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LISTENING SESSION

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2015 LAND BUY-BACK PROGRAM FOR TRIBAL NATIONS

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1:18 p.m.

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Thursday, March 19, 2015

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VEE QUIVA HOTEL EVENT CENTER

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PARTICIPANTS

GOVERNMENT REPRESENTATIVES:

MICHAEL CONNOR, Deputy Secretary, Department of  
Interior

KEVIN WASHBURN, Assistant Secretary, Department of  
Interior

ANTHONY MORGAN RODMAN, Senator Advisor, Tribal  
Relations

JIM JAMES, Deputy Special Trustee, Field Operations

JOHN MCCLANAHAN, Program Manager

PUBLIC PARTICIPANTS:

BARNABY LEWIS	LEDA THOMAS
RUTH JIM	STEWART LEWIS
JANET NICHOLSON	JUDGE SALLY WILLET
ERNIE STANS GUARD	BUM STIFFARM
EVANGELINA YAZZIE	CHASTITY CHASE
LEDA THOMAS	RITA

1 P R O C E E D I N G S

2 (1:18 p.m.)

3 MR. RODMAN: So I think we're ready to get  
4 started. Welcome, everyone. I'll give it just a few  
5 seconds to get settled here. My name is Morgan Rodman,  
6 Senior Advisor on Tribal Relations. Before we really  
7 get started, though, I'd like to invite the Tribal  
8 Historic Preservation Officer for Gila River, Mr.  
9 Barnaby Lewis, to do an invocation for us if he would,  
10 please.

11 MR. LEWIS: Good afternoon. My name is Barnaby  
12 Lewis. I'm a member of the community from the Village  
13 of Blackwater. I'm pleased to be here with you to help  
14 in this way to ask the Creator for His help, His  
15 guidance, and to bless this gathering today because  
16 it's really a significant gathering, and the  
17 discussions that'll occur here.

18 So with that, you know, the Authen people, the  
19 Akononat, and the River people do these things with the  
20 language that our Creator gave us, the Authen language.

21 So with that, we want to ask the Creator for His  
22 blessing. (Native language spoken.) Everybody have a

1 good day.

2 MR. RODMAN: Thank you, Mr. Lewis, for those  
3 beautiful words and that blessing. Again, welcome,  
4 everyone to the 2015 Listening Session for the Land  
5 Buy-Back Program for Tribal Nations. And thank you  
6 very much to the Gila River Indian Community for  
7 hosting us, especially Governor Lewis and the other  
8 tribal leaders. Thank you for inviting us to your  
9 wonderful land here.

10 The breakdown for today, as you can see on the  
11 agenda here, we're going to hear from a number of the  
12 departmental leadership, including Deputy Secretary of  
13 the Interior Michael Connor, Assistant Secretary of  
14 Indian Affairs Kevin Washburn, Program Manager John  
15 McClanahan, and Deputy Special Trustee for Field  
16 Operations Jim James. And then we'll have some time  
17 set aside for comments from the tribal leaders who are  
18 in the audience about the Buy-Back Program. We'll have  
19 a short break, and then we will also hear from  
20 individual landowners this afternoon.

21 There are also interpreters available. There's a  
22 sign language interpreter available if needed, and also

1 an interpreter for Navajo. So please let us know if  
2 that is something that anyone would like, and then  
3 during the break, particularly for the Navajo language,  
4 we can get together and share updates on that.

5 Without further ado, I'd like to turn it to John  
6 McClanahan.

7 MR. MCCLANAHAN: Hello. Good afternoon, everyone.  
8 Thank you for coming to today's Listening Session. My  
9 name is John McClanahan. I'm the Program Manager for  
10 the Land Buy-Back Program. The program believes in  
11 collaboration, transparency, and constant learning, and  
12 today will be no different.

13 It's great to see a lot of familiar faces here.  
14 It's great to see some new faces. I know that some  
15 folks came to some of our Listening Sessions back in  
16 2011 before the Cobell settlement was even approved by  
17 Congress, so it's good that you're here again. I know  
18 I see faces that were in Portland last year when we had  
19 a Listening Session, and I also see a lot of new faces  
20 who may be just learning about the Buy-Back Program for  
21 the first time.

22 To everyone I say welcome. Thank you for coming.

1 It's so important to have your top questions, to hear  
2 your concerns and hear your ideas for improvement.

3 It's really important for us to gain that knowledge to  
4 make the program better.

5 I just want to cover a couple of things. I really  
6 want to introduce our staff that are here today, and I  
7 also will introduce a brief video about the program.  
8 Before I introduce the staff, I do want to say that we  
9 have a court reporter here today, so please when you'd  
10 like to speak, come to the microphone and identify your  
11 name and the location or your affiliation.

12 We're also seeking written comments, which you can  
13 submit through April 20. We'll conclude by 4:00 today.

14 We have a number of folks that need to make other  
15 meetings, or flights, or whatnot, so if everybody can  
16 try to keep their comments as brief as possible to  
17 respect giving as many people an opportunity to say  
18 something, that would be much appreciated.

19 We have a team that is coming together from all  
20 across Interior to make this program a reality. There  
21 are a lot of people here today from the Bureau of  
22 Indian Affairs, including Mr. Brian Bowker, the

1 Regional Director. And if each of the Interior folks  
2 could stand, I'd appreciate it so during break if  
3 people have questions they'd like to ask, then you'll  
4 know who these people are. Mr. Bowker, are you here?  
5 You're back there?

6 We also have Lester Sossi, the Superintendent of  
7 the Eastern Navajo Region from the Bureau of Indian  
8 Affairs as well. Lester is over there. We also have  
9 key leadership from the Office of Appraisal Services  
10 within the Office of Special Trustee. Eldred Lesansee  
11 and Iris Crisman are both here I believe. Eldred is  
12 the Director for the Office of Appraisal Services.  
13 Iris is the Deputy Director. They are focused on  
14 determining the fair market value of the fractionated  
15 tracts. They have appraised an incredible amount of  
16 land for the Buy-Back Program.

17 We also have Lorna Babby from the Bureau of Indian  
18 Affairs. Lorna is the Deputy Director for our  
19 acquisition team. She's out of Billings. And Lorna  
20 and her staff are responsible for creating the offer  
21 packets that we send to the individuals. She's also  
22 responsible for processing those packets once

1 individuals decide to sell. So it's thanks to Lorna  
2 and her team that on average we are approving a packet  
3 that's returned within five days. So if we get a  
4 complete packet, Lorna and her team are really turning  
5 that around quickly and getting the owners paid, so we  
6 appreciate that.

7 Outreach is one of the most critical steps for the  
8 program, and we do that throughout the entire process.

9 It's basically our concerted effort to make sure that  
10 individual landowners are aware of this program, and  
11 that there are multiple channels for them to get full,  
12 complete, and accurate information, with the goal being  
13 informed decision making. We want to make sure that  
14 the owners have what they need to make an informed  
15 decision. It's up to them, but we want to make sure  
16 that they get good information for that.

17 So we have Treci Johnson as our Public Affairs  
18 Specialist. Treci is responsible for getting  
19 advertisements in Native news publications across the  
20 country and for doing press announcements to remind  
21 folks that offers are outstanding or deadlines are  
22 coming up. Tracy has also helped us get out more than



1 100,000 postcards to individual owners to keep them  
2 abreast of the program, and aware of when offers are  
3 coming, and when deadlines are coming up.

4 The Office of Special Trustee for American Indians  
5 is a key partner in the Buy-Back Program when it comes  
6 to outreach. They have a Field Operations Division  
7 that handles our call center so owners are able to call  
8 in toll free to have their questions answered. So we  
9 do have the Deputy Special Trustee, Jim James, who will  
10 talk in a moment. We also have Cathy Rugen, who's a  
11 Regional Trust Administrator for the Western Region,  
12 among others. We also have some program specialists  
13 who are dedicated to working with individual landowners  
14 to answer their questions about the program, and that  
15 includes Tescha Hawley and Zan Spurlock. They are  
16 doing things like calling owners and making sure the  
17 owners have their packets, and also understand the  
18 financial implications of participating in the program.

19 And finally, we have a number of senior advisors  
20 on tribal relations, including Morgan Rodman, but also  
21 Katy Grounds and Santee Lewis. Morgan, Katy, and  
22 Santee are responsible for working with each Tribe that

1 we implement the program at to plan and tailor what we  
2 do for the specific culture and needs of the local  
3 location. They also lead the rest of the Interior  
4 partners and coordinate them for each location.

5       Importantly, I also want to recognize the many  
6 tribal leaders and staff that are here. You are  
7 definitely a huge part of the team that makes this Buy-  
8 Back Program work. Right now we have about 60 tribal  
9 staff that are helping implement this program across  
10 the country, so it's your local insight, your  
11 knowledge, your appreciation of the land and the local  
12 culture that is absolutely critical to make this  
13 program work.

14       And to illustrate that, I want to play a video now  
15 that the Standing Rock Sioux Tribe put together to give  
16 owners an overview of the program. The Standing Rock  
17 Sioux Tribe is one of the Tribes that we are working  
18 with under a cooperative agreement. And we'll play  
19 another video that the Oglala Sioux Tribe did at the  
20 break. So after we have the video, we'll turn next to  
21 the Deputy Secretary.

22       (Video presentation.)

1           MR. MCCLANAHAN: Okay. I just want to say a few  
2 things before I introduce the Deputy. I also wanted to  
3 recognize Kimberly Yellow Robe from the Social Security  
4 Administration is here outside the room. She's here to  
5 answer questions about how Federal benefits may be  
6 affected by the program. And I also wanted to say that  
7 we also have got some staff that are here outside the  
8 room to answer private questions, so if you have  
9 something that you want to ask just to a single person,  
10 we have people from the Interior Department, the Office  
11 of Special Trustee, available to answer your questions.

12           And then finally, this is a session to listen, so  
13 we want to listen, hear your concerns, your ideas of  
14 how you can help us make this better. And so, we're  
15 going to try to do, more than anything, listen to you  
16 and not respond so we can give as many people a chance  
17 to get their input on the record.

18           So with that, I have the honor of introducing  
19 Deputy Secretary Michael Connor.

20           DEPUTY SECRETARY CONNOR: Thank you, John, and I  
21 think John's comments are a helpful reminder to me not  
22 to go on and on. This is a Listening Session, and we

1 do want to get your input on where we are with the  
2 program.

3       It's an honor to be here with all of you today and  
4 hear your thoughts about the program, or if you're here  
5 just to get better informed about the program, that's  
6 welcomed, too. We're glad to be able to put on this  
7 Listening Session. It's an honor to follow that video  
8 because I think it demonstrates two things: first and  
9 foremost, how critical are our partnerships with Tribes  
10 themselves, and obviously Standing Rock has been a very  
11 strong partner in this endeavor, and we'll start seeing  
12 some activity on that reservation soon.

13       But it's also a reminder to me of how lucky I am  
14 personally to work for a President, Secretary Jewell,  
15 and before her, Secretary Salazar where I get to come  
16 to work every day with a high priority of this  
17 Administration being improving how we as the Federal  
18 government carry out our responsibilities in Indian  
19 Country. And I don't kid myself that we do that  
20 perfectly and without flaw, but I do believe very  
21 strongly that we have improved in how we carry out  
22 those responsibilities over the last six years. And we

1 are strongly committed to doing all we can to  
2 institutionalize those improvements over the remaining  
3 two years that the President has in office.

4 A few things. I just wanted to highlight some  
5 high-level thoughts just so you get my own perspective  
6 on the Buy-Back Program. First of all, I want to  
7 congratulate John and his team who carry out the Buy-  
8 Back Program. I'm going to make this a quick little  
9 story that I keep telling so John is tired of hearing  
10 about it. But I had a hearing last year in front of  
11 Senator Tester and the Indian Affairs Committee where  
12 he asked me something about the progress of the  
13 program, and I relayed to him at that point in time --  
14 that was almost a year ago -- that I've been in this  
15 position now as Deputy Secretary about one year, and I  
16 think the first two or three weeks on the job, I spent  
17 at least half of that time on the Buy-Back Program.  
18 And I thought to myself that I was going to be spending  
19 most of my time on the Buy-Back Program. But it was in  
20 a period of transition and really starting to ramp up,  
21 and it warranted that time investment as we moved  
22 forward. But it's incredible at how well the team has

1 operated and how they've worked through issues, how  
2 they've listened, and how the program has really  
3 started to hit its strides. And we do that in the  
4 combination, as John mentioned, with a whole lot of  
5 organizations within Interior itself, BIA, Office of  
6 Special Trustee, Office of Evaluation Services. And  
7 that's why the Deputy Secretary is involved is because  
8 it's taking such an overarching approach within in the  
9 Department.

10 I think at the Listening Session last year, there  
11 was a lot of doubts about how the program was  
12 proceeding, and it was in that same timeframe. I think  
13 now we have made great progress, but we are still  
14 committed to refining how we do our processes and carry  
15 them out under the Buy-Back Program, how we improve our  
16 coordination and communications, and how we can  
17 continue to produce results. But I'm happy to say that  
18 as of today I think the accomplishments are  
19 significant. We've got in place almost 20 cooperative  
20 agreements or other types of agreements with Tribes at  
21 this point in time. Those are all uniquely discussed  
22 in negotiated agreements. They're unique with respect

1 to time, scope, and level of responsibilities that  
2 Tribes are carrying out.

3 We have announced 42 locations in the last year  
4 where we expect to be doing a significant amount of  
5 land consolidation activities through the year 2017.  
6 Those 42 locations represent about 83 percent of the  
7 fractionated interests that we're aware are out there.

