



Stanton, Meridith &lt;meridith\_stanton@ios.doi.gov&gt;

**RE: Proposed ██████████ Settlement Offer**

1 message

**Nemeroff, Patrick G. (CIV)** <Patrick.G.Nemeroff@usdoj.gov>  
To: "Stanton, Meridith" <meridith\_stanton@ios.doi.gov>

Wed, Jan 23, 2013 at 1:17 PM

Meridith,

Thank you for this revised proposal. I will try to look at it today. With respect to Pendleton, I'm embarrassed to tell you that I recently discovered that although the letter and settlement agreement was completed in December, I somehow failed to actually send them. I have now sent our settlement proposal to Pendleton and will let you know as soon as I hear back. I apologize for the delay on my part.

Regards,

Patrick

**From:** Stanton, Meridith [mailto:meridith\_stanton@ios.doi.gov]  
**Sent:** Wednesday, January 23, 2013 1:08 PM  
**To:** Nemeroff, Patrick G. (CIV)  
**Cc:** Ashley Fry  
**Subject:** Fwd: Proposed ██████████ Settlement Offer

Good Afternoon Patrick,

I understand that when Ashley called you last week when I was in South Dakota that you had not yet had a chance to review my email regarding the proposed ██████████ settlement offer. For your convenience, I am sending it along to you today. I look forward to receiving your response to this draft, and to receiving an update on when you expect to hear back from PWM regarding the other Act matter.

Best Regards,

Meridith

—— Forwarded message ——

**From:** Stanton, Meridith <meridith\_stanton@ios.doi.gov>  
**Date:** Tue, Jan 8, 2013 at 3:20 PM  
**Subject:** Proposed ██████████ Settlement Offer

To: "Nemeroff, Patrick G. (CIV)" <Patrick.G.Nemeroff@usdoj.gov>  
Cc: Ashley Fry <Ashley\_Fry@ios.doi.gov>

Good Afternoon Patrick,

I have attached the IACB's proposed settlement offer for [REDACTED]

I look forward to hearing from you at your earliest convenience regarding this matter.

Best Regards,

Meridith

-

Meridith Z. Stanton  
Director  
Indian Arts and Crafts Board  
Office of the Secretary  
MS 2528-MIB  
U.S. Department of the Interior  
Washington, D.C. 20240  
202-208-3773 (main)  
202-208-3889 (direct)  
1-888-Art-Fake (toll free)  
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-



Fwd: [REDACTED] called

Stanton, Meridith <meridith\_stanton@ios.doi.gov>

Mon, May 6, 2013 at 4:53 PM

To: Jennifer Heindl <Jennifer.Heindl@sol.doi.gov>

Cc: Rachel Spector <rachel.spector@sol.doi.gov>, Ashley Fry <Ashley\_Fry@ios.doi.gov>

Hi Jennifer,

Over the course of the last year and a half or so, the [REDACTED] has received several phone calls from Robert Christnacht, who is the Director of Pendleton's Home Division.

[REDACTED] who is an artist, businessman, and forensic artist for the OK Bureau of Investigations, and Mr. Christnacht know each other because a few years back they had a business dealing.

Each time Mr. Christnacht calls [REDACTED] it makes it clear that the IACB Commissioners do not get involved in Act matters. After each call, [REDACTED] lets me know he was contacted by Mr. Christnacht.

I have informed Patrick Nemeroff of the previous calls. In fact, Pendleton's attorney told Patrick in October 2011 that Mr. Christnacht would be getting in touch with [REDACTED] regarding this matter.

A rough summary of this last call is contained in the email below from Michele Hill.

In addition to this information, [REDACTED] left a voice mail for me before he called and spoke to Michele Friday morning. I still have the voice mail if you need to listen to it. In a nut shell, [REDACTED] states -

*Bob Christnacht called me to let me know they want to settle with this investigation. They don't want to pay a bunch of attorneys, they want to pay directly to the Tribe or whoever is complaining. They want to do a blanket for them or do something to get this off high center, and prefer to just work this out and not go through the court system and pay a bunch of other people. They want to pay the complaining party or make a blanket for them or do something....He wanted me to tell you they want to settle.*

Have you all heard back from Patrick or is he still on leave?

I look forward to discussing this further with you. Is there a good time to do so this week? I will also be discussing this with SAS Stanton this week.

Best Regards,

Meridith

----- Forwarded message -----

From: Hill, Michele <michele\_hill@ios.doi.gov>

Date: Fri, May 3, 2013 at 10:31 AM

Subject: [REDACTED] called

To: Meridith Stanton <Meridith\_Stanton@ios.doi.gov>

He said that Bob Krisnot (spelling) from Pendleton called him yesterday to ask if the IACB would settle. He told [REDACTED] that this has been going on for a year, they would like to settle (give money to Red Cloud, help Indians,

etc.). Said they would fly you out to meet with them, but they would just like to resolve this.

[REDACTED] said he told him that the Board doesn't get involved in investigations and have nothing to do with that but he would pass this on to you. [REDACTED] said he was going to call Bob back to let him know that he had passed the information on to CO.

I told [REDACTED] you were aware of this and had been talking with Mr. Stanton and SOL. He did ask if you could let him know if we are going to settle or what. I didn't say anything other than I would pass this along to you.

Bob's number: 503-535-5789

—

Meridith Z. Stanton  
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Stanton, Meridith <meridith\_stanton@ios.doi.gov>

## Pendleton/FPB-DOJ

1 message

**Stanton, Meridith** <meridith\_stanton@ios.doi.gov>  
To: Jennifer Heindl <Jennifer.Heindl@sol.doi.gov>  
Cc: Ashley Fry <Ashley\_Fry@ios.doi.gov>

Thu, May 9, 2013 at 3:11 PM

Hi Jennifer,

I just met with SAS Stanton regarding the call from [REDACTED] and Pendleton. He asked that I circle back to you to see if you had been able to reach Patrick, and if so what was the status of the discussions.

Thank you,

Meridith

—— Forwarded message ——

From: **Heindl, Jennifer** <jennifer.heindl@sol.doi.gov>  
Date: Mon, May 6, 2013 at 5:02 PM  
Subject: Re: [REDACTED] called  
To: "Stanton, Meridith" <meridith\_stanton@ios.doi.gov>

I think today is the day Patrick is supposed to be back in town. I will try him this week. I let Patrick know before he left that the [REDACTED], and he said before he left that he had conveyed that to Pendleton's attorneys.

Thanks,  
Jennifer

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

On 6 May 2013 16:53, Stanton, Meridith <meridith\_stanton@ios.doi.gov> wrote:

Hi Jennifer,

Over the course of the last year and a half or so, the [REDACTED], has received several phone calls from Robert Christnacht, who is the Director of Pendleton's Home Division.

[REDACTED], who is an artist, businessman, and forensic artist for the OK Bureau of Investigations, and Mr. Christnacht know each other because a few years back they had a business dealing.

Each time Mr. Christnacht calls [REDACTED] makes it clear that the IACB Commissioners do not get involved in Act matters. After each call [REDACTED] lets me know he was contacted by Mr. Christnacht.

I have informed Patrick Nemeroff of the previous calls. In fact, Pendleton's attorney told Patrick in October 2011 that Mr. Christnacht would be getting in touch with [REDACTED] regarding this matter.

A rough summary of this last call is contained in the email below from Michele Hill.

In addition to this information, [REDACTED] left a voice mail for me before he called and spoke to Michele Friday morning. I still have the voice mail if you need to listen to it. In a nut shell, [REDACTED] states -

*Bob Christnacht called me to let me know they want to settle with this investigation. They don't want to pay a bunch of attorneys, they want to pay directly to the Tribe or whoever is complaining. They want to do a blanket for them or do something to get this off high center, and prefer to just work this out and not go through the court system and pay a bunch of other people. They want to pay the complaining party or make a blanket for them or do something....He wanted me to tell you they want to settle.*

Have you all heard back from Patrick or is he still on leave?

I look forward to discussing this further with you. Is there a good time to do so this week? I will also be discussing this with SAS Stanton this week.

Best Regards,

Meridith

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From: Hill, Michele <michele\_hill@ios.doi.gov>  
Date: Fri, May 3, 2013 at 10:31 AM  
Subject: [REDACTED] called  
To: Meridith Stanton <Meridith\_Stanton@ios.doi.gov>

He said that Bob Krisnot (spelling) from Pendleton called him yesterday to ask if the IACB would settle. He told [REDACTED] that this has been going on for a year, they would like to settle (give money to Red Cloud, help Indians, etc.). Said they would fly you out to meet with them, but they would just like to resolve this.

[REDACTED] said he told him that the Board doesn't get involved in investigations and have nothing to do with that but he would pass this on to you. Harvey said he was going to call Bob back to let him know that he had passed the information on to CO.

I told [REDACTED] you were aware of this and had been talking with Mr. Stanton and SOL. He did ask if you could let him know if we are going to settle or what. I didn't say anything other than I would pass this along to you.

Bob's number: 503-535-5789

Meridith Z. Stanton  
Director  
Indian Arts and Crafts Board

Office of the Secretary  
MS 2528-MIB  
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Fwd: [REDACTED] called

Stanton, Meridith <meridith\_stanton@ios.doi.gov>  
To: Ashley Fry <Ashley\_Fry@ios.doi.gov>

Tue, May 7, 2013 at 2:21 PM

Okay, thanks. Please keep me posted.

On Mon, May 6, 2013 at 5:02 PM, Heindl, Jennifer <jennifer.heindl@sol.doi.gov> wrote:

I think today is the day Patrick is supposed to be back in town. I will try him this week. I let Patrick know before he left that the [REDACTED], and he said before he left that he had conveyed that to Pendleton's attorneys.

Thanks,  
Jennifer

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

On 6 May 2013 16:53, Stanton, Meridith <meridith\_stanton@ios.doi.gov> wrote:  
Hi Jennifer,

Over the course of the last year and a half or so, the [REDACTED], has received several phone calls from Robert Christnacht, who is the Director of Pendleton's Home Division.

[REDACTED] who is an artist, businessman, and forensic artist for the OK Bureau of Investigations, and Mr. Christnacht know each other because a few years back they had a business dealing.

Each time Mr. Christnacht calls [REDACTED] makes it clear that the IACB Commissioners do not get involved in Act matters. After each call, [REDACTED] lets me know he was contacted by Mr. Christnacht.

I have informed Patrick Nemeroff of the previous calls. In fact, Pendleton's attorney told Patrick in October 2011 that Mr. Christnacht would be getting in touch with [REDACTED] regarding this matter.

A rough summary of this last call is contained in the email below from Michele Hill.

In addition to this information, [REDACTED] left a voice mail for me before he called and spoke to Michele

Friday morning. I still have the voice mail if you need to listen to it. In a nut shell, [REDACTED] states -

*Bob Christnacht called me to let me know they want to settle with this investigation. They don't want to pay a bunch of attorneys, they want to pay directly to the Tribe or whoever is complaining. They want to do a blanket for them or do something to get this off high center, and prefer to just work this out and not go through the court system and pay a bunch of other people. They want to pay the complaining party or make a blanket for them or do something....He wanted me to tell you they want to settle.*

Have you all heard back from Patrick or is he still on leave?

I look forward to discussing this further with you. Is there a good time to do so this week? I will also be discussing this with SAS Stanton this week.

Best Regards,

Meridith

----- Forwarded message -----

From: **Hill, Michele** <michele\_hill@ios.doi.gov>  
Date: Fri, May 3, 2013 at 10:31 AM  
Subject: [REDACTED] called  
To: Meridith Stanton <Meridith\_Stanton@ios.doi.gov>

He said that Bob Krisnot (spelling) from Pendleton called him yesterday to ask if the IACB would settle. He told [REDACTED] that this has been going on for a year, they would like to settle (give money to Red Cloud, help Indians, etc.). Said they would fly you out to meet with them, but they would just like to resolve this.

[REDACTED] said he told him that the Board doesn't get involved in investigations and have nothing to do with that but he would pass this on to you. Harvey said he was going to call Bob back to let him know that he had passed the information on to CO.

I told [REDACTED] you were aware of this and had been talking with Mr. Stanton and SOL. He did ask if you could let him know if we are going to settle or what. I didn't say anything other than I would pass this along to you.

Bob's number: 503-535-5789

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mailto:ashley.fry@ios.doi.gov

## Fwd: Pendleton/FPB-DOJ

Message

**Stanton, Meridith** <meridith\_stanton@ios.doi.gov>

Tue, May 14, 2013 at 11:41 AM

To: Ashley Fry <Ashley\_Fry@ios.doi.gov>, Ken <Kenneth\_Van\_Wey@ios.doi.gov>

----- Forwarded message -----

From: **Stanton, Meridith** <meridith\_stanton@ios.doi.gov>

Date: Tue, May 14, 2013 at 11:41 AM

Subject: Re: Pendleton/FPB-DOJ

To: "Heindl, Jennifer" <jennifer.heindl@sol.doi.gov>

Jennifer,

Yes, that would be most appreciated.

Thank you,

Meridith

On Tue, May 14, 2013 at 10:50 AM, Heindl, Jennifer <jennifer.heindl@sol.doi.gov> wrote:

Haven't heard back from Patrick who I believe got back last week. I will give him a call, see if there are any developments on [REDACTED] and Pendleton.

thanks,

Jennifer

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

On 9 May 2013 15:11, Stanton, Meridith <meridith\_stanton@ios.doi.gov> wrote:

Hi Jennifer,

I just met with SAS Stanton regarding the call from [REDACTED] and Pendleton. He asked that I circle back to you to see if you had been able to reach Patrick, and if so what was the status of the discussions.

Thank you,

Meridith

—— Forwarded message ——

From: **Heindl, Jennifer** <jennifer.heindl@sol.doi.gov>  
Date: Mon, May 6, 2013 at 5:02 PM  
Subject: Re: [REDACTED] called  
To: "Stanton, Meridith" <meridith\_stanton@ios.doi.gov>

I think today is the day Patrick is supposed to be back in town. I will try him this week. I let Patrick know before he left that the [REDACTED], and he said before he left that he had conveyed that to Pendleton's attorneys.

Thanks,  
Jennifer

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

On 6 May 2013 16:53, Stanton, Meridith <meridith\_stanton@ios.doi.gov> wrote:

Hi Jennifer,

Over the course of the last year and a half or so, the [REDACTED], has received several phone calls from Robert Christnacht, who is the Director of Pendleton's Home Division.

Chairman Pratt, who is an artist, businessman, and forensic artist for the OK Bureau of Investigations, and Mr. Christnacht know each other because a few years back they had a business dealing.

Each time Mr. Christnacht calls [REDACTED] makes it clear that the IACB Commissioners do not get involved in Act matters. After each call, [REDACTED] lets me know he was contacted by Mr. Christnacht.

I have informed Patrick Nemeroff of the previous calls. In fact, Pendleton's attorney told Patrick in October 2011 that Mr. Christnacht would be getting in touch with [REDACTED] regarding this matter.

A rough summary of this last call is contained in the email below from Michele Hill.

In addition to this information, Chairman Pratt left a voice mail for me before he called and spoke to Michele Friday morning. I still have the voice mail if you need to listen to it. In a nut shell, [REDACTED] states

*Bob Christnacht called me to let me know they want to settle with this investigation. They don't want to pay a bunch of attorneys, they want to pay directly to the Tribe or whoever is complaining. They want to*

*do a blanket for them or do something to get this off high center, and prefer to just work this out and not go through the court system and pay a bunch of other people. They want to pay the complaining party or make a blanket for them or do something....He wanted me to tell you they want to settle.*

Have you all heard back from Patrick or is he still on leave?

I look forward to discussing this further with you. Is there a good time to do so this week? I will also be discussing this with SAS Stanton this week.

Best Regards,

Meridith

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From: **Hill, Michele** <michele\_hill@ios.doi.gov>  
Date: Fri, May 3, 2013 at 10:31 AM  
Subject: [REDACTED] called  
To: Meridith Stanton <Meridith\_Stanton@ios.doi.gov>

He said that Bob Krisnot (spelling) from Pendleton called him yesterday to ask if the IACB would settle. He told [REDACTED] that this has been going on for a year, they would like to settle (give money to Red Cloud, help Indians, etc.). Said they would fly you out to meet with them, but they would just like to resolve this.

Harvey said he told him that the Board doesn't get involved in investigations and have nothing to do with that but he would pass this on to you. [REDACTED] said he was going to call Bob back to let him know that he had passed the information on to CO.

I told Harvey you were aware of this and had been talking with Mr. Stanton and SOL. He did ask if you could let him know if we are going to settle or what. I didn't say anything other than I would pass this along to you.

Bob's number: 503-535-5789

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Stanton, Meredith &lt;meredith\_stanton@ios.doi.gov&gt;

---

**Fwd: Fw: Pendleton**

1 message

---

**Stanton, Meredith** <meredith\_stanton@ios.doi.gov>  
To: Jennifer Heindl <Jennifer.Heindl@sol.doi.gov>  
Cc: Rachel Spector <rachel.spector@sol.doi.gov>

Mon, May 20, 2013 at 2:17 PM

Hi Jennifer,

I am sending this along to you, and will be sending another email shortly, to keep you in the loop.

Meredith

---

**From:** Mort Bishop III [mailto:MORT.BISHOPIII@penwool.com]  
**Sent:** Friday, May 17, 2013 09:47 PM  
**To:** Harwood, Charles A.  
**Subject:** RE: Pendleton

Thank you, Mr Harwood. Yes, I was reaching out to you knowing your role as a member of the Board and the Board's advisory nature. We contacted Chairperson Harvey Pratt as well. We have indicated to the DOJ Pendleton's willingness to talk with your Board and or travel to Washington DC to speak with Meredith Stanton, Executive Director but that unfortunately does not seem to be an option either. We feel that the issue brought to our attention has been given the benefit of the doubt as Pendleton has always tried to be upstanding in our relationships and to follow the law and to be good citizens with the American Indian community. If there has been a transgression, we trust that we have made amends and offered an amicable solution. I appreciate your response and respect your wishes. Sincerely, Mort Bishop

---

**From:** Harwood, Charles A. [mailto:charwood@ftc.gov]  
**Sent:** Friday, May 17, 2013 5:50 PM  
**To:** Mort Bishop III  
**Subject:** RE: pendleton

Dear Mr. Bishop,

Thank you for your email message and your call this morning regarding the Indian Arts and Crafts Board and the Department of Justice. I apologize for the delay in responding. I am traveling on the West Coast today and do not have regular access to my phone or computer.

I understand you are contacting me in my capacity as a Commissioner of the Indian Arts and Crafts Board. The Indian Arts and Crafts Board is an advisory board within the Department of the Interior that, among other things, oversees generally the enforcement of the Indian Arts and Crafts Act. However, the Board is not involved with decisions about whether to initiate specific enforcement actions under the Act. Accordingly, attorneys for the Department of the Interior, have advised the Commissioners not to discuss pending investigations or cases.

Thus, regretfully, I cannot discuss with you any specific case or investigation involving the Indian Arts and Crafts Act.

I am sorry I cannot be of assistance in this matter.

Charles Harwood

---

**From:** Mort Bishop III [mailto:[MORT.BISHOPIII@penwool.com](mailto:MORT.BISHOPIII@penwool.com)]  
**Sent:** Friday, May 17, 2013 2:00 PM  
**To:** Harwood, Charles A.  
**Subject:** FW:pendleton

Charles Harwood  
Deputy Director, Federal Trade Commission  
600 Pennsylvania Avenue NW  
Washington, DC 20580

Dear Mr. Harwood:

I would like to speak to you regarding the Indian Arts and Crafts Board and the Department of Justice.

Please call me at [REDACTED] or email at [mort.bishopiii@penwool.com](mailto:mort.bishopiii@penwool.com).

Thank you.

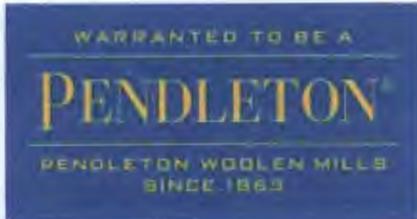
Sincerely,

Mort Bishop III  
President

Pendleton Woolen Mills

220 NW Broadway

Portland, OR 97209



Meridith Z. Stanton

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---

**Re: Contact**

---

**Meridith Stanton** <meridith\_stanton@ios.doi.gov>

Sun, May 19, 2013 at 7:32 PM

To: [REDACTED]

[REDACTED], Great thank you. [REDACTED]  
[REDACTED]

[REDACTED] Look forward to catching up with you and [REDACTED]  
at Red Earth, if not before. Best, Meridith

— Original Message —

From: [REDACTED] [mailto:[REDACTED]]  
Sent: Sunday, May 19, 2013 03:29 PM  
To: Stanton Meridith <Meridith\_Stanton@ios.doi.gov>  
Subject: Contact

Meridith, I told Bob C of Pendelton that the board does not get involved nor do we get involved in the investigation all I told Bob was that I would pass along that they want to settle but could not make contact with attorneys

Sent from iPhone



## Second "to keep you in the loop" email re: Pendleton

**Stanton, Meridith** <meridith\_stanton@ios.doi.gov>  
 To: Jennifer Heindl <Jennifer.Heindl@sol.doi.gov>  
 Cc: Rachel Spector <rachel.spector@sol.doi.gov>

Mon, May 20, 2013 at 2:38 PM

Jennifer,

As you can see from the emails with IACB Commissioners Chuck Harwood, which I sent a few minutes ago, and the following emails with IACB Chairman Harvey Pratt, what Pendleton and their attorney conveyed to Patrick is not accurate.

Thank you,

Meridith

From: [REDACTED]  
 Date: Sun, May 19, 2013 at 9:28 PM  
 Subject: Thank you  
 To: Stanton Meridith <Meridith\_Stanton@ios.doi.gov>

[REDACTED] I know not to get involved in an investigation when I'm on a board and not the investigative arm I look forward to seeing you at Red Earth and hope that you're well and travel safely

Sent from iPhone

From: Meridith Stanton [mailto:meridith\_stanton@ios.doi.gov]  
 Sent: Sunday, May 19, 2013 04:32 PM  
 To: [REDACTED]  
 Subject: Re: Contact

Harvey, Great thank you. [REDACTED]

[REDACTED] Look forward to catching up with you and Ruthe at Red Earth, if not before. Best, Meridith

From: [REDACTED] [mailto:[REDACTED]]  
 Sent: Sunday, May 19, 2013 03:29 PM  
 To: Stanton Meridith <Meridith\_Stanton@ios.doi.gov>  
 Subject: Contact

Meridith. I told Bob C of Pendleton that the board does not get involved nor do we get involved in the investigation all I told Bob was that I would pass along that they want to settle but could not make contact with attorneys

Sent from iPhone

——— Forwarded message ———

**From:** Meridith Stanton <meridith\_stanton@ios.doi.gov>  
**Date:** Sat, May 18, 2013 at 1:17 PM  
**Subject:** Pendleton  
**To:** [REDACTED]  
**Cc:** Robert\_Stanton@ios.doi.gov

Hi [REDACTED]

I very much appreciate all of your good work and leadership on behalf of the Board. Sorry it has been hard to have a conversation with our hectic schedules.

Since the Pendleton matter involves an ongoing enforcement action and may lead to litigation, as mentioned in the email below, our attorneys have specifically requested that I ask all five IACB Commissioners to please refrain from discussions with Pendleton regarding this Act matter. I believe this is the best path forward.

If you have the time and would like to talk I will be in the office all next week.

Hope you have a good weekend.

Best Regards, Meridith

---

**From:** Stanton, Meridith [mailto:meridith\_stanton@ios.doi.gov]  
**Sent:** Friday, May 17, 2013 12:37 PM  
**To:** Rose Fosdick <RFosdick@kawerak.org>; 'jonesrutheb@aol.com' <jonesrutheb@aol.com>  
**Cc:** Commissioner chuck harwood <charwood@ftc.gov>; [REDACTED]; Robert Stanton <Robert\_Stanton@ios.doi.gov>  
**Subject:** Potential Call from Pendleton

Rose and Ruthe,

In the event that you receive a call from a representative from Pendleton today or in the next week or so, please do not engage them in conversation.

They have reached out to [REDACTED] and to Chuck regarding an Indian Arts and Crafts Act matter that our government attorneys are handling, and our government attorneys have specifically asked me to ask you – the Indian Arts and Crafts Board Commissioners – not to engage with Pendleton if they call you.

Best Regards,

Meridith

Meridith Z. Stanton  
Director  
Indian Arts and Crafts Board  
Office of the Secretary  
MS 2528-MIB  
U.S. Department of the Interior  
Washington, D.C. 20240

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--



Stanton, Meridith <meridith\_stanton@ios.doi.gov>

## Re: Checking back with you

↑ [View original](#)

**Heindl, Jennifer** <jennifer.heindl@sol.doi.gov>  
To: "Stanton, Meridith" <meridith\_stanton@ios.doi.gov>

Tue, May 28, 2013 at 9:02 AM

Hi Meredith,

Nothing from Patrick last week, so I will call today and see if he has heard from Pendleton. Rachel is back and I will try to discuss [REDACTED] with her this week. I am in litigation hell this week, but should be able to make some progress on at least one of these issues.

Thanks,  
Jennifer

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

On 24 May 2013 17:57, Stanton, Meridith <meridith\_stanton@ios.doi.gov> wrote:

Hi Jennifer,

I assume you will get this sometime next week – hope you are off to an early holiday vacation.

Have you heard anything further from Patrick regarding Pendleton or [REDACTED] since I ran into you in the hall earlier this week?

Also, have you been able to answer Rachel's question so that we are good to go with sending out the letter to [REDACTED]

I look forward to hearing from you sometime next week.

Best Regards,

Meridith

—

Meridith Z. Stanton  
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## Re: Pendleton

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**Stanton, Meridith** <meridith\_stanton@ios.doi.gov>  
To: "Heindl, Jennifer" <jennifer.heindl@sol.doi.gov>

Wed, May 29, 2013 at 5:50 PM

Okay-yes I remember now. Thanks.

On Wed, May 29, 2013 at 5:49 PM, Heindl, Jennifer <jennifer.heindl@sol.doi.gov> wrote:

no, last we discussed he was sending it up for his supervisor's review, and anticipated that review would be slow.

Thanks,  
Jennifer.

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

On 29 May 2013 17:35, Stanton, Meridith <meridith\_stanton@ios.doi.gov> wrote:

Jennifer,

Thank you for the update. Did he indicate if he'd done anything on [REDACTED] since you two last talked?

Best,

Meridith

On Wed, May 29, 2013 at 11:25 AM, Heindl, Jennifer <jennifer.heindl@sol.doi.gov> wrote:

Hi,

So Pendleton did not actually get back to Patrick last week. He said he will check in with them and see what's up.

Thanks,

Jennifer A. Heindl

Attorney Advisor

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## Follow up regarding cases

**Stanton, Meridith** <meridith\_stanton@ios.doi.gov>

Mon, Jun 3, 2013 at 3:34 PM

To: Jennifer Heindl <Jennifer.Heindl@sol.doi.gov>

Cc: Ashley Fry <Ashley\_Fry@ios.doi.gov>, Rachel Spector <rachel.spector@sol.doi.gov>, Robert Stanton <Robert\_Stanton@ios.doi.gov>

Hi Jennifer,

I certainly understand and appreciate that you are swamped and can't meet until after Wednesday of this week. Unfortunately, unless we get another round of tomados in OK mid week, I am heading to OKC on business Wednesday, June 5, in the late afternoon and won't return until the evening of Tuesday, June 11.

While I certainly think it would be important for you and Ashley to discuss the draft letter to [REDACTED] I would like to be in the loop on the latest from Pendleton and [REDACTED] *Did Patrick send over Pendleton's counter offer? If so, can we please have a copy?* Otherwise, perhaps I can be patched in from OKC for a call with you, Rachael, and Ashley (though my schedule will really be jammed.)

Otherwise, perhaps it is best for the Pendleton and [REDACTED] conversations to be held following my return, and Mr. Stanton may wish to join us as well.

Thank you,

Meridith

From: **Heindl, Jennifer** <jennifer.heindl@sol.doi.gov>

Date: Mon, Jun 3, 2013 at 3:13 PM

Subject: Re: [REDACTED] letter

To: "Fry, Ashley" <ashley\_fry@ios.doi.gov>

Cc: Rachel Spector <rachel.spector@sol.doi.gov>

Is there a time this week Rachel and I could talk with you and/or Meredith about this. I am going to ask that it be after Wed (lit. deadlines!), so maybe Th or Friday? Also have heard back from Patrick with latest from Pendleton. Haven't had time to focus in on it, but maybe we can talk about that as well after Wed? Let me know your availability.

Thanks,  
Jennifer

Jennifer A. Heindl

Attorney Advisor

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## Re: Follow up regarding cases

Stanton, Meridith <meridith\_stanton@ios.doi.gov>

Mon, Jun 3, 2013 at 5:50 PM

To: "Heindl, Jennifer" <jennifer.heindl@sol.doi.gov>

Cc: Ashley Fry <ashley\_fry@ios.doi.gov>, Rachel Spector <rachel.spector@sol.doi.gov>

Jennifer,

Thank you for the update.

Meridith

On Mon, Jun 3, 2013 at 5:44 PM, Heindl, Jennifer <jennifer.heindl@sol.doi.gov> wrote:

I only have an email from Patrick so far, but am expecting the letter pronto and will pass it on.

We can arrange something on [REDACTED] with Ashley for this week, and you can call in if you have time. We've gone back and forth on this letter, and I think we need to better understand where this letter fits in your process.

Thanks,  
Jennifer

Jennifer A. Heindl

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On 3 June 2013 15:34, Stanton, Meridith <meridith\_stanton@ios.doi.gov> wrote:

Hi Jennifer,

I certainly understand and appreciate that you are swamped and can't meet until after Wednesday of this week. Unfortunately, unless we get another round of tornados in OK mid week, I am heading to OKC on business Wednesday, June 5, in the late afternoon and won't return until the evening of Tuesday, June 11.

While I certainly think it would be important for you and Ashley to discuss the draft letter to [REDACTED] I would like to be in the loop on the latest from Pendleton and [REDACTED] *Did Patrick send over Pendleton's counter offer? If so, can we please have a copy?* Otherwise, perhaps I can be patched in from OKC for a call with you, Rachael, and Ashley (though my schedule will really be jammed.)

Otherwise, perhaps it is best for the Pendleton and [REDACTED] conversations to be held following my

return, and Mr. Stanton may wish to join us as well.

Thank you,

Meridith

From: **Heindl, Jennifer** <jennifer.heindl@sol.doi.gov>  
Date: Mon, Jun 3, 2013 at 3:13 PM  
Subject: Re: [REDACTED] letter  
To: "Fry, Ashley" <ashley\_fry@ios.doi.gov>  
Cc: Rachel Spector <rachel.spector@sol.doi.gov>

Is there a time this week Rachel and I could talk with you and/or Meredith about this. I am going to ask that it be after Wed (lit. deadlines!), so maybe Th or Friday? Also have heard back from Patrick with latest from Pendleton. Haven't had time to focus in on it, but maybe we can talk about that as well after Wed? Let me know your availability.

