

MINUTES
Approved by the Committee
Idaho Council on Indian Affairs
Friday, February 21, 2014
1:00 P.M.
Capitol Building, Room EW 20
Boise, Idaho

In attendance were Chairman Representative Marc Gibbs; Vice-chairman Silas Whitman, Nez Perce Tribe; Senators Dan Johnson and Cherie Buckner-Webb ; Representative Donna Pence; Gary Aitken, Jr., Kootenai Tribe; Nathan Small, Shoshone-Bannock Tribes; Dennis Smith, Shoshone-Paiute Tribes; and Shoni Pegram, Office of the Governor, sitting in for Roger Brown. Absent and excused was Chief J. Allan, Coeur d'Alene Tribe. Legislative Services Office (LSO) staff present were Ryan Bush and Charmi Arregui.

Others present included Representative Sue Chew; Johanna Jones and Matt McCarter, Department of Education; Bob Sobotta, Idaho Indian Education Committee; Tim Olson and Darren Williams, Nez Perce Tribe; Bill Roden, Coeur d'Alene Tribe; Lyn Darrington, Shoshone-Bannock Tribes; Joyce Broadsword, Department of Health and Welfare (DHW); Raeleen Welton and Russell Westerberg, Kootenai Tribe of Idaho; Jamie Delavan, Kessler-Keener; Patty Sanchez, Office of State Board of Education; Alan Miller, Idaho Department of Juvenile Corrections; and Becky Schroeder, Idaho Lottery.

Chairman Gibbs called the meeting to order at 1:07 p.m. and welcomed everyone present.

Mr. Dennis Smith moved that the Minutes from December 5, 2013 be approved, seconded by **Mr. Gary Aitken Jr.**, and the motion passed unanimously by voice vote.

Mr. Gary Aitken Jr. offered a prayer to begin the meeting.

The first presenter was **Johanna Jones**, Indian Education Coordinator, Department of Education, who introduced **Mr. Bob Sobotta**, Chair of Indian Education. **Mr. Sobotta** updated the Council on a motion with regard to Indian education. He said that he believes that having Johanna Jones in the Department of Education will be a key asset in moving forward Indian education. He said that the Indian Education Committee is composed of K-12, post-secondary education, tribal education representatives and tribal school representatives throughout the state and also tribal leaders. There are about twenty members who work with the State Board and Department of Education. He thinks there is a strong support group to work together moving forward with issues currently and in the future. **Mr. Sobotta** said that he and Ms. Jones would be presenting to the State Board of Education the next week to ask for their support to create a specific scholarship for Native students similar to the Governor's Cup. One aspect of this is that there had previously been a scholarship program for minorities at risk and that was consolidated into the Opportunity Scholarship. He expressed concern about scholarship access for Native students throughout the state. The Minority-At-Risk-Scholarships and Grow Your Own Teacher Scholarships are no longer available and used to support Native students. The Governor's Cup is a nice scholarship program. He said they hope to promote a scholarship within each Reservation throughout the state of Idaho. A letter will be sent to the Council on Indian Affairs asking for support for this.

Ms. Jones asked if there were any questions. **Vice-chair Whitman** asked if this would involve each Reservation in the state and **Ms. Jones** replied that it is their hope to designate a specific amount to each Reservation. **Vice-chair Whitman** asked about the number of possible scholarships and **Mr. Sobotta** replied that currently there are about twenty-five scholarships awarded in the Governor's Cup. It is their hope that five scholarships be created within the five Reservation areas, one for each area.

Mr. Dennis Smith requested that printed information be provided to the tribal members to take back to their respective councils. **Ms. Jones** replied that a formal letter will be sent to this Council and that the presentation at this meeting was a courtesy to let this Council know that a formal letter will be coming to seek support.

Vice-chair Whitman asked if each of the tribes would then be required to submit a resolution and letter to this Council. **Ms. Jones** said they were seeking a letter only from this Idaho Council on Indian Affairs. **Mr. Ryan Bush**, LSO, agreed to distribute such letter to the Council members and draft a letter of support.

