



Third Meeting
2005 Interim
September 13-14, 2005

Oglala Sioux Tribal Council Chambers (September 13, 2005)
Casey Family Program Center (September 14, 2005)
Pine Ridge, South Dakota

September 13, 2005
Oglala Sioux Tribal Council Chambers

The third meeting of the Legislature's State-Tribal Relations Committee was called to order by Chair Senator Stanford M. Adelstein at 9:30 a.m. (MT), September 13, 2005, in the Oglala Sioux Tribal Council Chambers in Pine Ridge, South Dakota.

The following members answered the roll call: Senators Stan Adelstein (Chair) and Tom Dempster, and Representatives Jim Bradford, Paul Valandra (Vice Chair), and Tom Van Norman. Senators Julie Bartling, Bob Gray, and Theresa Two Bulls; and Representatives Cooper Garnos, J.E. "Jim" Putnam were excused.

Staff member present: Tom Magedanz, Principal Research Analyst, Legislative Research Council (LRC).

(NOTE: For the sake of continuity, the following minutes are not necessarily in chronological order. All referenced documents are on file with the Master Minutes.)

Approval of Minutes

SENATOR DEMPSTER MOVED, SECONDED BY REPRESENTATIVE BRADFORD, THAT THE MINUTES OF THE SECOND MEETING (MARCH 21, 2005) BE APPROVED. The motion prevailed unanimously on a voice vote.

Remarks by President Cecelia Fire Thunder

Tribal President Cecelia Fire Thunder, Oglala Sioux Tribe, discussed steps to be taken to improve the situation for the Oglala Sioux Tribe and for the Pine Ridge Reservation and its inhabitants. She discussed barriers to progress, which include race relations in South Dakota and the need to build trust between the non-Indian and Native American communities. She stated that some federal resources that are channeled through the state do not always flow through to the tribes. She emphasized the need for dialogue between the state and the tribes and the need for non-Indians to accept the boundaries, traditions, and uniqueness of Native Americans and to accept them as who they are. She asked for a commitment to keep dialogue going and noted the need to get resources to the people. She listed numerous issues that affect the tribes and the state, including TANF, WIC, Food Stamps, school accreditation, and many others. **Chair Stan Adelstein** noted that South Dakota has the second largest TANF reserve in the nation and he hopes to address this in a future meeting. He also noted a

system in place in New Mexico that provides for legal redress for businesses and investors on reservations but recognizes and protects tribal sovereignty, another item for review at a future meeting.

Historical Background and Tribal/Federal/State Relationships

Dr. Craig Howe, a member of the faculty at Oglala Lakota College, provided a presentation on historical background and the history of interaction between tribes and the federal and state governments, focusing particularly on federal Indian policy. He categorized periods in Native American history as follows: Independence, prehistoric to 1820; Removal, 1820-1890; Detribalization, 1890-1930; Retribalization, 1930-1950; Termination, 1950-1970; and Self Determination, 1970-present. He also discussed the legal basis of tribal sovereignty and described the history of Lakota land areas in South Dakota. He distributed a packet of maps illustrating historical changes in land occupation in North America and in the northern plains (**Document #1**).

Senator Adelstein asked a question about the court settlement relating to the Black Hills. Dr. Howe stated that court proceedings were initiated in 1924 and settled in 1980 through the Court of Indian Claims, but the settlement was a monetary settlement only. A member of the audience commented that the court settlement awarded the Sioux \$17 million based on 1868 values plus accrued simple interest, which is a much higher amount. However, the Sioux have not accepted the money because that would imply acceptance of the loss of the land and acceptance of the abrogation of the 1868 treaty, something they are not willing to do.