Thanks,  
Jennifer

Jennifer A. Heindl  
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## Re: Follow up regarding cases

Message

**Fry, Ashley** <ashley\_fry@ios.doi.gov>

Tue, Jun 4, 2013 at 8:21 AM

To: "Heindl, Jennifer" <jennifer.heindl@sol.doi.gov>

Cc: "Stanton, Meridith" <meridith\_stanton@ios.doi.gov>, Rachel Spector <rachel.spector@sol.doi.gov>

Jennifer,

I am available any time this week. Just let me know what time/day works best for you all.

Ashley

On Mon, Jun 3, 2013 at 5:44 PM, Heindl, Jennifer <jennifer.heindl@sol.doi.gov> wrote:

I only have an email from Patrick so far, but am expecting the letter pronto and will pass it on.

We can arrange something on [REDACTED] with Ashley for this week, and you can call in if you have time. We've gone back and forth on this letter, and I think we need to better understand where this letter fits in your process.

Thanks,  
Jennifer

Jennifer A. Heindl

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On 3 June 2013 15:34, Stanton, Meridith <meridith\_stanton@ios.doi.gov> wrote:

Hi Jennifer,

I certainly understand and appreciate that you are swamped and can't meet until after Wednesday of this week. Unfortunately, unless we get another round of tomados in OK mid week, I am heading to OKC on business Wednesday, June 5, in the late afternoon and won't return until the evening of Tuesday, June 11.

While I certainly think it would be important for you and Ashley to discuss the draft letter to [REDACTED] I would like to be in the loop on the latest from Pendleton and [REDACTED] *Did Patrick send over Pendleton's counter offer? If so, can we please have a copy? Otherwise, perhaps I can be patched in from OKC for a call with you, Rachael, and Ashley (though my schedule will really be jammed.)*

Otherwise, perhaps it is best for the Pendleton and [REDACTED] conversations to be held following my

return, and Mr. Stanton may wish to join us as well.

Thank you,

Meridith

From: **Heindl, Jennifer** <jennifer.heindl@sol.doi.gov>  
Date: Mon, Jun 3, 2013 at 3:13 PM  
Subject: Re: [REDACTED] letter  
To: "Fry, Ashley" <ashley\_fry@ios.doi.gov>  
Cc: Rachel Spector <rachel.spector@sol.doi.gov>

Is there a time this week Rachel and I could talk with you and/or Meredith about this. I am going to ask that it be after Wed (lit. deadlines!), so maybe Th or Friday? Also have heard back from Patrick with latest from Pendleton. Haven't had time to focus in on it, but maybe we can talk about that as well after Wed? Let me know your availability.

Thanks,  
Jennifer

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## Re: latest offer from Pendleton

---

**Stanton, Meridith** <meridith\_stanton@ios.doi.gov>

Fri, Jun 14, 2013 at 4:19 PM

To: "Heindl, Jennifer" <jennifer.heindl@sol.doi.gov>

Cc: Rachel Spector <rachel.spector@sol.doi.gov>, Ashley Fry <ashley\_fry@ios.doi.gov>

Yes, either time would work for me.

On Fri, Jun 14, 2013 at 4:11 PM, Heindl, Jennifer <jennifer.heindl@sol.doi.gov> wrote:

Would 2 or 3 on monday work?

Thanks,  
Jennifer

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

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Voice: 202-208-7094

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On 13 June 2013 17:24, Stanton, Meridith <meridith\_stanton@ios.doi.gov> wrote:

Jennifer,

Thank you for the update. We look forward to catching up with you on Monday.

Meridith

On Thu, Jun 13, 2013 at 5:20 PM, Heindl, Jennifer <jennifer.heindl@sol.doi.gov> wrote:

I am busy tomorrow morning, so maybe we can meet Monday? Patrick and I have been playing phone tag and are going to try to talk tomorrow afternoon, to see if he has any updates on [REDACTED], as well as his take on latest Pendleton letter. So I can share that on Monday as well hopefully.

Thanks,  
Jennifer

Jennifer A. Heindl

Attorney Advisor

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On 13 June 2013 14:07, Stanton, Meridith <meridith\_stanton@ios.doi.gov> wrote:  
Hi Jennifer,

Most anytime on Friday, except from 1:30-4:30, when the IACB Commissioners' board meeting will be taking place, or most anytime on Monday would be good for Ashley and me to meet with you. Whatever works best for your schedule.

Meridith

On Mon, Jun 10, 2013 at 3:29 PM, Heindl, Jennifer <jennifer.heindl@sol.doi.gov> wrote:

Hi Meredith,

Here is the latest from Pendleton. [REDACTED]

When you are available, let's talk.

Thanks,  
Jennifer

Jennifer A. Heindl

Attorney Advisor

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## Fwd: Meeting

**Stanton, Meridith** <meridith\_stanton@ios.doi.gov>  
To: Ashley Fry <Ashley\_Fry@ios.doi.gov>

Thu, Jul 18, 2013 at 1:59 PM

Can you please take another look at the language they last proposed. [REDACTED]

—— Forwarded message ——

From: **Heindl, Jennifer** <jennifer.heindl@sol.doi.gov>  
Date: Thu, Jul 18, 2013 at 1:48 PM  
Subject: Re: Meeting  
To: "Stanton, Meridith" <meridith\_stanton@ios.doi.gov>  
Cc: Rachel Spector <rachel.spector@sol.doi.gov>

Hi Meredith,

[REDACTED]

I would like to talk to Rachel and you before talking to Patrick again.

thanks,  
Jennifer

Jennifer A. Heindl  
Attorney Advisor  
Office of the Solicitor  
Division of General Law  
Branch of General Legal Services  
Voice: 202-208-7094  
Fax: 202-219-1790

On 18 July 2013 12:23, Stanton, Meridith <meridith\_stanton@ios.doi.gov> wrote:  
Jennifer,

Ashley and I should be available in the afternoon on Monday and anytime after ten on Tuesday.

Also, is there any evidence of how PWM came up with that dollar amount?

Meridith

On Thu, Jul 18, 2013 at 11:26 AM, Heindl, Jennifer <jennifer.heindl@sol.doi.gov> wrote:

Hi Meredith,

Sorry for the unresponsiveness. Overwhelmed and hadn't heard anything new. [REDACTED]

[REDACTED] Rachel is out until Monday, so I have asked Patrick to wait for our feedback. We should all probably talk early next week. If you let me know your availability for Monday and Tuesday, maybe I can schedule something on Rachel's calendar.

Thanks,

Jennifer

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

On 18 July 2013 10:48, Stanton, Meridith <meridith\_stanton@ios.doi.gov> wrote:

Hi Jennifer,

Just wanted to circle back to you to see if you have received any updates from Patrick regarding the IACB's response to PWM's offer and regarding [REDACTED]

Thank you,

Meridith

——— Forwarded message ———

From: **Stanton, Meridith** <meridith\_stanton@ios.doi.gov>

Date: Mon, Jul 8, 2013 at 5:36 PM

Subject: Follow Up-thank you

To: Jennifer Heindl <Jennifer.Heindl@sol.doi.gov>

Cc: Rachel Spector <rachel.spector@sol.doi.gov>, Ashley Fry <Ashley\_Fry@ios.doi.gov>

Hi Jennifer,

Thank you so much for your great work on the MOU. I have attached a copy in case you were interested in seeing the final product. It was a real relief to get this done, particularly in light of the CO and CA fires, and then the latest tragedy in AZ. Again, thank you so much!

I realize that many folks were out over the holiday, as was I, but I do look forward to hearing the latest on the PWM developments as you hear further.

Best Regards,

Meridith

-

Meridith Z. Stanton  
Director  
Indian Arts and Crafts Board  
Office of the Secretary  
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U.S. Department of the Interior  
Washington, D.C. 20240  
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---

 **Nemeroff Letter – Pendleton Counteroffer 7-13-13.pdf**  
81K



Reply: Meridith Stanton <meridith\_stanton@ios.doi.gov>

## Fwd: Pendleton

1 MESSAGE

Stanton, Meridith <meridith\_stanton@ios.doi.gov>

Fri, Aug 2, 2013 at 2:29 PM

To: [REDACTED]

[REDACTED]

—— Forwarded message ——

From: Heindl, Jennifer <jennifer.heindl@sol.doi.gov>

Date: Mon, Jul 29, 2013 at 3:43 PM

Subject: Re: Pendleton

To: Meridith Stanton <meridith\_stanton@ios.doi.gov>

Argh. I should have raised that. Didn't think of it. I will drop him an email.  
thanks,  
jennifer

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790

On 29 July 2013 14:59, Meridith Stanton <meridith\_stanton@ios.doi.gov> wrote:

Jennifer,

Thank you for the update. Any news on his work on [REDACTED] especially if he is moving to another division? Meridith

**From:** Heindl, Jennifer [mailto:jennifer.heindl@sol.doi.gov]

**Sent:** Monday, July 29, 2013 11:39 AM

**To:** Meridith Stanton <meridith\_stanton@ios.doi.gov>

**Cc:** Rachel Spector <rachel.spector@sol.doi.gov>

**Subject:** Pendleton

Hi Meredith,

[REDACTED]  
[REDACTED]  
[REDACTED] His supervisor [REDACTED]  
meanwhile, he is going to revise the text of the settlement agreement [REDACTED]  
[REDACTED]

[REDACTED] When we get a draft, we'd like to go over it with you and get comments back to him quickly. Patrick also mentioned that he is moving to another part of DOJ in about a month- so one more reason to try to get this wrapped up. I am out of office for two weeks from August 9, but hopefully this will keep moving forward while I am away. August is a tough month to get anything done....

Thanks,  
Jennifer

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

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Fax: 202-219-1790

-  
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Source: Meridith-Stanton@ios.doi.gov

# Fwd: Fwd: IACB Comments on Settlement Agreement - Draft 8-8-13.docx (Meridith\_Stanton@ios.doi.gov)

1 message

Stanton, Meridith <meridith\_stanton@ios.doi.gov>

Wed, Aug 21, 2013 at 12:11 PM

To: [REDACTED]

So we shall see. Still no mention of [REDACTED] Jennifer will be back next week and I can send her an email about [REDACTED]

----- Forwarded message -----

From: **Spector, Rachel** <rachel.spector@sol.doi.gov>

Date: Wed, Aug 21, 2013 at 12:08 PM

Subject: Re: Fwd: IACB Comments on Settlement Agreement - Draft 8-8-13.docx (Meridith\_Stanton@ios.doi.gov)

To: "Stanton, Meridith" <meridith\_stanton@ios.doi.gov>

Cc: Jennifer Heindl <jennifer.heindl@sol.doi.gov>

Hey Meredith:

I spoke to Patrick this morning and he will include your additional language and forward the new version of the agreement to Pendleton today. It looks like we will be able to close this out soon.

Thanks,

Rachel

On Wed, Aug 21, 2013 at 12:03 PM, Stanton, Meridith <meridith\_stanton@ios.doi.gov> wrote:

Rachel,

Thank you for the update.

Best Regards,

Meridith

On Tue, Aug 20, 2013 at 8:35 PM, Rachel Spector <rachel.spector@sol.doi.gov> wrote:

Hey Meredith:

I was thinking about you and this case today. I did get your email, but have been slammed with other work and not reached Patrick yet. I will try to do that in the morning.

Thanks,

Rachel

**From:** Stanton, Meridith [mailto:meridith\_stanton@ios.doi.gov]

**Sent:** Tuesday, August 20, 2013 03:34 PM

**To:** Rachel Spector <rachel.spector@sol.doi.gov>; Jennifer Heindl <Jennifer.Heindl@sol.doi.gov>  
**Subject:** Fwd: IACB Comments on Settlement Agreement - Draft 8-8-13.docx (Meridith\_Stanton@ios.doi.gov)

Hi Rachel,

I have just returned from a week of business travel and wanted to touch base.

I believe that Jennifer is out of town until the 26th, but wanted to confirm that you received the following email. Could you also please tell me if you have had the opportunity to convey this to Patrick N.

Look forward to hearing from you.

Best Regards,

Meridith

—— Forwarded message ——

**From:** Meridith Stanton (Google Drive) <meridith\_stanton@ios.doi.gov>  
**Date:** Sun, Aug 11, 2013 at 12:44 PM  
**Subject:** IACB Comments on Settlement Agreement - Draft 8-8-13.docx (Meridith\_Stanton@ios.doi.gov)  
**To:** Meridith\_Stanton@ios.doi.gov  
**Cc:** rachel.spector@sol.doi.gov, Jennifer.Heindl@sol.doi.gov

### Attached: Settlement Agreement - Draft 8-8-13.docx

Rachel and Jennifer –

This settlement agreement looks fine. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thanks for all of your help with this case.

I will be on business travel over the next week in New Mexico, but will be available by email and can call you if necessary to discuss anything.

Meridith

**Document** [Settlement Agreement - Draft 8-8-13.docx](#)

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--

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View this message in your inbox

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## update on Pendleton

1 message

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**Fry, Ashley** <ashley\_fry@ios.doi.gov>  
To: Meridith Stanton <meridith\_stanton@ios.doi.gov>  
Cc: Kenneth VanWey <Kenneth\_Van\_Wey@ios.doi.gov>

Thu, Sep 5, 2013 at 10:24 AM

Meridith,

I ran in to Jennifer in the hall, [REDACTED]  
[REDACTED] She also told me that Patrick is moving on to another role withing DOJ. I asked her about [REDACTED] She said that she asked Patrick about that a couple of times, and he has yet to give her an answer. She said that she would ask him again the next time she speaks with him.

Ashley

**U.S. Department of the Interior  
Indian Arts and Crafts Board**

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Washington, DC 20240  
Phone (202) 208-3773  
Fax (202) 208-5196

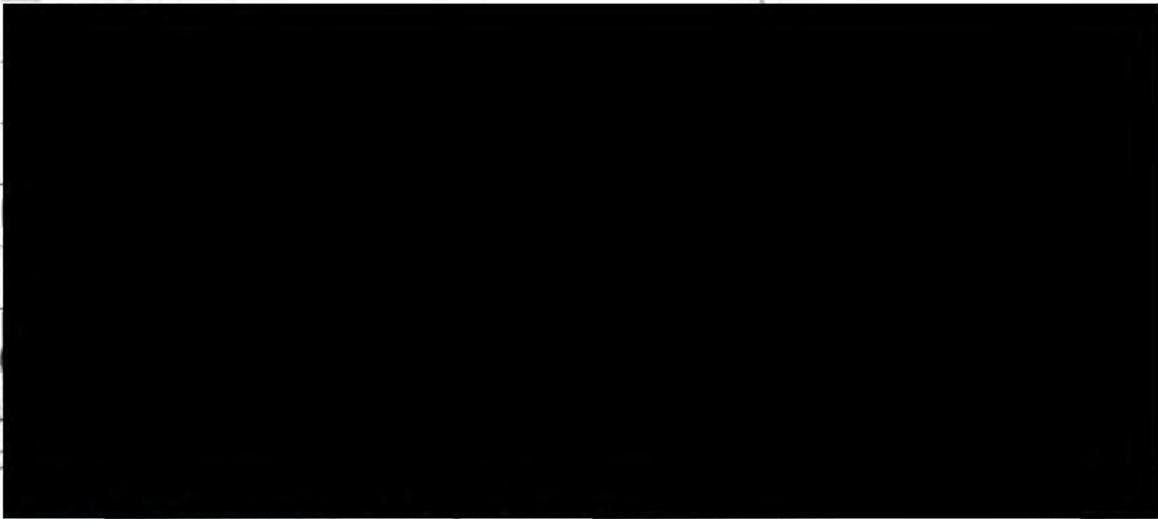
**FACSIMILE TRANSMISSION**

DATE: 2-18-10  
TO: Susan Morton, NPS SA  
FAX NUMBER: 520-351-4405

NUMBER OF PAGES (including cover sheet): 9

FROM:  Meridith Z. Stanton       Ken Van Wey  
 Michele Hill                       Ashley Fry  
 Ferdousi Khanam

Message:



**VanWey, Kenneth J**

---

**From:** Hill, Michele K  
**Sent:** Monday, May 03, 2010 7:46 AM  
**To:** Stanton, Meridith; VanWey, Kenneth J  
**Cc:** Fry, Ashley  
**Subject:** RE: Referral

This has been entered into the system as 2010-082, however only the basic information is there. The summary, date of complaint, etc. I left blank b/c I don't have that information. Does a file need to be started or can someone add the case number label to an existing file?  
Thanks

-----Original Message-----

**From:** Stanton, Meridith  
**Sent:** Saturday, May 01, 2010 3:07 PM  
**To:** Hill, Michele K; VanWey, Kenneth J  
**Cc:** Fry, Ashley  
**Subject:** Referral

Pendleton should [REDACTED], and it needs to be stored in the regular case complaint drawer with appropriate case number.

Case Number 2010-082 Date Received

Assigned To:

First Name
Last Name
Middle Initial
Address

City Rapid City
State SD
Zip
Email
Phn. Number

New Complainant
Edit Complainant

First Name
Last Name
Middle Initial
Company Name Pendleton

Street
City
State
Zip
Email

New Offender
Edit Offender

Art Craft Type Weaving (rugs, blankets)
Region Great Plains
Complaint About Retail
Status Closed
Code of Case Big
How Filed Other
City of Incident
State of Incident
Value of Goods \$0.00
Date Closed

Complaint Summary
Pendleton's 2009 Holiday Catalog was selling a Sioux Star Quilt, Lakota Dinnerware, and Sioux Star Quilt

IACB Findings
letter sent to Pendleton, case referred to AUSA Robert Gusinsky in South Dakota on 04-01-2010, then



## Fwd: Pendleton

Stanton, Meridith <meridith\_stanton@ios.doi.gov>  
To: Ken <Kenneth\_Van\_Wey@ios.doi.gov>

Fri, Feb 7, 2014 at 5:02 PM

We might keep her in mind if we need future intell at the [REDACTED]

----- Forwarded message -----

From: **Kathy M'Closkey** <mccloskey@uwindsor.ca>  
Date: Fri, Feb 7, 2014 at 4:42 PM  
Subject: Fwd: Pendleton  
To: "Stanton, Meridith" <meridith\_stanton@ios.doi.gov>

hi Meredith! great hearing from you - i really look forward to reading this... [REDACTED]

hope you're bearing the winter... gorgeous weather here, but dreadful @ home.

take care, & please stay in touch.

sincerely,/kathy

Kathy M'Closkey, PhD  
Adjunct Associate Professor  
Department of Sociology, Anthropology and Criminology  
University of Windsor  
Windsor, ON N9B 3P4  
(519) 253-3000 x. 4073  
(519) 252-8472 (home/voice mail)  
(519) 971-3621 fax

-----"Stanton, Meridith" <meridith\_stanton@ios.doi.gov> wrote: -----

To: "Kathy M'Closkey" <mccloskey@uwindsor.ca>  
From: "Stanton, Meridith" <meridith\_stanton@ios.doi.gov>  
Date: 02/04/2014 02:50PM  
Cc: Ken <Kenneth\_Van\_Wey@ios.doi.gov>  
Subject: Fwd: Pendleton

Good Afternoon Kathy,

Happy belated New Year! I hope all is going well in your travels, writing, and teaching.

I thought you might find the attached Bulletin of interest.

Best Regards,

Meridith

[attachment "IACB and PWM Settlement Agreement January 31.pdf" removed by Kathy M'Closkey/mcloskey/University of Windsor]

-

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## Call with Father George

Stanton, Meridith <meridith\_stanton@ios.doi.gov>  
To: Meridith Stanton <Meridith\_Stanton@ios.doi.gov>

Tue, Jan 21, 2014 at 2:20 PM

I phoned Father George Winzenburg at Red Cloud Indian School the morning of January 21 to discuss the PWM donation to Red Cloud's Heritage Center.

Father George said that on December 19, 2013, he received a phone call from David Armentrout (sp?) who identified himself as a Division Manager for PWM. David told him that PWM would be donating money to Red Cloud's Heritage Center, as part of their commitment to Indian Country and causes, and that PWM had an interest in "developing a long term relationship with Red Cloud."

Father George asked what he meant by a long term relationship, and David only had a vague response. It was something to the effect of making Red Cloud part of the bigger picture. However, the way David described it, Father George understood that it was an unrestricted donation. When asked who the check should be made out to Father George said "Red Cloud Indian School".

In sum, Father George thought - based on David's call - that this was a benevolent action on the part of PWM - "an out of the blue affection for Red Cloud - and nothing more." David told him the check would be cut and sent to Red Cloud after January first. Shortly after early January, Red Cloud received the check along with a letter. Father George will send me a copy of the PWM letter for our files.

During the conversation, David also mentioned something to Father George about Red Cloud working directly with PWM and a Native Council for the Arts. Upon talking with Father George today, he told me that perhaps the Native Council was a vague reference to the IACB.

In the course of their conversation, Father George said that the Lakota know of Pendleton because Pendleton blankets are provided for Lakota give aways. [REDACTED]

Father George said that after he received my email on Friday, he then remembered our earlier conversation - on May 10, 2012, where I spoke with him and with Peter in general terms about an Act violation and that the IACB was working to settle it through, among other avenues, a donation from a major business to The Heritage Center to promote authentic Sioux art and craftwork.

Father George also said that he would be going out to PWM - I assume on their dime - for a tour and to discuss potential long term relationships.

I gave Father George an abbreviated but fairly unvarnished overview of what transpired. How we receive the complaint from two Sioux after they'd seen the PWM catalog selling Sioux Star Quilts (and on line the Sioux Star blankets). As well as PWM's use of Tribal names to market their many products, including Lakota dinner ware which unfairly competed with Lakota pottery, etc. That we contacted PWM with Act information and notice that they should comply, but that they refused to change their marketing. That the work to resolve the problem predated my May 2012 call with Father George. That a civil referral was sent from DOI to DOJ and the DOJ then handled the civil suit. I mentioned [REDACTED] that [REDACTED] and I took to gather information for the civil referral, the day long meeting with [REDACTED] and the particularly helpful information from [REDACTED]. I let him know that I thought PWM spent more than what they donated to the Heritage Center on legal fees alone - by dragging this out over the years. And I also recommended that he go into any relationship with PWM with eyes wide open given our experience with PWM and what we learned that was very disconcerting

regarding their less than ethical dealings another major Tribe. Furthermore, I pointed out that PWM's claim to give large amounts of money to the American Indian College Fund was not born out based on the information they provided us and our what we deduced from that information. He asked if he should let PWM know that he now understands the funds were provided as part of an Act settlement. [REDACTED] I said that if Red Cloud/Heritage Center could benefit from a relationship with PWM, that was fine. But again, to go into it with eyes wide open.

I told him that I would be working on a press release this week, and that I thought it would be helpful to obtain a quote from him regarding the donation – what it meant to them – how they would use it. I said once I got a draft together I would share it with him, but that if it was being issued by Secretary Jewell it would be a more involved development/editing process.

He asked me if there was any restrictions on how the money should be spent. I said that while the settlement agreement did not stipulate, that it would be within the spirit of the settlement, the IACB mission, and our collective missions to use the funds to promote authentic Sioux artists and artisans, particularly Sioux Star Quilters. That said, there were no legal restrictions if he wanted to - as he mentioned - put some of the funds toward the relatively new museum education program so that the collections just don't benefit the nonIndian public that come to the Heritage Center to view the art shows and museum collections, predominately in the summers. Instead, the Museum Education program is working to better education the Red Cloud students and teachers about the collections and valuable resources the collections bring to their education. I said that would be fine, but it would still be important if the Heritage Center could use some of the funds to put on a nice exhibition of Sioux Star Quilts made by Tribal members, a brochure highlighting the importance of the quilts and artisans, and/or help the quilters collectively purchase fabrics, threads, sewing machines at a discount to help encourage further quilt production and assist with economic development.

In addition to providing me with a copy of the PWM letter, he will also keep me in the loop in general terms with respect to how they spend the donation and how the relationship with PWM develops.

We also discussed that fact that not only have they recently brought on board a museum educator, but also a collections manager. Red Cloud is also enhancing their Lakota Language Program and will be printing books in Lakota this summer, and is expanding the early phases of economic development and business incubator programs. I mentioned Larry Hott's documentary, and told him I would check with Conor to see when that documentary will be shown at The Journey.

—  
Meridith Z. Stanton  
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Pendleton

**Meridith Stanton** <meridith\_stanton@ios.doi.gov>  
to [REDACTED] Robert\_Stanton

May 18 (2 days ago)

Hi [REDACTED]

I very much appreciate all of your good work and leadership on behalf of the Board. Sorry it has been hard to have a conversation with our hectic schedules.

Since the Pendleton matter involves an ongoing enforcement action and may lead to litigation, as mentioned in the email below, our attorneys have specifically requested that I ask all five IACB Commissioners to please refrain from discussions with Pendleton regarding this Act matter. I believe this is the best path forward.

If you have the time and would like to talk I will be in the office all next week.

Hope you have a good weekend.

Best Regards, Meridith

**From:** Stanton, Meridith [mailto:meridith\_stanton@ios.doi.gov]  
**Sent:** Friday, May 17, 2013 12:37 PM  
**To:** Rose Fosdick <RFosdick@kawerak.org>; 'jonesrutheb@aol.com' <jonesrutheb@aol.com>  
**Cc:** Commissioner chuck harwood <charwood@ftc.gov>; [REDACTED] Robert Stanton <Robert\_Stanton@ios.doi.gov>  
**Subject:** Potential Call from Pendleton

Rose and Ruthe,

In the event that you receive a call from a representative from Pendleton today or in the next week or so, please do not engage them in conversation.

They have reached out to [REDACTED] and to Chuck regarding an Indian Arts and Crafts Act matter that our government attorneys are handling, and our government attorneys have specifically asked me to ask you – the Indian Arts and Crafts Board Commissioners – not to engage with Pendleton if they call you.

Best Regards,

Meridith

Meridith Z. Stanton  
Director  
Indian Arts and Crafts Board  
Office of the Secretary  
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**From:** Harwood, Charles A. <charwood@fic.gov>  
**Date:** Fri, May 17, 2013 at 4:08 PM  
**Subject:** RE: Pendleton Woolen Mills  
**To:** "Stanton, Meridith" <meridith\_stanton@ios.doi.gov>  
**Cc:** Robert Stanton <Robert\_Stanton@ios.doi.gov>

I will give you a call in a short time. I suspect he called me because of my ties to the northwest and specifically Oregon—where Pendleton is headquartered. In the message he left, he referenced information from my bio. I feel like I need to call him back, if only to advise him that my attorneys have requested that I not speak with him about the particular matter he is calling about.

I assume this is a matter in litigation?

Chuck

**From:** Stanton, Meridith [mailto:[meridith\\_stanton@ios.doi.gov](mailto:meridith_stanton@ios.doi.gov)]  
**Sent:** Friday, May 17, 2013 12:16 PM  
**To:** Harwood, Charles A.  
**Cc:** Robert Stanton  
**Subject:** Re: Pendleton Woolen Mills

Chuck,

Thank you for the heads up.

Pendleton is trying to run a back door maneuver by reaching out to you and by their communications with [REDACTED]. They are calling you about a civil Act matter being handled by our attorneys in the Department of the Interior and the USDOJ Federal Programs Branch. Our attorneys would prefer that the IACB Commissioners not speak to Pendleton, as - unfortunately - [REDACTED] has done, as this is causing confusion. I can speak with you later today if you'd like. I have keep Mr. Stanton in the loop, and have reached out to him again this afternoon after fielding a call from our DOI attorney regarding Pendleton's interaction with [REDACTED].

Meridith

----- Forwarded message -----

**From:** Harwood, Charles A. <charwood@fic.gov>  
**Date:** Fri, May 17, 2013 at 2:35 PM  
**Subject:** Pendleton Woolen Mills  
**To:** "[Meridith Stanton@ios.doi.gov](mailto:Meridith_Stanton@ios.doi.gov)" <[Meridith Stanton@ios.doi.gov](mailto:Meridith_Stanton@ios.doi.gov)>

Meridith,

Mort Bishop, President of Pendleton Woolen Mills, called and left me a message about something related to DOJ and, I assume, the IACB. Any idea what this is about? Chuck Charles Harwood  
FTC, Bureau of Consumer Protection

Sent from my Blackberry

--

Meridith Z. Stanton  
Director  
Indian Arts and Crafts Board  
Office of the Secretary  
MS 2528-MIB  
U.S. Department of the Interior  
Washington, D.C. 20240  
202-208-3773 (main)  
202-208-3889 (direct)  
1-888-Art-Fake (toll free)  
202-208-4382 (fax)

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\*\*\*\*\*  
\*\*\*\*\*

---

## got your other email

↑ PROFILE

---

**VanWey, Kenneth** <kenneth\_van\_vey@ios.doi.gov>  
To: Meridith Stanton <meridith\_stanton@ios.doi.gov>

Wed, May 15, 2013 at 10:19 AM

Yes, I can talk to [REDACTED] if you are not in yet when he calls.

He mentioned his discussion with the pendleton guy this morning, and I had a brief exchange - basically that we should all three talk later but that what he was being offered was not in synch with what the attorneys had been doing/saying.



June 14

## Re: Met with Mr. Stanton this afternoon

Fri, May 10, 2013 at 10:05 PM

To: "Stanton, Meredith" <meridith\_stanton@ios.doi.gov>

Meridith, thank you for all the hard work that you have done and are willing to do in the future. I really think that the Pendleton company can be a strong ally for IACB . they can support and advocate for us to the public and ask for support , that is my opinion. plus Pendleton can help the tribe that is concerned in the deal to resolve.... and we can talk tuesday morning by phone I have to travel to NW okla. and it is a 3 hour trip by car. we could talk this coming tuesday I can call you or you can call me oklahoma time 800am to 1200. I look forward to hearing from you..

... let talk and Meridith I'm a strong supporter of you and your staff. blessing hp

On Thu, May 9, 2013 at 5:07 PM, Stanton, Meredith <meridith\_stanton@ios.doi.gov> wrote:

Hi

I met with Mr. Stanton this afternoon, following his return from leave.

I brought Mr. Stanton up to date regarding your latest news from Robert Christnacht, Director of PWM's Home Division. I also let Mr. Stanton know that I shared the information earlier this week with our attorney's in the Department of the Interior's (DOI) Office of the Solicitor-General Law. Mr. Stanton asked that I convey to you his appreciation for your insight and the information gleaned from your talk with Mr. Christnacht.

Based on information the DOI's attorneys provided to me this week, they have and would once again reach out to the U.S. Department of Justice Attorney handling this matter, Patrick Nemeroff, now that Patrick had returned from extended leave. They tell me that Patrick, in turn, would be in touch with Pendleton's Attorney. As this Indian Arts and Crafts Act civil case procedure is structured, this suit is brought by the Department of Justice at the request of the Department of the Interior. So it seems that at least our DOI and Justice attorneys are an inherent part of the path forward.

If you can tell me a good time to reach you, I can give you a call to shed a bit more light on this tomorrow or next week. Whatever day/time works for you please just let me know.

