

Census in Indian Country hindered by virus

Every decade, American Indians are routinely undercounted by the U.S. Census Bureau's nationwide effort to tally everyone within the country's borders. At stake are millions of federal dollars for tribal community programs.

To prevent under-counting this year, millions of dollars are being spent promoting participation in the 2020 Census.

For Oregon a major point of focus is the historically undercounted Native population.

However, the Covid-19 outbreak is making it more difficult to accurately survey Indian Country, where the Census Bureau has struggled in the past.

The curtain rose—then because of the covid virus quickly fell—on a kickoff gala on the Confederated Tribes of Warm Springs Reservation, March 12.

Planned weeks in advance by census officials and the media, the gala was to be the centerpiece of efforts to engage reservation residents and push them toward greater participation than was seen in the 2010 Census, which, like previous population counts, suffered an undercount of American Indian and Alaska Natives.

A taco lunch was provided, as well as a children's mini powwow.

An esteemed tribal elder and veteran was Oregon's first 2020 Census participant.

Speeches by tribal officials urged the importance of the census to Native people.

Yet the night before, Oregon Gov. Kate Brown announced limits on crowd sizes at organized events as the state addressed steadily increasing cases of Covid-19.

Jaylyn Suppah, a community planner for the

Court reviewing planned early end to census

A federal judge in California has temporarily blocked the effort to cut short the 2020 census, which critics say is an attempt to undercount communities of color.

U.S. District Judge Lucy Koh in the Northern District of California issued the order in response to a challenge by a coalition of civil rights, local government and Native American groups, which filed an emergency request as part of a federal lawsuit.

Koh ruled that the order is needed because the challengers are likely to suffer "irreparable harm" from a truncated census count.

The census results are used to determine the distribution of political representation and federal funding among states and local communities for the next decade.

"Because the decennial census is at issue here, an inaccurate count would

not be remedied for another decade, which would affect the distribution of federal and state funding, the deployment of services, and the allocation of local resources for a decade," the judge wrote.

The order is expected to remain in effect until a court hearing on September 17, when the coalition will argue for census counting to continue through the end of October, as the Census Bureau initially planned.

"To cease census operations earlier than set out in the Bureau's own Covid-19 census plan with full awareness that tribal nations, the most undercounted population in the 2010 census, are also the most impacted coronavirus demographic, is a breach of the governmental relationship that exists between the federal government and tribal nations," said Stephen Roe Lewis, governor of the Gila River Indian Community in Arizona.

"This federal government would knowingly be ensuring that much-needed tribal programs would be significantly cut because of the conditions created by the pandemic and the interruption of census operations," he added.

The Census Bureau originally had planned to extend the count through October to make up for delays caused by Covid-19. After publicly supporting the timeline extension, the administration in August suddenly moved up the date to the end of September.

"Today's ruling buys the census some precious and indispensable time by barring the administration from shutting down the count while the federal courts are still considering our request for relief," said Thomas Wolf, a senior counsel at the Brennan Center for Justice, who is helping to represent the plaintiffs.

tribe's health and human services branch, was charged with making sure the census kickoff had plenty of food for attendees.

At the onset, she figured nearly 100 people showed up at the Warm Springs Agency Longhouse.

"We just finished out the day and we kind of just started looking at the protocol Gov. Brown put out," Ms. Suppah said. "It was an all-day event, so people came and went. It wasn't crowded or anything."

But afterward, the pandemic slammed the brakes on what was to be an aggressive, far-reaching effort

to count more Native Americans and to prevent a repeat of the 2010 undercount.

As of August 31, the Warm Springs reservation had a self-response rate of 40.2 percent.

While that's better than its final 2010 rate of 35.8 percent, it's well below that of Oregon (67.9 percent) and still not as high as census officials want.

In 1990, the undercount for American Indian/Alaska Natives nationwide was more than 12 percent, while in 2010, that figure was 4.9 percent.

At a 2018 hearing, U.S. Sen. Tom Udall of New

Mexico told the Senate Committee on Indian Affairs that the federal government spends \$3,000 per person in his state, meaning significant losses for tribes when reservation residents go uncounted.

In Oregon, the state has provided \$7.7 million for 2020 Census education and outreach, in hopes of securing those federal dollars. Jaylyn found her role shifted from event catering to census activities coordinator.

With the slate of originally scheduled census activities canceled, she's shifted to more pandemic-friendly events.



These have included drive-through census events across the reservation. By her estimate, at least 180 people took part in those activities, out of the 3,330 residents who live on the reservation. This year census questionnaires can be completed online, but that won't be a great help in Indian Country, Jaylyn said.

"When we're expecting folks to be counted online, it's really hard," she said. "You have folks who don't use the internet or have access to the internet. It's not our strong suit."

Services many Americans take for granted—like wi-fi access, cell phone coverage, and computers—are often lacking in Indian Country.

The U.S. Census Bureau reports that just over half of reservation homes have computers connected to high-speed internet service.

Coordinators were handed some jarring news early this month when bureau officials announced that an extended data collection and self-response deadline of October 31 was being shifted to the end of September.

