized Indian Tribe or member pursuant to Federal law. No payments pursuant to the Act shall be subject to Federal or State income tax.

The Act also requires that no part of any moneys in any fund shall be distributed to any member of the Tribe on a per capita basis.

The Act does not set forth rules or administrative requirements governing the establishment of tribal programs and expenditure of these funds - the flexibility allowed under statute allows the Tribe to determine the needs of its membership to improve the economic and social status of the Tribe. The District utilized the attached Congressional Research Services' Memorandum dated September 8, 1998, concerning the Use of Funds Under Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Program as a guideline to develop the District's program.

District Proposal

Members of the Tribal Council, the Agency Superintendent, the BIA Regional Director and other federal officials familiar with reservation economic conditions do not need to be reminded that members of the Fort Yates District suffered immeasurably. No dollar figure can ever be attached to the loss suffered by district members by the dismantling of homes (log houses in most cases) to be relocated elsewhere when lands were taken - in most cases these homes were not reconstructed as promised; the displacement of family

members and dismantling of family unity; the loss of home furnishings; the loss of our medicine along the river; the loss of our integrity when families were uprooted from their homes and children were sent to boarding schools; the valuable resources lost along the river can never be replaced - the list goes on and on. The District today cannot accurately describe the devastating effect that the Oahe Project has on our people. Today, we suffer from the abuse of those children who were sent to boarding schools, foster homes and other places. These children now adults are struggling to survive on our reservation. They wish to work so that their children can know a better way of life, but as we all know, there are not enough jobs on Standing Rock! The lack of jobs which prevents many adults from better providing for their families and the need to carry on a healing process to recover economically and socially leads to the District's proposal. The District heeds the advise of our elders who say that tribal members must be healthy before they can learn and work.

The District attaches a copy of a Needs Assessment conducted for a Community Healing Project. This was conducted so that the District can begin planning for a healing project utilizing compensation funds.

The District also attaches a copy of a Statement of Charles W. Murphy, Chairman of the Standing Rock Sioux Tribe, dated April 12, 1999, on Standing Rock Health Care Policy Issues. The data included in this report shows Standing Rock to have mortality rates or death rates to be the worst in the United States, yet Standing Rock's access to health care finance is among the lowest provided any federally financed health care entity, including all other HIS Indian service areas.

The Act referred to above authorizes payment for "educational, social welfare, economic development, and other programs". Since there are no Department of Interior implementing regulations to provide the Tribe with procedures and standards in making requests for expenditures from the Fund, the Secretary has broad discretion in the approval of effective plans, clear accountability, and grassroots tribal involvement in developing and implementing the District's recovery program.

The Fort Yates District proposes to establish a program to raise the living standards in homes - a social welfare program which the Act provides for. Assistance will be given for the purchase of much needed household items, appliances and furniture, to fund unmet needs in the areas of education and home repairs, and other. No assistance will be given for which other resources exist and District members have already been assisted. Assistance for the purchase of motor vehicles will be prohibited. The District recognizes that an individual begins life within his home. In the modern version of this - it is said that family structure, self-esteem and other factors contribute toward making a person feel good about himself. Many of the decision makers in our government today have not had to experience the losses suffered by the people and cannot even begin to imagine the hardship suffered by our people during the Oahe Dam days. Those who are fortunate enough to hold jobs, lease land and raise cattle for profit, and be self-employed do not experience the wish to have a decent couch or chair to sit on, a table to eat from, a bed to sleep on, a washer to clean the family's clothes - much less to even dare to wish for a

clothes dryer. Basic items found in low-income family homes are luxury to most of our people. The Secretary does not know the life of those on fixed income or no income at all.

We attach a copy of a report on "Too Few Rooms: Residential Crowding in Native American Communities and Alaska Native Villages" issued by the National American Indian Housing Council Department of Research and Tiger Research in December 2001. Resolving housing needs - a desire of the Fort Yates District - as well as meeting social, economic, and spiritual needs, depends on grassroots involvement in the planning, development, and implementation of a housing project. The District intends to address this need under separate project. The demand for housing in the Fort Yates District is demonstrated through the attached copy of a Standing Rock Housing Authority "waiting list".

The District in addition to this program proposes to fund a treatment program for our Youth. The planning for this initiative is just beginning in the District. Persons who possess the required expertise are being recruited to assist in the development of this program. The Tribal Council has indicated its support by granting the use of a tribal ranch and land. In addition, the District is developing a Equity Development Finance Institute project. Robert McLaughlin serves as consultant to the District in this effort. There are also plans for a quilting project, a housing initiative, a Community Building (under a federally-funded Community Development Block Grant which requires a contribution from the District), and acquisition of a commercial building and lots. All of these initiatives will be funded through the District's allocation of JTAC funds. The District is developing programs, policies and procedures governing these programs under separate cover.

PROGRAM GOAL:

The purpose of this plan is to set forth procedures to assist enrolled members of the Tribe and their families who reside in the Fort Yates District to carry out plans to improve their living conditions both economically and socially.

The District recognizes that there are enrolled members formerly residents of the District who moved to locations outside the boundaries of the Standing Rock Reservation when their homes were dismantled and their lands were taken under Oahe. These individuals need assistance to recover from their losses; however, for purposes of budgetary issues and lack of information concerning these individuals, the District leaves this issue to the Tribe to address under another recovery project for those individuals.

The prevailing situation is the unsatisfactory living conditions of District members. There is disunity in the family structure because of the unsatisfactory living conditions. These factors can be alleviated through this recovery plan. The family is the most important factor in the Tribe's social structure. If the Tribe lacks good family structure, the result has been and will continue to be a community without dignity, pride and a poor outlook for future improvement if not remedied. In assisting District members to achieve

a better standard of living in their homes, their foresight will improve to the point of seeing the advantages of such opportunities as health improvement, higher education, and employment. It is very important to improve the living conditions of our District members. Our children need to feel good in their homes. Improvement and future planning for the stabilization of family structure must start in the home where the District members live every day of their lives.

PROGRAM:

The District proposes to allocate funds up to \$5,000.00 for households who meet program criteria and standards, regardless of the number of members living in those households. This amount was proposed after an analysis of cost for household items, appliances, furniture, home repairs, and other. The cost for household items, appliances and furniture is almost the same. In the case of home repair, for example, the replacement of siding for a three-bedroom house is approximately \$9,500.00. The cost for emergency home repairs such as leaking roofs could cost more than \$5,000.00. This means that certain families will be forced to find other resources to contribute toward the cost of these improvements. The District will issue requests for proposals to purchase items in bulk in an effort to be cost effective. RFPs will also be issued for home repairs that meet program criteria. This activity will be conducted in accordance with existing tribal procurement policies and procedures.

The Tribe's Home Improvement Program is not adequately funded by the Bureau of Indian Affairs to meet the need for repairs or new housing construction. There is a long waiting list for assistance under this BIA program. It could be ten years before eligible District members are served under this program. There are no other resources to assist families who are without necessary household goods.

The District was very careful in planning this project so that equal shares of program funds will not be given to each District member. Thus, making it a legitimate use of compensation funds under a social welfare program. This is unlike Public Law 85-915 enacted for the Tribe under which the Tribe allocated a sum of money to each family unit equal to the total number of eligible and enrolled tribal members in the family unit multiplied by \$650.00 per member as of the date of Government approval of the program.

An application form for the plan shall be executed or made by each family head of a household for assistance and reviewed to assure that the plan meets program criteria and standards. No cash payment will be allowed. In the cases of disapproval of a specific plan by the Business Committee of the District, such disapproval shall be in writing to the family head involved with instructions to modify their plan or to appeal the decision of the Committee.

PROCEDURES:

Eligibility: Each family unit consisting of enrolled members of the Tribe residing in the Fort Yates District shall be eligible to participate in the program provided the family unit meets eligibility criteria.

Family Unit: A family unit shall consist of the head of household, spouse (where applicable), children, and other relatives. Single persons 18 years of age or older and unmarried persons under 18 years of age who have family responsibilities and who are family heads occupying a house shall be considered family units. The Committee, when necessary, shall secure final determination or concurrence from the Standing Rock Housing Authority, landlords, or the Tribal Court.

Minors: All unattached tribal members under the age of 18 years residing in the Fort Yates District shall be considered minors for the purposes of this program. For all unattached minors, not adopted but living with relatives, guardians, or other people in the Fort Yates District will be included in the household in which they live. Other minors placed in foster care and institutions on or off the Standing Rock Reservation by the Tribal Court, Child Protection Program, or BIA Social Services and who are placed from the Fort Yates District shall not lose their residency and shall be entitled to assistance for special needs up to the amount of \$1,000.00. Special needs could be dental, eye and other medical needs for which there are no other resources. Applications for these minors shall be required from the Child Protection Program or BIA Social Services. In no instance, shall applications for these minors be accepted from parents or other family members. In instances where it is determined that a minor is eligible for program services and no application has been submitted, one shall be requested from the Child Protection Program or BIA Social Services when recognized need exists. All placement and conditions imposed by Tribal law and the Tribal Court shall be complied with by the Committee.

District Members Absent from the Fort Yates District for Educational Purposes: District members who are absent from the Fort Yates District and who are attending colleges, Universities, high schools or elementary schools off the reservation shall be included in the household in which they live in the Fort Yates District provided that the member was a legal resident of the District prior to leaving the District for educational purposes. District members with dependents who have their families living with them at their school locations shall be eligible as households provided that the members were legal residents of the District prior to leaving for educational purposes.

District Members Absent from the Fort Yates District for Military Purposes: Single District members who are absent from the Fort Yates District and who are serving in the U.S. Military Forces shall be included in the household in which they live in the Fort Yates District provided that the member was a legal resident of the District prior to leaving for the military. Married District members with dependents who are absent from the Fort Yates District and who are serving in the U.S. Military Forces and who have their families living on military bases shall be eligible as households provided that the

members were legal residents of the District prior to leaving for the military..

Homeless District Members: Tribal members in the Fort Yates District who are homeless shall be considered for assistance from this social welfare program. Applications for these individuals shall be accepted from the BIA Social Services who shall recommend special needs of the homeless for an amount not to exceed \$1,000.00. In most cases, these homeless individuals are receiving General Assistance from the Bureau of Indian Affairs, Social Security, SSL, or other under the supervision of BIA Social Workers.

ADMINISTRATION:

The program will be administered by the Business Committee composed of the District Planning Commission (District Chairman, Vice-Chairman, Secretary, Treasurer, Tribal Council member representing the Fort Yates District, and three other District members) and four additional members of the District. Each of these members possess the knowledge, skills, and ability to develop the forms, documentation, and other records required to administer the program. The District Officers shall serve as Officers of the Business Committee. The delegation of authority herein to this Committee does not relieve the Fort Yates District of its responsibility for the proper execution of responsibilities and accountability in carrying out this program. All activities of this program shall be administered by the Committee pursuant to established policies and procedures and adopted standards and criteria for this social welfare program. Members of the Committee shall serve until the program is completed and all funds are accounted for by an audit and submitted to the Tribe and Secretary.

The Committee shall advise and assist families in the District in the development of their plans and to complete the required application and other forms. The Committee will function as an approval authority for recovery plans under delegation of authority by the Fort Yates District Council.

RECORD OF MEETINGS:

The District Secretary shall keep or cause to be kept a complete record of all meetings of the Committee.

QUORUM:

Seven members of the Committee shall constitute a quorum at any Committee meeting duly called, convened, and held for the administration of the program.

VACANCIES:

Vacancies in the Committee membership shall be filled by the District Council.

COMPENSATION:

Compensation for Committee members shall be at the rate fixed by the Tribal Council for its committees. Committee members shall be compensated at the rate of \$100.00 per meeting in the performance of duties and responsibilities directly related to the program.

MEETINGS:

The Committee shall meet when program business demands and requires their attention. Meetings of the Committee shall be called by the Chairman or Vice-Chairman. The number of meetings held will be kept to the minimum necessary to conduct and administer the program.

AUTHORIZED SIGNATURES:

The Chairman, Secretary, or such other of the Committee members as may be authorized at meetings, will sign such papers as the Committee may designate for and on its behalf. All such authorizations shall be reflected in the records of the Committee.

ASSETS ACQUIRED UNDER PROGRAM:

All assets acquired under this program shall become the property of the family. Disposition of such assets may be determined by the Tribal Court.

ADMINISTRATION:

Budgets, Disbursements, Records, Accounts, and Audits: The District's administrative and financial procedures for the budgeting, disbursement, accounting, and auditing for program funds shall be conducted in accordance with the District's Financial Management Policies and Procedures as approved by the Tribal Council under Title XX of the Code of Justice.

No program funds shall be expended, used or disbursed except as provided in a budget and this plan approved by the District Council, the Tribal Council, and the Secretary of the Interior or his authorized representative.

All checks must be signed by the District Chairman or Vice-Chairman and Treasurer. These officers must be bonded in accordance with Title XX of the Code of Justice. No Program funds shall be disbursed except by check.

APPROVAL PROCEDURES:

Recovery Plan: A plan will be developed by applicants to improve the family's living conditions in accordance with the above-stated criteria and standards as described by the Congressional Research Service in its memorandum of September 8, 1998.

Upon completion of a plan, it shall be submitted to the Committee for review and approval. In the event the Committee disapproves a plan, it shall give the reasons therefore in writing with suggestions for modification.

Upon approval of a plan, the Committee shall make the necessary arrangements and payments in accordance with the approved plan. In no instance shall payments be made directly to District members.

APPEALS PROCESS:

Applicants are entitled to appeal any decision of the Committee through the Standing Rock Sioux Tribal Court.

THE FORT YATES DISTRICT HAS DETERMINED THAT THIS PROGRAM SATISFIES THE ACT AND THE MEMORANDUM OF THE CONGRESSIONAL RESEARCH SERVICE DATED SEPTEMBER 8, 1998.

Attachments:

1. Congressional Research Service Memorandum dated September 8, 1998, concerning the Use of Funds under Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Program.
2. Needs Assessment, Fort Yates Community Healing Project
3. Statement of Charles W. Murphy, Chairman, Standing Rock Sioux Tribe dated April 12, 1999 on Standing Rock Health Care Policy Issues
4. "Two Few Rooms: Residential Crowding in Native American Communities and Alaska Native Villages by the National American Indian Housing Council Department of Research and Tiger Research
5. Standing Rock Housing Authority "Waiting List" of Fort Yates District Applicants for Housing

RWM



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Memorandum

September 8, 1998

TO : Hon. Byron L. Dorgan
Attention: Ruth Fleisher

FROM : M. Maureen Murphy
Legislative Attorney
American Law Division

SUBJECT : Use of Funds under Three Affiliated Tribes and Standing Rock Sioux Tribe
Equitable Compensation Program

This responds to your request for an analysis of whether the Three Affiliated Tribes Economic Recovery Fund or the Standing Rock Sioux Tribe Economic Recovery Fund (hereinafter, the Funds), established under the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act (hereinafter, the Act),¹ may be used to make per capita payments to tribal members.

To respond to your request we will: (1) describe the background and legislative history of these Funds; (2) summarize briefly the particular statutory provisions at issue; and (3) analyze the implications with respect to the types of payments that could be authorized.

Background and Legislative History

The Funds were established under the Act in response to recommendations of the Garrison Unit Joint Tribal Advisory Committee (hereinafter, the JTAC), that the federal government provide additional compensation for the Three Affiliated Tribes of the Fort Berthold Reservation and the Standing Rock Sioux Tribe (hereinafter, the Tribes) for "the taking of reservation lands for the site of the Garrison Dam and Reservoir and the Oahe Dam and reservoir."²

The loss of land dates to the Pick-Sloan Plan of the Flood Control Act of 1942 and had previously been the subject of other legislation compensating the Tribes:

The Pick-Sloan Plan was presented to the tribes as a fait accompli.... Gradually they resigned themselves to making the most of whatever compensation might be offered.

¹ Pub. L. 102-575, Tit. XXXV, 102 Stat. 4500, 4731 (1992).

² S. Rep. 102-267, 102 Cong., 2d Sess. 187 (1992).

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In 1949, 325 families of the Three Affiliated Tribes, representing 80% of the tribal membership, were forced to vacate 150,000 acres of prime river bottom land. At the time of removal, they were the only economically self-sufficient agricultural tribe on the Great Plains. Garrison Dam flooded one quarter of the reservation's land base, 94% of which was prime agricultural land. The remainder of the reservation was segmented into five water bound areas. In 1949, after it became obvious that suitable replacement lands could not be found, Congress appropriated \$12,605,625 to the Three Affiliated Tribes: \$5,105,625 for lands and improvements, relocation of tribal members and relocation of cemeteries and monuments, and \$7,500,000 for other claims by the tribes. However, the \$7,500,000 was not actually paid to the Tribes, but went directly to individuals as subsistence payments to meet their immediate survival needs.

Ten years later the Standing Rock Sioux Tribe was forced to relinquish 56,000 acres of the best land on its reservation. In 1958, Congress appropriated \$12,211,553 to the Sioux Tribe of Standing Rock: \$1,952,040 for lands and improvement, \$3,299,513 for all other claims by the tribe and \$6,960,000 for tribal rehabilitation intended to improve the economic and social status of the Tribe.

The Garrison Diversion Unit Commission (GDUC) was appointed by the Secretary of the Interior on August 11, 1984. In its Final Report dated December 20, 1984, the Commission found that 'the tribes of the Standing Rock and Fort Berthold Indian reservations bore an inordinate share of the cost of implementing Pick-Sloan Missouri Basin Program mainstream reservoirs,' and recommended that the Secretary establish a committee 'to find ways to resolve inequities' borne by the tribes.' Secretary Hodel created the Joint Tribal Advisory Committee (JTAC) on May 10, 1985, and the Committee submitted its final report to the Secretary on May 23, 1986.³

In 1986, the JTAC recommended compensation that "was intended to substitute for or replace the value of the economic base that was taken as the site for Lake Sakakawea and Lake Oahe."⁴ Although further compensation may not have been legally compelled, earlier payments had been viewed as inadequate both by the JTAC and the General Accounting Office.⁵ For that reason, Congress declared the Tribes to be entitled to "additional financial compensation for the taking" of various pieces of reservation land and established and authorized appropriations for the two Funds, which are set up as permanent appropriations.⁶

³ S. Rep. 102-267, at 188.

⁴ S. Rep. 102-267, at 189. The Garrison Reformulation Act of 1986, Pub. L. 99-294, 100 Stat 418, authorized tribal irrigation and construction of municipal, rural and industrial water systems for the reservations.

⁵ S. Rep. 102-250, 102d Cong., 1st Sess. 7 (1991).

⁶ Pub. L. 102-575, § 3405.

Statutory Specifications

Interest accruing on the Funds is to be available "for use by the Secretary of the Interior, commencing with fiscal year 1998 and each fiscal year thereafter, in making payments to the Three Affiliated Tribes for use in educational, social welfare, economic development, and other programs, subject to the approval of the Secretary."⁷ A parallel provision applies to the Standing Rock Sioux Tribe Economic Recovery Fund.⁸ The statute further specifies that "[n]o part of any moneys in any fund under this title shall be distributed to any member of the Three Affiliated Tribes or the Standing Rock Sioux Tribe on a per capita basis."⁹

Expenditures, from the Funds, therefore, (1) are under the control of the Secretary of the Interior, (2) must be for specific purposes—"educational, social welfare, economic development, and other programs," and (3) may not be on a per capita basis. An examination of the statute and its legislative history gives no clear exposition of the meaning or purpose behind the prohibition on per capita payments. The statute, thus, gives the Secretary broad discretion to use the funds but it prohibits distributions on a per capita basis.

Analysis

Currently, there are no Department of Interior implementing regulations to provide the Tribes with procedures and standards in making requests for expenditures from the Funds. There is scant legislative history. The provision first appeared in S. 168, a measure introduced by Senators Conrad and Burdick and reported by the Senate Select Committee on Indian Affairs.¹⁰ At the time the House was considering the Conference Report on the measure that would be enacted into law, then-Representative Dorgan, endorsing the legislation, gave what appears to be the most extensive elaboration on the provision's prohibition on per capita payments:

The compensation is provided not as direct payments but in the form of economic recovery funds. I stress that the provision bars per capita payments. The tribes may use only the interest from these funds for education, social welfare, economic development, and other tribal programs which must be approved by the Secretary of the Interior.

I would further stress the importance of effective plans, clear accountability, and grassroots tribal involvement in developing and implementing the recovery programs. The conference agreement did not include explicit provisions to do so. However, as an author of the legislation I want to state for the record that certain accountability

⁷ Pub. L. 102-575, §§ 3504(a)(4).

⁸ Pub. L. 102-575, §§ 3504(b)(3).

⁹ Pub. L. 102-575 § 3506.

¹⁰ S. Rep. 102-250, 102 Cong., 1st Sess. (1991).

should be included in the criteria by which the Secretary of the Interior would approve plans mandated by the conference report.¹¹

Although the statute clearly forbids "per capita" payments; it does not define the term. *Black's Law Dictionary*¹² provides the following definition:

By heads or polls; according to the number of individuals; share and share alike. This term, derived from the civil law, is much used in the law of descent and distribution, and denotes that method of dividing an intestate estate by which an equal share is given to each of a number of persons, all of whom stand in equal degree to the decedent, without reference to the stocks or the right of representation....A division 'per capita' means by a number of individuals equally or share and share alike.

Generally over much of our history, when Congress has provided for the distribution of tribal funds, in the absence of treaty language to the contrary, it has prescribed the per capita method. This has been said to reflect each individual's proportionate share of tribal property and has been upheld by the courts.¹³ Often the per capita method has been used to distribute funds paid by the United States pursuant to a monetary judgment representing damages for the taking of tribal property. Generally, such statutes required the Secretary of the Interior to prepare a roll of tribal members as of a certain date and to divide the judgment fund into equal shares according to that roll and pay one share to each member listed.¹⁴ Under a narrow reading of the term, "per capita," therefore, it would appear that the Secretary would be required to disapprove any plan to distribute the funds on an equal basis to each member of the tribe as being forbidden by the plain language of the statute.

On the other hand, if one of the Tribes establishes a program to improve the education, social welfare, or economic development of tribal members and sets criteria for eligibility for financial assistance or grants, nothing in the statute would bar the Secretary of the Interior from approving a request by a tribe to fund such a program despite the fact that the program would eventually result in payments to individuals. It would, thus, appear that, for example, a program to award educational assistance grants to individual tribal members based on specified eligibility criteria would not fail because of the prohibition on per capita distributions. Similarly, a fuel assistance grant program awarding funds to supplement individual tribal members' costs of home heating fuel on the basis of specified eligibility criteria would not be a per capita distribution. In proposing such programs, the Tribes would be advised to draft eligibility standards to identify recipients and set up procedures to screen applicants and oversee management and disbursements, rather than submitting pre-screened lists of tribal members. Eligibility criteria for educational grants could include need, school record, area of interest, and community service; eligibility criteria for home heating fuel assistance funds could include income, cost of fuel, state of health, number of persons in household, and other relevant factors.

¹¹ 142 Cong. Rec. H11510, H11511 (Oct. 5, 1992, daily ed.).

¹² 6th ed., at 1136 (1990).

¹³ See F. Cohen, *Handbook of Federal Indian Law* 192 (1941 ed.).

¹⁴ See e.g., 25 U.S.C. §§ 1124, 1242, 1181.

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The fact that a program proposal meets the technical requirements of the statute--that it does not offend the per capita prohibition and falls within the types of programs eligible under the Act-- does not mean automatic approval, however. The language of the statute provides great discretion to the Secretary. It specifies that the "interest shall be available, without fiscal year limitation, for use by the Secretary of the Interior, commencing with fiscal year 1998, and each fiscal year thereafter, in making payments to ...the ...Tribes for use in educational, social welfare, economic development, and other programs subject to the approval of the Secretary."¹⁵ It does not require that the Tribes propose the programs; nor, does it set a time line for using the funds that accrue each year.

Under section 701(a)(2) of the Administrative Procedures Act, 5 U.S.C. § 701(a)(2), there is a presumption of judicial review with exemptions only for agency actions under "statutes that preclude judicial review" or in situations in which "agency action is committed to agency discretion by law." Since the statute, itself, does not expressly preclude judicial review,¹⁶ a decision by the Secretary of the Interior to refuse to fund a program proposal of one of the Tribes would be subject to judicial review unless a court were to find that the statute committed the decision to agency discretion. To make such a finding, the court must conclude that the statute itself is "drawn in such broad terms that in a given case there is no law to apply."¹⁷ In a case that essentially involved the discretion of an agency not to enforce or prosecute, i.e., prosecutorial or enforcement discretion, an area that has traditionally been insulated from judicial review, *Heckler v. Chaney*, 470 U.S. 821, 830 (1984), the Supreme Court indicated that the exception for actions committed to an agency's discretion applies "even where Congress has not affirmatively precluded review...if the statute is drawn so that a court would have no meaningful standard against which to judge the agency's exercise of discretion."

This statute appears to have little in the way of a standard against which to judge the Secretary's decisions on funding other than prohibiting funding of per capita distributions or programs not in the nature of those explicitly mentioned. It does, however, limit the discretion to the kinds of programs enumerated, permitting the courts to review expenditures that do not fall into the categories in the statute. The statute does not operate in isolation, however. Since the property in question is tribal property representing compensation by the United States, it brings with it at the very least a fiduciary obligation of good faith and reasonableness.¹⁸ The Supreme Court imposes such an obligation on the United States when it is dealing with Indian property.¹⁹ It would, thus, seem that any final agency action by the Department of the Interior with respect to a proposal for funding by either of the Tribes

¹⁵ Pub. L. 102-575, §§ 3504(a)(4) and (b)(3); 106 Stat. 4733.

¹⁶ Under the Administrative Procedure Act, the courts will require a "showing of 'clear and convincing evidence' of a ... legislative intent" to restrict access to judicial review. *Abbott Laboratories v. Gardner*, 387 U.S. 136, 141 (1967).

¹⁷ *Citizens to Preserve Overton Park v. Volpe*, 401 U.S. 402, 410 (1971), citing S.Rep. No. 752, 79th Cong., 1st Sess., 26 (1945).

¹⁸ See e.g., *Jicarilla Apache Tribe v. Supron Energy Corporation*, 728 F. 2d 1555 (10th Cir. 1984), relating an arbitrary or capricious standard to fiduciary duties of the Secretary of the Interior in the context of oil and gas leases.

¹⁹ *Delaware Tribal Business Committee v. Weeks*, 473 U.S. 73 (1977).

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would be subject to review under 5 U.S.C. § 706(2)(A) and could be set aside as "arbitrary, capricious, [or] an abuse of discretion...."

Conclusion

The statute establishing the Standing Rock Sioux Tribal Economic Recovery Fund and the Three Affiliated Tribes Economic Recovery Fund delegates to the Secretary of the Interior the authority to make payments to the Tribes from the interest accumulating in the funds provided that the funds are used for "educational, social welfare, economic development, and other programs," and are not used for per capita distributions. Because there are no regulations implementing this statute, the Tribes have no guidance on how or when to propose programs for funding. What is clear, however, is that no program that requests payments to individual members of one of the Tribes on a share and share alike basis is permissible. On the other hand, a proposal to administer a grant program for educational, social welfare, or economic development purposes would seem to be a permissible object for funding. If a proposal is made and denied, it would appear that judicial review could be obtained and the denial reviewed for abuse of discretion or arbitrariness. On the other hand, since there are no implementing regulations and no statutory timetable or specific statutory requirement for tribal input, there appears to be no basis on which to compel the Secretary to act on a tribal request.

We hope this information is helpful to you and that you will call upon our office should you need further information.

KENT CONRAD
NORTH DAKOTA
202-224-2043

COMMITTEES
AGRICULTURE, NUTRITION,
AND FORESTRY
FINANCE
BUDGET
INDIAN AFFAIRS

United States Senate
WASHINGTON, DC 20510-3403

December 3, 1996

Wilbur Pleets
Chairman
Tribal Economic Recovery Fund Committee
P.O. Box 64
Fort Yates, ND 58538-0064

Dear Wilbur:

It was a pleasure to meet with you and members of the Tribal Economic Recovery Fund (TERF) Committee during my visit to the Standing Rock Sioux Reservation on November 22.

I appreciate the TERF Committee's hard work in developing plans for the payments authorized by "The Three Affiliated Tribes and Standing Rock Sioux Equitable Compensation Act (P.L. 102-575)." However, I am troubled by two of the proposals being considered by the Committee, specifically, "family plans" and "original landowner compensation."

Section 3506 of P.L. 102-575 states, "No part of any moneys in any fund under this title shall be distributed to any member of the Three Affiliated Tribes or the Standing Rock Sioux Tribe on a *per capita* basis." To this end, plans incorporating *per capita* payments, in any incarnation, by law must be rejected by the Secretary of the Interior. "Family plans," as proposed by the Fort Yates district, would involve direct payments to individual tribal members -- a clear violation of the law. Likewise, the law prohibits direct compensation to original landowners.

The TERF Committee and the Standing Rock Sioux Tribal Council are responsible for preparing a plan for these funds that falls within the legal guidelines. "Family plans" and "original landowner compensation" are in direct conflict with the prohibition on *per capita* payments to tribal members.

I have enclosed a number of documents for the Committee's use, including:

- S. 168, The Three Affiliated Tribes and Standing Rock Sioux Equitable Compensation Act of 1991, as introduced;
- Hearing Record, Senate Select Committee on Indian Affairs, April 12, 1991 (Charles W. Murphy, former Chairman of the Standing Rock Sioux Tribe, and Ralph Walker, former Standing Rock Tribal Council Member, testified before the Committee);
- Section XXXV of the Report of Committee on Energy and Natural Resources on H.R. 429, The Reclamation Projects Authorization and Adjustment Act of 1992 (the

- text of S. 168 was added to H.R. 429 in committee);
- Section XXXV of the Conference Report accompanying H.R. 429;
- My statement from the *Congressional Record*, October 8, 1992; and
- Section XXXV of P.L. 102-575.

P.L. 102-575 was passed with the intent of giving the Tribe the means to fund economic development efforts and other programs that promote long-term economic self-sufficiency, not to make *per capita* payments that will have only short-term value, at best. It is important that TERF Committee members emphasize this point to their respective constituencies. I look forward to continuing to work with you throughout this planning process.

Sincerely,



KENT CONRAD
United States Senate

KC:wlsf
Enclosures

FT. YATES
COMMUNITY HEALING
PROJECT

Needs Assessment

Preliminary Report

Medicine Wheel, Inc.
November, 1998

FOREWARD

The Process

Medicine Wheel, Inc. was contacted by members of the Ft. Yates Local District Council. A meeting was held on May 5, 1998 to explain the Ft. Yates Community Healing Project and the request for assistance from Medicine Wheel. Contracts were signed on _____ for Medicine Wheel to conduct a comprehensive needs assessment in the Ft. Yates community.

It was determined that the process would include the following:

- 1.) focus groups with various groups in the community would be organized in order to get a sense of people's ideas about important issues and concerns within the community;
- 2.) a needs assessment survey instrument would be developed;
- 3.) surveys would be administered within the community;
- 4.) information gathered would be examined, assessed and compiled in the form of a written report;
- 5.) results would be reported directly to Ft. Yates Local District Council and community members.

It was quickly decided to make an initial trip to the community in late May before schools dismissed for the summer since it was crucial to have input from the young children and youth.

Within approximately 10 days of the initial meeting, a team was formed and a 16 hour training was conducted. Training consisted of background information about the youth suicides, the Community Healing Project, and training on conducting focus groups. The plan was formulated for reaching students, educators first (in all the Ft. Yates schools) and then, community members (while at work and at their home).

The first visit to the Ft. Yates community took place from May 17-20, 1998. At that time, focus groups were conducted in all Ft. Yates schools with children from 3rd thru 12 grades, teachers and administrators.

The second visit took place from June 21-25, 1998 and focus groups were conducted with a variety of groups in the community. Some of these groups included: college age youth (male and female), elders, mental health care providers, Sundancers, educators, Tribal Council members, District Council members, and other community members.

During this visit, a day-long trauma workshop was conducted with members of the Ft. Yates Local District Council and other community members. Members of the Medicine Wheel group also attended a Local District Council Meeting to talk with community members about the Needs Assessment Project.

Upon returning from these visits, the data from the focus groups was analyzed and used to develop the Needs Assessment Survey. The survey instrument was completed and the team returned to Ft. Yates July 13-17, 1998 to administer the surveys. The team worked with members of the community to deliver the surveys to each and every household in the community. Each home was visited at least twice and many were visited three times. Survey instruments were delivered to residents and the needs assessment process was explained. Community members were told that team members would return the following day to pick up the completed interviews or that there would be secure drop-off sites throughout the community if they preferred to drop them off in person.

Approximately 1800 survey instruments were distributed over a three day time period. 475 completed surveys were returned. This is a return rate of 26.4%, which is considered adequate for survey research. Eleven surveys were excluded from the analysis for two reasons: (a) they were less than 5% complete; or (b) they were completed in a clearly facetious manner. However, any written-in comments that were made on these eleven surveys were included in the qualitative analysis.

Upon return from the third visit, a new team of survey coders was trained and the coding process was begun. Coding refers to the transformation of information from the survey instruments to coding sheets in numerical form. This process and the reliability checking of coding took several months and a number of coders. Once coding was complete, each piece of data was entered into a computer database. This process and the subsequent "data cleaning" took two data entry people approximately 3-4 weeks to complete. The resulting database contained 247,380 pieces of data (each survey contains 532 pieces of data).

Once the data was coded, entered, and cleaned (verified), statistical analysis of each of the survey questions was performed. In addition, qualitative analysis of each of the open-ended questions and comments was completed.

The results of this process are the subject of this Preliminary Report. We wish to thank the many people who helped in many ways throughout this process. A list of those people who helped with this needs assessment is displayed below. We particularly want to thank the Ft. Yates Local District Council and the people of the Ft. Yates community for their commitment to healing and building a stronger community for their children.

Ft. Yates Needs Assessment Project

Preliminary Report

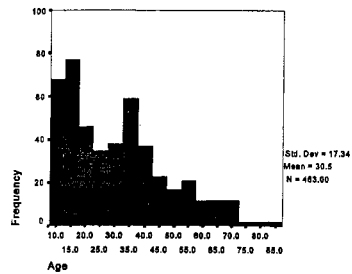
**Medicine Wheel, Inc.
November, 1998**

The following is the preliminary report of the Ft. Yates Community Healing Needs Assessment Project.

