

D.C. Circuit Court affirms fairness of \$3.4B Cobell trust fund settlement

From *Indianz.com* and *The Blog of Legal Times*, part of *The National Law Journal*

The Washington, D.C., Circuit Court of Appeals has affirmed the \$3.4 billion settlement to the Cobell Indian trust fund lawsuit.

Kimberly Craven, a member of the Sisseton-Wahpeton Oyate in South Dakota, challenged the settlement. She argued it was unfair to hundreds of thousands of Indian beneficiaries who are owed an accounting of their trust funds by the Interior Department.

The court rejected Craven's appeal. In a unanimous decision on May 22, a three-judge panel of the D.C. Circuit Court said there was no evidence to support any of her claims.

"The class settlement agreement was the result of an arms-length negotiation," the D.C. Circuit wrote. "What interests it protected and what benefits it provided were weighed by the district court and considered in view of the class-member objections."

"The settlement acknowledged the plaintiff class' entitlement to an historical accounting and that the United States would pay for the surrender of that right

and for trust claims in accordance with an agreed-upon formula," the decision continued. "The settlement further provided that the (Interior) Secretary would attempt to purchase fractional ownership shares to enable accurate accounting in the future in fulfillment of the Secretary's trust responsibilities."

"Congress has approved the settlement and appropriated the necessary funds," the court said. "For Craven to characterize the settlement as 'tak(ing) shortcuts to solve the problem at the expense of individual rights,' and 'tak(ing) a series

of impermissible shortcuts that abuse the class action process to settle this case" is to ignore the history of this hard-fought litigation and the obstacles to producing an historical accounting."

Craven's appeal was heard by the court on Feb. 16. A second challenge was heard just last week.

The appeals have delayed distribution of the \$3.4 billion settlement. The deal puts \$1.412 billion directly in the hands of Indian beneficiaries.

An additional \$1.9 billion will be used by DOI to purchase fractionated interests from willing sellers.

U.N. rapporteur consults with Tribes on human rights of indigenous people

From the *National Congress of American Indians*

WASHINGTON – On April 23, the Embassy of Tribal Nations was the venue for one of the first discussions between Tribal leaders and James Anaya, United Nations Special Rapporteur on the Rights of Indigenous Peoples.

The four-hour meeting was part of a kick-off to Anaya's official U.S. visit to examine the situation of indigenous peoples in the country in light of the standards expressed in the United Nations Declaration on the Rights of Indigenous Peoples.

Anaya visited the Embassy of Tribal Nations in Washington, D.C., to hear from Tribal leaders about the experiences and

challenges they face today. The discussion, co-hosted by the National Congress of American Indians (NCAI) and the United South and Eastern Tribes, included Tribal leaders from across the country.

Anaya is charged with gathering and exchanging information from all relevant sources, including governments, indigenous people and their communities and organizations, on alleged violations of their human rights and fundamental freedoms and to formulate recommendations on appropriate measures to prevent and remedy violations.

During his visit from April 23 to May 4, Anaya held meetings and consultations with federal and state govern-

ment officials, as well as with indigenous nations and their representatives, in various locations.

The results of this assessment will be reflected in a preliminary report that will be submitted to the United States for its comments and consideration.

NCAI President Jefferson Keel delivered remarks at a two-day conference and consultation with Anaya. Titled *The Significance of the Declaration on the Rights of Indigenous Peoples*, the conference was held April 26-27 at the University of Arizona in Tucson just days after Anaya's meeting with Tribal leaders at the Embassy of Tribal Nations.

In his remarks, Keel stressed the

value of Indigenous cultural ideals to the improvement of the world economy.

"For tens of thousands of years, our people have been stewards of the environment. And now, non-Indigenous leaders are realizing that we are also successful stewards of our economies and societies," said Keel. "Indigenous peoples have been doing more with less for generations. It is clear that Tribal businesses bring value to the table."

Other presenters at the conference included Carrie Dann, executive director, Western Shoshone Defense Project; Dr. Suzan Shown Harjo, president, The Morning Star Institute; and Rex Lee Jim, Navajo Nation vice president.