Best Regards,

Meridith

Meridith Z. Stanton  
 Director  
 Indian Arts and Crafts Board  
 Office of the Secretary  
 MS 2528-MIB  
 U.S. Department of the Interior  
 Washington, D.C. 20240  
 202-208-3773 (main)  
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SEARCHED [redacted] INDEXED [redacted] SERIALIZED [redacted]

---

**Fw: To follow up on your call****Meridith Stanton** <meridith\_stanton@ios.doi.gov>

Sat, May 4, 2013 at 12:36 PM

To: Ashley\_Fry@ios.doi.gov, Kenneth\_Van\_Wey@ios.doi.gov, Michele\_Hill@ios.doi.gov

---

**From:** [redacted] [mailto:[redacted]]  
**Sent:** Friday, May 03, 2013 08:41 PM  
**To:** Stanton, Meridith <meridith\_stanton@ios.doi.gov>  
**Subject:** Re: To follow up on your call

thank you no problem I understand busy, I really think you can resolve this in a manner that will benefit all. I really think Pendleton could be a strong ally to IACB.. best wishes and a peaceful weekend..blessing hp

On Fri, May 3, 2013 at 6:57 PM, Stanton, Meridith <meridith\_stanton@ios.doi.gov> wrote:

Hi [redacted]

I apologize for not being available to take your call this morning.

Thank you so much for passing along the very important information to us and for your response to Bob Krisnot (sp?). I have reached out to Mr. Stanton, [redacted] [redacted] [redacted] [redacted] He will hopefully have time early next week to meet with me to discuss.

For background, Mr. Stanton, Ashley, and I last met with the DOI attorneys regarding this case about two weeks ago, and it is our understanding that the Department of Justice Attorney handling the matter has been out of pocket and will remain so for another week. (Wedding/honeymoon.)

If you don't mind, I would like to have the opportunity to speak with Mr. Stanton prior to giving you a call regarding Pendleton.

As soon as I speak with Mr. Stanton I will give you a call.

Thank you for your patience.

Meridith

Meridith Z. Stanton  
Director  
Indian Arts and Crafts Board  
Office of the Secretary  
MS 2528-MIB  
U.S. Department of the Interior  
Washington, D.C. 20240  
202-208-3773 (main)  
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Stanton, Meridith <Meridith\_Stanton@ios.doi.gov>

# FW: Settlement Offer with my comments

1 message

**Stanton, Meridith** <Meridith\_Stanton@ios.doi.gov>

Mon, Nov 5, 2012 at 4:45 PM

To: [REDACTED]

[REDACTED]. [Look](#)  
forward to talking with you again when you have ten minutes.

**From:** Stanton, Meridith  
**Sent:** Monday, November 05, 2012 4:19 PM  
**To:** [REDACTED]  
**Subject:** FW: Settlement Offer with my comments  
**Importance:** High

[REDACTED]

**From:** Fry, Ashley  
**Sent:** Monday, November 05, 2012 1:20 PM  
**To:** Stanton, Meridith  
**Subject:** Settlement Offer with my comments

 **Settlement Agreement - Draft 11-2-12 with Fry comments.docx**  
32K

### SETTLEMENT AGREEMENT

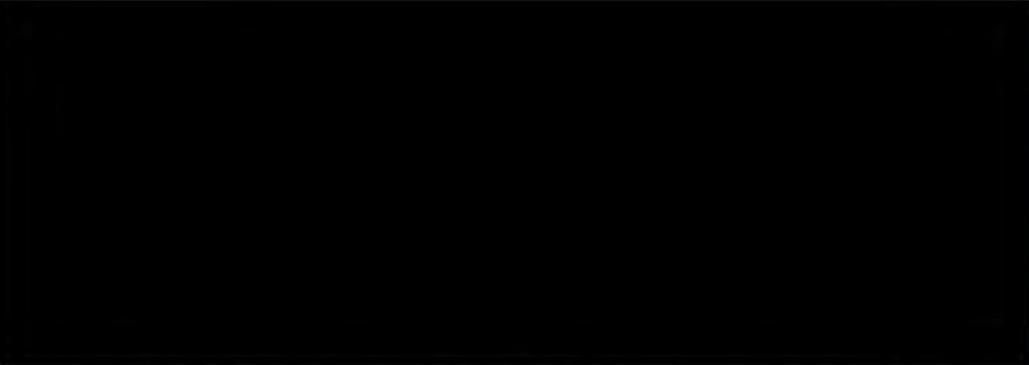
This Settlement Agreement is entered into between the United States of America ("United States"), on behalf of the Indian Arts and Crafts Board ("IACB"), and Pendleton Woolen Mills, Inc. ("Pendleton"). The purpose of this Agreement is to fully and finally resolve all matters between the United States, the IACB, and Pendleton arising from or related to Pendleton's internet sales of the Sioux Star Blanket. This Agreement is made with reference to the following:

WHEREAS, the United States and the IACB claim that, starting in 2005, Pendleton marketed on its website the Sioux Star Blanket in a manner that falsely suggested that the Sioux Star Blanket was an Indian product: Pendleton marketed the Sioux Star Blanket in a section of its website labeled "Native American;" the Sioux Star Blanket was named after a well-known Sioux symbol; the website image of the product depicted what appeared to be a genuine Sioux blanket; the accompanying description of the Sioux Star Blanket did not make clear that the Blanket was not produced by genuine Indian artisans; and the Sioux Star Blanket did not qualify as an Indian product; and

WHEREAS, counsel for Pendleton represented to the United States that, since 2005, Pendleton has sold approximately 570 Sioux Star Blankets through its website for revenues totaling over \$108,000; and

WHEREAS, the United States and the IACB assert that Pendleton's internet marketing of the Sioux Star Blanket constitutes a violation of the Indian Arts and Crafts Act, 15 U.S.C. § 1125; in order to address this alleged violation, the IACB notified Pendleton by letter on January 12, 2010 that its internet marketing of the Sioux Star Blanket was in violation of the Indian Arts and Crafts Act; [REDACTED]

**Comment [DOT11]:** This is the Lanham Act  
Wrong cite.



WHEREAS, the United States and the IACB claim that, pursuant to the Indian Arts and Crafts Act, Pendleton is liable for a penalty in excess of \$1 million, in addition to the costs of the IACB's investigation; and

WHEREAS, it is the mutual desire of the parties to this Agreement to resolve all matters arising out of or related to Pendleton's internet marketing of the Sioux Star Blanket with finality and without the need for litigation.

NOW, THEREFORE, it is agreed as follows:

1. This Settlement Agreement is entered into by the parties without any admission of liability by Pendleton or any Pendleton employee.

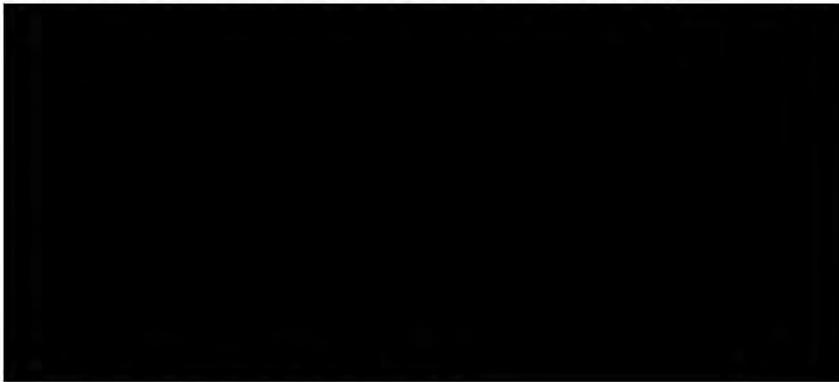
2. Pendleton agrees to make, or to maintain, the following changes to its marketing of Native American themed products:

- a. Pendleton will not include a "Native American" section on its website, but may include a section named "Native American Inspired";
- b. To the extent that Pendleton sells the product previously named the Sioux Star Blanket, it will be named the "Plains Star Blanket";
- c. Pendleton's product descriptions will make clear that its products are not Indian products; and
- d. Pendleton agrees to not include any Native American tribal name in any of its product names without express authorization from such Native American tribe.

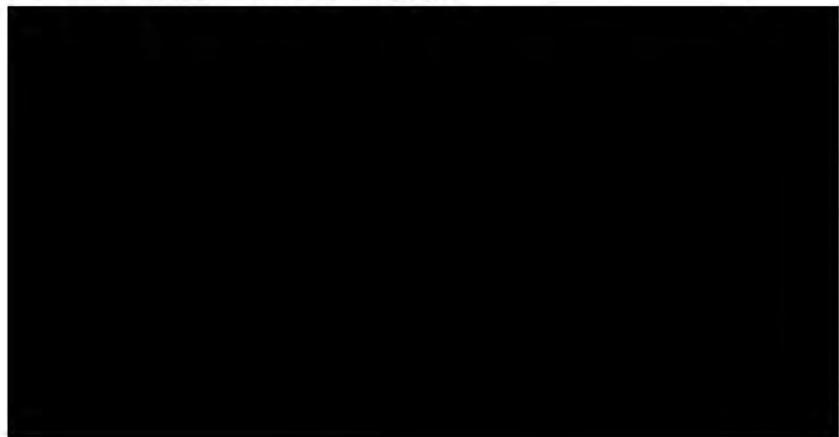
3. Pendleton agrees that, not later than thirty (30) days after execution of this Agreement by all parties, and for a minimum of two years following execution of this Agreement by all parties, it shall include the following paragraph (hereinafter referred to as "the Paragraph") in its print catalogs, on its website, and in any material it distributes to the retailers of its products:

*The Indian Arts and Crafts Act of 1990 (P.L. 101-644), as amended, is a truth-in-marketing law that prohibits the offer or display for sale, or sale, of any art or craft product in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian Tribe. Covering all traditional and contemporary American Indian and Indian-style art and craftwork produced after 1935, the Act carries both criminal and civil penalties. For more information on the Act, please visit [www.iacb.doi.gov](http://www.iacb.doi.gov).*

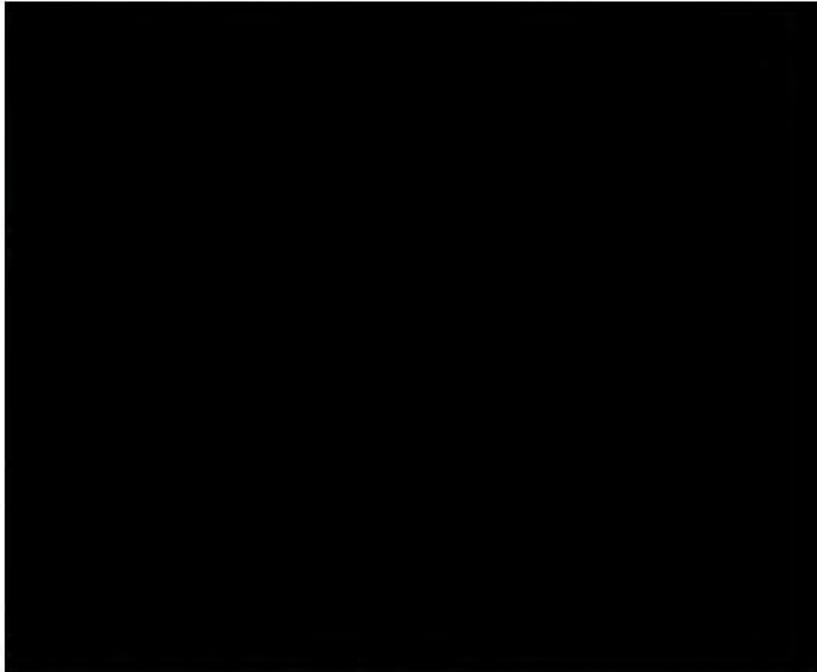
a. Pendleton agrees to include the Paragraph in all of its print catalogs, [REDACTED]



b. Pendleton agrees to include the Paragraph [REDACTED]



c.



4. Pendleton agrees that, not later than thirty (30) days after execution of this Agreement by all parties and their respective counsel, it shall donate to the Red Cloud Indian Heritage Center in Pine Ridge, South Dakota an amount 



6. This Agreement settles any and all existing and potential enforcement actions, civil actions, allegations and claims arising out of or related to Pendleton's marketing of the Sioux Star Blanket. This Settlement Agreement may be pleaded as a complete defense to, and may be used as a basis for an order dismissing any administrative action, enforcement action or civil claim against Pendleton brought by the IACB or United States arising out of or related to Pendleton's internet marketing of the Sioux Star Blanket.



7. Pendleton agrees that neither it nor its successors or assigns will commence or pursue any action or claim against the IACB or any of its officers or employees or former officers or employees in connection with this matter.

8. This Agreement was negotiated and drafted jointly by counsel for all parties hereto and shall be interpreted fairly and not against any party as the drafter thereof.

9. This Agreement constitutes the entire agreement and understanding between the parties concerning the subject matter hereof, supersedes all prior negotiations and proposed agreements, written and oral, and represents the final disposition of any and all matters, allegations and claims arising out of or related to Pendleton's internet marketing of the Sioux Star Blanket. No representations, understandings, or agreements have been made or relied upon in the making of this Agreement other than those specifically set forth herein. This Agreement can be modified only in a writing signed by the parties.

10. This Agreement may be executed in two or more counterparts, including photocopies, each of which when so executed shall be deemed to be an original and all of which when taken together shall constitute one and the same instrument.

DATED: November , 2012.

UNITED STATES OF AMERICA

By: \_\_\_\_\_

DATED: November , 2012.

THE INDIAN ARTS AND CRAFTS BOARD

By: \_\_\_\_\_

DATED: November , 2012.

PENDLETON WOOLEN MILLS, INC.

By: \_\_\_\_\_

APPROVED AS TO FORM AND CONTENT:

DATED: November , 2012.

Patrick G. Nemeroff  
United States Department of Justice  
Attorney for the United States of America  
and the Indian Arts and Crafts Board

DATED: November , 2012.

---

Steven B. Ungar  
Attorney for Pendleton Woolen Mills, Inc.

**From** Stanton, Meridith

**Date** 12/10/2010 6:23:00 PM

**To** [REDACTED]

**Cc** VanWey, Kenneth J

**Subject** Travel info. with a few more details

Bob - I have added a few details.

## QUILTINERARY

**Monday, 12/13/10**



**Tuesday, 12/14/10**

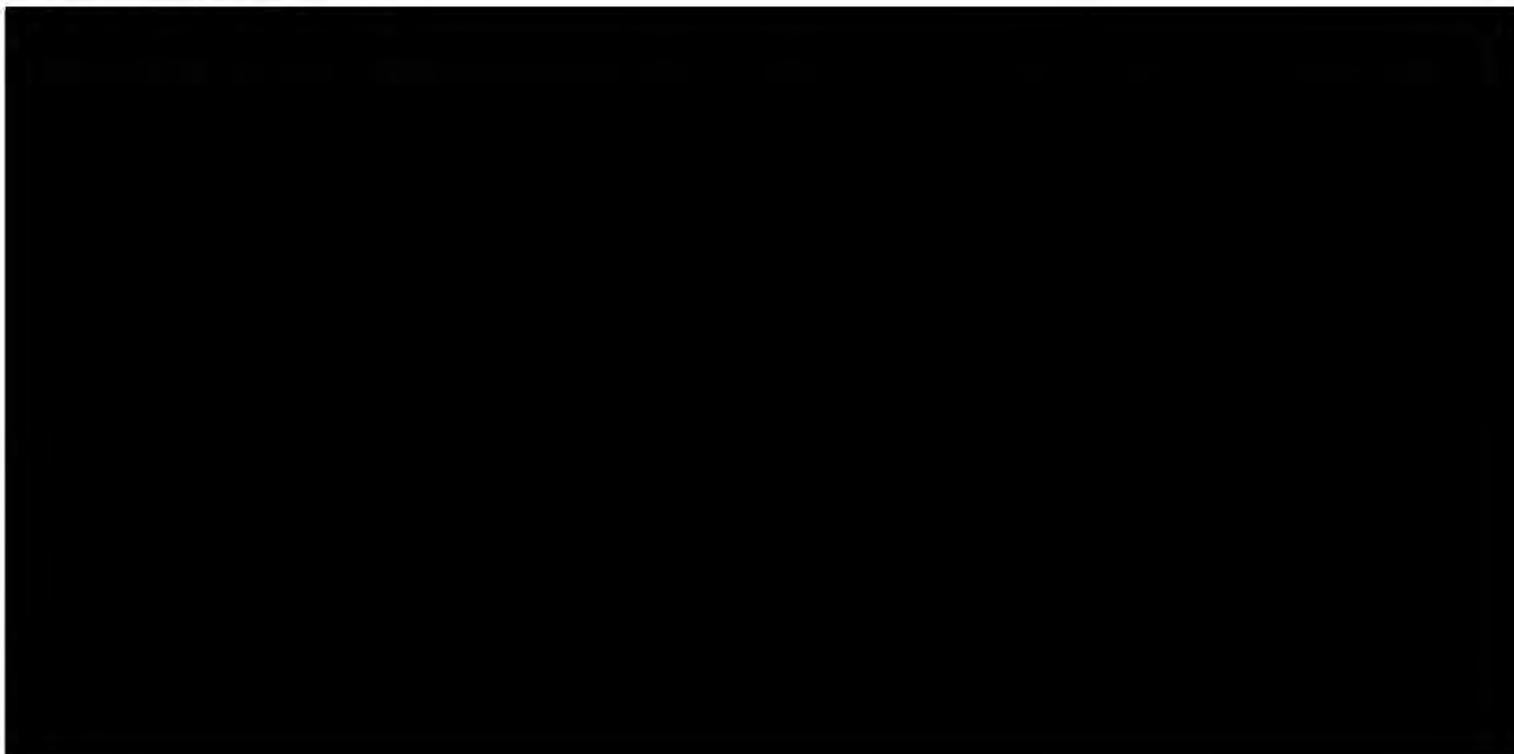




**Wednesday, 12/15/10**

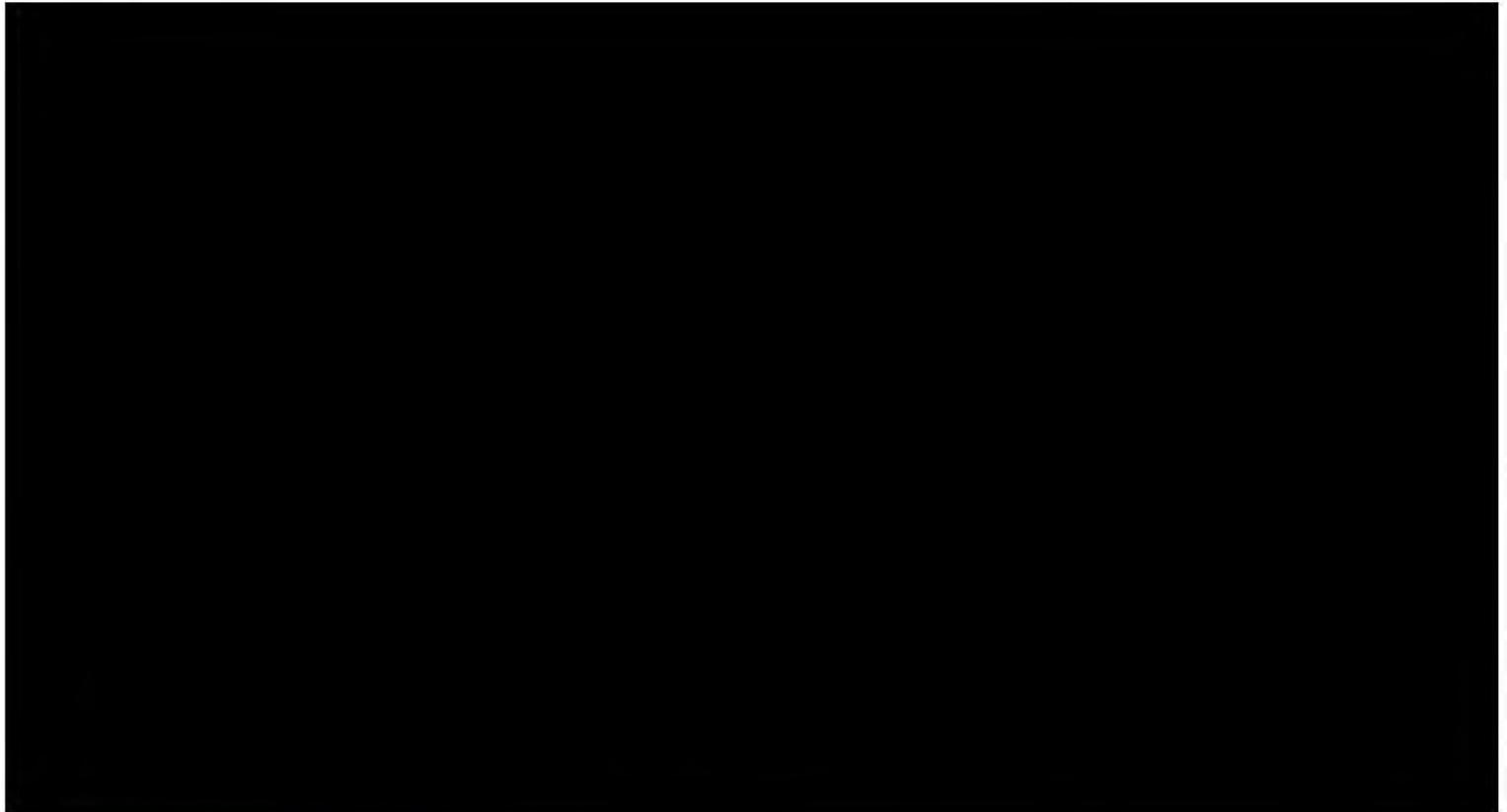


**Thursday, 12/16/10**





**Friday 12/17/10**



---

Still hope to connect with –





**VanWey, Kenneth J**

---

**From:** Fry, Ashley  
**Sent:** Friday, April 30, 2010 4:56 PM  
**To:** VanWey, Kenneth J; Hill, Michele K  
**Subject:** RE: Pendleton

No.

**From:** VanWey, Kenneth J  
**Sent:** Friday, April 30, 2010 4:42 PM  
**To:** Hill, Michele K  
**Cc:** Fry, Ashley  
**Subject:** Pendleton

We were going through files this afternoon looking for information on someone, when Meridith noticed that the Pendleton information is in a folder in the general concerns area.

Michele: Could you please open a new complaint file for Pendleton, [REDACTED]?

Ashley: Is there anything relevant to that case that is not in the current file?

Thanks!

VanWey, Kenneth J

---

From: Stanton, Meridith  
Sent: Thursday, March 04, 2010 1:17 PM  
To: VanWey, Kenneth J; Fry, Ashley  
Subject: FW: [REDACTED]

-----Original Message-----

From: [REDACTED] 1  
Sent: Thursday, March 04, 2010 8:01 AM  
To: Stanton, Meridith  
Subject: Re: FW: [REDACTED]

Hi Meridith,

[REDACTED]

I'm going to do some additional reading on this later today when I finish up with my Temple stuff. I'll give you a call later today as well - if I get you great, otherwise I'll leave a message.

Thanks,

[REDACTED]

On Thu, Mar 4, 2010 at 7:24 AM, [REDACTED] wrote:

> I'm going through my email right now... I'll reply shortly.

>

> Thanks,

>

> [REDACTED]

>

> On Wed, Mar 3, 2010 at 12:33 PM, Stanton, Meridith

> <Meridith.Stanton@ios.doi.gov> wrote:

>> Hey [REDACTED]

>>

>>

>>

>> I am still in a holding pattern. [REDACTED]

[REDACTED]

>>

>>

>>

>> Meridith

>>  
>>  
>>

>> From: [REDACTED]  
>> Sent: Wednesday, March 03, 2010 12:13 PM  
>> To: Stanton, Meridith  
>> Subject: [REDACTED]

>>  
>>  
>>

>> Meridith,

>>  
>>  
>>

>> Melvin is going to see if [REDACTED] would be available to visit with  
>> about the Pendleton thing. She teaches and he was not sure what her  
>> teaching days were.

>>  
>>  
>>

>> Wednesday 3/10 Harley Zephier will be here to pick up his work.  
>> Melvin can take care of that.

>>  
>>  
>>

>> Also Wednesday 3/10 Lauren Frank will be bringing her work in, will  
>> need to be available for her when she comes to check her work in.  
>> She's is really a beautiful young woman, you'll be impressed with her I'm sure.

>>  
>>  
>>

>> Ray is still out of the office and not is due to be back in the  
>> office until Monday.

>>  
>>  
>>

>> When do you arrive and when do you leave?

>>  
>>  
>>  
>>  
>>

>> [REDACTED]

>>  
>>  
>>

>> \_\_\_\_\_

>>

>> I am using the Free version of SPAMfighter.  
>> We are a community of 6 million users fighting spam.  
>> SPAMfighter has removed 8958 of my spam emails to date.  
>> The Professional version does not have this message.

>

Stanton, Meridith

From: [REDACTED]  
Sent: Thursday, March 04, 2010 8:01 AM  
To: Stanton, Meridith  
Subject: Re: FW: [REDACTED]

Hi Meridith,

[REDACTED]

I'm going to do some additional reading on this later today when I finish up with my Temple stuff. I'll give you a call later today as well - if I get you great, otherwise I'll leave a message.

Thanks,

[REDACTED]

On Thu, Mar 4, 2010 at 7:24 AM, [REDACTED] wrote:

> I'm going through my email right now... I'll reply shortly.

>

> Thanks,

>

> [REDACTED]

>

> On Wed, Mar 3, 2010 at 12:33 PM, Stanton, Meridith

> <[Meridith.Stanton@ios.doi.gov](mailto:Meridith.Stanton@ios.doi.gov)> wrote:

>> Hey [REDACTED]

>>

>>

>>

>> I am still in a holding pattern. [REDACTED]

>>

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>> Meridith

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>>

>> From: [REDACTED]  
>> Sent: Wednesday, March 03, 2010 12:13 PM  
>> To: Stanton, Meridith  
>> Subject: [REDACTED]

>>  
>>  
>>  
>> Meridith,  
>>  
>>  
>>  
>> Melvin is going to see if [REDACTED] would be available to visit with  
>> about the Pendleton thing. She teaches and he was not sure what her  
>> teaching days were.  
>>  
>>  
>>  
>> Wednesday 3/10 Harley Zephier will be here to pick up his work.  
>> Melvin can take care of that.  
>>  
>>  
>>  
>> Also Wednesday 3/10 Lauren Frank will be bringing her work in, will  
>> need to be available for her when she comes to check her work in.  
>> She's is really a beautiful young woman, you'll be impressed with her I'm sure.  
>>  
>>  
>>  
>> Ray is still out of the office and not is due to be back in the  
>> office until Monday.  
>>  
>>  
>>  
>> When do you arrive and when do you leave?  
>>  
>>  
>>  
>>  
>> [REDACTED]  
>>  
>>  
>>  
>> \_\_\_\_\_  
>>  
>> I am using the Free version of SPAMfighter.  
>> We are a community of 6 million users fighting spam.  
>> SPAMfighter has removed 8958 of my spam emails to date.  
>> The Professional version does not have this message.  
>

**VanWey, Kenneth J**

---

**From:** Stanton, Meridith  
**Sent:** Thursday, March 04, 2010 10:07 AM  
**To:** VanWey, Kenneth J  
**Subject:** Re: this morning

Can you please make copies of the Pendleton info so I do not have to take the originals on the trip-I have a meeting with the AUSA in Rapid on Wednesday. Thank You!

---

**From:** VanWey, Kenneth J  
**To:** Stanton, Meridith  
**Sent:** Thu Mar 04 09:16:15 2010  
**Subject:** this morning

I couldn't help notice the giant note taped to my monitor ; )

The Pendleton folder is on your chair – we had put together a folder in the IACB initiated files area.

[REDACTED]

[REDACTED]

I'll run the copies, and we can take a few minutes to put them in an order that makes sense to you.

Ken



Stanton, Meridith <meridith\_stanton@ios.doi.gov>

## Fw: Correction - Friday, January 17, 2014 Board Meeting

message

**Meridith Stanton** <meridith\_stanton@ios.doi.gov>

Wed, Jan 15, 2014 at 6:22 PM

To: Michele\_Hill@ios.doi.gov

after the board meeting I will call red cloud and draft something

---

**From:** [REDACTED]  
**Sent:** Wednesday, January 15, 2014 02:12 PM  
**To:** Stanton, Meridith <meridith\_stanton@ios.doi.gov>  
**Cc:** [REDACTED]  
**Subject:** Re: Correction - Friday, January 17, 2014 Board Meeting

After looking at it and with what [REDACTED] is working we are good with a press release.

On Wed, Jan 15, 2014 at 1:42 PM, Stanton, Meridith <meridith\_stanton@ios.doi.gov> wrote:

FYI. Typically I would want to issue a press release or take some similar action following such an event. But given [REDACTED] current work, do you suggest we keep this low profile for the time being?

—— Forwarded message ——

**From:** Heindl, Jennifer <jennifer.heindl@sol.doi.gov>  
**Date:** Wed, Jan 15, 2014 at 2:44 PM  
**Subject:** Re: Correction - Friday, January 17, 2014 Board Meeting  
**To:** "Nemeroff, Patrick G. (CIV)" <Patrick.G.Nemeroff@usdoj.gov>  
**Cc:** Meridith Stanton <meridith\_stanton@ios.doi.gov>

Patrick,  
Thanks very much for the quick response.  
Jennifer

Jennifer A. Heindl  
Attorney Advisor  
Office of the Solicitor  
Division of General Law  
Branch of General Legal Services  
Voice: 202-208-7094  
Fax: 202-219-1790

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sender immediately and destroy all copies. Thank you.

On 15 January 2014 14:33, Nemeroff, Patrick G. (CIV) <Patrick.G.Nemeroff@usdoj.gov> wrote:

Jennifer,

Your understanding is correct. The settlement is signed and final, and I have received word from Pendleton's counsel that Pendleton has paid its contribution to Red Cloud. There is no confidentiality requirement as part of the agreement, so Meredith can discuss the agreement publicly.

Thanks,

Patrick

Meridith Z. Stanton  
Director  
Indian Arts and Crafts Board  
Office of the Secretary  
MS 2528-MIB  
U.S. Department of the Interior  
Washington, D.C. 20240  
202-208-3773 (main)  
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—  
[REDACTED]  
[REDACTED]  
Southwest Region  
U.S. Fish and Wildlife Service

Office of Law Enforcement





512r00r, Meridith Stanton <meridith\_stanton@ios.doi.gov>

---

## Pendleton

**Heindl, Jennifer** <jennifer.heindl@sol.doi.gov>

Fri, May 17, 2013 at 2:27 PM

To: Meridith Stanton <meridith\_stanton@ios.doi.gov>, Rachel Spector <rachel.spector@sol.doi.gov>, Ashley Fry <ashley\_fry@ios.doi.gov>

Hi Meredith,

Had a brief conversation with Patrick. He was expecting a counter offer last week that apparently never came. Now he has reconnected with Plaintiff's attorneys and they are saying mid-week next week. I will keep you posted.

Patrick has also put together the initial offer on [REDACTED] and is now seeking his supervisor's review.