8 We have in this timeframe made over \$800 million in  
9 offers to over 50,000 landowners. And just the  
10 fluidity of the program, when I wrote these notes in  
11 response to the talking points I had, we were at \$340  
12 million of payments to individual landowners. And when  
13 I just revisited during lunch what the figures are  
14 within, I don't know, a week's timeframe, we're now at  
15 \$360 million of payments to individuals. That's helped  
16 restore the equivalent of about 560,000 acres of lands  
17 to Tribes themselves. Remember that's what the  
18 acquisition is for so that we can consolidate those  
19 interests and turn them over to the Tribes who are  
20 appropriately representing those jurisdictions. That  
21 is where the land consolidation rests. In doing so, I  
22 think we've unlocked resources, and we're already

1 seeing the benefits on the ground.

2 We know Oglala Sioux has invested \$9 million in a  
3 housing program that they have instituted on lands that  
4 have now had consolidated ownership. I had the great  
5 pleasure this morning of spending time with Governor  
6 Lewis and his team at the Gila River Indian Community  
7 talking about their implementation of the Land Buy-Back  
8 Program, and how they are using it to create a utility  
9 corridor and advance the Tribe's overall interests  
10 through a very well-thought-out approach that the Tribe  
11 itself has directed. So already I think the benefits  
12 are very significant.

13 We are also having transferred to the Cobell  
14 Education Scholarship Fund over \$4 and half million,  
15 and we'll soon be announcing significant more  
16 investments in that fund. I expect that scholarships  
17 will start to be offered in time for this fall's  
18 enrollment, and I know that's a very important part of  
19 the settlement that advances the goals and interests of  
20 Elouise Cobell herself in focusing on the next  
21 generation of tribal leaders and those who will carry  
22 out the business of self-determination and self-



1 governance.

2           So we've hit our stride. I think there are  
3 improvements to be made. There is enthusiasm that's  
4 spreading. We need to increase our staff to help  
5 address the demand that's out there. We need to ensure  
6 to complete the program within the 10 years that was  
7 authorized in the settlement and the authorizing  
8 legislation that we expedite our work in outreach, in  
9 reaching agreements, and processing appraisals, all the  
10 things that I think John identified earlier.

11           But as I talk about increasing staff, it's to  
12 better serve the program's needs. And quite frankly,  
13 we're also very proud of the fact that we're almost  
14 about 25 percent of the way through this program both  
15 from a time perspective and in the money that's already  
16 been expended. Notwithstanding that, we're at less  
17 than 10 percent of the administrative costs that were  
18 allocated to carry out this program. So we are being  
19 very judicious with respect to the resources that we're  
20 allocating for administrative purposes, and we will  
21 continue to do so because our focus is to ensure that  
22 we're well within what's been allotted for

1 administrative expenses so that we can focus those  
2 resources where they belong in the program, maximizing  
3 the benefits to individuals and to Tribes as we carry  
4 out the program.

5       So to wrap up, I just want to highlight our three  
6 primary goals that I see with respect to the program.  
7 That's to ensure informed and meaningful participation  
8 by the landowners themselves; that we work with Tribes  
9 to facilitate how we implement the programs in specific  
10 locations and further economic development of social  
11 goals that the Tribes have; and that, as I just said,  
12 we maximize the use of the funds on the ground and  
13 ensure that we carry out the program within the  
14 timeframe, and that we expend all the funds that are  
15 made available as part of this settlement as part of  
16 the Buy-Back Program and not return any to the  
17 Treasury.

18       And with that, that's my high-level thoughts. I  
19 welcome any feedback on that. And I would just like to  
20 say I'm going to introduce Assistant Secretary Kevin  
21 Washburn for a few comments as well. I'm also very  
22 lucky in getting to carry out the responsibilities that

1 the President has charged us with in Indian Country to  
2 have somebody as strong a leader with as strong a  
3 vision that Kevin has for Indian Country, and our  
4 appropriate role in furthering tribal sovereignty; of  
5 living up to the goals of fostering and facilitating  
6 self-determination, self-governance. And that's a  
7 constant theme that Kevin reiterates to the Secretary  
8 and I on a weekly, daily basis. And so, he's a very  
9 strong leader, and we're very lucky to him. Kevin, a  
10 few words.

11 ASSISTANT SECRETARY WASHBURN: Thank you very  
12 much, Deputy Secretary. You know, you heard from the  
13 President in this video, and you heard him talk about  
14 the Land Buy-Back Program. You have no idea how much  
15 pressure that puts on all of us to make sure it's  
16 successful. He knows about this program personally,  
17 and he's very significantly invested in it. He wants  
18 it to succeed, and so he has asked us to make sure it  
19 does.

20 This is really an important program because one of  
21 the worst policies of the 19th century was allotment,  
22 and which has produced this fractionation. And this is

1 our 21st century attempt to solve a problem that really  
2 began in the 19th century, and we feel really lucky to  
3 be part of that important effort. And we're lucky to  
4 have the Deputy Secretary here. That just shows you --  
5 Mike Connor, the number two person at the entire  
6 Department of the Interior of all 85,000 employees, or  
7 however many we have, this is the number two guy. So  
8 you can tell it's at a very level within our  
9 Department, too, and he's here to listen to you.

10 One of the things we know about Indian policy in  
11 the United States is that the Federal government has  
12 made a lot of mistakes. We've tended to make the  
13 mistakes most when we didn't listen to Indian people,  
14 so we are here to listen so that we don't make mistakes  
15 going forward. And frankly, these sessions have really  
16 guided our work since the very beginning. Everything  
17 we're doing, and we really do feel like we've been  
18 pretty successful so far. It's really gone well, and  
19 it's been because we've had constant conversations with  
20 Indian people, and have had these kinds of consultation  
21 sessions and Listening Sessions. We started doing it  
22 in about 2011 and had some more meetings in 2012, and

1 we've had sort of ongoing sessions all along.

2 We can't be everywhere at once with this program.

3 That's one of our great frustrations because we need  
4 to get to about 150 different reservations to be fully,  
5 fully successful. But we are working fast, and we're  
6 working hard, and we're actually accomplishing an awful  
7 lot. Already hundreds of millions of dollars have gone  
8 to Indian people for purchasing their interests, and  
9 every interest that we buy has gone to a Tribe, has  
10 consolidated lands for Tribes, and that's been hundreds  
11 of thousands of acres. So it really has started to  
12 make a big difference. Tribes are seeing a lot more  
13 income from that money from having that land  
14 consolidated, and that's really important.

15 Our communities need to be educated, and we are so  
16 thrilled. You know, we didn't put that video together.

17 The Standing Rock Indian Tribe put that video  
18 together, and that was such a nice video. And that's  
19 what we need -- we really need to be reaching our  
20 communities and the people that can respond and that  
21 are going to be involved in this program. So we're  
22 really thrilled to do that.

1           We have had some bumps along the way. One of the  
2 things we had early on was our own privacy laws kept us  
3 from giving certain information to Tribes to do  
4 outreach. And so, we've been working through those  
5 issues, and, you know, we can work through them, but  
6 they take time and they take process, and we feel very  
7 good about how that's gone. People have been very  
8 patient with us, and we really appreciate that.

9           But the things that you tell us at these sessions  
10 are really important, and we do listen, and some of you  
11 are repeat customers. We're glad to see you back. And  
12 my own Tribe is here. I'm a Chickasaw from Oklahoma,  
13 and my own Tribe is represented here, and so this  
14 matters to all of us very much.

15           So we must all work together for this program to  
16 be successful. It's a huge program. It's a heck of a  
17 lot of money, hundreds of millions of dollars, you  
18 know, more than a billion ultimately. Well over a  
19 billion dollars will be going out to Indian people to  
20 help purchase these fractionated interests. A program  
21 of that scale can only be successful if a lot of people  
22 are working hard and working well together. So thank

1 you for being here because you're helping us to make  
2 sure that it works, and we definitely want to hear from  
3 you.

4 We also -- there's a lot of programs involved in  
5 this to make this successful, and one of them is the  
6 Office of Special Trustee. And our Deputy Special  
7 Trustee is here, Jim James. And so, why don't I turn  
8 it over to Jim talk a little bit about their role and  
9 about their participation in this?

10 DEPUTY SPECIAL TRUSTEE JAMES: Thank you, Kevin.  
11 Thanks, Mike, and John, and everybody else. I have to  
12 follow the number two and the Assistant Secretary for  
13 Indian Affairs within the Department of Interior, and I  
14 am a mere program manager, if you will. But as Kevin  
15 pointed out, we play a very significant role in making  
16 sure that the Buy-Back Program is successful. But as  
17 you've heard, the Buy-Back Program really strengthens  
18 tribal sovereignty, and that's something that's coming  
19 from the President. It's coming from the Tribes and  
20 tribal leadership. Tribes are able to utilize  
21 consolidated lands for purposes consistent with the  
22 values and needs of their own communities, and that's

1 what we want to continue to see happen.

2 Individuals also can benefit from, both long term  
3 and short term, from the funds that they derive from  
4 the sale of those interests. And in prior Listening  
5 Sessions and throughout the course of the last couple  
6 of years we've heard from landowners and others  
7 participating in the program that there is a need for  
8 individuals who are participating to make informed  
9 decisions, to know and also to have some tools so that  
10 they're aware of what they might be able to do on the  
11 financial management end of this deal. At the end of  
12 the day, people are coming into significant amounts of  
13 monies and some amounts of funds in some instances, and  
14 we need to make sure that folks have some options and  
15 are aware of some options.

16 And so, we have 49 fiduciary trust officers across  
17 the country and their staff that are trained in  
18 providing financial management training and education.

19 We just did a little event down the road at the Head  
20 Start with a program there, which was kind of exciting  
21 because we got a chance to visit with four- and five-  
22 year-old kids and introduce them to the idea of saving



1 and money management, and it was really exciting. And  
2 so, that was a great thing. I wish it was something  
3 that I had when I was that young and beyond.

4 But, you know, the point is, and I don't want to  
5 spend a whole lot of time talking because this is  
6 really about hearing from you all. The biggest  
7 priority for our team, from OST, is to provide  
8 landowners the answers to the questions they need to  
9 make or they have to make very important and crucial  
10 decisions, life-changing decisions in some instances  
11 about what to do with their fractionated trust land  
12 interests. And so, as I said, we have fiduciary trust  
13 officers that are trained and work closely with the  
14 Bureau of Indian Affairs about other options that may  
15 be available.

16 And so, I'd encourage you all to visit your local  
17 OST offices, to call the trust beneficiary call center  
18 because if they don't have the answers, they'll make  
19 sure that your question is elevated or escalated to  
20 somebody who can do that. We participate in outreach  
21 events throughout the country with the tribal programs,  
22 with the Bureau of Indian Affairs, and with the Land

1 Buy-Back Program staff to make sure that we can answer  
2 all of the questions that are posed to us.

3 But really as Kevin pointed out, the success of  
4 the program really lies with community involvement and  
5 community support. And it really is, you know, this is  
6 an opportunity, a historic opportunity, for tribal  
7 leadership and tribal citizens to really take advantage  
8 of some opportunities, and to think about the effect  
9 and the consequences of their decisions. But we want  
10 to make sure that all the information is available  
11 before those individuals make those decisions. So  
12 we're happy that we're participating. We're happy that  
13 we're working with Tribes and tribal programs. I have  
14 a number of fiduciary trust officers here today and  
15 staff that's outside manning a booth, so on your way  
16 out, please stop by and ask them some questions or pick  
17 up some information as well.

18 So that's all I have to say, but I'm around and  
19 will be happy to answer any questions or take any  
20 comments as well. We have one last speaker before we  
21 turn the program over to all of you. So I'd like to  
22 turn it over to Morgan Rodman to give us a status on

1 the program thus far. Thank you very much.

2 MR. RODMAN: All right. I'm not going to speak  
3 too much about the status update. The video from the  
4 Standing Rock Sioux Tribe did a really good job, better  
5 than I could, in explaining some of the fundamentals.  
6 And I must say it's good to see some familiar faces and  
7 friendly faces in the audience. Looking forward to  
8 some great insights from all the wisdom in the room  
9 today.

10 So again, this covers background, priorities,  
11 phases, accomplishments, next steps. You heard what  
12 the Buy-Back Program essentially was about in the  
13 Standing Rock video. Those bullet points there are  
14 worth emphasizing. They're often the most  
15 misunderstood aspects about the Buy-Back Program.

16 So, of course, the Buy-Back Program derived from  
17 the Cobell settlement, the Land Consolidation fund,  
18 part of that settlement. And we have \$1.9 billion with  
19 this fund. \$1.55 is actually used to purchase  
20 fractionated interests. So fractionated interests,  
21 it's not one-over-one. It has to have at least two  
22 owners.

1           In trust, a restricted land, so not fee land, and  
2           this all comes from the settlement. And we're  
3           obligated to offer fair market value to landowners.  
4           And it's a willing seller program. No one is going to  
5           be forced to sell if they don't want to. And the  
6           settlement called for a 10-year period. We now have  
7           about eight years, and this goes into trust. If an  
8           individual decides to sell, it goes to the Tribe  
9           immediately.

10           So this is the lands that we're working with here.

11           You can see in the red and the blue on the right, over  
12           half of that pie chart, that's the Great Plains and  
13           Rocky Mountain region. That's where most of the  
14           fractionation is in the country. And I know that we're  
15           operating in some of the other areas there, but you can  
16           see the vast majority is in the Great Plains and Rocky  
17           Mountains.

18           This is a breakup of the actual Trust Land  
19           Consolidation Fund here. The blue part, it's \$1.55  
20           billion, and that's what's actually used to purchase  
21           land. The red part that you see is the administrative  
22           fund. That's capped at 15 percent, and that comes from

1 the settlement as well. That's \$285 million to operate  
2 the program to enter into cooperative agreements over  
3 the course of the next eight years.