Representative Pence asked about referencing that these scholarships would be "like the Governor's Cup" and **Ms. Jones** clarified that private donations fund the Governor's Cup scholarships and they want to seek private donations to establish something similar. **Representative Pence** wasn't clear if the five scholarships would possibly be part of the Governor's Cup or something separate, and it was affirmed to be separate from the Governor's Cup, but modeled after that, with private donations for funding.

Shoni Pegram said that the Governor's Office would be happy to share information about the Governor's Cup scholarships.

Mr. Jones handed out a copy of current Idaho statute to inform the Council members about the ability to qualify Native language teachers without going through the tradition of having a specific degree from a university. She said that the Department of Education is seeking alternative efforts to increase qualified Native language teachers in Idaho.

Mr. Nathan Small said that the charter school, sanctioned under the state of Idaho that the Shoshone-Bannock Tribes put together, just passed a resolution seeking three or four teachers to teach the Native language, asking how this might be connected. **Ms. Jones** said that she is working to push those forth.

Representative Pence asked if this was something to be presented this session and **Ms. Jones** replied "no."

Vice-chair Whitman commented that becoming skilled at reading and writing does not make anyone a linguist, in a true sense of the term. Many tribal members cannot converse fluently to understand issues. Oral history is critical, in his opinion, and he believes that the best teachers are those who have a difficult time speaking English or understanding English text. Many of his best teachers did not ever go to school, but they could be the ones who best teach children. He wondered how such people might teach since these elders and their cultural knowledge is critical and needs to be preserved. How might these elders be part of the pathway for tribal education and how can this be preserved in writing. His grandmother spoke seven languages and this was expected in order to trade and converse between tribes. Is there anything in the qualification process to allow flexibility for those tribal members who may not have the skills to qualify yet have such valuable knowledge. **Ms. Jones** said that each tribe could establish their own criteria for designating their qualified teachers. A resolution will be sent with the application which will come to her office, as well as to the certification office. That will be the standard procedure.

Mr. Sobotta said that within the Nez Perce language program, the elders who go to the Lapwai Elementary, Middle and High Schools didn't have to take a written test but instead worked with a circle of elders to receive certification. He also commented that these elders should be paid properly for their time.

Mr. Smith said that in the state of Nevada, even if there is one Indian child, the law in Nevada says that the Native American language will be taught. He couldn't seem to come to grips with the statute he was reading in **Ms. Jones'** handout. He got the Nevada law and sent that to **Mr. Bush** in LSO and wondered if that had been handed out. He asked someone to clear up his confusion. **Mr. Bush** clarified that there is a bit of overlap based on the request by **Mr. Smith** at the last

meeting to draft legislation based on the Nevada law. The handout statute basically states that it is an elective and must be taught in high schools, but otherwise the current statute and the new draft accomplishes the same thing.

Chairman Gibbs asked if that decision would be up to the Idaho State School Boards Association. **Mr. Bush** said that in both instances this would be left up to the Board of Education.

Mr. Smith said that the law in Nevada pertains to K-12 and by reading the handout, maybe this is already in place, but he said he may need further clarification

Ms. Jones invited the Council members to the next Indian Education meeting on March 7, 2014 at the ISU Meridian Center and they will be reinstating the Idaho Indian Education Summit on June 10 and 11, 2014 in Boise with the theme being the indigenous framework methodology. **Mr. Gibbs** asked **Mr. Bush** to distribute those dates to the Council members.

Mr. Nathan Small asked if there was any follow up from **Ms. Jones'** comment at the last meeting on December 5, 2013, regarding tribal education departments writing accurate cultural history of Indian tribes in Idaho. She had requested a contact person from each tribe for that reason. **Ms. Jones** said that she had contacted a public information officer of each tribe to send information that could be put on a website and thus far only the Coeur d'Alene Tribe had responded. **Mr. Small** asked what type of vetting a person would have to go through. **Ms. Jones** answered that they want to be sure that whoever speaks on behalf of a tribe, that they have the blessings of that tribal council and are not "doing rogue maneuvers."