Thanks,  
Jennifer

Jennifer A. Heindl

Attorney Advisor

Office of the Solicitor

Division of General Law

Branch of General Legal Services

Voice: 202-208-7094

Fax: 202-219-1790



Stanton, Meridith <meridith\_stanton@ios.doi.gov>

## Follow up from last week's meeting

1 message

**Stanton, Meridith** <meridith\_stanton@ios.doi.gov>  
To: "Robert (USASD) Gusinsky" <Robert.Gusinsky@usdoj.gov>  
Cc: "Peterman, Gregg (USASD)" <Gregg.Peterman@usdoj.gov>  
Bcc: Ashley Fry <Ashley\_Fry@ios.doi.gov>

Wed, Jan 23, 2013 at 4:36 PM

Good Afternoon Robert,

I wanted to thank you for taking time out of your busy schedule to meet with me last week, and for including Gregg in the meeting. I enjoyed meeting and talking with Gregg and will let my USFWS law enforcement colleagues, Special Agent [REDACTED] and his Supervisor [REDACTED] know that they can reach out to Gregg regarding the [REDACTED] and any other potential cases in the area. I also want to thank you for taking me by Heather's office. As a result, I have sent Heather 30 IACB/Indian Arts and Crafts Act packets for distribution at tomorrow's meeting of attorneys providing assistance to South Dakota Indian Tribes and their members. I hope to work with Heather further to help raise the visibility and understanding of the Act among the Tribes in South Dakota. As information becomes available regarding the South Dakota Bar Association's annual conference, please let me know who I should be in touch with to explore the possibility of providing an Indian Arts and Crafts Act presentation or Act information during the meeting.

In the meantime, I wanted to revise some information that we discussed. [REDACTED]

[REDACTED]

[REDACTED]

Hopefully, we will see some forward movement soon.

Best Regards,

Meridith

Meridith Z. Stanton  
Director  
Indian Arts and Crafts Board

Office of the Secretary  
MS 2528-MIB  
U.S. Department of the Interior  
Washington, D.C. 20240  
202-208-3773 (main)  
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**From** Stanton, Meredith **Date** 12/22/2010 3:34:00 PM  
**To** Nemeroff, Patrick G. (CIV); Gusinsky, Robert (USASD)  
**Cc** [REDACTED]  
**Subject** Pendleton Shawls-listed under Native American category

FYI – I ran across these at [REDACTED] As with the Pendleton blankets being sold at the National Museum of the American Indian museum store in DC, they carry the Pendleton tag that states “Indian Blanket. Link follows

<http://www.pendleton-usa.com/thumbnail/Home-Blankets/Native-American/SHAWLS/1713/c/1823/pc/1816.uts>

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## Stanton, Meridith

---

**From:** Stanton, Meridith  
**Sent:** Tuesday, March 16, 2010 3:10 PM  
**To:** 'robert.gusinsky@usdoj.gov'  
**Cc:** [REDACTED]  
**Subject:** Follow up from today's call

Hi Robert,

Thank you for your telephone call earlier today. It was a pleasure talking with you again.

I have just hung up from talking with [REDACTED] and let him know that you would like to talk with him regarding his work on the [REDACTED] complaint regarding [REDACTED]. [REDACTED] confirms that he is very interested in talking with you, as well.

He can be reached at –

[REDACTED], [REDACTED]  
Effigy Mounds National Monument  
National Park Service  
U.S. Department of the Interior  
151 Hwy 76  
Harpers Ferry, Iowa 52146  
[REDACTED] cell)  
[REDACTED]

[REDACTED] know that you will be participating in tomorrow's day long NAGPRA meeting via teleconference from Iowa, but in the event you don't hear from [REDACTED] you can reach out to him at –

Robert Gusinsky  
AUSA  
USDOJ  
515 Ninth Street, #201  
Rapid City, South Dakota 57701  
605-342-7822  
[robert.gusinsky@usdoj.gov](mailto:robert.gusinsky@usdoj.gov)

In the meantime, I will be following up on our telephone conversation today with copies of the El Paso Saddle Blanket and Jeannie Rorex label, as well as the draft referral.

We look forward to working with you on this matter.

Meridith

Meridith Z. Stanton  
Director  
Indian Arts and Crafts Board  
MS 2528-MIB  
U.S. Department of the Interior  
Washington, D.C. 20240  
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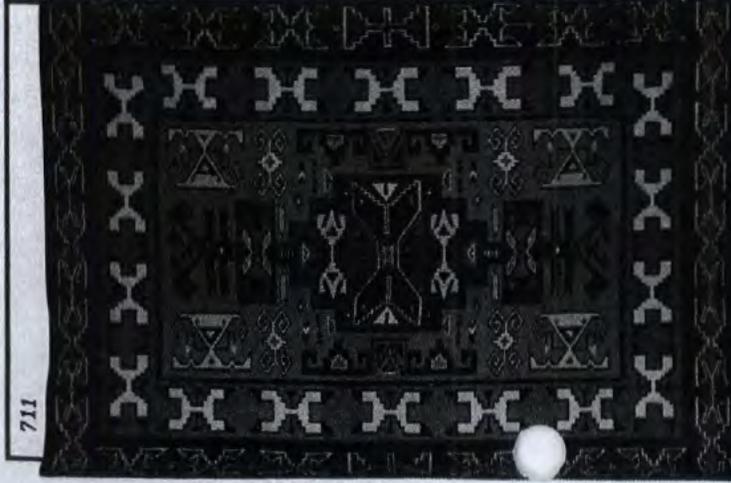
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683



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## ONE WOMAN EXHIBITS

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COBBLESTONE GALLERY, WICHITA, KANSAS  
1998, 2000

RED CLOUD INDIAN ART GALLERY  
ST. PETERSBURG, FLORIDA  
1996, 1999, 2000

THE INSTITUTE FOR AMERICAN  
INDIAN STUDIES  
WASHINGTON, CONNECTICUT

OH, WHAT A NIGHT! ART EXHIBIT  
FORT SMITH, ARKANSAS

WOODCOCK GALLERY - ILLINOIS COLLEGE  
JACKSONVILLE, ILLINOIS

SPIRIT VISIONS GALLERY  
CHARLOTTESVILLE, VIRGINIA  
1988, 1989, 1990, 1991, 1992, 1993

FORT SMITH ART CENTER, MAIN GALLERY  
FORT SMITH, ARKANSAS

SPIRIT WINGS GALLERY,  
SANTA FE, NEW MEXICO

FIVE CIVILIZED TRIBES MUSEUM  
MUSKOGEE, OKLAHOMA

CHEROKEE NATIONAL MUSEUM  
TAHLEQUAH, OKLAHOMA

## PUBLICATIONS AND BOOKS

### FEATURE ARTICLES IN:

SOUTHWEST ART MAGAZINE-88  
INDIGENOUS WOMEN'S NETWORK MAGAZINE-88  
RIVER CITIES / QUAD CITIES NEWS-IL, IA-99  
DAILY OKLAHOMAN NEWSPAPER  
OKLAHOMA CITY, OKLAHOMA  
MUSKOGEE DAILY PHOENIX NEWSPAPER  
MUSKOGEE, OKLAHOMA  
PIEDMONT PRESS, CHARLOTTESVILLE, VIRGINIA-95-97  
SOUTHWEST RECORD & TIMES, FT. SMITH. AR-97  
NEWHOUSE NEWS SERVICE, syndicated newspapers-99  
TAMPA BAY TRIBUNE, TAMPA BAY, FLORIDA-99  
MODERN COLLAGE MAGAZINE, NEW JERSEY-98  
MUSKOGEE NEIGHBORS, - 99  
THE PONCA CITY NEWS, PONCA CITY, OK -99-00  
KENTUCKY NEW ERA, HOPKINSVILLE, KY -00  
BOOK COVERS  
WOMEN OF OKLAHOMA, 1890-1920, OK University Press  
1998-ANNUAL REPORT- OK EAST CENTRAL ELECTRIC



### FEATURED AND CONTRIBUTING ARTWORK IN

TEARS of the TRAIL  
Southeast Missouri State University  
GODDESS SYMBOLS  
Barnes & Noble Press  
NATIVE AMERICAN WOMEN,  
Barnes & Noble Press  
EARTH SONGS,  
MOON DREAMS:  
PAINTINGS BY  
AMERICAN INDIAN WOMEN.  
St. Martin's Press  
ATLAS OF NATIVE AMERICA,  
Chartwell Press  
NATIVE AMERICAN WISDOM,  
Barnes & Noble Press

CHEROKEE - THE PRINCIPAL PEOPLE - VIDEO 1999

TELEVISION INTERVIEWS  
FORT SMITH, AR. KANSAS CITY, MO.  
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**Jeanne Rorex  
Bridges**

**Jeanne** has created her own recognizable style of painting which Collectors of her work value for its contemporary feeling, but which she has developed over her years of study of traditional Indian art forms. Her interest began very early when she would study the wood carvings of her

uncle, Cherokee sculptor Willard Stone, noting their flow and design. She relished the stories he wrote for each sculpture which she would read, then study the work and then read again . . . learning that art was to be used to portray your ideas and feelings. Her formal training at Bacone College as a student under Master Cheyenne Artist Dick West, began the development of her award-winning painting style. Combining this training with the unique history of her rural Eastern Oklahoma roots and her human interpretation of the traditional heritages and history of her Cherokee ancestors, Jeanne's work has become nationally known, recognized and appreciated. Jeanne's distinctive use of color creates works which are strikingly bold, yet peacefully soft. A Rorex painting, while strong in subject and feeling, is surprisingly uncomplex and calming.

My many Cherokee Ancestors chose not to sign the Dawes Roll, therefore, I am not eligible to be a legal tribal member of the Cherokee Nation and, according to Public Law 101-644, cannot represent myself to you as an Indian Artist, Cherokee Artist or Native American Artist.

**Jeanne's** work has won many awards in Native American Art Shows. The uniqueness of her ideas and style has granted her many one-woman exhibits and honors. But, she says that the best thing her work has given her is friends . . . "I have met so many people through my art. They appreciate my expressions in my work but they don't realize that I learn something from each one of them. I am blessed to be able to communicate with others in this way. My painting opens a door to better understanding of individual feelings and experiences . . . of human relationships and emotions.

I am a lucky woman!"



## MAJOR AWARDS

- |   |  |
|---|--|
| TRAIL OF TEARS CATEGORY<br>FIVE TIME WINNER,<br>1995,1990,1987,1986,1985<br>BEST OF PAINTING,1992 | TRAIL OF TEARS ART SHOW, CHEROKEE NATIONAL MUSEUM, TAHLEQUAH, OK |
| FIRST PLACE PAINTING<br>1990, 1989, 1988  | LITTLE CLASSIC NATIVE AMERICAN ART SHOW GUTHRIE, OKLAHOMA        |
| BEST OF FINE ARTS, 1988<br>FIRST PLACE, 1991<br>SECOND PLACE, 1993                                | TULSA INDIAN ARTS FESTIVAL, TULSA, OKLAHOMA                      |
| FINE ARTS 1st PLACE<br>1996 & 2nd PLACE 1994  | QUINNENTUKOUT FESTIVAL, CONNECTICUT                              |
| BEST OF SHOW, 1988<br>FIRST PLACE PAINTING<br>1989  | OKLAHOMA INDIAN MARKET, OKMULGEE, OKLAHOMA                       |
| FIRST PLACE, 1989<br>CONTEMPORARY PAINTING CATEGORY   | INTERTRIBAL CEREMONIAL GALLUP, NEW MEXICO                        |
| DIVISION 1, 1989 & 1986<br>DIVISION 2, 1999 & 1987  | FIVE CIVILIZED TRIBES MUSEUM, MUSKOGEE, OKLAHOMA                 |
| SECOND PLACE, 1996<br>FINE ARTS CATEGORY  | AMERICAN INDIAN POW WOW, BUDD LAKE NEW JERSEY                    |
| SECOND PLACE, 1996<br>FINE ARTS CATEGORY  | AMERICAN INDIAN FESTIVAL, HUNTER MOUNTAIN, NEW YORK              |
| SECOND PLACE 2001   | AMISH ACRES NAPPANEE, INDIANA                                    |

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**SECTIONS 103,104, AND 105**

**THE INDIAN ARTS AND CRAFTS ACT OF 1990, P.L. 101-644**

- Información en Español
- Informationen auf Deutsch
- L'information en Français
- Le informazioni in Italiano
- The Indian Arts and Crafts Act of 1990

This overview is intended to provide a quick synopsis of how Sections 103 - 105 of the Act work in practice. It is not intended to supersede the language of the Act or the final implementing regulations. You should read this overview with the complete text of the Indian Arts and Crafts Act and the implementing regulations.

You should also keep in mind that criminal cases require a higher burden of proof than civil cases. Criminal cases must be proven beyond a reasonable doubt; civil cases require only a preponderance of the evidence.

**Criminal**

In order to successfully prosecute a criminal violation under the Act, the prosecution must prove that a person knowingly offered or displayed for sale or sold any good in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian or Indian tribe or Indian arts and crafts organization, resident within the United States.

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Section 103 of the Act designates the Indian Arts and Crafts Board (IACB) as an agency that may receive complaints of violations of 18 U.S.C. 1159 (amended by Section 104 of the Act) and authorizes the IACB to refer such complaints to the Federal Bureau of Investigation (FBI) for investigation. It also authorizes the IACB to recommend cases to the Attorney General of the United States for criminal prosecution.

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When IACB receives a written complaint of a criminal violation and documented evidence,

(a) the IACB will carefully review and analyze the submitted material, and

(b) the IACB will determine the strength of the case and whether to refer the case to the FBI for investigation.

Once the FBI has investigated the referred criminal case and submitted an investigation report to the IACB, the IACS may recommend the case to the Attorney General of the United States for prosecution.

In the case of a first conviction in a criminal case, as outlined in Section 104 of the Act -

(a) An individual may be fined up to \$250,000 or imprisoned up to five years, or both.

(b) A person other than an individual, such as a corporation, may be fined up to \$1,000,000.

In the case of subsequent convictions -

(a) An individual may be fined up to \$1,000,000 or imprisoned up to not more than fifteen years, or both.

(b) A person other than an individual may be fined up to \$5,000,000.

#### **Civil**

Civil suits for damages or equitable or injunctive relief can be filed against a person who offers or displays for sale or sells a good in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian or Indian tribe or Indian arts and crafts organization, resident within the United States.

Section 103 of the Act authorizes the IACB to receive complaints of violations of 25 U.S.C. 305e and to recommend that the Secretary of the Interior refer the matter to the Attorney General for civil action.

Under Section 105 of the Act, civil suits can only be filed by-

(a) the Attorney General of the United States upon request of the Secretary of the Interior on behalf of an Indian who is a member of an Indian tribe, or on behalf of an Indian tribe, or on behalf of an Indian arts and crafts organization; or

(b) by an Indian tribe on behalf of itself, on behalf of an Indian who is a member of the tribe, or on behalf of an Indian arts and crafts organization.

Persons wishing the Federal Government to file a civil suit for a violation of the Act in accordance with (a), above, should submit their request, documentation, and other case evidence in writing to the IACB

for evaluation. Upon careful review of the submitted information, the IACB may recommend a civil action to the Secretary of the Interior. If the Secretary of the Interior determines that the case should be pursued, the Secretary will request that the Attorney General file suit on behalf of the aggrieved Indian, Indian tribe, or Indian arts and crafts organization.

Under a civil suit, the plaintiff(s) may:

(a) obtain injunctive or other equitable relief; and

(b) recover the greater of -

(1) treble damages; or

(2) in the case of each aggrieved individual Indian, Indian tribe, or Indian arts and crafts organization, not less than \$1,000 for each day on which the offer or display for sale or sale continues.

Additionally, the court may award punitive damages and the costs of suit and reasonable attorney's fees.

With respect to the amount paid to the plaintiff(s), the Attorney General may deduct the amount for costs of the suit and reasonable attorney's fees.

For further information on the Indian Arts and Crafts Act of 1990, P.L. 101 -644, please write-

Indian Arts and Crafts Board Room 4004-MIB US Department of the Interior Washington, D.C. 20240 (202) 208-3773

---

104 STAT. 4662 PUBLIC LAW 101-644-NOV. 29,1990  
Public Law 101-644  
101st Congress

An Act Nov. 29, 1990

(H.R. 20061

Indian Arts and Crafts Act of 1990.

25 USC 305 note.

25 USC 305d

To expand the powers of the Indian Arts and Crafts Board, and for other purposes.

Be it enacted by the Senate and House of Representatives,es of the

United States of America in Congress assembled,

## **TITLE I - INDIAN ARTS AND CRAFTS**

### **SEC. 101. SHORT TITLE.**

This title may be cited, as the "Indian Arts and Crafts Act of 1990".

### **SEC. 102. POWERS OF INDIAN ARTS AND CRAFTS BOARD.**

Section 2 of the Act entitled "An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes" (25 U.S.C. 305a) is amended-

(1) in the first sentence-

(A) by striking "the Board" and inserting "the Secretary of the Interior through the Board"; and

(B) by striking "the Indian wards of the Government" and inserting "Indian individuals";

(2) by amending clause (g) to read as follows: "(g) to create for the Board, or for an individual Indian or Indian tribe or Indian arts and crafts organization, trademarks of genuineness and quality for Indian products and the products of an individual Indian or particular Indian tribe or Indian arts and crafts organization; (2) to establish standards and regulations for the use of Government-owned trademarks by corporations, associations, or individuals, and to charge for such use under such licenses; (3) to register any such trademark owned by the Government in the United States Patent and Trademark Office without charge and assign it and the goodwill associated with it to an individual Indian or Indian tribe without charge; and (4) to pursue or defend in the courts any appeal or proceeding with respect to any final determination of that office;" ; and (3) by adding at the end the following new sentence: "For the purposes of this section, the term 'Indian arts and crafts organization' means any legally established arts and crafts marketing organization composed of members of Indian tribes."

### **SEC. 103. REFERRAL FOR CRIMINAL AND CIVIL VIOLATIONS.**

The Act entitled "An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes" (25 U.S.C. 305 et seq.) is amended by adding at the end of the following:

It SEC. 5. (a) The Board may receive complaints of violations of section 1159 of title 18, United States Code, and refer complaints of such violations to the Federal Bureau of Investigation for appropriate investigation. After reviewing the investigation report, the Board may recommend to the Attorney General of the United States that criminal proceedings be instituted under that section.

"(b) The Board may recommend that the Secretary of the Interior refer the matter to the Attorney General for civil action under section 6."

### **SEC. 104. CRIMINAL PENALTY FOR MISREPRESENTATION OF INDIAN PRODUCED GOODS AND PRODUCTS.**

(a) IN GENERAL.-Section 1159 of title 18, United States Code, is

amended to read as follows:

1159. Misrepresentation of Indian produced goods and products

"(a) It is unlawful to offer or display for sale or sell any good, with or without a Government trademark, in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian or Indian tribe or Indian arts and crafts organization, resident within the United States.

"(b) Whoever knowingly violates subsection (a) shall-

"(1) in the case of a first violation, if an individual, be fined not more than \$250,000 or imprisoned not more than five years, or both, and, if a person other than an individual, be fined . not more than \$1,000 ,000; and

"(2) in the case of subsequent violations, if an individual, be fined not More than \$1,000,000 or imprisoned not more than fifteen years, or both, and, if a person other than an individual, be fined not more than \$5,000,000.

"(c) As used in this section- "(1) the term 'Indian' means any individual who is a member of an Indian tribe, or for the purposes of this section is certified as an Indian artisan by an Indian tribe; "(2) the terms 'Indian product' and 'product of a particular Indian tribe or Indian arts and crafts organization' has the meaning given such term in regulations which may be promulgated by the Secretary of the Interior; "(3) the term 'Indiantribe' means- "(A) any Indian tribe, band, nation, Alaska Native village, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or "(B) any Indian group that has been formally recognized as an Indian tribe by a State legislature or by a State commission or similar organization legislatively vested with State tribal recognition authority; and "(4) the term 'Indian arts and crafts organization' means any legally established arts and crafts marketing organization composed of members of Indian tribes. "(d) In the event that any provision of this section is held invalid, it is the intent of Congress that the remaining provisions of this section shall continue in full force and effect.". (b) CONFORMING AMENDMENT.-The item relating to section 1159 in the table of sections for chapter 53 of title 18, United States Code, is amended to read as, follows: "1159. Misrepresentation of Indian produced goods and products."

**SEC. 105. CAUSE OF ACTION FOR MISREPRESENTATION OF INDIAN PRODUCED GOODS AND PRODUCTS.**

The Act entitled "An Act to Promote the development of Indian arts and crafts and to create a board to assist therein, and for other " (25 U.S.C. 305 et seq.) (as amended b' section 3) is further purposely amended by adding at the end of the following:

"SEC. 6. (a) A person specified in subsection (c) may, in a civil action in a court of competent jurisdiction, bring an action against a person who offers or displays for sale or sells a good, with or without a Government trademark, in a manner that falsely suggests it is Indian

produced, an Indian product, or the product of a particular Indian or Indian tribe or Indian arts and crafts organization, resident within the United States, to- "(1) obtain injunctive or other equitable relief; and "(2) recover the greater of- "(A) treble damages; or "(B) in the case of each aggrieved individual Indian, Indian tribe, or Indian arts and crafts organization, not less than \$1,000 for each day on which the offer or display for sale or sale continues.

"(b) In addition to the relief specified in subsection (a), the court may award punitive damages and the costs of suit and a reasonable attorney's fee.

"(c) A civil action under subsection (a) may be commenced- "(A) by the Attorney General of the United States upon request of the Secretary of the Interior on behalf of an Indian who is a member of an Indian tribe or on behalf of an Indian tribe or Indian arts and crafts organization; or

"(B) by an Indian tribe on behalf of itself, an Indian who is a member of the tribe, or on behalf of an Indian arts and crafts organization.

"(2) Any amount recovered pursuant to this section shall be paid to the individual Indian, Indian tribe, or Indian arts and crafts organization, except that-

"(A) in the case of paragraph (IXA), the Attorney General may deduct from the amount recovered the amount for the costs of suit and reasonable attorney's fees awarded pursuant to subsection (b) and deposit the amount of such costs and fees as a reimbursement credited to appropriations currently available to the Attorney General at the time of receipt of the amount recovered; and "(B) in the case of paragraph (IXB), the amount recovered for the costs of suit and reasonable attorney's fees pursuant to subsection (b) may be deducted from the total amount awarded under subsection (a)(2). "(d) As used in this section- "(1) the term 'Indian' means any individual who is a member of an Indian tribe; or for the purposes of this section is certified as an Indian artisan by an Indian tribe; "(2) the terms 'Indian product' and 'product of a particular Indian tribe or Indian arts and crafts organization' has the meaning given such term in regulations which may be promulgated by the Secretary of the Interior; "(3) the term 'Indian tribe' means- "(A) any Indian tribe, band, nation, Alaska Native village, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or "(B) any Indian group that has been formally recognized as an Indian tribe by a State legislature or by a State commission or similar organization legislatively vested with State tribal recognition authority; and "(4) the term 'Indian arts and crafts organization' means any legally established arts and crafts marketing organization composed of members of Indian tribes. "(e) In the event that any provision of this section, is held invalid, it is the intent of Congress that the remaining provisions of this section shall continue in full force and effect."

#### **SEC. 106. PENALTY FOR COUNTERFEITING INDIAN ARTS AND CRAFTS BOARD TRADEMARK.**

Section 1158 of title 18, United States Code, is amended by striking

"be fined not more than \$500 or imprisoned not more than six months, or both; and" and inserting "(1) in the case of a first violation, if an individual, be fined not more than \$250,000 or imprisoned not more than five years, or both, and, if a person other than an individual, be fined not more than \$1,000,000; and (2) in the case of subsequent violations, if an individual, be fined not more than \$1,000,000 or imprisoned not more than fifteen years, or both, and, if a person other than an individual, be fined not more than \$5,000,000; and (3)".

#### **SEC. 107. CERTIFICATION OF INDIAN ARTISANS.**

For the purposes of section 1159 of title 18, United States Code, and section 6 of the Act entitled "An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes" (25 U.S.C. 305 et seq.) an Indian tribe not impose a fee in individual- as an Indian artisan. tribe" has such term in section 1159 (cX3) of title 18,

#### **Indian Arts and Crafts Act of 1990**

On November 29, 1990, "The Indian Arts and Crafts Act of 1990" (P.L. 101-644) was signed to promote and protect domestic American Indian artists and craftspeople by providing meaningful deterrents to those who misrepresent their products. This act is a truth-in-advertising law that is designed to prevent products from being marketed as "Indian made" when the products are not, in fact, made by Indians as defined in the Act. To be considered an Indian Artist, the individual artist or craftspeople must be a member of an Indian Tribe, or must be certified as an Indian Artisan by an Indian Tribe. The law states in part:

"It is unlawful to offer or display for sale or sell any good, with or without a Government trademark, in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian or Indian tribe or Indian arts and crafts organization, resident within the United States." For purposes of this act, "Indian tribe" is defined as:

"A Federally Recognized Indian Tribe, or A Federally Recognized Native Entity of Alaska, or A State-Recognized Tribe"

It is a criminal offense for someone knowingly to violate this law. For a first criminal offense, an individual is fined not more than \$250,000 and/or jailed not more than 5 years; subsequent violations are not more than \$1,000,000 and/or 15 years. A corporation is fined not more than \$1,000,000 for a first offense; for subsequent violations a corporation is fined not more than \$5,000,000.

Federal Register / Vol. 61. No. 204 / Monday, October 21, 1996 / Rules and Regulations 54551 On October 21, 1996, the Federal Register published the final regulations for the Indian Arts and Crafts Act of 1990, Public Law 101-644, with a number of typographical errors. This version of the final regulations contains the original and correct text.

## DEPARTMENT OF THE INTERIOR

### Indian Arts and Crafts Board

#### 25 CFR Part 309

#### Protection for Products of Indian Art and Craftsmanship

AGENCY: Indian Arts and Crafts Board (IACB), DOI. ACTION: Final rule.

**SUMMARY:** This rule adopts regulations to carry out Public Law 101-644, the Indian Arts and Crafts Act of 1990. The regulations define the nature and Indian origin of products that the law covers and specify procedures for carrying out the law. The trademark provisions of the Act are not included in this rulemaking and will be treated at a later time.

EFFECTIVE DATES: November 20, 1996.

#### FOR FURTHER INFORMATION CONTACT:

Meridith Z. Stanton or Geoffrey E. Stamm, Indian Arts and Crafts Board, Room 4004-MIB, U.S. Department of the Interior, 1849 C Street, NW., Washington, DC 20240, telephone 202-208-3773 (not a toll-free call).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Act of August 27, 1935 (49 Stat. 891; 25 U.S.C. 305 et seq.; 18 U.S.C. 1158-59), created the Indian Arts and Crafts Board. The Board is responsible for promoting the development of American Indian and Alaska Native arts and crafts, improving the economic status of members of Federally-recognized tribes, and helping to develop and expand marketing opportunities for arts and crafts produced by American Indians and Alaska Natives.

The 1935 Act adopted criminal penalties for selling goods with misrepresentations that they were Indian produced. This provision, currently located in section 1159 of title 18, United States Code, set fines not to exceed \$500 or imprisonment not to exceed six months, or both. Although this law was in effect for many years, it provided no meaningful deterrent to those who misrepresent imitation arts and crafts as Indian produced. In addition, it required "willful" intent to prove a violation, and very little enforcement took place.

In response to growing sales in the billion dollar U.S. Indian arts and crafts market of products misrepresented or erroneously represented as produced by Indians, the Congress passed the Indian Arts and Crafts Act of 1990. This Act is essentially a truth-in-advertising law designed to prevent marketing products as "Indian made" when the products are not, in fact, made by Indians as defined by the Act.

### Public Participation

The Indian Arts and Crafts Board published the proposed rulemaking for the Indian Arts and Crafts Act of 1990 on October 13, 1994. 59 FR 51908- 51911. As the Federal Register omitted several key lines from the Enforcement section 309.3, the Federal Register published a correction on October 18, 1994. 59 FR 52588.

In addition to publication, several thousand copies of the proposed rulemaking were distributed to interested parties, including every Federally-recognized Indian tribe.

The Board received 36 public comments on the proposed rulemaking, and each was carefully reviewed, analyzed, and considered. These comments are grouped by issues and Board responses in the following summary.

### Summary and Analysis of Public Comments

A broad range of respondents expressed their support of the proposed regulations. These comments emphasized the crucial contribution of art and craft work production and sales to the economic development of Indian individuals and tribes throughout the nation.

### Overall Comments

Several comments raised the issue of what is a reasonable boundary between marketing statements that are simply truthful and statements that are clearly misleading. One respondent expressed concern that the Act and proposed regulations prohibit an artist who is not a member of an Indian tribe from truthfully describing his or her Indian heritage as part of the discussion of his or her art work. The regulations do not prohibit any statements about a person's Indian heritage that are truthful and not misleading in the marketing of that individual's work.

One comment asked whether an individual, who is neither enrolled nor certified as an Indian artisan, is permitted under the Act to use the term "Non-Government Enrolled Descendant" or its abbreviation, "NGED," in conjunction with the name of an Indian tribe to market his or her work. Considered as a whole, this phrase and its abbreviation are misleading. The capitalization implies some sort of official standing, and the word "enrolled" is positive. However, the truth is exactly the opposite: the individual is not officially recognized by, and is not enrolled in, the tribe named.

One comment questioned the treatment of persons of various degree of Indian ancestry who are active in the art market, but are not members of tribes. As described in section 309.3 of the Section-by-Section Comments, Congress in the Act addressed this situation by leaving it to the tribes to decide whether to certify as Indian artisans for purposes of the Act individuals who have some degree of ancestry of that tribe but are not tribal members. This tribal certification method also is discussed in section 309.4 of the regulations. A person is permitted

under the regulations to make a truthful statement, in connection with marketing of an art or craft product, that he or she is of Indian "descent" or particular tribal "descent".

Several respondents questioned the absence of regulations implementing the Act's trademark provisions and recommended that a supplementary rule be proposed for comment, to carry out the trademark section, before final publication of the regulations. This recommendation has not been adopted. The Indian Arts and Crafts Board is not prepared to carry out the trademark section of the Act at this time. Although the trademark provisions may be desirable in their own right, they are not necessary to the protections covered by these regulations. As stated previously, the trademark provisions of the Act will be treated at a later time.

One comment recommended and advocated changes in both the proposed regulations and the Act on the grounds that they are unconstitutional. Another comment asked for a repeal of the Act and proposed regulations, as they are a violation of the freedom of speech of all "Indian Americans." These comments have not been adopted either. While regulations can interpret and clarify the Act, regulations cannot change the Act. Furthermore, the regulations do not prohibit any individual, marketing enterprise, or other vendor from truthfully representing the art or craft products that they offer or display for sale or sell. The regulations define the nature and Indian origin of products protected by the Indian Arts and Crafts Act of 1990, a truth-in-marketing law, from false representations. They also specify how the Indian Arts and Crafts Board will interpret certain conduct for enforcement purposes.

Finally, several comments recommended that the regulations be reissued in proposed form for further comment before final publication of the regulations to carry out the Act. A broad range of comments was received and carefully considered. Appropriate revisions and refinements have been adopted without fundamental change to the approach of the proposed regulations. Accordingly reissuance in proposed form is not warranted.

#### Section-by-Section Comments Section 309.1 How do The Regulations in This Part Carry Out the Indian Arts and Crafts Act of 1990?

One response asked how the legislation affects arts and crafts sold in business establishments. Another stated that the "middle man" should be held accountable for how the product is marketed.

Section 309.1 of the regulations covers these concerns. It states that the Act regulates products offered or displayed for sale, or sold as Indian produced, an Indian product, or the product of a particular Indian, or Indian tribe, or Indian arts and crafts organization within the United States. This section does not limit the marketing vehicles covered by

the regulations. The Act applies to any offer for sale or display for sale, or actual sale by any person in the United States. In light of this broad application, section 309.1 is appropriately drafted.

