



Aaron A. Payment, MPA  
Tribal Chairperson  
"Representing All  
Members Everywhere"

# Q & A with Chairperson Payment

**Ahneen, Negee:**

*While we have been inundated with negativity in Board Unit reports and planned attacks during meetings where Tribal Board members have called for criminal investigations and demanded apologies to anonymous Elders who have supposedly complained, I choose to focus on areas I can make positive change for our people on a national level and by promoting reforms in our Tribe's government. We'll get there. In the meantime, your patience is appreciated.*

Chi McGwitch, *Qarn*



**Indian Health Services Contract Support Costs Workgroup** - Cathy Abramson (Far Left - observer as Chair of the National Indian Health Board), Dr. Yvette Robideaux, Interim Director of IHS (middle front row) and Chairperson Payment (to the right of center back row).

## CONTRACT SUPPORT COST UPDATE

**Q. Mr. Chairperson, you have been traveling a lot to Washington DC regarding IHS Contract Support Costs. What is this issue about and how does it affect us back home?**

A. In upholding the trust obligations of our 1836 Treaty, the federal government entered a legal obligation to provide us "health, education, and social welfare" [paraphrased]. Part of this obligation includes supplying our Tribe with an amount funds to manage this responsibility. This is done through "indirect" funding which is a tax of sorts on all of our federal grants and contracts, as well as, direct contract support costs. Across the country, it is estimated that the Indian Health Services is in arrears anywhere between \$665 million to \$1 billion. The amount due to our Tribe could amount to several million dollars. Thus, there is an issue of a past due amount plus on-going and future funding. The amount in dispute on-going is likely greater than \$300,000.

Given I have been very vocal on the national level to provide a workable solution, I was invited by the Interim IHS Director to serve on a National task force called the Contract Support Costs Workgroup. I believe my role has been to keep folks at the table in order to work out disagreements and find a solution. When Congress mandated that Contract Support Costs be fully funded and agencies appeared like they would cut services to fully fund contract support costs, I was the first voice from Indian Country to assert it felt like we were being punished and that this would represent an abrogation of the trust obligation. Initially, I was the lone voice so I had to wonder if I made a mistake. As it turns out, mine was just the first voice. Soon, I was joined by a chorus of tribal voices. As a result, the Indian Health Service found a way to fully fund contract support without cutting our services. Thus, we saw a growth in our services funding along with full contract support funding. Our work, however, is not done as we have to more clearly articulate how these funds will be calculated so there is less disagreement and our continued funding will become routine. IHS pays for my travel, lodging, and per diem for serving on this workgroup.

A few Board Members have continuously voted to refuse to accommodate my schedule to represent our Tribe at the highest levels. They have refused to fund my travel for other purposes claiming I am just "resume building" but now that we have results and we are likely to receive a settlement greater than \$1 million and receive an additional \$400,000 or more annually, I want to affirm to the Members that one person can truly make a difference – even in the face of adversity both outside and even from inside our government.

## PAYMENT ADMINISTRATION REDUCES INLAND PERMIT FEES

**Q. When the Tribe began to exercise our treaty rights to hunt, fish and gather in our 1836 Treaty territory, there were to permit fees. Now there are. Who put these in place and why the recent change?**

A. Members may recall that I refused to sign the 2007 Inland Consent Decree until Tribal voters were invited to ratify it via a Tribal referendum. This was a fight for 3 months until the Board finally agreed to let you vote. The Members then overwhelmingly approved the decree with nearly 80% approval. Shortly thereafter, Director Abramson and I lobbied Congress during a M.A.S.T. trip to fund the cost of implementation including self-regulation. When I returned to office in 2012, I resumed my efforts here. I am happy to report that we recently received notice from the BIA that we will receive a new \$320,000 for Inland treaty rights which will lighten the burden on our BIA Self-Governance funds and in turn provide essential governmental and Member services. Funding at this level doesn't just happen. It requires work and travel to DC. I want to thank our Inland and Fisheries team for their assistance, as well as, that of Tribal Member Jane TenEyck who is the daughter of the late Cub McKerchie.

After I left office in 2008, fees were set at 3X times that of what State of Michigan permittees pay. Now that we have the funds, I reduced the fee to 1/3 of what the previous administration was charging our people. I am pleased to reduce these fees given our success in securing new funding. I believe some on our Board will fight it, but I am happy to fulfill our Inland Committee's request.