4 Scholarship contribution, that also comes directly  
5 from the settlement, and that's at \$60 million. Every  
6 time an individual decides to sell an interest, there  
7 is a matching contribution that goes to that  
8 scholarship fund.

9 The program priorities, the Deputy Secretary, the  
10 Assistant Secretary referenced these, and individuals.

11 The primary aspect of the Buy-Back Program,  
12 communicating with the landowners like those in the  
13 audience, making sure that the information is there to  
14 understand what the decision to sell your interests  
15 means and how to fill out the deed, notaries, things  
16 like that. We're basically trying to provide as much  
17 information as we can.

18 Tribes. Tribes are also instrumental obviously.  
19 They help guide the implementation at the reservation,  
20 provide insight into how this program can success best  
21 at the various tribal nations. And also timely use of  
22 fund. I know that's a theme that keeps getting

1 repeated, but it's worth repeating that we have a  
2 limited time that comes directly from the settlement to  
3 get this done, to consolidate as much land as we can  
4 and spend the fund before it goes back to Treasury.

5 Major phases of the program. This happens at  
6 every location. You have outreach, land research, land  
7 valuation, and acquisitions. Outreach begins very  
8 early. That's in coordination within the Tribe,  
9 sending out information about when offers will come  
10 out, what the Buy-Back Program is, finding willing  
11 sellers, and really trying to make it a culturally  
12 specific approach at each location.

13 Land research also starts very early, and that's  
14 basically accumulating all the information necessary  
15 for appraisals, like land use characterization,  
16 minerals, sales data. All that feeds into the third  
17 phase, which is land valuation. And that is the  
18 appraisals that are done to determine fair market  
19 value. And acquisitions is the last component. That's  
20 the processing. That's the mailing. That's the  
21 generation of the deeds that go out.

22 Some of the accomplishments so far -- again, some

1 of these were referenced, so I'll just kind of breeze  
2 through these. Entered into 18 agreements with Tribes,  
3 and these are the agreements that fund some of the  
4 elements, like outreach and land research and  
5 appraisals at the reservations in coordination with the  
6 Tribe.

7 We've expanded the call center to answer  
8 questions, update addresses, and log interested  
9 sellers, launched a website,  
10 [www.doi.gov/buybackprogram](http://www.doi.gov/buybackprogram), and did various public  
11 service announcements. Hopefully some of you heard  
12 those. Issued more than 40 releases including media  
13 notices and op-eds. So this is another way to reach  
14 nationally, updates and information about the Buy-Back  
15 Program, gained coverage in nearly 400 articles in more  
16 than 110 news outlets, updated our system of record  
17 notice to basically share more information, facilitate  
18 the sharing of better information.

19 For the actual consolidation of land exceeded \$350  
20 million in land sales, and those are payments directly  
21 made to individuals. Consolidated over 550,000 acres  
22 of fractionated land at 14 locations, and so these

1 transactions happened since December 2013, I believe.  
2 So that's a lot that's been accomplished in a fairly  
3 short amount of time.

4       Achieved an average acceptance rate of 43 percent,  
5 and so what that means is for all of the offers that  
6 have gone out, 43 percent on average have returned  
7 those, accepted those. Exceeded the purchase goals at  
8 three reservations within 45 days, and 3,455 tracks  
9 have reached at least 50 percent tribal ownership. And  
10 again, the implementation costs have been running  
11 fairly -- it's fairly low I would say at 8.7 percent,  
12 and contributed to the Scholarship Fund over \$5  
13 million.

14       This gives a breakdown -- this slide here. I know  
15 that maybe it's difficult to see from the back, but at  
16 the locations where we've been operating, the general  
17 acceptance rate and also the sales that have occurred  
18 at each location. And you can see that the highest  
19 rate was at the current reservation at 64 percent, and  
20 they had over \$130 million that was paid to landowners.

21       And Gila River also had a high acceptance rate at 53  
22 percent with over \$51 million paid to landowners.



1           So some of the next steps. The open comment  
2 period from today will extend until April 20th, 2015,  
3 and we have information on how you can submit comments.  
4       That's also in the Federal Register notice, but we can  
5 provide that at this meeting as well. And looking for  
6 ideas for improvement, ways to increase landowner  
7 outreach, and how we would implement at less  
8 fractionated locations, structural improvements. These  
9 were all on the Federal notice of topics that we're  
10 looking for insight on, feedback on.

11           And we're also looking to continue implementation  
12 efforts. There's a status report that identified 42  
13 locations for implementation activities, and we'll show  
14 those in just a second. These 42 locations represent  
15 83 percent of outstanding fractional interests, so you  
16 can see that the momentum of the program is really  
17 focusing on some of the most highly fractionated areas  
18 in the country. And these locations also represent 67  
19 percent of eligible landowners.

20           And in getting prepared, if the Buy-Back Program  
21 is just coming to the reservation or will come to your  
22 tribal nation soon, these are some of the items that

1 would go into consideration before the program gets  
2 here, such as getting the information from the Buy-Back  
3 Program about GIS information, a geodatabase. We can  
4 provide that early on before an agreement is entered  
5 into to show basically the lay of the land where the  
6 tracts and the parcels are that could offer.

7 And also, we would encourage tribal nations to  
8 begin thinking about how can land consolidation help  
9 the Tribe achieve some of its land-related goals. So  
10 basically thinking about the vision and communicating  
11 that to landowners, and what are the acquisition  
12 priorities as well.

13 This is the implementation schedule. Well, that's  
14 the next slide here. So some more of the next steps,  
15 deadlines. For those locations that have offers out  
16 right now, there are about five of them. There's Coeur  
17 d'Alene, Umatilla, Salt River, Pine Ridge, and Rosebud  
18 is just being sent. So if any of you are landowners in  
19 those locations, there are deadlines coming up to get  
20 the offers back in, March 23rd for Coeur d'Alene, March  
21 30th for Umatilla, for Salt River, March 31st, Pine  
22 Ridge, April 20th, and Rosebud, May 16th. So be on the

1 lookout for that. And if you've missed a deadline and  
2 you're a landowner, continue to send in that packet as  
3 time and resources allow. That could be processed. We  
4 can't make a guarantee, but it's worth the time to send  
5 it back in. You can also call the Trust Beneficiary  
6 Call Center to get added.

7 So implementation schedule. This lists where the  
8 program will be operating through the middle of 2017.  
9 This is 21 locations that were added in addition to the  
10 locations that were mentioned in the updated  
11 implementation plan, I believe.

12 And that's it. I know that was kind of a breeze-  
13 through, but the focus is on you all, and we want to  
14 hear what you have to say. We'll be around for  
15 questions. And at this time, I would invite tribal  
16 leaders or those that are representing their Tribe to  
17 begin with the comments. There's a microphone here,  
18 and if need be, we can come to you with the mic as  
19 well. So please don't be shy.

20 MS. JIM: (Native language spoken.) Good  
21 afternoon, my people. My name is Ruth Jim. I'm a  
22 Yakama Tribal councilman from the State of Washington.

1 Thank you, everyone, for being here.

2 This Cobell buy-back, I don't know if the  
3 landowners know how it came about. There was a lawsuit  
4 that was filed by a lady from the Black Feet  
5 Reservation, and they settled out of court. I as one  
6 tribal leader don't believe that when the Federal  
7 government settles out of court that that gives them  
8 the opportunity to run this Buy-Back Program because a  
9 lot of Tribes have their own land office where they  
10 have been buying land for years. They know how to run  
11 their own A&D section as it in the BIA.

12 And probably each one of these men that are  
13 sitting here are getting their travel and everything  
14 paid from that administrative fee, while those of us  
15 that are tribal leaders, those of us that are tribal  
16 members, those of us that are just here out of pure  
17 interest, you are probably paying out of your own  
18 pocket or your Tribe is paying it.

19 They say that the Scholarship Fund is going to be  
20 implemented by this fall. A lot of Tribes have been  
21 saying that are the Tribes that are participating in  
22 this buy-back. Are their children going to be fair --

1 you know, treated fairly in getting the scholarship  
2 money, because it is their land, you know, that has  
3 given to this Scholarship Fund.

4 Another thing that I am concerned about is that I  
5 have heard that, yes, the mission is to restore land  
6 into trust for the Tribes, but it is my understanding  
7 that the Tribes are not getting the deeds back. So who  
8 has possession, and what is the true intent behind  
9 this? I had a tribal traditional letter tell me that  
10 all this land upon the United States belonged to all  
11 the Indians. Then the United States government as the  
12 non-Indians came to this land, they decided to give us  
13 allotments, put us on reservations. Now the government  
14 has decided that too many own a parcel of land, an  
15 allotment, so that's not good because they can't keep  
16 track of the ownership, and they can't keep of what  
17 that land is worth for each landowner. So now they  
18 want to buy that land back and put it supposedly into  
19 tribal trust. But if it truly is going to be tribal  
20 trust, then we need the deeds back to those Tribes.  
21 Thank you.

22 (Applause.)

1 MR. RODMAN: Thank you.

2 MS. NICHOLSON: Good afternoon, everyone, and  
3 thank you for being here, Secretary, Assistant  
4 Secretary. I'm Janet Nicholson from the Confederated  
5 Colville Reservation. Our neighbor is at the Yakama  
6 Reservation there in the State of Washington. I, too,  
7 am here to speak on behalf of our Tribe and also on  
8 behalf of the Makah Tribe. They sent a message to me  
9 to speak on their behalf.

10 There are a few points I wanted to make. I also  
11 agree with what my other leader said, Ruth. It is of a  
12 major concern to the Confederated Colville Tribe that  
13 our deeds are not being -- will not be -- at this point  
14 no Tribe has received their deed. Yet for all time on  
15 the Confederated Colville Reservation, we have been  
16 purchasing land out of our own funds since 1956. Every  
17 purchase that our Tribe has made, when the deed is  
18 executed, it is put in the possession of the Tribe to  
19 evidence that they own that land. We have to have that  
20 in our hand.

21 It's not enough for us for the government to come  
22 to use and tell us their electronic system will

1 suffice. The Confederated Colville Tribe pleads to you  
2 again that we want our deeds in our hand as the  
3 landowner executes the deed, that deed become the  
4 possession and evidence that we own that land. Elouise  
5 Cobell's effort provided the funds. The means to the  
6 land to show that we own it is that deed. We insist  
7 that we be provided that deed.

8 The system of record -- your electronic system of  
9 record, TAAMS, no one has spoke of it. That system is  
10 not all that it's built up to be. We have not been  
11 provided adequate data from that system. The  
12 Confederated Colville Tribe runs its own title plant.  
13 When we requested our data from the BIA from last  
14 September to almost October of the following year -- we  
15 waited a year for our data. A year for our downloads.

16 The system cannot accommodate. We are managing our  
17 own land at our reservation. We have our own title  
18 plan. We have our own realty department. We have our  
19 own GIS department. We have our own appraisal  
20 department. We are not waiting for others to do for  
21 us. Our tribal government, our own membership, we are  
22 the boss. We are in charge of our own destiny now.

1           So when the Land Buy-Back came to be, they told us  
2 outreach. Predominantly that's what the Tribes are  
3 being led to do believe. You do the outreach. Land  
4 research, the Confederated Colville Tribe is doing that  
5 ourselves. Our land valuation, we're going to do that  
6 ourselves. We are also asking to do our own  
7 acquisition and disposal, our land sale process, just  
8 as the Confederated Yakama Tribe mentioned.

9           We have developed that at home. We have our own  
10 OST as we have always had at our home. We are able and  
11 capable of doing all of that at home. We know our  
12 reservation. We know our landowners. \$1.4 million  
13 acres. We have 8,500 landowners on our reservation.  
14 Approximately 50 percent are non-Colville. Fifty  
15 percent are Colville. We are very sensitive -- very  
16 sensitive -- to our landowners. Since 1956, we've  
17 spent over \$81 million purchasing fractionated shares,  
18 other lands on our reservation.

19           To undo that checkerboard that Ruth spoke about,  
20 the Dawes Act, we have been investing our own funds to  
21 overcome that. Now another person, Cobell, she did not  
22 stand by. She did not appreciate how our land business



1 was being taken care of or not taken care of.

2 Mismanagement. Can we trust that again today? We  
3 cannot. We have to do for ourselves.

4 Another point that I want to make is we have  
5 expended a great deal of money in purchasing land  
6 shares back, the administration of the outreach, the  
7 land research. We had developed on our reservation at  
8 our cost an extensive GIS. Extensive. Our Tribe has  
9 spent over a million dollars to have a LiDAR flown over  
10 our reservation. We are investing over a million  
11 dollar to verify each and every landowner, what you  
12 own, what the record shows is what you own.

13 When we get down to the land acquisition and they  
14 flitted past it on a screen. I know Morgan was pressed  
15 for time, but I want to share this with you. Before  
16 the Tribes even started the program, the Tribe was  
17 asked to start their own priority. I mentioned to you  
18 that we have 2,400 allotments on our reservation.  
19 Approximately of them are individually owned. So the  
20 balance of them, we should be allowed to use our Cobell  
21 money to purchase, but before we even set our priority,  
22 the Tribes set their priority. We were being told, oh,

1 by the way, you cannot buy out the estates. You cannot  
2 buy out the miners. You cannot buy out the non-  
3 compass. You cannot buy out the joint tenants. You  
4 cannot buy out the whereabouts unknown.

5 That was a decision being made again on our  
6 behalf. But over here in our daily business, we are  
7 allowed to buy these out. We have authorities to buy  
8 them out. But to use this funding, to get 100 percent  
9 ownership of an allotment, we will never achieve that  
10 if these are excluded. That will never happen. You  
11 will leave us with fractionated shares for folks that  
12 are still under your administration.