#### Section 309.2 What are the Key Definitions for Purposes of the Act?

##### **Definition of Indian, Section 309.2(a)**

One respondent asked that the regulations specifically name Native Hawaiians to protect them under the Act. Another wanted individuals who have Certificates of Indian Blood, yet are neither on tribal rolls nor certified as Indian artisans, to be included under the definition of Indian.

The final regulations do not adopt these suggestions. The Act specifically defines who is an Indian protected by the Act. The regulations can interpret and clarify the Act but cannot change the statutory terms of the Act.

One respondent expressed concern about state incorporated non-profit "Indian" organizations and their members who are not enrolled with state or Federally-recognized tribes, yet present themselves as Indian at crafts shows. In addition, adoption was an issue for two respondents. One expressed concern that non-Indians, "adopted by Indian spiritual leaders," may be permitted to sell their work as Indian. Another stated that "not until the seventh generation" should an adopted tribal member or family have the right to offer their handcrafts for sale as Indian.

The definition of Indian already satisfies these concerns. State incorporated non-profit "Indian" organizations do not meet the definition of Indian tribe under the Act and in section 309.2(e)(1) and (2) of the regulations. Membership in a non-profit "Indian" organization does not meet the definition of Indian under the Act and in section 309.2 of the regulations. Furthermore, if an "Indian spiritual leader" or tribal member adopts an individual, this action does not mean that the adopted individual is a member of a state or Federally-recognized tribe or is certified as an Indian artisan by a state or Federally-recognized tribe.

##### **Definition of Indian Artisan, Section 309.2(b)**

Several respondents suggested that the definition of Indian artisan should be clarified to read "an individual who is certified by an Indian tribe as its nonmember artisan." This clarification has been adopted with a minor modification.

##### **Definition of Indian Arts and Crafts Organization, Section 309.2(c)**

Two respondents asked whether section 309.2(c) operates to exclude marketing entities, other than Indian arts and crafts organizations, from the law and regulations. Several others asserted that the definition of

Indian arts and crafts organization should include any organization set up under tribal law, custom or authority, as well as under any other legal authority.

The Act broadly applies to the marketing of arts and crafts by any person in the United States. The reference to Indian arts and crafts organization as a protected group is not intended to suggest that the Act's regulation does not apply to all marketing activities. In addition, the Act's requirement that an Indian arts and crafts organization be legally established in order to meet the definition includes tribal law.

**Definition of Indian Product, Section 309.2(d)**

Several comments stated that the definition of Indian product should be more inclusive. One comment stated that the definition should be broad enough to include the work of musicians, actors, and writers. Another stated it should include all products made by an Indian. Several other comments stated that the definition of Indian product should also cover any cultural property of an 'Indian tribe or moiety and include a reference to a compatible Indian cultural property Law. Still another respondent averred that the proposed regulations incorrectly focus on "what good is made, not who made the good."

The final regulations do not adopt these comments. In keeping with the Indian Arts and Crafts Board's organic legislation, its primary mission, and the Congressional intent of the Act, the Board has determined in the final regulations that the Act applies to Indian arts and crafts and not to all products generally. However, what constitutes an Indian art or craft product is potentially very broad.

Several comments asked that the words "or produced" follow "made" in the definition of Indian product to underscore that art or craft is to be broadly construed.

Within the meaning of the statute, Indian arts and crafts mean any art or craft made by an Indian or Indian artisan. As the addition of the words "or produced" does not significantly enhance the definition of Indian product, the final regulations do not adopt this comment.

Several respondents stated that the 1935 cut off date for products regulated by the Act is arbitrary and should be dropped.

The final regulations do not adopt this comment. The focus on the contemporary arts and crafts market is in keeping with the Congressional intent of the Act and the legislated mission of the Indian Arts and Crafts Board- economic growth through the development and promotion of contemporary Indian arts and crafts.

Two comments asked that proposed section 309.2(d)(ii) be dropped so as to exclude from regulation by the Act products of a non-traditional Indian style or non-traditional Indian medium. Another comment asked

that proposed section 309.2(d)(iii) include a reference to the difference between handmade, hand painted, and manufactured.

The final regulations do not adopt these comments. The proposed exclusion of products made in a non-traditional Indian style or non-traditional Indian medium runs counter to the legislative history of the Act, as the sponsors of the legislation were clearly aware of the evolution of such non-traditional products. The proposed exclusion is also inconsistent with a primary mission of the agency charged with carrying out the Act-the promotion of contemporary Indian arts and crafts. On the issue of production terms, handcrafts are clearly defined and anything else is not a handcraft. Additional descriptions in this section would make the regulations more complicated, and would not measurably improve the purpose of the regulations which is to define the nature and Indian origin of products covered by the Act.

One respondent supported the exclusion of industrial products from the proposed regulations, section 309.2 (d)(2). Another asked that the products under this section be further clarified. Other respondents described the industrial products section as unclear and asked that it be removed. Upon further review, the exclusion for industrial products has been dropped from the final regulations because the provisions limiting the reach of the Act to arts and crafts already exclude such products.

Another comment suggested that the regulations incorporate seven "classes" of products, based on the degree of Indianness of the maker and whether the product is a replica or import. The final regulations do not adopt the proposed classes of goods as they would make the regulations greatly more complicated and burdensome, and would not measurably improve the main purpose of the regulations which is to define rather than to classify the nature and Indian origin of products covered by the Act.

In final form, section 309.2(d) has been mildly reorganized and renumbered to improve readability.

**Definition of Indian Tribe. Section 309.2(e)**

One comment asked that all references in the regulations to "Indian tribe", the statutory term drawn from the Act, be revised to read "any federally-recognized tribes(s)". in recognition of consolidated tribes. This comment has not been adopted, as the definition of "Indian tribe" is provided in the Act, and the regulations cannot change the Act. However, all Federally recognized consolidated tribes are, in fact, included in that definition.

One respondent asked that section 309.2(e)(2) include a provision to require state governments to use the same comprehensive tribal recognition criteria the Federal government uses for Federal recognition. This comment asserted that comprehensive procedures must be mandatory to prevent undermining the Act and those it is

intended to protect. The final regulations do not require the use of comprehensive criteria for state recognition of tribes, as this goes beyond the authority of the Federal statute and is a matter of state authority. Additionally, the regulations do not set criteria for state tribal enrollment, as this is beyond the authority of the Federal statute.

Some comments asked for the addition of language in the regulations to include terminated California Indians and "federally-accepted tribal-preemption principles." Another asked that the Act protect all terminated tribes. These comments are not adopted into the final regulations. The regulations cannot change the Act, which makes no provision for terminated tribes.

#### **Definition of Product of a Particular Indian Tribe or Indian Arts and Crafts Organization, Section 309.2(f)**

One comment suggested the addition of the term "legally recognized Indian tribe" would help clarify the text of section 309.2(f). Another comment recommended the section include language for oversight of Indian tribes and arts and craft organizations.

These comments are not adopted into the final regulations. The term Indian tribe is defined earlier, in section 309.2(e), and the intent of this section is clear-to simply define the product of a particular Indian tribe or Indian arts and crafts organization.

#### **Section 309.3 Interpretation of Statements About Indian Origin of Art or Craft Products**

The final regulations clarify that the term "Indian" as used under the Act includes its market synonym "Native American."

One respondent stated that the regulations should work to prevent deceptive advertisements that use the name of a tribe to market a product, when the product is not made by a member of that tribe. Concern also was expressed about the use of phrases that refer to the "style", of a particular Indian tribe when the items are not made by artisans of that tribe, but imitate the work of that tribe. The respondent believed that the names of tribes as either nouns or adjectives should be for the exclusive use of the members of those tribes.

The Act and section 309.1 of the proposed regulations specifically state that it is unlawful to offer or display for sale or sell any good in a manner that falsely suggests it is the product of a particular Indian or Indian tribe or Indian arts and crafts organization. Section 309.3(a) also regulates the use of the unqualified name of an Indian tribe, and the unqualified term Indian, in connection with an art or craft product. However, the use of a tribal name in conjunction with the word "style" is not prohibited by the Act or the regulations, as it is not necessarily misleading. The rights of tribes to control the use of their names, qualified and unqualified, is an issue of cultural patrimony and is beyond the scope of these regulations.

Several responses dealt with the issue of foreign products. Two respondents expressed concern over their perception of the undermining of permanent country-of-origin markings by importers of imitation Indian arts and crafts. One respondent expressed concern about foreign merchandise falsely marketed as "South American Indian" while another questioned the need of businesses to differentiate between products made by members of tribes resident in the United States and by members of foreign tribes.

The topic of permanent country-of- origin marking is beyond the scope of the Act and regulations. Under the Omnibus Trade Bill, Public Law 100- 418, the U.S. Customs Service published regulations and oversees the requirement for permanent country-of- origin marking on imported Indian-style jewelry and other arts and crafts (19 CFR 134.43 (c)-(d).

Although the concern about products falsely marketed as South American Indian is beyond the scope of the regulations, identification of products of foreign Indian tribes is covered in section 309.3(b). The regulations require that products marketed in the United States must clearly show the name of the foreign country of the producer's tribal ancestry if the name of a tribe is used.

#### **Section 309.4 Certification of Indian Artisans**

One respondent expressed concern that the proposed regulations do not offer a "designation for descendants that are not tribal members. A second expressed concern for individuals who are raised on reservations, but who are not tribal members because they do not meet tribal blood quantum requirements.

The Act adopts tribal certification as the exclusive approach to these situations, and the regulations simply carry out this Congressional mandate. Truthful statements may be made about Indian or tribal ancestry.

A number of comments supported the proposed regulations' measure of flexibility in the certification process and the placement of responsibility for the determination of individual cases upon an appropriate tribal authority.

Other respondents stated that the provision for tribal certification of Indian artisans under the proposed regulations should be clarified. The majority of these respondents were concerned that section 309.4 as proposed could allow a tribe to certify a person as an Indian artisan who is in no way connected with the tribe and who is not even of Indian ancestry. Those respondents maintained that the statute and its legislative history support the conclusion that Congress intended that Indian tribes should be able to certify persons as Indian artisans only if those persons were, first, of Indian ancestry and, second, of Indian ancestry connected with the certifying tribe. One response further suggested that to be eligible for certification one must prove lineal

descent from a tribal member.

The final regulations adopt most of these comments. As amended, section 309.4 clarifies that to be eligible for certification as an Indian artisan by a particular tribe, the individual must be of the Indian ancestry of that tribe. The final regulations clarify that the certification must be documented in writing by the governing body of an Indian tribe or by a certifying body delegated this function by the governing body of an Indian tribe. The certification to be provided by the Indian tribe is that the individual is a non-member Indian artisan of the tribe.

Other comments asked that the regulations give Indian tribes guidance on procedures for the certification of Indian artists, such as documentation. In particular, one comment asked that the regulations also specify who within the tribe will have authority to make the certification decisions. One comment stated that procedural guidance would help prevent misuse of authority. Another stated it would encourage tribes to adopt certification programs. Others cautioned that care should be taken to avoid intrusion on tribal sovereignty.

While the final regulations clarify the overall requirements for certification, in deference to tribal sovereignty the actual certification procedures are left to the discretion of tribal governments.

One respondent expressed concern for individuals of various degrees of Indian ancestry, who are not tribal members, whose requests for Indian artisan certification are denied by the tribe. The respondent suggested that recognition of an individual's Indian ancestry by a state legislature should be an alternative to tribal certification. Another respondent suggested that recognition of an individual's Indian ancestry by a local entity, other than a tribe, should be sufficient for certification. These alternatives to tribal certification are not valid under the Act and are beyond the scope of the regulations. Truthful statements may be made about Indian or tribal heritage.

Finally, one respondent asked what specific authority prohibits the tribes from charging a fee for certification. This prohibition appears in section 107 of the Act (see also 25 U.S.C. 305e note).

#### **Section 309.5 Penalties.**

No comments received. However, language has been added to clarify what actions may subject a person to civil and criminal penalties.

#### **Section 309.6 Complaints**

No comments received.

#### **Drafting Information**

#### **Compliance With Other Laws**

This rule was not subject to Office of Management and Budget review

under E.O 12866. There is no collection of information in this rule requiring approval by the Officer of Management and Budget under 44 U.S.C.3504.

The Department of the Interior certifies that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C.601 et seq.). An unknown number of individuals, small businesses, and tribal governments may be affected in some way. These possible effects, such as increased demand on tribal governments from some of their members to document their status, stem from the statute itself rather than the regulations, as the preponderance of the regulations merely reflect statutory terms and requirements.

The Department of the Interior determined that these regulations will not have a significant effect on the human environment under the National Environmental Policy Act (42 U.S.C. 4321-4347). In addition, the Department of the Interior determined that these regulations are categorically excluded from the procedural requirements of the National Environmental Policy Act by Departmental regulations in 516 DM2. As such, there is no need for an Environmental Assessment or an Environmental Impact Statement.

List of Subjects in 25 CFR Part 309

**Indians-Arts and crafts, Penalties.**

For the reasons set out in the preamble,25 CFR Chapter II is amended to add part 309 as follows:

**PART 309-PROTECTION OF INDIAN ARTS AND CRAFTS PRODUCTS**

Sec.

309.1 How do the regulations in this part carry out the Indian Arts and Crafts Act of 1990?

309.2 What are the key definitions for purposes of the Act?

309.3 How will statements about Indian origin of art or craft products be interpreted?

309.4 How can an individual be certified as an Indian artisan?

309.5 What penalties apply?

309.6 How are complaints filed?

Authority: 18 U.S.C. 1159,25 U.S.C. 305 et seq.

309.1 How do the regulations in this part carry out the Indian Ads and Crafts Act of 1990?

These regulations define the nature and Indian origin of products protected by the Indian Arts and Crafts Act of 1990 (18 U.S.C. 1159,25 U.S.C.305 et seq.) from false representations, and specify how the Indian Arts and Crafts Board will interpret certain conduct for enforcement purposes. The Act makes it unlawful to offer or display for sale or sell any good in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian, or Indian tribe, or Indian arts and crafts organization resident within the United States.

309.2 What are the key definitions for purposes of the Act?

(a) Indian as applied to an individual means a person who is a member of an Indian tribe or for purposes of this part is certified by an Indian tribe as a nonmember Indian artisan (in accordance with the provisions of 309.4).

(b) Indian artisan means an individual who is certified by an Indian tribe as a non- member Indian artisan.

(c) Indian arts and crafts organization means any legally established arts and crafts marketing organization composed of members of Indian tribes.

(d) Indian product. (1) In general. Indian product means any art or craft product made by an Indian.

(2) Illustrations The term "Indian product" includes, but is not limited to:

(i) Art works that are in a traditional or non-traditional Indian style or medium:

(ii) Crafts that are in a traditional or non-traditional Indian style or medium:

(iii) Handcrafts, i.e. objects created with the help of only such devices as allow the manual skill of the maker to condition the shape and design of each individual product.

(3) Exclusion for products made before 1935. The provisions of this part shall not apply to any art or craft products made before 1935.

(e) Indian tribe means-

(1) Any Indian tribe, band, nation, Alaska Native village, or any organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians: or

(2) Any Indian group that has been formally recognized as an Indian tribe by a State legislature or by a State commission or similar organization legislatively vested with State tribal recognition authority.

(f) Products of a particular Indian tribe or Indian arts and crafts organization means that the origin of a product is identified as a named Indian tribe or named Indian arts and crafts organization.

309.3 How will statements about Indian origin of art or craft products be interpreted?

(a) In general. The unqualified use of the term "Indian" or of the term "Native American" or the unqualified use of the name of an Indian tribe, in connection with an art or craft product, is interpreted to mean for purposes of this part that-

(1) The maker is a member of an Indian tribe, is certified by an Indian tribe as a non- member Indian artisan, or is a member of the particular Indian tribe named: and

(2) The art or craft product is an Indian product.

(b) Products of Indians of foreign tribes. (1) In general. The unqualified use of the term "Indian" or of the term "Native American" or the unqualified use of the name of a foreign tribe in connection with an art or craft product, regardless of where it is produced and regardless of any country-of-origin marking on the product, is interpreted to mean for purposes of this part that-

(i) The maker is a member of an Indian tribe, is certified by an Indian tribe as a non-member Indian artisan, or is a member of the particular Indian tribe named:

(ii) The tribe is resident in the United States; and

(iii) The art or craft product is an Indian product.

(2) Exception where country of origin is disclosed. Paragraph (b) of this section does not apply to any art or craft for which the name of the foreign country of tribal ancestry is clearly disclosed in conjunction with marketing of the product.

(c) Example. X is a lineal descendant of a member of Indian Tribe A. However, X is not a member of Indian Tribe A, nor is X certified by Indian Tribe A as a non-member Indian artisan. X may not be described in connection with the marketing of an art or craft product made by X as an Indian, a Native American, a member of an Indian tribe, a member of Tribe A, or as a non- member Indian artisan of an Indian tribe. However, the true statement may be used that X is of Indian descent, Native American descent, or Tribe A descent.

309.4 How can an individual be certified as an Indian artisan?

(a) In order for an individual to be certified by an Indian tribe as a non-member Indian artisan for purposes of this part-

(1) The individual must be of Indian lineage of one or more members of such Indian tribe: and

(2) The certification must be documented in writing by the governing body of an Indian tribe or by a certifying body delegated this function by the governing body of the Indian tribe.

(b) As provided in section 107 of the Indian Arts and Crafts Act of 1990, Public Law 101-G44, a tribe may not impose a fee for certifying an Indian artisan.

309.5 What penalties apply?

A person who offers or displays for sale or sells a good, with or without a Government trademark, in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian or Indian tribe or Indian arts and crafts organization, resident within the United States:

(a) Is subject to the criminal penalties specified in section 1159, title 18, United States Code; and

(b) Is subject to the civil penalties specified in section 305e, title 25, United States Code.

309.6 How are complaints filed?

Complaints about protected products alleged to be offered or displayed for sale or sold in a manner that falsely suggests they are Indian products should be made in writing and addressed to the Director, Indian Arts and Crafts Board, Room 4004-MIB, U.S. Department of the Interior, 1849 C Street, NW, Washington, DC 20240.

Dated: October 15, 1996.  
Bonnie R. Cohen.

Assistant Secretary-Policy, Management and Budget.

[FR Doc.96-26876 Filed 10-18-96: 8:45 am)

BILLING CODE 4310-RK-M

These final regulations were prepared by Meridith Z. Stanton (Deputy Director, Indian Arts and Crafts Board) and Geoffrey E. Stamm (Director, Indian Arts and Crafts Board).

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Date 3/18/2010 Sender's FedEx Account Number 1514-1350-1

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Company INDIAN ARTS & CRAFTS BOARD

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City WASHINGTON State DC ZIP 20240-0001

**2 Your Internal Billing Reference**

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**3 To**

Recipient's Name Robert Gussinsky, AVSA Phone (605) 342-7822

Company U.S. Dept. of Justice

Address 515 Ninth Street #201  
We cannot deliver to P.O. boxes or P.O. ZIP codes.

Address \_\_\_\_\_  
Use this line for the HOLD location address or for continuation of your shipping address.

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0418896666

**4a Express Package Service**

FedEx Priority Overnight  
Next business morning. \*\* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Standard Overnight  
Next business morning. \* Saturday Delivery NOT available.

FedEx First Overnight  
Earliest next business morning delivery to select locations. \*

FedEx 2Day  
Second business day. \* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Express Saver  
Third business day. \* Saturday Delivery NOT available.

EXP SAVER

**4b Express Freight Service**

FedEx 1Day Freight  
Next business day. \*\* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx 2Day Freight  
Second business day. \*\* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx 3Day Freight  
Third business day. \*\* Saturday Delivery NOT available.

**5 Packaging**

FedEx Envelope\*  FedEx Pak\*  
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**6 Special Handling and Delivery Signature Options**

SATURDAY Delivery  
NOT available for FedEx Standard Overnight, FedEx Express Saver, or FedEx 3Day Freight.

No Signature Required  
Package may be left without obtaining a signature for delivery.

Direct Signature  
Someone at recipient's address may sign for delivery. Fee applies.

Indirect Signature  
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. Fee residential deliveries only. Fee applies.

**Does this shipment contain dangerous goods?**

No  Yes  
As per attached Shipper's Declaration.  Yes  
Shipper's Declaration not required.  Dry Ice  
Dry Ice, 3 UN 1845 \_\_\_\_\_ x \_\_\_\_\_ kg

Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box.  Cargo Aircraft Only

**7 Payment Bill to:**

Sender  
Account No. in Section 1 will be billed.  Recipient  Third Party  Credit Card  Cash/Check

FedEx Acct. No. \_\_\_\_\_ Exp. Date \_\_\_\_\_  
Credit Card No. \_\_\_\_\_

Total Packages \_\_\_\_\_ Total Weight \_\_\_\_\_ Total Declared Value<sup>1</sup> \_\_\_\_\_



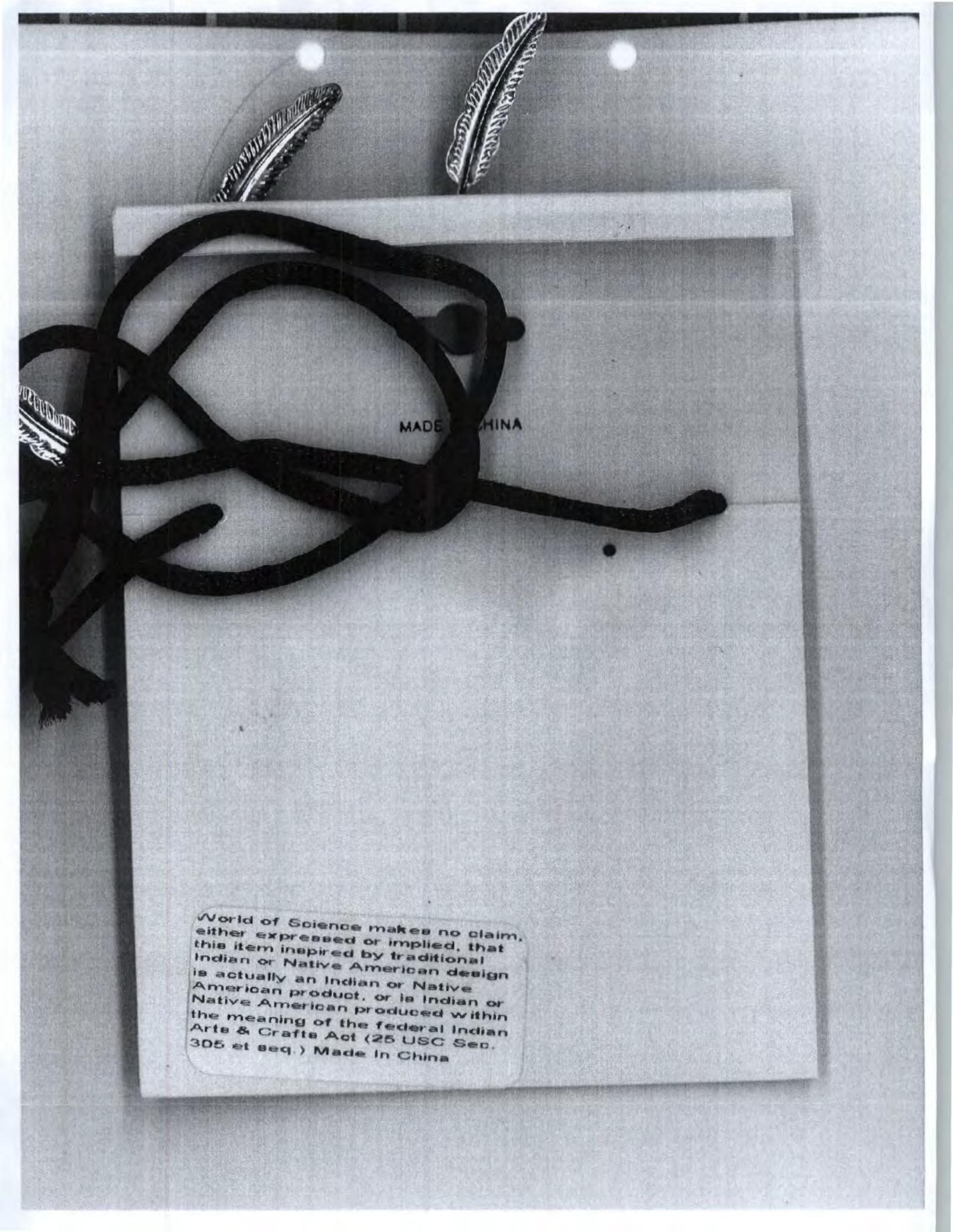
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<sup>1</sup> Our liability is limited to \$100 unless you declare a higher value. See back for details. By using the Airbill you agree to the service conditions on the back of the Airbill and in the current FedEx Service Guide, including terms that limit our liability.

605

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MADE IN CHINA

World of Science makes no claim, either expressed or implied, that this item inspired by traditional Indian or Native American design is actually an Indian or Native American product, or is Indian or Native American produced within the meaning of the federal Indian Arts & Crafts Act (25 USC Sec. 305 et seq.) Made In China

**From** Nemeroff, Patrick G. (CIV)  
**To** Stanton, Meridith  
**Cc** [REDACTED] Fry, Ashley  
**Subject** RE: Pendleton

**Date** 2/29/2012 2:45:16 PM

Hi Meridith,

Thank you for this update. I apologize for my being out of touch recently [REDACTED]. The memo has been delayed, however, by a number of hard litigation deadlines I've had in the last month (it's been a very busy month with arguments, briefs, etc.). I also have been awaiting a response from Pendleton's lawyers regarding the practicality of some of our proposed remedies. [REDACTED]

In order to get the ball rolling again, I propose the following steps: I will put in some extra hours this week and this weekend and see if I can finish up the memo quickly. In the meantime, I will contact Steven Ungar and remind him that we're around, we're still pursuing further relief here, and we're awaiting a response to my earlier email. I will keep you updated as these steps proceed.

Thanks for your patience with this process.

Best,  
Patrick

---

**From:** Stanton, Meridith [mailto:Meridith\_Stanton@ios.doi.gov]  
**Sent:** Wednesday, February 29, 2012 12:53 PM  
**To:** Nemeroff, Patrick G. (CIV)  
**Cc:** [REDACTED] Fry, Ashley  
**Subject:** Pendleton

Hi Patrick,

I spoke with the [REDACTED] this morning. He called to tell me that Pendleton Manger Bob Christnach had once again called him. Bob Christnach stated that Pendleton remains very concerned about their reputation and suggested to [REDACTED] that Pendleton and the IACB in short order sponsor a seminar in Oklahoma to develop a better understanding of the Act and Act compliance with Tribal, local, and Pendleton representatives. Bob Christnach said that he thought Pendleton would pay for the associated costs. [REDACTED] told him he'd pass the offer on to the IACB Director. [REDACTED] however, underscored that he and the Commissioners are not at all involved with Act cases and that talking with [REDACTED] would be of no help to Bob Christnach or Pendleton. (FYI, I have attached a document discussions some remedies in December 2011.)

I told [REDACTED] that I did not understand why Pendleton's lawyers weren't talking with our DOJ lawyers – though they might be since I have not had the opportunity to talk with our DOJ attorney liaison recently. I also told [REDACTED] that while this is being handled by DOJ and I did not believe such an arrangement was a wise.

Can you please let me know if you and Art have had the opportunity to talk further about next steps with Pendleton? If you'd like, I can set up another phone bridge.

Thank you,

Meridith

Meridith Z. Stanton  
Director  
Indian Arts and Crafts Board  
Office of the Secretary  
MS 2528-MIB  
U.S. Department of the Interior  
Washington, D.C. 20240  
202-208-3773 (main)  
202-208-3889 (direct)  
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202-208-4382 (fax)

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**From:** Stanton, Meridith [[mailto:Meridith\\_Stanton@ios.doi.gov](mailto:Meridith_Stanton@ios.doi.gov)]

**Sent:** Tuesday, January 10, 2012 10:20 AM

**To:** Nemeroff, Patrick G. (CIV)

**Cc:** [REDACTED]

**Subject:** Follow up from yesterday's call

Patrick,

I spoke with [REDACTED], last evening. He said that Bob Christnatch, a Pendleton manager (?) who knows [REDACTED] had called him today and told him the "IACB is after us."

Bob C. said that "Pendleton has been working with the Indians for 100 years and that the Indians were Pendleton's bread and butter." Bob C. said that they (Pendleton) knew very little of what was going on or what the allegations were. Bob told [REDACTED] however, that the matter involved Sioux Star blankets and he asked [REDACTED] what he knew about the situation.

Bob C. also told [REDACTED] that he had spoken directly with me, as had others at Pendleton. I told [REDACTED] that that was not the case, and I had not spoken directly with anyone at Pendleton or directly with their attorney, Steve(Ungar).

[REDACTED] told Bob C. that he did not know anything about the matter.

I explained to [REDACTED] that it was an ongoing investigation and that the IACB was working in concert with the DOJ/Federal Programs Branch to address Act violation(s) in this matter. I also explained that as Pendleton had retained a prominent attorney, I was sure the attorney for Pendleton was thoroughly briefing his clients each time he spoke with DOJ/FPB. I also mentioned that the DOJ/FPB attorney the IACB is working with is in regular contact with the Pendleton attorney.

[REDACTED] was completely satisfied with my responses and said that "the matter must be on track." He also said that he would call Bob C. back and let him know that he believed Pendleton's attorney was briefing his

clients.

I mentioned that Pendleton had a lot on the line and that one would think they would want to comply with the Act.

██████ agreed and said that for years “we (Indians) have been ripped off – ripped off for too long.” ██████ said that he was glad the Act was getting teeth and he looked forward to having the IACB be successful in addressing Act violations.

If you have any questions, please let me know.

Thank you,

Meridith

Meridith Z. Stanton  
Director  
Indian Arts and Crafts Board  
Office of the Secretary  
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## Stanton, Meridith

---

**From:** Nemeroff, Patrick G. (CIV) [Patrick.G.Nemeroff@usdoj.gov]  
**Sent:** Tuesday, January 10, 2012 11:16 AM  
**To:** Stanton, Meridith  
**Cc:** [REDACTED]  
**Subject:** RE: Follow up from yesterday's call

Thanks for the update Meridith.

---

**From:** Stanton, Meridith [mailto:Meridith\_Stanton@ios.doi.gov]  
**Sent:** Tuesday, January 10, 2012 10:20 AM  
**To:** Nemeroff, Patrick G. (CIV)  
**Cc:** [REDACTED]  
**Subject:** Follow up from yesterday's call

Patrick,

I spoke with [REDACTED], last evening. He said that Bob Christnatch, a Pendleton manager (?) who knows [REDACTED] had called him today and told him the "IACB is after us."

Bob C. said that "Pendleton has been working with the Indians for 100 years and that the Indians were Pendleton's bread and butter." Bob C. said that they (Pendleton) knew very little of what was going on or what the allegations were. Bob told [REDACTED] however, that the matter involved Sioux Star blankets and he asked [REDACTED] what he knew about the situation.

Bob C. also told [REDACTED] that he had spoken directly with me, as had others at Pendleton. I told [REDACTED] that that was not the case, and I had not spoken directly with anyone at Pendleton or directly with their attorney, Steve(Ungar).

[REDACTED] told Bob C. that he did not know anything about the matter.