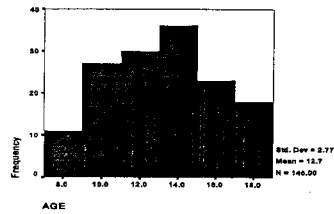
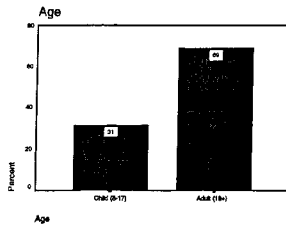
PART 1 -- DEMOGRAPHIC INFORMATION

1.1 Age

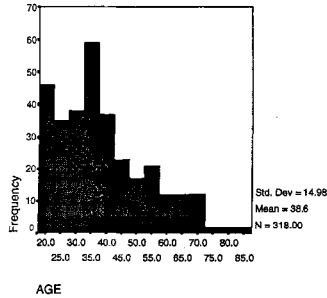
Of total 464 respondents to the NAP, 463 individuals responded to the question asking for current age. The average age of the respondents was 30.5 with a range of 8 to 87.



31.3%(145) of the respondents were under the age of 18. The average age of this younger group was 13.

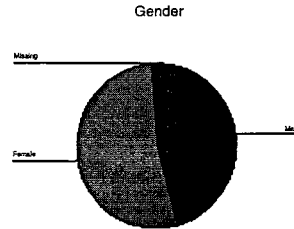


68.7% (318) of the respondents were between the ages of 19 and 87. The average age of this older group was 38.6 years.



1.2 Gender

99% (459) of the 464 respondents answered the question concerning gender. Of those who answered the question, 46.2% were male and 53.8% were female. 31% of the respondents were under the age of 18. Within this group (age 8-18), 56% were male and 44% were female. Within the group of respondents who were age 18-87 (69%), 42% were male and 58% were female.



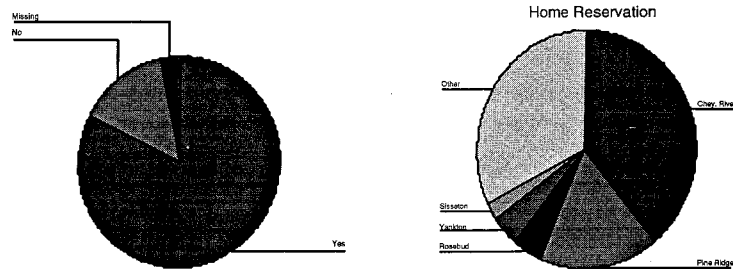
1.3 Enrollment

449 (97%) individuals answered a question asking whether they were enrolled members of the Standing Rock Sioux Tribe. 382 (82%) indicated that they are enrolled, 67 (14%) are not enrolled, and 15 (3%) did not answer the question.

10% (46) of respondents are enrolled in another tribe and 7.5% (35) are not enrolled in any tribe.

Of those enrolled in another tribe, the following indicates the tribes to which they belong:

Tribe	N=	Valid %
Cheyenne River Sioux Tribe	18	39.1%
Oglala Sioux Tribe	8	17.4%
Rosebud Sioux Tribe	2	4.3%
Yankton Sioux Tribe	2	4.3%
Sisseton Wahpeton Dakota Tribe	1	2.2%
Other	15	32.6%



13 Individuals identified the "Other" tribes in which they were enrolled. Those tribes are as follows:

Other Tribes	N=
Ft. Peck	4
Three Affiliated Tribes	3
Turtle Mountain Chippewa	3
Crow	1
Uintah & Ouray Ute Reservation	1
Navajo	1

1.4 Length of time on Standing Rock

446 (96%) individuals responded to the question about how long they had lived on the Standing Rock reservation. The average length of time was 23.5 years with a range of 1 year to 83 years.

1.5 Length of time in Ft. Yates

441 (95%) individuals answered a question about the length of time they had lived in Ft. Yates. The average amount of time in the community was 17.5 years, with a range of 1 to 71 years.

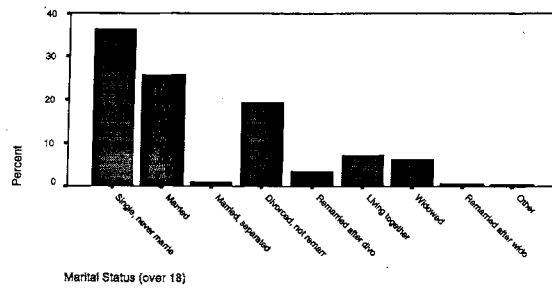
1.6 Length of time in non-reservation community

86.9% (403) of individuals surveyed answered this question. The average number of years for living in a non-reservation community was 5.16, with a range

from 0 to 71 years. Of those who responded, 46.4% had never lived off of a reservation.

1.7 Marital Status

Approximately 90% (438) individuals answered the question regarding marital status. Only individuals over the age of 18 (311) were selected for analysis and results are displayed in the following table.



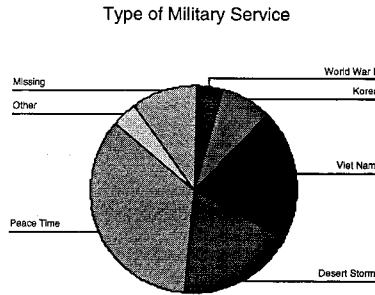
60.4% of individuals over the age of 18 are currently single (never married, divorced/single, or widowed/single).

1.8 Military Service

This analysis was performed to include only those respondents who were currently over the age of 18 (n=318).

96% (305) individuals (over the age of 18) responded to this question. Of those who responded, 16.1% (49) indicated that they were military service veterans and 83.9% (256) said they were not.

Of those who were veterans, the following types of service were indicated:



Three respondents endorsed the "Other" category. These responses were as follows:

Other Military Service	N=
Served in military conflict in Panama	1
North Dakota National Guard	1
"I don't believe in fighting for this country"	1

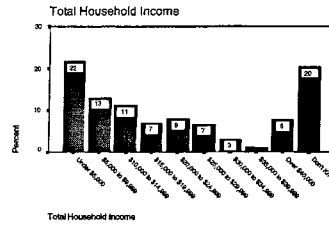
1.9 Aid

The following chart shows the different types of aid and percentage of respondents who indicated they receive each type.

Type of Aid	N=	freq	Valid %
Foodstamps	293	114	39.0
Medicaid	286	109	38.0
WIC	286	62	22.0
AFDC	286	62	22.0
LIEAP	282	49	17.5
Social Security	281	47	17.0
Medicare	285	37	13.0
Other Aid	279	33	12.0
Don't Know	289	31	11.0
General Assistance	278	26	9.5
Disability	280	21	7.5
Child Care Allowance	280	15	5.5
TANF	279	14	5.0

1.10 & 1.11 Income

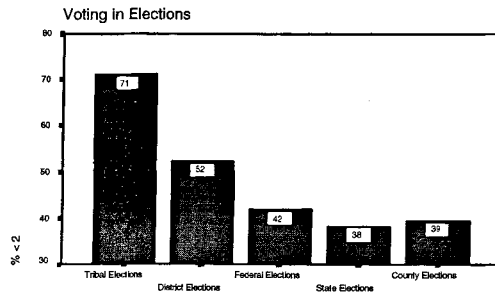
365 (79%) individuals answered a question regarding the amount of income from employment, and 377 (81%) answered a question about the total household income from all sources. The results are displayed in the tables below.



1.12 Voting in Elections

The following chart and graph shows the types of elections and percentages of respondents who vote in each type. This data was analyzed only for those respondents who were over the age of 18.

Election	N=	Freq	%	Valid %
Tribal Elections	303	227	71.4	74.9
District Elections	273	148	46.5	54.2
Federal Elections	270	121	38.1	44.8
County Elections	273	116	36.5	42.5
State Elections	270	112	35.2	41.5

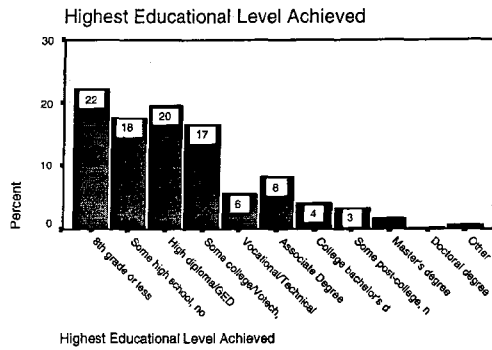


PART 2 -- EDUCATION

The following series of questions inquired about education.

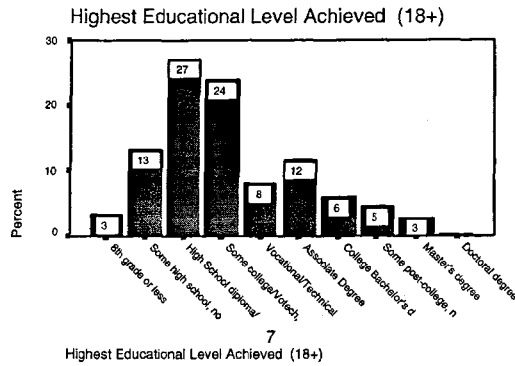
2.0 What is the highest level of education you have achieved?

96.1% (446) of individuals surveyed responded to this question. Results are displayed in the following table:



The most frequently endorsed category was "8th grade or less," followed by "High School Diploma or GED."

For those respondents, age 18 and older (n=311), the most frequently endorsed category was "High School Diploma or GED" (27%), followed by "Some college or vocation/technical school but no degree" (23.8%).



2.1 Will you be enrolled in a school program in the Fall of 1998?

95% (441) of individuals surveyed responded to this question. Of those who answered this question, 42.6% (188) indicated that they would be enrolled in a school program in the Fall of 1998. 57.4% (253) said they would not.

Of the 188 individuals who said they would be enrolled in school in Fall 1998, 96.3% (181) provided further information about the amount of time for which they would be enrolled. 88.4% (160) indicated they would be in a full-time educational program and 11.6% (21) said they would be a part-time student.

Of the 188 individuals who said they would be enrolled in school in Fall 1998, 96.8% (182) provided further information about the type of school program in which they would be enrolled. 70.9% (129) indicated they would be in either elementary or high school and 29.1% (53) said they would be in a higher education (college, university, vocational/technical) program.

Of the 188 individuals who said they would be enrolled in school in Fall 1998, 91.5% (172) provided further information about the location of this educational program. 83.7% (144) said that their program is on the reservation and 16.3% (28) said it would be off the reservation.

2.2 Have you ever dropped out of a school program?

92.2% (428) of individuals surveyed answered this question. 35.7% (153) indicated that they have dropped out of an educational program. 64.3% (275) said they had not.

Of the 318 individuals who were age 18 or over, 93.4% (297) answered this question. 48.5% (144) indicated that they have dropped out of an educational program and 51.5% (153) said they had not.

Of the 153 individuals who have dropped out of an educational program, 90.8% (139) provided further information about whether they had dropped out of high school. 56.8% (79) said they had dropped out of high school and 43.2% (60) said they had not.

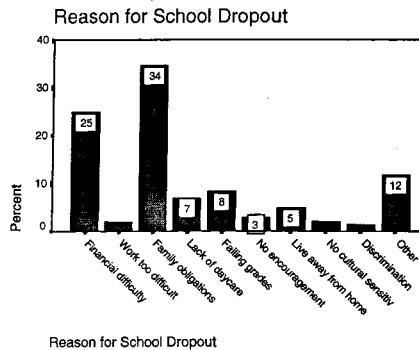
Of the 153 individuals who have dropped out of an educational program, 86.3% (132) provided further information about whether they had dropped out of a college or university program. 46.2% (61) said they had dropped out of a college or university and 53.8% (71) said they had not.

Of the 153 individuals who have dropped out of an educational program, 79.7% (122) provided further information about whether they had dropped out of a vocational or technical school program. 13.1% (16) said they had dropped out of such a program and 86.9% (106) said they had not.

(NOTE: Individuals were asked to respond to as many of these choices as was applicable for them. Therefore, some individuals may have endorsed more than one type of program which they dropped out from and percentages will not sum to 100.)

Of the 153 individuals who have dropped out of an educational program, 94.8% (145) provided additional information about the primary reason that they dropped out. These reasons are listed below:

59.3% of those who dropped out indicated that it was due to financial or family difficulties.



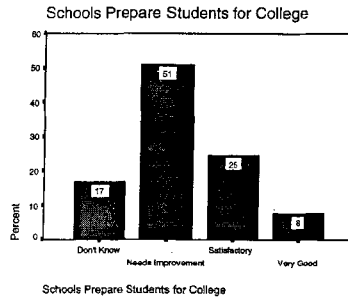
18 (12.4%) respondents reported the following "Other" reasons for dropping out of school.

Other Reasons for School Dropout	N=
Alcohol/drug related problems	4
Went to work	3
Pregnancy	3
Conflicts with other students	3
Lost interest -- school wasn't fun	2
Lack of encouragement from parents	1
Failing grades	1
Difficulties in reading English	1
Difficulty in getting to school	1
Winter-time -- no transportation	1

The next series of questions asked respondents to indicate their opinions about the preparation that students receive in the Ft. Yates schools. The following scale was used: 1= Don't Know; 2 = Needs Improvement; 3 = Satisfactory; and 4 = Very Good.

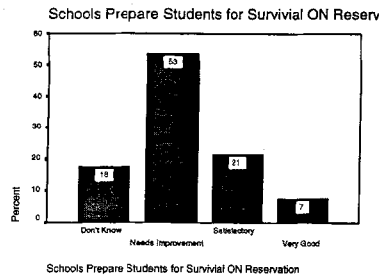
2.3 *How well do you think the schools in the Ft. Yates community prepare students for college?*

96.8% (449) individuals answered this question. The average rating was 2.23 -- in the "Needs Improvement" range (51%). The percentages of persons answering with each rating is indicated below.



2.4 *How well do you think the schools in the Ft. Yates community prepare students for survival ON the reservation?*

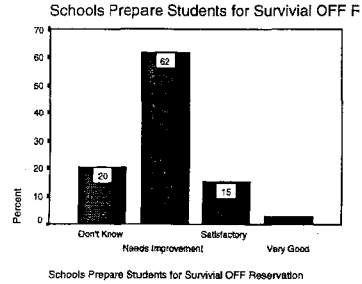
96.8% (449) individuals answered this question. The average rating was 2.19 -- in the "Needs Improvement" range. 53.5% of respondents felt that preparation of students for survival on the reservation needs improvement. The percentages of persons answering with each rating is indicated below.



2.5 *How well do you think the schools in the Ft. Yates community prepare students for survival OFF the reservation?*

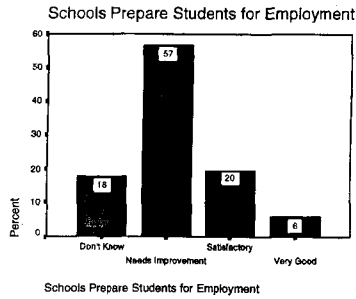
97.2% (451) individuals answered this question. The average rating was 2.0 -- in

the "Needs Improvement" range. 61.6% of respondents felt that preparation of students for survival off the reservation needs improvement. The percentages of persons answering with each rating is indicated below.



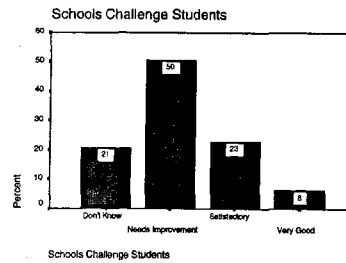
2.6 How well do you think the schools in the Ft. Yates community prepare students for seeking and maintaining employment? (e.g., skills for applying for a job, interviewing, work skills)

97.6% (453) individuals answered this question. The average rating was 2.14 -- in the "Needs improvement" range. 56.7% of respondents felt that preparation of students for seeking and maintaining employment needs improvement. The percentages of persons answering with each rating is indicated below.



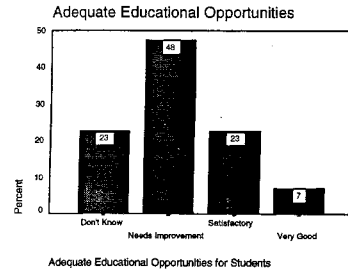
2.7 How well do you think schools in the Ft. Yates community challenge their students?

97% (450) individuals answered this question. The average rating was 2.14 -- in the "Needs Improvement" range. 50.4% of respondents felt that Ft. Yates schools need to challenge students more. The percentages of persons answering with each rating is indicated below.



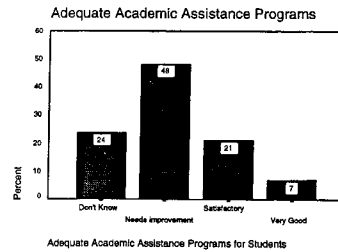
2.8 How adequate are the number of educational opportunities for people in the Ft. Yates community?

97% (450) individuals answered this question. The average rating was 2.14 -- in the "Needs Improvement" range. 47.6% of respondents felt that there is the need for more educational opportunities for people in the Ft. Yates community. The percentages of persons answering with each rating is indicated below.



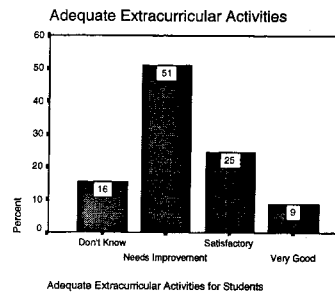
2.9 How adequate are the academic assistance programs (e.g., tutoring programs) for students in the Ft. Yates community?

97.2% (451) individuals answered this question. The average rating was 2.12 -- in the "Needs Improvement" range. 48.3% of respondents felt that there is the need for more academic assistance programs for students in the Ft. Yates community. The percentages of persons answering with each rating is indicated below.



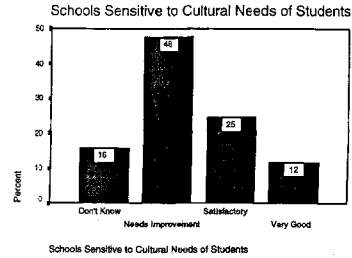
2.10 How adequate are the number of extracurricular activities for students in the Ft. Yates community?

97% (450) individuals answered this question. The average rating was 2.26 -- in the "Needs Improvement" range. 51.1% of respondents felt that there is the need for more extracurricular activities for students in the Ft. Yates community. The percentages of persons answering with each rating is indicated below.



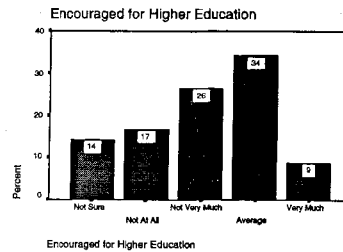
2.11 *How sensitive do you think the schools in the Ft. Yates community are to the cultural needs of the students?*

97% (450) individuals answered this question. The average rating was 2.32 -- in the "Needs Improvement" range. 47.6% of respondents felt that Ft. Yates schools need to be more sensitive to the cultural needs of the students. The percentages of persons answering with each rating is indicated below.



2.12 *How much were you or are you encouraged by teachers or other school personnel to prepare for higher education (college, vocational/technical)?*
 (NOTE: the rating scale for this question was slightly different as follows: 1 = Not Sure; 2 = Not At All; 3 = Not Very Much; 4 = Average; 5 = Very Much)

96.1% (446) individuals answered this question. The average rating was 3.07 -- in the "Not Very Much" range. 34.1% of respondents felt that they were adequately encouraged in the schools to go on to higher education.



2.13 *The next group of questions asked respondents what kinds of educational programs they would like to see (or see more of) in the schools. Respondents were asked to check all of the programs they would like to see.*

Respondents would like to see (or see more of) the following types of educational programs in the schools.

Programs/Skills	N=	%	Val.%
Lakota culture	434	70	74.9
Alcohol and drug prevention	434	73.9	79.0
Employment skills	432	67.5	72.5

<u>Programs/Skills</u>	<u>N=</u>	<u>%</u>	<u>Val.%</u>
Computer skills	431	65.1	70.1
Parenting skills	429	58.2	62.9
D/Lakota language	429	63.1	68.3
Personal finance (household budgeting, using a checking account, applying for a loan)	429	55.4	59.9
Sex education	428	59.3	64.3
Bicultural skills (survival in non-Indian world)	427	55.4	60.2
Problem solving skills	425	56.5	61.6
Anger management skills	424	57.1	62.5
Public speaking skills	424	54.3	59.4
Healthy lifestyles/wellness	422	56.3	61.8
Telecommunications skills	421	47.4	52.3
Learning to use the World Wide Web	421	53.2	58.7
Identification and expression of emotions	419	45.9	50.8
Coping skills	418	47.6	52.9
Performing arts	418	39.2	43.5
Nutrition	418	40.3	44.7
Conflict resolution skills	416	44.6	49.8
Specialized academic skills enhancement	412	40.9	46.1
Other	370	14.0	17.6

22 respondents who endorsed the "Other" category provided further information about the types of programs or skills they would like to see emphasized more in the schools. These responses were as follows:

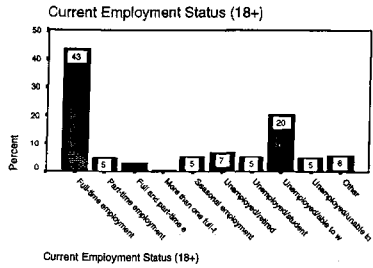
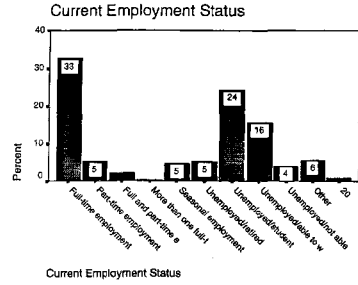
<u>Programs/Skills</u>	<u>N=</u>
Self-esteem, confidence, motivation, worth and self-respect	5
Spanish and other languages	3
Tribal government	2
Skills in caring for the elderly	2
Adult high school classes	1
Vocational training	1
Job skills	1
Aerobics	1
Swimming	1
Karate	1
Learning about law	1
Learning skills to cope with the negative aspects of reservation life	1
Learning more about religion (reading the Bible, etc.)	1
Workshops for teachers to teach children with ADHD, FAS/FAE, etc.	1

PART 3 -- EMPLOYMENT

The next series of questions asked respondents about various aspects of their employment history and current employment status.

3.1-3 What is your current employment status?

88.1% (409) of individuals surveyed answered this question. Of those who responded, 44.6% (183) indicated they were currently employed and 48.8% (200) said they were currently unemployed.



For those respondents over the age of 18 (95.3% of whom answered this question), 56.8% (172) indicated they were currently employed and 37% (112) said they were currently unemployed.

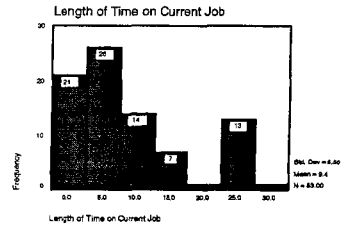
16 respondents identified "Other" as their employment status. These responses were as follows:

Comment	N=
Retired	5
TANF Program	2
Homemaker status	2
Part-time job as babysitter	1
Cannot qualify for job because mother's income is too high	1

Comment	N=
Unable to get a job because of not being related to Tribal Council member	1
Lack of housing	1
Seasonal employment	1
TWEP Program	1
Lack of work experience	1

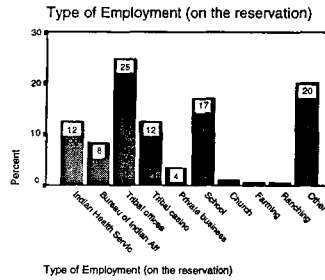
Of the 183 respondents who indicated they were currently employed, 163 (89.1%) provided further information about the length of time they had held their present job. The average length of time on the current job was 60.91 months (just over 5 years), with a range from 1 to 449 months.

Because the majority (50.3%) of respondents reported holding their current job for 30 months or less, a further analysis was performed for that group. For those respondents, the average length of time on the current job was 9.41 months. 53% of respondents in this category had been employed for 6 months or less.



176 of the 183 respondents with a current job answered a question about the location of their job. 98.3% (173) of these respondents indicated their current job was on the reservation and 1.7% (3) had jobs off the reservation.

Of those whose place of employment was on the reservation, 166 (93.4%) provided further information specifying where they are employed. The most frequently reported place of employment on the reservation was in the tribal offices (24.6%). The results are displayed in the table below.



26 respondents who endorsed "Other" for their current job on the reservation provided further information. These jobs are as follows:

<u>Current Job</u>	<u>N=</u>
Housing program	4
Head Start/Childcare employee	4
Education (teacher)	3
JTPA	2
Contracting (housing)	2
Law enforcement	2
Nutrition Program (elderly)	1
BIA	1
IHS	1
State of North Dakota	1
Fire station	1
MR&I Program	1
US Government (Census Bureau)	1
Administrative Assistant	1
Medical Administrator	1

161 respondents provided their current job title. These responses are listed below:

<u>Current Job Title</u>	<u>N=</u>
General laborer	36
Administrator/Director	20
Clerical	16
Child Care Aide	15
Custodian	12
Cook	10
Administrative Assistant	7
Law Enforcement	7
Fire Fighter	6
Teacher	4
Teacher's Aide	4
Carpentry	4
Child Care Specialist	3
Child Care Provider (private)	2
Bartender	2
Housekeeping	2
Realtor	1
Addiction Counselor	1
Nurse's Assistant	1

<u>Current Job Title</u>	<u>N=</u>
Homemaker	1
Spiritual Leader/Holy Man	1
Prosecutor	1
Nanny	1
Gaming Inspector	1
Compliance Officer	1
Porter	1
IRHP Liaison	1

80 respondents identified the following "places of employment" on the reservation.

<u>Place of Employment</u>	<u>N=</u>
Standing Rock Sioux Tribe	16
Tribal Gaming/Prairie Knights Casino	14
Ft. Yates	7
Head Start	6
Indian Health Service	5
Standing Rock High School	5
Sitting Bull College	5
SRST Housing Authority	3
Bureau of Indian Affairs	2
First Dakota Construction	2
Standing Rock Grant Elementary School	2
Housing	1
Day Care	1
Ft. Yates Public School	1
Ft. Yates Police Department	1
Home	1
Bismarck	1
Catholic Indian Mission	1
Missouri Drift Inn	1
JTPA	1
Kiddie College	1
Poplar High School, Poplar, Montana	1
SRSU	1
Grand Forks Airforce Base	1

The next series of questions inquired about the respondents' employment history. These data were analyzed only for respondents over the age of 18 (n=318).

3.4 How many jobs have you applied for?

64.2% (204) of individuals surveyed answered this question. The average number of jobs applied for was 6.36, with a range from 0 to 75. 69.7% of respondents had applied for 0 to 6 jobs.

3.5 How many jobs have you had?

70.1% (223) of individuals surveyed answered this question. The average number of jobs held 4.04, with a range from 0 to 25. 61.1% of respondents had held 0 to 3 jobs.

3.6 What is the average length of time you have kept a job?

68.2% (217) of individuals surveyed answered this question. The average amount of time for holding a job was 54.12 months, with a range from 1 to 801 months.

3.7 What has been your average pay?

67.3% (214) of individuals surveyed answered this question. Average pay was \$312.17 per week, with a range from \$40.00 to \$875.00 per week.

3.8 If you applied for a job and were not hired, were you given reasons for not being hired?

63.5% (202) of individuals surveyed answered this question. 39.1% (79) of those who answered, indicated they had been given a reason while 60.9% (123) indicated they had not been given any reason.

3.8(a) *If so, what reasons have you been given?*

52 respondents have the following reasons for not being hired for jobs.

<u>Reasons for Not Being Hired</u>	<u>N=</u>
Someone else selected	11
Political/who you know/favoritism	8
Lack of education	5
Not qualified enough	4
Lack of specific job skills	4
Lack of experience	3
Not a tribal member	3
Over qualified	3
Lack of funds	2
No reason given	2
Parents' income too high	2
Criminal record	1
No driver's license	1
Prejudice	1
Too many workers	1
Reorganization was in progress	1

3.9 *Have your employers been sympathetic and/or supportive to the following family needs?*

a. *Day care difficulties*

66.7% (212) of individuals surveyed answered this question. Of those who responded, 33.5% (71) indicated that their employers had been supportive when they (the respondent) had experienced day care difficulties, 35.4% (75) said their employers had not been supportive, and 31.1% (66) indicated that this situation did not apply to them.

b. *Illness of child or family member*

70.4% (224) of individuals surveyed answered this question. Of those who responded, 52.7% (118) indicated that their employers had been supportive when a child or family member was ill, 30.4% (68) said their employers had not been supportive, and 17% (38) indicated that this situation did not apply to them.

c. *Transportation difficulties*

69.8% (222) of individuals surveyed answered this question. Of those who responded, 41% (91) reported that their employers had been supportive when they experienced transportation difficulties, 38.3% (85) said their employers had not been supportive, and 20.7% (46) said this situation did not apply to them.

d. *Other, please specify*

One individual responded that her employer was sympathetic to her needs during her pregnancy. Another individual responded that his/her employer was not sympathetic when he/she was seeking additional education, attending school functions, and for religious practices.

3.10 *Have you ever been fired from a job?*

83% (264) of individuals surveyed answered this question. Of those who responded, 14.8% (39) indicated that they had been fired from a job, and 85.2% (225) said they had never been fired.

If yes, what reasons were you given for being fired?

a. *Lateness*

87.2% (34) of the 39 respondents who reported being fired answered this question. Of these, 23.5% (8) said they had been fired for being late and 76.5% (26) said they had not.

b. *Excessive absences*

87.2% (34) of the 39 respondents who reported being fired answered this question. Of these, 35.3% (12) said they had been fired for excessive absences and 64.7% (22) said they had not.

c. *Inadequate job performance*

84.6% (33) of the 39 respondents who reported being fired answered this question. Of these, 3% (1) said they had been fired for inadequate job performance and 97% (32) said they had not.

d. Unable to learn job requirements

84.6% (33) of the 39 respondents who reported being fired answered this question. Of these, 6.1% (2) said they had been fired because they were unable to learn the job requirements and 93.9% (31) said they had not.

e. Difficulty getting along with others

89.7% (35) of the 39 respondents who reported being fired answered this question. Of these, 20% (7) said they had been fired because they had difficulty getting along with co-workers or supervisors and 80% (28) said they had not.

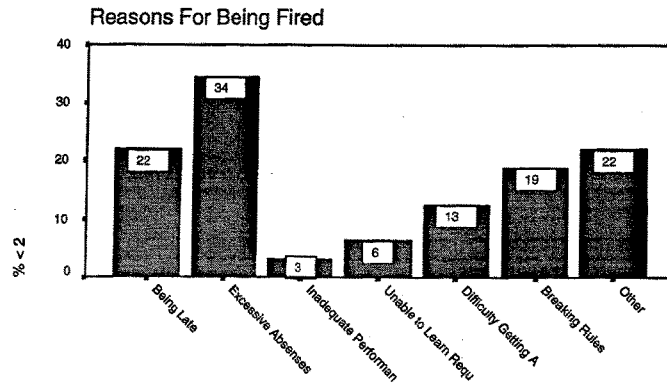
f. Breaking rules of the organization

89.7% (35) of the 39 respondents who reported being fired answered this question. Of these, 25.7% (9) said they had been fired for breaking the rules of the organization and 74.3% (26) said they had not.

g. Other, please specify

87.2% (34) of the 39 respondents who reported being fired answered this question. Of these, 26.5% (9) said they had been fired for reasons not listed here and 73.5% (25) said they had not.

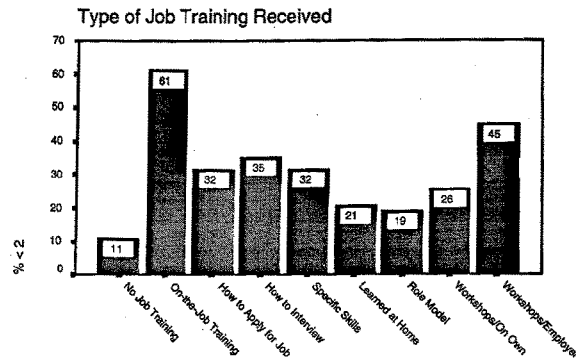
The following table shows all listed reasons for being fired and the percentages of individuals who endorsed each category.



3.10 What type of job training have you received?

The following table and graph shows the different types of job training respondents may have received. (NOTE: Respondents were asked to check all that applied to them. Therefore, some respondents may have checked more than one type of training and percentages will not sum to 100.)

Type of Job Training	N=	Freq	%	Valid%
On-the-job training only	234	148	46.5	63.2
Workshops sponsored by employer	236	114	35.8	48.3
Interview skills	228	84	26.4	36.8
How to apply for employment	227	75	23.6	33.0
Specific skills training	224	72	22.6	32.1
Workshops attended on your own	223	58	18.2	26.0
Skills learned in the home	226	50	15.7	22.1
Skills learned from a role model	222	42	13.2	18.9
None	226	28	8.8	12.4



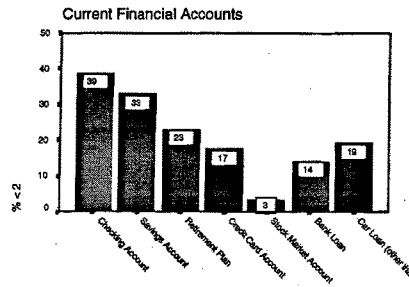
PART 4 -- ECONOMIC DEVELOPMENT

The following series of questions inquired about various aspects of economic development.

4.1 Do you currently have any of the following.

The following table and graph shows the different types of financial accounts respondents might have. (NOTE: Respondents were asked to check all that applied to them. Therefore, some respondents may have checked more than one type of account and percentages will not sum to 100.)

Current Accounts	N=	Freq	%	Valid %
Checking account	259	111	23.9	42.9
Savings account	257	93	20.0	36.2
Retirement plan	253	65	14.0	25.7
Car loan	249	53	11.4	21.3
Credit card account	251	52	11.2	20.7
Bank loan	251	43	9.3	17.1
Stock market account	245	9	1.9	3.7



Of the 43 individuals who indicated that they currently had a bank loan, 18 answered the question about the interest rate they are paying for that loan. Of those who responded, 50% said that their interest rate was at or below the market rate, and 50% said their interest rate was above the market rate.

Of the 53 individuals who indicated that they currently had a car loan, 22 answered the question inquiring about the interest rate they are paying for that loan. Of those who responded, 50% said that their interest rate was at or below the market rate, and 50% said their interest rate was above the market rate.

The next series of questions asked respondents about their understanding of the various types of accounts listed above. Respondents were asked to rate their level of understanding on the following scale: 1 = Not Sure; 2 = Not At All; 3 = Not Very Well; 4 = Satisfactory; 5 = Very Well.

4.2 How well do you understand how to get and manage a checking account?

87% (403) of individuals surveyed answered this question. The average rating was 3.51 -- in the "Not Very Well" range. However, nearly 60% of those who responded indicated that they had a "Satisfactory" or better understanding of how to get and manage a checking account.