Vice-chair Whitman next addressed Native American mascots in schools. He said that two school districts within the Reservation area up North were in discussions about mascots being portrayed in ways that offend Native Americans. Tribal members can help schools to confront this issue to make changes. A middle school in the Lewiston School District is looking at how they view, in character form, representation of their mascot name. More importantly, what has been really offensive to Native people in general is the depiction in a mural that is in a foyer of a school. The mural depicts a "Brave" holding a bloody scalp in the process of committing some act. When students pass this several times daily, five days a week for years, it does seem to put an impression upon students, whether Native or non-Native. There is also a drawing of what looked like Custer and Sacajawea, possibly done in a school project with an art teacher. Originally these "Braves" were called the "Savages." There was intent within the school district to try to keep some sort of commemoration, since the school is called Sacajawea High. The other school has their appended name of "Indians" and they have tried to be respectful in their depiction, using an actual image as people would think they might look. Interest has been shown to work through discussion with the tribe to change to promote greater understanding. The tribes want people to realize the humanity of what this is all about, even though many things are still at the formative level. If the school decides to change the mascot name, the tribe can help or encourage them. Throughout treaty areas, there are different mascot names that use tribal characters to depict that. He used the example of not using pictures of fake war bonnets and to educate others as to what it would take to achieve even one eagle feather. Each tribe has its own approach on how to do things and schools within each territory should discuss things with the tribes. Ask the tribes how they want things to be portrayed. They want a level playing field for students. Older students often step in to intercede. Parents often step in for elementary and middle school children. Dialogue is taking place and many tribes have had issues with portrayals of mascots. If you want to use tribes as an example, the tribes want to impress upon everyone that it is important to ask tribes how mascot characters should be portrayed correctly, tastefully and respectfully.

Mr. Small commented on the Pocatello "Indians" mascot and said that back in the 1970s tribal members were offended by their mascot and the way girls were marching around. The offensive mascot was changed, but they kept the girls wearing fake war bonnets and dancing to Hollywood music. No matter the complaints, this offensive behavior won't go away and still goes on today.

The Salmon "Savages" depict Indians as savages and Mr. Small says this is offensive to tribal members because he thinks that Native Americans are not the savages that came to this country. The people who came to this country were the savages, in his opinion, who treated his people very badly with killing, removal, and raping of women.

Mr. Small explained that many people do not understand what a "Redskin" is. He explained that a "Redskin" is a scalp. He said that the United States, in order to remove Indians, to do away with them by killing them, offered bounties on scalps and that is where the name "Redskin" came from. This is about dead Indians, so he asked how anyone could use that word with regard to school pride. These things are offensive and for the past 10-20 years there has been an effort to get rid of the word "squaw" from various locations within the state of Idaho. This has met with resistance, he said, but progress is being made for some names to be changed.

Mr. Small said: "What is it going to take. Is the state legislature going to do something about this? Is the Governor thinking about something like this? These things are not new subjects, but are decades old. When will we be politically correct?" He thinks this issue needs to be looked at.

Co-chair Gibbs said that Teton High School in Driggs are the "Redskins" and he said it was his understanding that there was a two-year study on a possible name change, adding that they have run into issues. The last he heard, this was still on track, having spoken to the Superintendent there. Mr. Small added that he thinks people who live there who grew up that way may have difficulty with change. **Co-chair Gibbs** said that when he went to Grace High School they were called the "Grace Red Devils" and they have since changed to the "Grace Grizzlies" and he agreed that it has been a sensitive topic. He said that it must become even more of a sensitive topic when some mascots are part of Native American culture.

Senator Buckner-Webb said she was grateful that the dialogue has started, agreeing that for decades people didn't know better. When we know that people are being hurt by something, then we need to change a mascot or a behavior, and today was a start by educating everyone in attendance at this meeting as to why the term "Redskin" is so offensive. She thought that 9 out of 10 people in Idaho do not know that, so as we learn more, we should be more eager to have that dialogue, and she complimented the tribal members for working with school districts to get something done.