I explained to [REDACTED] that it was an ongoing investigation and that the IACB was working in concert with the DOJ/Federal Programs Branch to address Act violation(s) in this matter. I also explained that as Pendleton had retained a prominent attorney, I was sure the attorney for Pendleton was thoroughly briefing his clients each time he spoke with DOJ/FPB. I also mentioned that the DOJ/FPB attorney the IACB is working with is in regular contact with the Pendleton attorney.

[REDACTED] was completely satisfied with my responses and said that "the matter must be on track." He also said that he would call Bob C. back and let him know that he believed Pendleton's attorney was briefing his clients.

I mentioned that Pendleton had a lot on the line and that one would think they would want to comply with the Act.

[REDACTED] agreed and said that for years "we (Indians) have been ripped off – ripped off for too long." [REDACTED] said that he was glad the Act was getting teeth and he looked forward to having the IACB be successful in addressing Act violations.

If you have any questions, please let me know.

Thank you,

Meridith

Meridith Z. Stanton

Director  
Indian Arts and Crafts Board  
Office of the Secretary  
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**Stanton, Meridith**

---

**From:** [REDACTED]  
**Sent:** Thursday, December 15, 2011 10:58 AM  
**To:** Nemeroff, Patrick G. (CIV)  
**Cc:** Dupris, Cheryl (USASD); Stanton, Meridith  
**Subject:** RE: Points for discussion at 2:00

From their web site:

Pendleton has thrived under the direction of the Bishop family. Today the company owns and operates 7 facilities, manages 75 Pendleton retail stores and publishes apparel and home direct mail catalogs. For many years, Clarence's sons, C.M. Bishop, Jr. (Mort) and Broughton (Brot) Bishop, acted as co-executive officers.

Today, their sons have assumed management roles in the company. C.M. Bishop III is president and John and Charles are vice presidents. Another son, Peter, is manager of the Catalog/Internet Division

[REDACTED]  
Herbert Hoover National Historic Site  
110 Parkside Drive  
P.O. Box 607  
West Branch, Iowa 52358

Telephone: [REDACTED]  
Cell: [REDACTED]

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"Nemeroff,  
Patrick G. (CIV)"

<Patrick.G.Neff@usdoj.gov>

12/15/2011 09:17 AM

To  
"Stanton, Meridith"  
<Meridith.Stanton@ios.doi.gov>,  
[REDACTED], "Dupris,  
Cheryl (USASD)"  
<Cheryl.Dupris@usdoj.gov>

cc

Subject  
RE: Points for discussion at 2:00

All,

I spoke with Pendleton's attorney, Steven Ungar, yesterday evening. Here are some of the main points we discussed:

- Pendleton is still working to implement changes to its website. I emphasized the need to add the two proposed disclaimers to all relevant products. I also mentioned the Board's concern that Pendleton has not changed other product names that include tribe names. Steven suggested that Pendleton is still working on additional changes that might include changing more product names (though he made no promises). He also noted that the tribal name issue is causing Pendleton heartburn for two reasons: (1) Pendleton believes that some within the Native American community value having tribal names associated with Pendleton products; (2) some tribe names raise ambiguities. The example he gave of this second issue is "Yakema," which is the name not only of a tribe, but also of a town and a pattern. Pendleton is not sure its use of Yakema in product names poses an issue. I suggested to him that this is probably not as complicated a problem as Pendleton is making it out to be, and that we are just looking for a good faith effort here.

- I outlined the four categories of relief you had proposed to me. I told Steven that the DOJ is still deciding what total dollar figure to pursue in this case, but that it would be helpful to get Pendleton's reactions to those four possible categories of relief. Steven was receptive. He noted that he thought Pendleton would have a number of questions regarding implementation of the categories. For example, regarding purchasing quilts, how should Pendleton decide where and from whom to purchase the quilts? I asked Steven to create a list of questions and thoughts and to get back to me as soon as possible.

- Steven told me that one of the owners of Pendleton is anxious to contact [REDACTED] to discuss Pendleton's relationship with the Board. Pendleton is owned in large part by the Bishop

family. Mr. Bishop (I didn't catch his first name) is on the board of the Smithsonian's Native American Museum, and I suppose has come into contact with [REDACTED] through that work. Mr. Bishop has wanted to contact [REDACTED] for some time, but Steven has asked him to refrain from doing so. I'm not sure if Steven was asking for our permission for Mr. Bishop to contact [REDACTED] (which he does not need) or was just notifying us that Mr. Bishop plans to make contact. Either way, I thought you would appreciate some notice.

I will work within this office to reach a conclusion as to the relief we should seek. In the meantime, I'll keep you updated on any further communications I have with Pendleton.

Best,  
Patrick

Patrick Nemeroff  
Trial Attorney  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue, NW Room 5381  
Washington, D.C. 20001  
(202) 305-8727

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From: Stanton, Meridith [mailto:Meridith\_Stanton@ios.doi.gov]  
Sent: Tuesday, December 13, 2011 1:52 PM  
To: Nemeroff, Patrick G. (CIV); [REDACTED]; Dupris, Cheryl (USASD)  
Subject: Points for discussion at 2:00

Meridith Z. Stanton  
Director  
Indian Arts and Crafts Board  
Office of the Secretary  
MS 2528-MIB  
U.S. Department of the Interior  
Washington, D.C. 20240  
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## Stanton, Meridith

---

**From:** Nemeroff, Patrick G. (CIV) [Patrick.G.Nemeroff@usdoj.gov]  
**Sent:** Tuesday, November 22, 2011 11:52 AM  
**To:** Stanton, Meridith; [REDACTED]  
**Cc:** Dupris, Cheryl (USASD)  
**Subject:** FW: Pendleton IACA matter

Fyi. I haven't spoken to Steven recently on the phone. But when I do, I will tell him that we do not plan on conducting a direct dialogue between the Board and Pendleton.

Thanks,  
Patrick

**From:** Ungar, Steven B. [mailto:UngarS@LanePowell.com]  
**Sent:** Tuesday, November 22, 2011 11:49 AM  
**To:** Nemeroff, Patrick G. (CIV)  
**Cc:** David.Armentrout@penwool.com; Mehrbani, Parna; Stevason, John; Tranetzki, Kristen  
**Subject:** RE: Pendleton IACA matter

Patrick,

Thank you for sending the below-suggested guidance relative to the Indian Arts and Crafts Act. I've spoken with David Armentrout about the matter today and we will be putting together a response which will include some specific examples of what Pendleton is already doing consistent with this guidance; and measures proposed to be taken to ensure compliance going forward. I do want to emphasize that once we expand our dialogue to include members of the IAC Board, the company's longstanding policies and practices will come into sharper focus. (Also, we are anxious to get contacts on the Board from you so that we can get started on some of the compliance-related projects under consideration.) In sum, Pendleton is committed to handling its Native-related design and marketing practices in a way which not only meets but in fact exceeds the IAC's requirements.

Thanksgiving holiday time is upon us and it's taken pretty seriously out West -- so because of some folks taking time off, we won't be able to get back to you for about a week. But we continue to see this matter as a number one priority are looking forward to reaching its resolution.

Best regards,

**Steven B. Ungar**



Shareholder, [Bio](#) | [VCard](#)  
Lane Powell PC  
601 SW Second Avenue, Suite 2100  
Portland, OR 97204-3158  
Direct: 503.778.2064  
Cell: 503.701.3888  
[www.lanepowell.com](http://www.lanepowell.com)

*Lane Powell, one of Washington's "Best Workplaces" and a "Top Corporate Philanthropist" (Puget Sound Business Journal), and one of the "100 Best Companies" and "100 Best Green Companies to Work For in Oregon" (Oregon Business magazine).*

---

**From:** Nemeroff, Patrick G. (CIV) [mailto:Patrick.G.Nemeroff@usdoj.gov]  
**Sent:** Friday, November 18, 2011 3:00 PM  
**To:** Ungar, Steven B.  
**Subject:** Pendleton IACA matter

Steven,

As we previously discussed, attached is a letter setting forth guidance regarding Pendleton's future compliance with the Indian Arts and Crafts Act. I look forward to further conversations on this matter.

Best,  
Patrick

Patrick Nemeroff  
Trial Attorney  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue, NW Room 5381  
Washington, D.C. 20001  
(202) 305-8727

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Please be advised that, if this communication includes federal tax advice, it cannot be used for the purpose of avoiding tax penalties unless you have expressly engaged us to provide written advice in a form that satisfies IRS standards for "covered opinions" or we have informed you that those standards do not apply to this communication.

**From** Stanton, Meridith **Date** 11/17/2011 8:45:11 PM  
**To** 'Patrick.G.Nemeroff@usdoj.gov'  
**Cc** [REDACTED] 'Cheryl.Dupris@usdoj.gov'  
**Subject** Re: Conf call to discuss Ltr to Pendleton

Patrick,  
Terrific work on the letter!  
Thank you again for excellent work on this matter,  
Meridith

----- Original Message -----

**From:** Nemeroff, Patrick G. (CIV) [<mailto:Patrick.G.Nemeroff@usdoj.gov>]  
**Sent:** Wednesday, November 16, 2011 06:25 PM  
**To:** Stanton, Meridith; Dupris, Cheryl (USASD) <Cheryl.Dupris@usdoj.gov>; [REDACTED]  
**Cc:** VanWey, Kenneth J  
**Subject:** RE: Conf call to discuss Ltr to Pendleton

I just realized that you might not all have WordPerfect (not sure why you would). Attached is a version in PDF in case that's helpful.

Thanks,  
Patrick

-----Original Message-----

**From:** Nemeroff, Patrick G. (CIV)  
**Sent:** Wednesday, November 16, 2011 6:23 PM  
**To:** 'Stanton, Meridith'; Dupris, Cheryl (USASD) [REDACTED]  
**Cc:** 'VanWey, Kenneth J'  
**Subject:** RE: Conf call to discuss Ltr to Pendleton

Hi all,

Attached is a draft of the letter to Pendleton, edited to reflect our discussion yesterday. Please send me any comments or proposed changes.

Best,  
Patrick

-----Original Message-----

**From:** Nemeroff, Patrick G. (CIV)  
**Sent:** Tuesday, November 15, 2011 9:02 AM  
**To:** Stanton, Meridith; Dupris, Cheryl (USASD); [REDACTED]  
**Cc:** VanWey, Kenneth J  
**Subject:** RE: Conf call to discuss Ltr to Pendleton

2 pm today works well for me. I look forward to it.

Thanks,  
Patrick

-----Original Message-----

**From:** Stanton, Meridith [[mailto:Meridith\\_Stanton@ios.doi.gov](mailto:Meridith_Stanton@ios.doi.gov)]  
**Sent:** Monday, November 14, 2011 3:49 PM

To: Nemeroff, Patrick G. (CIV); Dupris, Cheryl (USASD); [REDACTED]  
Cc: VanWey, Kenneth J  
Subject: RE: Conf call to discuss Ltr to Pendleton

Hi Patrick,

Wonderful, tomorrow it is.

Bob, says that he can be available at 2:00pm tomorrow, if that works for you.

In the meantime, I have made some suggested edits to the letter for your review and comment, as well as Bob and Cheryl's input. These are for discussion purposes and I look forward to everyone's input.

Cheryl, if you can't participate on the call but have a chance to look over the attached draft, perhaps you can share your thoughts with us via email.

Best Regards,

Meridith

Meridith Z. Stanton  
Director  
Indian Arts and Crafts Board  
Office of the Secretary  
MS 2528-MIB  
U.S. Department of the Interior  
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-----Original Message-----

From: Nemeroff, Patrick G. (CIV) [<mailto:Patrick.G.Nemeroff@usdoj.gov>]  
Sent: Monday, November 14, 2011 12:38 PM  
To: Stanton, Meridith; Dupris, Cheryl (USASD); [REDACTED]  
Cc: VanWey, Kenneth J  
Subject: RE: Conf call to discuss Ltr to Pendleton

Hi all,

[REDACTED]. Tomorrow actually might be better for me. I am free anytime other than 3pm to 5pm.

Thanks,  
Patrick

-----Original Message-----

From: Stanton, Meridith [[mailto:Meridith\\_Stanton@ios.doi.gov](mailto:Meridith_Stanton@ios.doi.gov)]  
Sent: Monday, November 14, 2011 10:19 AM  
To: Dupris, Cheryl (USASD); [REDACTED]; Nemeroff, Patrick G. (CIV)  
Cc: VanWey, Kenneth J  
Subject: Re: Conf call to discuss Ltr to Pendleton

Hi Cheryl,

[REDACTED] If we can do the call later today or tomorrow that would be better for me. Would that work for you?  
Meridith

----- Original Message -----

From: Dupris, Cheryl (USASD) [<mailto:Cheryl.Dupris@usdoj.gov>]  
Sent: Monday, November 14, 2011 10:12 AM  
To: Stanton, Meridith  
Subject: RE: Conf call to discuss Ltr to Pendleton

12:30 Eastern-- 11:30 Central time works for me.  
Unless I hear back, I'll assume same call in number: Dial [REDACTED], then enter [REDACTED] Thanks.

-----Original Message-----

From: Stanton, Meridith [[mailto:Meridith\\_Stanton@ios.doi.gov](mailto:Meridith_Stanton@ios.doi.gov)]  
Sent: Friday, November 11, 2011 7:52 AM  
To: Nemeroff, Patrick G. (CIV); Dupris, Cheryl (USASD); [REDACTED]  
Subject: Re: Conf call to discuss Ltr to Pendleton

Hi All,  
I have rescheduled my out of office appointment for Monday, so I am available to talk at any time. That should leave the day open for the call, except for @11-12 EST. (Cheryl, your other call is at 10:00 Central time which is 11:00 our time-right?) Would you all like to shoot for 12:30 EST? If not, please just let me know what works best for your schedules. Best Regards, Meridith

----- Original Message -----

From: Nemeroff, Patrick G. (CIV) [<mailto:Patrick.G.Nemeroff@usdoj.gov>]  
Sent: Thursday, November 10, 2011 03:27 PM  
To: Stanton, Meridith; Dupris, Cheryl (USASD) <[Cheryl.Dupris@usdoj.gov](mailto:Cheryl.Dupris@usdoj.gov)>  
Cc: [REDACTED]  
Subject: Re: Conf call to discuss Ltr to Pendleton

Hi all,

I am filing something today which is why I've been non-responsive. Sorry about that. Monday works for me. Earlier would probably be better but I'm flexible.

Thanks,  
Patrick

----- Original Message -----

From: Stanton, Meridith [[mailto:Meridith\\_Stanton@ios.doi.gov](mailto:Meridith_Stanton@ios.doi.gov)]  
Sent: Thursday, November 10, 2011 03:10 PM  
To: Dupris, Cheryl (USASD)  
Cc: [REDACTED] Nemeroff, Patrick G. (CIV)  
Subject: RE: Conf call to discuss Ltr to Pendleton

Cheryl,

I apologize for the confusion. Yes, the call would be for Monday, November 14, anytime between 3:30pm to 6:30pm.

Patrick,

Will this work for you? If so, do you have preferred time for the call Monday afternoon between 3:30pm to 6:30pm?

Thank you,

Meridith

-----Original Message-----

From: Dupris, Cheryl (USASD) [<mailto:Cheryl.Dupris@usdoj.gov>]

Sent: Thursday, November 10, 2011 2:07 PM

To: Stanton, Meridith

Cc: [REDACTED] Nemeroff, Patrick G. (CIV)

Subject: Conf call to discuss Ltr to Pendleton

Yes, I plan to be in Monday and after 3:30 pm Eastern works for me.  
Are we having a conference call today (see below)? Or is that for Monday?  
Have great weekend.

-----Original Message-----

From: Stanton, Meridith [[mailto:Meridith\\_Stanton@ios.doi.gov](mailto:Meridith_Stanton@ios.doi.gov)]

Sent: Thursday, November 10, 2011 1:00 PM

To: Nemeroff, Patrick G. (CIV)

Cc: Dupris, Cheryl (USASD); [REDACTED]

Subject: FW: Conf call to discuss Ltr to Pendleton

Good Afternoon Patrick,

Thank you again for your hard work on the draft Pendleton guidelines/letter. I know you have many competing demands on your time and I really appreciate your careful attention to the case throughout this entire process.

As Cheryl reports that she would be available Monday for the teleconference, except for a call at 11:00 EST, and I will be away from my office from @12:30pm to 3:00pm EST, would you be available to discuss the guidelines and our "ask" of Pendleton anytime between 3:30pm to 6:30pm EST on Monday?

Cheryl, will this time frame still work for you? If so, do you have a preferred time as well?

As a reminder, the call information is as follows.

Call in information for today's 2:30 EST teleconference- Dial [REDACTED], then enter [REDACTED]

Best Regards,

Meridith

-----Original Message-----

From: Dupris, Cheryl (USASD) [<mailto:Cheryl.Dupris@usdoj.gov>]

Sent: Wednesday, November 09, 2011 5:06 PM

To: Nemeroff, Patrick G. (CIV)

Cc: Stanton, Meridith; [REDACTED]

Subject: Conf call to discuss Ltr to Pendleton

I'm available tomorrow and Monday (except for conf call already set for 10 am central).

I'll be out of office Nov 15-17. Thanks for making arrangements.

-----Original Message-----

From: Stanton, Meridith [[mailto:Meridith\\_Stanton@ios.doi.gov](mailto:Meridith_Stanton@ios.doi.gov)]  
Sent: Wednesday, November 09, 2011 2:05 PM  
To: Nemeroff, Patrick G. (CIV); [REDACTED]  
Cc: Dupris, Cheryl (USASD)  
Subject: RE: Pendleton update

Hi Patrick,

Thank you. I am checking with my boss regarding tomorrow, as he has various deadlines and other obligations for me-a rush to clear the decks before the holiday, as well as checking with Bob on his availability. As soon as I hear back from both, I should be able to suggest several call in times for you and Cheryl...unless you have already heard back from Cheryl. I will be more than happy to also provide the call in code.

Meridith

-----Original Message-----

From: Nemeroff, Patrick G. (CIV) [<mailto:Patrick.G.Nemeroff@usdoj.gov>]  
Sent: Tuesday, November 08, 2011 6:34 PM  
To: [REDACTED]; Stanton, Meridith  
Cc: Dupris, Cheryl (USASD)  
Subject: RE: Pendleton update

Hi all,

Attached is a draft letter to Pendleton's counsel Steven Ungar providing guidance regarding changes to Pendleton's website. Please let me know when you're available to discuss. I could probably find time as early as tomorrow if that would work.

Best,  
Patrick

-----Original Message-----

From: Nemeroff, Patrick G. (CIV)  
Sent: Friday, October 28, 2011 2:16 PM  
To: [REDACTED] Stanton, Meridith  
Cc: Dupris, Cheryl (USASD)  
Subject: RE: Pendleton update

Hi all,

Thank you Meridith and Bob for you emails. Both are quite helpful.

[REDACTED]

Meridith, thank you for further explaining the structure of the IACB to me (and please forgive my ignorance). Steven has assured me that Pendleton has not reached out to [REDACTED] at this time. It sounds like it really doesn't

matter whether Pendleton does communicate with [REDACTED], so I just won't worry about it.

I will get to work on guidance for Pendleton's website and will be in touch.

Best,  
Patrick

-----Original Message-----

From: [REDACTED]  
Sent: Friday, October 28, 2011 1:46 PM  
To: Stanton, Meridith  
Cc: Dupris, Cheryl (USASD); Nemeroff, Patrick G. (CIV)  
Subject: RE: Pendleton update

Hi Patrick, (and Meridith & Cheryl),  
I'm not a lawyer, but...

[REDACTED]

[REDACTED]. Just my thoughts.

Thanks for the opportunity to comment.

[REDACTED]  
Herbert Hoover National Historic Site  
110 Parkside Drive  
P.O. Box 607  
West Branch, Iowa 52358

Telephone: [REDACTED]  
Cell: [REDACTED]

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"Stanton,  
Meridith"  
<Meridith\_Stanton  
@ios.doi.gov>  
10/28/2011 11:27  
AM

To  
"Nemeroff, Patrick G. (CIV)"  
<Patrick.G.Nemeroff@usdoj.gov>  
cc  
"██████████"  
██████████ Dupris,  
Cheryl (USASD)"  
<Cheryl.Dupris@usdoj.gov>  
Subject  
RE: Pendleton update

Patrick,

Thank you for the update.

The IACB has an advisory Board of Commissioners, who are political appointees and Special Government Employees for the Department, and serve at the pleasure of the Secretary. They are in no way involved with our Act complaints, cases, or associated investigations. Harvey Pratt is one of our new Commissioners, is not aware of any of our actions regarding Act complaints, cases, or associated investigations, and is in no position to be consulted about the Act actions. The IACB Commissioners strictly provide general policy advice, such as recommendations for budget programming and advocacy issues. They are in no way involved in the day to day operations of the Board, which are under my direction as Director of the IACB, with supervision from the Senior Advisor to the Secretary of the Interior Robert Stanton, who signed the civil referrals to DOJ on behalf of the Secretary of the Interior.

If you would like to discuss this further, I would be more than happy to call you.

In addition to providing the guidance to correct the misrepresentations in Pendleton's marketing, I strongly believe that our response to Pendleton must also include the remedial steps we believe will help make the Sioux whole. I will begin working on a set of remedial actions by Pendleton for inclusion in our response to Pendleton, which I will provide for your review.

For the time being, I do not believe that one on one discussions between the IACB and Pendleton would be in the best interest of this case.

Thank you,

Meridith

From: Nemeroff, Patrick G. (CIV) [<mailto:Patrick.G.Nemeroff@usdoj.gov>]  
Sent: Thursday, October 27, 2011 1:48 PM  
To: Stanton, Meridith

Cc: [REDACTED] Dupris, Cheryl (USASD)  
Subject: Pendleton update

Hi all,

I had another productive call with Pendleton's representative, Steven Ungar, last night. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Please let me know if you want to schedule a talk to discuss any of these points. As I mentioned, I will be quite busy these next two weeks with some time sensitive matters, but I can probably find an hour to have a conference call.

Thanks,  
Patrick

Patrick Nemeroff  
Trial Attorney  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue, NW Room 5381  
Washington, D.C. 20001  
(202) 305-8727

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**From** Nemeroff, Patrick G. (CIV) **Date** 5/25/2011 4:51:22 PM  
**To** Stanton, Meridith; [REDACTED]  
**Cc** Gusinsky, Robert (USASD); Ryan, Diana (USASD)  
**Subject** IACA presuit letters

 [Pendleton PreSuitLtr FINAL.pdf](#) (36 KB [HTML](#)) [REDACTED] [PreSuitLtr FINAL.pdf](#) (34 KB [HTML](#))

Hi all,

The attached letters were sent today to Pendleton Woolen Mills, Inc. and to [REDACTED]. The letters inform the two companies that civil actions against them for violations of the IACA have been authorized, and provide them an opportunity to contact me to discuss settlement before we file complaints.

I will let you know if I hear anything from either company. If not, I will begin preparation of complaints and will work with you on those as necessary.

Thanks,  
Patrick

Patrick Nemeroff  
Trial Attorney  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue, NW Room 5381  
Washington, D.C. 20001  
(202) 305-8727

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ARG:PNemeroff  
145-7-1872

Telephone:  
(202) 305-8727

**BY CERTIFIED MAIL RETURN RECEIPT REQUESTED**

Mr. Bill Lawrence  
CEO, Pendleton Woolen Mills, Inc.  
220 NW Broadway, PO Box 3030  
Portland, OR 97208-3030

Dear Mr. Lawrence:

As the result of a request by the Secretary of the Interior, the Assistant Attorney General for the Civil Division of the United States Department of Justice has authorized the filing of a civil action against Pendleton Woolen Mills, Inc. ("Pendleton") in United States District Court for violations of the Indian Arts and Crafts Act ("the Act"), 25 U.S.C. § 305, et seq. Specifically, Pendleton's sale of the Sioux Star Blanket ("the Blanket") through Pendleton's website violates the Act by falsely suggesting that the Blanket is an Indian product. This action will seek injunctive relief as well as the recovery of the maximum allowable civil penalty authorized by statute. See 25 U.S.C. § 305e(b)(2).

We intend to file the action on or about July 8, 2011. As is our practice in civil actions of this kind, however, we are willing to give you the opportunity to resolve this matter without litigation by agreeing to civil penalties and such other relief as may be appropriate. Should you wish to discuss this matter, you or your legal representative should contact Patrick Nemeroff, the Civil Division attorney assigned to this case, at (202) 305-8727. If you wish to resolve this matter without litigation, we must hear from you or your legal representative no later than July 1, 2011.

Very truly yours,

Joseph H. Hunt  
Director  
Federal Programs Branch  
Civil Division

cc: Parna A. Mehrbani  
Lane Powell  
601 SW Second Ave, Suite 2100  
Portland, Oregon 97204

**Stanton, Meridith**

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**From:** [REDACTED]  
**Sent:** Tuesday, January 25, 2011 6:10 PM  
**To:** Nemeroff, Patrick G. (CIV)  
**Cc:** Stanton, Meridith  
**Subject:** Draft Report  
**Attachments:** [REDACTED] DRAFT 012511.pdf

Hi Patrick,

Attached you will find a DRAFT report detailing Meridith's and my recent trip to [REDACTED]. I hope to speak with you about this draft report later this week.

Thanks,

[REDACTED]

(See attached file: [REDACTED] DRAFT 012511.pdf)

[REDACTED] Phone  
[REDACTED] FAX (Secure Direct)

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# Summary of Findings (DRAFT REPORT)

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[REDACTED]  
December 13 – 17, 2010

Report Prepared by [REDACTED] - [REDACTED]

1/25/2011

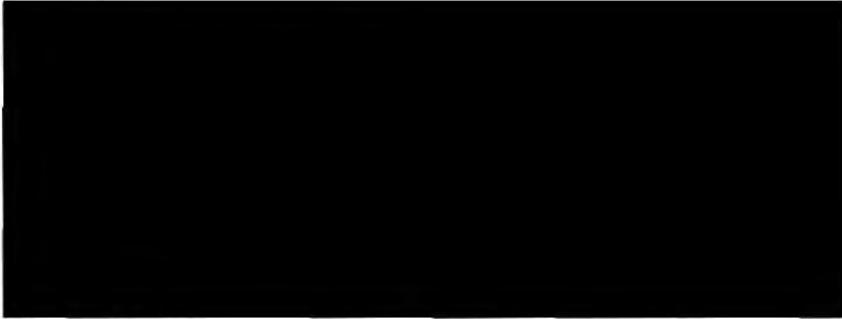


# Summary of Findings

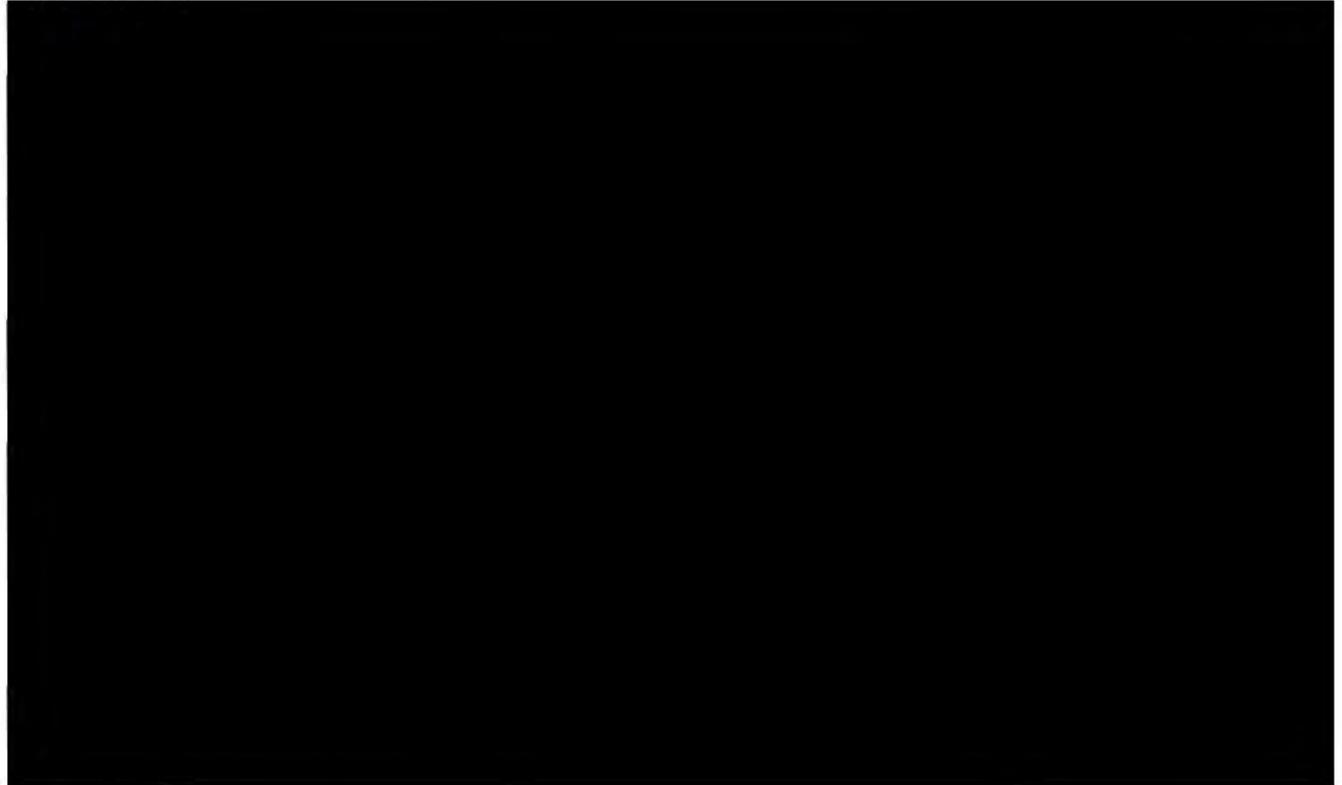
December 13 – 17, 2010

## Executive Summary of Purpose and Findings

Monday December 13, 2010



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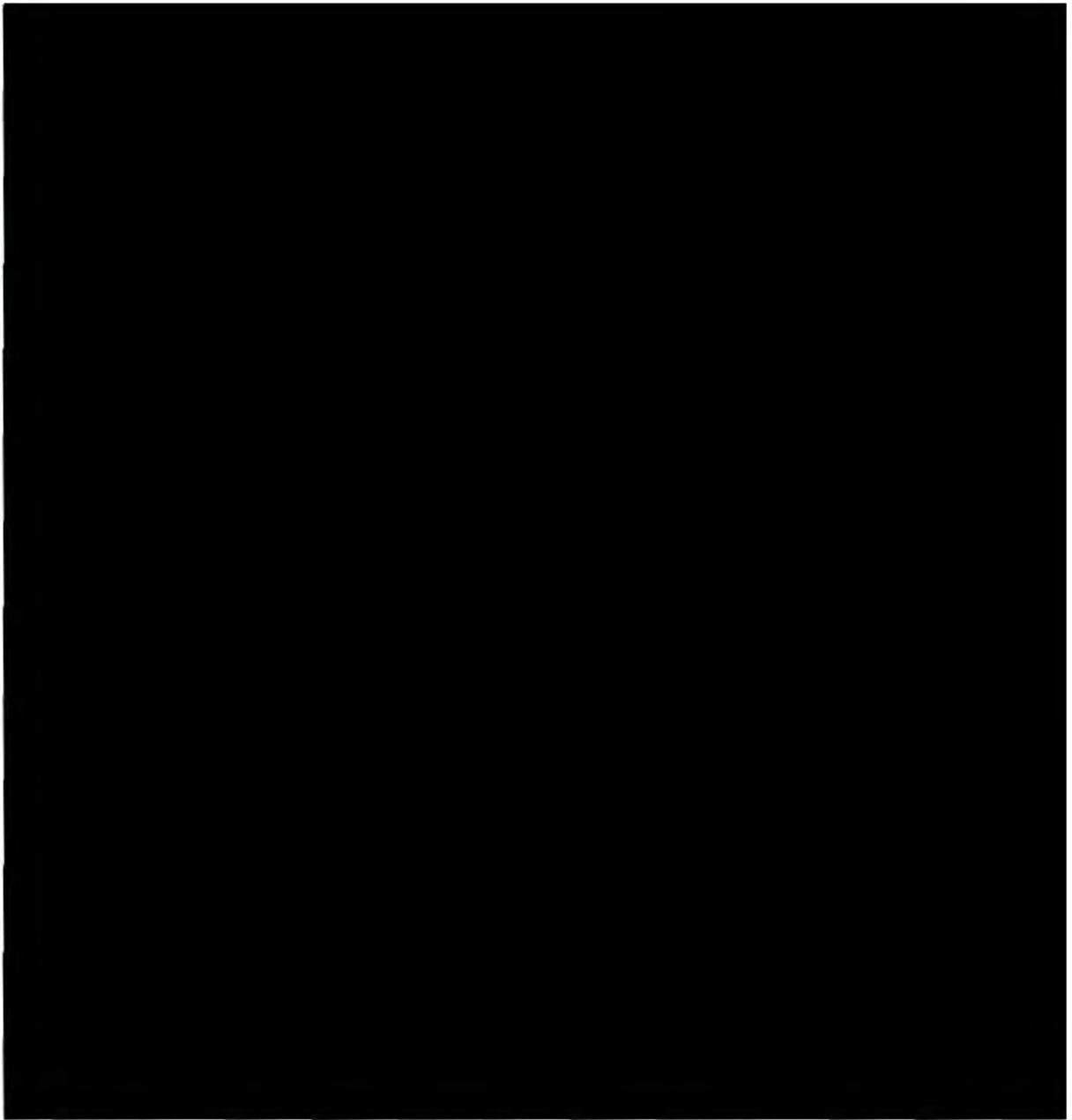