4.3 How well do you understand how to get and manage a savings account?

87% (402) of individuals surveyed answered this question. The average rating was 3.41 -- in the "Not Very Well" range. However, 56.2% of those who responded felt that their understanding of how to get and manage a savings account was "Satisfactory" or better.

4.4 How well do you understand how to get and manage a retirement account?

85% (396) of individuals surveyed answered this question. The average rating was 2.72 -- in the "Not Very Well" range. 69% of those who responded felt that their understanding of how to get and manage a retirement account was less than "Satisfactory".

4.5 How well do you understand how to get and manage a credit card account?

86% (399) of individuals surveyed answered this question. The average rating was 2.97 -- in the "Not Very Well" range. However, 40% of those who responded did feel that their understanding of how to get and manage a credit card account was in the "Satisfactory" or better category.

4.6 How well do you understand how to get and manage a stock market account?

85% (395) of individuals surveyed answered this question. The average range

was 2.29 -- in the "Not At All" range. 86.6% of those who responded felt that their understanding of how to get and manage a stock market account was less than "Satisfactory". Further, 50.9% of respondents felt that they did not understand this at all.

4.7 How well do you understand how to get and manage a bank loan?

86% (398) of individuals surveyed answered this question. The average rating was 2.85 -- in the "Not Very Well" range. 63.5% of those who responded felt that their understanding of how to get and manage a bank loan was less than "Satisfactory".

4.8 How well do you understand how to get and manage a car loan (other than from a bank)?

86% (397) of individuals surveyed answered this question. The average rating was 2.97 -- in the "Not Very Well" range. However, 30% of those who responded indicated that they did not understand anything about how to get and manage a car loan.

4.9 Would you be interested in learning about (or more about) how to get and/or use any of the following:

The following table shows the different types of financial accounts respondents might be interested in learning more about. (NOTE: Respondents were asked to check all that applied to them. Therefore, some respondents may have checked more than one type of account and percentages will not sum to 100.)

<u>Types of Accounts</u>	<u>N=</u>	<u>Freq</u>	<u>%</u>	<u>Valid%</u>
Bank Loans	302	167	36.0	55.3
Car Loans (other than bank)	298	167	36.0	56.0
Investing in the Stock Market	299	152	32.8	50.8
Savings Accounts	297	141	30.4	47.5
Checking Accounts	297	137	29.5	46.1
Retirement Plans	296	133	28.7	44.9
Credit Card Accounts	295	128	27.6	43.4

4.10 *Have you ever thought about starting your own business in the Ft. Yates community? What type of business?*

Respondents identified 54 different businesses they have considered starting in the Ft. Yates community. These responses are listed below.

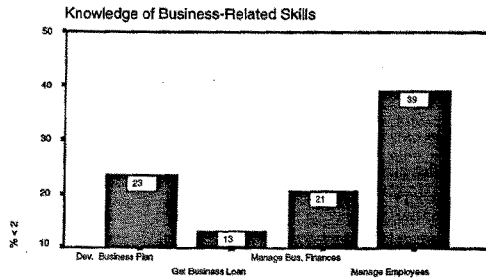
<u>Business Considered</u>	<u>N=</u>
Arts & Crafts shop	13
Restaurant/catering	11
Fast food restaurants (Kentucky Fried Chicken, Dairy Queen, Pizza Hut, McDonalds)	5
Clothing store	5
Yard care/landscaping	5
Gas station	5
Pawn shop	4
Tobacco shop	4
Convenience store	4
Sports store	3
K-Mart, Wal-Mart	3
Janitorial/cleaning service	3
Construction company	3
Place for teenagers	3
Travel/tourism agency	2
Daycare facility	2
24-hour gas station	2
Hairstyling salon	2
Laundry/dry cleaning	2
Apartment building	2
Transportation/taxi service	2
Roller skating rink	2
Hardware store	2
Arcade	2
Mini-mall	2
Bowling alley	2
Video rental	2
Coffee shop	1
Barber shop	1
Auto care	1
Traditional music	1
Music	1
Sewing	1
Bicycle shop	1
Boat rental	1
Go-cart/BMX track	1
Babysitting/child care	1

Business Considered	N=
Auto parts	1
Auto repair	1
Elderly care	1
Gun & Fishing shop	1
Farm/ranch store	1
Movie theater	1
Floral shop	1
Decorating business	1
Tattoo business	1
Security business	1
School supply store	1
Star quilt business	1
Bank	1
Videotaping service	1
Bakery	1
Used car dealership	1
Funeral home	1

4.11 Do you know how to do the following:

The following table and graph shows the different types of business-related skills respondents might have. (NOTE: Respondents were asked to check all that applied to them. Therefore, some respondents may have checked more than one type of skill and percentages will not sum to 100.)

Knowledge of Business Skills	N=	Freq	%	Valid %
Hire, train, and supervise employees	221	91	19.6	41.2
Develop a business plan	218	55	11.9	25.2
Manage business finances	217	48	10.3	22.1
Obtain a business loan	214	29	6.3	13.6



4.12 *Would you like to learn about (or more about):*

The following table and graph shows the different types of business-related skills respondents might want to learn more about. (NOTE: Respondents were asked to check all that applied to them. Therefore, some respondents may have checked more than one type of skill and percentages will not sum to 100.)

<u>Learn Business Skills</u>	<u>N=</u>	<u>Freq</u>	<u>%</u>	<u>Valid %</u>
Computer or hi-tech skills	283	178	38.4	62.9
Developing a business plan	278	164	35.3	59.0
Managing business finances	278	148	31.9	53.2
Obtaining a business loan	277	143	30.8	51.6
Hiring, training, and supervising employees	275	138	29.7	50.2
Trade or vocational skills	271	123	26.5	45.4
Agriculture or farm management	266	52	11.2	19.5
Other business-related skills	250	27	5.8	10.8

Respondents indicated they would like to learn more about the following "Other" business-related skills:

Security training
 How to obtain financing for a business
 Banking, financing information
 Advertising/marketing skills

4.13 *Would you like to see any of the following new businesses/services in the community?*

Results are displayed in the table below.

<u>Businesses or Services</u>	<u>N=</u>	<u>Freq</u>	<u>%</u>	<u>Valid %</u>
Swimming pool	383	290	62.5	75.7
Theater	384	266	57.3	69.3
Clothing/shoe store	387	265	57.1	68.5
Discount store (e.g. Wal-Mart)	390	262	56.5	67.2
Bank/ATM	383	245	52.8	64.0
Restaurant	384	239	51.5	62.2
Bowling alley	377	236	50.9	62.6
YMCA	382	233	50.2	61.0
Full service auto repair	382	228	49.1	59.7
Athletic/Sports store	379	215	46.3	56.7
Supermarket	380	205	44.2	53.9
Fast food restaurant	378	204	44.0	54.0

Businesses or Services	N=	Freq	%	Valid %
Hairstyling salon/barber shop	380	204	44.0	53.7
Hardware store	380	201	43.3	52.9
Video rental store	382	199	42.9	52.1
Go cart track	373	194	41.8	52.0
Sports equipment rental shop (hockey equipment, rollerblades, paddle boats)	375	193	41.6	51.5
Health/Fitness center	376	189	40.7	50.3
Furniture store	381	188	40.5	49.3
Arts & crafts supply store	374	183	39.4	48.9
Convenience store	382	178	38.4	46.6
Library	377	178	38.4	47.2
Miniature golf course	376	177	38.1	47.1
Drug store	383	174	37.5	45.4
Warehouse food market	379	173	37.3	45.6
Car dealer	375	170	36.6	45.3
Photo developing shop	377	167	36.0	44.3
Major appliance store (rent to own)	376	164	35.3	43.6
Lumber Yard	379	161	34.7	42.5
BMX track	370	154	33.2	41.6
Golf course	370	153	33.0	41.4
Taxi service	374	151	32.5	40.4
Store to sell locally-made crafts	373	150	32.3	40.2
Portrait studio	375	148	31.9	39.5
Laundromat/dry cleaner	374	147	31.7	39.3
Veterinarian	370	144	31.0	38.9
Small engine repair (lawnmower, etc.)	371	135	29.1	36.4
Fabric store	374	132	28.4	35.3
Funeral home	371	127	27.4	34.2
Florist	373	124	26.7	33.2
Professional services (insurance, CPA, lawyer, stockbroker, etc.)	374	122	26.3	32.6
Hockey rink	368	122	26.3	33.2
Tax preparation service	365	113	24.4	31.0
Health food store	367	104	22.4	28.3
Telecommunications business	368	95	20.5	25.8
Travel agency	366	87	18.8	23.8
Telemarketing business	363	78	16.8	21.5
Other	331	57	12.3	17.2

The following "Other" types of businesses and services were identified by respondents.

<u>Other Business/Services</u>	<u>N=</u>
Basketball gym/courts	3
Tennis courts	3
Roller skating rink	3
Motel	3
Amusement park	2
Arcade	2
Boat rentals	2
Horseback riding	1
Shopping mall	1
Ice cream/candy shop	1
Recreational place for youth	1
Office supply and equipment	1
Security services	1
Boxing club	1
Water slide	1
Construction business	1
Lighted softball fields	1
Bicycle shop	1
Car repair	1
Teen dance hall	1
All season arena	1

4.15 *Where do you currently go when you need the above businesses or services?*

Respondents were given three choices for this question (Mandan, Bismarck, Mobridge) or they could specify some other location. They were asked to endorse as many of these choices as was relevant for them. (Please note that these results are percentages of the total respondent group (464) and will not add to 100%.)

50.2% of respondents indicated that they currently go to Mandan for shopping or services, 88.6% go to Bismarck, and 41.2% go to Mobridge.

For those who responded to the "Other" category, the three most frequently mentioned cities were: Sioux Falls (4.5%), Rapid City (40.9%) , and McLaughlin (.4%). An additional 3.2% specified a variety of other cities.

4.16 *Does your family have adequate transportation to access these businesses or services?*

93% (430) individuals answered this question. Of those who responded, 81.6 (351) said that they did have adequate transportation and 18.4% (79) said they did not.

4.17 *Would you like to see more development of the gaming industry on the reservation?*

395 individuals answered this question. Of those who did answer, 51.6% (204) indicated that they would like to see more development of the gaming industry on the reservation. 48.4% said they would not like to see this type of development.

For the 204 respondents who said they would like to see gaming expanded on the reservation, the following comments were made regarding that development. (NOTE: comments seemed to fall into two categories: (a) those aimed at the gaming industry itself or designed to attract more customers to the gaming operations; and (b) those which suggested use of the monies made from the gaming operations for a variety of other uses. Responses are grouped by these categories and listed below.)

<u>(a) Gaming Industry Development</u>	<u>N=</u>
Expand bingo operations (Ft. Yates, Cannonball)	16
Hire more Indian people/managers/less white people	7
Expand casinos	7
Provide transportation for employees	5
Have concerts, sporting events at casino	3
More pow-wows	3
More rodeos	2
Put gaming in local bars	2
Build a resort facility (fishing, camping, etc.)	2
Give people another chance to work at casino	1
Have training for Indian employees	1
Have a river boat	1
Shopping mall	1
Build a bridge across the river	1
Expand the marina	1
Provide drug/alcohol counseling for employees	1
Build a golf course	1
Build motels	1
Have horse racing	1
Have more advertising to attract customers to gaming operations	1

<u>Tourism Industry Development</u>	<u>N=</u>
Set up tipis with craftspeople working inside	1
Have tour buses	1
Develop more businesses	1
Have a bed and breakfast business	1
Have more tours of the reservation	1
Have a cultural exchange program	1
Develop snowmobile trails	1

4.19 Would you like to see development of manufacturing on the reservation?

370 individuals answered this question. Of those who did answer, 61.4% (228) indicated that they would like to see development of manufacturing on the reservation. 38.4% (142) said they would not like to see this type of development.

Respondents identified 16 different manufacturing operations they would like to see developed on the reservation.

<u>Manufacturing Development</u>	<u>N=</u>
Clothing, including Indian-made articles	4
Businesses that are in the community	4
Lumber yard	3
Meat packing operation	3
Recycling operation	3
Arts and crafts	3
Assembly plants	3
Improve housing	2
Put Indian people to work	2
Quilt-making	2
Clay insulation business for houses	1
Potato farm	1
Operations not run by the tribe	1
Metal lathe and scroll work	1
Telemarketing	1
Telephone company	1
Hydroponics	1

The types of manufacturing most-often identified were: (1) clothing; (2) lumber yard; (3) meat-packing operation; (4) recycling operation; and (5) some type of assembly plant.

4.20 *Would you like to see development of telemarketing on the reservation?*

351 individuals answered this question. Of those who did answer, 40.2% (141) indicated that they would like to see development of telemarketing on the reservation. 59.8% (210) said they would not like to see this type of development.

Respondents identified four different telemarketing-related operations. These are identified below:

<u>Telemarketing Industry Development</u>	<u>N=</u>
Tribal telephone company	4
Computer systems	1
Sale of crafts, quilts, etc.	1
Bank	1

Although a number of individuals did not specifically identify a particular type of telemarketing business they would like to see developed, they underscored the need for more jobs on the reservation.

4.21 *Would you like to see development of natural resources on the reservation?*

358 individuals answered this question. Of those who did answer, 64.8% (232) indicated that they would like to see the development of natural resources on the reservation. 35.2% (126) said they would not like to see this type of development.

Respondents who did want to see this type of development had concerns or suggestions in the following areas:

<u>Natural Resources Development</u>	<u>N=</u>
Grow more trees	8
Water	8
Oil drilling	5
Farming/ranching	4
Recycling operation	3
Land	3
Development of the marina	3
Coal	2
Electricity	2
Traditional foods	2
Water sports	2
Gardens and nutrition	1

<u>Natural Resources Development</u>	<u>N=</u>
Bottled water	1
Camping sites along the river	1
Heating for homes	1
Provide shelter belts, stock dams, range units	1
Utility company	1
Organic produce	1
Fishing	1
Preservation strategies	1
Buffalo ranch	1
Gravel	1

4.22 Do you believe that you can use the education or training you presently have to get a good job on the reservation?

380 individuals answered this question. Of those who did answer, 66.3% (252) indicated that they do believe they can use the education or training they presently have to get a good job on the reservation. 32.9% (125) said that they did not believe this.

4.23 How strongly would you support your tribal government in working to promote individual and private businesses on the reservation?
(This question asked respondents to rate on a 5-point scale the strength of their support. Scale rankings were as follows: 1 = Strongly Against; 2 = Against; 3 = Not Sure; 4 = Support; 5 = Strongly Support.)

394 individuals answered this question. The average ranking was 3.9 – in the “Support” range. However, it should be noted that the greatest percentage of people (37.3%) who responded to this question endorsed the “Strongly Support” ranking. In fact, 63.7% (251) of those who answered this question supported or strongly supported tribal government in working to promote individual and private businesses on the reservation. An additional 28.7% (113) of respondents were not sure whether they supported this idea or not.

4.24 What types of businesses do you think would do well on the reservation?

374 respondents identified 67 different businesses that they thought might do well on the reservation. The eleven most frequently mentioned businesses and the number of respondents are listed below:

<u>Businesses/Services</u>	<u>N=</u>
Restaurants and fast food restaurants	46
Retail stores (K-Mart, Wal-Mart, Target)	39
Clothing stores	30
Automotive-related (repairs, parts, dealership)	27
Bank	22
Supermarket (including 24-hour operations)	19
Convenience store/gas station	15
Arts and crafts	15
Swimming pool	12
Movie Theater	11
Hardware store	10

4.25 Do you think the tribe should retain control over all businesses on the reservation?

344 individuals answered this question. Of those who did answer, 36% (124) indicated they believe the tribe should retain control over all businesses on the reservation. 64% (220) said that they did not believe the tribe should control all reservation businesses.

PART 5 -- HEALTH

The next series of questions asked about a variety of health-related issues and concerns.

- 5.1 *Do you have any of the following health concerns?*
 (NOTE: Respondents were asked to check all of the following health concerns which apply to them. Therefore, the results will be percentages of the total number of respondents and will not sum to 100%.)

Health Concern	N=	%	Valid%
High blood pressure	291	14.7	23.4
Diabetes	289	14.4	23.2
Arthritis	290	13.8	22.1
Lung disease	288	8.6	13.9
Heart disease	283	8.0	13.1
Cancer	282	7.3	12.1
HIV/AIDS	281	5.8	9.6
Impaired Glucose Tolerance	281	4.7	7.8
Liver disease	281	3.4	5.7
Other	279	3.4	5.7

Respondents identified the following "Other" health concerns:

- Hypothyroidism
- Anxiety
- Lupus
- Anemia
- Appendicitis
- Cerebral Palsey
- Sexually transmitted disease

- 5.2 *How good is your general physical health at the present time?*
 (NOTE: Respondents were asked to rate on a 4-point rating scale their general physical health. Rankings were as follows: 1 = Poor; 2 = Not Very Good; 3 = Satisfactory; 4 = Very Good.)

433 individuals answered this question. The average ranking was 3.3 -- in the "Satisfactory" range. In fact, 92.4% (400) of those who answered this question rated their general physical health to be "Satisfactory" or "Very Good."

5.3 Do you have regular checkups in the following areas?

Health: 408 individuals (88% of total returned surveys) answered this question. Of those who did respond to this question, 81.6% (333) indicated that they did have regular check-ups. 18.4% (75) said that they did not.

For the 333 respondents who did report regular check-ups, 210 (63%) supplied information about the interval of these check-ups. The average length of time between check-ups was 9 months. However, 63% (132) indicated that these check-ups were on an annual (12 month) basis. The next most frequently reported intervals were: 1 month (12.4%), and 6 months (11%).

Dental: 396 individuals (85% of total returned surveys) answered this question. Of those who did respond to this question, 71.2% (282) indicated that they did have regular check-ups. 28.8% (114) said that they did not.

For the 282 respondents who did report regular check-ups, 62.4% (176) supplied information about the interval of these check-ups. The average length of time between check-ups was 9.7 months. Once again, the most frequently reported timeframe for check-ups was 12 months (59.1%), followed by 6 months (22.7%) and 1 month (7.4%).

Vision: 403 individuals (87% of total returned surveys) answered this question. Of those who did respond to this question, 82.1% (331) indicated that they did have regular check-ups. 17.9% (72) said that they did not.

For the 331 respondents who did report regular check-ups, 65.3% (242) supplied information about the interval of these check-ups. The average length of time between check-ups was 13.25 months. The most frequently reported interval between vision check-ups was 12 months (72.2%), followed by 6 months (9.7%) and 24 months (8.3%).

5.4 Have you ever been hospitalized for a serious illness?

92.5% (429) of individuals surveyed answered this question. Of those who responded, 22.4% (96) reported that they had been hospitalized for a serious illness. 77.4% (332) said they had never been hospitalized for an illness.

Of the 96 individuals who reported that they had been hospitalized for an illness, 75 (78.1%) provided information about the type of illness they had experienced. The following table displays these results.

Type of Illness	Freq	%	Valid %
Other	32	33.3	42.7
Heart Disease	15	15.6	20.0
Lung Disease	11	11.5	14.7
Diabetes	7	7.3	9.3
Liver Disease	5	5.2	6.7
Cancer	4	4.2	5.3
Hypertension	1	1.0	1.3

Within this same group of 96 individuals, 64.6% (62) indicated the number of times they had been hospitalized for an illness. The average number of hospitalizations was 2.03, with a range from once to 25 times. 83.9% (52) of respondents had been hospitalized for illness once or twice.

5.5 Have you ever received an injury that required hospitalization?

91.4% (424) of individuals surveyed answered this question. Of those who responded, 26.2% (111) reported that they had been hospitalized for an injury. 73.8% (313) said they had never sustained an injury which required hospitalization.

34 respondents identified the following injuries which required hospitalization:

Injuries Requiring Hospitalization	N=
Cuts	8
Head injuries	4
Back injuries	4
Fractures	3
Burns	2
Ankle injuries	2
Pulled/torn ligaments	2
Hernia	1
Amputation (toe)	1
Broken ribs	1
Multiple concussions	1
Paralysis	1
Bruised kidneys	1
Dislocated pelvis	1
Car accident	1
Shotgun wound	1

40 respondents identified the following ways in which injuries requiring hospitalization were sustained:

<u>How Injuries Were Sustained</u>	<u>N=</u>
Automobile accidents	16
Accidents (other than automobile)	11
Falls	7
Fights	4
Gun shot	1
Electric shock	1
Lifting heavy loads	1

85% of these injuries requiring hospitalization were due to accidents and falls. The data does not reveal how many of these injuries were alcohol-related.

5.6 *Have you ever been misdiagnosed?*

88.1% (409) of individuals surveyed answered this question. Of those who responded, 13% (53) reported that they had been misdiagnosed at least once. 86.6% (354) said they had never been misdiagnosed.

Of the 53 individuals who reported that they had been misdiagnosed at least once, 49.1% (26) provided information regarding the number of times they had been misdiagnosed. The average number of times misdiagnosed was 2.18, with a range from once to 15 times. 80.7% (21) of these respondents had been misdiagnosed once or twice.

28 respondents identified the following health conditions which they felt were misdiagnosed by health care providers:

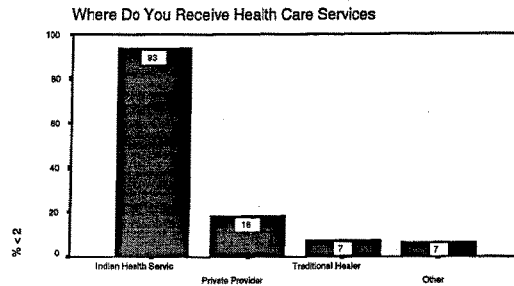
- Cancer
- Wrong medication
- Prenatal
- Sore throat resulting in tonsilectomy
- Pneumonia diagnosed as strep throat
- Gallstone attack but was given a D&C
- Given medicine that I was allergic to
- Asthma diagnosed as flu
- Appendicitis diagnosed as ulcer
- Pneumonia diagnosed as "only a cold"
- Wrong medication for gout
- Hernia
- Cancer diagnosed as malaria
- Tubal pregnancy diagnosed as spontaneous abortion
- Miscarriage diagnosed as severe vaginal bleeding
- Appendicitis diagnosed as tubal pregnancy
- Pleurisy diagnosed as heart problems

Hypoglycemia
 OB/GYN problem diagnosed as appendicitis
 Appendicitis but sent home with Mylanta
 Upset stomach diagnosed as appendicitis
 Strep throat diagnosed as a cold
 Broken hand diagnosed as cut tendons
 Broken nose but doctors said it was not
 Asthma diagnosed as flu

5.7 Where do you go to receive your health care services?

92% (427) of individuals surveyed answered this question. Results are displayed in the table and graph below:

Location	N=	Freq	%	Valid %
Indian Health Service	427	400	86.2	93.7
Private clinic or provider	392	74	15.9	18.9
Spiritual Healer	388	29	6.3	7.5
Other	368	27	5.8	7.4



21 respondents identified 10 "Other" sites that they access for health care services. The sites and number of respondents are listed below:

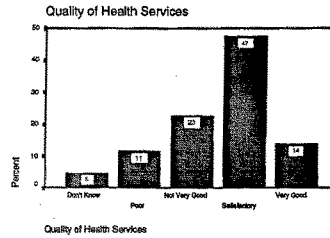
Health Care Services	N=
Bismarck (Med Center One)	8
Bismarck (St. Alexis)	4
VA Hospital	2

Health Care Services	N=
Bismarck (Q&R)	1
Bismarck (Family Practice Center)	1
McLaughlin	1
Mid-Dakota Clinic	1
Pierre (hospital)	1
West River Clinic	1
"Pastor's prayers"	1

The next series of questions asked respondents to rate on a 5-point scale various aspects of health care services they have received. The rankings were as follows: 0 = Don't Know; 1 = Poor; 2 = Not Very Good; 3 = Satisfactory; 4 = Very Good.

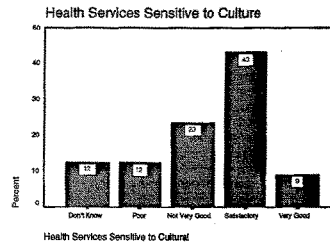
5.8 How would you rate the quality of health care services you receive?

94% (436) of individuals surveyed answered this question. The average ranking was 2.54 -- in the "Satisfactory" range. 47.5% (207) respondents did rate the quality of mental care services they have received as "Satisfactory."



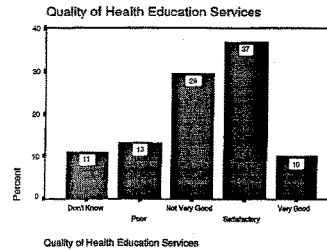
5.9 How sensitive to your cultural needs are the health care services you have received?

91.8% (426) of individuals surveyed answered this question. The average ranking was 2.24 -- in the "Not Very Good" range. However, 43% (183) of those who responded did rate the sensitivity to their cultural needs in health care as "Satisfactory."



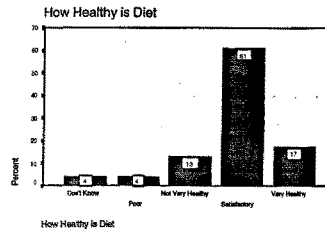
5.10 How good are the health education services in the Ft. Yates community?

93.3% (433) of individuals surveyed answered this question. The average ranking was 2.22 -- in the "Not Very Good" range. However, the most frequently ranked category was "Satisfactory" (36.7%).



5.11 How healthy is your diet at the present time?

92.7% (430) of individuals surveyed answered this question. The average ranking was 2.83 -- in the "Satisfactory" range. 61.2% (263) of those who responded did rate their diet as "Satisfactory" at the present time.



5.12 What do you think should be included in a healthy diet?

Respondents identified six food groups and beverages that they felt should be included in a healthy diet.

Foods	N=
Fruits and vegetables	30
Four food groups	21
Low fat, low salt, low sugar foods & beverages	14
Meat (not specified)	11
Water	8
High protein foods	8

Respondents also felt that more exercise, nutrition education, weight loss programs and support groups should be part of a healthy lifestyle.

5.14 Do you take vitamins on a daily basis?

93.8% (435) of individuals surveyed answered this question. 21.6% (94) indicated that they do take vitamins on a daily basis and 78.4% (341) said they do not.

5.15 Would you like to learn about (or learn more about) good daily nutrition?

90.7% (421) of individuals surveyed answered this question. Of those who responded, 67.7% (285) indicated that they would like to learn more about good daily nutrition and 32.3% (136) said they did not.

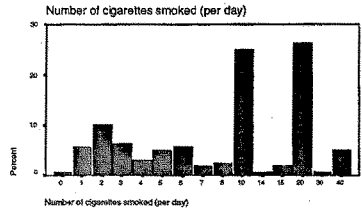
5.16 Would you like to learn about (or learn more about) preparing healthy foods?

88.4% (410) of individuals surveyed answered this question. Of those who responded, 68% (279) indicated that they would like to learn preparing healthy foods and 32% (131) said they would not.

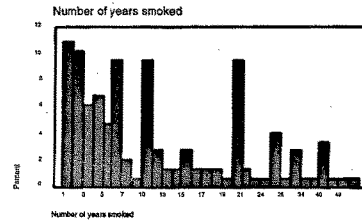
5.17 Do you smoke tobacco?

90.9% (422) individuals answered this question. Of those who responded, 46.9% (198) reported that they do smoke tobacco, and 53.1 (224) said that they do not.

Of the 198 individuals who said that they do smoke, 81% (160) provided information about the number of cigarettes smoked per day. The average amount smoked was 11.79 per day, with a range from 1 to 40. The most frequently reported number of cigarettes smoked per day was 20 (26.3%), followed by 10 (25%). 94.4% of those responding smoked one pack or less per day.



Of the 198 individuals who said that they do smoke, 74.2% (147) provided information about the number of years they had smoked. The average number of years was 12.03, with a range from 1 to 60.



5.18 Do you drink alcohol?

91.4% (424) individuals answered this question. Of those who responded, 36.6% (155) indicated that they do drink alcohol and 63.4% (269) said they did not.

Of the 155 individuals who reported drinking alcohol, 98 provided additional information regarding the number of drinks they typically have per week. The average number of drinks per week was 5.71, with a range from 1 to 120. 46.9% (46) individuals reported drinking one drink per week.

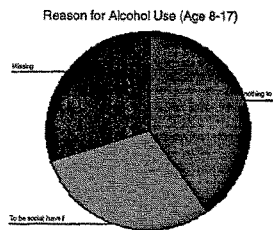
Of the 155 individuals who reported drinking alcohol, 101 provided additional information regarding the number of years they have used alcohol. The average number of years of alcohol use was 11.54, with a range from 1 to 60 years. The most frequently reported number of years of alcohol use was 20 years (10.9%) and 10 years (9.9%)

Of the 155 individuals who reported drinking alcohol, 139 (89.7%) provided additional information regarding the type of alcohol used. 84.2% (117) indicated that they drink beer and 12.9% (18) said they drink hard liquor.

Of the 155 individuals who reported drinking alcohol, 115 (74.2%) provided additional information regarding their primary reason for using alcohol. 60.9% (70) reported they drink in order to be social or to have fun. An additional 20% (23) reported drinking because they were bored or had nothing else to do.

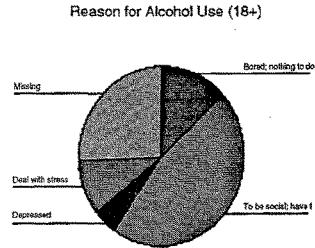
When alcohol use was looked at for persons under the age of 18, it was found that 127 out of 145 (87.6%) individuals had responded to this question. Within this group, 7.9% (10) reported that they do drink alcohol and 92.1% (117) said that they do not.

Of the 10 youth who reported drinking alcohol, only five provided additional information regarding number of drinks per week. All five of these youth reported drinking one drink per week. Six youth provided additional information regarding the number of years of alcohol use. The average was 2.5 years, with a range from 1 to 4 years. 50% (3) reported two years of alcohol use. Eight youth provided information regarding the type of alcohol used. 50% (4) reported drinking beer and 37.5% (3) said they drank hard liquor. Seven youth provided information regarding their reason for drinking. 57.1% (4) indicated that they drank because they are bored and have nothing else to do and 42.9% (3) said they drink to be social or to have fun.



318 people were over the age of 18. 296 (93.1%) answered the question about whether they drink alcohol. For individuals over 18 who responded, 49% (145) reported that they do drink and 51% (151) said they did not.

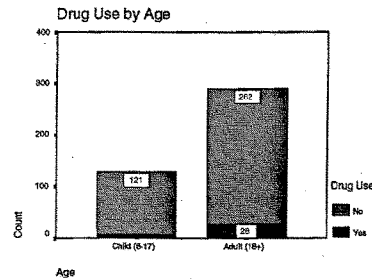
The major difference in pattern between adults and youth are evident in the amount of alcohol drunk per week and in the reasons given for drinking. While youth reasons were focused on boredom and going along with the crowd, adults also reported drinking in order to relieve stress and because they were depressed. It is interesting to note that no one reported drinking because they are addicted.



5.19 Do you use drugs?

90.3% (419) individuals answered this question. 8.4% (35) respondents indicated that they do use drugs and 91.6% (384) said they did not.

Of the 35 individuals who reported using drugs, 80% (28) provided additional information regarding the type of drugs used. 89.3% (25) reported using marijuana and 10.7% (3) said they used stimulants.



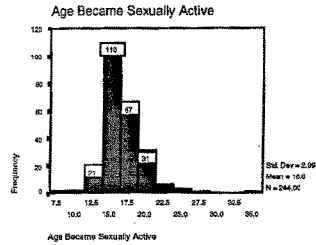
Of the 35 individuals who reported using drugs, 68.6% (24) provided additional information regarding their reason for using drugs. 45.8% (11) said they used drugs to be social or to have fun and 25% (5) said they used to deal with stress.

Of the 35 individuals who reported using drugs, 68.6% (24) provided additional information regarding the number of times using drugs per week. The average was 5.71 times, with a range from 1 to 15 times per week. The most frequently reported number of times was 7 times per week (29.2%), followed by 1 time per week (20.8%).

Of the 35 individuals who reported using drugs, 74.3% (26) provided additional information regarding the number of years of drug use. The average was 7.12, with a range of one to 20 years. The most frequently reported time period was 4 years (23.1%).

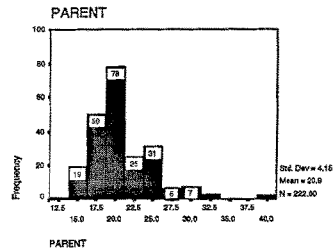
5.20 How old were you when you first became sexually active?

76.3% (354) individuals answered this question. 110 (31.1%) individuals were excluded from the analysis because they indicated they were not sexually active. The resulting pool consisted of 244 respondents. The average age of first sexual contact was 16.6 years, with a range of 7 to 35 years.



5.21 How old were you when you became a parent for the first time?

82.1% (381) individuals answered this question. 159 (41.7%) of this group were excluded from the analysis because they indicated they were not a parent. The resulting pool consisted of 222 respondents. The average age of first parenthood was 20.88 years, with a range of 13 to 40 years of age. 49.6% of respondents indicated that they first became parents between the ages of 18 and 21.



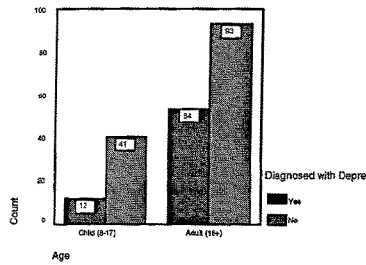
5.22 Have you ever been diagnosed with any of the following mental illnesses?

Mental Illnesses	N=	Freq	%	Valid %
Depression	200	66	14.2	33.0
Anxiety	192	22	4.7	11.5
Eating Disorder	194	7	1.5	3.6
Panic Disorder	191	5	1.1	2.6
Post Traumatic Stress Disorder	193	4	.9	2.1
Schizophrenia	191	2	.4	1.0
Other	193	5	1.1	2.6
Bipolar Disorder	191	0	0.0	0.0

An overall rate of diagnosed mental illness among all respondents surveyed was 23.9%.

Because the number of individuals who reported being diagnosed with depression at some point in their life was relatively high, an additional analysis was performed to determine the rates for children and adults.

31.3% (145) of the total sample (464) are aged 8 to 17. 68.5% (318) of the total sample (464) are age 18 and over. Of those individuals who reported having received a diagnosis of depression (66), 18.2% were under the age of 18 and 81.8% were age 18 and older.



