

Attending at Diocese House were Bishop Carol Gallagher, Ray Brown, and Marcia Lauzon. Attending by phone was Gary Waddingham. Dean Scott Anderson joined the meeting while it was in progress.

### Agenda

Our current priorities

Presentation by Tim Coulter

Native people in ministry

Our mission and goals

Our current priorities

#### 1. The next bishop

- We could nominate someone. Bishop Carol suggested two names:
  - ★ The Ven. Paul Sneve, Archdeacon in the Diocese of South Dakota. His mother was Lakota. One of his parents did a lot of writing of native children's stories.
  - ★ The Rev. Paul Allick, of the Diocese of California (Church of the Advent, San Francisco); grew up in eastern Montana and is Turtle Mountain Chippewa.
- Bishop Carol will provide emails and Ray will contact each of them.

#### 2. Legislative concerns

Our legislative concerns include:

- a) Missing and murdered native women and children.
- b) Standing Rock residue.

There has been terrible backlash against natives in the area of the protest. Indian people have been followed and harassed in stores and on the street, and service has been refused in restaurants. Our legislature could take a stand against such racist actions.

- c) Disenfranchisement in North Dakota.

This has been in the news lately. The Supreme Court has upheld a rule that all voters must have a valid street address. Most people on reservations have only a Post Office Box. In North Dakota, this disenfranchises most native voters.

- Bishop Carol referred to the Episcopal Public Policy Network, which is located in D.C., with an office on Capitol Hill. It is critical that we interface with them and use their help to reach our Montana delegation about any legislative issues that affect Indian Country.
- Bishop Carol notes that the national church has a *Vote Faithfully* toolkit which supports parish actions to remind people, in a non-partisan way, of our Christian values and to attend to those while voting.

Presentation by Tim Coulter

Tim is Pottawatomie, from Oklahoma, and is the Executive Director of the Indian Law Resource Center in Helena ([www.indianlaw.org](http://www.indianlaw.org)). He joined our meeting to provide information about current native issues nation-wide.

### Voting rights

The legislative districts in Montana have definitely been gerrymandered. The Resource Center was involved in a lawsuit but the judge would not overturn the current districting, because to overturn it he would have had to find it was done with racial intent, and he was reluctant to state that.

### Oil and Gas Leases

The reinstating of leases in the Badger-Two Medicine area, although always a threat, will not come up in this next legislative session. Ray Brown is working with the Montana Wilderness Association on that.

Doctrine of Discovery

- The Doctrine of Discovery is an umbrella concept for the “colonial mentality” that Europeans have a right to seize native land. Many people, even tribal leaders, are still focused on this.
- Despite this common understanding, the U.S. never acquired any Indian land simply by right of discovery. It never was our law, or part of international law, that land belonged to the U.S. by any such right. The concept of European rights to American lands arose from a decision by the Pope in 1542, but that never had any force in international law.
- Since it has no legal effect, efforts to legislate about this are not necessary.

Actions by the Federal Government

Changes in this area are of serious concern, although the scope is not yet clear.

*1. Eliminating access to Federal programs*

- There is a move afoot by the current administration, and also extreme conservative organizations, to try to do away with all the federal programs and laws that are intended to benefit Indian tribes. They want to characterize them as racial discrimination, and thus unconstitutional.

Recent events:

- ★ On October 4, a district court in Texas ruled that the Indian Child Welfare Act was unconstitutional (see #3 below). If this step succeeds, it will impoverish Indian tribes further.
- ★ In May 2017, the President said in his signing statement of a bill, that “we may not be able to carry out” these bills that provide benefits for tribes and for Black colleges, because they may be unconstitutional, as they carry racial preferences.
- ★ In April, the Centers for Medicare and Medicaid Services created a crisis when they said they would not approve of any action which exempted tribes from any work exemptions for Medicaid. As many reservations have little employment opportunities, this is unacceptable. Some states applied for the waivers, but the federal office said they wouldn’t approve it.

*2. Redefining Indian peoples*

- The Supreme Court has said (in the past) that tribes are not racial groups; they are governmental entities, and federal laws intended to benefit them, rather than being racially discriminatory, are part of the U.S. government obligation to uphold treaty obligations.
- There is now a campaign to overturn that understanding. This would affect, and possibly end, programs such as the Indian Health Service and housing and education services, including tribal colleges. So far everything remains intact, except for the Indian Child Welfare Act in one district in Texas (see #3 below).