Public Testimony

Tribal Vice President Alex White Plume discussed race relations and racism in South Dakota. He stated that the Lakota people do not consider themselves as a minority in American society and they do not have a minority attitude or mentality because they are the original inhabitants of this area and have been here all along. He said that it is necessary for South Dakota to acknowledge treaties and treaty rights and that South Dakota needs to make progress on racial attitudes. He noted that he received a call from a sheriff in Ogden, Utah about a law enforcement matter involving a member of the Oglala Sioux Tribe because the sheriff was obligated by the Treaty of 1868 to consult with the Tribe on such matters; he feels that South Dakota officials must make the same type of effort to acknowledge the 1868 Treaty and other treaties and obligations. He stated that South Dakota should assist in an effort to urge the Vatican to rescind the 1492 Papal Bull which promulgated the "Doctrine of Discovery" leading to subjugation of Native people in the Western Hemisphere. He said that it is vital that people know their history and that whites need to know their history too. He said he has feelings against whites, not as individuals, but for what they represent and for the damage that was done to Native people. He said that the Black Hills should be returned to the tribes to help correct a historical wrong. He advanced the idea of a "Nonindigenous Tax", a tax on non-Indian inhabitants of Indian lands that were taken. This tax on the newcomers would serve as a way to address racism that has occurred and continues to occur. He also discussed many false ideas that whites have about Native Americans and a false stigma about things such as government handouts. He stated that Native Americans were slaughtered in the past, something that amounted to genocide and that the effects of capitalism have been negative on

native people. He discussed an industrial hemp project in which he was involved that was halted by federal officials and is now in litigation. He stated that relations between Native Americans and non-Indians are more than "government-to-government" relations; it is really a situation of relations between nations because the tribes are sovereign entities.

Vice Chair Paul Valandra provided additional information on the 1980 court award for a Black Hills monetary settlement for the Great Sioux Nation. In 1984-85, the tribes formed the Black Hills Steering Committee, which opposed the court distribution plan and supported the Bradley Bill, which would have returned federal lands in the Black Hills to the tribes. He assumes that the tribes still oppose the distribution plan. He also discussed his background on the State-Tribal Relations Committee and noted that the committee can help people become involved in the process and that it also can be an effective educational tool.

Mr. Will Pettis, Chair of the Oglala Sioux Tribe's Education Committee, stated that the decolonized portion of the population resists colonization and strives to maintain its cultural identity. He advocates trying to bring about positive change without giving up. In the area of education he stated that the federal No Child Left Behind Act has caused problems and that Native Americans should oppose it. He stated that historical trauma hurts Native American people today and that nonacceptance is a part of that. There is a need to break the cycle of dependency, and treaties must be recognized. He said he is working on a proposal for a 2% employee tax to help spur economic development, but a problem is that money does not stay on the reservation. He would like help from the state on this tax proposal. He also discussed gaming and asked why there are so many gaming devices in Deadwood while tribal casinos are limited in the number of machines they can have. He felt that gaming compacts should be negotiated with the federal government on a nation-to-nation basis and not with the state. He said that the state receives money from tourism, partly because of Native Americans, so the state should provide help to the tribes and their members. He also said that the Black Hills are not for sale and Native Americans should not be required to pay entrance fees to go to the Black Hills to pray.

Ms. Beverly Tuttle of the Porcupine School provided testimony on education issues and would testify again the following day. She discussed the No Child Left Behind Act (NCLB) and noted that under NCLB the tribe must report to the state in dealing with NCLB requirements and she believes that NCLB is detrimental to Native American schools. She said there is a need for individualized education plans for students and for a system of care for children who are in school that would meet their individual needs, especially in situations involving foster care and other problems at home. She stated that 41% of families have single female parents and alternative methods are needed to keep children in school and help them succeed.

SD Department of Corrections -- Update on Native American Issues

The South Dakota Department of Corrections provided an update on efforts made in the last two to three years to address issues in the corrections system pertaining to Native American inmates and to address some of their concerns. Department representatives presented a PowerPoint presentation (**Document #2**) outlining recent programs and activities. **Department Secretary Tim Reisch** discussed changes under the Rounds Administration in corrections policy as it relates to Native Americans. He described DOC's Cultural Awareness

Group, which addresses funeral furlough policy, diversity of the DOC workforce, staff training, cultural activities, culturally-specific treatment, and related issues. He also described the department's Tribal Liaisons program. Currently, five tribes have designated members to serve as tribal liaison people to work with inmates in the prison system and with the department. **Representative Tom Van Norman** asked how the DOC system identifies inmates by racial group. Secretary Reisch answered that racial identification is done by self reporting by the inmates. The department is currently trying to also identify tribal affiliation of inmates, but this is an effort that had not been previously done. Senator Adelstein asked on behalf of a constituent whether seniority of inmates makes a difference in eligibility for various programs. Secretary Reisch answered that seniority is not a factor and that entry into training and other programs is based on individual needs. Representative Van Norman thanked the department for its support of HB 1257 during the 2005 legislative session. The bill would have required that at least one member of the Board of Pardons and Paroles be Native American. He asked whether there will be another bill next session and what communication the department has with the Attorney General's office and the State Supreme Court on potential appointments to the board. Secretary Reisch answered that the Governor is aware of the issue and is currently working on a board vacancy. For appointments by the AG or Court, the department will give opinions if asked. Representative Valandra discussed the need for a culturally based reentry program for inmates reentering society after release from prison. He feels that things have improved recently although there are still more needs in this area.