8.3% of all children in the overall survey sample report having received a diagnosis of depression. 17% of all adults in the overall survey sample report having received a diagnosis of depression.

Respondent identified four "Other" mental illnesses that they had been diagnosed with:

- Seasonal Affective Disorder
- Post-Natal Depression
- Attention Deficit Disorder
- Attention Deficit Hyperactivity Disorder

5.23 Where have you gone (or do you go) to receive mental health care services?

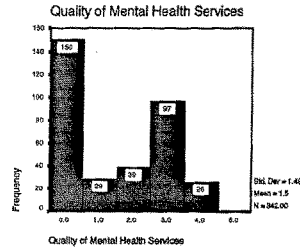
Mental Health Services	N=	Freq	%	Valid %
Never received m.h. services	243	107	23.1	44.0
Indian Health Service	232	93	20	40.1
Private clinic or professional	222	29	6.3	13.1
Spiritual Healer	222	17	3.7	7.7
Other	223	10	2.2	4.5

32.2% of survey respondents report having received mental health services at some point in their life.

The next series of questions asked respondents to rate on a 5-point scale various aspects of mental health care services they have received. The rankings were as follows: 0 = Don't Know; 1 = Poor; 2 = Not Very Good; 3 = Satisfactory; 4 = Very Good.

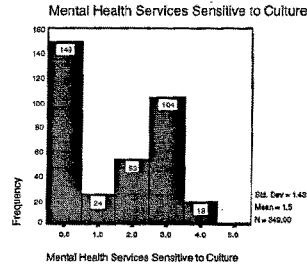
5.24 *How would you rate the quality of the mental health care services you have received?*

73.7% (342) answered this question. The average ranking was 1.48 -- in the "Poor" range. However, it is important to note that this mean ranking is not necessarily reflective of respondent endorsements. This distribution is bi-modal (two most frequently endorsed rankings) with "Don't Know" (43.9%) and "Satisfactory" (28.4%) as the two modes. (This results in the reported mean not being reflective of responses.)



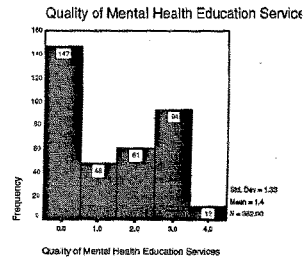
5.25 *How sensitive to your cultural needs are the health care services you have received?*

75.2% (349) individuals answered this question. The average ranking was 1.49 -- in the "Poor" range. However, it is important to note that this mean ranking is not necessarily reflective of respondent endorsements. This distribution is bi-modal (two most frequently endorsed rankings) with "Don't Know" (42.7%) and "Satisfactory" (29.8%) as the two modes. (This results in the reported mean not being reflective of responses.)



5.26 *How good are the mental health education services in the Ft. Yates community?*

78% (362) individuals answered this question. The average ranking was 1.38 -- in the "Poor" range. However, it is important to note that this mean ranking is not necessarily reflective of respondent endorsements. This distribution is bi-modal (two most frequently



endorsed rankings) with "Don't Know" (40.6%) and "Satisfactory" (26.0%) as the two modes. (This results in the reported mean not being reflective of responses.)

5.27 Which of the following health care services would you like to see further developed in the Ft. Yates community?

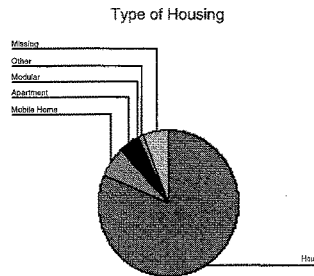
<u>Development of Health Care Services</u>	<u>N=</u>	<u>Freq</u>	<u>%</u>	<u>Valid %</u>
Exercise/fitness instruction	347	200	43.1	57.6
Disease prevention education	343	196	42.2	57.1
Substance abuse treatment	341	188	40.5	55.1
Substance abuse aftercare services	343	167	36	48.7
Disease management education	342	165	35.6	48.2
Diet/nutrition instruction	342	155	33.4	45.3
Expanded clinic hours -- health care	338	120	25.9	35.5
Expanded clinic hours -- mental health care	338	120	25.9	35.5

PART 6 -- SOCIAL/FAMILY LIFE

6.1 What kind of housing do you live in?

(94.2%) 437 of individuals surveyed answered this question.

One respondent reported that he/she was homeless.



6.2 What is the total number of persons living in your household?

93.1% (432) of individuals surveyed answered this question. The average was 5.53 persons in the household, with a range from 1 to 20. 74.6% of the respondents reported 3-7 persons living in the household.

6.3 How many children live in your home?

91.6% (425) of individuals surveyed answered this question. The average was 2.95 children in the household, with a range from 0 to 17. 91.1% of the respondents reported 0-5 children living in the household. The most frequently reported number of children in households was 2 children (23.1%).

6.4 How many bedrooms do you have in your household?

92.9% (431) of individuals surveyed answered this question. The average was 3.33 bedrooms, with a range from 0 to 12. 96.1% of the respondents reported 2 to 5 bedrooms in their home.

6.5 Is your home affordable for you?

87.7% (407) of individuals surveyed answered this question. Of those who responded, 87% (354) indicated that their home is affordable and 13% (53) said it was not.

6.6 *Is your home safe (i.e., the structure, wiring, etc.)?*

89.4% (415) of individuals surveyed answered this question. Of those who responded, 72.3% (300) indicated that their home is safe and 27.7% (115) said it was not.

6.7 *Do you have any of the following problems with your home?*

Problems	N=	Freq	%	Valid %
Weatherization	325	186	40.1	57.2
Plumbing	311	145	31.3	46.6
Heating	312	104	22.4	33.3
Structural	308	95	20.5	30.8
Electrical	306	95	20.5	31.0
Other	288	37	8.0	12.8

Sixteen respondents identified the following "Other" problems with their homes:

Other Problems	N=
Home needs to be renovated	7
Windows and screens need repair	3
Cockroaches/spiders	2
Leaking roof	1
Lead paint	1
House needs siding	1

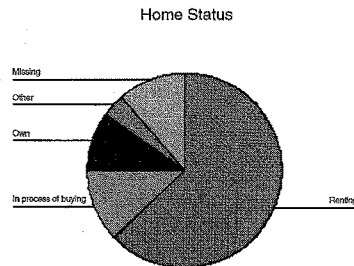
Other responses indicated a feeling that some houses were "just not safe to live in" and that home security needed to be improved.

6.8 *Do you have a telephone in your home?*

88.8% (412) individuals answered this question. Of those who responded, 82% (338) indicated that they do have a telephone in their home and 17.9% (74) said they did not.

6.9 In the house in which you are living, are you: renting, in the process of buying, own, other.

88.8% (412) answered this question.



6.9a If you are renting, would you like to be able to buy your own home?

65.3% (303) individuals answered this question. Of those who responded, 78.9% (239) indicated that they would like to be able to buy their own home. 21.1% (64) said that they would not.

6.9b If yes, what prevents you from buying your own home?

Reasons Not Able to Buy Home	N=	Freq	%	Valid %
Lack of money for down payment	234	139	30	59.4
Private housing not available	228	76	16.4	33.3
Poor or no credit history	223	71	15.3	31.8
Cannot afford payments	227	64	13.8	28.2
Lack of knowledge about how to buy a house	224	63	13.6	28.1
Other	221	34	7.3	15.4

Respondents reported the following "Other" factors which prevents them from buying their own home:

Other Reasons Not Able to Buy Home	N=
No land to put house on	5
No steady employment	1
Owe Housing for back bills	1
Age	1
Fear of being "ripped off" by contractors	1
Turned down by SR Housing Authority for scatter site	1

<u>Other Reasons Not Able to Buy Home</u>	<u>N=</u>
No political clout	1
Bumped off list to get a house	1

6.10 *What kinds of activities do you participate in as a family?*

<u>Recreational Activities As Family</u>	<u>N=</u>	<u>Freq</u>	<u>%</u>	<u>Valid %</u>
Spend time at home together	400	343	73.9	85.8
Eat at least one meal together	396	303	65.3	76.5
Do recreational activities together	384	261	56.3	68.0
Have regular talks together	389	232	50.0	59.6
Play games together	383	199	42.9	52.0
Do cultural/spiritual activities together	379	161	34.7	42.5
Have family meetings	373	108	23.3	29.0

6.11 *What kinds of activities would you like to see developed for young people in the community?*

The following table shows the kinds of activities that respondents would like to see developed:

<u>Activities</u>	<u>N=</u>	<u>Freq</u>	<u>%</u>	<u>Valid%</u>
Recreational facilities	412	352	75.9	85.4
Organized sports	412	351	75.6	85.2
Activities for families to do together	400	302	65.1	75.5
Activities that teach about Lakota culture	406	301	64.8	74.1
Activities that teach life skills	398	243	52.4	61.1
Lakota culture immersion camp	399	236	50.9	59.1
Reading/story-telling program	394	197	42.6	50.0
Other	363	60	12.9	16.5

Respondents indicated that they would like to see the following "Other" activities developed in the community for young people.

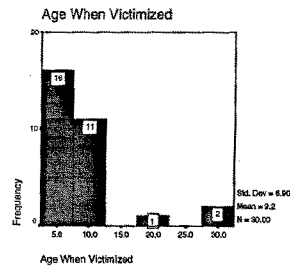
<u>Other Activities for Youth</u>	<u>N=</u>
Arcades	2
More activities for girls	1
Suicide prevention	1
Roller skating rink	1

Other Activities for Youth	N=
Sweat lodge ceremonies	1
Anger management	1
Need leaders that are Indian	1
Skills for getting along with others	1
Bowling alley	1
Movie theater	1
Teach treaties/advocate Native American history	1
Dance clubs	1
More special development for handicapped	1
Musical, academic	1
Church	1
Trips to other places	1
Career opportunities	1

6.12a Have you ever been personally affected by sexual abuse, rape, or molestation?

65.1% (302) individuals answered this question. Of those who responded, 20.2% (61) indicated that they had been personally affected by sexual abuse, rape, or molestation. 79.8% (241) said they had not.

Of the 61 who had been affected, 94.8% (55) provided additional information. 74.1% (43) indicated that it was themselves who was the victim and 20.7% (12) said that the victim was a family member. The average age at which this incident occurred was 9.17, with a range from age 3 to age 32. The most frequently reported ages of occurrence were: age 6 (23.3%); age 8 (16.7%); age 5 (13.3%) and age 12 (10%).



Of the 43 individuals who indicated that the victim was themselves, 44.2% (19) indicated that they had told someone and 55.8% (24) said they had not told anyone. Of the 19 respondents who had told someone, 89.5% (17) provided additional information about whether they had received help after telling. 41.2% (7) indicated that they did receive help and 58.8% (10) said they did not receive help after telling someone about the abuse.

Of the 145 respondents under the age of 18, 57.9% (84) responded to this question about sexual abuse. Of those who responded, 9.5% (8) said they had

14% (19) said that they had experienced violence in the home as both a child and as an adult.

6.12d Have you ever been personally affected by alcohol use in the home?

67.5% (313) individuals answered this question. Of those who responded, 58.2% (182) indicated that they had been personally affected by alcohol use in the home and 41.8% (131) said they had not.

Of the 182 respondents who said they had experienced this, 72.5% (132) indicated that this had occurred when they were a child and 27.5% (50) said it had not.

Of the 182 respondents who had experienced alcohol use in the home, 170 provided information about whether they had experienced this as an adult. 48.8% (83) reported that they did experience this as an adult and 51.2% (87) said they did not.

6.12e Have you ever been personally affected by drug use in the home?

64.4% (299) individuals answered this question. Of those who responded, 23.4% (70) indicated that they had been personally affected by drug use in the home and 76.6% (229) said they had not.

Of the 70 respondents who said they had experienced this, 45.7% (32) reported that this had occurred when they were a child and 54.3% (38) said it had not.

Of the 70 respondents who said they had experienced this, 86.2% (64) provided information about whether they had experienced it as an adult. Of that 64, 46.9% (30) said that they did experience drug use in the home as an adult and 53.1% (34) said they did not.

6.12f Have you ever been personally affected by gambling?

64% (297) individuals answered this question. Of those who responded, 22.9% (68) indicated they had been personally affected by gambling and 77.1% (229) said they had not.

Of the 68 respondents who had been affected by gambling, 32.4% (22) indicated that this had occurred when they were a child and 67.6% (46) said that it had not.

Of the 68 respondents who had been affected by gambling, 65 provided further information about whether it had occurred when they were an adult. Of those, 56.9% (37) had been affected by gambling as an adult and 43.1% (28) had not.

6.12g Have you ever been personally affected by alcohol-related accidents?

61% (283) of individuals surveyed answered this question. Of those who responded, 38.2% (80) indicated that they had been affected by alcohol-related accidents and 71.7% (203) said they had not.

Of the 80 individuals who had been affected by alcohol-related accidents, 76 provided further information about whether it had occurred with they were a child. Of those, 59.2% (45) had been affected as a child and 40.8% (31) had not.

75 individuals provide further informaton about whether they had been affected by alcohol-related accidents as an adult. Of that group, 61.3% (46) said they had been affected and 38.7% (29) said they had not.

6.13 Did you attend boarding school?

87.5% (406) individuals answered this question. Of those who responded, 32.3% (131) indicated that they had attended boarding school and 67.7% (275) said they had not.

Of the 131 individuals who said they had attended boarding school, 89.3% (117) provided additional information about the number of years they had spent in boarding school. The average number of years spent in boarding school was 4.71, with a range from 1 to 20 years. The most frequently reported number of years was one year (23.1%), followed by 4 years (12.8%), 2 years (12%), and 3 years (12%).

6.14 Were you ever in foster care?

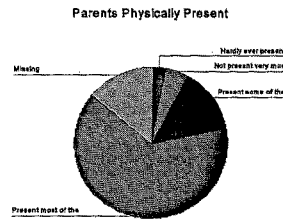
85.8% (298) individuals answered this question. Of those who responded, 14.3% (57) indicated that they had been in foster care and 85.7% (341) said they had not.

Of the 57 individuals who said they had been in foster care, 73.7% (42) provided further information about the number of years they had spent in foster care. The average was 3.86 years in foster care with a range from 1 to 15 years. The most frequently reported number of years was 1 year (31%), 3 years (21.4%), and 2 years (11.9%).

The next series of questions asked respondents about various aspects of the home in which they grew up or are currently growing up. Respondents were asked to rate their experiences on a four-point ranking scale which changed somewhat depending on the question.

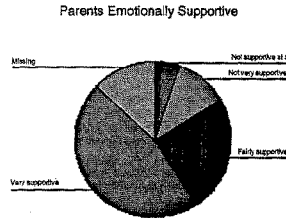
6.15 *In the home you grew up in (or are growing up in now), how much were your parents physically present?*

85.8% (398) of individuals surveyed answered this question. The average ranking was 3.65 -- in the "Present Most of the Time" range. In fact, 74.4% (296) of respondents endorsed this ranking.



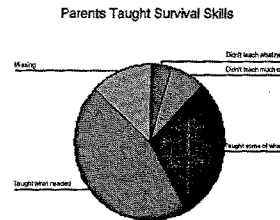
6.16 *In the home you grew up in (or are growing up in now), how much emotional support did your parents give you?*

87.1% (404) of individuals surveyed answered this question. The average ranking was 3.28 -- in the "Fairly Supportive" range. However, the most frequently ranked category was "Very Supportive" (53%). In fact, 81.2% of the respondents to this question ranked their parents as being either "Fairly Supportive" or "Very Supportive."



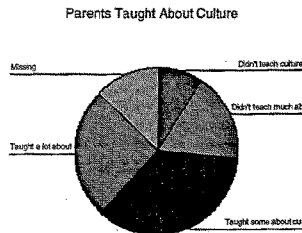
6.17 *In the home you grew up in (or are growing up in now), how much did your parents teach you what you need to know to survive in the world?*

87.1% (404) of individuals surveyed answered this question. The average ranking was 3.33 -- in the "Taught Me Some of What I Need to Know" range. However, the most frequently endorsed ranking was "Taught Me What I Need to Know" (52%).



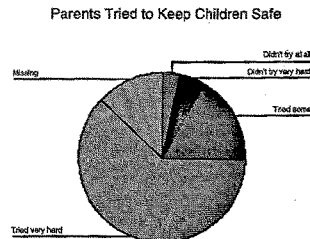
6.18 *In the home you grew up in (or are growing up in now), how much did your parents teach you about your culture?*

87.3% (405) of individuals surveyed answered this question. The average ranking was 2.89 -- in the "Taught Me Some About My Culture" range. This was also the most frequently endorsed ranking (40.2%).



6.19 *In the home you grew up in (or are growing up in now), how much did your parents try to keep you safe from harm and danger or bad things happening to you?*

86.6% (402) of individuals surveyed answered this question. The average ranking was 3.57 -- in the "Tried Very Hard" range. This was also the most frequently endorsed ranking (70.6%).



6.20 *If your parents did not provide any of these things listed above, was there anyone in your life that provided these for you?*

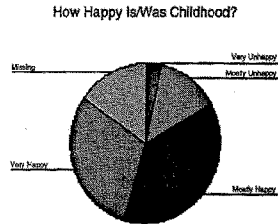
65.5% (300) of individuals surveyed answered this question. Of those who responded, 78.5% (241) indicated that someone had tried to provide these things for them and 19.2% (59) said that no one had tried.

Of the 241 respondents who said that someone had tried to provide these things, the following individuals in their life were identified: (NOTE: Respondents were instructed to endorse as many of these as applied. Therefore, one respondent may have endorsed multiple people and percentages will not sum to 100%).

Person	N=	Freq	%	Valid %
Grandparent	225	145	60.2	64.4
Brother or sister	212	89	36.9	42.0
Another relative	218	121	50.2	55.5
Friend	211	74	30.7	35.1
Other	200	33	13.7	16.5

6.21 How happy would you say your childhood was (or is)?

84.5% (392) of individuals surveyed answered this question. The average ranking was 3.11 -- in the "Mostly Happy" range. This was also the most frequently endorsed ranking (44.9%), followed by the "Very Happy" ranking (35.2%).



6.22 Do you attend your children's parent/teacher conferences?

51.5% (239) of individuals surveyed answered this question. Of those who responded, 80.1% (197) indicated that they do attend their children's parent/teacher conferences and 17.1% (42) said they do not.

6.23 Do you attend your children's sporting events?

52.3% (241) of individuals surveyed answered this question. Of those who responded, 83.8% (202) indicated that they do attend their children's sporting events and 16.2% (39) said they do not.

6.24 Do you encourage your children to participate in school activities?

52.2% (242) of individuals surveyed answered this question. Of those who responded, 90.5% (219) indicated that they do encourage their children to participate in school activities. 9.5% (23) said they do not.

6.25 Do you encourage your children to participate in sports activities?

51.3% (238) of individuals surveyed answered this question. Of those who responded, 90.8% (216) indicated that they do encourage their children to participate in sports activities. 9.2% (22) said they do not.

6.26 Does your child's participation in activities cause you financial hardship?

49.8% (231) of individuals surveyed answered this question. Of those who responded, 35.1% (81) indicated that their children's participation in activities does cause them financial hardship. 64.9% (150) said it does not.

6.27 Would you encourage your children to participate in more activities if funds were available for the cost of equipment, etc.?

49.6% (234) of individuals surveyed answered this question. Of those who responded, 91% (213) indicated that they would encourage their children to participate in more activities if funds were available for the costs. 9% (21) said they would not. (NOTE: Because of the phrasing of this question, it is unclear whether respondents meant that they would not encourage their children to participate even if funds were available or if the availability of funds was not important to them.)

6.28 Do you see yourself as a positive role model for your children?

49.4% (229) of individuals surveyed answered this question. Of those who responded, 82.6% (194) indicated that they do see themselves as a positive role model for their children. 17.4% (41) said they do not.

6.29 Do you want a better childhood for your children than the one you had?

47.8% (242) of individuals surveyed answered this question. Of those who responded, 93% (225) indicated that they do want a better childhood for their children than the one they had. 7% (17) said they do not.

6.30 Is the current environment on the reservation a good place to raise a family?

69.4% (322) of individuals surveyed answered this question. Of those who responded, 50.3% (162) indicated that they feel the current environment on the

reservation is a good place to raise a family. 49.7% (160) said they do not believe this.

6.31 Do you enjoy working for the things that you have?

70% (325) of individuals surveyed answered this question. Of those who responded, 94.5% indicated that they do enjoy working for the things they have. 5.5% (18) said they do not.

6.32 Do you believe you can make a good living for your family on the reservation?

66.6% (309) of individuals surveyed answered this question. Of those who responded, 72.8% (225) indicated that they believe they can make a good living for their family on the reservation. 27.2% (84) said they do not believe this.

6.33 Do you feel well represented by your tribal government?

66.6% (309) of individuals surveyed answered this question. Of those who responded, 33% (102) indicated that they feel well represented by their tribal government. 67% (207) said that they do not.

6.34 Do you feel well represented by your district government?

65.9% (306) of individuals surveyed answered this question. Of those who responded, 35.3% (108) indicated that they feel well represented by their district government. 64.7% (198) said that they do not.

6.35 Do you believe it would be better to live under tribal law than state law?

67% (311) of individuals surveyed answered this question. Of those who responded, 28.3% (88) indicated that they believe it would be better to live under tribal law than state law. 71.7% said they do not believe this.

6.36 Do you believe it would be better to pay taxes to the tribe rather than to the state?

67.2% (312) of individuals surveyed answered this question. Of those who responded, 59.9% (187) indicated that they believe it would be better to pay

taxes to the tribe rather than the state. 40.1% (125) said they do not believe this.

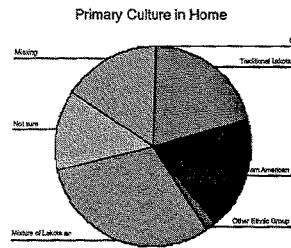
6.37 Would you like to see the tribe develop a clear vision for the future of the tribe?

68.8% (319) of individuals surveyed answered this question. Of those who responded, 91.8% (293) indicated that they would like to see the tribe develop a clear vision for the future of the tribe. 8.2% (26) said they would not.

PART 7 -- CULTURAL/SPIRITUAL

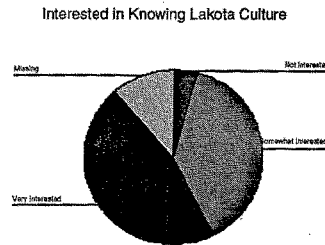
7.1 *What is the primary culture practiced in your home?*

84.3% (391) of individuals surveyed answered this question. The most frequently endorsed response was "Mixture of Lakota and mainstream" (36.6%).



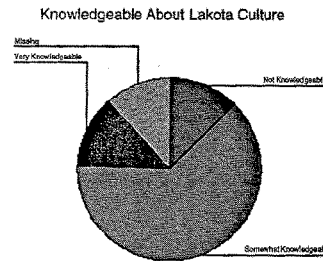
7.2 *How interested are you in knowing about Lakota culture?*

88.6% (411) of individuals surveyed answered this question. The most frequently endorsed response was "Very Interested" (52.5%).



7.3 *How knowledgeable are you about Lakota culture?*

88.4% (410) of individuals surveyed answered this question. The most frequently endorsed response was "Somewhat Knowledgeable" (71.2%).



7.4 *Would you like to learn more about Lakota culture?*

84.5% (392) of individuals surveyed answered this question. Of those who responded, 89% (349) indicated they would like to learn more about Lakota culture and 11.1% (43) said they would not.

7.5 *How would you describe your spiritual beliefs?*

80.2% (372) of individuals surveyed answered this question. Responses were as follows:

Spiritual Beliefs	Freq	%	Valid %
Blend of Christianity & Lakota	136	29.3	36.6
Traditional Lakota spirituality	108	23.3	29.0
Christianity	76	16.4	20.4
Native American Church	37	8.0	9.9
Other	13	2.8	3.5
B'hai	2	.4	.5

Three respondents indicated that they had their own way of praying (not covered by the choices above).

7.6 *What is the primary language spoken in your home?*

80.4% (373) of individuals surveyed answered this question. Responses were as follows:

Language	Freq	%	Valid %
English	328	70.7	87.9
Mixture of English & Lakota	21	4.5	5.6
Lakota	18	3.9	4.8
Other	6	1.3	1.6

7.7 *With regard to the D/Lakota lanaguage, how well do you speak and understand the language?*

83.8% (389) of individuals surveyed answered this question. Responses were as follows:

D/Lakota Fluency	Freq	%	Valid %
Do not speak or understand	168	36.2	43.2
Speak & understand some	89	19.2	22.9
Understand but do not speak	81	17.5	20.8
Speak & understand fluently	51	11.0	13.1

7.8 *Would you like to learn to speak D/Lakota?*

88.8% (412) of individuals surveyed answered this question. Of those who responded, 76.9% (317) indicated that they would like to learn to speak D/Lakota. 11.9% (49) said they would not like to learn and 11.2 (46) said they already know how to speak the language.

7.9 *Would you like your children to learn to speak D/Lakota?*

86% (399) of individuals surveyed answered this question. Of those who responded, 72.2% (288) indicated that they would like their children to learn to speak Dakota or Lakota. 7.5% (30) said they would not like their children to learn, 3.3% (13) said their children already know the language, and 17% (68) said they do not have any children.

7.10 *Do you practice traditional Lakota values in your home?*

86.2% (400) of individuals surveyed answered this question. Of those who responded, 45% (180) indicated that they do practice traditional Lakota values in your home. 36.8% (147) said they do not and 18.3% (73) said they are not sure if they are practicing traditional Lakota values.

7.11 *Do you participate in any of the following activities?*

This question asked respondents to endorse a number of different traditional Lakota activities. Respondents were asked to endorse as many of the listed activities as necessary. Therefore, some respondents may have endorsed multiple responses and the percentages will not sum to 100.

Cultural Activity	N=	Freq	%	Valid %
Pow wow dancing	324	210	45.3	64.8
Traditional arts/crafts	319	146	31.5	45.8
Naming ceremony	313	135	29.1	43.1
Inipi ceremony	316	109	23.5	34.5
Sundance ceremony	313	108	23.3	34.5
Making of a Relative ceremony	309	63	13.6	20.4
Traditional games	303	40	8.6	13.2
Other cultural activity	293	39	8.4	13.3
Making of a Woman ceremony	302	35	7.5	11.6

19 respondents identified the following "Other" cultural and spiritual activities they take part in:

Other Cultural Activity	N=
Singing	6
Attend pow-wows	4
Giveaways/Memorials	3
Hanbleceya (Vision Quest)	3
Wiping of Tears ceremony	1
Horse games	1
Honoring ceremonies	1

7.12 Would you like to learn (or learn more about) any of the following activities?

This question asked respondents to endorse a number of different traditional Lakota activities. Respondents were asked to endorse as many of the listed activities as necessary. Therefore, some respondents may have endorsed multiple responses and the percentages will not sum to 100.

Cultural Activity	N=	Freq	%	Valid %
Traditional arts/crafts	315	175	37.7	55.6
Naming ceremony	311	168	36.2	54.0
Sundance ceremony	310	167	36.0	53.9
Inipi ceremony	309	162	34.9	52.4
Pow wow dancing	310	161	34.7	51.9
Traditional games	307	159	34.3	51.8
Making of a Woman ceremony	307	149	32.1	48.5
Making of a Relative ceremony	306	142	30.6	46.4
Other cultural activity	286	57	12.3	19.9

7.13 If you are an adult, did you participate in any of these activities as a child?

70.5% (327) of individuals surveyed answered this question. Of those who responded, 56% (183) indicated that they did participate in the above activities as a child. 44% (144) said they did not participate as a child.

7.14 If you have ever participated in any of these activities, did participation help you to feel good about yourself as a Lakota person?

75.6% (351) of individuals surveyed answered this question. Of those who responded, 78.7% (276) indicated that participation in these activities did make them feel good about themselves as a Lakota person. 7.7% (27) said it did not, 13.7% (48) said they were not sure, and 13.7% (48) said they had never participated in these activities.

7.15 Do you have a D/Lakota name?

85.3% (396) of individuals surveyed answered this question. Of those who responded, 31.4 (124) indicated they do have a D/Lakota name. 63.9% (253) said they do not and 4.9% (19) said they were not sure if they have a D/Lakota name.

7.16 Do your children have D/Lakota names?

80.2% (372) of individuals surveyed answered this question. Of those who responded, 22.6% (84) indicated that their children do have D/Lakota names. 50.5% (188) said their children did not, 4.3% (16) said they were not sure, and 22.6% (84) said they do not have children.

<u>Most Serious Problems in Ft. Yates Community</u>	<u>N=</u>
Lack of a detention center for youth	1
Need for more schools	1
Too many deaths	1
Too many school dropouts	1

The most serious problems identified by respondents were alcohol abuse and drug/inhalant abuse by adults and youth. In addition, neglect and abuse of children and teenagers were also identified as major areas of concern.

8.2 What do you think are solutions to the three problems you listed above?

Respondents identified the following solutions to the problems they identified in the Ft. Yates community.

<u>Solutions</u>	<u>N=</u>
More alcohol/drug programs (detox, residential treatment, education)	38
Stop selling alcohol/close all the bars	34
Provide more parenting skill development	32
Create more jobs on reservation	24
Create more activities for youth and families	22
Provide more counseling, mental health and support groups	20
Build a YMCA, swimming pool, or wellness center	19
More severe consequences for those who break the law	18
Improve educational opportunities	17
Law enforcement practices should be better	14
Tribal government should be more responsible	14
Start up more businesses	13
Build more homes, including homes for single parents	12
Increase the teaching of tribal culture, language & spirituality	11
Hire more law enforcement personnel	10
Enforce curfew violation	10
Build a treatment center/shelter for youth	8
Provide counseling for youth	8
Conduct more training on the reservation	5
Clean up the community	5
Implement dog control strategies (licenses)	4
Develop more programs for elders	4
Promote more people as positive role models	4
Close the casino	3
Implement stricter rules for housing	2
Build a nursing home	2

<u>Solutions</u>	<u>N=</u>
Conduct diabetes education programs	2
Build a home for the homeless	2
Conduct more meetings to solve problems	2
Create more jobs for youth	2
Establish a 911 line	1
Implement a mandatory treatment program for adults	1
Have more domestic violence programs	1
Have more programs about nutrition	1
Have more programs to prevent teen pregnancies	1
Improve tribal court system	1
Have more programs related to suicides	1
Have more programs to deter or prevent gang activities	1

Respondents felt that more alcohol-related programs (detox, residential treatment, and education) would be the most help in solving some of the problems that exist in the Ft. Yates community. Some respondents (34) indicated that they thought that the sale of alcohol on the reservation should stop by closing all the bars. Respondents also believe that creating more jobs would help solve problems and that parents should be provided more parenting skills training. Respondents felt that parents and their children should be involved in more family-type activities.

8.3 What are the three most positive things you see happening in the Ft. Yates community?

<u>Positive Things Happening in Ft. Yates Community</u>	<u>N=</u>
Summer youth recreational programs	29
Boys winning state basketball championship	22
Houses being built or improved	17
Employment for youth and adults	16
League activities for youth and adults	12
Cleaner yards	11
Pow wows/cultural activities	9
Casino jobs	9
More parents are becoming involved	8
The work of schools	8
Casino revenues	7
The work of alcohol programs	7
The funding for suicide work	6
The arcades	5
The basketball courts	5

Positive Things Happening in Ft. Yates Community	N=
The survey process	5
Spiritual teachings/practices/ceremonies	5
The walking/bicycle paths	4
The work of churches	4
The youth center	4
Sitting Bull College	3
The programs for the elderly	3
High school sports programs	3
Development of the marina	3
Child care	3
The work of volunteers	2
What the tribal council does	2
The proposed alternative school	2
Better housing for the elderly	2
More police officers	2
Community activities	1
Compassion shown when there are deaths	1
Cultural teachings by elders	1
Mental health services	1
Improved roads	1
The Family Healing Project	1
More young people attending college	1
More adult activities	1
The burial insurance program	1
Getting help from outside people	1
More people sobering up	1

8.4 Are you interested in actively participating in the Ft. Yates Community Healing Project?

62.5% (290) of individuals surveyed answered this question. Of those who responded, 54.8% (159) indicated that they are interested in participating in the Ft. Yates Community Healing Project. 45.2% (131) said they were not interested in participating.

Of the 145 respondents who are under the age of 18, 71 responded to this question. Of the group who responded, 50.7% (36) said they were interested in participating in the Community Healing Project. 49.3% (35) said they were not interested.

Of the 318 respondents who are age 18 and over, 56.2% (219) responded to this question. Of the the group who responded, 56.2% (123) said they were interested in participating in the Community Healing Project. 43.8% (96) said

they were not interested.

8.4a If yes, how would you like to participate?

Respondents indicated that they would be willing to participate in the Ft. Yates Community Healing Project in the following ways:

<u>Participation</u>	<u>N=</u>
Volunteering	49
Helping and working together	11
Find ways to help kids	10
Learn how things work in the community	3
Help teach Lakota/Dakota language/traditions	3
Help with support groups	3
Help with nutritional needs	2
Help with counseling	2
Help with clean-up	1
Help with story-telling	1
Show people how to work	1
Help teach family living skills	1
Help with child care	1
Help with abuse prevention, intervention programs	1

8.5 Are there any additional comments you would like to make for this survey?

Respondents made a wide variety of additional comments after completing the survey. Generally, they appeared to fall into seven categories:

- 1) Comments conveying hope for the future of the community
- 2) Comments about what needs to be done to help the youth
- 3) Comments about what parents/families need to do
- 4) Comments about what needs to be done to help the elders
- 5) Comments about how to develop the community
- 6) Comments about law enforcement and how to improve it
- 7) Comments about the survey itself

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STATEMENT OF CHARLES W. MURPHY
CHAIRMAN, STANDING ROCK SIOUX TRIBE

APRIL 12, 1999

on

STANDING ROCK HEALTH CARE POLICY ISSUES

SUMMARY

There exists a wide gap between services needed to address Standing Rock health care requirements and existing Indian Health Service (IHS) per capita user expenditures. A recent General Accounting Office (GAO) report found that Medicaid expenditures for like services provided by the IHS have a per capita user expenditure rate of \$4,807, while IHS per capita user rates were \$1,578. At Standing Rock, the IHS user rate falls to \$1,261, including 20% of this rate generated from Medicare and Medicaid payments as third party billings.

On the other hand, Standing Rock has the highest death rates in the Aberdeen IHS area caused by diseases stemming from social pathologies found on the reservation and the Aberdeen IHS area has the highest level of death rates found anywhere in Indian country. Even though Standing Rock has arguably the worst health conditions found anywhere in Indian country today, its per capita health financing is the lowest in Indian country and the United States. Years of neglect have resulted in this austere health care environment, representing the worst of health care conditions found anywhere in the United States.