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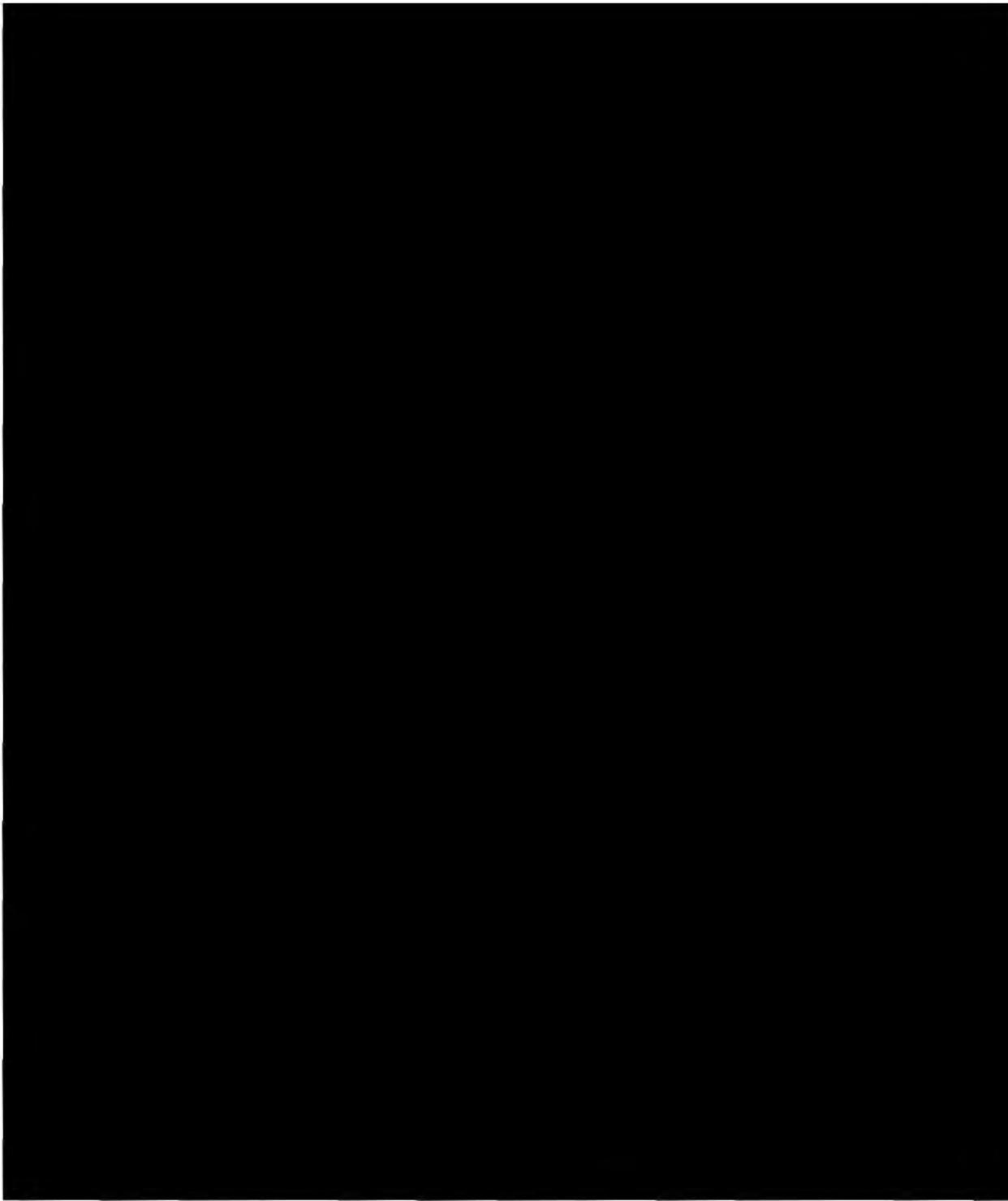
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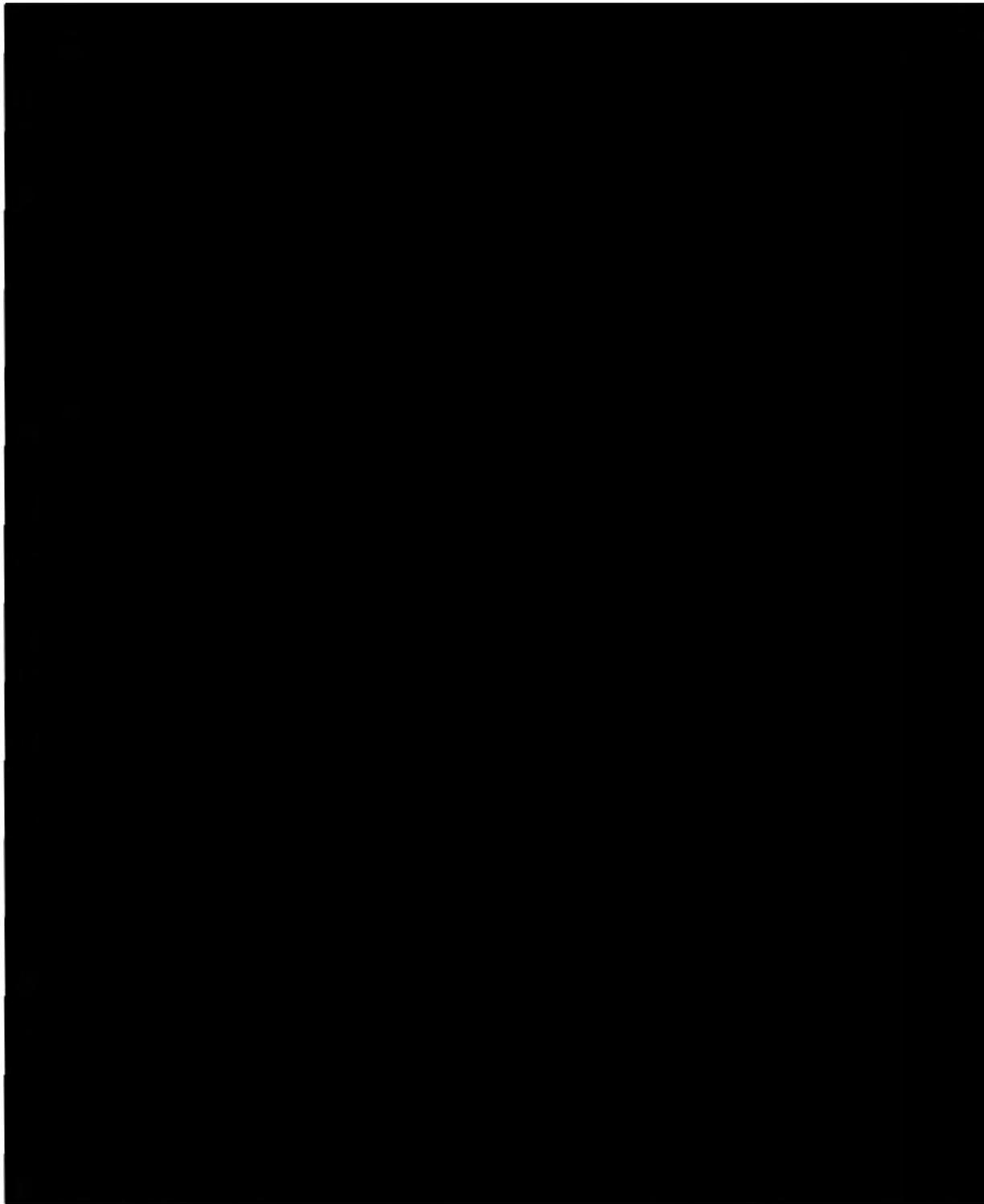
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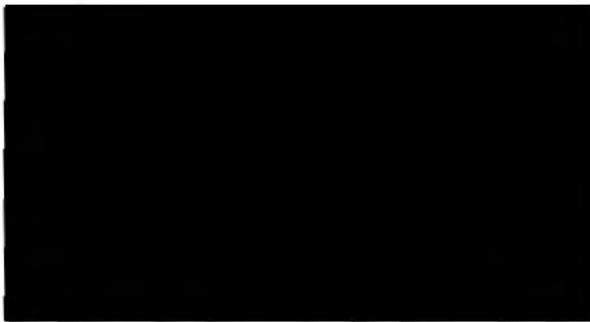
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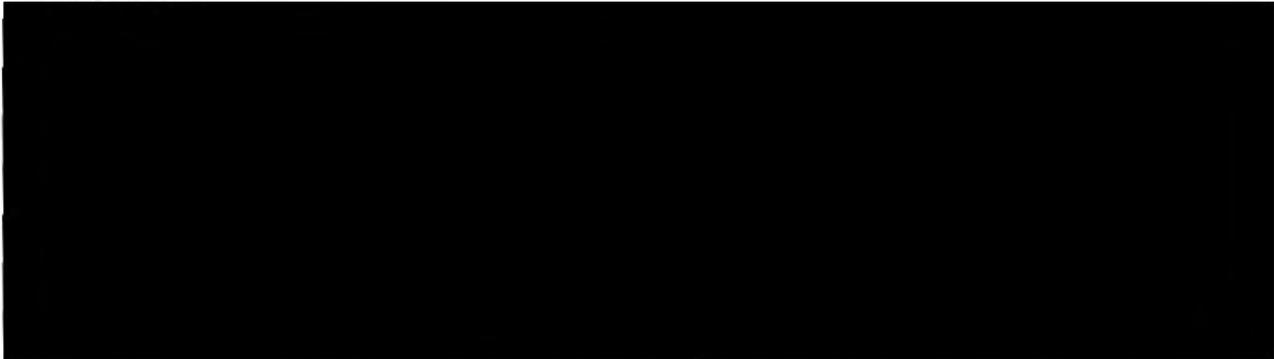


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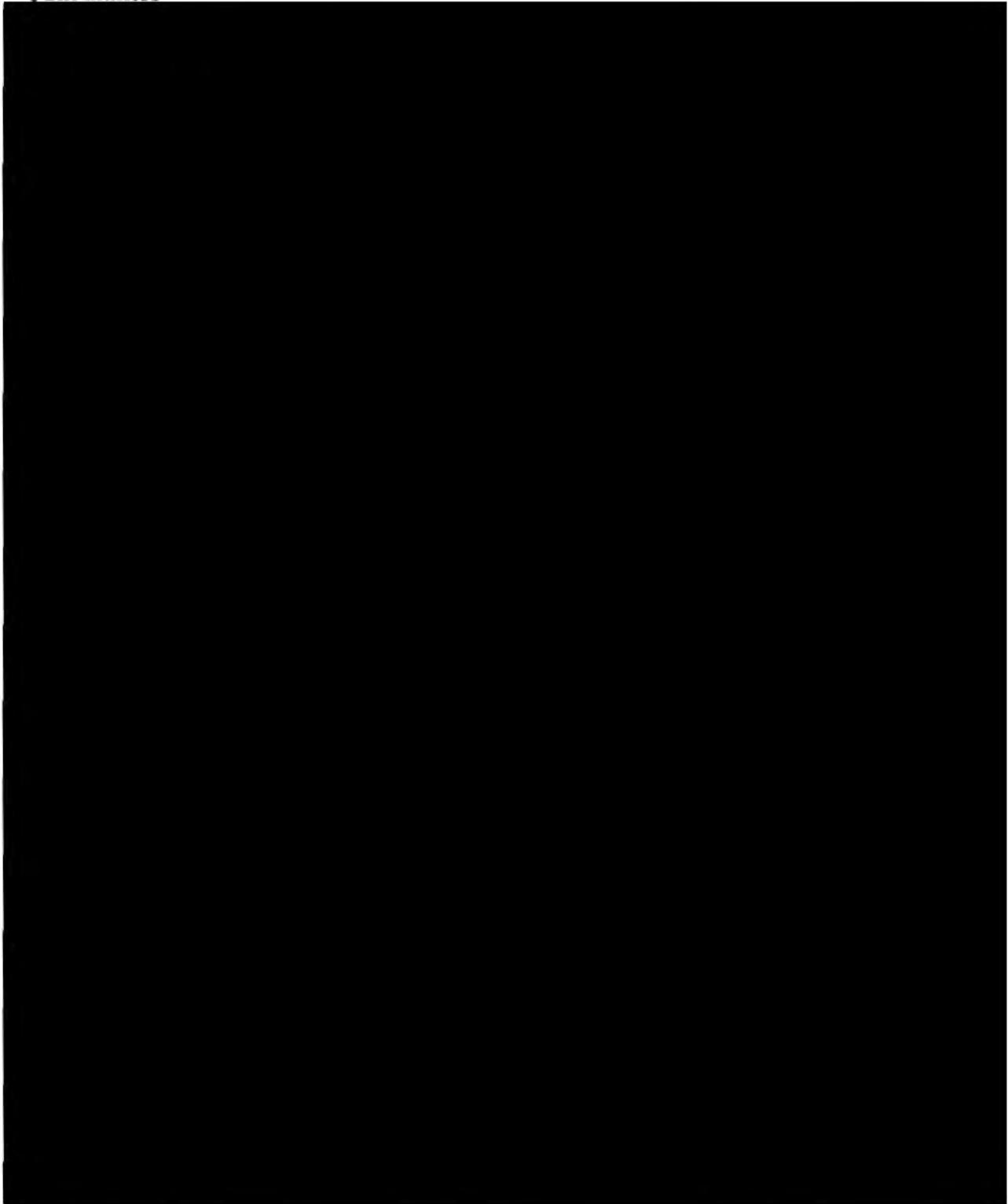


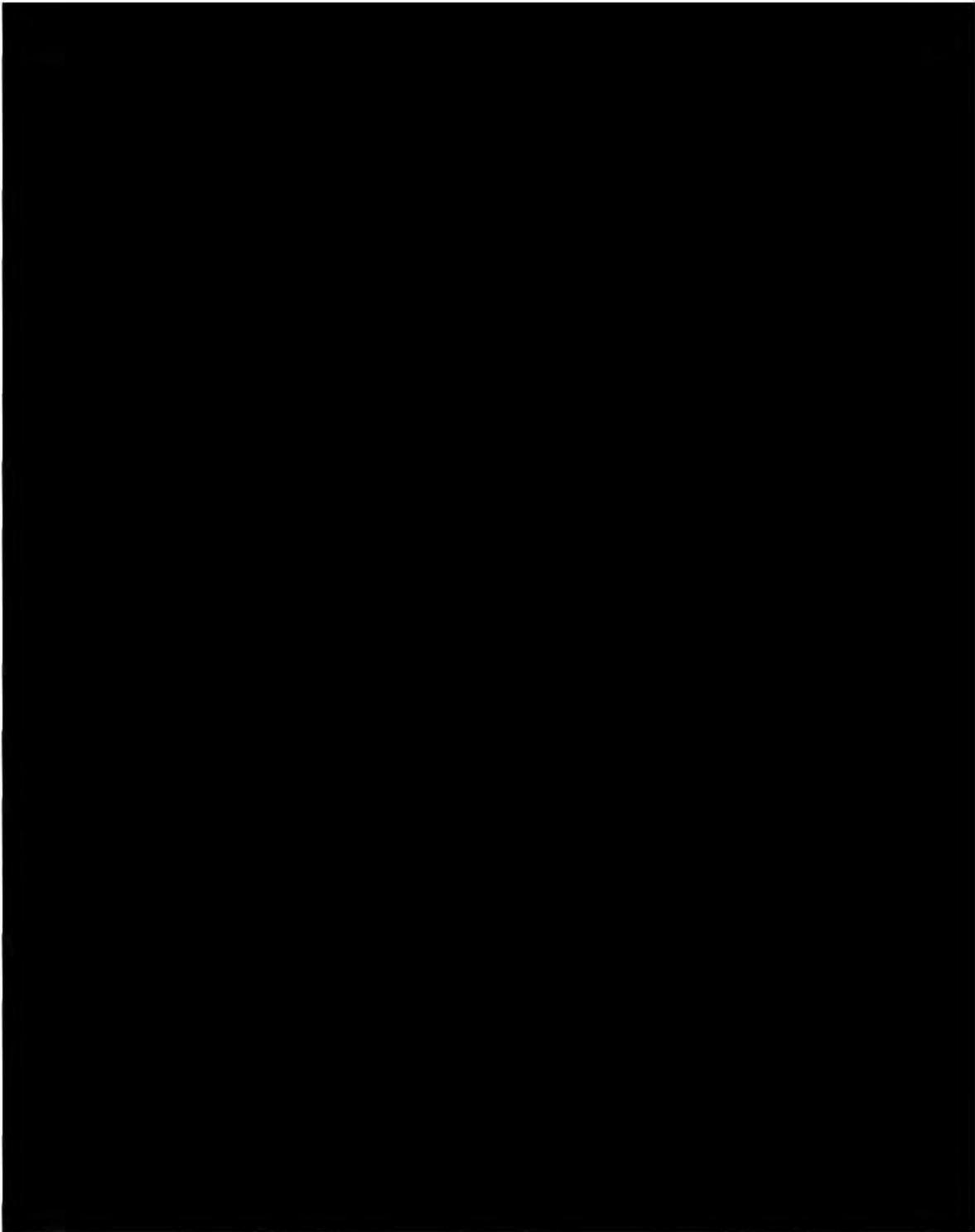


**SUMMARY**



**Quilt makers**



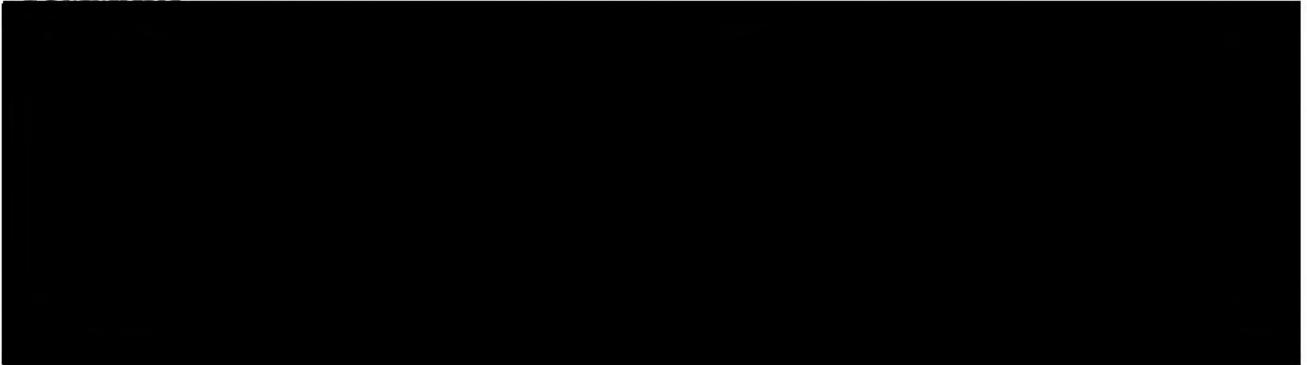


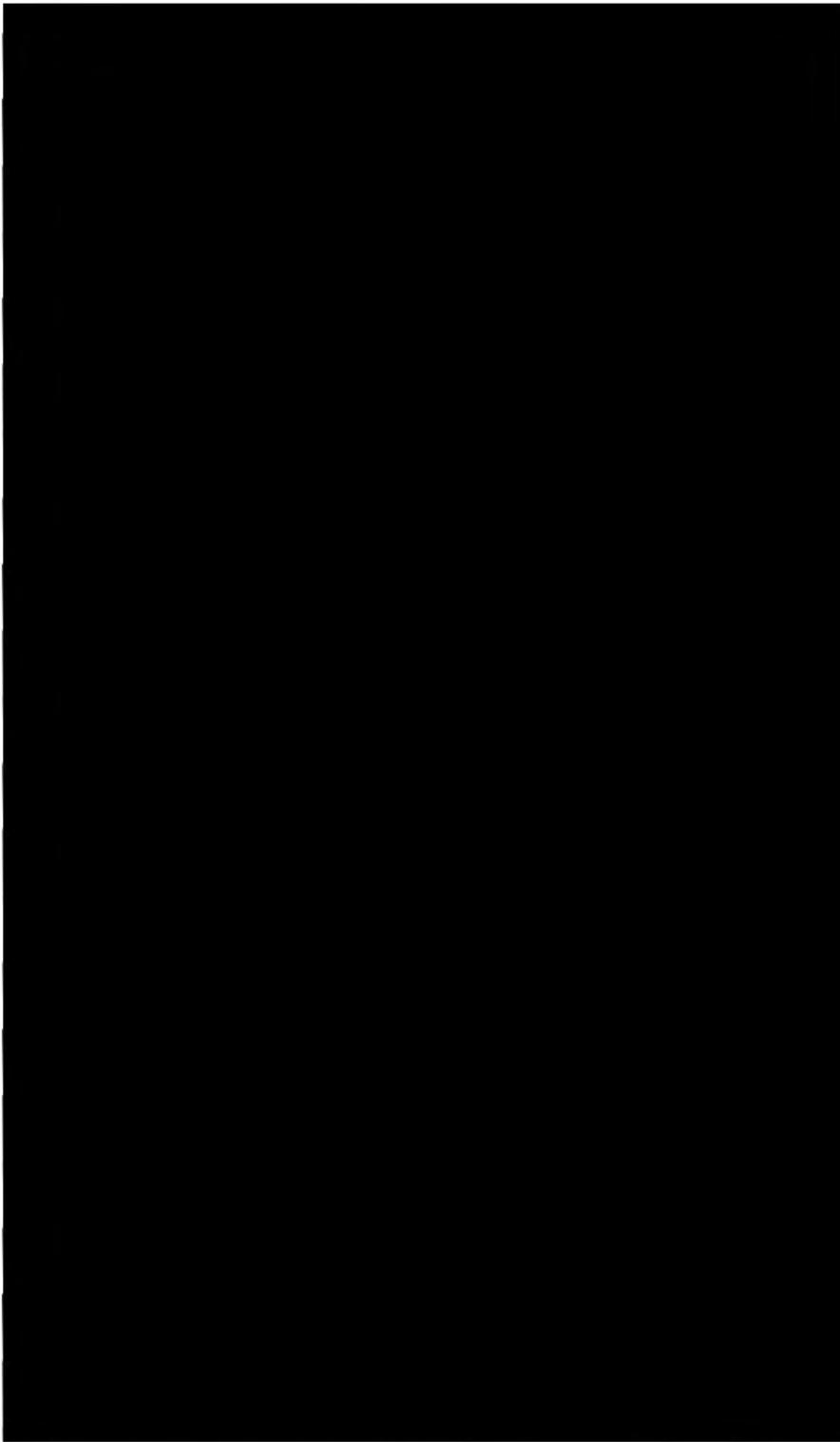
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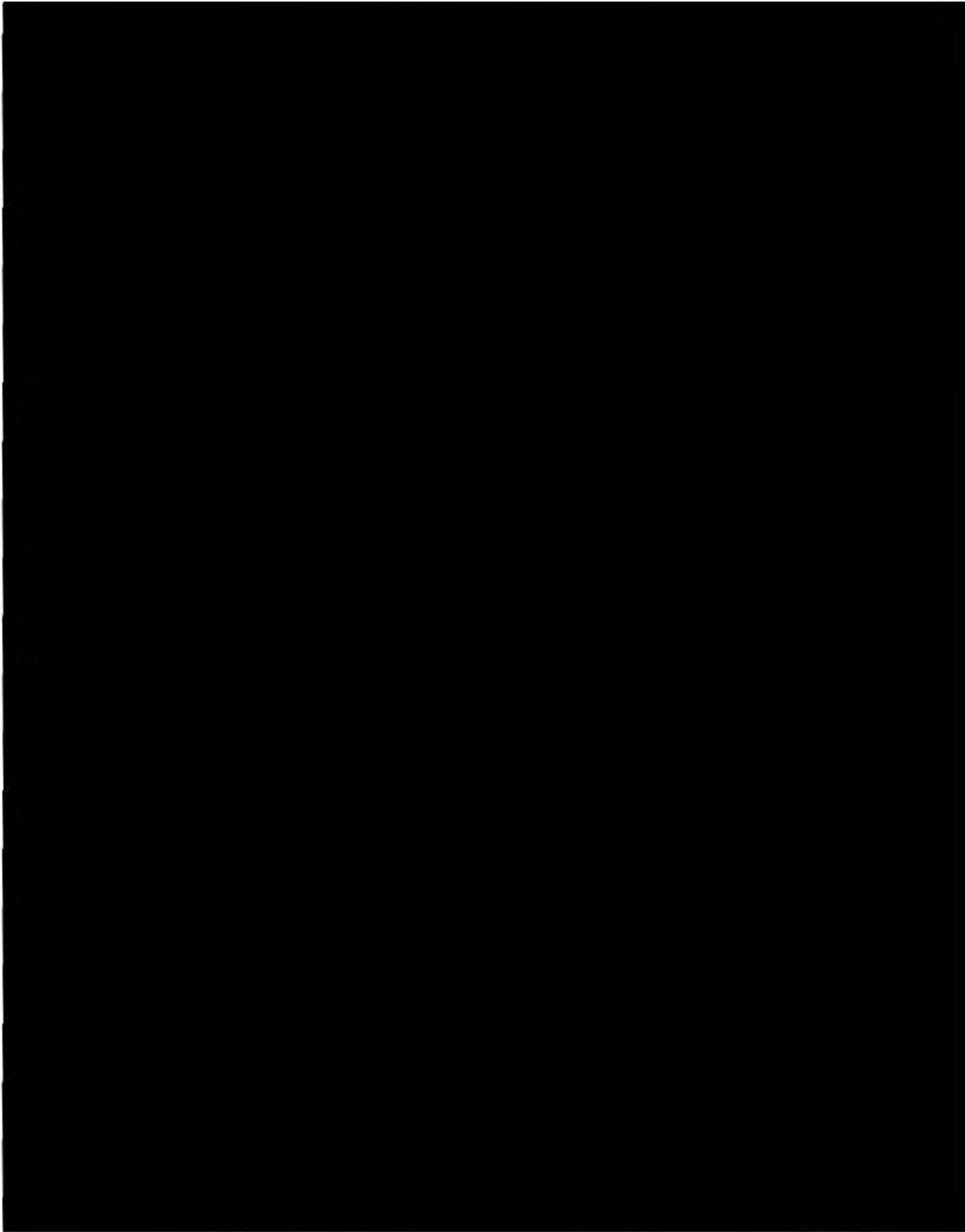
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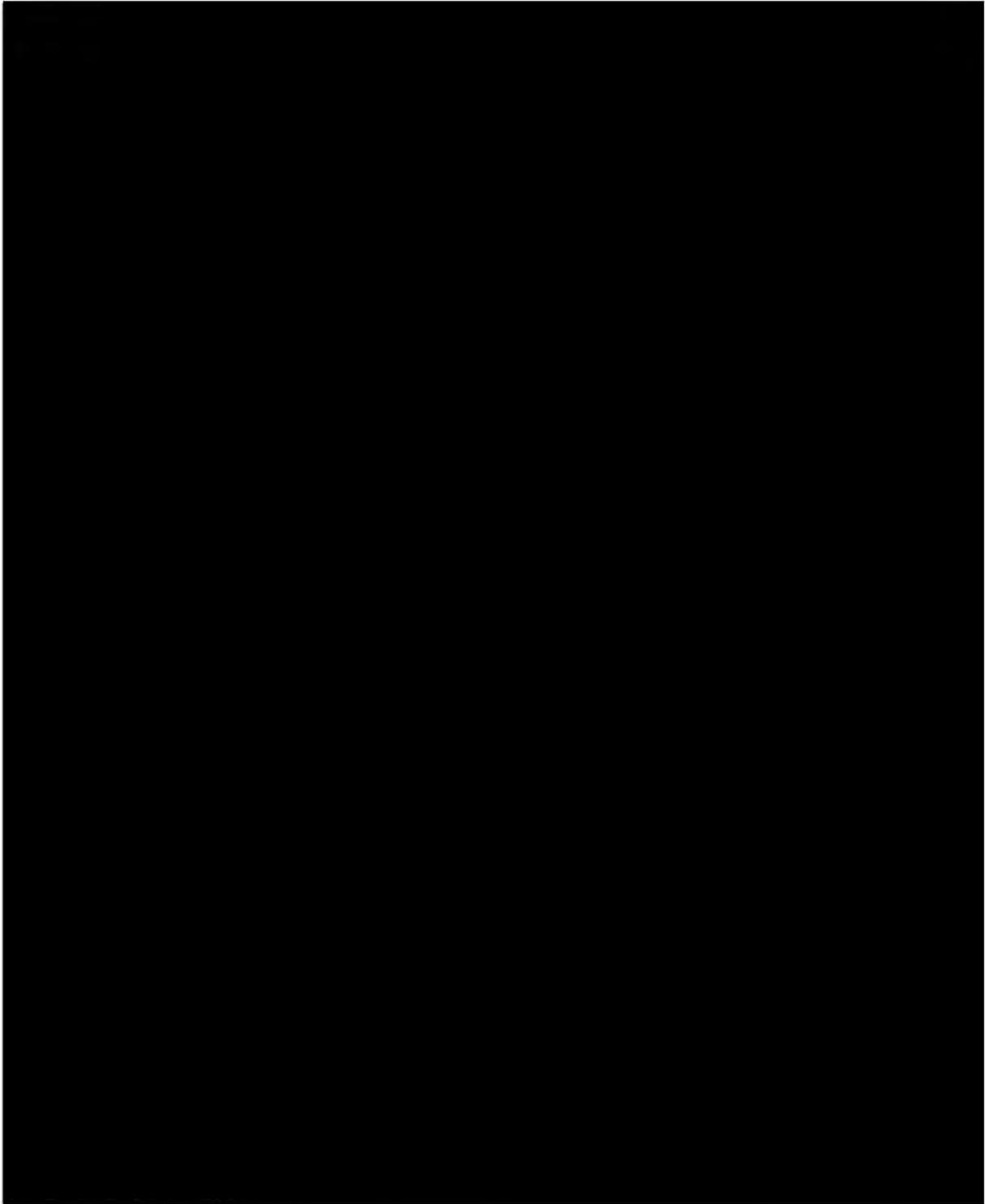
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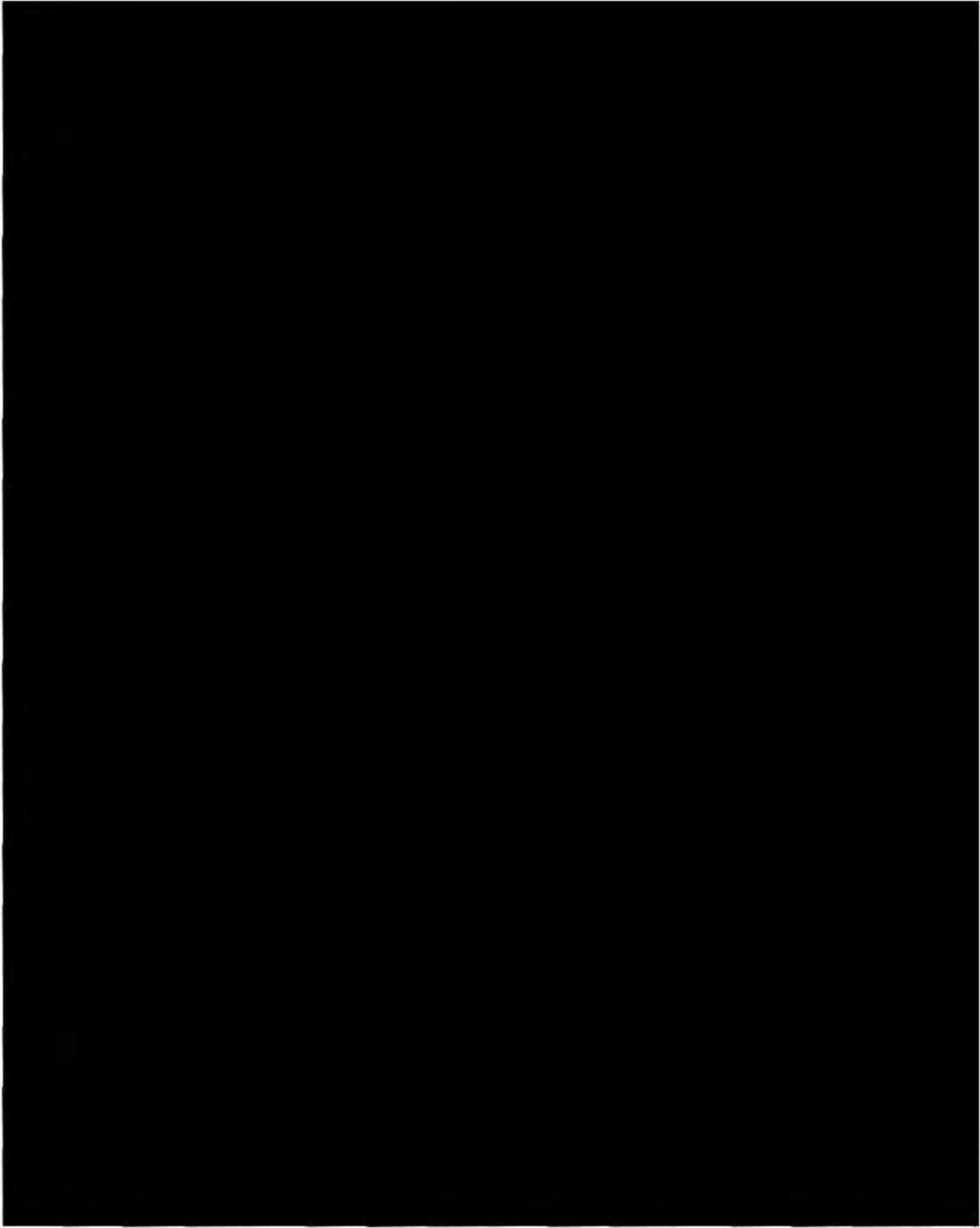