Recently, the Chippewa Ottawa Resource Authority Board voted unanimously to have me and the Bay Mills Indian Community President Levi Carrick represent CORA during the 2016 Budget Hearings in Congress. This is an honor. I have a great rapport with President Carrick. I am confident we'll do our best.

## SELECT TRIBAL BOARD MANUFACTURED CONTROVERSIES

**Q. In December, several Board Members led the charge to accuse you, the Chairperson of committing a criminal offense by requesting the number of registered voters of the Tribe. What was this controversy about?**

A. My request to the Tribal Registrar was to know the number of registered voters. Somehow individual Board Members found out I requested this number and chose to politicize it. In explaining what I was looking for, I clarified I needed a list run of those registered to vote and a separate one of those not registered to see if the two numbers equaled the number of adult Members. Others interpreted that I wanted the list of names. When I found out this was the interpretation, I immediately clarified that I did not want names but just the number which is public information for which any Member should have access. My interest in how many Members are registered to vote was to publish this number before the election to ensure openness in reporting and to make sure the numbers of those registered to vote outside do not mysteriously drop. In past elections, hundreds of Members complained about registering to vote, then not getting a ballot – or – voting in the primary and then not getting a general election ballot. The Elder Advisory Board has reported, their adult children being forcibly moved from the unit of their choice to Unit 1 which then prohibited them from voting for their candidate of choice in their respective units. I am not making this up, the Chair of our Elder Advisory Board filed this complaint.

Rather than transparency in government, select Board Members choose to accuse me of committing some criminal act and voted to suspend all rules at a meeting to then vote to launch a criminal proceeding. The Election Committee Attorney even noted to the Board what they were about to do was improper. Board Members Joanie Carr-Anderson (Unit 5), Keith Massaway (Unit 3), Catherine Hollowell (Unit 2), Deb Pine (Unit 1) and others actually voted to suspend the rules to launch a criminal investigation. Most of these are political adversaries to just about everything I do so I was not surprised, but when I asked Director Carr-Anderson to explain herself, she made a public display of claiming to be singled out and bullied. I find this ironic as she voted to put on the agenda to criminally investigate. How is that not offensive or being bullied? Members in Munsing and Marquette are still awaiting her explanation.

**Q. Recently, you published in social media sites, a list of names and cities (no street addresses) of those Members who are registered to vote. Select Board Members are again calling for a criminal investigation. What is the big deal with listing out the names of those registered to vote?**

A. There is no issue here. The roll of registered voters is a public document. All candidates and non-candidate registrants are entitled to this list and it is not protected or confidential in any way. As a public service, I took my 2012 election list and eliminated the street address column. Then I saved it to a searchable pdf file so Members could go on line to see if they are registered. Members' privacy is retained in that their address is not even shown. Some Board Members have insisted some anonymous (or fictitious?) Elders have complained about having their name appear on a list. When each Member registers to vote, they consent to their name being on this list. Again, this information is not private or confidential. My motivation was to help facilitate voter registration. In the interests of transparency in government and facilitating democracy in governance, we should be doing everything we can to facilitate Member participation rather than crying foul that a crime is committed. In fact, all Members should be automatically registered to vote.

## VOTER REGISTRATION: EQUAL PROTECTION VIOLATIONS?

**Q. If the Tribal Constitution requires Members both inside and outside of the service area to register to vote, why are those who live inside automatically registered and those who live outside have to register? Is it legal to have this a *partied* like system to vote?**

A. It is correct that according to the Sault Tribe Constitution, all Members are require to register to vote every four years. However, at an earlier stage in our history, the Board of Directors chose to eliminate the requirement for those inside the service area by interpreting that their enrollment in the Tribe was all that was needed. Members outside of the service area were still forced to register...

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...every election cycle. This was by design to disadvantage voters who live outside and lower their impact on election outcomes. In the late 1950s the United States experienced similar practices with knowledge tests required of African-American voters in the south and charging a poll tax. Clearly, this was a violation of the 13<sup>th</sup> Amendment of the US Constitution as it violated the "Equal Protections" doctrine. Our current "separate but unequal" doctrine for voter registration is no different as it is designed to purposely disadvantage those who live outside of the service area. The Tribal Board's complicity make this no less unethical or illegal. However, since we do not have a Separation of Powers in our Tribal Constitution (nor has the Board conferred standing for Members to bring a cause of action in Tribal Court) you have no way to challenge this illegal practice. Under our current "corporate charter" Constitution, you have no rights!