IHS officials have compared the Standing Rocks health care environment to that found in Haiti in terms of death rates. Nevertheless, the Administration and Congress are now moving forward to further cut back health care services at Standing Rock which will undoubtedly result in even higher death rates here.

Statement of Charles W. Murphy
 Chairman, Standing Rock Sioux Tribe
 April 12, 1999

on

Health Care Policy Issues

I. Hospital and Health Care Clinic Services

Standing Rock members have witnessed over several years an increasingly expansive gap between alarming reservation health care conditions and the direct care the Indian Health Service (IHS) is able to provide resulting from increasingly diminished real budgets at our hospital/clinic level. Several recent and historical reasons account for this decline that - when combined - have seriously impacted Standing Rock health care in a deleterious manner. Unfortunately, I am not exaggerating. As you will see, Standing Rock has health care conditions, measured by actual death rates, that represent the worst of the United States or very close to it.

I mentioned recent and historical conditions leading to this point in time. These are: 1) an expansion of the IHS service population (eligible population) base, beyond normal growth, over the past twenty years by tribes, the Congress and the IHS for a variety of reasons; 2) declining real annual budgets passed by Congress and allocated to Standing Rock by the IHS for Indian health care, per user¹, relative to the rest of the IHS user population and to other federally financed health care entities; 3) a continuing high incidence of chronic disease in Indian country, in general resulting from poverty conditions and a lack of an economic production base; and 4) capitated, rationed managed care with significant real reductions in health care dollars reaching our hospital and clinic levels.

Each of the above categories is discussed below as it impacts Standing Rock.

¹ IHS has two population counts, "the service population" and the "user" count. The service population is all potential users of particular IHS facilities while actual "users" or the user population is determined by actual IHS users who have had at least one direct or contract inpatient stay, outpatient visit, or dental visit during the past three years. For example the 1995 IHS user population was calculated to be 1.27 million while the IHS service population for the same year was estimated at 1.37 million. Source: IHS 1997 Regional Differences in Indian Health Report and IHS 1997 Accountability Report.

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 Chairman, Standing Rock Sioux Tribe*

1. IHS Service Population Expansion Over the Past Two Decades. Although the national IHS budget has grown, in nominal terms, since 1980, it has been more than absorbed by increases in the number of "new" Indians being added to the historically recognized national tribal population base and by medical price inflation, resulting in *significant* real decreases distributed for health care for tribal members at Standing Rock.

According to national IHS health statistics, the 1980 IHS service population was 223,437.² At the same time, Congress financed \$546,569,000 for IHS services appropriations.³ This amounted to a per capita service population appropriation of \$2,446 in 1980 dollars. By 1997, the IHS service population, according to IHS statistics, had risen to 1,430,000.⁴ 1997 IHS services appropriations amounted to \$1,807,269,000 for a per capita figure of \$1,264 in 1997 nominal dollars. Even though the nominal reduction of 48% in per capita nominal dollars from 1980 to 1997 is significant, the real dollar reduction (accounting for inflation) is even more telling. When the general CPI adjustment for price inflation between 1980 and 1997 is determined, the real dollar 1997 per capita amount, in 1980 dollars, is: \$645. This represents a real dollar reduction, per capita, from 1980 of 74%.⁵

The impact of the above trend falls heavily on those tribes, like Standing Rock, with the worst case health care conditions as the IHS distributes health care budgets not weighted for extreme conditions, although such conditions are employed regularly to justify the IHS total budget. It is beyond my comprehension the reasoning of budget officials in the Administration and Congress that call for real reductions in health care financing at

² U.S. Department of Health and Human Services, Indian Health Service, *Bridging the Gap*, May 1986, p. 38.

³ *Ibid.*, p. 25.

⁴ U.S. Department of Health and Human Services, *Indian Health Service, IHS Accountability Report, Fiscal Year 1997*, p. 2.

⁵ Although these figures are from IHS's own data records, IHS has not been consistent in its data collection methodology over the years which could account for any unreliability of IHS generated data. Nevertheless, these figures illustrate the trend, over the past twenty years, for the IHS to expand significantly its service and user population bases at the same time real per capita financing reductions for Indian health care are being enacted by Congress and the Administration.

Standing Rock, where - according to IHS statisticians - death rates now found at Standing Rock are only exceeded by those found in Haiti in this hemisphere.

2. Comparison With Other Federal Health Care Funded Programs.⁶ In August 1998, the General Accounting Office (GAO) submitted a report⁷ to the National Bipartisan Commission on the Future of Medicare (NBCFM) comparing Medicaid with five other federal health programs including the IHS. The GAO study clearly shows Indian health care financing as substantially less than funding for other federally financed agencies. It also shows that IHS provided services fall short of several other agencies. The report documents the "rationed care" nature of IHS present services. Although meaningful differences exist between the six agencies reported on by the GAO, a fair comparison can be made, in particular, between Medicaid and IHS financing.

The following table shows the comparison of the average annual per capita costs per enrollee or user for each program studied by the GAO:

PER CAPITA COSTS PER FEDERAL ENTITY(1)						
	MEDICARE(2)	FEHBP	MEDICAID(3)	VA	TRICARE/DOD	IHS
COST						
PER USER	\$5,450	\$1,768	\$4,807	\$4,798	\$1,863	\$1,578
USER						
POP.						
(MILLIONS)	38.6	8.7	36.1	3.0	8.2	1.3
THE STANDING ROCK PER USER						
RATE FOR FY 1998 WAS: \$ <u>1,261</u> (See: Note Below)						

⁶ The six federal health care programs compared are: Medicare, the Federal Employees Health Benefits Program (FEHBP), Medicaid, Department of Veterans' Affairs (VA) health programs, Department of Defense (DOD) health programs (known as TRICARE), and the Indian Health Service.

⁷ United States General Accounting Office, *Federal Health Programs: Comparison of Medicare, the Federal Employees Health Benefits Program, Medicaid, Veteran's health Services, Department of Defense Health Services, and Indian Health Services*, GAO/HEHS-98-231R, Washington, DC, August 7, 1998.

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Chairman, Standing Rock Sioux Tribe*

(1) GAO states "Differences in per capita costs are largely attributed to differences in the age and health status of the population served by the programs."

(2) Medicare's per enrollee cost of \$5,450 represents the costs of providing health care for a high-utilizing population, including the elderly, disabled, and end-stage renal disease (ESRD) patients.

(3) Medicaid's cost of \$4,807 per enrollee person-year includes the cost of providing long-term care services to elderly individuals who consume about one-third of Medicaid costs but account for only 13 percent of beneficiaries.

IHS services at Standing Rock can be most readily compared with the Medicaid population services for the following reasons:

- a. Both Medicaid and IHS serve the full range of population groupings, from the young to the elderly.
- b. Both Medicaid and IHS users have high unemployment rates, relatively low incomes, higher incidence of disease and are typically uninsured.
- c. Both populations have an elderly population as a component high user population, including disabled and end-stage renal disease patients.

Note: Although it was not addressed in the GAO report, it is significant to note that Medicaid/Medicare payments are made part of the health care budgets which operate IHS hospital and clinic services at Standing Rock. These two budget items, for FY 98, made-up 20% of the Standing Rock Service Unit budget and are called "third party" billings. Without these two injections the direct per user rate, provided by IHS would fall to below \$1,010 at Standing Rock. It is not known that GAO included Medicare/Medicaid third party billings as part of their above per user rate of \$1,578 or not. The correct assumption is that they would not double count, thereby making the internal per user rate discrepancy between what IHS allocates for Standing Rock health care and the rest of its IHS users as a seriously questionable policy.

I point out that Medicaid users qualify for substantially more services than does our Indian IHS user. According to the GAO

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report, Medicaid users have skilled nursing facility care, home health care, hospice care and long-term nursing facility/home care provided them. IHS uses do not have these services provided. The other four federally financed health care programs also provide these services. IHS is the only federally financed agency that does not. Such services, where individuals may be eligible, are not utilized by tribal members because of a reluctance to leave their Standing Rock homelands.

Medicaid users also are provided quality mental health inpatient and outpatient services and alcohol/substance abuse inpatient and outpatient services. The GAO categorized IHS services in these areas as "limited." This is so even though alcohol problems and mental health related problems such as suicide are among the highest in the country at Standing Rock.

The above lack of services at the IHS, when compared to other federally financed health care programs, not to mention privately funded health care, accounts for the low per capita expenditure rates at IHS: \$1,578 as opposed to \$4,807 at Medicaid. At Standing Rock, the gap widens. Per capita user expenditures at Standing Rock for hospitals and clinics - including dental, mental health, contract health services, and renal dialysis - were \$1,261 for FY 1998.⁸ Nevertheless, the Office of Management and Budget, continues to recommend real cutbacks in health care services at Standing Rock in the face of overwhelming evidence that Indian health care has been systematically under financed in relation to all other forms of federal health care found in the United States.

3. Continued High Incidence of Chronic Disease at Standing Rock. It should not be surprising that the high incidence of disease and social pathologies continue, almost unabated, at Standing Rock today. This chronic condition was not established overnight but over a long period of time whereby the bands of Standing Rock were methodically - culturally and economically - "cleansed" by a determined United States policy in the past century and by various attempts at ethnic cleansing such as the "termination" program practiced by the government as recently as the nineteen fifties. Such crushing actions aimed at the Tribe by the government effectively ravaged the Tribe's economic, religious and economic base thus causing extreme hardship and dependency throughout our tribal communities.

⁸ Hospital and Clinic IHS care financed (including Medicaid and Medicare payments) for the above categories amounted to \$11,571,844 for FY 98 while the IHS established user rate figure is 9,177.

Inept attempts by the government, over the past thirty years, to sponsor "economic development" in Indian country - with the single exception of gaming - have been proven failures for unmistakable economic and financial reasons. There is little debate that manifest social pathologies and disease incidence is highest in an environment where real joblessness and income dependency prosper.

Underfunded and limited community health programs, helpful in stemming potentially even worse disease situations and serving as "in-lieu-of" the non-existent, long-term Medicaid/Medicare programs, cannot halt disease at Standing Rock without real improvements in the Tribe's economic condition.

According to IHS data collected by Aberdeen Area IHS statisticians compiled in their *Mortality Charts October 1997*, the Aberdeen Area has the most severe mortality (death) rates among all Indians within the United States boundaries reflecting the worst conditions of disease and social pathology found anywhere in this country today.

For example, infant mortality in the Aberdeen area is 14.6 deaths per 1,000 live births while the next highest infant mortality is found in the Billings area with 11.4 deaths. The U.S. rate, for all races, is 8.5 deaths. At Standing Rock, the rate is 18.6 deaths.

For age-adjusted mortality rates for all causes, the Aberdeen Area has, by far, the highest rate: 1,047 deaths per 100,000 population. The next highest rate in Indian country is in the Billings area with 868.5 deaths, a seventeen percent fall-off. The lowest rates in Indian country are found in the California and Oklahoma areas which have rates of 322.4 and 405.8 respectively. The rate for the U.S., for all races, is: 504.5.

Within the Aberdeen Area for these age-adjusted mortality rates from all causes, Standing Rock has the highest rate at 1,473.7 deaths.

This data shows Standing Rock to have mortality rates or death rates to be the worst in the United States, yet Standing Rock's access to health care finance, as shown above, is among the lowest provided any federally financed health care entity, including all other IHS Indian service areas.

At Standing Rock the death rate for alcoholism is 207.7 with Rosebud the next highest at 147.4 with the U.S. rate at 6.8.

For cerebrovascular disease the rate at Standing Rock is 78 and the next highest is found at Winnebago at 64 with the U.S. rate

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at 26.2.

For chronic liver disease, the rate at Standing Rock is 155.1 with Fort Berthold at 123.7 and the U.S. rate is 8.

For diabetes mellitus, Standing Rock has a death rate of 114.6 while the next highest rate in the Aberdeen area is at Fort Totten with 102. For the U.S. it is 11.9.

For unintentional injuries, the death rate at Standing rock is 218.3 and the next highest is at Pine Ridge with 208. The U.S. rate for this category is 22.4.

The death rate for all other accidents is 108.4 at Standing Rock and the next highest is found at Pine Ridge with 87.6 with the U.S. at 13.7.

Yet ... the U.S. reserves its lowest health care financing specifically for Standing Rock.

In its budget formulation process documentation, the IHS states:

Perhaps it is not surprising that a recent Harvard School of Public/Centers for Disease Control and Prevention (CDC) study found that the lowest life expectancies in the country (including inner city ghettos) for both men and women exists in many Indian communities. These patterns are similar to ones seen in Sub-Saharan Africa and the lowest of any nation in this hemisphere except Haiti. It is also not surprising that these Indian people have also been identified as living in the poorest counties in the country. To say you serve the poorest of the poor and the sickest of the sick is often hyperbole, but it is not the case for the IHS.

The same document states that the Office of the President and the Secretary's (HEW) office has established a policy initiative to eliminate racial and ethnic health disparities among Americans. Many in Congress now argue, as part of a mandated budget process, that health care financing be even more substantially diminished, over the next several budget years, by implementing systematic target reductions. How then are these health care disparities to be reduced? Will the marketplace, as many argue, come over the barren hills at Standing Rock to the rescue?

Speaking of marketplace solutions, not one productive job has yet "trickled-down" to Standing Rock as a result of the vaunted "marketplace" economic policies established at the White House in 1980 - a span of nineteen years. On the other hand, Forbes magazine was amused in its most recent issue that Bill Gates now has reached 5.4 MPH - Mr. Gates, in the past year, now shows

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gains of \$5.4 million per hour according to Forbes (April 19, 1999). Are some suggesting that tax reductions for Mr. Gates be financed on the back of even higher death rates at Standing Rock? Of course not. But sometimes - where these death rates represent our relatives, friends and families - it seems so.

At some point, the very real economic and political issue of productive distribution will raise its head, as it always has over the course of U.S. history, to address and adjust severe income distribution imbalances now once again beginning to be seen again across society.

With respect to gaming revenues at Standing Rock. We have two casinos in operation, one in North Dakota and one in South Dakota. Our casino in South Dakota has not been profitable because of the lack of demand, dispelling the myth that all casinos are "cash-flow" hogs. However, it provides valuable employment for our people and tribal leaders have kept it open for this reason.

Our casino in North Dakota has done better as it is located closer to a population center or what represents a population center in North Dakota: Bismarck. To dispel local, non-Indian gossip surrounding casino revenues and expenditures at Standing Rock, the Tribe made a full disclosure of all casino revenues and expenditures, since its opening five years ago, on the front page of the Bismarck Tribune last November 29, 1998. This accounting showed that although the casino has been successful, revenues it generates are far from adequate to address major social and economic problems found here.

Some revenues have been utilized to finance health care related needs (example: home health care for the elderly) as the government has never financed or walked away from such needs. These funds are only a minimum patchwork and are far from sufficient to replace IHS finance.

Funds go to address family emergencies such as funeral expenses; community flooding emergencies; emergency snow removal and the like. Some go to emergency heating costs for families during winter months. Yes, a small distribution is made to help our families with household necessities in the winter months. Many Washingtonians see Fox Island, Mystic Lake and other huge distributions going to tribal members, at Standing Rock our distribution has been \$8.33 per month, earmarked for welfare purposes, to an individual provided in the winter month of December.

Since our full disclosure, we have not seen any further comment about how rich the Indians are getting from casino revenues and,

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surprisingly, one of the the Bismarck Tribune's headlines read: "Gaming has Little Impact on Tribe."

In an editorial on December 2, 1998, the Bismarck Tribune concluded that employment was the casino's biggest benefit. We agree. Out of total employment at the Prairie Knights casino of 390 individuals, as of April 7, 1999, 289 are Indian (74.1%). All of the above employees have full health care coverage with excellent benefits. In this respect, this productive enterprise, operating for five years, has lowered IHS user demand because family members are also fully covered. The lesson here should be if Congress and national policy makers wish to reduce health care costs in Indian country substantially, a real development initiative should be undertaken not the present health care budget cutting that will result in increased death rates here.

4. *Capitated and Rationed IHS Managed Care.* In its *Accountability Report, Fiscal Year 1997*, IHS authors, reporting on the IHS dental program, stated it was the IHS goal to maximize resources available to support clinical care and that it had cut Area Office and Headquarters funding - in terms of positions - by over half. But, they went on to say, that in recent years "both the percentage of the (Indian) population seen annually and the total number of services provided have declined." In fact, it was our experience at Standing Rock that services became so limited for dental care that the Fort Yates dental clinic was shut down entirely for a period, placing needed dental care on hold. Under normal rationed dental services at Standing Rock, the need and backlog of required care far exceeds the ability of the dental clinic to effectively deal with it. Because of this, emergency dental care has supplanted ordinary dental care as the norm. The dental example is only one of many examples of rationed care outcomes.

Contract Health Service* (CHS) has always been rationed as far as anyone can remember. Joe Keepseagle, a member of the Tribe's Health, Education and Welfare Tribal Council Committee informs me that many deaths can always be directly attributed to CHS rationed care policies.

Like all other important health care functions at Standing Rock, the foundation and history has been one of "managed care" operated on a strict rationed and capitated care basis. You hear little complaint on managed care coming from Indian county today.

* CHS care is that typically provided by regional hospitals for costly procedures and inpatient care. A long waiting list exists for these procedures and this type of, more expensive, care is closely managed and rationed by IHS out of necessity.

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Chairman, Standing Rock Sioux Tribe*

We have been on a strictly rationed, capitated managed care diet - where care was available at all - for over the past 100 years.

The Tribe's health care *Baseline Analysis, Assessment Brief, and Feasibility Alternative Report*¹⁰, October 1998, prepared for hospital and clinic functions at Standing Rock, commented on Standing Rock managed care. The following is an excerpt from this report:

Fundamental elements of managed care are: it provides health-care delivery by 1) managing the cost of health-care; 2) the quality of health-care; and 3) the access to health-care. All of these management functions have been long established in IHS provided services at Standing Rock.

An important condition of managed care is that its providers are less than the entire universe of available providers. Any user of IHS services understands that he or she cannot walk into any primary care hospital or clinic, present a card and receive services. The use of outside providers is tightly controlled by the IHS, except under true emergency conditions which is also fundamental to managed care health plans. In this regard, the use of "gatekeepers" for referral purposes by the IHS has been a long established practice. Gatekeepers are relatively new to U.S. health-care providers but have been utilized, at a certain level, in one form or another in the IHS system since its inception.

Another fundamental element of managed care is that it employs a concept called "capitation". Capitation is defined as a set amount of money received or paid out for services delivered. Usually, this negotiated set amount of money is paid out on a per member basis each month to a health-care supplier. The health-care supplier, by contract, cannot exceed set contract budget amounts or they must absorb such costs. This is the cost containment element of managed care.

This system is hardly new to the IHS. The IHS employs a "total capitation" system via a fixed budget within which each Service Unit must operate except for certain carve-out provisions for catastrophic care situations. In place of an HMO provider, the IHS itself is the provider that manages

¹⁰ Robert McLaughlin Consulting, *Baseline Analysis, Assessment Brief, and Feasibility Alternative Report, Indian Health Service Hospital, Fort Yates, North Dakota*, Solen, ND, October 1998.

each service unit operation. The "new" push to implement "managed care" in the IHS is interesting in that it has been effectively - in principle - operating as a managed care provider long before it became the norm for the U.S. health-care industry at large.

My point for providing you the above information is to cut through the IHS blizzard of national level data and information on health care and to illustrate, directly, how Administration, Congressional and IHS policies directly effect us here at Standing Rock.

Aging Standing Rock Health Care Facilities

At Standing Rock, in North Dakota, the primary health care service facility is a forty year old structure that has to be upgraded nearly every other year to meet JCAHO facility standards. In South Dakota, IHS operates a forty year old Health Clinic. These facilities were designed to serve a user population materially lower than exists today. Since the mission of the IHS operated facilities has changed dramatically from 1960 to the present, these facilities have less in-patient care and vastly increased outpatient and renal dialysis care than existed in 1960.¹¹

JCAHO standards may ultimately require replacement of the entire Fort Yates and McLaughlin Health Clinic facilities. The question of how such major facility construction can be paid for - a major capital expenditure - is not being presently addressed by IHS due to lack of appropriated budgets. To correct this condition, the government and the Tribe should work towards developing alternative means for financing long-term capital facility and equipment requirements. Health care facilities are financed in the non-profit and private sector through accounts that are paid for by cash-flow. Cash flow is generated through established and proper rates. If Standing Rock were to receive rates that non-profit and private sector providers are paid for their services, the problem of aging facilities could be effectively addressed among other serious health care problems we now experience.

¹¹ The Joint Commission on Accreditation of Healthcare Organizations (JCAHO) as well as the Health Care Financing Administration (HCFA) place stringent operating and management requirements on both Standing Rock health care facilities. At some point, new or major renovation and expansion of these two facilities will be required to satisfy health care standards requirements.

The IHS Environmental Health Program, separate from IHS hospitals and clinics financing, provides critical physical infrastructure water and sanitation projects in Indian communities that do not have the means to finance them. Public health conditions have been significantly improved over the years by projects constructed by the environmental health division of IHS.

This IHS division alone now has a backlog of sanitation and related water projects in its Aberdeen Area office now numbering 162 projects listed on its sanitary deficiency priority system. Standing Rock has seven projects on this list with estimated project construction costs of \$6,015,000 for rural water and sanitation projects.

FY 2000 Cutbacks in IHS Physician Compensation

For the past ten years and before Standing Rock's Hospital and Clinic were understaffed for physicians, having to rely on volunteers, retired physicians from as far away as New Mexico and other combinations of good-hearted volunteers.¹²

Previously the IHS found it difficult to adequately pay physicians given the competitive pay environment where private sector and large non-profit hospitals are willing to offer compensation packages and other benefits that far exceeded IHS capacity. The compensation enhancements found in Title 38 improved IHS's ability to attract required physicians. This, along with service requirements new physicians have for their education, now give facilities like the Standing Rock Hospital hope that it will have physicians in the future.

Within the past year, the Standing Rock Hospital has been able to staff our facility with family practice physicians graduating from the INMED program at the University of North Dakota's Medical School upon completion of their residency requirements. The ability of the IHS to contract with these individuals was enhanced by its increased authority.

Now, the President's FY 2000 OMB budget analysts propose cutting physicians pay by \$4.9 million dollars. The existing ratio of physicians to 100,000 population in Indian country is already 90 v. 229 for non-Indian communities and has fallen in recent years. Physician pay cuts will again force Standing Rock to seek out

¹² Physicians already find the service environment difficult at Standing Rock because of isolation, workloads, outdated and dilapidated facilities and equipment, and generally inadequate resources required for quality health care delivery.

retired and other volunteer physicians to serve here as affluent communities entice young Indian physicians to work there (perhaps we could seek help from the government of Haiti on how they have been able to attract volunteer physicians to meet their medical needs).

In the past, the Hospital has utilized physicians from the Commissioned Corps, but these physicians are attracted by the higher pay military facilities can offer them. If our hospital was to match military physician pay standards, mandated by government regulations, it would then have to critically cut back on medicines and other basic health care services thereby placing its accreditation in jeopardy.

II. Tribally Operated Community Health Care Services

As stated above, Medicaid provides its service users with comprehensive long-term care and other important services such as mental health (inpatient and outpatient) and alcoholism (inpatient and outpatient). At Standing Rock, where some of the greatest death rates in these categories are found in the United States, services have been addressed by "limited" (according to the GAO findings) programs, where at all.

The Tribe has been encouraged to operate these programs under a "self-determination" process with the assurances that by assuming these responsibilities, the government would not walk away from its responsibility to provide financing for such services. Unfortunately, history has proved otherwise. We understand that policy makers can and do change directions such as is the case now in Washington. However, I do not understand why there are such large discrepancies, in terms of per capita user rates, between services provided for non-Indian users and Indian users.

Not only have past United States policies been responsible for the "cultural cleansing" of Indian society earlier in this century but for the more recent destruction of our homeland communities in the nineteen sixties, resulting from the impoundment of the Oahe dam. Such actions have had continuing negative impacts on our people and lands. Over a century of dependency and destructive social policies are, as we are finding, not easily overcome.

Nevertheless, we have attempted to provide our people with a few in-lieu-of services such as *Nutrition for the Elderly* and *Health Education* services to fill the health services gap now found in Indian country. These programs are always short of contract funds and the Tribe has supplemented them with our scarce gaming revenues - where possible - such as with *Nutrition for the*

*Statement of Charles W. Murphy
Chairman, Standing Rock Sioux Tribe*

Elderly and a home health care project funded by the Tribe.

Elderly Indians are assisted by the Tribe's *Community Health Representative (CHR)* program established to assist not only these community residents but to provide tribal health promotion and disease prevention initiatives. The program consists of specially trained Indian, community-based, health care providers who are proficient in basic community health concepts.

The CHR program serves as a vital link between Standing Rock's Indian user population and our Hospital and Clinic. There are great distances between our communities where our Indian user population resides and where our medical care facilities are located.

CHR training gives our Indian CHR service providers - who are native speakers - the capacity to do field assessments and make referrals for those conditions where emergency care is required, thus saving costly emergency vehicle runs when not justified by a medical condition.

They act as critical communication links between our hospital and the elderly who may need immediate medical services based on tests or other medical conditions. They provide valuable services for children, who comprise our greatest population, when in need of medical attention. Our members with chronic medical conditions such as diabetes, heart disease, kidney failure and cancer, daily depend on our CHR staff for assistance. In times of severe winter storm conditions they provide, with our law enforcement personnel, emergency health care services for our communities.

All of these services are provided as in-lieu-of the much more expensive Medicaid services provided to the non-Indian users. Dave Zentner of the Medical Division of North Dakota's Human Services Department has praised our CHR program for providing services much more efficiently than Medicaid's much costlier long-term services do.

Recognized by the IHS, the Tribe and North Dakota as a very valuable program that has efficiently provided health services directly at the community level, the program has steadily seen budget reductions over the past decade. CHR staff are paid at an average per hour rate of about \$7 per hour as compared to Public Health Nurses which command between \$15 to \$20 per hour.

Today, our CHR reservation wide expenditures amount to \$44 per IHS "user", a figure dwarfed by Medicaid expenditures for long-term care services.

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Chairman, Standing Rock Sioux Tribe*

Now, Presidential budget planners have proposed a \$5 million nationwide cut in the CHR program. It makes no sense to eliminate CHR provided services, at its lower costs, only to add a few Public Health Nurses, with their substantially higher costs, with the savings generated from CHR cuts such as the Administration is proposing. This reasoning, to me, illustrates serious misunderstandings on the part of Washingtonians of how Indian medical services are efficiently provided in the field at Standing Rock.

Standing Rock has a community *Alcoholism Program* service that seeks to lower the prevalence of alcoholism here. Alcoholic related accidents contribute substantially to the level of catastrophic care required at Standing Rock according to our hospital physicians. Program services are for acute detoxification, chronic detoxification, and community education using culturally sensitive treatments and a rehabilitative philosophy. The Tribe operates this service under contract with the IHS.

This service is operated at a cost of \$26 per IHS "user". Funding constraints and the lack of adequate facilities have cause this service to operate at less than minimal service conditions given the seriousness of this social pathology on Standing Rock. Problems associated with alcoholism are the most severe at Standing Rock as compared with any other community in the United States.

The GAO finding that alcoholism services are "limited" in Indian country truly applies to our service at Standing Rock. This program has also been substantially reduced by IHS funding cuts over the past ten years. Individual Indians who may have benefited by alcoholism treatment now go untreated because of lack of services. These same individuals will certainly add to downstream costs of publically financed medical care either within the reservation environment (where it is less costly) or in off-reservation regional centers where medical costs are significantly higher. I see this policy approach as shortsighted. To under finance this much needed service, where it has the great potential to provide not only needed health care treatment but cut future health care costs is unsound health care policy.

The Standing Rock Sioux Tribe provides emergency ground transportation through the Tribal Emergency Medical Services Program called the *Ambulance Service*.

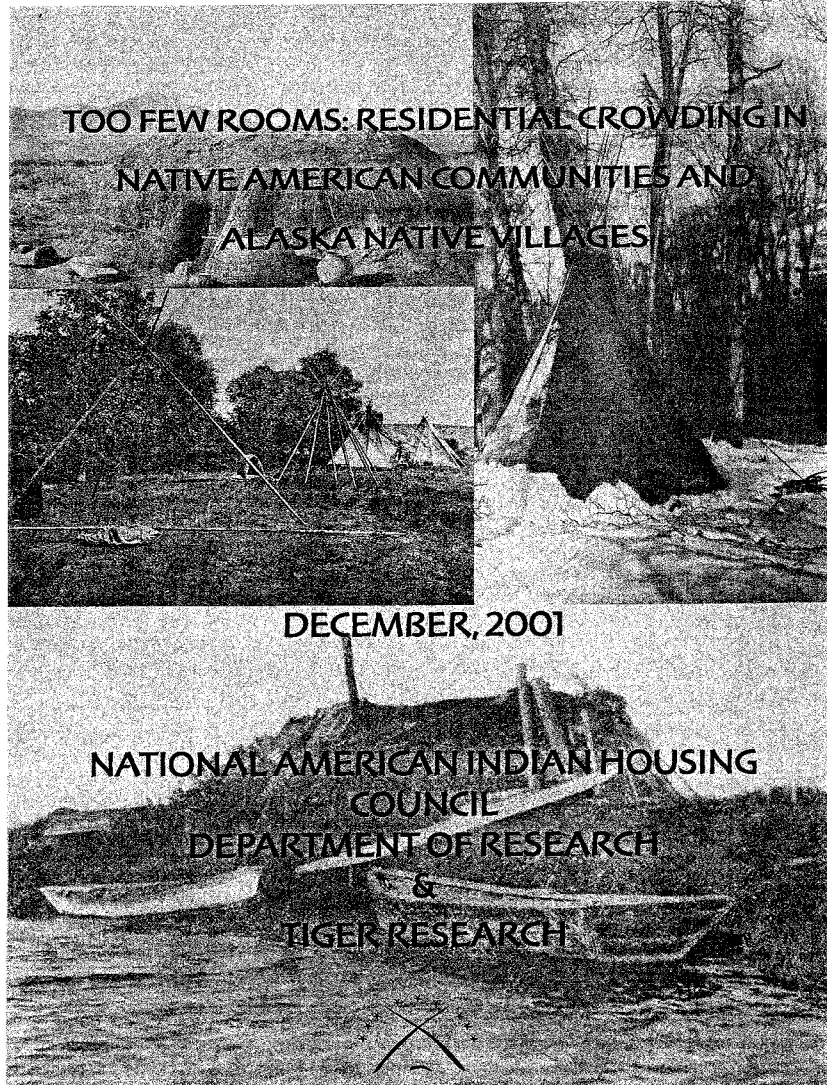
The staff are trained emergency medical technicians (EMTs). Response in an emergency situation requires the assessment of the emergency, the provision of medical treatment, patient

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stabilization and transportation to the nearest medical facility equipped to handle the emergency. Problems at Standing Rock in emergency medical response include the isolation factor, long distances to medical facilities and inclement weather conditions.

This service is continually underfunded by the IHS. Because of the 2.3 million acre size of the Reservation with eleven dispersed communities where members reside, the Ambulance Service is hard pressed to provide required emergency services for our medical service users. The operation cost for this service is \$46 per IHS "user". Last year, in order for the service to continue operating, other programs such as the already hard pressed CHR program had to provide operating funds so this service could continue operating until the end of the fiscal year.

It is obvious that the rationed, capitated care management system employed by the IHS applies to Tribal contracts as well as IHS operated facilities. On the other hand, non-profit and for profit medical services, even in the era of managed care and HMOs, operate under a rate system that covers their various direct, indirect and capital costs. Perhaps the government should, in fairness, consider financing IHS and tribal medical services utilizing adequate rates they apply to other health care providers instead of the present rationing and capitated care system now applied to IHS operations at Standing Rock.



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NAIHC, founded in 1974, is a nonprofit organization that assists tribes and tribal housing agencies in reaching their goals of providing culturally relevant, decent, safe, sanitary, and affordable housing for Native people in Indian communities and Alaskan native villages.

Cover photographs: Edward S. Curtis.

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TOO FEW ROOMS: RESIDENTIAL CROWDING IN NATIVE AMERICAN COMMUNITIES AND ALASKA NATIVE VILLAGES

INTRODUCTION

Most people think Native American communities and Alaska Native villages are wide-open spaces, and to a great extent they are. Especially west of the Mississippi and in Alaska, AIAN (American Indian/Alaska Native) areas consist of small towns, villages, clusters of homes, and individual homes scattered across miles of prairie, plateau, tundra, forest, or desert. But, they are also overcrowded in the sense that there is relatively little dwelling space per person. Using the census criterion of more than 1.01 persons per room, in 1990, 32.5 percent of households on American Indian Reservations and Trustlands (excluding Alaska) were crowded, and 40.4 percent of households in Alaska Native Village Statistical Areas were crowded.¹ In comparison, in the United States as a whole, only 4.9 percent of households were crowded.²

Little research attention has been paid, however, to the crowding in AIAN areas. Aside from occasional journalistic accounts of particular overcrowded or substandard homes in Indian country, there have been neither articles nor systematic studies on the causes and consequences of residential crowding in AIAN communities.

This research study hopes to begin the process of understanding residential crowding in AIAN areas. Why is overcrowding so prevalent? What consequences arise out of crowded and extremely crowded living conditions? To pursue these questions, research was conducted with an Inupiat village in northern coastal Alaska and with three Native American communities: a Pima community in Arizona and two Dakota/Lakota communities in North and South Dakota.³ They were chosen because Alaska, the Southwest, and the Northern Plains appear to be the regions in which AIAN crowding is most pronounced.⁴

¹ Bureau of the Census, *1990 Census of Housing: General Housing Characteristics, American Indian and Alaska Native Areas, 1990 CH-1-IA:30,49* (Washington, D.C.: U.S. Department of Commerce, 1992).

² Bureau of the Census, 1992, CH-1-1:1. Although general demographic characteristics are now available from the 2000 census, household crowding and other detailed housing characteristics from the 2000 Census will not be available until mid-year 2002.

³ The Dakota Nation and the Lakota Nation consist of several bands, some refer to as tribes. The term "Sioux" was introduced by French trappers and is a corrupted form of the Ojibway term for "Lesser Adders," used by the Ojibway to distinguish the Sioux from their other traditional enemy, the Iroquois, the "Greater Adders." Because of the external origin of the word "Sioux," many individuals and communities now refer to themselves by their dialectical or tribal subgrouping (Lakota, Yankton, or Santee) or by the name of a sub-tribal band, such as the Oglala, Hunkpapa, or Sisseton. Usage, however, is often mixed, even in tribal documents. For example, tribal members will frequently use such terms as Lakota Sioux or Sisseton Sioux.