Mr. Smith expressed appreciation for all the comments at this meeting. He said that when the Europeans came over, everything started going haywire, in his opinion, with Natives in America. He thinks that the federal government and the churches were here on one mission to take the savagery out of the Indians and make them white people. He believes that there is much disrespect of Native Americans in the way they are portrayed. He said he didn't remember ever the reverse occurring where tribal members disrespected white people. **Mr. Smith** suggested that this issue should be called to the attention of legislators which he hopes could generate further education.

Representative Gibbs asked that this be noted in these minutes and he agreed to send the information about mascots to his fellow legislators.

Mr. Gary Aitken Jr. said that people often say they mimic to honor, but he believes this intention to be misguided. Traditions in schools are often disrespectful to tribal members, and he said that the pain carried by tribal members is generations deep. Some Native American youth embrace these misguided behaviors which he thinks is a symptom of a bigger issue. As a minority, tribal members have little representation in the general media and they don't see themselves represented. He doesn't see respect and honor for Native Americans and he felt the need to speak out. The effects of this disrespect have also been trivialized, and most do not realize the generational effects of their culture. It is not honor by any means, according to him.

Senator Johnson said he thought it was a good idea to bring this issue back to legislative members. He said he didn't have the answer, but said he was willing to ask the question.

Co-chair Gibbs reiterated that the legislators would be informed about this issue on behalf of this Council on Indian Affairs.

Vice-chair Whitman said that no matter how much effort has been put on film, what is lacking is seeing efforts in the mainstream about what Native Americans deal with and the pain they go through locally. That gets overshadowed by sensational headlines. People often say that tribes have successful gaming casinos and sometimes communities ask for funds to defray the cost of changing disrespectful names and images that are all over the state of Idaho. They are told that they cause an economic hardship when a request is made for disrespectful mascots and images to be changed. This was none of their doing, and they have no way to put this out in the mainstream. The profile needs to be changed that the West is full of people playing cowboys and Indians. Teaching through public relations, legislation, and education can go a long way for success and impacts people, but he doesn't think that Native Americans get heard. They must rely on a spokesperson in the legislature or leadership or a Governor who is sympathetic. He said that "we can't even get one to come up and take a visit or stop in for a cup of coffee. We have to come down here and then he (the Governor) says: Now what do you guys want?" **Vice-chair Whitman** believes that there are sympathetic ears in the media.

Representative Pence said that she agreed with **Vice-chair Whitman** believing that having been an educator, she thinks that this is a good way to educate people. She admitted to not knowing what the term "Redskins" meant, and she thought that most people would be much more attuned to this issue if they knew what had been shared at this meeting. She believes that education can be very helpful.

Mr. Smith thanked **Chairman Gibbs** for his attention to this matter and expressed his appreciation to **Vice-chair Whitman** for his presentation on Native American mascots in schools.

Mr. Small commented that the National Congress of American Indians had released something recently to further the cause with regard to the Washington Redskins. He said he would forward this information to other council members about what is being done on the national level. **Mr. Bush** agreed to forward information about a commercial that was to be aired during the Superbowl which featured Idaho tribal members. However, it did not air, due to the extreme expense.

Chairman Gibbs said the next item on the agenda was discussion of HB384 and **Ms. Lyn Darrington** came to the podium. She is the legislative advisor for the Shoshone-Bannock Tribes and she reported that HB384, the tribal income tax bill to solve a problem that was created last year, was signed by the Governor on February 20, 2014 and was effective as of January 1, 2013. She expressed her thanks to the legislature for getting this bill passed.

Mr. Smith asked about the draft legislation regarding Native American languages being taught in schools. **Mr. Bush** reiterated that the draft legislation piggy-backed off the Nevada law and it clarifies that such classes would be an elective offered in high schools. This could be added to the section already in code, making those classes an elective only in high schools. HB429 was on the original agenda, and then a revised agenda was created. HB429 was deleted from the revised agenda after speaking to legislative advisors who didn't think this needed to be included.