Mr. Doug Hermann, Juvenile Program Director with the Department of Corrections, provided a juvenile corrections update and discussed the Children First Initiative, cultural activities for juveniles, juvenile recidivism trends, the Council of Juvenile Services, overrepresentation of Native American youth in the juvenile justice system, and other juvenile justice programs related to Native American youth. **Senator Tom Dempster** noted that he appreciates the department's efforts and asked where the main facility for the juvenile program is located and what constitutes secure detention for juveniles. Mr. Hermann answered that the main juvenile facility is at Custer and that individual needs determine the type of facility. **Representative Jim Bradford** asked about the disproportionate number of juvenile offenders who are Native American and whether this was most prevalent at the arrest stage. Mr. Hermann answered that there are several decision points along the way and that the first is the arrest. Representative Van Norman stated that they have been working on race issues but it is difficult to deal with these issues at the Legislature. There is a need to keep working on these issues, for juveniles and for adults, and he appreciates the efforts to this point. Representative Valandra said that there can be advantages to working at the state level because it is often easier to start studies and programs there than at the federal level.

Chief Warden Doug Weber discussed the adult corrections program and a variety of Native American cultural activities that are provided for in the prison system. He also discussed cultural diversity training for staff. Representatives Bradford and Van Norman asked about policies for family members and visitors attending pow wows. Mr. Weber stated that they have family pow wows and guest pow wows at different locations. Family members can attend pow wows but must be on a visit list because of security concerns. Representative Valandra noted that some programs that were suspended earlier have been reinstated, and he asked whether there has been a change in philosophy. Mr. Weber said not necessarily, but they are trying to accommodate Native American cultural and religious concerns as well as those of other

groups. Representative Van Norman asked about staff training for corrections system employees. Mr. Weber stated that employees receive four hours of preservice training by Sioux Falls staff before starting employment. Responding to a question about a medical outbreak at the women's prison in Pierre and a question about money and inmate phone accounts, he stated that there was a staph infection at the women's prison that is being treated and cleaned up, and that the phone accounts work well.

Deputy Secretary Laurie Feiler discussed the adult parole system, which was revamped in 1996, and the Community Transition Program (CTP), which involves planning for the inmate's release from custody. The Community Transition Program was begun in the fall of 2004. She also discussed the Evidence Based Programming Initiative, which attempts to base correctional programming on procedures and activities that research has shown to be effective. In response to a question by Senator Adelstein, she stated that 32% of the participants in the Community Transition Program are Native American and 62% of those completed the program, compared with 68% of all participants who completed the program. Representative Valandra asked about violation of the CTP; Ms. Feiler responded that drinking and drugs were the most common violations and added that the parole board has much discretion on how it handles individual cases. In response to questions by Representatives Bradford and Van Norman, she stated that inmates are allowed to go to reservations under the CTP and that a "qualified community" under CTP is one that has correctional facilities available for the CTP.

Questions for Department of Corrections Staff

Mr. Duane Martin, Sr. asked why these changes were not made earlier and why the department is always revising its procedures. Ms. Feiler responded that there are changes over time as we learn and continue to try to improve.

Ms. Twylla Turney directed several questions about prison conditions to Department of Correction's staff. To a question on how often Native American inmates receive traditional meals, Mr. Hermann stated that they have recently begun to do this. Ms. Turney asked why pipe carriers are charged for tobacco when the tobacco is donated. Mr. Weber responded that he doesn't believe that the pipe carriers are charged for tobacco used for religious purposes, but this is self-funded through donations and there may be a problem in replacing some of the donations. She asked when the preservice staff training in cultural concerns was started and was told that this training has been conducted for a decade or more but has been improved over the years. Ms. Turney asked about policy for juveniles in the corrections system related to the Indian Child Welfare Act (ICWA) and Children in Need of Supervision (CHINS). Mr. Hermann, a member of the state's Indian Child Welfare Commission, stated that the ICWA Commission requested the tribes to decide jointly how to proceed with CHINS cases. The state court system is required by ICWA to provide proper notification to tribes in cases involving Native American children, and the ICWA Commission is trying to improve the functioning in this area. All juveniles entering the corrections system undergo an assessment process.