⁴ Thomas G. Kingsley, Virginia E. Spencer, and John Simonson, *Assessment of American Indian Housing Needs and Programs: Final Report* (Washington, D.C.: Urban Institute, 1995). Dowell Myers,

In each region several prospective sites were selected from among those communities whose rates of overcrowding were above average for their regions. Tribal housing authorities and tribal governmental leaders were asked whether they would be willing to participate in the research project. The four sites finally selected were those in each region from whom positive replies were first received.

During the winter of 2000-2001, one-week site visits were made to each site during which research staff talked with tribal leaders, housing authority staff, school principals, teachers, medical staff, and visited families in their homes.⁵ Approximately, 10 households were visited per site. The reception was cordial, and many officials and families spoke openly and honestly about their frustrations with the current housing conditions. Many seemed genuinely pleased that someone from outside was interested. In order to provide confidentiality to informants and to focus attention on the more generic issues and processes, the names of the communities will not be specified. Similarly, identifying information has been altered for individuals and families mentioned in the discussions that follow.

Overcrowded Housing—Terms and Definitions

DENSITY VERSUS CROWDING

In housing research, density usually refers to the ratio of people to land area, expressed as persons per square mile, acre, etc. Crowding refers to the ratio of persons to the size of the inhabited area, expressed as persons per room or, inversely, square feet per person.

For most people, the term “overcrowded housing” conjures up images of urban slums in which high density, severe crowding, and unsanitary and unsafe housing conditions co-occur. Historically, it was these areas that shocked social reformers exploring urban living conditions in the late nineteenth century.

For example, in 1897 Robert Williams published a tract in London entitled “The Face of the Poor or the Crowding of London’s Labourers: The Rent They Pay and the Evils they Endure.” Closely examining the 1891 London census, Williams was horrified to find that more than half of London’s population of four million people lived in one to four room tenements. Of those in tenements, more than 70 percent lived in crowded conditions with less than one room per person. He was especially concerned that more than 172,000 families, including 386,000 people, lived in one room tenements -- which served as their “sculleries, kitchens, bedrooms, living-rooms, yards, gardens, and the whole available space in the world.”⁶ For Williams, the tenements contained just too many people, both

William C. Baer, and Seong-Youn Choi, “The Changing Problem of Overcrowded Housing,” *Journal of the American Planning Association* 62 (1996): 66(19).

⁵ LeeAnna Arrowchis (NAIHC), Valerie Seneca (NAIHC), and Mitchell Ratner (TIGER Research).

⁶ Robert Williams, *The Face of the Poor or the Crowding of London’s Labourers: The Rent They Pay*,

per room and per acre. He believed there literally was not enough good air to breathe "[T]he ultimate effect being the deterioration, in mind and body, of the unfortunate people who, through an unlovely system are forced to live together in crowds."⁷

However, high density and severe crowding need not necessarily co-occur. Jane Jacobs, in her book *The Death and Life of Great American Cities*, argues that areas with relative high densities are not necessarily areas of ill health and social breakdown. Rather, relatively high density with moderate or low crowding allows for the congregation of services and people that make cities interesting and dynamic. Certainly there are high-rise upper-class neighborhoods in New York City, Chicago, London, and other metropolitan centers where the housing density is relatively high, crowding is relatively low, and the quality of life is high.

Similarly, relatively low density and relatively high crowding can co-occur. In the low income areas of Los Angeles County, households are often crowded in one and two story freestanding buildings and housing project units. Compared to Eastern metropolitan areas, the densities are low, but the crowding is comparable. Even more extreme is the situation of most Native American communities and Alaska Native villages where densities are extremely low and crowding is much higher than in metropolitan areas.

MEASURING CROWDING

Although it is relatively easy to measure crowding by counting persons and rooms and obtaining square footage, deciding what is uncrowded, what is crowded, and what is overcrowded is more problematic. Most housing researchers today use the standard set by the U.S. Census – a crowded dwelling has more than 1.01 persons per room.⁸ This standard's main virtue is that it is easy to explain and calculate. However, it also has a number of defects.

It is clearly an arbitrary standard. When the Census started collecting housing data in 1940, crowding was defined as more than two persons per room. For the 1950 census it shifted to more than 1.5 persons per room. Then it shifted again in 1960 – to more than one person per room. Apparently, rather than being based on new knowledge concerning the consequences of living with more than one person per room, the change reflected the improving living conditions of the postwar American population. U.S. households with more than 1.01 persons per room dropped between 1940 and 1980 from 20.2 percent to 4.5 percent, rising again slightly to 4.9 in 1990.⁹

and the Evils They Endure (London: W. Reeves, 1897), 12.

⁷ Williams, 12.

⁸ Excluding "strip or pullman kitchens, bathrooms, open porches, balconies, halls or foyers, half-rooms, utility rooms, unfinished basements or attics, or other unfinished space used for storage." (Bureau of Census, 1992, CH-1-1, B-10).

⁹ Bureau of Census, "Historical Census of Housing Tables: Crowding", <http://www.census.gov/hhes/www/housing/census/historic/crowding.html> (2000).

The Census criterion does not consider the size of the rooms. A two-bedroom house might measure 400 square feet or it might measure 1600 square feet.

The Census criterion does not differentiate who the people are. Age does not matter: any person is counted as a person whether she is a two-month-old infant or a seventy-year-old grandmother. Relationships do not matter: a couple with four children is counted the same as two couples each with one child or six unrelated adults.

Finally, the Census criterion does not consider what the household itself considers to be appropriate or desirable use of resources and space. According to the American Heritage dictionary, to crowd is "to congregate in a restricted area." To overcrowd, in contrast, is to "excessively crowd." However, what may feel "overcrowded" to some seems comfortable to others. As many researchers have recognized, cultural differences exist regarding such issues as the importance of having a room or a bed of one's own.

In the discussions that follow we have tried to broaden the concept of crowding beyond the simple measurement of persons per room to include consideration of the composition of the household and the personal and cultural perspectives of the affected individuals. In the end the three ways of approaching overcrowding come back together – a primary finding of our research is that because of changes in the composition of households, even though rates of overcrowding may remain constant or appear to decline, AIAN households may feel more overcrowded and suffer more adverse consequences.

How AIAN Overcrowding Came To Be – The Big Picture

PRE-CONTACT TO EARLY TWENTIETH CENTURY

Prior to European contact, Native American tribes and Alaska Natives were economically self-sufficient and finely attuned to their ecological settings. Housing styles varied, with nomadic groups living in simple structures they could quickly build or carry with them. More settled agriculturists, or those with year round sources of game, often built more solid, enduring structures – such as the longhouses of the Iroquois, the thatched houses of the prairies, and the apartment complex-like adobe structures found in the southwest.¹⁰

Contact with Europeans brought changes. For some AIAN populations, change was gradual and indirect, through trade goods and trappers. For others, the change was sudden and all too direct – Native American tribes and Alaska Natives were conquered through warfare or decimated by introduced disease.

Beginning in the seventeenth century Spanish and British colonial administrators in the New World began negotiating treaties with Native American tribes. Often focused on resolving boundary disputes or transferring rights to territory, the treaties implicitly recognized the tribal ownership of the lands the tribes occupied and used. The fledgling

¹⁰ Harole E. Driver, *Indians of North America* (Chicago: University of Chicago, 1961), 106-118.

United States continued the practice of negotiating treaties with Native American tribes, recognizing them as dependent sovereign nations within the United States, a relationship legally very similar to that between the federal government and the states. Often the stated or implicit agreement the treaties represented was that in exchange for concessions regarding land and the U.S. government would ensure the survival and welfare of the Native Americans.

But the rights of Native Americans were rarely respected. As the U.S. population and land under cultivation expanded, Native Americans' lands shrank. Beginning in the 1830s, many Indian communities were forcibly relocated, often at great distance from their original homelands.

For most Native American groups, the period from first contact with Europeans to the mid-twentieth century was a time of broken treaties and promises, removal to reservations, federally promoted sale of Indian land to non-Indians, forced assimilation, and attempts by the federal government to unilaterally end the unique legal relationship established by treaties. Each community has its own stories, almost all of them tragic. For most tribes the end result was loss of their subsistence base, impoverishment, loss of self-government, and dependency on federal government handouts.

Once settled in reservations, most Native Americans began living in log cabins and simple shacks built from available materials, by an agency of the federal government or by the households themselves. The structures were usually simple, with one or two rooms, few windows, dirt floors, no running water, and no electricity.

In the early years of the twentieth century, except for the few non-Indians who lived near the reservations, the plight of Native Americans was unrecognized by the American public. Cramped and substandard housing, combined with poor nutrition and inadequate health care, contributed to further population decline. Tuberculosis, pneumonia, gastrointestinal disorders and other infectious diseases caused a great number of deaths.

Alaska Natives kept closer to their traditional lifestyles longer than Native Americans in the lower 48 states. During the 19th century there were few settlers and farmers eager to take over Alaska Native lands. There were, however, trappers, traders, whalers, miners, fishermen and lumbermen, who came into contact with Alaska Natives in coastal areas. Gradually, over the course of the twentieth century, Alaska Natives in the more remote areas moved to settled communities, sent their children to school and received benefits from missionaries and governmental agencies. The legal status of native land rights was not resolved until the Alaska Native Claims Act of 1972 that established village and regional corporations with defined land bases and provided payments for land taken by the federal and Alaska state governments. Only in 1993 did the Department of the Interior recognize Alaskan Native villages and grant them the same individual and tribal rights given to Native American tribes in the contiguous 48 states.

THE INDIAN NEW DEAL THROUGH THE 1950s

Conditions for Native Americans began to improve somewhat in the late 1930s. The influential Meriam Report, written for the Secretary of the Department of the Interior, highlighted the wretched conditions endured by Native American peoples and directly criticized the management of programs operated by the Department of the Interior and the Bureau of Indian Affairs (BIA). Reform legislation, known as the Indian Reorganization Act (often called the Indian New Deal) was enacted in 1934. The act encouraged tribal self-government, halted the sale of tribal lands to non-Indians, and established programs to facilitate the development of Native American economic and political self-sufficiency.

A retreat from the policy of strengthening tribal social and political institutions occurred in the 1950s when federal legislation was enacted to "terminate" the government relationship with many Native American tribes, especially in California, dissolving their reservation status and permitting the transfer of land to non-Indians. Other legislation and federal programs, directly and indirectly, encouraged the assimilation of individual Native Americans and the relocation of Native American households to metropolitan centers. A similar process of "encouraged" assimilation occurred during this time in Alaska, which was until 1959 a U.S. Territory.

THE 1960s TO THE 1990s

By the 1960s, the tide had turned again. Federal policies were written to encourage the development of ALAN political and social institutions and increase community self-determination.

A critical change in Native American housing occurred in 1961 when the Public Housing Administration (PHA) made it possible for federally and state recognized tribes and establish Indian Housing Authorities (IHAs) to apply for federal housing funds under the 1937 Housing Act. The Act, and its amendments, had made it possible for local governments to develop low-income housing projects. Only in the 1960s could Native Americans on reservations, arguably the worst housed of any group in the United States, begin to receive assistance through an act, passed in 1937, that sought to ensure decent housing and living conditions for all Americans.

The PHA, through IHAs, built rental housing for Native Americans on reservations, financially structuring their development through programs similar to urban programs. In recognition of the extremely low incomes of the overwhelming majority of reservation Natives needing homes, the PHA, working with tribes, also developed the "mutual help" program. The original idea was to draw Native American households into the building process as partners. The households contributed land, materials, or labor, reducing the cost of the homes and enabling many low-income households to move toward homeownership. The portion of the monthly payments not needed for administrative overhead or repairs went to paying off the home.

The rental and mutual help programs grew. PHA partnered with the BIA to help administer and coordinate their programs. BIA's Housing Improvement Program (HIP), for example, focused on rehabilitating homes and providing housing for the "neediest of the needy."

The Department of Housing and Urban Development (HUD) was created in 1965 to bring together federal housing efforts spread across multiple agencies and, with other departments and programs, to be a major player in President Johnson's War on Poverty.

The 1960s also saw the beginning of a huge growth in the AIAN populations, from 552,000 in the 1960 census to 1,959,000 in the 1990 census. While roughly a third of the population gain appears to be due to increased self-identification as AIAN, especially in the more urbanized states, the remaining two thirds, almost quadrupling in thirty years, appears to be due to natural population increases.¹¹

By the 1970s, on many reservations the well intentioned housing programs of the early sixties had developed serious programmatic and financial problems, due to lack of training and expertise, difficulties developing projects in isolated areas, lack of consistent regulations, no coordination among agencies and programs, lack of necessary infrastructure, and other constraints. The task of eliminating substandard and overcrowded housing on Indian reservations was acknowledged to be much greater than originally anticipated.

HUD and other federal agencies, guided by a stream of new legislation, and working with the IHAs, sought from the 1960s, through the mid 1990s to improve the efficiency and reach of the housing programs. Numerous changes were made in regulations relating to rental housing, mutual help housing programs, and other federal housing assistance programs.

By the mid 1990s however, awareness had grown that better regulation of multiple federal housing programs may not be the approach that best serves Native American communities and Alaska Native villages. In 1996 Congress enacted the Native American Housing Assistance and Self-Determination Act (NAHASDA). While acknowledging the federal responsibility to improve housing and socio-economic conditions, the act called for the phasing out of most of the federal Indian housing programs and replacing them with a block grant system. Under the Act, each Native American tribe or Alaska Native village was to create its own tribal housing program. Beginning in 1997, TDHES could apply for a federal allocation based on population and need and then develop and implement their own housing programs within very general guidelines. NAHASDA allows for more tribal self-determination, but also places more of the responsibility of improving housing and living conditions on tribal governments and their TDHES.

¹¹ Kingsley, Spencer, and Simonson, 26-27.

THE INUPIAT VILLAGE

For six thousand years prior to European contact, Inupiat speaking people inhabited northern coastal Alaska, as well as in similar environments in Canada, and Greenland. Linguistically and culturally related to the Yupik and Aleut speaking peoples to the southwest and east, the three groups are often referred to collectively as Inuits or Eskimos.¹² With a current population of about 14,000, the Inupiat live in villages ranging from fewer than 100 people to more than several thousand.¹³

Lying forty miles from the Arctic Circle, the studied Inupiat village is not accessible by road. Travelers arrive in one of the small propeller driven planes that make daily stops; or come by small boat during the summer; or arrive by snowmobile during the long winter. Once a year a barge comes with heating oil, gasoline, building supplies, and other non-perishables.

In the year 2000 the community consisted of about 700 Inupiat living in about 150 houses and one twenty - unit apartment building. Most of the houses were lined up, in close proximity, along the banks of a river and on several parallel "streets." The houses and other buildings are built on stilts or pilings, so that the structures' radiant heat will not melt the permanently frozen ground below. Because much of the village surface lies low near the river, there is an above ground boardwalk, rather than asphalt or gravel roads, which makes travel convenient within the community. People move within the community by foot or with all-terrain vehicles.

Prior to contact, the community site was a traditional place where Inupiat families gathered during the winter. The first historical note of its existence occurred in 1840 when a lieutenant of the Imperial Russian Army observed it. The community became part of the United States in 1867, with the purchase of Alaska. In the late nineteenth century Quaker missionaries established a church and school in the community.

Before contact with Europeans, and long after, families lived through the winter in small domed houses (igloos) made of sod. (Snow igloos were built only much farther to the north and east in areas not tempered, as this community is, by the Gulf Stream.) Gradually, over the course of the twentieth century, housing changed. Framed windows and doors became part of some sod houses. Small one and two room log cabins and framed houses were built- usually by the households themselves.

Beginning in the 1960s and 1970s subsidized housing became available. The first homes were small "2 bedroom" ASHA (Alaskan State Housing Authority) homes, consisting essentially of a kitchen and two small bedrooms. The total area of the homes was about 400 square feet.

¹² Norman Chance, *The Inupiat and Arctic Alaska: An Ethnography of Development* (Fort Worth: Holt, Rinehart, and Winston, 1990).

¹³ Alaska Native Language Center, "Alaska Native Languages," *University of Alaska, Fairbanks*, <<http://zorba.uafadm.alaska.edu/anlc/languages.html>> (2001).

In the seventies and continuing through to the present, larger federally subsidized homes were built. Some are two bedroom houses measuring about 650 square feet; others are three bedroom units, with interiors of about 1000 square feet. An imposing two-story multi-family unit was also built. Originally intended to house elders, the units are now mainly occupied by young families.

Most of the subsidized housing has been offered to households under one of the federal mutual help programs. One resident explained how the program worked. His small three-bedroom house (945 square feet) was built in 1997 at a cost of about \$190,000. The housing authority requires a monthly payment of thirty percent of the adjusted family income. In his case, with a wife and seven children in his household, his monthly payment is \$130. After fifteen years of payments, the ownership of the house will transfer to him.

Because of the cost of the materials, transportation, and the exceptional conditions imposed by living in the Arctic, home-building costs are extremely high. At the same time, incomes are generally low. There are few opportunities for employment in the community – almost all are government jobs with the school, the health service, and the municipal government; jobs associated with tribal functions, which includes the housing programs; or service jobs with the few retail businesses in the community.

Unemployment is very high, estimated by one housing official to be 75 percent of those who might work. All the households in the community are considered to be low-income.

Several elements make living in the community possible, despite the low incomes. For virtually all of the native families, subsistence activities, especially caribou hunting and fishing, still supply a major part of the diet. Another element is the Alaskan Dividend: because of oil revenues and other wealth generating activities, the state of Alaska takes in more than it needs. In most years each state resident receives a dividend. In the year 2000 it was \$1,836 per person.

Although there are no longer sod houses in the community, the current housing stock consists of all the other types, from older self-built log cabins and framed houses to recently built federally subsidized three-bedroom homes.

Crowding is common. The 1990 U.S. Census found that about 70 percent of the households had more than one person per room, which, given the number of very large families, probably comprised more than 90 percent of the population.

The Inupiat village blends two worlds: a traditional world of subsistence activity and close knit families and communities, and the world shared with other Americans, of cable TV shows and late nights playing Scrabble. The two worlds are represented at the village general store, which is stocked with the essentials for cold weather living and subsistence

activities (rugged warm jackets, snow mobile parts, fishing line, etc.), along with Campbell's soups, chicken chow mein, soft drinks and Wonder bread.

In the Inupiat village, the most crowded house visited, in terms of persons per room and square feet per person, was a small one room house, barely 15 by 15 on the inside, including a kitchen area.

A family with a mother, father and three children, between 10 and 18 years of age, live in the house. The wife is employed with one of the government services; the husband is primarily involved in subsistence activities, more consistently, throughout the year, than most of the other men in the community.

Four years earlier they had been renting a relatively new two-bedroom house that provided roughly four times as much space. But after the house was damaged by fire, they had to move. They lived for a while with parents, but that did not work out, because there were too many of them, they say. Three years ago they moved into this house, which they rented for a \$100 a month from a distant cousin.

The rent is low because the house is in poor condition. The door does not close properly, windows do not fit tightly and drafts blow through the house. The roof leaks badly when it rains, or when there is snow on the roof, often dripping through the electrical fixtures. During the winter, the house is so cold the windows frost over – even with the small oil heater turned up high, and with the hot plates turned on and the electric heater on. The cost of heating is punishing – during the long winter roughly \$600 per month is spent on heating oil and \$150 a month on electricity.

The family does not have the space they feel they need. "There is no place to put things," no room for the sofa and bunk beds they had in the other house, no room even for an electric range. The couple sleeps in one bed, the two youngest children in another, and the eldest on a mat on the floor.

The lack of space is felt most acutely when relatives visit from other nearby villages for a sports tournament or a graduation. They would like to have family members stay with them, but there is no place for visitors to sleep, and no place even to gather or to eat, except by sitting on the cold floor.

Although the family is relatively prosperous by village standards, with a steady cash income and good supply of game and fish, there is no better housing available for them in the community. Aside from similar substandard housing - small homes abandoned by families when they moved into larger quarters - there is virtually no rental housing available.

They would like to move into a three bedroom mutual help home and are on a waiting list, but that will likely take years as fewer houses are now being built.

Even by village standards, this house, with 5 persons per room and an interior space of only 45 square feet per person, is severely crowded, and in very poor condition. Of the twelve houses visited with more than 1.01 persons per room, the mean number of persons per room is 2.01, and the mean interior area is 92 square feet per person. The mean household size is 8 persons.

More typical of the community is the housing history of a couple in their mid thirties who live with their eight children in a well maintained three-bedroom mutual help house. The 950 foot square house was built in the mid 1980s and first occupied by an elderly family. In 1989, after their death, the house was offered to this family. They have been making payments on it since. When the husband had a relatively well paying job outside the village (which required him to work two weeks on and one week off) the payment had been \$283 per month. Now with a more modestly paying job in the community, the payment is \$100, \$10 more than the \$90 per month they pay for sewer and water services. Their heating cost during the winter is about \$400 per month; electricity charges are about \$185.

Although the house is full with parents and eight children (ages 2 to 16), it is orderly. In each bedroom there are makeshift closets with rods and clothes lined up on hangers. In the kitchen, there is a large cabinet full of canned foods, ordered from a catalog company and shipped in. (Catalog shopping requires planning ahead, but is much cheaper than buying goods at the village store.)

At night, the eldest daughter shares a room with the youngest child. The parents share a room with the second youngest, and the five other children sleep together in one room, on a bed and a mat on the floor.

When the mother was asked whether she and her husband have enough privacy, living so closely with the eight children, she replied that they are fine. They are used to living with others, and having so many children in the home does not make them harder to control.

They do not expect their housing situation to change any time soon. They imagine they will keep making payments on this house for another eight years, until the title is conveyed to them, then give it to their oldest daughter and move to another house. But the mother, somewhat wistfully, wishes they have a bit more space -- for the benefit of the children. She would like each of her teenage children to have more privacy, perhaps even a room of their own. And she wishes there were a quiet space where children could go and do homework, perhaps a small room with a computer and a calculator in it. "They could take turns going in there."

Most of the families we talked with are similar to this family with eight children: their houses are crowded, but no one stated it "was desperate."

Which is not to say there are not times when they wish they had more space. Many mentioned that they wish their children would have more room for homework and have space to develop or express their own interests. One mother with a house full of school age children notes that if she had three more bedrooms she could separate the older children. "Better for them to do their homework. They often don't get along when they are doing their homework. One wants music, the other not. One wants the light on, the others not."

Several adults feel "cramped" when they try to get things done. A father noted, for example, "I teach my girls to stay out of the way when I'm doing something." A mother wishes for a room of her own, for her sewing and other projects.

Most families realize though, that in the Arctic, a larger house usually means much greater expenses. Most of the families spend at least three times their house payment on utilities.

A father in his late forties who had grown up living with his parents and 12 siblings commented: "It's not hard living with others. That wasn't the problem. One of our houses just had one room." For him, what is "the problem," then and now, is providing for the family, finding a way to feed and clothe everyone, and providing as comfortable a life as conditions permit.

The current housing condition seems especially hard on young adults. Though they want to remain in the village, living near their families, there are very few jobs in the village, and increasingly, it is becoming difficult for young families to find adequate housing.

Some young families manage by moving into substandard housing. Often they move into one or two room structures that were occupied by an earlier generation in their family and then not used when the earlier generation was able to occupy a subsidized mutual help home. But now there are few, if any, livable substandard houses unoccupied. At the same time, state and federal funds are becoming less available. While population increases and demand for housing grows, very few new "mutual help" homes can be built. Village elders and housing authority staff are concerned for the future – that there will be no place at all in their community for young families.

THE PIMA COMMUNITY

Almost three thousand miles southwest of the Inupiat community, the warm, dry lands of the Sonoran Desert in Southern Arizona have for centuries been home to the people non-Indians call the Pima. In their own language they distinguish two major subgroups based on ecology and ways of life: the Akimel O'odham, "The River People," and the Tohono O'odham, or "Desert People," also known as the Papago.

The approximately 11,000 residents of the visited Pima community live scattered across just over 500 square miles of reservation land. Although located on the periphery of a major metropolitan area, most of the reservation offers open vistas of devil's weed, sagebrush, and saguaro cacti with bare foothills in the distance. The reservation is divided into districts containing eight small towns, industrial parks and entertainment facilities, extensive tribally-owned and private agro-business enterprises, and, since 1994, several tribally owned casinos.

The Pimas' first direct contacts with Europeans were through the visits of Spanish Jesuit missionaries, beginning in 1678. The Jesuits encountered accomplished farmers, with an extensive network of canals along the river ways, and experience growing rain-watered crops on the desert flats that could not be irrigated. Among their crops were corn, beans, cotton, and melons.

The missionaries introduced Catholicism, baptized the Pimas with Spanish names, gave them cattle, and introduced the growing of wheat. However, because the Pima lands were far north of the main Spanish settlements, and the Spaniards had little interest in the hot, dry, country, the Pimas were left relatively alone for the next hundred and fifty years.

Their isolation changed abruptly in the mid-nineteenth century. Many Pimas became residents of the United States in 1848 when, after the Mexican War, much of the southwest was purchased from Mexico. More Pimas became residents in 1853, through the Gadsden Purchase. At first, the contact with Americans was beneficial to the Pimas. Their lands were directly along the Southern Route that took forty-niners and then settlers from the East to California. The Pimas sold wheat and other agricultural supplies to the travelers, and served the U.S. Military as Indian scouts. As agriculturists, they did not object as hunting tribes did to the creation of protected reservations. However, their prosperity was short lived. Settlers took some of their historic lands, and even more damaging, began diverting their rivers upstream. Although the Pimas had legal rights to the water through prior appropriation, the U.S. Government did not defend their rights. Beginning in the late 1870s the Pima canals began running dry and their productive agricultural land turned barren. Without a source of subsistence and income, the Pimas struggled. Their quality of life was drastically reduced; starvation and ill health increased. Many were forced into dependency; others left the reservation, seasonally or permanently.

Slowly, over the course of the twentieth century, the conditions of the Pimas began improving. Some, but not all, of the reservation's water rights were regained. Tribally owned and private agricultural enterprises again became a major source of income. The automobile, along with roads and bridges, made it easier to find work in the region, to attend training programs, and to engage in commerce. Industrial parks were built, located on Indian land, but close to metropolitan centers. Casinos, first opened in 1994, now provide jobs for 20 percent of the community's workforce and generate significant profits.

Although conditions have improved from the desperate years of the late nineteenth century through the depression of the 1930s, conditions even in the twenty-first century are still difficult for many of the community's residents. Even with the casinos, unemployment remains high, because of lack of education, lack of training, or lack of transportation to job sites. In 1990, according to census data, 36 percent of the households had more than 1.01 persons per room.

The known housing history of the Pimas begins two millennia ago. Beginning around 300 AD, a people archeologists call the Hohokam, lived on the Pima lands and established a way of life based on irrigated agriculture. Over the centuries their technologies and wealth grew, culminating in what is called the Classic Period. Beginning about 1100 the Pima started building large adobe structures and surrounded their village and plazas with walls. A four-story building, now known as the Casa Grande Ruins National Monument, was one of these massive buildings. Constructed around 1300, as the focal point of an extensive settlement, it is believed to have had religious, astronomical, administrative, storage, and other functions. For reasons not well understood, the Classic period suddenly ended. There is no evidence of any Hohokam structure being built after 1450.¹⁴

The native people who remained in the area – the Pimas consider the Hohokam their ancestors – returned to using simpler structures suitable to the region's warm climate. Usually each family had an *olas-ki* (round house) and a *vato* (shade arbor). The *olas-ki* was a simple dome made of mesquite posts, willow and arrow weeds. There were no windows, just a small opening through which one crawled. Dirt and straw were put on top to provide protection from rain, the sides were only arrow weed, allowing for ventilation. During the winter, a scoop of coals might be put in the center to provide some warmth. Much of family life – food preparation, tool making, eating, and socializing, occurred under the *vato* – a simple sun screen made of four or six forked posts that held cross-poles on which arrow weeds were placed.¹⁵

In the 1880s, as part of their efforts to acculturate Pimas to mainstream values, the BIA encouraged families to build Mexican-style adobe homes – at one point giving a free wagon to each household that would do it. The Pimas improvised on the adobe style, alternating sunbaked-earth bricks with wooden blocks. The easily built and inexpensive “sandwich” houses were warm in the winter, and cool in the summer.¹⁶

Most Pimas lived in “sandwich” houses or similar housing until the 1970s when the Tribal Housing Authority, using newly available federal funds, and in conjunction with

¹⁴ Rose Houk, *Casa Grande Ruins National Monument* (Tucson: Southwest Parks and Monuments Association, 1996).

¹⁵ George Webb, *A Pima Remembers* (Tucson: University of Arizona Press, 1959), 15-16.

¹⁶ Henry F. Dobyns, *The Pima-Maricopa* (New York: Chelsea House Publishers, 1989).

HUD, BIA, USDA, and the Indian Health Service, ambitiously began developing low-income housing. Much of the new development occurred in housing projects, creating small clusters and sometimes whole new neighborhoods of "Mutual Help" homes and rental units.

Although some residents still live in "sandwich" homes, and others in trailers, or in simple self-built frame houses, most of the occupied housing in the Pima community is now the product of federal programs. Many of the mutual help homes built in the 1970s have conveyed to private ownership. In the year 2000, the tribal housing authority still had title to and managed about 400 mutual help homes and 700 rental units, providing housing for more than a third of all households.

Although the housing programs in the 70s, 80s, and 90s greatly reduced crowding and did provide "modern" housing for many community residents, the need for additional safe and appropriate housing remains. A 1998 tribal housing document reported that 20 percent of the households lived in substandard housing and 43 percent were overcrowded.

In addition to the federally funded housing programs which are continuing, another and much larger, source of funds became available in the late 1990s. In addition to providing jobs for community residents, the casinos generate considerable profits. A significant portion of the profits is being turned over to neighborhood districts for community improvement and welfare. Many of the communities are opting to buy housing for residents. In the community they are known as "gift houses." Essentially, the process is: a list of residents is drawn up, ordered according to need, and then, as quickly as possible, housing is provided as funds become available. In many districts, though, the "as quickly as possible" is turning out to be longer than expected. New home construction, especially in scattered sites, often requires infrastructure development, time consuming environmental and archeological reviews, and, often, overcoming legal hurdles relating to obtaining clear title to the land.

The most crowded home visited in the Pima community is headed by a single mother in her mid-thirties who rents a small (690 square foot) two-bedroom apartment from the housing authority. She lives with her four children (ages 9-18), and the infant son of her eldest daughter. A boyfriend of the head of the household is a frequent resident as well, when he is not working on construction projects out of state. Because rent is based on income, and because at the time of the interview the household officially had no income, the household paid no rent.

Prior to moving to this unit, two years previously, the household had lived in a larger apartment, off the reservation, so they could explain what living in more crowded conditions meant for them.

Sleeping space is not seen as a major problem. At night the head of the household sleeps in a room with her youngest child, and with her boy friend if he is visiting. A teenage daughter has a bedroom to herself. At night, in the living room, an almost teenage son sleep on a mat, the eldest daughter on the couch, and her infant son in a crib. When asked if it was difficult having a lot of people around, the head of the household replied, "I don't like to be my myself."

Their main complaint is simply not enough living space. They have furniture in storage they cannot bring into this apartment. The kitchen area is tiny, making it difficult to prepare meals and clean up. There is little space for storage, resulting in clothes and other things piling up around the house. On weekends and after school, there is competition for use of space. For example, the younger children want to play their games in the living room, forcing older children and adults into the small bedrooms.

As the head of household sees it, the lack of space, the sense of being on top of each other, contribute to tensions in the household, more tensions than they had experienced in the larger unit before: "I get upset with my kids, then I take it out on [my boyfriend]."

What the household wishes for, and had recently applied for, is a larger rental unit that will give them at least one more bedroom, so there will be more living space for the children. It is likely to be at least a three-year wait.

The family's two-bedroom unit, with its combined living room /dining room and a "strip" kitchen, houses 7 people, has an occupancy level of 2.5 persons per room, and provides 99 square feet of habitable space per person. The three other crowded Pima houses visited are both larger households and much larger structures. They have a mean size household size of 9.6 persons, mean persons-per-room of 1.51, and a mean interior area of 158 square foot person.¹⁷

The largest household provides a very different view of Pima residential crowding. The head of the household is a grandmother in her mid sixties. With her in the large (2000 square foot), new, five-bedroom, two-bathroom house are her son in his forties, his two teen-age children, and eight other grandchildren (ages 12 to 23).

The new house is situated in a family compound, on land that has been individually allotted to the grandmother's grandparents. When the grandmother was growing up, the neighboring houses were all filled with uncles, aunts, and other relatives. The house she remembers living in when she was ten (in 1945) was a three-room "sandwich" house. It had been built by the family and had no plumbing, electricity, or toilet. Sharing the three rooms were the grandmother's parents and grandmother, and two siblings.

When grandmother's elders passed away, they passed their houses and land on to their children. At the time this unit was visited there were six occupied houses in the compound, filled with the cousins and siblings of the grandmother, and their descendants.

¹⁷ An additional five households were interviewed, but two were not crowded by the census definition and three were interviewed away from their homes.

A little more than a year before, the grandmother had been living with five of her grandchildren, in a house needing repairs and was about half as large the new house (built next door). The neighborhood district saw her housing needs as critical, built the five - bedroom house on land adjoining her old house, and gifted the house to her. After she moved into the new house, her son moved in with her, and shortly thereafter, the courts asked if four other grandchildren could temporarily live with the grandmother. "They are here until their mother straightens out," the grandmother commented.

Even though there were now twice as many grandchildren as in the previous house, this house seems to work for them. At night, the grandmother has a bedroom, her son a bedroom, the granddaughters have two bedrooms, and the grandsons have a bedroom, though sometimes grandchildren sleep in the living room.

The many bedrooms give the grandchildren places to go. In the old house, the grandmother noted, they often congregate in the middle of the living room, causing disagreements. The two bathrooms and a larger hot water heater, make the morning rush easier.

Although the house is full of adolescents and young adults, it appears extraordinarily well ordered. The house still looks new; the walls seem freshly painted and without marks. Art work carefully hangs in the living and dining room. The kitchen is immaculate. When asked how she maintains order, the grandmother replied: "Each child knows what they need to do. The kids have to take turns washing dishes. . . . They have to put everything away before school. When I say something, they know I mean it."

