

Erik R. Bishoff Photographer

Law Professor Rennard Strickland, who specializes in American Indian law, said the Sapsik'walá program is constitutional because American Indian tribes are recognized as sovereign nations.

SAPSIK'WALA

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accepting students last year. Students receive tuition and fees, a monthly stipend and a book allowance, as well as admissions and advising support. The grant stipulates that program graduates teach in districts that receive federal funds for American Indian education for the amount of time they were supported in the program.

Grier said she is not too concerned about the allegations, although she said the matter will be examined further.

"I'm really comfortable that this is a program that doesn't violate the law," she said, adding that there was no original reason for concern because the program is funded through the U.S. Department of Education.

The program has received more than \$1.6 million in grants from the U.S. Department of Education's Office of Indian Education, Rounds said.

Rounds said the program is important because of the contemporary struggles American Indians in Oregon face, such as a 40 percent high school dropout rate.

"When you think about things that way, then there's no question about why are we doing this," she said.

Strickland said issues pertaining to American Indians' rights, such as educational programs, have continually been upheld in the court systems.

"The (U.S.) Supreme Court has looked at this any number of times," he said. Strickland said in the 1974 case *Morton vs. Mancari*, the court ruled the "separate congressional treatment of Indians does not amount to a prohibited racial classification."

"It's something that grows both out of the constitution and out of the historical experience with Indian tribes," he said.

Nonetheless, Mountain States Legal Foundation President William Perry Pendley said the program is based on "erroneous race-based assumptions," such as insisting only American Indians can be appropriate teachers of American Indian children.

"It just seems so outrageous to make that sort of assertion," Pendley said.

Still, Sapsik'walá Student Support Services Coordinator Shadiin Garcia said American Indian youth need role models who they can relate to and who can bring new ways of learning to the classroom, such as emphasizing oral tradition.

"The idea is there's a basis of understanding that

can be met," she said, adding that American Indian teachers have a cultural awareness of students' needs. "That's empowering for Native kids."

She said there are about 12,000 American Indian K-12 students in Oregon and only about 100 American Indian teachers.

Graduate Student Cinnamon Bear, who is a member of the Karuk tribe, said her favorite experience in the program so far was working with a group of fourth-graders.

"It's amazing how excited Native students get about having a Native person working in their classroom," she said. "They trust you and look up to you in a way that they might not with a non-Native person."

She said American Indian students need to be valued in the education system.

"The program is an essential step in providing the resources necessary for Native students to succeed through the education system," she said.

However, Pendley said the bottom line is the program's requirements.

"The reason it's unconstitutional is it makes distinctions based on race," he said.

Strickland said the issue doesn't come down to a racial classification. It's a "government-to-government" classification because tribes are recognized as sovereign nations, he added.

"It's no more a racial classification than saying that students who live in Oregon and who receive lower student tuition because they are Oregonians are being racially classified," he said.

Pendley said he understands that the government has a special relationship with American Indians, but he questions whether that relationship justifies using race as a factor for the programs.

He said the foundation is not currently taking any action on the issue other than notifying the University of its position.

"This is the first step," he said, adding that future action "remains to be seen."

Strickland said such accusations are nothing new, but they are almost always decided in favor of American Indians.

"It's a little bit frustrating I think for Indian tribes and Indian communities to have to continually respond to issues the answer of which has been pretty clearly defined," he said. "There are lots of issues in Indian law that are up in the air but this isn't one of them."

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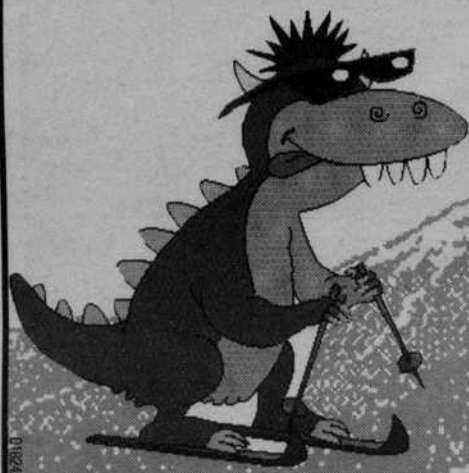
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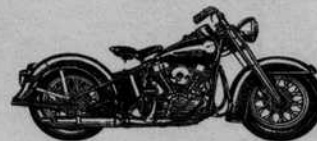
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