*3. Threats to the Indian Child Welfare Act*

- Background: This federal law was enacted in 1978, and governs removal of Indian children from their families. The Act says where possible native children should be adopted by native families.
- In the recent Texas decision, a district judge said the children that are subject to the Act are not tribal members, but are only *eligible to become* members. This is because in most tribes, you don’t become a member at birth, but only once you are enrolled.
- This issue of who and what is Indian has surfaced three times now: the signing statement by the president, the Medicare action, and the district judge.
- Judge Kavanaugh, the new Supreme Court judge, is very distressing to Indian people. Tim argued a case in front of him. The judge didn’t care what the law was, he said things were in the law that weren’t in it, and he didn’t listen to others.

#### 4. *Unfair Federal laws*

- More and more people around the country are interested in changing unfair federal laws.
- The biggest threat to Indian Country is the ability of the feds to seize native land.
- The American Declaration on the Rights of Indigenous Peoples was recently adopted by the Organization of American States. (N.B. Tim was the author of the U.N. Declaration on the Rights of Indigenous Peoples.)
- Be alert for challenges in this area. Possible negative actions include increased taxation of tribes, and rules that prevent tribes from engaging in economic activity (which of course keeps tribes poor).

#### Education is key

Tim and his staff plan on writing three short articles for national distribution.

- The first would cover what tribes are. The second will detail how tribes operate today; that is, their function. The third article will be how tribes and the federal government interact. These will be simple, short articles for the general public. Tim hopes the articles will be completed this fall.
- Ray said if we receive these, Bishop Carol can distribute them widely. The Episcopal Public Policy Network shares things with Methodists and Lutherans, so that is an effective outlet for information.
- A discussion took place about how to get non-natives interested in Indian issues. Tim said a large part of the issue is that non-natives are just not informed. Bishop Carol said there has been a good response to the native Prayers of the People. If presented with more information, there might be more support. Most non-Indians have no education in these issues.

#### Violence against Native women

- This issue is critical in native communities. Alaska has the most serious problem. Violence against natives is a problem in other countries as well.
- The Center has a project called *Safe Women, Strong Nations* that works to advise and assist native women's organizations, and helps them advocate.
- A major part of the problem is that most perpetrators are non-native. The tribes are unable to police and prosecute crimes on the reservation by non-natives. The FBI is reluctant to go on reservations, and the state may be unwilling to send people. The multiple jurisdictions compound the problems.
- The Violence Against Women Act includes some important provisions that have been expanded to include non-Indian spouses / boyfriends who assault women on reservations.
- Women's organizations (not just Indians) will focus on the re-authorization of this Act, so we should support their efforts.
- Bishop Carol will send links to *Safe Women Strong Nations* to the Council.

#### Staying connected

The Center has a periodic newsletter. It could be sent to our Council. Council members are encouraged to refer to the Center website: [www.indianlaw.org](http://www.indianlaw.org).

Tim said one area where we could have the most impact is the effort to educate non-natives. He was thanked for his excellent information and willingness to meet with our Council.

### Native people in ministry

It has been difficult to get native people into ministry.

- Bishop Carol said this is in part because the way our canons work goes against native practice. A person has to ask permission to start discernment. Native people need to try things out first before committing. They need to practice part of the office without having to commit themselves; such as becoming a worship leader, a reader, or chalice server. Then from that point on, they need to know they have the community behind them.
- Maybe the biggest problem is getting *them* to recognize a call, not the church recognizing it. They will also recognize it differently than the church expects.
- Native people have so much reverence for elders that asking to become clergy is very daunting.
- Gary is willing to travel to Wyoming to a mission to the Shoshone there and talk to the local priest about native clergy issues.

### Our mission and goals

A discussion took place about how to build bridges, instead of walls, between natives and non-natives.

- It will help to focus on what we have in common, rather than our differences.
- Bishop Carol said we must also talk about economics.
- Marcia said should follow Tim's suggestion and be a channel for getting information on native issues out to the wider church, and connecting with groups already doing work that we endorse.
- Bishop Carol said we need a short mission statement that is easy to share. What is our goal? Is it community activism, building relationships, or both?
- Sample phrases and concepts mentioned included:
  - ★ "We gather monthly to..."
  - ★ Continue building relationships with native peoples, and partner with them on: \_\_\_\_\_.
  - ★ Bishop Carol suggested something such as "Building relationships with Native people, in order to develop partnerships in our communities."
  - ★ We could mention relationships with other groups, such as the Resource Center, the Indian Alliance, the Togendowagan Society, etc.

*This area needs further work and will be on the agenda at the next meeting.*

Our next meeting will be Tuesday, November 20, 11:00 - 2:00 at Diocese House.

Notes by Marcia Lauzon