When other families in the Pima community, talked about residential crowding, they frequently expressed the view that "this is something we grew up with, but not something we want to continue."

A grandfather in his fifties remembers growing up with parents and eight siblings in a one room "sandwich" house with a dirt floor. "We didn't feel crowded or deprived because we were living like everyone else we knew. We slept four to a bed."

A grandmother in her late sixties remembers growing up with parents and five siblings in a similar one-room house. "We had to get along. There were no arguments."

Contemporary parents in their thirties and forties, usually living in much less crowded conditions than their parents knew, hope to provide more for their children. Most commonly, it is expressed in terms of extra bedrooms. They wish to separate young people by age and sex if there are many children in the house, or to give each child, especially the older children, a room of their own, if there are only a few children in the home.

A young woman in her thirties, balancing the needs of a teenage daughter and four younger children, ages 3 to 8, in a 3 bedroom rental home commented “[T]he house is roomy, though I wish I could have an extra bedroom so the boys could have their own room.”

A young father, living with his wife and three children in a two bedroom mutual help home, talked about wanting more space for his children: ideally, for each to have his or her own room. It would, he explained, allow them to express their individuality. They could, for example, decorate the room the way they wanted.

Somewhat related to the above-described desire for more individual space for children was a pattern of young people in the years after high school moving out of their parents houses and off the reservation. It was fueled by many factors, including a wish to be on their own, a desire to reduce overcrowding in their parent’s houses and the lack of housing options for young people on the reservations. Some years later, often after they had married or had children, or both, they would apply for subsidized housing on the reservation. To be closer, again, to their extended families, and because, generally, reservation housing was less expensive. One young father noted, “If they (the housing authority) didn’t give me a home, I wouldn’t have come back to the reservation.”

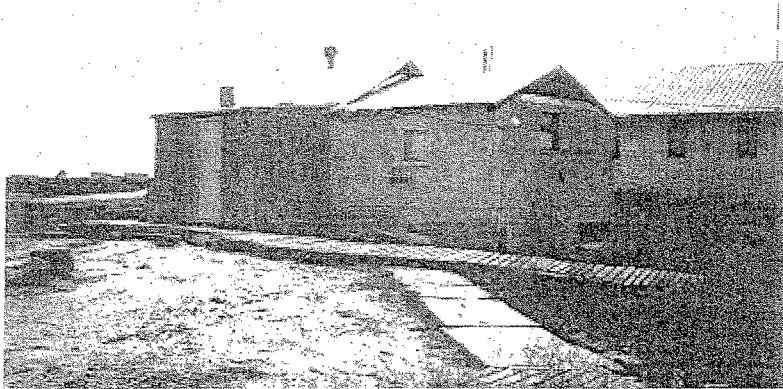
When the most severely overcrowded houses in the community were talked about, families and housing staff both commented that, in part, it was due to the generosity and strong sense of kinship that people in the community feel. As one housing staff member put it: “We take our people in. If someone has trouble, we take them in.”

In some cases, such as the grandmother described above, residing with and helping to raise 10 of her grandchildren, accommodations are made and the household is able to absorb the new members. In other cases, it does not work out. After some weeks or months tensions arise, often, housing staff says, around money or food. Sometimes residents of subsidized housing quietly inform housing specialists about long term “visitors” that put the household above the maximum occupancy clause of their lease. Then the housing specialist will visit the household and inform the “guests” that if they do not leave soon, everyone will be asked to vacate the unit.

Although there remain levels of substandard and overcrowded housing well beyond the national average, as well as other severe social and health issues in the community, the Pima community appears to be addressing its problems. Tribal members are moving toward the lives and living conditions they desire.

In part they are able to do this because they have resources and conditions very different from those of most other Native American communities. They were traditionally agriculturists settled on land that, when irrigated, was extremely productive. It provided subsistence and income during the first decades after their lands became part of the

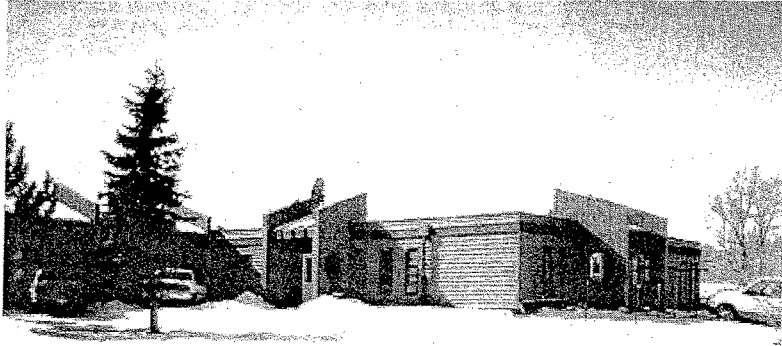
Samples of High Occupancy Units



345 Square Feet (6 people)



400 Square Feet (7 people)



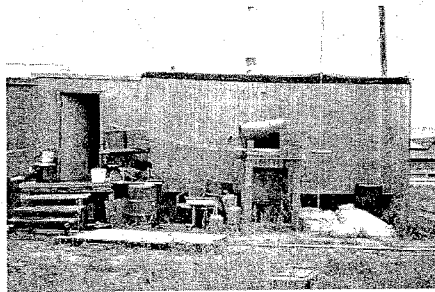
Rental apartment 700 sq. feet 2 bedrooms (7 people)

(Several homes have 25-30 people living in a three bedroom house. A housing specialist told of a one room house with 15 people living in the unit.)

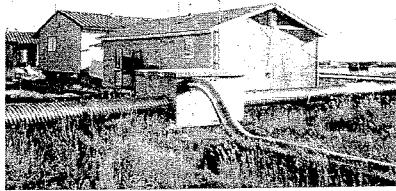


Sample high occupancy unit: one family lives in the unfinished basement, another family lives upstairs.

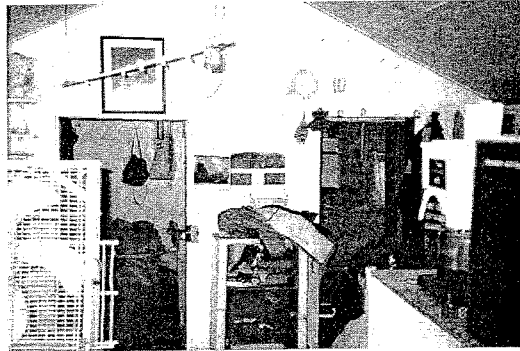
*Samples of High
Occupancy Units*



225 Square Feet (5 People)



400 Square Feet (7 people)



345 Square Feet (6 people, 1 Bedroom)

United States, and despite severe setbacks due to the abrogation of their water rights, in recent years agricultural enterprises have returned to being an important source of subsistence and income.

The Pima community's proximity to a metropolitan center now often works to the community's advantage, allowing residents to work off the reservation, to develop tribal and private business on reservation land, to access post-secondary educational possibilities, and to utilize housing options not available on the reservation. Additionally, in recent years, the nearby metropolitan center has fueled the growth of two major casinos on reservation land. The casinos provide jobs for individuals and generate a major source of funding for community projects, for improving housing, education, and economic development.

THE DAKOTA/LAKOTA COMMUNITIES

Roughly fifteen hundred miles northeast of the Pima community, (and three thousand miles south east of the Inupiat village), lie the Northern Great Plains. Two hundred years ago this immense grassland, stretching from the Missouri River to the Rocky Mountains, and from Canada to Northern Texas, was home to two great nations consisting of several bands whose lives were interwoven with the buffalo herds they followed.¹⁸

Historians and anthropologists believe that one to two hundred years earlier, the Dakota and Lakota had been forest dwellers, living near the headwaters of the Mississippi River. There "[T]hey lived in semi-permanent houses of pole, earth, and bark and subsisted on berries, fish and game, procured on foot."¹⁹ In the eighteenth century the Dakota and Lakota moved west, crossing the Missouri River. Along their migration west they acquired horses, allowing them to travel faster and much more effectively hunt the buffalo. The land they entered in, what is now North and South Dakota, was ideal for their way of life:

A real Indian paradise, it was a land of buffalo and other game, with a topography that gave the Indians open plains and prairies on which to hunt, many fine streams with groves of timber in which to camp, and pine ridges from which timber for lodge poles and other uses could easily be obtained. There were vast areas of the finest native pasture on which to fatten their ponies in summer, and a plentiful supply of sweet cottonwood along the streams, which provided bark for feeding ponies in winter.²⁰

¹⁸ Some informational sources refer to the bands as a confederation of tribes.

¹⁹ Robert M. Utley, *The Last Days of the Sioux Nation* (New Haven and London: Yale University Press, 1963), 6.

²⁰ George E. Hyde, *Spotted Tail's Folk: A History of the Brule Sioux* (Norman: University of Oklahoma Press, 1961), 5.

As more Siouan speaking people entered the eastern plains, they came into conflict with settled tribes, which had been living in the region, and reduced the buffalo herds near their first encampments. Over time they established a warrior-hunter way of life, in which bands roamed the plains, following the buffalo and often raiding, (and being raided by), other Native American tribes.

For the Dakota and Lakota, the buffalo provided abundance: fresh meat, including vitamin rich internal organs; dried meat that would keep for months; skins for bedding, cloaks, shields, boats, and bags, sinew for sewing; bones for tools; horns for cups.²¹ The hides were an indispensable part of the tipi, the ideal housing structure for people on the move. Ten to twenty worked hides covered a tipi 10 to 20 feet in diameter. The thick hides providing protection from wind, rain, and cold. The whole structure could be put up in twenty minutes, taken down in five.

Few Europeans ventured into the Great Plains prior to it becoming part of the United States with the Louisiana Purchase of 1803. After Lewis and Clark explored the region in 1804, more traders came, exchanging guns, knives, kettles, beads, and other trade goods for buffalo robes and smoked buffalo tongues. Soon settlers began moving west, along the Oregon Trail and other routes. Many warrior sects of tribes took to harassing and stealing from the travelers. Non-Indians were not yet interested in settling in the plains, but they wanted a safe passage.

The Department of the Interior, hoping to buy peace, called together the northern Plains tribes in 1851 and agreed to provide payments for fifteen years if the tribes would simply allow roads and military posts on their land and agree to stay within boundaries established for each tribe. The tribes signed the Fort Laramie Treaty, not fully foreseeing the changes that would come.

More and more soldiers and travelers came. New agreements were forced upon the Dakota and Lakota. The Treaty of 1868 established the Great Sioux Reservation, giving the Dakota and Lakota control of all of South Dakota west of the Missouri. Then gold was discovered in the Black Hills. When the bands tried to defend their lands from the incursion of gold seekers, the U.S. military took the side of the miners, pursuing and defeating the raiding tribes.²² By the late 1880s the warrior-hunter way was no longer possible. The Great Sioux Reservation had been reduced to smaller non-contiguous reservations, in all about a third of the territory they had under the treaty of 1868. The buffalo were scarce, mere remnants of the formerly huge herds. Households were dependent on agents of the U.S. government for food and necessary supplies. The U.S. government was intent on turning the Dakota, Lakota and other Native Americans living on the plains, into independent ranchers and farmers, forcing them to divide communal land into individual allotments. Even more damaging, after allotments were made to

²¹ Ruth Murray Underhill, *Red Man's America: A History of Indians in the United States* (Chicago: University of Chicago Press, 1953), 153.

²² See, footnote 18.

Native American families, the remaining land within reservation boundaries was declared surplus and offered at low prices to non-Indians, who could buy, sell, and accumulate it. Within a few years, on some of the Dakota and Lakota reservations, almost half of the land was owned by non-Indians.

Utley writes of the conditions of the Dakota and Lakota in 1890:

Virtually every meaningful custom had been attacked or proscribed, every institution damaged or destroyed. That they could not avoid adopting some of the alien customs and institutions thrust upon them only intensified their grief over the loss of the old. A pervasive feeling of bitterness, helplessness, and futility gripped the Sioux.²³

Although it describes a time more than a hundred years ago, in some ways little has changed. The Dakota and Lakota communities remain mainly on the few reservations left to them after the broken treaties of the late nineteenth century. Given the ecology of the Great Plains, farming was never really a possibility. Cattle ranching supports some households, but generally requires expanses of land much greater than that allotted to Dakota and Lakota families. In the northern Great Plains, there are no metropolitan centers, offering jobs and opportunities to develop commercial and industrial enterprises on reservation lands. (While the tribes have established casinos, they create fewer jobs and generate much smaller revenues than casinos near urban areas.) Though there are few opportunities for employment, the Dakota and Lakota remain, committed to family ties, attached to their lands, and have little desire to break their bonds to their communities and to their past.

The study visited two of the ten Dakota and Lakota reservations in North and South Dakota. Because the housing and social conditions in the two communities are very similar, and in order to provide anonymity to respondents, they will be referred to collectively as the Dakota/Lakota communities.

The land area of the two reservations together is about 5 million acres (80,000 square miles), about 60 percent of which is tribally owned or allotted to tribal members. The remaining forty percent is primarily "surplus" land, sold to non-Indian settlers and ranchers between 1890 and 1934. In the year 2000, according to U.S. Census data, there were approximately 15,000 Native Americans living on the reservations, in about 4000 housing units.²⁴

After the Dakota and Lakota were forcibly settled on their reservations, the U.S. Government either gave or encouraged them to build, simple frame houses and log

²³ Utley, 39.

²⁴ Bureau of the Census, 2001.

cabins. Most complied, though there seemed to be little attachment to this new form of housing. Black Elk, speaking in 1931, remembers back to the 1890s:

“I came to live here where I am now. . . . Others came too, and we made these little gray houses of logs that you see, and they are square. It is a bad way to live, for there can be no power in a square.”²⁵

The writer Hamlin Garland visited the Dakota, Lakota and Cheyenne communities around 1900 and reported that people “have small, badly-ventilated log or frame hovels of one or two rooms, into which they closely crowd during the winter. In the summer, they use canvas tipis.”²⁶

Although efforts were made intermittently through the first two-thirds of the twentieth century to improve housing conditions in the Dakota/Lakota communities, for many, housing remained similar to that available to Black Elk in 1890s. Most of the study’s older respondents, recalling the homes they grew up in, remembered one and two-room log cabins and simple frame structures, without plumbing or other modern conveniences.

As in other Native American communities, beginning in the 1960s, the situation changed when it became possible for tribal housing authorities to receive funding for low-income housing programs.

Many low-income housing developments were built in the Dakota/Lakota communities, often through the combined efforts of three federal agencies – with HUD grants covering housing construction and operational costs, the BIA providing roads, and the Indian Health Service (IHS) covering infrastructure costs for water and sewer.

Because of the low-incomes of community residents, (the Dakota/Lakota communities rank among the very lowest in per-capita income of any communities in the United States), about two thirds of the low-income units built have been rental units which have no minimum income requirements. [Home-ownership units require evidence of a stable income because there is the expectation that the household will be able to maintain and repair the unit.] More than half of the households in the studied Dakota and Lakota communities are renters, compared to about a third in the Inupiat and Pima communities.

Although the federal investment in housing has undoubtedly improved the living conditions for many families, and many housing units have been built on the Dakota and Lakota reservations, the supply cannot keep up with the demand. Many of the older housing units, quickly constructed, have deteriorated beyond repair, the overall tribal population is growing, and increasingly there are tribal members who wish to return to the reservation after years, and sometimes decades, of living in distant cities.

²⁵ Black Elk, *Black Elk Speaks: Being the Life Story of a Holy Man of the Ogala Sioux as Told Through John G. Neihardt* (Lincoln: University of Nebraska Press, 1979, Orig. 1932), 194.

²⁶ Quoted in Paul H. Carlson, *The Plains Indians* (College Station: Texas A & M University Press, 1998), 170.

The 1990 Census indicated, for each of the two communities, about 30 percent of the households had more than one person per room, but these figures are likely to have seriously underestimated the situation. Not only were there overall problems resulting in challenges, of the 1990 census in the studied Dakota/Lakota communities, but more specifically, residents of subsidized units have reason to not report to census takers, (because they were viewed as government agents), the extent to which there are long term "guests" in the household. The residents were concerned, that any income the "guests" may have, in wages or assistance benefits, will be used to recalculate the total household's incomes and consequently the rent or home-ownership payments. Additionally, population growth and continued lack of employment opportunities since 1990 have likely made overcrowding more extensive and intensive.

The most crowded household visited was a one-bedroom house that regularly has 12 to 18 people living in it. The house was built in the late 1960s, as one of the first of the low income housing units. It was meant to be a transitional unit, to have a functional life of no more than five years. Many were built, because they could be built quickly, but the quality was even less than expected. This particular house was given to its occupants in 1974, and then later abandoned because of its deterioration.

In the 1980s, it was taken over by a mother with several children, hoping to make a home for her family. Over the years, her immediate family grew, and other members of her extended family came to live with her. When the household was interviewed, residing in the house were:

- the mother and her five children, ages 7 to mid twenties;
- the mother's sister, with her 2 year old granddaughter;
- the mother's uncle;
- the mother's nephew, in his late twenties;
- the teenage girlfriend of one of the mother's sons;
- and a man in his mid thirties, not related by blood to the mother.

Another of the mother's brothers, along with his two adult children, sometimes lived with the family. Additionally, until shortly before the interview, a daughter of the mother in her late twenties also lived in the household, along with her three children.

The condition of the house is extremely deteriorated and makes living difficult. There is very little insulation in the house and the winds rip through it, even with plastic over the windows. In the winter, the single wood stove and the oven going full blast in the kitchen cannot keep the house warm. The roof over the bedroom is near collapsing. Floors in the bedroom, kitchen, and front room are caving in. The electrical wiring is disintegrating. The bathroom fixtures spray water across the room.

Residents sleep where they can, on foam pads in the living room, on the sofas, and on the beds in the bedroom. In the summer "when the weather's good", some would opt to sleep outside in tents. Household residents believe the young children have recurring illnesses because of the extreme cold in the bedroom and on the front room floor where they often sleep.

When asked whether there were difficulties of living with so many people, the members of this household mentioned privacy, storage, eating, and hygiene. There are no doors in the house, other than the bathroom, making it practically impossible to have a private conversation. People who want to have a private conversation will leave the house. With so many people, it's hard for everyone to keep track of their personal belongings. Often things get lost. The kitchen is much too small, with no room for everyone to fit in for a meal. The single bathroom leads to many arguments – people are accused of taking too long.

The unit is eligible for the federally funded home rehabilitation program, but nothing has been done. There is a long waiting list of similarly distressed households. The household believes there may be bias in choosing which households get assistance. The mother has applied repeatedly for a rental unit, but has not been given any hope that one will be available soon.

Although the house described above was the most crowded, (in terms of persons per room), of all the households visited in the Dakota/Lakota communities, it was not the most crowded household heard of. Housing specialists told us of a one-room house with 15 people, and of several homes they knew of with 25-30 people living in three-bedroom houses. Of the 13 crowded Dakota/Lakota households visited and about which there is reliable information, the mean number of members was 9.5, the mean rooms-per-person was 1.9, and the mean interior area was 117 square feet per person.

While the "crowdedness" of the Dakota/Lakota households, in terms of persons per room and square foot per person, was slightly less than the Inupiat village, and more than the Pima community, the nature of the crowdedness, however, seemed qualitatively different. In the Inupiat village, while they were often very crowded, especially in terms of persons per square foot, household members were usually all part of one nuclear family, typically a couple with many young children. In only 25 percent of the households were there more than two household members 21 years of age or older. In the Pima community, similarly, the adults in the crowded families we visited were either parents and their partners, or a parent and a grandparent. In no households were there more than two household members 21 years of age or older.

In the Dakota/Lakota communities, much more than the other communities, the large, crowded households were more compounded, more patched together, as in the case described above. In over 62 percent of the crowded households, there were more than two members 21 years of age or older. For many households there was not a sense of one

family living together, but rather of several families and individuals who, often, would prefer not to be living together. However, as many families commented, they did not see any alternative.

Several times, after residents provided the names and ages of their household members, and identified their relationships to each other, they mentioned that they were not unlike other families in their neighborhood. As one respondent living with his wife, two young children, and nine others in a small, condemned, two-bedroom apartment, put it: "Lots of people here are in the same bind. You go to any home. They got people who aren't supposed to be there. There is no other housing available."

Another respondent explained how his household grew in ways that made it hard to say no, even when the growth jeopardized his own housing because of violating the maximum occupancy clause in his rental lease. In his case, his wife and their two teenage daughters were snug in a small two-bedroom (700 square foot) apartment they rented from the tribal housing entity. Six months before our interview, Child Protective Services approached them about his wife's sister's teenage son. The boy's mother was homeless and had already spent three months in shelters. Would they accept the son as a foster child? The couple agreed and the boy moved in. Three months later, the man the respondent's mother-in-law had lived with for decades became ill and was forced to move into a nursing home. The mother-in-law and her daughter (the wife's sister) could not remain in the house. They had few resources, no place to go, and no possibility even for emergency assistance. The respondent and his wife took them in as well. Reflecting on their current living condition, he noted: "It is too small. Overcrowded. Not much privacy. Storage is a big problem. But you learn to get along; mere survival depends on getting along."

Other families echoed the theme that overcrowded and deteriorated housing are secondary concerns for them, their primary concern was about satisfying more basic needs. In one household, for example, there were 13 people living in a small three-bedroom house: a couple; a brother-in-law; six of their children, ages 1 to 20; boyfriends of two of the teenage daughters; and two grandchildren, ages 1 and 3. When we asked the mother what was hard about living with so many people in the house, she replied: "Nothing. [What's hard is] Paying bills. Trying to keep food on the table."

It is difficult to estimate the extent of the compounded overcrowding illustrated in the above examples. No studies have been done, and no agency has a comprehensive database that encompasses all the housing units on the reservation and includes information on unit size, number of occupants, age, and relationships among household members. Everyone in the community, however, including community leaders and housing authority staff, believes that, for many tribal members, housing conditions are desperate.

Some note, also, that actual homelessness is becoming increasingly more visible: individuals and whole families are observed living in cars and tents for months at a time. A public health nurse remarked, "[T]here are some guys who sleep in a tool shed with the

lawn mowers and equipment. There were two guys living in a pigsty--they say it's warm. Every year there are one or two people that freeze to death sleeping in abandoned cars and unheated sheds."

Also, because there is so little available housing, there is a slide backwards to substandard housing. People are now often grateful to rent, for \$50 per month, abandoned old structures, without water or electricity.

Some measure of the housing need can be developed indirectly through comparing the current number of subsidized units, the waiting lists that the housing authorities keep, and the expected growth in low-income housing. In the two studied communities there are about 2000 low-income units currently managed by the housing authorities, about two thirds of which are rental units. About 1600 names are on waiting lists, about two-thirds for rentals. It is expected that with the housing funds currently received through NAHASDA for low-income housing, after allocating expenses for the administration of the low-income housing programs, and for maintenance and repairs to existing units, the housing authorities will have, at most, sufficient funds to add about 100 additional housing units per year.

Even these numbers, which suggest some households could be on a waiting list for a decade or more, underestimate the need. Hundreds more families, some currently occupying low-income units and some living elsewhere, are barred from putting their names on a waiting list because they owe back rent to the housing authority, or because they were evicted from a unit for housing lease or criminal violations.

Because of the extreme need in these communities, outside charitable organizations such as Habitat for Humanity have begun working on the reservation. Some units have been provided through Operation Walking Shield, a federal program that moves excess military and other federal housing units to Native American communities. The efforts help, of course, but they have not been extensive enough to significantly affect extreme overcrowding in the Dakota/Lakota communities.

CONSEQUENCES OF OVERCROWDING

When households were talked to about the difficulties of living in crowded situations; respondents often mentioned inconveniences associated with privacy, storage, and lack of space to engage in activities. When we talked with the health personnel, educators, and social workers who work with the crowded households in the studied communities, they brought up a different array of concerns.

Nurses and doctors who work in the clinics and hospitals that served the studied communities pointed out that there are some health consequences that arise simply from having many people living in and sleeping in a relatively small space.

Colds, flu, and respiratory infections tend to be more frequent in crowded households. Respiratory Syncytial Virus (RSV) is a particularly virulent form that sometimes puts young children in the hospital.

Head lice are a continuing problem and source of great frustration for families, schools, and medical personnel in some communities. Contagion is more likely if household members are sharing beds, or lying down where others have laid. Scabies can be transmitted in the same way, but is less frequently encountered. (Lice and scabies were not mentioned as problems in the Inupiat village, perhaps because of the cold climate and the infrequency with which people come into contact with people from other communities.)

Similarly, conjunctivitis can be spread more easily in a crowded house because of the greater number of people there are using the same bathroom and towels.

Aside from these relatively minor, though frequently frustrating, illnesses in the twenty-first century, we did not interview anyone that linked major physical health threats to the current residential crowding that is common in the studied communities. However, prior to the 21st Century, many infectious diseases such as tuberculosis, which historically devastated many Native American communities in the nineteenth and early twentieth centuries, were easily transmitted in crowded spaces.

A doctor in the Inupiat village explained that unless the crowding is very severe, as long as there is enough food, and warmth in the house, and the children are being nurtured, then, both medically and psychologically, everything is probably okay. When asked to define "very severe crowding" in this village, the doctor explained that it depended on the ages of the children, and that with a number of young children in the house, it was possible to have as many as 15 people in a three-bedroom house without it being considered "very severe" overcrowding. However, if other stressors are introduced, such as substandard housing, alcoholism, or family dysfunction, than much less crowded conditions can lead to medical problems and other difficulties for residents.

Many of the health problems that plague overcrowded households are due not to the overcrowdedness per se, but to the substandard living conditions. An unclean water supply can lead to diarrhea, infectious hepatitis (hepatitis A) and other water-borne illnesses. The lack of good tasting water can lead to chronic dehydration. Lack of complete plumbing affects both personal hygiene and safe food preparation. Deteriorated electrical wiring leads to fires. Uneven floors lead to increased falls and accidents. Inadequately vented heating sources lead to asthma and other respiratory illnesses. Inadequate heating leads to hypothermia, chronic ear infections, and hearing impairment. Lack of cooling in warm climates creates difficulties for those with high blood pressure.

Often, too, the negative consequences of certain behaviors are greater if the house is crowded. If there is smoking in a crowded house, it is more likely for medical personnel to see sinus, ear, and respiratory infections for everyone in the house. Similarly, if

marijuana or inhalants are used in a crowded house, nonusers in the house, especially young children, may experience secondary effects.

If there is any tendency toward dysfunction in the family, such as depression, anxiety, violence, or rage, as well as alcoholism or drug use, crowded living conditions can bring the tendencies forward and magnify their effects when they do occur. When there are many adults in a crowded household, there are often disagreements, frustrations, and pent-up anger. Traditionally, each of the communities taught people specific values and interpersonal skills that eased the strains created by living in close quarters. However, because of the cessation of traditional lifestyles and the impact of modern education and media, the traditional ways of dealing with conflict have eroded.

Alcoholism is a chronic problem in the studied communities. Some medical staff estimated that it affects eighty percent or more of the households. In a crowded house it is stressful to live with a frequently inebriated person and it is more difficult for other persons to stay out of his or her way. Because of the alcoholism, there is often spousal abuse, child abuse or elder abuse. In a crowded house, as well, there is often nowhere to drink except in front of the children. Young children take on heavy drinking as a model of adult behavior.

Alcoholism, drug abuse, and other dysfunctional behaviors may worsen an already difficult housing situation. Housing units are not taken care of, fires are started, police are called to break up fights or loud parties, rental or home-ownership payments are missed. Eventually, the household may be evicted, or the building may be burned down or condemned. Then, the occupants must find other places to live, in a community with few housing resources.

The educators were especially sensitive to the composition of the households, the flow of people through crowded houses, and the frequent changes of residence that often accompanied overcrowded housing. When there were young adults in a crowded household, in addition to the parents, it was often difficult for school-age children to get enough sleep. The younger children's sleep was often disturbed by television or loud talking, the older children would often stay up late with the young adults. Often, too, the school children did not have a bed they could call their own. Consequently many children were sleep deprived when they came to school. In some classrooms teachers just let them sleep through the first several periods.

When families are transient, moving from house to house because they do not have adequate housing, it affects the schoolwork of the children. On the Dakota/Lakota reservations, even a move within the reservation may require the students to attend not just a different school but a school in a different district. There are different textbooks and curricula.

Teachers and counselors are also aware that many of the students cannot give their full attention to their school work while at school because they are concerned about their home life and their housing. It may be difficult living with other young people, who are

now sharing their space; there may be conflicts at home between adults, or the students may even be unsure where they will be spending the night.

Educators are also sensitive to the large number of special education students enrolled in their schools. Many of the learning disabilities, they believe, are due to fetal alcohol syndrome and fetal alcohol effect. These children need special attention at home, too, which they are less likely to get in overcrowded, disorganized, households. A special education coordinator noted, "[I]f we had better housing, it would reduce the number of IEP (special needs) students."

School officials commented that because of their awareness of the overcrowded and unstable households, which so many of their children go home to, they have adjusted their programs. Many schools, for example, extend the school day so that homework can be done at school.

The social workers were especially focused on the traumas that can occur in overcrowded, unstable households. Some children get neglected. A social worker noted "[I]t's hard to watch a two year old when nine other people are in the room." A school counselor sympathized with the difficulties parents face, "[I]n crowded homes, there is not an opportunity to sit down and talk about things. Often parents are trying to do the right thing, but it is difficult to do it with so many people in the house."

Because of the overcrowding, because of the mixing of people of different generations together, young people often become sexually aware and sexually active at a young age. Social workers and educators report many early pregnancies. In some cases there is sexual abuse and incest.

Historically and today, intrafamilial adoption is common among Native Americans and Alaska Natives. Young children frequently went to live with uncles and aunts, or with grandparents, who traditionally were a part of the family unit and took a hand in raising children, or because the recipient family desired to live with the children. More recently, children living with relatives is often because the family of origin is facing difficulties. Even when because of circumstance children must be adopted outside the family, or placed in foster care, there is a strong cultural preference toward placing children in homes in the same community or village. During interviews in the studied communities, social workers noted that due to generalized overcrowding, it is now often difficult to find foster-care placements within the community for abused or neglected children under court orders. A social worker in one community noted that because there are so few housing options, if a sexual abuse perpetrator is apprehended and sent to jail, when they return they are allowed to go back to the household where the abuse occurred, even when the victim is still living there.

Findings and Recommendations

THERE IS VALUE IN STUDYING INDIVIDUAL COMMUNITIES

Each of the studied communities offers a different window on overcrowding in Native American communities and Alaska Native villages. Communities have different histories, are located in very different geographical settings and climates, and have different resources. Overcrowding expresses itself differently. Their housing needs are different. Policies or innovations that might work in one community might well not work in the other communities.

Through studying individual communities it is possible to gain a greater understanding of how a situation came to be. And it is possible to identify emergent phenomenon that may be missed when data from many communities are aggregated. Community studies are a complement to statistical approaches. Often they add depth and meaning to cold numbers. Importantly, too, they are a means of allowing the voices of community residents and leaders to be part of the discussion.

RECOGNIZE THE CHANGING NATURE OF OVERCROWDING IN ALAN AREAS

In earlier decades overcrowded housing usually meant large nuclear families, or simple extended families, living in one or two rooms. At the beginning of the twenty-first century, overcrowded households, as seen in the studied communities, are often more compounded, more complex, with a wider variety of relatives and non-relatives, adults and children living together by necessity rather than choice.

One way of highlighting this change is to compare household compositions in the Inupiat village with household compositions in the Dakota/Lakota communities. There is a shared historical trend emerging within these areas. As available housing supply fills up, including the substandard housing, young adults and new families must choose between leaving the village or living with relatives. As individuals and whole families were squeezed out of housing, relatives and acquaintances took them in (or they never left home at all). Alternatively, families and individuals pooled resources, simply to have enough money for the most basic and overcrowded of living conditions, utilities, and food. In the Dakota/Lakota communities there has been a shortage of adequate housing for decades, combined with very limited household resources. In the Inupiat village it appears to be just emerging.

The same tendency toward more compound, complex households seemed to be occurring in the Pima community, but it was somewhat blunted because of the extensiveness and affordability of housing near the reservation, and because of the relatively higher household incomes of community residents.

The possible next stage, just now being seen in the Lakota/Dakota communities, is actual homelessness. For some there are no more households with relatives or acquaintances to

take them in. As noted earlier, some individuals and families are without housing, living in cars, and unheated sheds. Perhaps the community has absorbed all it can.

This change in the perspective of crowding can occur with the most common indicator of crowding - the U.S. Census criterion of households with more than 1.01 persons per room - remaining the same, or even decreasing.

REFOCUS ATTENTION FROM REDUCING CROWDING TO CREATING SAFE, STABLE, SUPPORTIVE LIVING CONDITIONS

Over-reliance on the indicator of crowding set by the U.S. census, and adopted by many federal and state agencies, can divert attention from the areas of greatest housing need.

A couple with four children living in a three-bedroom house is considered overcrowded by the more than one person per room standard. In the studied native communities, such a household would be, compared to many of their neighbors, relatively uncrowded. The notion that each person should have their own room arises out of middle-class American values regarding the desirability of individuality, privacy, autonomy, and private possessions. Certainly, if AIAN households wish to offer their children a room of their own, as many do, they can be encouraged to do so. However, it seems inappropriate to label households with the pejorative terms "crowded" or "overcrowded" simply because they choose to (or must) use their limited incomes in other ways, even though they are also providing safe, stable, and nurturing environments for their families.

At the same time, it is important to develop measures of housing needs that focus local and national attention on conditions that truly are detrimental to children and adults, such as

- Severe overcrowding, with three or four or more persons per room, or with less than 100 square feet per person.
- Substandard housing with unhealthy or unsafe conditions.
- Compound households in which individuals and families who would prefer to not be living as a household are forced to do so because of the lack of housing options.
- Households in which children cannot be protected from neglect, physical and sexual abuse, or drug and alcohol abuse.
- Homelessness.

NEED FOR MORE HOMES IN AIAN AREAS

An obvious remedy for severe overcrowding is to provide additional housing. This is the approach being taken by the Pima community, using part of the revenue from its casino operations. The historical question of why there were, in the Pima community, so few housing options (both in numbers of units and in types of housing available), and why this continues to be true in the other studied communities, is complex, in many ways deserving a study of its own. Some of the critical elements, though, were suggested in discussions with housing authority personnel, community planners, and residents.

It is expensive to build in AIAN areas. Often, new homes and multi-family units require major infrastructure investments such as roads, water, sewer and electricity. In some areas, the building costs are much greater because of the distance from urban centers. In other areas short building seasons increase costs. Extreme cold weather, such as in Arctic Alaska, requires special building materials and procedures.