I tend to err on the side of inviting more participation in our governance not less and support all Members being automatically registered to vote. If we had a separation of powers, our Members who live outside of the service area could simply file an "Equal Protections" violation in our Court and overturn this discriminatory practice. In the meantime, the 66% of our Members will continue to be treated like second class citizens by our Tribal Board through laws they enacted or their complicity with not realizing their duty to correct past policies and illegal laws designed to hold people down.

**ELECTION CODE VIOLATIONS: NO STATUE OF LIMITATIONS**

**Q. In the past, Members have been subjected to anonymous automated phone messages and election phone polls, as well as, anonymous and salacious mailers like the Michael Jackson Mailer and Pink Post Card in 2004 and the anonymous mailer that maligned Directors McKelvie and Hoffman in Unit 1 in 2010 after the primary. Given this issue is on going, is there anything that can be done? Is there any idea who was responsible?**

A. Yes. As a matter of fact, there is. It is clearly a violation of Tribal law and there is no statute of limitations. While some cry "leave the past in the past" and "it's time to heal", this issue is ongoing; it is not ancient history. Further, with the phone polls, Members have complained that their confidentiality was breeched as their unlisted phone numbers that were only supplied to the Tribe were used. Through the discovery phase of the 7+1 case, we received sworn testimony that Bernard Bouschor and various defendants were engaged in this illegal activity. Bouschor, himself admitted this under oath by saying, "you got me there!" The Tribe is in possession of this testimony yet has done nothing.

The *Pink Post Card* was especially egregious as it claimed a fictitious group was endorsing me in order to make gay marriage legal on the reservation. While this issue is certainly contentious, it is my opinion that this is an issue to be settled by the surrounding State in which we find ourselves as we simply don't have the jurisdiction outside of our reservation to affect the outcome. Sending out mail though the US Postal system while fraudulently posing as someone else is a federal crime. This too has gone unaddressed.

Anonymous election calls are also violation of our laws. Why have such laws if only select people have to follow them? Each candidate and non-candidate registrant consents to the jurisdiction of our Tribal court. In 2008, my opponents had a fake Elder woman claim I would take away all of the services from the service area and, "give it to THOSE PEOPLE outside of our home" as if to paint a picture of 2/3 of our population as illegal squatters just waiting to steal our resources. This "us versus them" ugliness is pure politics driven by pure hate. My Uncle lives 385 miles away from the Sault in lower Michigan. He has more Indian blood than anyone on our Board; grew up knowing our language; is from Sugar Island; and practices our Indian ways. How dare anyone claim he or any other Members outside of the service area is any less deserving.

Given our Tribal court and Prosecutor are subordinate and not separate from our Tribal Board, I will introduce a resolution to grant jurisdiction to the US Attorney's Office to hire a Special Master to investigate and prosecute election related issues that have gone unaddressed for over a decade. Not to rehash the past, but to STOP THESE ABUSES from continuing. The consequence of not addressing these issues, as well as, Board Members who have had their campaigns illegally bankrolled by gaming vendors of the Tribe or Greektown partners, is to give permission for it to continue to happen. This has occurred as recently as 2010. I mean, why not if there is no chance you will be prosecuted.?

**TRIBAL CAMPAIGN FINANCE WIDE OPEN TO CORRUPTION**

**Q. It has been reported in this paper numerous times that the former Chairperson received large sums of funds for his campaign from Greektown and Casino vendors, as well as, outside attorneys and a public relations firm hired to represent the Tribe. What proof exists of this and why has nothing been done?**



A. First, of all, to gain a better insight on why this issue is important and is criminal, please watch the movie "Casino Jack". Of note is that when Jack Abramoff bilked tribes of an estimated \$85 million, he was threatened to be exposed by Saginaw Chippewa Tribal Council Member Bernie Sprague. As a result, Abramoff funded the campaign of his opposition. Sprague was not re-elected. This is corrupt because outside interests can keep their revenue streams simply by bankrolling Tribal Council Members' campaigns. The Sault Tribe has laws to protect against this but if we do not enforce these law, then this is an open invitation for our Tribal nation to be taken advantage of.