Ms. Marleta Pacheco asked when the last increase in prison wages for inmates occurred. Mr. Weber stated that there has not been a recent raise. Rates for various jobs have been

equalized, but there has not been an overall increase in a number of years. They are not currently looking at a raise and that would require an appropriation to cover the cost. Ms. Pacheco asked whether evidence based programming has been used for Native American inmates. The response was that evidence based programming has not been used specifically for Native Americans, but a large portion of juvenile programming applies to Native Americans.

A member of the audience asked about the process for obtaining a pardon from the Governor and the statistics for Native American pardons. Department staff responded that the process is to apply to the Board of Pardons and Paroles, which screens the applicants and makes recommendations to the Governor. To a question on "discretionary parole" and how long an inmate whose parole has been revoked must wait before being able to go before the parole board again, the department said that the parole board determines the time at the time of revocation and that the period is usually two years.

A member of the audience asked whether the department can recommend parole for his son, who is serving a life sentence. Ms. Feiler stated that department staff cannot make those recommendations, but an inmate may apply once a year to the Board of Pardons and Paroles. She added that the board must accept all requests, but the board is not required to hold a hearing for each inmate making a request.

A member of the audience asked about the placement of juvenile offenders in foster homes when they finish their sentences. Department staff replied that the juvenile corrections program first checks for a suitable place, and if unsuccessful, they obtain a secondary referral for foster care, which they also check out. They attempt to locate and contact the juvenile's family and also ask the juvenile himself.

Public Testimony

Ms. Mary Poor Thunder, a member of the Oglala Sioux Tribal Council from the LaCreek District requested information about a specific situation with the energy assistance program. She stated that Bennett County officials have been referring tribal members who live off the reservation in Bennett County to the tribal energy program rather than being included in the program where they reside, and she asked whether this is how the program is intended to be run. She also asked whether persons living off-reservation receive more money under the program than those living on the reservation. Representative Van Norman requested that the committee contact the appropriate state agency for information on how the energy program is to be administered, who has oversight over cities and counties, the chain of command, and possible remedies.

Ms. Twylla Turney described an incident at the Rapid City jail in which a prisoner who had been transferred from another city wished to speak with a mental health care provider. The prisoner was also not given her medication and had thoughts of suicide. Ms. Turney would like to meet with Rapid City and Pennington County officials and feels that there are problems there with the jail system.

Ms. Marleta Pacheco thanked the committee for coming to Pine Ridge and for inviting the Department of Corrections. She submitted **Document #3** and **Document #4** and stated that

there is a crisis in the corrections system. There are funding problems for the current department programs, especially those that are financed by donations. Funding is needed for Native American spiritual groups as donations have run out. Wages for prison inmates have not changed but commissary prices have increased. The amount that a prisoner needs in his account in order to have a television has decreased from \$700 to \$75, but the cost to visit the doctor has increased to \$5. She also relayed individual complaints from prisoners, some of which are included in the documents she submitted. These included denial of a request for a talking circle in Yankton, prison employees possibly abusing alcohol, criticism by prison employees of Native American cultural practices, unnecessary searches of ceremonies, an incident of possible inappropriate sexual contact by medical personnel, and inmates who are known to not get along being placed in the same cell.

A member of the audience who is a former inmate discussed her time in prison and feels that the system has not improved very much. There are some improvements, and some things are a little more subtle, but a lot of injustice still occurs. She stated that a felony conviction is an obstacle to getting a job and that nothing significant is done for rehabilitation while.

Mr. Duane Martin Sr. asked whether the committee has the power to pass legislation. He stated that he was the victim of treatment in prison that continues to haunt him and cause problems for him. He asked the committee to make a recommendation for a pardon for him. He described a letter he received from an inmate with a complaint about a prison employee who took spiritual items from the inmate. He said that if the committee has no power, it should leave his people alone, and the committee should look at the rights of people that are being violated.