Jeanette Durán Pacheco, media specialist for the Census Bureau's Los Angeles Regional Office, says the bureau is adding employees, training sessions, and awards to motivate enumerators "who maximize hours worked."

"We will improve the speed of our count without sacrificing completeness," Durán Pacheco said.

Some aren't as upbeat.

"Moving the deadline sooner only continues to disenfranchise our communities from being counted," said William Miller, a Blackfoot and Cherokee Indian who works with the Oregon Complete Count Committee on Indian Affairs.

"These efforts will only continue to increase the risk of an undercount, which will require our communities having to wait until 2030 to be accurately accounted for."

Enumerators trained in social distancing and equipped with personal protective equipment have been sent out to visit the homes of residents who haven't self-reported.

"We must do everything within our power to successfully, meaningfully and fruitfully engage our community to ensure a full count," Mr. Miller said.

While census workers race to beat the clock, several civil rights groups have filed a federal lawsuit against the current administration, arguing that the truncated timeline violates the Constitution's Enumeration Clause, which requires an actual count of all persons living in the United States.

Additionally, 20 U.S. Senators have signed a letter to the U.S. Census Bureau and the U.S. Department of Commerce, urging them to honor their original field data collection deadline of October 31, to ensure an accurate count for Indian Country and the Native Hawaiian community.

Resolution of Tribal Council

Road projects 2020-2024

Whereas the Tribal Council is the governing body of the Confederated Tribes of Warm Springs Reservation of Oregon; and

Whereas the Bureau of Indian Affairs and the Warm Springs Tribe have recognized the need to submit the priority list for the Tribal Transportation Improvement Program (TIP) for the Indian Reservation Road projects for the fiscal years 2020, 2021, 2022, 2023 and 2024, and Tribal Council approval of the TIP by resolution is required for BIA funding; and

Whereas the BIA requires a Tribal Council resolution to submit the TIP for Indian Reservation Road (IRR) projects for fiscal years 2020, 2021, 2022, 2023 and 2024 accordingly, the projects are listed (exhibit A to the resolution) in order of priority to use funding when it becomes available. These projects are listed with the estimated funding amounts; and

Whereas the road de-

sign and construction projected listed are an integral part of the future of Warm Springs housing plans, school bus routes and transportation system; and

Whereas these projects have been designated as part of the BIA roads inventory and the BIA has identified the funding source for the design and construction of these projects will be through the Indian Reservation Roads program under the Tribal Transportation Program under the Moving Ahead for Progress in the Twenty-First Century Act, administered by the Federal Highways Administration; and

Whereas the Warm Springs Planning Department and the BIA estimate that the cost to design and construct these projects is approximately \$9,999,800; that an actual cost proposal will be negotiated for the purpose of entering into a contract between the BIA and Tribe; and for which Advanced Payment Schedule process for funding shall be requested; and

Whereas the Warm Springs Planning Department has been designated the

Transportation Planner for the Warm Springs Reservation, and the Planning Department shall be responsible to ensure that the good of the public is served through responsible engineering and construction; and

Whereas these projects can best be expedited and accomplished by the Tribe, and through, Planning Department acting pursuant to a Public Law 93-638 contract with the BIA by utilizing materials located on the Warm Springs Reservation and in close proximity to the projects; and

Whereas construction of these road projects will require the Tribe to grant rights of way across tribally owned trust land; and

Whereas the Tribal Council believes that the process of obtaining the necessary rights of way across Tribal land to construct the road projects should be facilitated and expedited; and

Whereas in order to facilitate the granting of rights of way to construct these projects the Tribal Council wishes to authorize and delegate to the Chairman, or Vice Chairman, and the Sec-

retary-Treasurer CEO the authority to execute any and all rights of way across tribal land required to construct the road projects subject to the approval of the Secretary (BIA); now therefore

Be it resolved by the Twenty-Eighth Tribal Council of the Confederated Tribes of Warm Springs, pursuant to Article V, Section I(a) and (d) of the Tribal Constitution and By-Laws, that the Tribal Council request a contract under authority of the Public Law 93-638, to design and construct the road projects hereby designated as the Tribal TIP for fiscal years 2020, 2021, 2022, 2023 and 2024; and

Be it further resolved that the Secretary-Treasurer CEO or their authorized designee, is hereby authorized to make application for, negotiate and execute said contract and any amendments thereto, on behalf of the Tribe; and

Be it further resolved that this authorization and cost estimate shall remain in full force and effect until otherwise updated, amended or rescinded by subsequent Tribal Council resolution; and

Be it further resolved Tribal Council requests that the BIA secure the necessary rights-of-way for the use of the individually and/or tribally owned lands required to

construct the road projects; and

Be it further resolved the Tribal Council Chairman or Vice Chairman and Secretary-Treasurer CEO are hereby authorized to execute any and all rights-of-way documents on behalf of the Tribe that may be required to construct the projects listed in this resolution subject to the approval of the Secretary (BIA); and

Be it further resolved the Tribal Council hereby reserves the right to negotiate any compensation for the rights of way across tribal land authorized by this resolution and required by any of the roads projects. *Resolution no. 12,702.*



Entrance sign at the Warm Springs Academy.