During the 7 + 1 testimony, former Chairperson Bouschor admitted to taking thousands of dollars from casino vendors to finance his campaign. The law firm of Miller Canfield's attorneys funneled campaign contributions which in turn paid for the *Pink Post Card*, *Michael Jackson Mailers*, *Mike and Aaron Suck Mailer* and illegal campaign phone polls. While this activity is not illegal for outsiders, it is very much so for our Tribal Member candidates. Under oath, attorneys from Miller Canfield admitted to giving thousands of dollars which paid for the printing of campaign materials for Bouschor. Attorney Jim Jannetta admitted under penalty of perjury to crafting these salacious mailers and Bernard Bouschor himself admitted under oath to overseeing this activity. When they left their offices, Jolene Nertoli authorized the defendants to all take their computers and therefore any evidence of illegal campaigning.

When asked why she cut the checks in an amount exceeding \$3 million to the defendants in this case including \$445,000 to herself, Director Pine's mother Jolene Nertoli admitted it was, "Because Aaron Payment would have stopped us." Director Pine supplied a packet of information on behalf of the defendants including her mother immediately after being elected in 2010; her first official act was to violate the "personal interests" or conflict of interest clause of our Constitution. That the Board was and remains complicit in not having addressed this offense, underscores the need for real government reform.

**ARE TRIBAL CONSTITUTIONAL REFORMS REALLY NEEDED?**

A. If the above Q & A does not demonstrate the urgency at which constitutional reform is needed, then I am afraid for our future. Original letters from our leader prior to federal recognition, Chairperson Fred Hatch, and our First Chairperson after recognition, Joseph K. Lumsden prove our intent was to accept this deficient "corporate charter" document only until we could amend it to include a "separation of powers" and "at large" representation to name just a few reforms. That any subsequent Board would purposely fail to follow though with this mission is disrespectful to the many founders like my Aunt Lavina (Boulley) and Uncle Isaac Marshall and Cousin Pie Pine who fought too hard for a complicit Board to sit on their hands and collect a paycheck in the meantime.

**\*\*\*NEW TRIBAL BOARD MEETING FORMAT\*\*\***

At a recent Tribal Board meeting, there was again contention regarding my schedule. Earlier this year (2X) ~ meetings of the Board were scheduled when I was attending to administrative duties. Fortunately, a majority of the Board has sense voted to authorize me to set a schedule to address this. Some complained they do not have enough time to address important issues. However, for meeting dates that were previously scheduled, some would attend just a few hours and leave. The new schedule increases the contact hours while dedicating time to much needed HR policy review. It also sets a time for Board issues at 1pm on the days of Tribal Board meetings to allow the administration to resolve their issues rather than the current 'gotcha' approach of raising issues at a Board meeting without first having productively tried to address their issue. Finally, it moves more sessions into the open to show **transparency in government**.

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If you have questions, please contact Aaron Payment at (906) 440-5937 or via email at aaronpayment@yahoo.com