13 And APRA is affecting us every day going forward  
14 if they continue to exclude joint tenancy, all of us  
15 here if we're a landowner. Perhaps you inherit it from  
16 your grandfather, your father, your mother. Whomever  
17 you inherit it from, in today's world, APRA, the new  
18 Federal probate law, if you do not make a will and your  
19 folks give it to you through -- without a will, how you  
20 inherit is you inherit as joint tenants. Joint  
21 tenancies are being created every day, yet that is a  
22 category that's been excluded. We are not going to be

1 allowed to purchase them now. So that's one of the  
2 points I wanted to make was that you take a look at  
3 that to revisit the categories that you've excluded.

4 The other thing -- the other point I want to make  
5 on behalf of the Confederated Tribes is we went to the  
6 Congress. We testified at Congress last April. And on  
7 behalf of the Confederated Colville Tribe, again we  
8 ask. They mentioned in their presentation there's \$1.9  
9 billion. There's 150 Tribes that have to be through  
10 this whole acquisition in 10 years. In 10 years. Two  
11 years have come and gone. They made offers of \$800  
12 million, and even though they've gotten \$360 million  
13 back, that leaves an awful great deal of the money on  
14 the table.

15 When we went to the first consultation meeting we  
16 said we do not want the Administration to do the  
17 acquisitions for us. We want the money allocated to  
18 our Tribes, 150 Tribes to get through the program if we  
19 choose to do it ourselves. Let us do it ourselves. We  
20 are capable of doing this ourselves. And we did  
21 testify to that extent, and we know there's been a  
22 change at the committee, but we would ask for a follow-

1 up on that.

2 And I would like to say that we have reached out  
3 to the folks that are in the Administration -- Morgan,  
4 Iris, Lorna. They are there and available, but they  
5 are few, you know, and they're spread very thin. So I  
6 think it's in the best interest of the Tribes to take  
7 charge of the program and do it on your own behalf.

8 On behalf of the Makah Tribe, who was a pilot  
9 Tribe, they asked that I share with the powers to be  
10 here that they be authorized for their third wave, that  
11 they were the pilot program. They have put a great  
12 deal of effort in preparing for their third wave, and  
13 that they be allowed to do their third wave.

14 That's all I have to say. Thank you.

15 (Applause.)

16 MR. RODMAN: Thank you, Ms. Nicholson.

17 FEMALE SPEAKER: I was confused about what you  
18 were advocating. Are you saying that we should not  
19 sell our land back? Is that what you're advocating,  
20 that we should hold onto it and wait just to see what  
21 happens in the future?

22 MS. NICHOLSON: Sorry if I confused you. What I'm

1 advocating and what has occurred on the Confederated  
2 Colville Reservation is since 1956 our Tribe has had  
3 voluntary landowners. They've approached the Tribe,  
4 and our Tribe has bought them out. We intend to do the  
5 same with our Cobell settlement. Our Tribe will  
6 receive our allocation, and we do plan to work with our  
7 landowners on whether they want to sell. It's all  
8 voluntary, though.

9         And we are asking our landowners that if they are  
10 interested in selling that we would work with them to  
11 purchase their shares. So I do think the program -- at  
12 home we are offering another aspect that other Tribes -  
13 - I don't know if they're able to do it, but we also  
14 are offering that if you choose, that if this land was  
15 from your family, you may not want to sell, but when we  
16 own in 20 fractionated shares, we can't do anything  
17 with it. So what we're affording our landowners is to  
18 do an exchange so they can exchange their 20 small  
19 shares for a solely-owned tract that the Tribe would  
20 allocate to them.

21         MR. STANSGUARD: Good afternoon. My name is Ernie  
22 Stansguard. I'm the Vice Chairman for the Couer

1 d'Alene Tribe. We're located in Idaho. First, I want  
2 to thank Governor Lewis for hosting us down here. I  
3 come from Idaho hoping to come to a sunny Southwest,  
4 and I think we brought the rain with us. Sorry about  
5 that.

6 (Laughter.)

7 MR. STANSGUARD: I want say hello to the  
8 Secretaries, and I appreciate you guys having this  
9 Listening Session.

10 Couer d'Alene Tribe is -- I was sitting with my  
11 women warriors over here, and they push us around up  
12 there in Northwest, but we let them. It makes them  
13 feel good.

14 (Laughter.)

15 MR. STANSGUARD: Couer d'Alene Tribe has been  
16 successful in working with Interior and the Buy-Back  
17 Program. We do have some problems, though. Our staff  
18 has worked -- has done most of the outreach and worked  
19 quite extensively. And so we set up our program within  
20 the Tribe, and it really helped us establish what we  
21 were doing in there, and especially reaching out to our  
22 membership and re-establishing contact with those that

1 have lost contact with us on the reservation, the ones  
2 that live off that have land that's on there.

3 So working with them and working with Interior,  
4 we've recovered quite a bit of property back into  
5 tribal ownership, which I guess as tribal leader was  
6 very important in establishing our sovereignty. Living  
7 on that checkerboard reservation with multiple  
8 jurisdictions has been very, very difficult working  
9 with the local government. And to have a land base  
10 that's more unified and more easy to work with has been  
11 a long way in getting respect from that local  
12 government, respect that we should've had all along.  
13 But I don't think that fight will ever end, that battle  
14 with the States that we live in, and the towns that  
15 surround us within our reservations because of the  
16 fractionation.

17 The buy-back has, at least for the Couer d'Alene,  
18 the land that we got back, our land is very productive.

19 We have wheat land, and we get about 80 bushels of  
20 wheat. And so, a land that's purchased also gives a  
21 great income back into the Tribe.

22 I'm a Lawtee, but I chose not to sell, but two of

1 my children did. And I told them, I talked to them and  
2 they asked me about selling their land. And my  
3 daughter needed a home, and with the proceeds she was  
4 able to buy herself a home. And she said, Dad, I have  
5 a home. I have roots here. And I said, well, you keep  
6 that home. I said, you're getting this money back, but  
7 I said, more importantly, that land that's coming to  
8 the Tribe is going to return to you anyway. It belongs  
9 to you, and your children, and your children's children  
10 are going to receive benefits from that land. So even  
11 though we're helping you now, you're also helping  
12 yourself and you're helping your children down the  
13 road.

14 And I think all of us here that have grandchildren  
15 and great grandchildren, I think we worry about the  
16 future of those children, about having our lands,  
17 having a place to fish, having a place to hunt, having  
18 a place to call your own so that nobody can come kick  
19 you off the property. That's very, very important to  
20 us. We can establish our religion the way that our  
21 Creator taught us so that we can give to those children  
22 so that when they go around and they go to the



1 reservation, it's theirs the way it was intended to do.

2 We gave up billions -- millions of acres of land  
3 to the non-Indians so that we could have that little  
4 portion of land, and that land should've stayed intact  
5 for us for eternity as was promised. But as we all  
6 know, broken treaties, they happened.

7 I was thankful for Elouise Cobell and what she  
8 did. As an individual, it was important to me and I  
9 think to the rest of Indian Country that those ladies  
10 stood up and sued the United States government, and we  
11 reaped the benefits from that. And that poor lady  
12 didn't live to receive any benefits from that, but I  
13 think she did in a way. I think she sits there on the  
14 other side, and she looks down, and she has a smile on  
15 her face because she sees the hundreds of thousands of  
16 Indian people that are benefitting because of Cobell.

17 If we get that education program started, then we  
18 can see our doctors, our attorneys, our social workers,  
19 just on and on because of those dollars. And, you  
20 know, she left us that, and that's how we're going to  
21 know Cobell. We ought to build a monument to her in  
22 Indian Country up there on that mall in D.C.

1           There's a reason that I think we have some  
2 problems, although we have been successful. We lack  
3 information back that we haven't been successful in  
4 getting. I think the ladies spoke to that. We need to  
5 know what the appraisals were for our own benefit as we  
6 look at economic development or we look at other areas  
7 to move. If we want to go into cooperative agreements,  
8 we need that information. To reach out to our people,  
9 again, that don't live with us, we need that  
10 information.

11           You know, we need to know where that property is  
12 that has been purchased, and when will we get those  
13 deeds so that we can see where those lands are so that  
14 we can start planning and start utilizing those  
15 properties. So if you're going to sell, you know, do  
16 it in a good way and look to the future, and how you're  
17 going to spend that money. Use it in a good way, and I  
18 think that's very, very important. Those of us that  
19 get per capita, we can see some of our kids that are  
20 like the coyote. They go out and they waste, waste,  
21 waste. They buy new cars or whatever, and pretty soon  
22 in a few years it's gone. They have nothing left, and

1 they're back here, and they're back to their grandmas  
2 or their grandathers saying we need help. I think if  
3 we utilize those dollars and invest it in a good way,  
4 your future will be secure.

5 It's a program, but the Tribes have to have input.

6 Interior needs to listen to us and to work with us. I  
7 think if we work together and we approach this program,  
8 then we'll have a very, very successful program.

9 (Native language spoken.) Thank you for listening.

10 (Applause.)

11 MR. RODMAN: Thank you.

12 MS. YAZZIE: Short people here. My name is  
13 Evangeline Yazzie. I'm from the Navajo Tribe. I see  
14 my council delegate over there, Leonard Sossi. My  
15 daughter, her side of the family has allotments, and  
16 her uncle encouraged her to sign up for this. And I  
17 kept asking her did you do it yet, you know, and  
18 finally after maybe a year she finally sent in her  
19 information.

20 And then we waited, and you know how much she got  
21 for hers? Thirty-five dollars.

22 (Murmurs from the audience.)

1 MS. YAZZIE: That's all she got. So now I don't  
2 know if I encouraged her -- I know I did it. It was  
3 wrong. Deep in my heart I knew. There was a feeling  
4 in me that said, no, don't do it, and I should've  
5 listened. I should've listened. This is really  
6 disappointing, and it hurts when people treat us like  
7 that.

8 The land is dear to us. I feel like the  
9 government is asking us give me your land. They're  
10 asking us to give their land back. Hand it over to me.

11 And we all know we can't trust the government. Think  
12 of how many treaties that are broken. All of them.  
13 And what do our tribal leaders do? They work for the  
14 outside people.

15 Our own Navajo seal, Mr. Sossi, you have the  
16 arrowheads on the outside, which I was told represents  
17 the 50 States. To me, those arrowheads should  
18 represent that you are protecting your land from all  
19 outsiders. That's what I thought those arrowheads were  
20 for. You are supposed to be there fighting for us.

21 I don't trust the government. To me, what I see,  
22 you know, it's plain. What is their ulterior motive?

1 Then you have developers preying on our land. Escalade  
2 Project is a good example, Navajo Tribe. And our own  
3 council delegates, our own Navajo Nation president, is  
4 for it. Money, that's all they see, but they don't  
5 care who lives on there. And then there are talks  
6 about fast-tracking just so that Escalade can be  
7 developed.

8 The way it's going now, what I see is we're going  
9 to have white people living next door to us, and I  
10 don't want to pay land taxes. That's where I see our  
11 future going. Even though you have one acre of land,  
12 we don't pay for it. But in the future somewhere,  
13 we're going to have to pay taxes on it, and that's not  
14 right. So I'm really -- the whole settlement thing  
15 sounds good, and that's what they want us to believe I  
16 think. But deep in my heart, I cannot trust them. And  
17 like they say, ask a Native American if you can trust  
18 the Federal government. You can't.

19 I want to see -- why are we -- you're talking --  
20 you're telling us that it's going to go back to the  
21 Tribe when we're always told even by our own leaders  
22 our land really doesn't belong to us, you know. You're

1 confusing us. Why are we signing these off when you're  
2 always telling us that we don't own the land?

3 So before I get too emotional here, finally I got  
4 to say what I wanted to. Thank you.

5 (Applause.)

6 MR. RODMAN: Thank you.

7 MS. THOMAS: Good afternoon. My name is Leda  
8 Thomas. Just bear with me, I'm a bit nervous, but I do  
9 need to speak for myself, for our people. I'm  
10 originally from Farmington, New Mexico, outside of  
11 Farmington called Upper Fruitland, and both my parents  
12 are from that area. And I left the reservation 20  
13 years ago, and I've made Mirage, Arizona my home, and I  
14 got married here and established kids here as well.  
15 And I've lived here for 20 years now. I don't know how  
16 much longer I'm going to live here, but my goal is that  
17 one day I would like to retire back home, wherever home  
18 will be. But I call this home where we've established  
19 a home for now.

20 And for the last 20 years I've just been hearing  
21 on the news -- I don't know if there's any tribal  
22 members here. And if so, I think it's really important

1 that you just kind of hear me out, and I know the  
2 delegates here from Washington are here. And I just  
3 wanted it to be known that a lot of the misleadings, a  
4 lot of the corruptions have all been going on for  
5 decades. And I don't know if that'll ever come to an  
6 end, but it seems to me it just grows and grows and  
7 grows.

8 And I listen to the news internationally, locally,  
9 even from the Tribe, and at times it's very  
10 disappointing to hear where the tribal members are  
11 leading us. And at times I think why is just the  
12 common sense things of a world not playing -- and even  
13 our tribal members. They should know where we come  
14 from and how much our lands are very important to us  
15 and the people that reside on there. And perhaps maybe  
16 that was part of the reason it drove me off the land.

17 I have been self-sufficient. I'm married to a  
18 Navajo right from the same area that I'm from. We met  
19 here. I worked in the construction for 10 years, and I  
20 started with this construction business from a  
21 secretary position, and I worked my way up, and learned  
22 the back of my hands how to build a home, not knowing

1 that one day I was going to build a two-story 2,500-  
2 feet home, and I did. As soon as I found out exactly  
3 how this process works, we put it to work, my husband  
4 and I, and we built our home a lot. We live in a  
5 subdivision, and we've been calling this home for 10  
6 years. Our kids live with us. They've been born and  
7 raised here in the valley.