It is often time consuming to build in AIAN areas. Often projects must be coordinated with several different federal agencies: HUD to finance the actual home building, the BIA to support roads, the IHS to assist with water and sewer, as well as coordination with state agencies. Major projects require multiple approvals and must follow sometimes inconsistent regulations and guidelines. In addition to environmental reviews, many AIAN housing projects require extensive archeological evaluations. Additionally, because of the special trust status of tribally owned land, as well as land allotted to individual Native Americans and Alaska Natives, the clearing and transfer of titles is often a long and complicated process. There are frequently delays because of the lack of sufficient staff in the BIA office responsible for land transfers, and also delays relating to the lack of clear title because landowners have died without wills.

The return on low-income housing investments is extremely low. Historically, federal funds for AIAN low-income housing projects have required that rents and "mutual help" house payments be set as a percentage of household incomes. If incomes are extremely low, then very little is returned over time to finance new building projects. Low-income housing projects can be a financial drain, even after all building costs have been covered. The Inupiat village, for example, has been offered at no cost a multi-family rental unit owned by a regional agency. The village is reluctant to accept, however, because the income from rents is less than the maintenance and utility costs of the building.

In recent years, the housing authorities in each of the study sites have encouraged households to build or buy homes through private mortgages. A number of federal programs are available to assist households, including HUD's Section 184 and HOME grant programs, Rural Development (formerly FMHA) programs, and similar state programs. Very few households, however, have participated. Many are not able to do so, because their income is too low, or because they have poor credit histories. But also, for many working families, there is a lack of incentive to do so. The "mutual-help" homeownership program is open to households defined as low income, (80 percent of

median income). In places such as the Pima Community and in Alaska, the median income of the applicable regions is quite high – in the Pima community it was \$50,200 for a family of four. Unless a household's income is above the cut-off, which is true of very few families, especially young families, it usually makes economic sense to put one's name on a waiting list for a subsidized house and to wait for availability if one can.

Similarly, there is essentially no development of a private rental market in the studied areas. The rental market is dominated by the low-income housing projects in which rent is based on income rather than costs. It appears that private individuals and investors are unable to build units that are competitive in price. The only unsubsidized rentals noted in the studied areas were substandard houses that were inherited or abandoned when the owners moved into more modern, subsidized units.

In order for there to be more housing options available, not only are additional funds needed, but also a restructuring of the incentives so that more households will finance their own homes and individuals and companies will invest in rental units.

NEED FOR SUPPORT OF IHAs, TDHEs, AND THEIR EQUIVALENTS

Indian housing authorities, (TDHEs under NAHASDA), and their equivalents have many responsibilities. They are charged by their tribes or Alaskan Native villages with improving housing conditions, and, in so far as possible, to provide appropriate and adequate housing for all. In practice, these are not just housing agencies, concerned with building, repairing, and maintaining buildings, but also have become a critical part of the safety net in AIAN areas. These entities provide housing at reduced or no cost to those families with very limited incomes and provide counseling on financial issues, referrals to health and social service agencies, and overall support to families in low-income housing. Their resources, however, are limited. The funds they receive from HUD and other federal and state agencies do not allow them to adequately maintain and repair existing buildings, finance and oversee the construction of all the housing that is critically needed, and hire fully trained and competent staff to provide services. They must make choices, and often the choices are hard.

Programs to support housing authorities, such as providing short and long term training, professional mentoring, peer networking across reservations, and access to qualified consultants and experts, are likely to result in more effective use of housing funds, and in the long run, improved housing conditions.

One important area to focus on, which arose in various ways during many of the interviews, is ensuring that all housing services are distributed, (and have the appearance of being distributed), fairly. When there are multiple valid needs and limited resources, if there is not the appearance and reality of fairness, then charges of bias and favoritism are likely to appear and undermine support for housing programs.

Another important area, which also came up in interviews, is encouraging housing authorities to pay more attention to culturally appropriate planning and design issues. For

example, the loyalty, attachment, and sense of deep connection to family and community is one of the great strengths of Native American communities and Alaska Native villages. It is possible through planning and design decisions to support these values, rather than undermining them. Housing construction and assignment decisions can take into consideration existing family, band, clan, or neighborhood support networks. House plans can include a large combined living room and kitchen area to facilitate gatherings and visits by extended family members.

THE AMELIORATION OF SEVERE OVERCROWDING AND OTHER HOUSING NEEDS CANNOT OCCUR IN ISOLATION

Traditionally, AIAN housing never existed in isolation. It was interdependent with community resources, local ecology, ways of life, and cherished values. Today, severe overcrowding and other housing needs cannot be resolved in isolation. This is most clearly seen in relation to economic development and job availability. As a regional BIA official succinctly put it, "[I]f you don't have an economic base, [you] can't pay bills, [you] can't have a house."

Jobs are important, not only because they provide income, allowing individuals and households to purchase what they need, but also because providing for oneself and one's family satisfies spiritual and psychological needs. A Lakota health worker put it this way, thinking specifically of the men in the community:

When you formed a camp, there was a place for everyone, everyone had a role. The . . . situation is very different now. But what we had then we have to build on. People have to have a sense of who they are, where they fit into the community. A lot of men have lost the sense of being that person who is responsible for the family. There aren't the jobs. They are at home. They have no authority.

A greater sense of belonging and a greater sense of contribution might, in turn, lead to a reduction in much of the dysfunctional and addictive behavior that creates such suffering in crowded households and the community at large.

Ultimately, resolving housing needs, as well as meeting social, economic, and spiritual needs, depends on finding a balance. It is a process of bringing into alignment, over time, the resources the community is able to generate, the benefits federal and state governments are willing (or obligated) to provide, and the aspirations the community has or how it wants to live.

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FORT YATES DISTRICT APPLICANTS**1-BEDROOM**

	3/2/99	KERWIN WHITE BULL
	4/1/99	EUGENE STRETCHES
	9/22/99	RAELYNN TWO HORSES
	1/24/00	BRYAN CROW NECKLACE
5	3/31/00	SCOTT T. SEE WALKER
	4/10/00	SHERYL KIDDER
	7/13/00	CHARLES V. WISE SPIRIT
	10/24/00	WILSON ELK, JR
	6/4/01	TERRANCE BENDICKSON
10	6/21/01	CYRIL AGARD
	6/28/01	JOHN M. RODRIGUEZ
	7/20/01	DENNIS BUCKLEY
	8/13/01	MARY AFRAID OF HAWK
	9/14/01	ROBERT MORAN, JR
15	10/9/01	EUNICE KEEPSEAGLE
	10/29/01	CARL O. SILK
	11/1/01	SALLY E. LEE
	11/14/01	HADLEY WHITE LIGHTNING, JR
	11/15/01	CLIFFTON CONICA
20	12/7/01	STEPHAN WHITEMAN, SR
	12/9/01	THOMAS DOGSKIN, JR
	1/9/02	JOSH IRELAND
	1/22/02	TEDRA L. TIKANYE
	1/24/02	DORINDA MONTCLAIR

2-BEDROOM

	1/7/98	MARCELLA LEWIS
	2/1/99	LISA MCLAUGHLIN
	1/24/00	MARJORIE CHASING HAWK
	3/2/00	VERNIE BLUE THUNDER III
5	3/7/00	KEITH HARRISON
	3/23/00	SHARON K. HANKS
	3/30/00	JUNE STANDING CROW
	5/11/00	MARGEUX WALKING ELK
	5/15/00	LILLIAN M. KIDDER
10	5/15/00	REBECCA MARSHALL
	5/23/00	GENEVIEVE SILK
	7/17/00	DANIEL TWINN, SR
	8/1/00	STEPHANIE YELLOW HAMMER
	8/7/00	KAREN CULBERTSON-MORRIS
15	8/8/00	JOHN SEE WALKER
	11/13/00	SHERRI L. TWO HORSES
	11/14/00	JAIME L. KEENER
	12/4/00	JEWEL RED STONE
	12/4/00	RICHARD STAR
20	11/3/97	CARLA FIDDLER (refused unit 9/00)
	1/26/01	JEAN GRINDSTONE
	3/9/01	MARY J. DWARF
	3/16/01	JESSE BENDICKSON
	3/30/01	AMELIA MANY HORSES

Fort Yates - continued on next page.....

25	4/30/01	RENITA M. ELK
	5/4/01	KAREN LARRABEE (handicap)
	6/21/01	JESSICA PLEETS
	7/9/01	KENNETH TWO BEARS, JR
	8/2/01	CLETUS CADOTTE
30	8/6/01	TEDI BELL
	8/30/01	MANDY CLAYMORE
	9/17/01	PHILLIP HURKES
	10/25/01	EDWARD L. LAROCK
	11/14/01	ALAN STRETCHES
35	12/19/01	KIP H. BAILEY
	1/22/02	JAMES TESTERMAN
	1/29/02	RANDAL & CRYSTAL ZAHN
<u>3-BEDROOM</u>		
	6/5/97	JANELLE WHITETWIN
	8/21/97	RHIANNON SILK
	3/2/98	VALERIE JEWETT
	4/17/98	GAIL PRETENDS EAGLE-CASIAS
5	3/22/99	CALEB & CANDACE EAGLE
	4/6/99	SHELLY WHITE
	4/22/99	IRMA C. LINCOLN
	8/20/99	ANTHONY F. STRICKER
	8/30/99	CYNTHIA STANDING CROW
10	12/21/99	PHOEBE ARCHAMBAULT-SILK
	1/10/00	STEVEN & CANDACE YOUNGMAN
	2/15/00	DELANO LECOMPTE, JR
	3/29/00	DELAYNA D. EAGLE
	4/3/00	DANIELLE PLENTY CHIEF
15	5/1/00	DONNA R. THOMAS
	5/24/00	TANYA PEARMAN
	6/23/00	DEAN GILLIS
	7/7/00	MICHELLE LAWRENCE
	8/4/00	CLAUDIA EAGLE BOY
20	8/16/00	TAMERA ALKIRE
	10/16/00	MARTHA SHOOTS THE ENEMY
	10/19/00	ERIC PLENTY CHIEF
	10/30/00	SALLY F. SEES THE ELK
	11/14/00	DARVIN GOOD LEFT, SR
25	12/18/00	DERAE SILK
	3/12/01	DELNOE DOGSKIN
	4/23/01	EARLWIN YELLOW HAMMER, JR
	5/2/01	VICTOR DUCHENEUX, JR
	5/17/01	MELISSA EAGLE
30	6/18/01	TONI R. CLAYMORE
	6/27/01	JASON ST. JOHN
	7/19/01	EUGENE & MARILYN HARJO
	7/26/01	ALBERT DEFENDER
	8/24/01	DUANE & REBECCA USES ARROW
35	10/19/01	LELAND LAFROMBOISE
	11/5/01	MARGARET TWO SHIELDS
	11/19/01	LEON & TAMMY IRON ROAD

Fort Yates - continued on next page.....

12/12/01 YVETTE HOLY BEAR
 1/3/02 STEPHANIE WRIGHT
 40 1/8/02 HOLLY BRUNELLE
 1/9/02 RENO WHITE DRESS,SR

4-BEDROOM

9/4/97 RAQUEL WHITEMAN
 1/7/98 KIMBERLY WHITE BULL
 8/20/98 JUNIOR MCKEE (elderly)
 5/12/99 LEMAR CHASING HAWK
 5 10/13/99 KENNETH LOVES WAR
 4/17/00 ANTHONY E. LEWIS
 5/2/00 GENE L. PONGA
 6/13/00 KATHLEEN M. TIGER
 7/7/00 ADRIENNE DUCHENEAX
 10 9/1/00 TAMARA MOORE
 9/13/00 THANOUPHONE SAVANH
 1/2/01 LORNA HOWARD
 4/9/01 HARVEY GOODLEFT, JR
 4/12/01 MERCURY HOLLOW
 15 7/17/01 MICHAEL CROW FEATHER (police officer)
 8/6/01 GAIL USES ARROW-TWO SHIELDS
 8/9/01 ROBERT BULLHEAD
 10/19/01 STEPHANIE GREEN
 11/17/01 DEBRA F. PAINTE
 20 1/4/02 LISA DOGSKIN-IRELAND
 1/18/02 MARTINA MILLER-EAGLE

5-BEDROOM

5/4/99 HARRIET WHITE EAGLE
 2/13/01 BARBARA CHARGING CLOUD
 4/24/01 MAYNARD PRENTICE
 10/17/01 ODETTE SWIFT HORSE

SENATE SELECT COMMITTEE ON
INDIAN AFFAIRS:
HEARING ON STANDING ROCK SIOUX TRIBE'S PORTION
OF THE EQUITABLE COMPENSATION ACT

GOOD MORNING, SENATOR CONRAD. I WOULD LIKE TO FIRST WELCOME YOU TO STANDING ROCK AND APPRECIATE THE TIME AND INTEREST YOU HAVE IN THE ECONOMIC CONDITIONS HERE ON STANDING ROCK. THE IMPACTS OF THE FLOODING OF OUR HOMELANDS ARE STILL IN EFFECT TODAY.

THE TESTIMONY I WANT TO OFFER TODAY IS IN SUPPORT OF AN ALTERNATIVE WAY OF ADMINISTERING THE FUNDS FROM THE LEGISLATION YOU WERE INSTRUMENTAL IN.

THE EQUITABLE COMPENSATION ACT LAID SOME GUIDELINES I WOULD LIKE TO HIGHLIGHT HERE.

1. IT GAVE SOME DEFINITIONS AS TO WHAT STANDING ROCK SIOUX TRIBE MEANT. STANDING ROCK MEANT, MEMBERS OF THE GREAT SIOUX NATION RESIDING ON THE STANDING ROCK RESERVATION.
2. THE LEGISLATION ALSO GAVE AN IDEA AS TO WHAT THE FUNDS WERE TO BE FOR, AND THAT IS, ECONOMIC DEVELOPMENT, EDUCATION, AND OTHER PROGRAMS.

THE TRIBE IN IT'S EARLY DEVELOPMENT WORK ON JTAC, WITH INPUT FROM THE MEMBERSHIP OF THE TRIBE, DEVELOPED A PLAN AND ALSO ESTABLISHED WHAT WERE TO BE THE OTHER PROGRAMS. THOSE PROGRAMS WERE TO BE FUNDS, WHERE ALLOCATIONS WOULD BE MADE TO THESE FUNDS. APPLICATIONS COULD BE MADE TO THESE FUNDS, WITH THE PROSPECT OF INDIVIDUAL, COMMUNITY, AND TRIBAL GOVERNMENT INITIATIVES THAT WOULD BE REALIZED. THIS CONCEPT WAS DEVELOPED INTO A PLAN AND PRESENTED TO THE GOVERNING BODY FOR ACCEPTANCE. THE TRIBAL GOVERNMENT ACCEPTED THE PLAN WITH THE CONCEPT OF GRANTING, AND MEMBERSHIP WAS UNDER THE IMPRESSION THAT THIS WOULD OCCUR.

THERE HAVE BEEN OTHER DOCUMENTS THAT HAVE BEEN DEVELOPED THAT WOULD BASICALLY GUIDE THE PROCESSES OF ACCESSING FUNDS, MANAGEMENT OF THE FUNDS, ACCOUNTING FOR THE FUNDS, ALL WITH THE INTENT OF ADDRESSING ECONOMIC RECOVERY. (JTAC ORDINANCE, PER CENTAGE RESOLUTION, TO CITE A COUPLE)

04/09/02 TUE 08:08 FAX

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TO DATE, THERE HAVE BEEN DOCUMENTS DEVELOPED FROM THE TRIBAL FINANCE OFFICE THAT SHOW THE GOVERNING BODY ALLOCATED, AND SPENT, ALL THE FUNDS AVAILABLE IN THE TRIBE'S INTEREST ACCOUNT, AND OBLIGATED THE FUNDS FOR UP TO 7 YEARS. (50 MILLION PLUS, AND FUTURE \$36 MILLION PLUS)

ALL THIS WAS DONE WITHOUT FOLLOWING THE PLAN, WHICH WAS APPROVED FOR USE BY THE BUREAU OF INDIAN AFFAIRS, FOLLOWING A RESOLUTION THAT ESTABLISHED A BUDGET GUIDELINE BY APPLYING PERCENTAGES TO THE FUNDS, AND IGNORING FEDERAL OFFICE OF TRUST MANAGEMENT REGULATIONS, THAT, IN PART, CALL FOR A SIMPLE NEED TO NOTIFY THE MEMBERSHIP OF THE INTENT TO DRAWN DOWN FUNDS.

AS A MATTER OF FACT, THE IN-HOUSE ATTORNEY WROTE AN OPINION THAT REITERATED SOME PREREQUISITES THAT ARE CALLED FOR IN THOSE VERY REGULATIONS. THOSE BEING A PLAN, AN ORDINANCE, A LEGAL OPINION, AND A RESOLUTION THAT DEMONSTRATES TRIBAL AND GOVERNMENTAL APPROVAL ON THE USE OF FUNDS. THE BUREAU OF INDIAN AFFAIRS HAS NEVER MONITORED FOR THESE REGULATIONS AND HAS APPROVED DRAWN DOWNS, WHERE THE IN-HOUSE ATTORNEY STATES IN HIS MEMO WHETHER OR NOT THEY EVEN APPLY.

IN A FLURRY OF DRAWDOWNS, THERE WERE RESOLUTIONS PRODUCED THAT FOR THREE SCHOOLS ON THE RESERVATION. EACH WERE TO RECEIVE \$4,000,000 DOLLARS A PIECE. THE FUNDS WERE DRAWN DOWN, AND PRIOR TO THE CHECKS GOING OUT, THE TRIBAL COUNCIL RESCINDED THOSE ALLOCATIONS, BECAUSE "THE PLAN WAS NOT FOLLOWED."

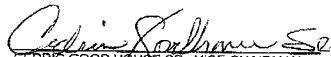
THE MONEY WAS DEPOSITED IN A BANK AT MOBRIDGE, SD, AND WITHOUT A RESOLUTION ON THE USE OF THESE FUNDS, THE ADMINISTRATION ENCUMBERED \$7,438,425 DOLLARS FOR CO-SIGNED LOANS. THE SIGNIFICANCE OF THIS IS, THE STANDING ROCK SIOUX TRIBAL COUNCIL WAS PETITIONED BY THE MEMBERSHIP TO ALLOCATE \$5.5 MILLION DOLLARS FOR A RE-LENDING PROGRAM. THAT RESOLUTION WAS RETURNED TO THE TRIBE BY THE BUREAU OF INDIAN AFFAIRS REQUESTING THE DESIGNATION OF WHAT FUND WAS THIS TO BE APPLIED TO. THE TRIBE NEVER DID RESUBMIT THE REQUEST. THE APPROVED PLAN CLEARLY STATES, THE FUNDS ARE NOT TO BE USED FOR "DEFICITS." PRIOR TO ELECTION LAST YEAR, THE GOVERNING BODY DID A NUMBER OF LOAN PROGRAMS THAT RESULTED IN THE BANKS ASKING FOR SOME SORT OF COLLATERAL TO COVER THE LOANS IN CASE OF DEFAULT. THE AMOUNT OF LOANS CO-SIGNED FOR IS WELL OVER 10 MILLION DOLLARS. THE ADMINISTRATION APPLIED JTAC FUNDS TO COVER THESE LOANS IN VARIOUS BANKS AROUND THE COUNTRY. NINE OF THESE BANKS ARE NOWHERE NEAR THE STANDING ROCK RESERVATION. ONCE AGAIN, THE DEFINITION, IN THE LAW SAYS, THE STANDING ROCK SIOUX TRIBE MEANS, "MEMBERS OF THE GREAT SIOUX NATION RESIDING ON THE STANDING ROCK RESERVATION."

SENATOR CONRAD, TO DATE THE ADMINISTRATION OF THE JTAC FUNDS HAS NOT BEEN FAIR OR EQUITABLE. I AM THE VICE-CHAIRMAN OF THE EXECUTIVE JTAC COMMISSION. THIS GROUP WAS ORGINALLY THE COMMUNITY JTAC ADVISORY COMMITTEE. THROUGH A NUMBER OF MEETINGS AND TAKING COMMENTS FROM THE COMMUNITIES, WE RECOMMENDED CHANGES TO THE PROPOSED JTAC ORDINANCE. THAT ORDINANCE IS NOW TRIBAL LAW. THE MAIN INTENT OF THE JTAC ORDINANCE IS TO ESTABLISH AN ADMINISTRATIVE STRUCTURE THAT WOULD STRIVE TO ADDRESS "ECONOMIC RECOVERY."

THE ECONOMIC CONDITIONS ON OUR HOMELANDS HAVE OFTEN BEEN COMPARED TO THIRD WORLD COUNTRIES, BUT WE STILL PAY PRICES THAT ARE COMPARABLE TO THE REST OF AMERICA, AND IN SOME CASES WE EVEN PAY MORE.

INDIVIDUALS, FAMILIES, COMMUNITIES, AND OUR GOVERNMENT NEED TO RECOVER ECONOMICALLY.

WITH THAT SENATOR CONRAD, I WANT TO THANK YOU FOR ALLOWING THIS TESTIMONY AND WOULD REQUEST TO RESERVE THE RIGHT TO SUBMIT ANY ADDITIONAL TESTIMONY, AND DOCUMENTATION TO SUPPORT THE PROPOSED ADMINISTRATIVE STRUCTURE.


CEDRIC GOOD HOUSE SR., VICE-CHAIRMAN
EXECUTIVE JTAC COMMISSION
STANDING ROCK SIOUX TRIBE

April 16, 2002

Ms. Tracee Gross
Indian Affairs Committee Staff
For Senator Conrad
530 Hart Senate Office Building
Washington, DC 20510

Re: Joint Tribal Advisory Council testimony

Dear Ms. Gross:

I'm writing to provide testimony to seek just compensation for the timber and land that was lost when my family's home was taken during the construction of the Oahe Dam Project.

My family and Standing Rock Sioux Tribe have lost a great deal with the construction of the Oahe Dam. Before the Oahe Dam was built, many tribal members lived in the lands along the Missouri River. The bottomlands were rich, and provided the finest crop and hay lands. They supplied most of the Reservation's timber for firewood and homes. The bottomlands represented the only sheltered area, which protected livestock and provided good habitat for game. It was a prime area for berries and other natural products on which many people relied for medicines and other purposes. Once the Oahe Dam was completed, these previous lands were under water, and 197 tribal families were forced to move from the sheltered bottomlands to the harsh and windswept uplands. In short, the flooding of lands from the Oahe Dam project took away the most significant lands of the Reservation and changed the way of life of the Tribe forever.

In an attempt to compensate for the loss to families and the Tribe, the JTAC Trust Fund was authorized. The JTAC Act provided that the Tribe had a right to repurchase, at fair market value, the Tribal lands taken from it in 1958. Individuals who had Reservation lands taken for the Oahe project would also have had a right to repurchase. If the individuals did not exercise their right to repurchase, the Tribe would have had the opportunity to repurchase those lands as well. While this portion was not included in the bill, it would be my request that I be compensated in a fair manner as originally suggested by Senator Conrad.

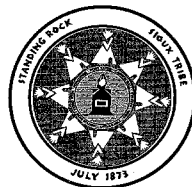
I'm a member of the Standing Rock Sioux Tribe and my family lived on approximately 900 acres, which was taken when the Oahe Dam was built. This has affected me in many ways. I'm the only survivor in my family, other than some nieces and nephews. I respectfully request the restoration of land or that I be compensated with a monetary settlement. The estate of my father, Thomas Martin, lost all timber and land allotment given to him by the Secretary of the Interior on June 25, 1910

I am 84 years old. I feel that my family deserves to be compensated for what was unjustly taken from them. I would use the compensation to purchase land and a home. Please encourage the adoption of restrictions of those requirements in the plan so those who were directly affected, such as my family, would have the first opportunity to seek funds and/or compensation.

Sincerely,

Theresa Martin
a.k.a. Agnes Marie Martin
Box 439
Ft. Yates, ND 58538
1-701-854-7329

Charles W. Murphy
Chairman



Tom Iron
Vice Chairman

Sharon Two Bears
Secretary

AT LARGE

Jesse Taken Alive
Reva Gates
Pat McLaughlin
Miles McAllister
Ron Brown Otter
Isaac Dog Eagle, Jr.

DISTRICTS

Carol White Eagle
Cannonball District

Verna Bailey
Fort Yates District

Milo Cadotte
Wakpala District

Frank White Bull
Keneel District

Avis Little Eagle
Bear Soldier District

Milton Brown Otter
Rock Creek District

Allen Flying Bye
Little Eagle District

Randal White Sr.
Porcupine District

March 29, 2002

The Honorable Senator Kent Conrad
United States Senator
530 Hart Senate Office Building
Washington, DC 20510

Dear Senator Conrad:

I am writing in response to your request regarding the funds authorized by the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act of 1992. This act commonly referred to as the "JTAC Act" provided an Economic Recovery Fund for the Tribe. This is a perpetual fund with a principal amount of \$90.6 million. The interest on the fund was made available to the Tribe, upon an approved JTAC Access Plan, beginning October 1, 1997.

Upon receiving the economic recovery fund, the Tribal Economic Recovery Fund (TERF) Committee had requested technical assistance from the Department of Interior through the Bureau of Indian Affairs. We were denied technical assistance monies and were not provided any specific guidelines for permissible uses of the JTAC fund. The Tribe asked the Department of Interior for a clarification of its views on the scope of permissible expenditures, this Opinion was fairly vague, with the exception that per capita payments are unallowable.

The Tribe proceeded by approving of Resolution No. 178-98, which approved of the following JTAC Funds: Education; Social/Cultural Development; District Economic Development; Resource Development and Land Acquisition; Equity Development Finance Institution and Endowment Replenishment.

The Tribe began accessing the JTAC Funds through the development of Phase I - Resource Development and Land Acquisition Plan of the Tribe's Economic Recovery Fund Plan.

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SENATOR CONRAD
MARCH 29, 2002

There were many land sale applications at the Bureau of Indian Affairs Realty Office, for over 20 years. As it is our desire to increase our land base and provide economic opportunities to our membership; we chose to begin accessing the JTAC funds through a purchasing process that has been in place for many years. In other words, we chose to begin utilizing the funds without creating a new system. Under the delegated authority of 209 DM 8, Secretary's Order Nos. 3150 and 3177, as amended, and 10 BIAM, Bulletin 13, as amended, the Great Plains Regional Director approved of our Phase I - JTAC Access Plan.

The Tribe withdrew \$6,000,000 from the accrued interest under Phase I - Resource Development and Land Acquisition Plan on February 2, 1999 and another \$6,000,000 on May 4, 2000 for a total of \$12,000,000. We have purchased six ranches (30,345 acres) which two currently are being utilized for economic development opportunities in the Kenel and Rock Creek Districts. We are discussing future plans for the remaining four ranches we have purchased with these funds. We have completed three lists of individual land purchases, our staff is currently working on a fourth list and we are placing people on a fifth list. Thus far, we have purchased over 65,000 acres and have expended approximately \$8,400,000.

The Tribe later developed and approved of a JTAC Access Plan through meetings with the local district communities by several committees, beginning with the TERF Committee and a JTAC Executive Committee. The JTAC Access Plan was approved by the Tribal Council on May 4, 2000 and was later approved by the Great Plains Regional Director, Ms. Cora Jones. The Tribe also developed a JTAC Ordinance and developed a JTAC Advisory Committee to assist in the approval of the Ordinance. On July 6, 2000 the Tribe reaffirmed their approval of the JTAC Access Plan with emphasis on the importance of the Equity Development Finance Institute (EDFI) and training to be provided by Robert McLaughlin.

The Tribe withdrew \$4,300,000 under the Education Fund to assist the Wakpala District in the construction of a new school for the community. The children began school in their new facility in January of this year. The school currently provides an education for 238 Indian children from a number of our communities on Standing Rock and the Mobridge area. The school intends to open a day care for the students next year and currently employs one of our enrolled members as a part-time nurse and day care director. The exterior of the school is not complete, however, the total amount received by the Tribe has been expended.

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The Tribe also withdrew \$12,000,000 to assist in the construction of additional schools on Standing Rock, the funds are currently on deposit with a number of banks.

In addition, the Tribe has drawn down \$500,000 to assist our enrolled members in funding for Graduate School. The Tribe also withdrew \$4,000,000 from the Education Fund to assist the Sitting Bull College in the construction of a new Campus. Among the future plans of the college are to expand their curriculum, provide student housing, day care and assisted living facilities.

The Tribe withdrew \$13,000,000 for District Economic Development. Each District has received \$1,000,000 for the development of economic opportunities in their respective districts with the exception of the Kenel District who has received \$6,000,000. Currently the districts are in the planning phase for their \$1,000,000 allocations. The Kenel District has developed a cattle operation and developed a budget based on the Tribal JTAC Funds established in Resolution No. 178-98. The Kenel livestock currently maintains 418 head of cattle on tribal land and employs two hired hands on a full-time bases. During calving, roundup, branding and auction seasons the Kenel livestock employs between 10-20 additional Kenel community members.

The Tribe has withdrawn \$500,000 under the EDFI Fund. The Tribal Council established a Business Equity Loan Committee to administer these funds. The committee established policies and procedures, set up an operating manual and met with potential program participants. The Tribal Council re-programmed \$50,000 of the EDFI funds to the JTAC Administrative Department. The committee authorized its first business equity grant in the amount of \$56,100 to two enrolled members to purchase a convenience store in the Cannonball Local District. The balance of the fund is \$393,900 and is currently available to assist individuals in establishing businesses on the reservation. In addition, the committee submitted a technical assistance proposal to the US Department of Treasury, CDFI Fund, to develop a financial institution on the reservation.

In summary, the Tribe has utilized \$46,300,000 of the accrued interest on the JTAC funds. We are in the process of discussing additional draw downs and how these funds will benefit our enrolled members.

As you may recall, the JTAC Act also contained provisions regarding the return of excess land, lands which were taken by the Corps of Engineers for the Oahe Project and were not needed.

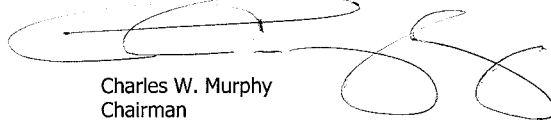
PAGE FOUR
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The excess lands were defined as those Reservation lands above 1620 feet in elevation. The Tribe thus far has been unsuccessful in the return of these lands. I have had a number of discussions and meetings in Washington, DC with congressional staff, representatives and the Army Corps of Engineers. I would like to ask for your assistance in any way possible to see that these lands are returned to the Tribe in the very near future.

On behalf of the Standing Rock Sioux Tribe I want to thank you for your support and for the upcoming hearing on Standing Rock.

Sincerely,

STANDING ROCK SIOUX TRIBE

A handwritten signature in black ink, appearing to read "Charles W. Murphy", with a large, stylized flourish extending to the right.

Charles W. Murphy
Chairman

“Survey”

Enrolled members of the Standing Rock Lakota Nation, this survey is requesting your ideas, input and opinions regarding the needs of this great Lakota nation. Understanding, our reservation has the money. Our Reservation has the time. Our reservation has the educational personnel. The change that is needed has to benefit “ALL” Lakotas. Some ideas to think about... Do we need changes on our Reservation in these areas.

1. Law Enforcement: If we own our tribal police Department. Would we be better off?
2. More education for all board members: We are entering into a technological stage. Think about this...
3. Discipline for all board members. For incompetent behavior and activities.
4. Tribal moneys posted. In newspapers. On radio, news letters. How much is our tribe worth?
5. Opinions from the people on how our money should be spent. How much money was loaned out. How many times can a person make a loan. For how much.
6. Is community development in reality. How, why, when, who, where.
7. Would a per cap be in place? (\$55,000,000.00 casino bucks tribe pay back for unpaid loans.) \$90,000,000.00 J-tack bucks. Total \$145,000,000.00. (55 million. 90.million. 145. million.) Are these figures right?
8. Should this money be put in some kind of program in a bank to draw interest. If this is already done. How come we don't know?
9. Think about this. \$145,000,000.00 9% interest per quarter. \$7.70 000,000.00. Times 4-quarter.\$30,000,000.00 per year. Multiply by the population of Standing Rock. On the average 6000. \$800.00 or \$900.00 for every enrolled member for life and growing. Think about this. You figure it out.
10. No more loans. Individual development. Can a per cap be used to control? You can be put on a budget if you break a tribal law.
11. Our tribe to invest in stocks, bonds, interest in large hotels, chain stores. Presently... Is there any money invested for our children.
12. Lets put our jealousy, animosity, dislikes and negativity aside and look for a better future for you and me, our children and their children.

Please.... Be Open minded. Look at this with good thoughts. What would you do? Please mail your response to and before 03-16-02.

My address is: Lynes V. End of Horn
 P.O. Box 106
 Wakpala, SD 57658

To the Editor:

I conducted a survey on the Standing Rock Reservation, and found some very interesting results.

Opinions came in from all over, and enroll members from across the country voiced their opinions and concerns. Our tribal councilmen should take a good look at some of these concerns.

In addition to reservation residents, surveys were completed by enrolled members from the cities, military personnel and college students. The survey results are in three parts -- questions, concerns and opinions. I will place them in as close of order as I possible can.

- Questions:

How much money is the tribe getting from the casinos? What are they doing with the money? Is the tribe investing the money? Is the money in a bank drawing interest? How come they don't give everyone a per capita payment? How come non-enrolled members can get a payment? Why is it that some non-enrolled members living off the reservation can get a payment and some can't? How come the military personnel can't get a payment? How come all college students can't get a payment -- some do and some don't? Can people doing time in jail get a payment? Can children that are minors living with a foster parent get a payment (enrolled foster child)? How come some district's people get more then the others? How come some districts get millions of dollars, and the other districts don't get anything?

- Concerns:

If there was a per capita payment everyone would get along. There would be no more loans. The tribe would not have to pay back unpaid loans to the banks. This could serve as a second income. With a per capita payment, we can pay our own Social Security, pay our own retirement and invest our own money. There are countless things a person could do with this money.

- Opinions:

We know that with the people who are living off the reservation, some get a payment and some don't. This is not fair. Likewise, with people living on the reservation, some get a payment and some don't.

- Solution:

The tribe should create a department to handle all these money affairs, collect the money from the banks, make investments, make per capita payments and help the people with their money. This per capita payment could be used to control crimes on the reservation. This payment could be used to control underage children with problems -- and adults as well.

- Summary:

A per capita payment can be done. The tribe has already given out unfair loans to people and the communities. That's a form of a per capita payment. The point is, all enrolled members are not getting the same amount of money. That's unfair -- living on or off the reservation.

Lynes End of Horn
Wakpala, S.D.