**\*\*\* DEADLINE: APRIL 4TH \*\*\***

2014 SAULT TRIBE Chairperson's CALENDAR					APRIL	
					3-11-14	
MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY		
<p>8:00am-9:00am: K&amp;L</p> <p>8:00 Home in Blue</p> <p>Chair Items in Black</p> <p>Elder Committee in Amber</p> <p>Election Dates in Red</p>	<p>8am: Workshop: Legal/Budgets/HR</p> <p>12pm: Lunch</p> <p>1-3pm: Workshop</p>	<p>9am: HR Policy Review</p> <p>10am-12pm: Semi-Annual Reviews</p> <p>12pm: Lunch</p> <p>1-4pm: C. Authority Workshop</p> <p>4-5pm: THOD Backlog</p>	<p>6-8pm: Management Elders</p>	<p>10am: Budget Team</p>		
<b>Chair Out of Town: NCAI Research Representation in Tuskegee, Alabama</b>						
<p>8am-1pm: Govt. Financial Reviews</p> <p>4pm: Inland Conservation</p> <p>1-3pm: Meeting: Elders</p>	<p>8am: Signatures</p> <p>9am: Workshop: Legal/Budgets/HR</p> <p>12pm: Lunch</p> <p>1pm: Workshop</p> <p>3-5pm: THOD Meeting: Agenda Prep</p>	<p>8am: Signatures</p> <p>9-12am: HR Policy Review</p> <p>12pm: Lunch</p> <p>1-3pm: THOD Backlog</p> <p>4-5pm: Management Elders</p> <p>2pm: NCAI Conference Call</p>	<p>8am: Signatures</p> <p>10am-12pm: Team Member Office Hours</p> <p>1-4pm: Members' Office Hours</p>	<p>10am: Budget Team</p> <p>11am: Drive to St. Ignace</p> <p>12-1pm: St. Ignace Elders</p> <p>1pm: Return from St. Ignace</p> <p>2-3pm: Members' Office Hours</p>		
<p>8am: Signatures</p> <p>9am: Direct Reports/Outright</p> <p>10am: Fisheries Direct Report</p> <p>10am: Law Enforcement Direct Report</p> <p>11am: Environmental Direct Report</p> <p>1pm: Legislative Direct Report</p> <p>2pm: Signatures</p>	<p>8am: Signatures</p> <p>10am: Workshop: Legal/Budgets/HR</p> <p>12pm: Lunch</p> <p>1pm: THOD Issues for follow up</p> <p>2pm: Afternoon Workshop</p> <p>3pm: THOD Meeting: Agenda Review</p> <p>5pm: Membership Issues</p> <p>6pm: THOD Meeting - Kitcheloo</p>	<p>8am: Signatures</p> <p>9am: HR Policy Review</p> <p>10am-12pm: Semi-Annual Reviews</p> <p>12pm: Lunch</p> <p>1-3pm: South Elders</p> <p>1-3pm: Executive Team</p> <p>1-4pm: C. Authority Workshop</p> <p>4-5pm: THOD Backlog</p> <p>Nominating Petition Deadline</p>	<p>8am: Signatures</p> <p>10am: Drive to Neshaberry</p> <p>11am-2pm: Neshaberry Elders</p> <p>2pm: Drive to Escanaba</p> <p>2-3-7:00pm: Escanaba Elders</p> <p>7pm: Drive home from Escanaba</p> <p>The chairperson works on tribal matters except on election and treaty days only</p>	<p><b>GOOD FRIDAY</b></p> <p><b>TRIBAL HOLIDAY</b></p> <p>Chair works from 8am to 12pm and 3pm to 5pm</p> <p>The chairperson works on tribal matters except on election and treaty days only</p>		
<p>8am: Signatures</p> <p>9am: Member Service Monthly</p> <p>10am: Executive Director Monthly</p> <p>11am: CFO Monthly</p> <p>1pm: Law Enforcement/Natural Resources</p> <p>2pm: Legal</p> <p>2-3pm: Legislative/Planning/Budgets</p> <p>1-3pm: Gaming Commission Executive</p> <p>8pm: Great Lakes Conservation</p>	<p>8am: Signatures</p> <p>10am: Workshop: Legal/Budgets/HR</p> <p>12pm: Lunch</p> <p>1pm: Workshop</p> <p>3-5pm: THOD Meeting: Agenda Prep</p>	<p>8am: Signatures</p> <p>9-12am: HR Policy Review</p> <p>12pm: Lunch</p> <p>1-3pm: THOD Backlog</p> <p>3pm: Division &amp; Program Directors</p> <p>List of Eligible Candidates Posted Available</p>	<p>8am: Signatures</p> <p>10am-12pm: Team Member Office Hours</p> <p>11am: CORA - Petoskey, MI</p>	<p>8am: Signatures</p> <p>10am: Budget Team</p> <p>12pm: Gaming Expansion</p> <p>Deadline for Contracts Related to Nominating Petitions and Voter Registration on 4/26</p>		
<p>8am: Signatures</p> <p>9am: Team Members Office Hours</p> <p>11am: Drive to Neshaberry</p> <p>12-3pm: Elder Advisory Board</p> <p>1-4pm: Return to Sault</p> <p>1-3-5pm: Casino Financial Reviews</p>	<p>8am: Drive to Munising</p> <p>10am: Workshop: Legal/Budgets/HR</p> <p>12pm: Lunch</p> <p>1pm: THOD Issues for follow up</p> <p>2pm: Afternoon Workshop</p> <p>3pm: Membership Issues</p> <p>6pm: THOD Meeting - Munising</p>	<p>8am: Signatures</p> <p>9am: HR Policy Review</p> <p>10am-12pm: Semi-Annual Reviews</p> <p>12pm: Lunch</p> <p>1-3pm: Executive Team</p> <p>1-4pm: C. Authority Workshop</p> <p>4-5pm: THOD Backlog</p> <p>5pm: Drive to Neshaberry</p> <p>6-8-9pm: Neshaberry Elders</p> <p>8pm: Return from Neshaberry</p>				