8 But the thing that I would like to have into  
9 consideration, I do -- I did inherit a lot of this  
10 allotment from my dad after he passed away, and I knew  
11 nothing about this. So even this area that we're  
12 talking about and discussing today is all fairly new to  
13 me. And so, what I'd like to even the Tribe, even the  
14 people up here, what I'd like to have established, and  
15 this is just for my own personal experience and my own  
16 personal ideas is, I don't live on the reservation  
17 anymore. I don't know that I'll ever go back. But  
18 both my husband and I do have interests.

19 And what I'd like to see on my behalf is that one  
20 day that I want my kids to have some type of  
21 scholarship from my benefits, scholarship for college  
22 for the most part. I don't know that I would want it



1 rendered to either party this way or to the Tribe, but  
2 I want to be able to have control of it myself. Why  
3 can't we have individual trusts for our children down  
4 the road if that's even possible? But that's something  
5 that I would have -- you know, like to mention.

6 And that's basically about it. Thank you.

7 (Applause.)

8 MR. RODMAN: Thank you. At this point let's take  
9 a 15-minute break, and then we'll come back and resume  
10 with questions. Thank you.

11 (Break.)

12 MR. RODMAN: -- but again, feel free to stay in  
13 line.

14 MR. LEWIS: Hello.

15 MR. RODMAN: Hello.

16 MR. LEWIS: (Native language spoken.) Hello,  
17 everybody. My name is Stewart Lewis. I come from  
18 Sanders, Arizona. How many Navajos are coming from  
19 Navajo Country? (Native language spoken.)

20 The reason why I'm here is because I myself am a  
21 landowner, and I got one of these in the mail. My  
22 dad's sister -- she's sitting way back there -- Marian

1 -- she was concerned because she got one of these  
2 papers, and she wasn't quite sure what this was all  
3 about, and we came in late because of traffic and  
4 stuff.

5 So I myself (Native language spoken), I own a  
6 fraction of 460 acres of ranchland, six parcels in six  
7 different areas, some from my mom and some from my dad.

8 My mom passed on 27 years ago due to alcoholism. My  
9 father passed on five years ago. And the reason I'm  
10 here is mainly on behalf of my family and my Tribe. I  
11 don't see too many of our leaders here, just Mr. --  
12 what was your name?

13 (Laughter.)

14 MR. LEWIS: I forgot his name. Sossi or  
15 something. Anyway, I was hoping we would see more  
16 people from Lupton or Houck area. What happened was my  
17 father was 17 years old and he enlisted into the Army,  
18 and he went to Korea. He spent 11 months in Korea, and  
19 then he did two tours in Vietnam, and he retired after  
20 24 years. He retired as a sergeant first class. And  
21 when he died, at the time our president, Joe Shirley,  
22 was being evicted from office. I wrote to my council

1 delegate and I wrote to Mr. Shirley at the time to help  
2 with funeral expenses. Nobody responded. Nobody  
3 helped us. But luckily since my dad served 24 years  
4 and he was honorably discharged, the government paid  
5 for everything.

6       And over the years when I was growing up, my dad  
7 always told me -- he took me around to these lands and  
8 he told me (Native language spoken). This is our land  
9 right here (Native language spoken). If something  
10 happens to me (Native language spoken) in the future  
11 (Native language spoken) right here, this is what's a  
12 part of you. You're going to be taking care of this.  
13 What I'm doing right now, you're going to be doing one  
14 of these days, he said to me.

15       And lo and behold, five years ago that day came.  
16 And guess what? Five years went by, right? Two of my  
17 dad's sisters and their kids are all against me. When  
18 my dad was in the military, he had married two Japanese  
19 women. He had five kids on that side. Those five kids  
20 are against me. My dad's sisters are against me. My  
21 cousin's on my dad's sister are against me. My mom had  
22 two kids before she married my dad. Those two tried to

1 kill me. So I'm the only one that's living right there  
2 on the Navajo reservation (Native language spoken).  
3 And who makes me strong is my aunt over there and my  
4 mom. (Native language spoken.)

5 My question is, where does that leave my kids  
6 because I have four kids. Where does that leave my  
7 grandkids in the future? On top of that, what this  
8 lady said, her daughter sold her share for only \$35.  
9 On the pamphlet it says we're going to give you an  
10 extra \$75.

11 (Laughter.)

12 MR. LEWIS: Right here. I'm not college educated,  
13 but this is called miscommunication.

14 (Laughter.)

15 MR. LEWIS: We've been dealing with the U.S.  
16 government for years, and this is what I found out.  
17 For all of you -- all of you. I'm not talking bad  
18 about anybody that served or anybody's family members.

19 My brothers served, my sisters served, my cousins  
20 served. But what I found out was when you go into the  
21 military, the military pays 100 percent of your  
22 college. They provide a home for you. They give you a

1 job when you come back. A lot of my cousins don't have  
2 a job to this day. They don't even have a house to  
3 this day. When it comes on a state level, they only  
4 pay 50 percent of you college, 50 percent of your home.

5 And then when it comes down to the Tribe, all they do  
6 is give you a referral. The Tribe gives you a pack of  
7 pencils and a notebook, says here.

8 So where does that leave us, you know? You can't  
9 really trust the government. And then now with this  
10 election (Native language spoken). It's so  
11 embarrassing. (Native language spoken.) Fluency.  
12 Who's really fluent anymore?

13 (Laughter.)

14 MR. LEWIS: Do you know why I say this? Because  
15 way back -- excuse me for saying, but way back when the  
16 Anglos came through, the priests were the ones that  
17 went around. They marked certain areas, and they put  
18 some stones there, and they walked maybe 200, 300 feet  
19 this way and put more stones over there, and walked  
20 this way, put another 300 stones over there. That's  
21 how they measured everything.

22 During that time, the Mormons came through, and

1 the Mormons, you know, raped our women. During the  
2 Long Walk, our women got raped. We came back with half  
3 white people, trading posts. Women had kids for  
4 trading post, you know? Right? So then it came down  
5 to my generation, my cousins, my own sisters. Like I  
6 said, my dad has half-Japanese kids over here. My mom  
7 has half Apache kids. I'm the only Navajo standing  
8 right here in this room.

9 (Laughter.)

10 MR. LEWIS: I kind of feel at peace right now.

11 (Laughter.)

12 MR. LEWIS: My cousins are married to black men.  
13 They have half black kids, so right there our Navajo  
14 tradition, our Navajo culture ends right there. They  
15 moved out. They're not living where I'm living. So  
16 how can you say fluency? In 1996 they passed a law  
17 saying fluency because council delegates, the ones that  
18 are really true in Navajo speaking language, wanted to  
19 keep the positions from the younger generation like me  
20 coming up to speak Navajo and take their position. To  
21 this day, that's how we see it, and that's what's going  
22 on.

1           Those guys up there that, you know, (Native  
2    language spoken). That's what we wanted, somebody that  
3    served in the military, somebody that's young, somebody  
4    that's outspoken, somebody that has new ideas, somebody  
5    that can help us with this right here, explain this to  
6    us at our level (Native language spoken.)

7           (Applause.)

8           MR. LEWIS: (Native language spoken.) There's a  
9    lot of us Navajos that -- yes, some of went to eighth  
10   grade. Some of us graduated high school. A few of us  
11   went to college. But just think about the older  
12   generation that went to Catholic school, the ones that  
13   were told not to speak Navajo, the ones that had to get  
14   their hair cut. And then you guys come back around and  
15   say, oh, we're going to buy your land and give you \$75  
16   on top of that. Hurry up, sign it. Hurry up, do it  
17   right now. Let's go. You got 10 years, you know. The  
18   clock is ticking.

19          (Laughter.)

20          MR. LEWIS: And you think about the people back  
21    there, 86 years old, they're uneducated. Their  
22    thinking level is more different than what we are right

1 now. See, I'm 40 years old, and most of you sitting up  
2 there are about 10, 20 years older than I am with  
3 college degrees and getting paid about \$200,000 a year  
4 on this. (Native language spoken), right? And all we  
5 get \$75, \$35 over here. What we get is what we get  
6 every month.

7 So we're asking from you guys is more  
8 accountability, more understanding at these people's  
9 level, at my level. (Native language spoken.) We want  
10 to be educated more at our level, not as a fast pace  
11 like this because the way you guys went through this,  
12 those two back there didn't know what you guys were  
13 talking about.

14 (Applause.)

15 MR. LEWIS: You take this to my chapter house,  
16 nobody is going to understand you, right? (Native  
17 language spoken.) See? You guys sit here at my  
18 chapter house, not one of them is going to vote and  
19 come up here and say, excuse me, sir, what are you  
20 talking about? Can you repeat that, you know? That's  
21 what happens. That's why a lot of resolutions gets  
22 passed. There's a gap there. There's a big gap. It's



1 by what you guys are getting paid and how much time you  
2 have to sell this land, and then you got the gap over  
3 there, the age and the knowledge over there, right?  
4 That's what you have to think about.

5 So with all of you Navajos (Native language  
6 spoken), don't sell your land. Hang onto it.

7 (Applause.)

8 MR. LEWIS: (Native language spoken), right?  
9 (Native language spoken), right? (Native language  
10 spoken), right? Well, let's hang onto that. Why give  
11 in to selling, \$10, \$15,000, and we can spend it right  
12 down there at Tate's Auto Center and buy a used car,  
13 and then turn around and drive out of the parking lot,  
14 and go back to the house, and have it break down, and  
15 then try to take it back over there, and they don't  
16 want it and say, well, you already paid for it. You  
17 see what I'm saying?

18 We sold our land for \$15,000. We turn around and  
19 we buy a car that breaks down just 15 miles away. The  
20 same white people that sold us that car. The same way  
21 they're selling this land to us, the same the way  
22 they're talking us -- hurry up, hurry up, this is a

1 good deal right now. Lock it in, lock it in right now.

2 We'll give you the rebate. That's how it sounds to  
3 me.

4 So on behalf of my Navajo Tribe (Native language  
5 spoken), don't sell it. Hang onto it. (Native  
6 language spoken.) Thank you.

7 (Applause.)

8 MR. RODMAN: Thank you.

9 JUDGE WILLET: Hi. I'm Judge Sally Willet. I've  
10 retired. I have 45 years of Indian law, specifically  
11 Indian law experience. I'm Cherokee. You have met the  
12 Cherokee princess, that mythical bird, right? Here I  
13 am.

14 (Laughter.)

15 JUDGE WILLET: I've turned in my crown. It fell  
16 off, yeah.

17 (Laughter.)

18 JUDGE WILLET: And I came here with just a couple  
19 of points, but as always happens in these meetings,  
20 when we have the community input. I think I want to  
21 break it down to more -- to less technical, but I have  
22 to go technical for the folks who are doing the

1 technical side.

2           When I became a probate judge in 1977, there were  
3 no materials, and I learned it by reading regulations  
4 and case files. And I quickly realized that  
5 fractionation was the death of Indian land, so I may be  
6 the first person in the United States who actually  
7 developed community-based materials for teaching anti-  
8 fractionation. And I used as my model the folks on  
9 Maine Papagoric Doranthum Reservation because sometimes  
10 we had hearings in three languages -- English, Spanish,  
11 and Doranthum, and they were very slow. And you can  
12 always tell when somebody is saying wrong because you -  
13 - the feedback is incredible. So I began drawing  
14 charts and pictures because we all know there's nothing  
15 slow about Indians except some of the old folks, how  
16 they move. But Native intellect and book learning are  
17 two different things. They're not the same.

18           And so, one of the things I wanted to say, there  
19 are several very important things. Landowners are  
20 being really screwed on valuation. Why is that true?  
21 Not what they've said. I'm not going to name names,  
22 but I am going to say when and you all know who it is.

1 In 2006, I was on the committee that preceded the APRA  
2 2004, and at the last minute after we were told no  
3 changes, Interior flew in some extraordinary provisions  
4 that had never been discussed. One was the for sale  
5 rule of less than five percent interest that passed  
6 when there is no will.

7 I was so offended by the underhandedness that I  
8 disassociated immediately because it was such an act of  
9 bad faith. And even though I've been accused of  
10 everything but, you know, inventing the common cold and  
11 God knows what else, I own up what I do. One of the  
12 things I believe in is I believe in fundamental  
13 fairness.

14 Now, what has happened, the fractionation is a  
15 problem. Folks, these wounds are self-inflicted.  
16 Indians didn't want allotting. My Tribe, my members,  
17 hid out in the Cherokee hills. They hauled them in in  
18 wagons and jailed them to force them to take  
19 allotments. The first allotment in this Nation  
20 occurred in the late 1700s. There was not a probate  
21 statute until 1910. In 1913, there was a backlog  
22 40,000 estates worth in then dollars \$60 million when

1 the dollar, and I looked this up, was worth \$52,000 --  
2 would've been the equivalent -- oh, no, \$3,000 would've  
3 been the equivalent of \$52,100. So that was a huge  
4 amount of money. And the probate statute was actually  
5 enacted not for Indians, but for white people because  
6 there were in these administrations taking -- allotting  
7 land and putting it out of trust. And selling it was a  
8 cogwheel operation, and many of the commissioners'  
9 reports say that. They were crowing about it.

10 My family, we still have our allotments for 111  
11 years. One of them is whole. We did it through estate  
12 planning. I'm a tribal member. I cannot hold property  
13 in restricted status because there's five ways to  
14 terminate: terminate Tribes, terminate land, terminate  
15 people, terminate by budget, terminate by screw up.  
16 And the American Indian Probate Reform Act has four of  
17 those termination methodologies.