Ms. Nancy Fleming-Martin also asked about the legislative power of this committee and said that the committee needs to be given power so that it is able to do something during the legislative session. She feels that Governor Rounds apparently wants to correct some of the bad feeling that remains from previous administrations, but the committee needs full power during the legislative session to act on bills. She also discussed the study done at the University of South Dakota on Native Americans in the South Dakota prison system. She stated that the study included reservation data when calculating racial characteristics of the prison population, but crimes committed on the reservation are not under county jurisdiction. This overstates the size of the population base, which in turn understates the size of the disparity of Native Americans in the state prison system reported in the study. Representative Valandra stated that the committee did point out to the authors of the study that there may be questions with the data. Representative Van Norman stated that the committee should ask the USD people to correct the base figure and recalculate their disparity percentages.

The committee recessed at 5:15 pm.

Wednesday, September 14, 2005
Casey Family Program Center, Pine Ridge

The committee reconvened at 9:15 am on Wednesday, September 14, 2005, at the Casey Family Program Center in Pine Ridge. The committee heard presentations and public testimony on education and economic development issues.

Education Issues

President Tom Short Bull of Oglala Lakota College (OLC) discussed OLC's roles and mission, as well as workforce and career preparation. He began by providing background on information on the history of Native American education. He noted that Native Americans were the last minority group to be brought into higher education and that early schools were designed to be trade schools where abuse was often present. It was only in the 1950s that significant numbers of Native American people began attending college. During the 1960s, President Johnson's poverty programs encouraged college attendance, but graduation rates at mainstream institutions were low, often because students were not prepared for the cultural factors they encountered. At that time many tribal colleges were established on reservations around the country. Oglala Lakota College was formed in 1971 to meet these needs. Several bachelor's degree programs were available, and nursing was one of the major programs offered at the college. The student body was 70% female. Teacher training is an important part of OLC's mission. Currently 100 of the 200 teachers on the Pine Ridge Reservation are Native American, and 80% of those are OLC graduates.

Mr. Short Bull discussed potential legislative issues affecting OLC and tribal colleges. One problem is the need for financial support. The tribal colleges were started in the 1970s with federal funding, but Congress did not want to set a precedent for complete federal funding for these colleges. The states typically view the tribal colleges as a federal concern, so as a result they are always in need of funding. Montana provides \$1200 to tribal colleges for each non-Indian student to help reimburse the colleges for this education service that they provide for the state. Representative Valandra asked what the number of Indian students is at OLC. Mr. Short Bull said that the total enrollment at OLC is 1400, and approximately 12% of OLC's enrollment is non-Indian. At Sinte Gleska University in Rosebud, the non-Indian enrollment is approximately 30%. Mr. Short Bull stated that tribal colleges are a type of community college resource for the state, and they need state help to cover some of the costs resulting from non-Indian enrollment. He felt that legislation similar to Montana's would be helpful. Representative Valandra noted that it may be helpful in pursuing this issue to clarify the status of OLC as to whether it is a public institution, or a public but nonstate institution. Representative Van Norman also noted that it may be important for legislative purposes to clarify this because the state may classify tribal colleges as nonpublic and not eligible for funding. Again, the Montana legislation may be helpful for this issue.

Mr. Short Bull also asked the committee to assist in getting a highway sign erected on Interstate 90, probably at the Kadoka exit, that would list the Oglala Sioux Tribe and Oglala Lakota College, similar to the interstate highway signs for the Rosebud Sioux Tribe and Sinte Gleska University. He has contacted the Department of Transportation, but there may be a provision in state law that prevents this based on distance from the highway.

REPRESENTATIVE BRADFORD MOVED, SECONDED BY REPRESENTATIVE VAN NORMAN, THAT THE CHAIR CONTACT THE DEPARTMENT OF TRANSPORTATION TO ATTEMPT TO RESOLVE THE SIGN ISSUE. The motion prevailed unanimously on a voice vote.

Mr. Short Bull also expressed support for SB 120, which was introduced by Senator Adelstein during the 2005 legislative session and endorsed by the State-Tribal Relations Committee. The bill would have allowed a person to vote without showing a photo identification if the person is recognized by two of the three election judges. The bill was defeated in 2005, but he hopes the bill will be introduced again.