Tribal Veterans: Ten-Hut – Veterans group launches employment program

For military veterans, finding meaningful, gainful employment when they return to their communities can be a difficult challenge. With soaring veteran unemployment rates and troop draw-downs, the need to find ways to "put boots on the ground" is becoming ever more critical.

Veterans for Green Jobs, a national Denver-based nonprofit organization, has launched Veterans Green Force (VGF), an outreach, recruitment and placement program designed for military veterans.

VGF provides veterans with training in such areas as construction and building for energy efficiency and conservation, renewable and clean energy, natural resources and conservation, environmental remediation and response, and sustainable agriculture. It then connects them with green sector employers.

VGF relies on strategic partnerships with private businesses, government agencies, nonprofit organizations, professional associations and educational institutions that offer jobs or training programs to military veterans.

With key startup funding from the Call of Duty Endowment and Walmart, VGF aims to connect with 1,000 veterans and place at least 30 percent of them into full-time green sector jobs by mid-2013.

VGF provides a path for young American Indian military veterans to continue to serve their country and communities by working in areas that provide long-term economic, social and environmental benefits.

A sub-program, Veterans Fire Corps (VFC), may be of particular interest to returning Tribal veterans because of the long history of American Indian involve-

ment in fire crews. VFC is a collaborative initiative targeted at training veterans to protect our public lands from the threat of wildfire.

Veterans work as part of a crew and receive training, certificates and a small living stipend. Initial project work generally includes introductory fuels reduction, leadership training and minimum exposure to fire suppression.

The experience and training provided through VFC are designed to prepare program participants for positions as wildland firefighters, allowing them to earn certifications and compete for federal jobs while leveraging their veteran hiring preference. Opportunities to participate in VFC are available either for Tribes interested in forming crews or individuals.

For information on training opportunities or requirements for participation, training and work experience, please contact the individuals listed below.

Tribes seeking assistance in establishing VFC crews with all or many veterans should contact John Toth, director of Veterans Programs, Veterans Green Jobs, at 720-236-1316 or john.toth@veteransgreenjobs.org.

Individual Tribal veterans interested in learning more about VFC should contact Garrett Reppenhagen at 719-235-7030. He can tell you about openings on currently established crews in your part of the country or someplace you long to visit.

Advertisements for established crews will come out about two weeks prior to the starting date. Interested individuals should express their intentions early.

Opportunities for established crews will be advertised soon for these locations:

Veterans Green Corps Crews 2012

Start Date	End Date	State	Closest Town	Project	Crew Name
June	Aug	WY	Laramie	Fire Mitigation	Medicine Bow Mountain Range Summer
Aug	Oct	WY	Moran	Fire Mitigation	Medicine Bow Mountain Range Fall
June	Aug	WY	Moran	Fire Mitigation	Teton Crew
June	Aug	MT	Ft. Peck	Fire Mitigation	Charles M. Russell Wildlife Refuge Summer
Aug	Oct	MT	Ft. Peck	Fire Mitigation	Charles M. Russell Wildlife Refuge Fall
March	June	CO	Durango	Fire Mitigation	Durango Spring
June	Aug	CO	Durango	Fire Mitigation	Durango Summer
Aug	Oct	CO	Durango	Fire Mitigation	Durango Fall
March	June	NM	Farmington	Fire Mitigation	Farmington Spring 1
March	June	NM	Farmington	Fire Mitigation	Farmington Spring 2
June	Aug	CO	Eagle	Habitat Restoration	Eagle/Holy Cross Saw Crew
June	Aug	CO	Rapid City	Fire Mitigation	Black Hills Summer
June	Aug	AZ	Prescott	Fire Mitigation	Prescott Summer
All Year		CA	San Diego	Fire Mitigation	San Diego
All Year		CA	San Bernardino	Fire Mitigation	San Bernardino
All Year		CA	Lake Tahoe	Fire Mitigation	Tahoe
June	Aug	NV	Reno	Fire and Trail	Reno
June	Aug	NV	Las Vegas	Fire and Trail	Las Vegas