18 I'm not saying that I'm never going to come out.  
19 I don't -- we are -- you know, we all do a job. We do  
20 the job we're assigned. But what I want you to know is  
21 the valuation. In 2006 after the American Indian  
22 Probate Reform Act was passed with that for sale, they

1 euphemistically call it "purchase option without  
2 consent," for sale. There are only two ways to save  
3 it: do a land consolidation agreement in probate and  
4 the judges, once they get rid of the old judges -- me  
5 -- actually they downsize. Interior, OHA saved its  
6 money off the backs of its Indian component, and they  
7 created a probate jurisdiction that ran from the  
8 Mexican border to the Arctic Circle in an office that  
9 didn't like doing Indian work. And they weren't  
10 decisions. I've got the IG notes that say that.

11 So I'm a living historian, and I'll be 70 here  
12 pretty quick. I've been around a long time. I'm not  
13 telling you about things I learned. I'm telling you  
14 about things I saw and that I probably mostly resisted.

15 Now, what happened in 2006, APRA, and I'm an  
16 expert in APRA, ILCA, and I may be the only person in  
17 the world that can talk to you about it in depth who  
18 did what, when, and how, and tell you what the impacts  
19 are, because there really is no more long-term  
20 expertise in the Department of Interior. The nucleus  
21 of the trust is the land. Without the land, there is  
22 no trust. In 2001, under the EDS contract, they had

1 the biggest savaging of trust responsibility since the  
2 1950s removal of Indian Health from the Department of  
3 Interior by classifying two-thirds of the Indian budget  
4 as non-trust.

5       So all of this is in there. But what I'm telling  
6 you was after ILCA came out, that for sale, there are  
7 -- and I'm not going to go into all the things that  
8 could be called it. There are six transactions,  
9 conveyances in ILCA. APRA is an amendment to ILCA,  
10 2004. Six transactions. They tried to -- the Bush  
11 Administration tried to low ball the values by  
12 discounting land because of fractionation. That's  
13 valuing owners -- numbers of owners, not the asset.  
14 That would be something like an oil company would do in  
15 a right-of-way, something really seedy.

16       So I got a copy of all that internal dialogue  
17 because I got it from the appraisers. The Moccasin  
18 Telegraph is a wonderful thing. And so, we published  
19 the report, and Jim -- I won't say it. The long-term  
20 Acting Assistant Secretary then said, well, this was  
21 the report of a contractor. And I said, well, I have  
22 the correspondence within the Department through the

1 appraisal system. It was worked backwards and out. It  
2 didn't come outside in. Well, that got blown out of  
3 the water because everybody found out about it.

4 Then the next thing that happened, lo and behold,  
5 after the 2008 election in November, a statute was  
6 passed. Guess when Indian Country found out about it?

7 In February 2011. It wasn't advertised. It wasn't  
8 notified. They changed the definition of "real  
9 property." They leached all incidents of value from  
10 it. It severed improvements from the definition.

11 Indians are the only people in the United States of  
12 America who have this definition, which by its very  
13 nature low balls the value of assets.

14 So what has happened now is for these  
15 acquisitions, they're not going to be valuing any  
16 assets, fixtures and improvements. The General  
17 Services Administration does not use this definition.  
18 The Department of Justice when it condemns land for  
19 highways does not use this definition. Only Indian-  
20 allotted landowners use this definition. Now, the  
21 hallmark of a bad Indian policy is one Indian against  
22 another. There are only two positive policy periods in



1 all of Indian affairs. None of them were Indian  
2 specific: the New Deal and the War on Poverty.

3 What goes on, and you wonder why everything  
4 backfires. I've been researching and writing for 20  
5 years because I could never figure out when they say  
6 "in the Indians' best interest," and you have people  
7 gutted on the ground and blood running out of them, and  
8 going, what best interest would that be. So I started  
9 researching, and then I finally figured out there is no  
10 such thing as Indian policy. There is only budget, and  
11 it's used as pretense and a masquerade for policy. And  
12 Indians are on the short end of the stick. I've got a  
13 Power Point that shows the diminution from '77 when I  
14 went into Interior and when I came out, and that  
15 exactly tracks that savaging that went on in 2001.

16 But the point I wanted to make is this. We told  
17 all these writers all this stuff. I said, you're  
18 writing in this language that's so overblown. I said,  
19 simple declarative sentences, you know, because  
20 somebody has got to sit down at a kitchen table and  
21 explain it to someone. They said, oh, BIA can tell  
22 them. I'm talking to the Senate Indian Affairs

1 Committee, and I said, God couldn't explain it to them  
2 because most of it, the Indian Land Consolidation Act  
3 of 2000, the amendments weren't certified because they  
4 were incoherent psychobabble. The Department got  
5 everything it wanted. Unfortunately you just couldn't  
6 read what it said.

7 So I want you to understand that there's a right  
8 way and a wrong to do everything. And having the  
9 landowners continuously since the 80s -- I've been  
10 doing estate planning since before there was ILCA. I  
11 see Rodney, my law school classmate out there. Rodney,  
12 I know you don't want to be -- did I not help you do  
13 posthumous estate planning? Okay, yeah, him out there.

14 I took this stuff seriously. I saw my goal as  
15 being -- to help. Now that I'm retired, that's all I  
16 do basically is just -- it's like putting out fires  
17 everywhere. But I want to tell you what is really  
18 peculiar to me. First of all, I thought the settlement  
19 sucked, okay? The settlement had to be because the  
20 Supreme Court would never, ever let an Indian win a  
21 case. But I thought it was really odd that out of an  
22 individual case that all the consolidation money goes

1 to Tribes. They weren't even part of the suit. How  
2 did that happen? I think education funds are great,  
3 but what's that got to do with fractionation and the  
4 curing of it? I just thought it was strange. Then  
5 they wouldn't let Federal probates be used, and the  
6 only probate that most Indians go to is a Federal  
7 probate and, you know, distributing settlement money.

8 So the appraised values, unless somebody takes  
9 this thing head on, first of all, and repeals that  
10 stupid definition of "real property," that's an equal  
11 protection violation under the 14th Amendment of the  
12 Constitution. It just flat out is, and it needs to be  
13 taken out of there. That for sale rule, you don't need  
14 that anymore. Why? Because you have -- okay.

15 DEPUTY SPECIAL TRUSTEE JAMES: Sorry, Sally. Is  
16 Jess White in here? Jess? Would you come to this  
17 gentleman here, please?

18 JUDGE WILLET: Oh, you did something bad.

19 (Laughter.)

20 DEPUTY SPECIAL TRUSTEE JAMES: Sorry.

21 JUDGE WILLET: But what I'm saying is that there  
22 really is a right to do everything, but the thing is

1 there's this impetus before the settlement even  
2 happened. I've got the correspondence that shows that  
3 the Department wanted to be out of the Indian -- the  
4 last Administration, be out of the Indian business in  
5 10 years.

6 Litigation strategy is not an effective model for  
7 forging policy, nor is budget. But if the Department  
8 of Justice -- you don't forge policy. You have real  
9 people. They've tied under the Indian Land  
10 Consolidation Act, i.e., APRA, the definition of  
11 "Indian" to landownership. And you were correct when  
12 you said -- when you said what's going to happen.  
13 You've got -- remember I said there's terminating  
14 Indians? You've got this strange category of people  
15 called eligible heirs. They're not entitled to  
16 Indians. Can they make deeds? Can they make leases?  
17 It says "Indian" in those statutes.

18 So the people who write this simply don't have the  
19 technical expertise to do these things. And so, you  
20 live with the consequences of really -- it's just like  
21 setting a toddler loose and having them scribble stuff  
22 on the wall some of this stuff. I'm pro-Tribe, pro-

1 sovereignty, and I'm pro-individual landowners. And I  
2 don't see a conflict of interest, but the Department of  
3 Interior does because it's run by the policy management  
4 and budget unit.

5 Last two comments. Title. I've been worried  
6 about title. I wanted to know when you buy those -- I  
7 actually have a question. You can write it down and  
8 get back to me about it. People, there are only 38  
9 checkerboard reservations that were open to settlement  
10 entry. I've got a list of those acts if anybody would  
11 ever care to see them, acts in one proclamation.

12 The government under the Indian Reorganization Act  
13 said it was going to allocate money to buy property  
14 that had been surplus but had never been sold. It  
15 didn't do it. The problem is once the government gets  
16 stuff, it doesn't give it back. So what my concern is  
17 is when you're doing that, acquiring it, if the United  
18 States takes the beneficial interest and it merges with  
19 the naked fee, you've collapsed the trust and created  
20 fee simple title. And that is the ordinary common law  
21 doctrine of merger, and that has worried me since the  
22 first -- one of the first of the many versions of APRA

1 after the crazy 2000 ILCA debacle.

2 So you guys have to be careful. You can't do aim,  
3 fire, ready because those states are out there just  
4 seeing -- you know, they just scam. It's like hyper  
5 vigilance. They just scam. Money, money, money. And  
6 the thing that is so horrifying about this change of  
7 the definition of "real property" to leach improvements  
8 from it, it says in there that the houses becomes non-  
9 trust personal property. Are you nuts? If an allottee  
10 builds a house and puts it on the land, it merges, end  
11 of story. If you take that without compensating for  
12 it, there are Supreme Court cases. You're going to  
13 create the wide earth claims situation, you have to be  
14 real careful about that.

15 A leasehold, if you have a tribal assignment, if  
16 you have a, you know, a 25-plus, 20 Tribe tribal  
17 assignment, or you have an assignment super imposed  
18 upon allotted interest, you've got a leasehold. Okay,  
19 that's fine. And they would be personal property, but  
20 not if the allottee built it. So you guys have some  
21 real technical issues that, you know, this quest for  
22 reform like goose in a new world, it doesn't get it.

1           Now, the fire, aim, ready approach to not  
2 carefully planning, when you look at some of the  
3 situations -- there was a GAO report, yes, the Northern  
4 tier is the most fractionated because the way it works  
5 is the first people allotted, you went across the  
6 North, you came down the South, you went up to the  
7 Northwest. The first allotted are going to be the most  
8 fractionated. But the people, you can't just isolate  
9 that money. You've got to look at your reservations.  
10 Hopis has -- they run the allotments through Moenkopi  
11 Village to occupied land. They obviously didn't survey  
12 it. You've got public domain allotments within the  
13 middle of the Doranthurm Reservation. So you've got a  
14 whole bunch of stuff out there, and everybody is just  
15 like, you know, dah-dah, dah-dah, dah-dah. And I'm not  
16 saying you're not doing your job good. What you are  
17 accomplishing you're accomplishing. You just need to  
18 pay everybody a fair value and know what you're dealing  
19 with so that it's not a hand grenade.

20           I had asked before APRA came out, I said, you  
21 know, don't design a solution and cram all fact  
22 situations into it. Develop your data first. They do

1 it really well in termination periods. Wow. Best data  
2 I've ever seen on reservations was this big Senate  
3 report or House report for termination. It's got  
4 everybody. It's the best thing I've ever read. Of  
5 course we don't do that at any other time except when  
6 we want to get rid of Indians.

7 But what I want you to do is, because we don't  
8 know what's going to happen with the next election, and  
9 I fear -- I'm not political, but I know what's right  
10 and I know what isn't. Whatever you set up here, you'd  
11 better set it up tight, and you'd better move it fast  
12 because the attitude towards people, all people of  
13 color and Indians specifically is a certain group of  
14 people, trust responsibility as affirmative action,  
15 special treatment. And if anything sets my hair on  
16 fire, that's it. NNC trust relationship based upon  
17 treaties and statutes, the group I'm talking about see  
18 affirmative action like it's social fluff, right?

19 So we've got a tough road to hoe here, and I just  
20 want you to know that I -- you got to work on that  
21 valuation. You've got to fix -- you've got to do it  
22 right. And I had wanted -- I sat down with people and



1 I said, you know, in a dream world -- this is when I  
2 would help with estate planning. If I could just pull  
3 up a reservation, the allotments, see the allotment  
4 schedule, get the data in there to show how  
5 fractionation is. Could we do some wills, right? So  
6 what happened? On April 21st, 2005, the Special  
7 Trustee and white Acting Assistant Secretary for Indian  
8 Affairs ended rulemaking after 95 years to make  
9 everything go by for sale. And I thought that was an  
10 act of such bad faith that it made me sick.

11 I'm not going to take any more time. I just  
12 wanted you to know. I do -- you know, I'm retired only  
13 from making money apparently.

14 (Laughter.)

15 JUDGE WILLET: But I still do an awful lot of  
16 landowner, hi, I've got this, what's this. Come and  
17 see me, okay? Bye.

18 (Applause.)

19 MR. RODMAN: Thank you.

20 MR. STIFFARM: I have a cousin that's continually  
21 being asked to serve as a speaker for families that are  
22 giveaways up North, and I think I've seen his match

1 just now.

2 (Laughter.)

3 MR. STIFFARM: I'm from Fort Belknap, and it's a  
4 reservation in North Central Montana. The Gros Ventres  
5 and Assiniboines reside there. Back home, there's only  
6 a handful of original Lawtees that are still alive and  
7 with us today. My name is Bum Stiffarm. I am a member  
8 of the Gros Ventre Tribe, and I want to thank the  
9 gentleman who did the opening prayer here today.

10 We have a number of issues that we're facing up in  
11 Belknap, and the first one is with the mineral.  
12 They're only going to give you or us \$7.50 an acre.  
13 Back in the 80s and 90s when we were buying our own  
14 land, like many of you, we were paying upwards of \$30  
15 an acre. So we already set a precedent, and that  
16 precedent should be fulfilled and recognized by the  
17 Land Buy-Back Program administration.