Representative Pence asked if **Mr. Smith** wanted Native American languages to be taught in all grades, and she asked what happened to that discussion. **Mr. Bush** replied that based on discussions from the council's previous meeting, it was decided to draft legislation based on Nevada's law.

Chairman Gibbs said he thought that credits were being discussed for Native American languages in school, asking if that would pertain to upper grade levels, and that was affirmed by **Mr. Bush**.

Vice-chair Whitman commented that he hated to be a harbinger of different opinions, but the effort of preserving and teaching a language needs to begin with children as young as possible, not as old as possible. His son in college had noticed that native students excelled in class but when an assignment was to converse in the native tongue to become conversant, they fell short. When elders

work with young children in the Headstart Program, the results are amazing, but when these same children go home where a Native American language is not spoken at home, then it is not continued at home. The ability to have the language continued should be focused on the youth and then reinforced in the home as well. If there was the ability to promulgate rules to have all public schools teach Native American languages, or in charter tribal schools where the crux of that would be in their own history and culture, that is the alternative. He said that in Lapwai schools, they are trying to make a difference, but he wasn't sure about other schools around the state in Indian communities, but he said that schools and children need this chance.

Mr. Smith thinks that the Native American languages should be taught starting in kindergarten and first grade, not high school, and he wants to see that happen. **Mr. Smith** said he totally supports **Vice-chair Whitman's** comments about being focused on youth. He asked for the support of this council to accomplish that goal. **Chairman Gibbs** asked if **Mr. Smith** was proposing that there be two different education standards for Americans and non-Native Americans. **Mr. Smith** answered "no." **Mr. Smith** explained that elders were passing on and their language, history and culture are being lost, but the strong part is that with regard to education, the "white-man way is still being taught." **Mr. Smith** commended the Shoshone-Bannock Tribes for passing on tradition and instilling in their youth the language and culture that other tribes in the state cannot afford to fund. **Mr. Smith** thinks that if the law says that Native American language must be taught, he doesn't want that taken away. **Chairman Gibbs** said he doesn't perceive that anything is being taken away; he thinks that everyone is guilty of the same thing, to a degree. Often, parents want better or different for their children than they had, and yet everyone is guilty going back 4-5 generations of not preserving their heritage. Part of this is due to the evolution of technology which provides information to everyone. He didn't know if there is a lack in the school system of identifying this problem as much as the fact that Native Americans and non-natives are all changing. He commended the efforts of the Native Americans to preserve their languages, history and culture. **Mr. Smith** said that it really bothered him when, in his own family, white people told his family members that the Indian was going to be taken out of them because they were going to live in a white man's society and they must learn the white man's way. **Mr. Smith** said he has a big problem with this. If a non-Native child ends up in court, if that child is a tribal member's child, the law says that child must be educated in the Native American way. The Indian culture must be kept alive in that child, in his opinion. That is such a huge concern to him and others.

Mr. Small said that this council had been meeting for many years, and that any time legislators want legislation drafted that affects tribes in any way that he thinks this council should have the opportunity to be informed first in order to make recommendations on a proposed draft. He asked that this council remain vigilant with regard to this. When the Attorney General's office files amicus briefs with other states having to do with Indian Tribes in Idaho, those court cases should include informing Idaho Tribes and asking for their feedback about all the details involved. This council should be an integral contact between state entities and the tribes, and **Mr. Small** asked that the legislators and others be informed of this request, and that tribal members in this council be informed first. **Vice-chair Gibbs** asked for an example of something that perhaps was introduced where tribal members were perhaps blind sided. **Mr. Small** said that when tobacco issues were being addressed, he didn't think that tribal members had good input into such legislation. Sometimes legislation can be damaging to tribes, having to do with revenue and **Mr. Small** wondered why the state should control revenue - producing businesses on reservations. He thinks that sometimes that is an invasion on the sovereignty and the boundaries of reservations.