Senator Adelstein asked Mr. Short Bull whether OLC works with Western Area Technical Institute in Rapid City. Mr. Short Bull stated OLC is willing to work with Western Area Tech, although there have been some fund raising issues in the past. OLC does not want Western Area Tech to fund raise in competition with OLC. A member of the audience asked whether OLC's governing board is limited to tribal members only. Mr. Short Bull stated that since OLC is tribally chartered, the board is limited to tribal members.

Dr. Hank Rubin, Joint Dean of Education at the University of South Dakota and South Dakota State University, discussed the recruitment of Native American teachers. He distributed a paper entitled "Considerations: What Can We Do to Effectively Recruit More American Indian Candidates into South Dakota's Teaching Professions?" (**Document #5**). He discussed the need for vision and will, the development of education leaders, reconciliation and shared responsibility in South Dakota, making the teaching profession attractive to Native American students, and developing a planning framework for these goals.

Ms. Debra Bordeaux, Principal of the Loneman School, discussed the No Child Left Behind Act (NCLB) and noted that starting this school year reservation schools will use the Adequate Yearly Progress (AYP) standards for the state in which they are located. She stated that this will have a significant impact on reservation schools in South Dakota because Indian schools were not involved in setting South Dakota's AYP standards and the BIA did not involve these schools in the planning and decision making processes. Senator Adelstein asked whether using Native American teachers helps in graduation rates and achievement. Ms. Bordeaux replied that it is helpful and important to use Native American teachers, and she noted that there is no research that supports the way that Native American education has been carried on in the past. She also stated that the South Dakota High School Activities Association should recognize tribal schools and she favors recognition by the state of teachers accredited by tribal teacher accreditation groups outside South Dakota. She also favors alternative AYP definitions and content standards for tribal schools. She also noted that it is important to educate and change the attitudes of nonnative people because of the stereotypes about Native Americans that persist, such as alcohol abuse and government handouts.

Ms. Beverly Tuttle of the Porcupine School distributed the "Porcupine School Wrap-around Proposal" (**Document #6**) and a pamphlet entitled "Family Group Decision Making" (**Document #8**). She said there is a need for a separate education office on the tribal side too, as well as the need for funding. She also stated that assessment tools are key in assessing the progress of students, and there is a need to revise education codes. She also stated that the BIA bypassed tribes and local people in its planning and decision-making.

Mr. Chris Bordeaux of the South Dakota and National Indian Education Association discussed Native American education issues. He said that much of what he learned in the teacher preparation program that he attended at BHSU does not help him very much in

teaching Native American children and that teacher preparation programs must be specialized so that the material can be tailored to teaching Native American students. He said that Native American kids are being left behind, and that while he likes the idea of accountability of the No Child Left Behind Act, he feels that it still puts kids in a box and puts limits on how to proceed. He noted that he is not comfortable with the term "reconciliation" because the concept means two parties getting back together after a dispute, but in the case of Native Americans and nonnatives, the two sides were never together, and one side was taken advantage of. He is leery of programs that involve a partnership with the state, because often the state backs out and tribes are left to do the work. There need to be real jobs available for Native American students at the end of the education process. He also stated that the teacher education process for Native American teachers and administrators needs to show them how to run a BIA school, a much different situation than a conventional public school. Native American teachers need to learn both ways of teaching so they can use both native and nonnative methods. There are many aspects of Native American culture that must be considered when teaching Native American students.

Mr. Keith Moore, Director of Indian Education with the South Dakota Department of Education, discussed his position in the Department of Education. The position was created recently and he stated that Governor Rounds and Secretary Melmer are trying to make improvements. He would like to be involved and do more with Native American/State education issues. He feels that there are different issues on different reservations and that there are different situations for Native Americans on and off reservations and in urban areas. He also noted that it is important that nonnative people get a more realistic idea of what life is like for Native Americans

Representative Bradford, who is also a teacher, said that Native American teachers must be able to teach Native American children, but they must also be able to teach anyone. They must learn to function in both worlds. It is sometimes a huge cultural shock for Native American students going outside, and colleges must be aware of this and find ways to keep these students in school.