18 Also you should be aware of some of the mapping  
19 issues. They're using maps on appraisals, land  
20 recognition, legal descriptions and what. But they're  
21 using satellites. They can't pick up gas and oil  
22 wells. We're about 300 miles from Bakken, and we don't

1 have that much oil, but we do have gas. And there's no  
2 way that their technology can pick up a thing that  
3 looks like a fire hydrant sitting on somebody's land,  
4 so they're going to miss those. So you have to ask for  
5 additional appraisals.

6 We have a problem with purchasable land and non-  
7 purchasable land is our main concern because we have an  
8 example at Belknap of a 456-acre tract that's owned by  
9 36 members. And that aerial photo on that particular  
10 tract of land picked up a trailer house, and it picked  
11 up some bales of hay that thought were homes. So they  
12 wouldn't let us sell it, but those tracts of lands,  
13 only 20 acres of them negated that whole 456 acres of  
14 land that we should be able to buy back.

15 You know, I was on the plan yesterday with some  
16 members from Black Feet Tribe up in Browning, and  
17 that's the home of Elouise, and I was thinking about  
18 that last night. And of that 456 acres, there's 15  
19 elders that could possibly receive funds from this  
20 purchase. According to these folks, we can't help  
21 them. They'll probably pass on before they see any  
22 benefits from this land, just like Elouise did, and we

1 can't have that happen. So we have to ask them to go  
2 back in and revisit this issue of non-purchasable land  
3 with structures on them.

4 The Education Fund is a concern of mine. I used  
5 to sit on the National Indian Education Board, and I  
6 don't remember too many Gros Ventres and Assiniboines  
7 getting money from this grad center down in  
8 Albuquerque. No disrespect to these Southwestern  
9 Tribes, but it seems like we're ignored up in the  
10 Northern part of the country getting graduate  
11 assistance from this body. I don't know what the board  
12 membership is made up of, but, again, I don't think  
13 anybody from our particular Tribe has received any  
14 benefits from the grad center. Through our local  
15 tribal college we receive benefits from the American  
16 Indian College Scholarship Fund, but those have been  
17 minor. So somebody better watchdog this educational  
18 fund group when they disburse funds. Our  
19 recommendation to these folks is if we're selling \$54  
20 million worth of land up in Belknap, then we should get  
21 that same percentage for Gros Ventres and Assiniboine  
22 people. Plus they are students.

1           You know, we oppose this program as it's currently  
2 being administered. We were one of the first Tribes to  
3 oppose what they're doing. Like the lady from Colville  
4 said, who best knows how to administer our own lands  
5 but us? We know how to do it. We were born and raised  
6 there, educated at others, but we came home because we  
7 felt it would be the best place for our kids to grow  
8 and learn and respect some of our cultural identities  
9 and sites that we can protect. But we've got to  
10 administer our own program, and I still strongly  
11 believe that. We can't be told how much our land is  
12 worth by a satellite where people in D.C. or people in  
13 Albuquerque or wherever their central offices are.

14           We're continually being provided miscommunication.

15           When we were provided an orientation up in Belknap on  
16 this program back in early February, we were told that  
17 appraisals would be done in April and May. Offers  
18 would go out in May. So I purposely called that 800  
19 number or 888 number, and I asked them I want to be a  
20 willing seller. When can I expect an offer? And they  
21 said at the end of the year, so that's six months from  
22 what the D.C. people told us as to what the lady said

1 on the phone the other day. So somewhere along the  
2 line there's some miscommunication, and they got to get  
3 it right.

4 The most glaring thing I see wrong with this  
5 particular program is the 45-day limit in making you an  
6 offer to sell some land. How do you know what's going  
7 to happen to your family after 45 days? If something  
8 happens in our family dynamics, things change. Maybe  
9 you do want to sell that after 45 days, but we can't be  
10 pressed into a decision that has historical family  
11 value. You haven't had time to meet with your brothers  
12 and sisters who don't live at Fort Belknap anymore. So  
13 45 days isn't near enough time. We've got to have more  
14 time, and I want to say at least three to five years.  
15 The program lasts 10 years. They can wait that long.

16 And finally, I want to challenge the Bureau,  
17 Department of Interior, we have yet to hear anything on  
18 what they're going to do to prevent fractionalization  
19 in the future. Sixty years from now the same thing is  
20 going to happen, but we've signed ITMA agreements. If  
21 we did the Cobell Land Program, where are you going to  
22 get the money to do this all over again? You're not.

1 So somebody has got to come up with a solution, and not  
2 one of these gentlemen today and not any meeting I've  
3 ever attended, whether it be the NCAI or whomever, has  
4 ever said how this problem is going to be addressed.  
5 What options do we have? So if they're not going to do  
6 it, I'm challenging you folks, other Tribes. We've got  
7 to do this. We've got to do this. Thank you.

8 (Applause.)

9 MR. RODMAN: Thank you.

10 MS. CHASE: There we go. Hello. Good afternoon,  
11 you guys (Native language spoken). I'm Navajo. My  
12 name is Chastity Chase, and I'm from Delka Dilkon way  
13 up there up North. I've been here for about eight  
14 years, and I'm getting my degree, and I'm going to go  
15 back home and help my people. Yeah, right, hopefully.

16 Me and my mother, we got the little -- you know,  
17 little postcard saying, you know, come over, \$75, you  
18 know, all that good stuff. And, yeah, I really didn't  
19 know what this was all about. I still kind of don't  
20 know other than the fact that I'm probably not going to  
21 sell nothing to you guys. And, you know, I'd really to  
22 thank you guys, all of you guys, for sharing because

1 you guys are informative. Right here, you guys are  
2 telling us, you know. You guys are telling me what is  
3 actually going on out there.

4 And, I mean, I go to school here at South  
5 Mountain, and, man, we don't know nothing on what's  
6 going on out there. And I plan on taking this back  
7 home and letting them know, you know. I have a very  
8 big family. I'm Ashiha. You're probably all half  
9 Ashiha, too, you know. I have a very big family, and  
10 I'm getting this little square of fractionalization  
11 right here, you know, back home, and we don't know what  
12 to do at all.

13 I came here to not get bullet points, but get some  
14 answers, and I got it from you guys. And I'm very  
15 thankful for you guys. I feel for you, \$35. My mom  
16 got offered \$10. She didn't take it, though. She  
17 didn't take it, you know. And I just would like to  
18 encourage you guys to let your youth know. I don't see  
19 any younger people here other than the ones that are in  
20 the back and myself. Everybody else is older than me,  
21 and I'm very glad that you guys are taking a stand to  
22 say something, you know.



1           If I wasn't here, then nobody would know back  
2 home. I have a very big mouth, and I plan to share,  
3 you know, what I know here. And, I mean, it does sound  
4 very nice. Even the picture looks nice, you know. It  
5 looks very, very good, and they're going to give us  
6 that money. But I stand with the cowboy back there.  
7 Don't settle. There you go. There you go, brother.  
8 Don't settle because, you know, we have to stick  
9 together. That fractionalization is just going to --  
10 it's going to tear us apart. And money sounds really  
11 good, but, man, it ain't everything. It really ain't.

12           This right here, yes, this knowledge and  
13 everything, that's what I feel. I'm really young, man,  
14 and to see you guys be here and to really take some  
15 power and everything, that gives me inspiration. And I  
16 just feel bad that my generation is not sitting out  
17 there listening, to want to learn. Sorry, but not  
18 settle for you guys, so we can handle what we can.

19           And you guys are just such liars. Such liars,  
20 man, right there. Such a lie, you know?

21           (Applause.)

22           MS. CHASE: I'd just like to thank you. Like I

1 said, I have a big mouth, and I plan to share what I  
2 learned right here with the rest of my family and the  
3 rest of my siblings, and my friends, and schoolmates.  
4 Oh, trust me, you can ask them. I talk entirely too  
5 much. But, you know, I'd like to thank you guys. I  
6 really do. I really appreciate it. I'm not fluent in  
7 Navajo, so I didn't get most of your jokes, but, you  
8 know, hey, I will learn. So thank you guys. Thank you  
9 very much. And that's all I really wanted to say.

10 (Applause.)

11 MR. RODMAN: Thank you. We have time for one  
12 more.

13 RITA: Sorry about that. I hope I didn't bust  
14 your ears. My name is Rita. I'm a member of the  
15 Navajo Tribe, and I actually got one of those little  
16 postcards and read it. You know, if I hadn't stopped  
17 to read the little postcard, it probably would've  
18 gotten thrown in the junk mail. That's how it looked.

19 Actually I called my sister. I notified  
20 everybody. Put an event schedule on Facebook, invited  
21 all the youth, my sisters, everybody. My sister from  
22 the reservation says, you go and you learn. I thought

1 that was junk mail, and I threw mine in the trash. I  
2 said, how could you? Didn't you stop to read, and she  
3 said, I don't stop to read every junk mail. So  
4 hopefully our folks are more informed.

5 On the information side, I, too, am a landowner.  
6 I get an audit report semi-annually. It says I have  
7 400 acres of allotted land, but that doesn't mean to me  
8 individually. It means to a lot of folks. So I was on  
9 a quest to build a home on the reservation now that I'm  
10 retired, so I thought I'd look into this allotted  
11 thing. Went to the Navajo reservation to Window Rock  
12 to the real estate office and inquired about it. I was  
13 shown a satellite map of the three sites, but still  
14 didn't really know the boundaries. There was no  
15 landmark to go by. Apparently there's some survey post  
16 there, but I could not find them. I mean, it's a vast,  
17 100 and what acres each? So you have to walk a lot of  
18 miles to locate these mile posts markers or surveyor  
19 posts. So I still don't know where the land sits.

20 The other thing I found out was for each of this  
21 land, they shared with me the number of people on this  
22 acreage that I'm listed on. Come to find out the

1 number of people sharing this acreage is actually less  
2 than the acreage itself. So in other words, we have  
3 one area that's 155, but only 90 people are listed as  
4 title and beneficiary for that 155. So I'm thinking to  
5 myself -- I asked the real estate lady, okay, so does  
6 that mean we get an acre and a half based on the  
7 numbers that I'm hearing, because for 90 people, if you  
8 take that times two, that's 180 acres less 155. That's  
9 only 30 acres, you know, shy of getting two acres a  
10 piece.

11 So my question is, when do we consider it  
12 fractionated? How is the definition of "landownership"  
13 whole? Do I own an acre? Do I own a little bit over  
14 an acre? I have no idea how they do this? And Window  
15 Rock being Window Rock, they would not share this  
16 information with me, nor would they share the names of  
17 the people who own this land. I actually have to apply  
18 first before they share who's listed on this land and  
19 get approval from them to get an acre of land so that I  
20 can build a home on it. Well, by the time I locate  
21 everybody that's listed on this land and get their  
22 approval, I could be long gone.

1           So they said, well, you make a will. I said,  
2   okay. She said, well, actually if you don't have a  
3   will -- that was my next question. What if I up and  
4   die tomorrow, and I've already started this thing, and  
5   I haven't quite made up my will? She says, well, it'll  
6   go to your firstborn child. Where she's getting all  
7   this information, I don't know. I don't know if it  
8   comes from the Department of Interior, if it comes from  
9   the Tribe. It seems I have two governments to work  
10  with, and in between working with the two governments,  
11  I'm misinformed.

12           I did not get the definition of "ownership," if I  
13  had a whole piece of land or not or whether it was  
14  fractionated because to me, 90 people on 155 acres is  
15  not yet fractionated. I don't know if we own an acre a  
16  piece. That's what I'm basing it on. If we do own an  
17  acre a piece, then it's not fractionated. We still  
18  have whole ham.

19           But that's where my quandary is. When you're  
20  saying "fractionated land," what are you talking about?  
21  What's the percentage? And you flipped through this  
22  chart so fast. I was trying to write it down. Next to

1 this last slide it said -- I was quickly running down  
2 the list of Tribes. Under "Navajo," it said "pending."

3 Pending for what? I didn't get a chance to read the  
4 title. Nobody explained the chart what it meant, the  
5 title and the Tribes listed under there, and the  
6 percentages, yes, yes, yes, down, and Navajo pending.  
7 Does that mean that Navajos have not agreed to this  
8 land buy-back? What does that mean? I don't know.

9 So when this young lady she already had her land  
10 bought back, but if we're pending how could that  
11 happen? I mean, so there's -- somewhere there's lack  
12 of communication, and I'm with the rest of the folks.  
13 I don't trust anybody in this thing. There's too many  
14 technicalities as this judge said, the probate judge.  
15 There's too many things interlocking -- policies that  
16 are interlocking that need to be explored. Before you  
17 offer all this land, you have to define "valuation."

18 You say "fair market value," but according to the  
19 probate judge, there's more than one definition, to me  
20 -- the way she explained it, to me that's more than one  
21 definition of "value." And so, and the fact that that  
22 we're being railroaded to give up land back to who?

1 Back to our own Tribe or back to the Federal  
2 government? Which one is it? That I don't understand.

3 We have some tribal members that said they're  
4 buying back land from the allotted land, and they want  
5 title and deed to it. Well, bring that down to a step  
6 lower. How about us? We're landowners. How come we  
7 don't have deed, a land deed to show, yeah, I've got  
8 five acres, here's my deed of trust. All I have to  
9 show is this annual audit report, and I don't know how  
10 it comes about. I just get it.

11 So I'm really, really in the dark here, so we need  
12 a little bit more education. I'm working 8:00 to 5:00,  
13 and I don't have time to look at the internet or do a  
14 lot of research. So when I got the postcard, this was  
15 my first enlightenment into the buy-back. I knew  
16 nothing about the buy-back. Yes, I knew about the  
17 Cobell, but I didn't know this tied with the Cobell. I  
18 don't know.

19 And as far as the scholarship, we tried to take  
20 advantage of that with my granddaughter, who's in  
21 Alaska. Basically we got the runaround. Her  
22 application was lost. She had to resubmit it. By the

1 time they got around to it, she had missed the  
2 deadline. So I don't know.