Mr. Small said he wasn't quite sure about the horse-racing industry, but he thought there is some type of machine to run old races videotaped previously. He wasn't sure if that would be a way to get rid of pari-mutuel or off-track betting, but under gaming compacts, he thinks that tribes have opportunities to do both types of simulcasting. Tribes need to keep an eye on such things, and they try to keep informed through tribal lobbyists, but he wants legislators to also be more sensitive to

keeping tribes informed through this council on all issues that could affect them. **Vice-chair Gibbs** asked how this council or legislature in general ought to interact with the five tribes, directly or through the tribal legislative advisors. **Mr. Small** said that information should probably be given to the tribal legislative advisors, since they are physically located in Boise and they can transfer any information to the tribes. **Vice-chair Gibbs** said that is what he has personally been doing and he is comfortable with that, as were the other legislative members on this council. **Vice-chair Gibbs** said that with regard to the historical horse racing, he didn't think this was meant to be a replacement for anything but rather an additional activity for the horse-racing industry and tracks. This was his understanding.

Mr. Small expressed concern about the state of Idaho looking at federal land transfers to the state and he said that he and other tribal members had testified against this, wondering how far along this issue was. Tribes need to be kept informed about this issue. **Mr. Small** mentioned treaties with the United States that are in place and the tribes want to make sure that nothing is circumvented by any possible transfer of lands.

Mr. Small said that the Governor had heard this from tribal members and that the Governor said he had already made agreements with the Department of Interior to transfer one million plus acres to the state already. **Mr. Small** wants to know when that happened and where that land is, so he asked if that information could be given to tribal members and **Shoni Pegram**, Office of the Governor, agreed to give a contact name to **Mr. Small**. Treaties are based on what the U.S. Government promised to tribes and they do not want those treaties circumvented by any possible land transfers.

Mr. Smith said that similar issues were occurring in the state of Nevada, and that he supported what **Mr. Small** had said. He suggested "consultation" with tribal members when there is any issue in the federal government or in the state that may affect tribes. **Mr. Smith** commented that drought is a very critical problem this year and that there are ways that the federal government can assist. All affected parties need to be in good communication about how to solve problems and address issues. **Chairman Gibbs** said that the legislature is extremely aware of the drought situation.

Vice-chair Whitman expressed his concern about snowpack and how that relates to fish and the lifeblood of water and river systems. He added that this year, however, there is expectation of the biggest Chinook run return in history and possibly one million fish coming back into the Columbia that are of fall Chinook origin. Tribes have the ability of providing a unique approach to taking care of wildlife that exists within their territories. Each tribe has successes, in spite of what man has done to the environment, and tribal members persist as part of their culture. It is very much a concern to each tribal member on this council as to how they are represented. They want to continue to educate the public, the state and the legislature, including education of children, as to how they want to continue to promote a better understanding of who tribal members are. Frustration is often expressed in this council because tribes need more help. He anticipates a greater push, especially with critical issues such as drought. Tribal members share with others what they have, and they promote even in their prayers having Mother Nature smile upon them. **Vice-chair Whitman** hopes that prayers and traditions eschewed by tribal members are promoted and realized, and the result of that is when the Creator smiles upon his "red children." Everything given to the tribes is shared and not harbored just for them. Tribal members expect to be treated with respect and to be supported. Everyone in the state wants more water and so do tribal members.

Mr. Ryan Bush announced that the Federal Lands Interim Committee would be meeting on March 14th from 1:00 to 5:00 p.m. here in the Capitol Building. This is a two-year interim committee that will be meeting throughout the summer around the state. Agendas for those meetings will be posted on the legislative website.

Mr. Smith wondered when the next council meeting would take place. **Chairman Gibbs** said that there was a meeting held in June, 2013, and **Mr. Bush** agreed to email the members about a possible meeting in June, 2014.

Chairman Gibbs adjourned the meeting at 2:55 p.m.