Mr. Bruce Waylon of Pine Ridge first went to school off the reservation and then graduated from OLC. He discussed some of the history of education for Native Americans in the United States, particularly efforts in the 19th and 20th centuries to get rid of Indian culture through the education process. The belief of the founder of Carlisle Industrial Indian School was "kill the Indian, save the man," and this attitude continues in some respects. He said that poverty still causes and perpetuates many problems. He also stated that students need to learn outside subjects as well as cultural subjects to better prepare them when they leave high school. He said that Native American students must be prepared to survive outside the reservation; students need to learn and preserve cultural things without losing outside knowledge, but they need both. He also feels that South Dakota should include more information and knowledge about Native American history and culture in the state's education and curriculum requirements for non-Indians, and he also said that it would be helpful for state legislators to be exposed to Native American history and cultural issues.

Ms. Emily Iron Cloud-Koenen of Casey Family Foundation Programs discussed a new group chartered by the Oglala Sioux Tribe for child welfare services and community building, and

she distributed the tribal ordinance to establish and charter the group (**Document #7**). The organization is called Lakota Oyate Wakanyeja Owicakiyapi, Inc. and provides for an integrated system of services in child welfare, mental health, education, and health. She discussed some problems with the current system that her organization attempts to address. She stated that programs are managed on a crisis basis with inadequate access to basic services and care, the system is fragmented, programs are territorial in sharing resources, abused children are not getting services, and there are few culture-based services. Her organization is somewhat independent of tribal government but still affiliated with the tribe and provides interrelated and integrated services. She noted that education can only work if there is adequate food, housing, and health, and if basic social needs are met. They hope to contract with the state Department of Social Services to funnel resources through their organization to help in providing services.

Representatives Valandra and Bradford and Senator Adelstein discussed the possibilities of contracting the food stamp and TANF programs and the high TANF reserve in South Dakota. The Sisseton-Wahpeton Tribe contracts and runs its own program although the situation there is somewhat different.

A member of the audience discussed a mentoring program for the children of incarcerated persons and noted that everything is connected. Adequate education and social services will lead to a reduction in corrections problems and fewer people incarcerated. He also expressed frustration that the tribes were not consulted in establishing standards and requirements for the No Child Left Behind act. The state's regulations don't leave room for language and culture and there is no recognition of what Native Americans lost to nonnatives in terms of resources lost. There is also frustration in dealing with bureaucracies whose priority is on the ways of western society.

Economic Development Issues

Mr. David "Tally" Plume, Director of the Oglala Oyate Woitancan Empowerment Zone, discussed the federal Empowerment Zone program and briefed the committee on projects for the Oglala Lakota Nation (**Document #9**). In response to a question by Senator Adelstein on what the state can do to assist with the money that has been leveraged in connection with the program, Mr. Plume stated that in some respects it is out of state or federal hands. Some things must be done in-house to stabilize conditions on the reservation, and some aspects of the educational system cause businesses to shy away and reflect on the work force. To help, the state could assist in recruiting businesses to the area and in helping persuade the federal administration to reauthorize the Empowerment Zone program. He also described a kosher packing plant program that uses a packing facility in Gordon, Nebraska and employs 83 people, 62 of whom are Native American. They are working with tribes in North and South Dakota to supply cattle and hope to launch a Native American brand. The nonkosher parts of the animal will be sold on another label.

Mr. Harvey White Woman, Executive Director of the Wawokiye Business Institute in Kyle, described his organization and said that its purpose is to help tribal members start small businesses. He said there is a need for entrepreneurs who are not dependent on the system and who are not state-run or tribe-run. He said there is a clash of values between

entrepreneurial and tribal cultures and that his group helps people to understand both and work with both. He noted that the Lakota Fund provides small business loans and that it is also necessary to try area banks. He hopes the state can advocate for tribal members for the federal Community Reinvestment Act for the promotion of economic development. There are obstacles in land and financing and in a lack of infrastructure such as water and sewer. It may be possible for the state to partner with tribes in developing infrastructure and the state may also be able to assist in increasing the development of tourism, which would help the entire state. He said that casinos have helped somewhat if the money from casinos is use to leverage economic development financing and that the tribes should be able to have more gaming machines. He also stated that he would urge the state to allow tribal members to go to the Black Hills without paying an entry fee. Finally, he said that it is important to work with young people in promoting economic development.

Committee Discussion

The committee and audience members discussed the possibility of setting up a session for the entire legislature on Native American issues during the 2006 Legislative Session, particularly in education and historical background, and discussed the format of the session.

The committee will try to schedule a one-day meeting in October in Pierre and another one-day meeting in December before the Governor's budget address.

Adjournment

The meeting was adjourned at 5:00 pm.



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