3 And that's all I wanted to share with you, so I  
4 don't know if the Navajo Tribes can share information  
5 with us from the real estate because it seems to me  
6 that a lot of it was withheld from me. And on the  
7 government side, to me I feel like something is  
8 missing. What is the ulterior motive of this buy-back  
9 land? What's going to happen? Does it go back to the  
10 Tribe? Does it go back to the U.S. government? If it  
11 becomes trust land again, who's to say 20, 30 years  
12 from now the Federal government is going to rezone or  
13 redo the tribal boundaries, and there we go. We lose  
14 that land that we sold back to the government as  
15 happened in the Navajo Hopi dispute.

16 So is that going to happen again? You know, I  
17 have a lot of questions, so I would say to everybody,  
18 to all the Tribes, please do your research as I'm going  
19 to I'll probably get in touch with that lady that was  
20 here and learn more about it. So thank you for  
21 listening to me. Thank you.

22 (Applause.)



1           MR. RODMAN: Thank you. I'd also like to refer  
2 everyone to this slide for any written comment,  
3 buybackprogram@ios.doi.gov, and we also have the Office  
4 of the Special Trustee outside the doors here to answer  
5 more questions that were brought up today. And at this  
6 point, I would like to return it to the Deputy  
7 Secretary, Michael Connor.

8           DEPUTY SECRETARY CONNOR: Thank you, Morgan. I  
9 think what we want to do is just offer some very  
10 topline comments, responses, some thoughts in response  
11 to the dialogue we heard here today. Not to take up a  
12 tremendous amount of more time than what you've offered  
13 today already.

14           So thank you for taking the time to be here today,  
15 for your comments. Obviously a lot of passion in those  
16 comments, and I think conveying very strongly the  
17 ongoing distrust that is a starting point for how your  
18 interactions with the government go. And I certainly  
19 appreciate that -- I'm sorry.

20           FEMALE SPEAKER: (Off audio.)

21           DEPUTY SECRETARY CONNOR: I'll go ahead and stand  
22 up just so you know. So in conveying that distrust, I

1 guess there's a lot of technical questions that got  
2 raised during today's session, some of which I know the  
3 answers to, and some of which are completely new issues  
4 to me in my perspective. So rather than go through  
5 that, I was just talking to John McClanahan, our  
6 Program Manager here. We'll try and figure out a way I  
7 think in the aftermath of this Listening Session of  
8 maybe -- there's always a transcript. There will be  
9 the Power Point presentation that was presented  
10 earlier. You don't have to write it down. It will be  
11 up on the website. But we'll probably try and put  
12 together some summary and some of the specific  
13 technical questions that got asked today so we can  
14 provide accurate answers to those things.

15       So I just want to kind of give an overall  
16 perspective. I get the fact and I think I understand  
17 as somebody who has worked a long time in Indian  
18 Country, and I don't pretend to understand it as well  
19 as you do. But I sense the distrust and the view that  
20 we're not going to sell our interests until we better  
21 understand how this program is going to work. And from  
22 that standpoint, I'd say once again that is certainly a

1 prerogative and a right that we understand that you  
2 have. And this is a willing seller program.

3 We have implemented this settlement in some areas.

4 We have had willing sellers who think they got an  
5 appropriate value, and we have had those on those  
6 reservations who have not sold, who did not think  
7 either the value was appropriate or didn't think it was  
8 in their best interest to sell, and we understand that.

9 So our goal is not to try and convince you to sell,  
10 but our goal is to answer all of your questions, to  
11 provide as much transparency in how we're doing  
12 business so that you know how that valuation was made,  
13 what your interest is, how that interest then is  
14 conveyed and held by the United States for and in trust  
15 for the Tribe itself.

16 And having said that, I would say typically the  
17 way the process has worked is that once we start doing  
18 work in depth on a particular reservation, we enter  
19 into a cooperative agreement or some other type of  
20 agreement with the Tribe who will primarily do the  
21 outreach.

22 So for the situation with the Navajo Nation, the

1 program has not got up and going with any offers being  
2 made. There are other programs that have happened.  
3 There have been other consolidation programs run  
4 through the Bureau of Indian Affairs, and some Tribes  
5 themselves have run those consolidation programs. And  
6 we certainly have over the last year started the Buy-  
7 Back Program offers on a number of reservations. But  
8 we haven't begun on Navajo yet.

9 So what I envision is we will hopefully reach an  
10 agreement with the Tribe of how it will do outreach,  
11 how we will work with the Tribe itself. And before any  
12 offer is made, there's typically a lot of community  
13 meetings, chapters, I assume, in the Navajo Nation  
14 where there will be a lot more information specific to  
15 how the program would be carried out on the Navajo  
16 Nation itself.

17 So I just mention that as a matter of process to  
18 let you know I take away from this meeting today we  
19 have a lot more work to do in that education, in that  
20 transparency process in bringing on more people to help  
21 with that. And I think that's one of the takeaways we  
22 take -- I have today. But also to let you know that

1 the process is going to be much more in depth, and I  
2 hope much more access to good information to places  
3 even in the follow-up in the community meetings where  
4 you can get questions answered.

5 One other last point I want to make, and then I  
6 want to turn it over to Assistant Secretary Washburn  
7 for his comments and anybody else who might want to  
8 just offer a few thoughts. I think it was a very --  
9 there was a lot of very good comments. But one very  
10 good comment was, what is the plan long term to deal  
11 with the fractionation issue, because I think it was  
12 very accurately stated. The Buy-Back Program isn't  
13 going to get us there at the end of the day to deal  
14 with the fractionated interests, the issue that exists  
15 across Indian Country. It's \$1.9 billion that was  
16 provided pursuant to this settlement to certainly help  
17 carry out and address those issues overall.

18 Right now, the way the settlement works and the  
19 way the program works, we, the Federal government, are  
20 charged to figure out a way to work with Tribes, but we  
21 are carrying out that program. I think you heard from  
22 several commenters today that they would like the

1 Tribes to be able to take over that program itself.  
2 That will require new authority that doesn't presently  
3 exist. And we understand that that discussion is  
4 happening on Capitol Hill, and we will be involved, I  
5 think, in the discussions of what the positives are and  
6 what are some of the other implications associated with  
7 that.

8 But what I do want to say is right now the way  
9 we're envisioning this program is to try and work best  
10 with the Tribes so that we can make very strong headway  
11 and progress in addressing the issue, but recognizing  
12 it's still at the end of the day going to have an  
13 ongoing consolidation program that the Bureau of Indian  
14 Affairs will be carrying out. And in one particular  
15 Tribe that I recently met with, they plan on carrying  
16 out a consolidation program themselves, standing it up  
17 through the Buy-Back Program, but it's going to be a  
18 long-term program that the Tribe itself is going to  
19 invest in and carry out.

20 And so, I think that's our goal for the time being  
21 the way the program is structured because we recognize  
22 it's not going to be the be-all, end-all to address the

1 issue. But we do have to align it with those other  
2 opportunities that are out there to ensure that this  
3 process can continue even after the 10-year period  
4 that's currently scheduled for the Buy-Back Program  
5 itself.

6 And so, thank you once again for your time and  
7 your interest, and I'll turn it to over to some  
8 comments from Assistant Secretary Washburn.

9 ASSISTANT SECRETARY WASHBURN: Thank you, Deputy  
10 Secretary. Let me just say this. It's clear that a  
11 lot of us have a great passion for our land, and I  
12 think that that comes through in these comments. It  
13 turns out some people were given allotted lands that  
14 they've never even seen, that they don't have a passion  
15 for. And so, you know, this is an entire voluntary  
16 program, and it's designed to take that land, that  
17 trust land, that people don't want to retain, and  
18 return it to the Tribe. And it's trust land to begin  
19 with, and it's trust land at the end of that. It's  
20 held in trust by an individual person at the beginning,  
21 and if it's consolidated back with the Tribe because  
22 the owner sells, then it's owned by the Tribe in trust.

1           And the beauty of that is that addresses the  
2           fractionation problem to some degree because Tribes  
3           don't die. Tribes have been here since before the  
4           United States, and I think they may well be here long  
5           after the United States has ceased to exist. So Tribes  
6           live forever, and if that land is held in trust for a  
7           Tribe, then we don't have a fractionation problem  
8           anymore with those interests. And so, that's really  
9           what we want to get to.

10           The dream of Elouise Cobell was really to try to  
11           address this problem, and that's what we are trying to  
12           do here. We're really working hard to get it right,  
13           and it's a complex problem. It's a really difficult  
14           problem. And this problem, we're not going to be able  
15           to solve it completely. But I will tell you that this  
16           Administration has worked really hard to try to solve  
17           this problem and problems like it. This was a \$1.9  
18           billion settlement that we enacted with the help of  
19           Congress, but negotiated by this Administration.

20           I will tell you there's also about \$2.7 billion  
21           worth of individual trust settlements with Tribes that  
22           the government has made, and we really want to get past



1 this. We hear this distrust of the Federal government,  
2 and I know it was well earned. I mean, you know, you  
3 came by that mistrust honestly, but we are really  
4 trying to get past that. This Administration has  
5 worked diligently for six years to try to build trust  
6 with the American Indian people, and putting the  
7 disputes behind us, and try to get solutions going  
8 forward. And that's really what this is about.

9 I have to say one of the biggest obstacles to our  
10 work here in some respects is some people just don't  
11 trust their own tribal governments, so they aren't  
12 interested in consolidating those lands in the Tribe,  
13 and that's a problem. It saddens me honestly because  
14 my feeling is, you know, people have more trust for  
15 their own governments than they do the United States  
16 government, and so they would be willing to sell. It's  
17 not always appropriate for them to sell, but I think  
18 that, you know, we're doing the best we can to solve  
19 the problem.

20 Mr. Stiffarm from Fort Belknap did say it best.  
21 What are we going to do to resolve this problem? This  
22 is one of the best things we can do to resolve the

1 fractionated interest problem. There are others.  
2 Probates and other things can help to solve this  
3 problem, as Judge Willet said. But we've got to work  
4 on it with a lot of different strategies.

5 Let me say this. We have not started purchasing  
6 any fractionated interest at the Navajo Nation. We  
7 have not. Maybe there's right-of-ways and other things  
8 that have been bought and sold on the Navajo Nation,  
9 but the program hasn't started at the Navajo Nation  
10 yet. We are working together with the Navajo Nation in  
11 hopes of getting the program started there. You know,  
12 people get income from their interest, and they get  
13 right-of-ways offers and that sort of thing. But we  
14 actually haven't purchased a single fractionated  
15 interest on the Navajo Reservation. We just haven't  
16 started there yet.

17 So, you know, this is a complex area, though, and  
18 it's confusing because people that have interests do  
19 get offers for, you know, other things, like right-of-  
20 ways and such. So but we really want to get it right.

21 We don't want anybody to ever be railroaded. For some  
22 people, you should not sell your land. If it's

1 meaningful to you, don't sell it. You should keep it.

2 But for those who it's not meaningful or that, you  
3 know, this can benefit you in some other way, we hope  
4 you will consider that. Mr. Stansguard from Coeur  
5 d'Alene, it was moving to me to hear that one of his  
6 children used that income from selling the land to buy  
7 a home. That's meaningful. She found a really good  
8 use for that, and I think that that's really important.

9 So this wasn't really intended to be an  
10 informational session. This was a Listening Session.  
11 This was our chance to come and hear what are the  
12 concerns of all of you. Honestly, we heard from a lot  
13 of people, and we know that informational sessions are  
14 valuable. We've really been trying to have those  
15 informational sessions come from tribal government and  
16 tribal leaders because they are closer to you than we  
17 are. I heard a lot of talk about fluency here, and I  
18 couldn't quite understand what that guy was saying.  
19 There was a communication gap here. I don't understand  
20 Navajo. I mean, honestly. So the people that can  
21 speak to you best are the people that do speak Navajo  
22 and do understand Navajo, and those are who we're

1 trying to enter cooperative agreements with to talk to  
2 you on the Navajo reservation, for example.

3 That's why we want to work directly with Tribes to  
4 implement this program so much. We think they can do  
5 it best. I'm confident. I'm a big believer in tribal  
6 self-governance and tribal self-determination. I'm  
7 confident that Tribes can do most of this stuff better  
8 than we can, but we certainly have some role to play  
9 here.

10 But this was a Listening Session, and we hope  
11 we've spurred some interest among some of you to get  
12 more information because this is a long process, and  
13 this is a very complex process. The overall problem is  
14 something that, as Judge Willet sort of recognized, you  
15 know, you can be doing this work for 30 or 45 years and  
16 never fully understand all the complexities of this.  
17 And we're working through some of those complexities as  
18 we go to each different reservation because every  
19 reservation in the United States is unique and has  
20 different issues.

21 Thank you so much. Thanks to everybody here who's  
22 had a butt in the seat for the last three hours to help

1 us understand what's going on in this community, in  
2 this area, and to help us think through these issues  
3 because you've helped us, and I hope you've learned a  
4 little bit, too, and have learned what you don't know  
5 if you need more information. We are really grateful  
6 to all of you for being here and helping us implement  
7 this program properly. Thank you.

8 (Applause.)

9 (Whereupon, at 4:20 p.m., the meeting was  
10 adjourned.)

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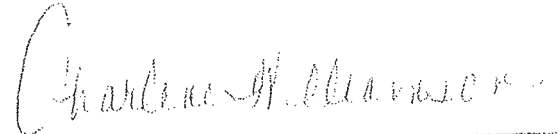
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CERTIFICATE OF TRANSCRIBER

I, Charlene Williamson, hereby certify that the foregoing is a true and correct transcript, without alterations, from the electronic sound recording and information provided to me of the proceedings in the above-entitled matter.



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CHARLENE WILLIAMSON  
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