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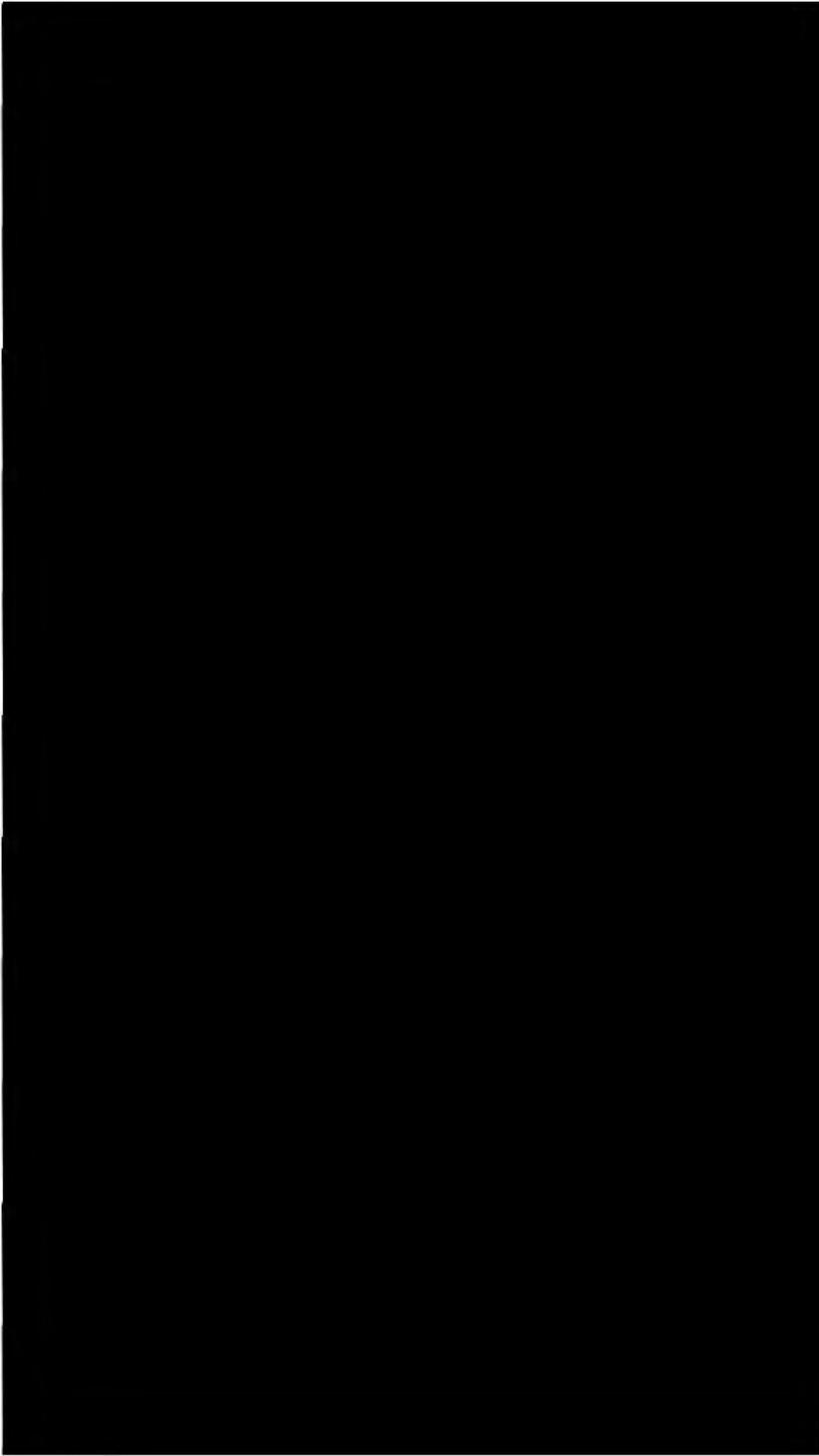


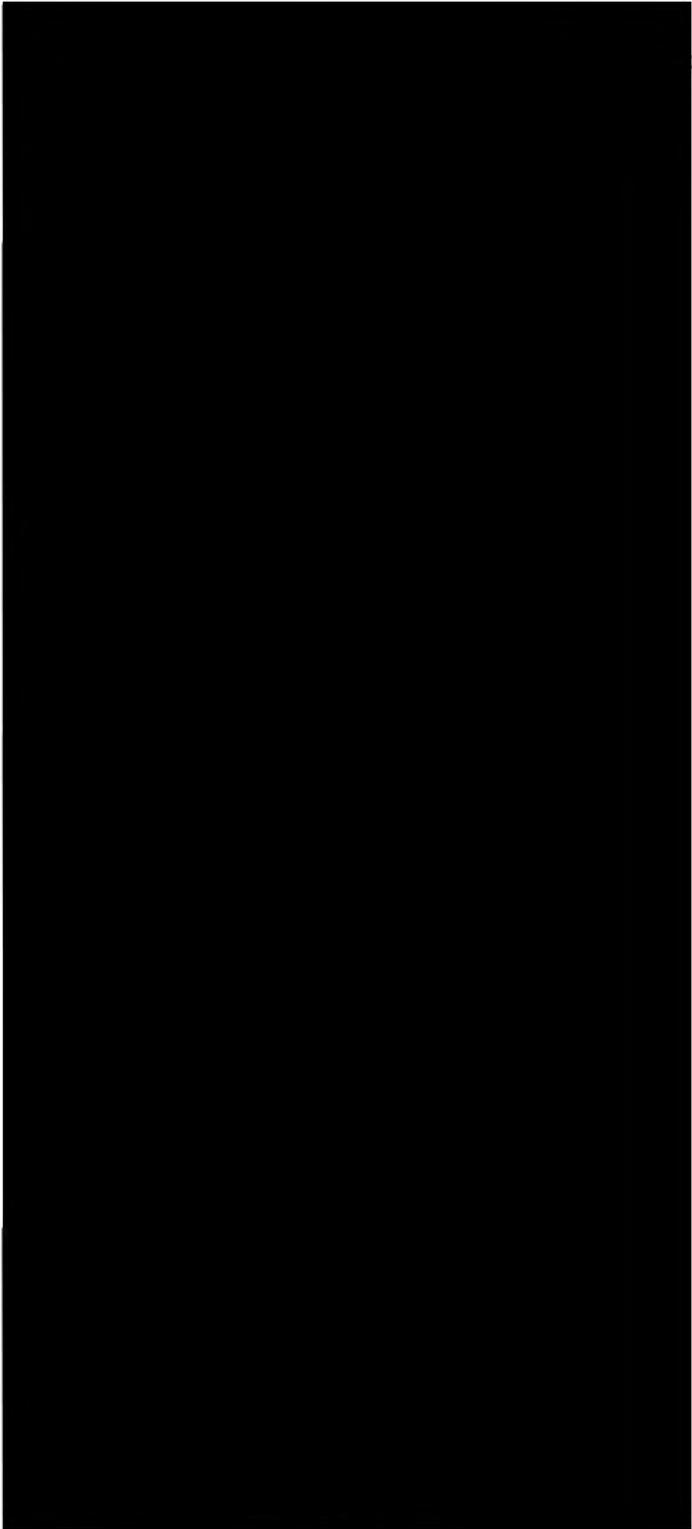
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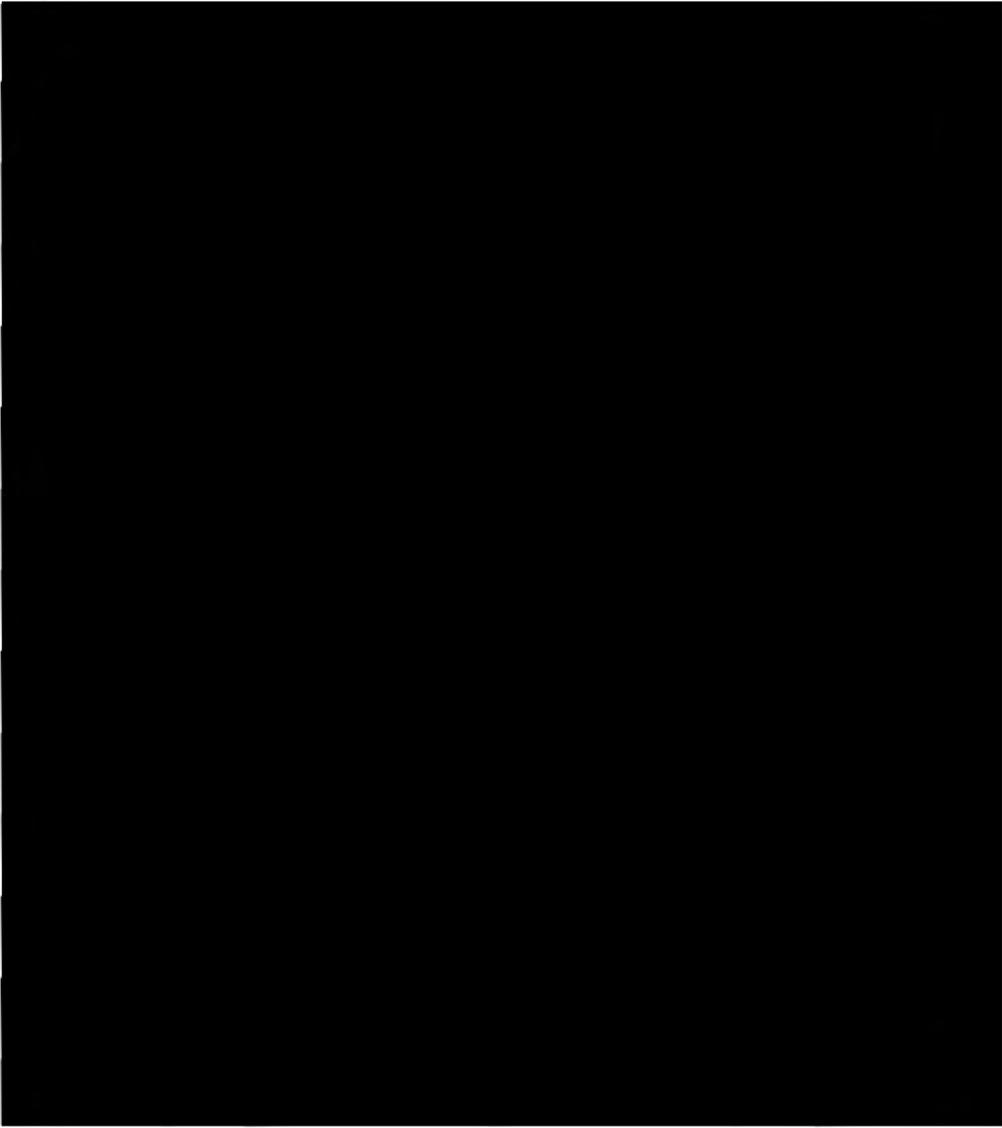
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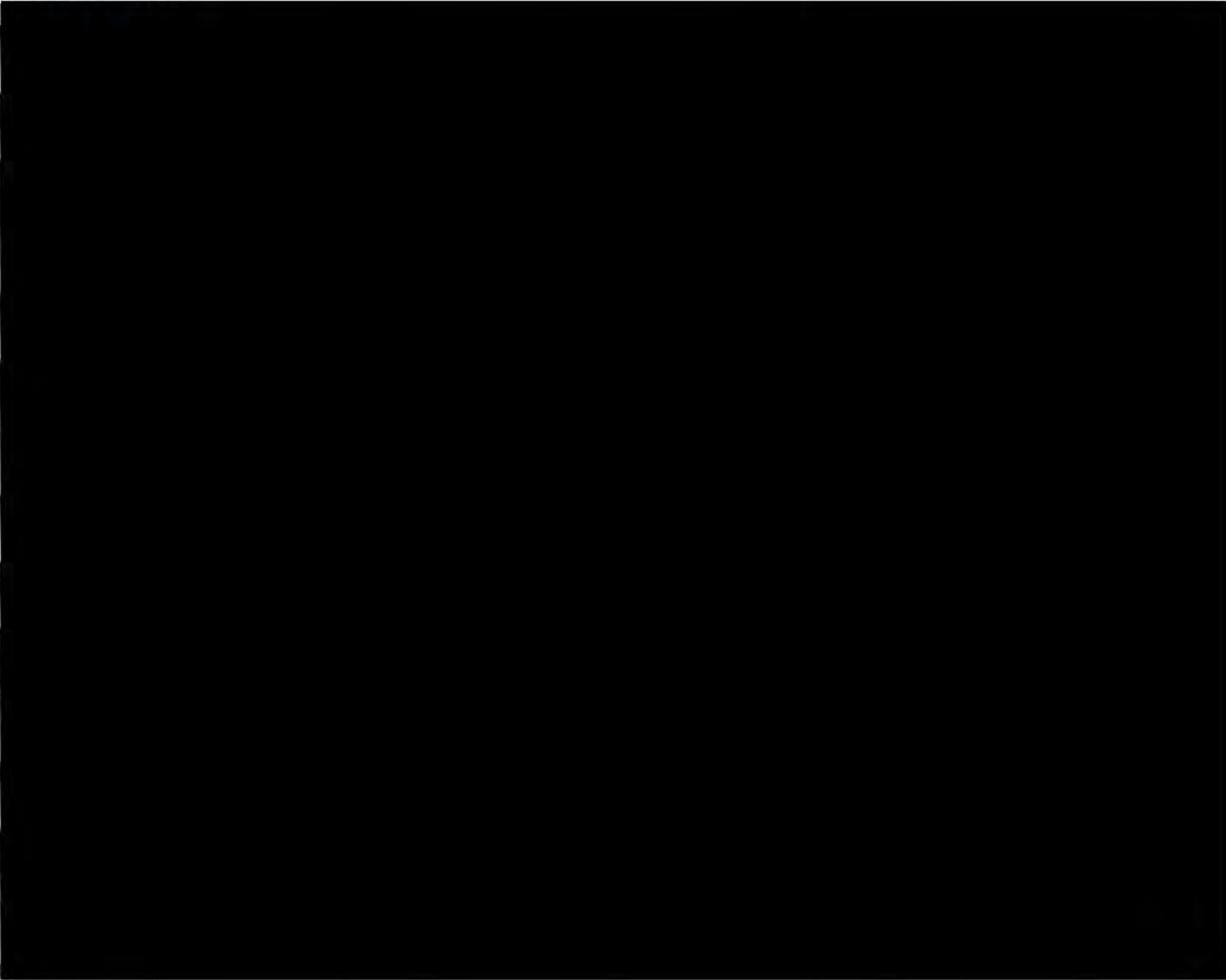
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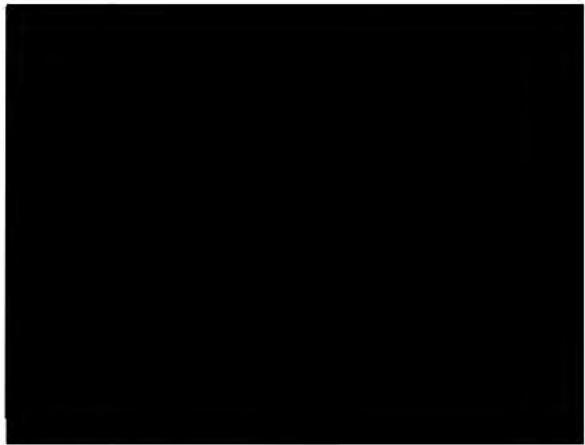


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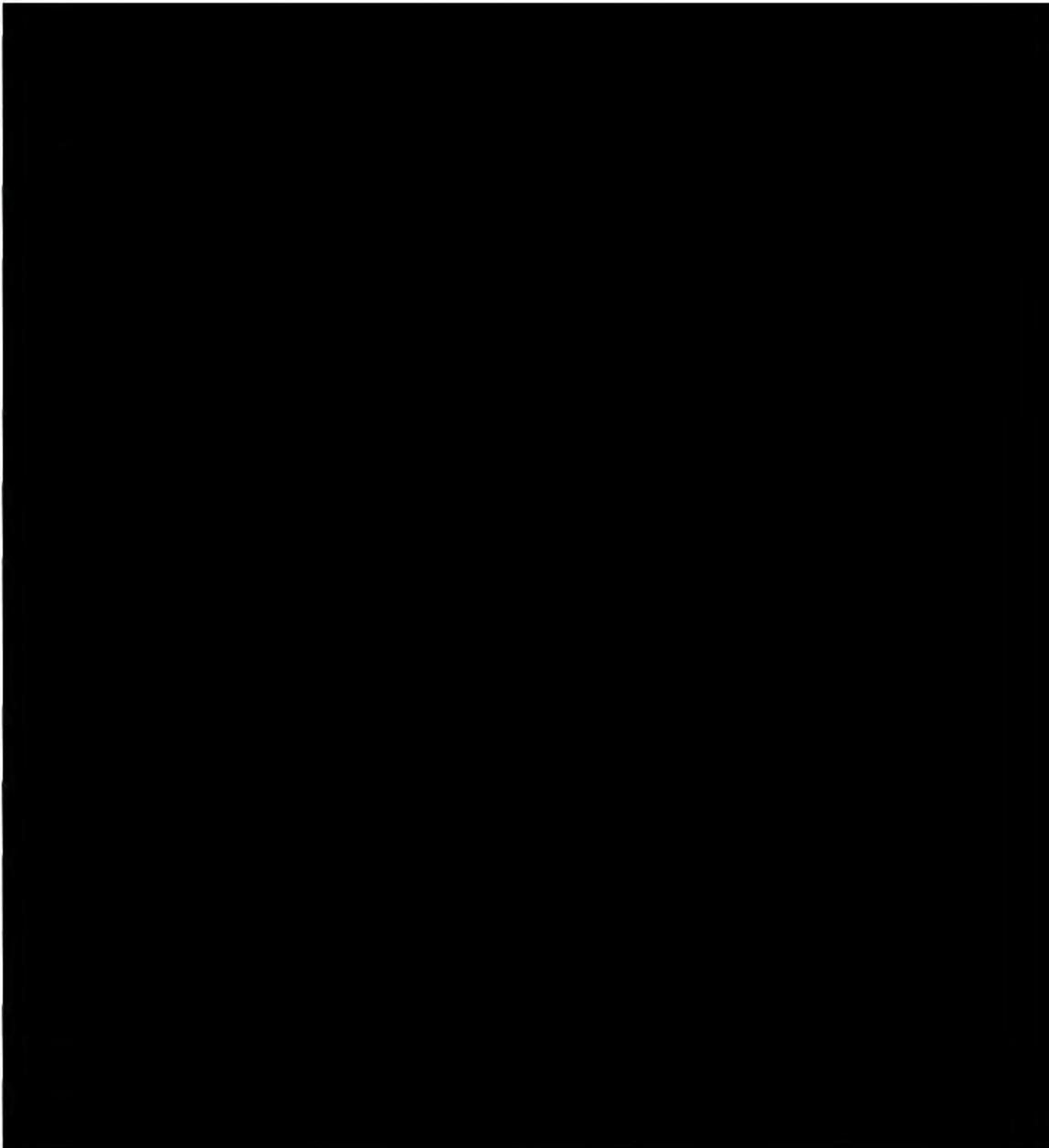
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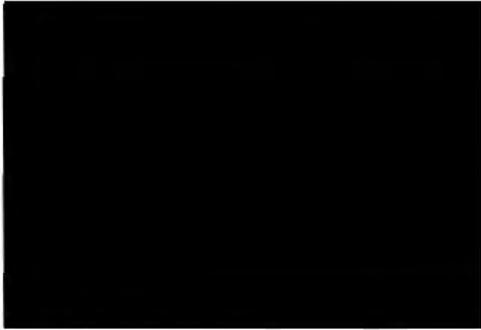


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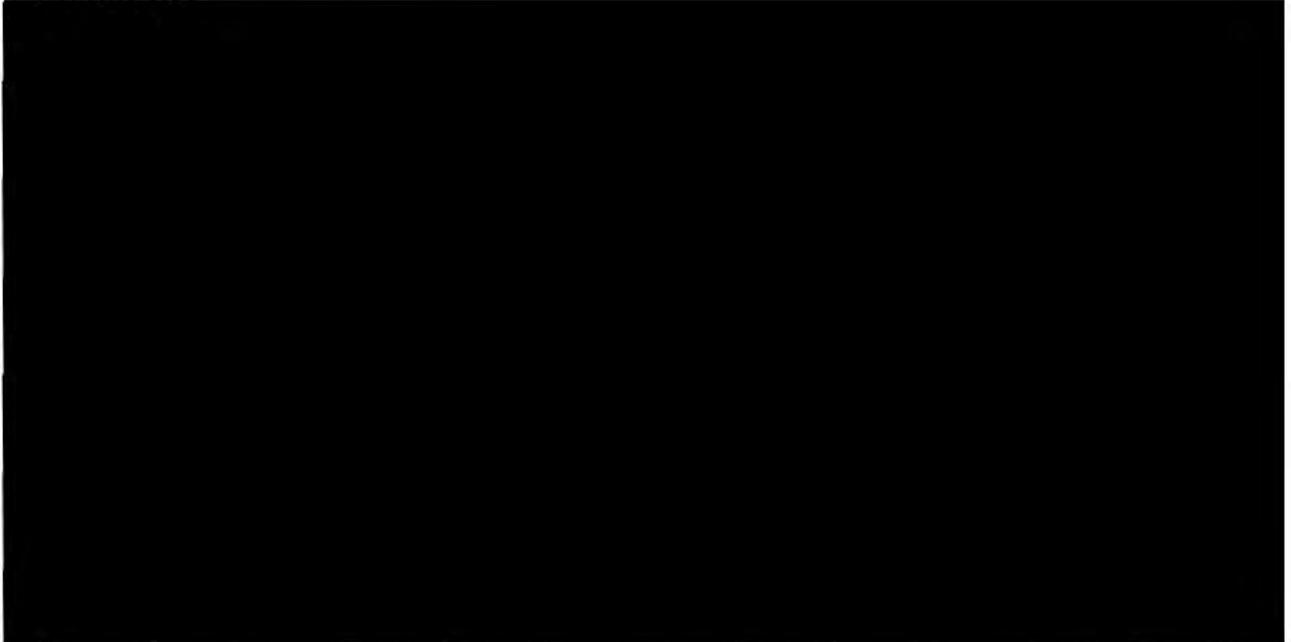




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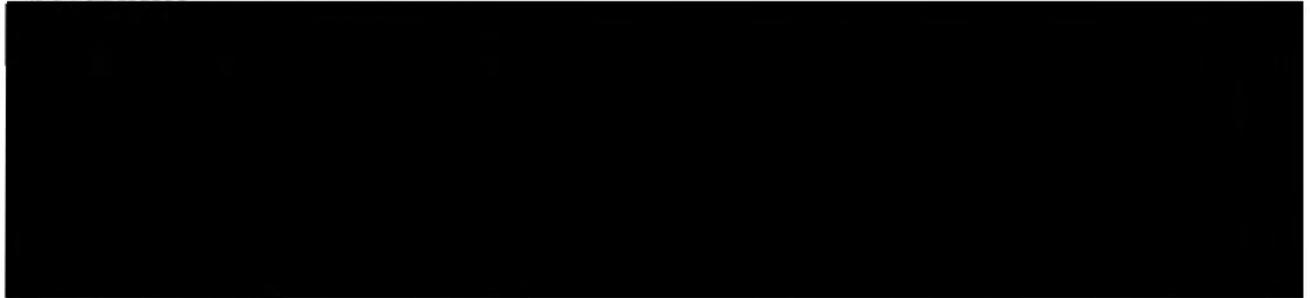


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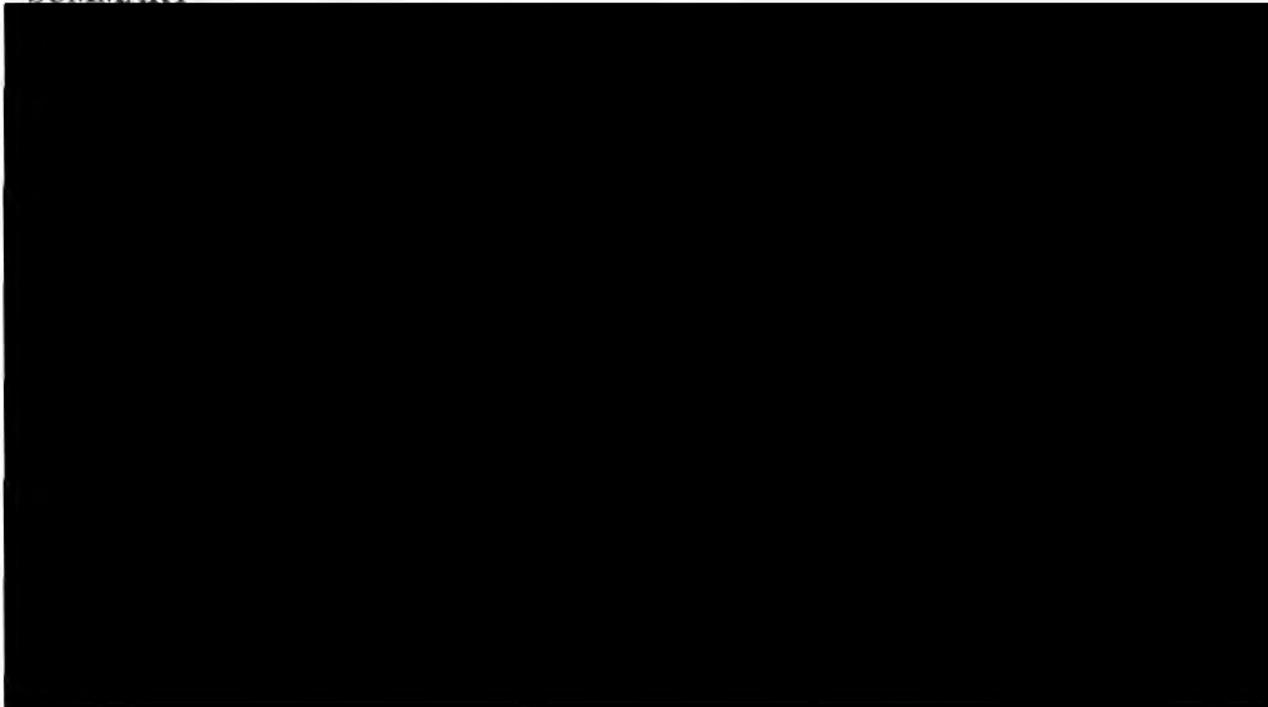


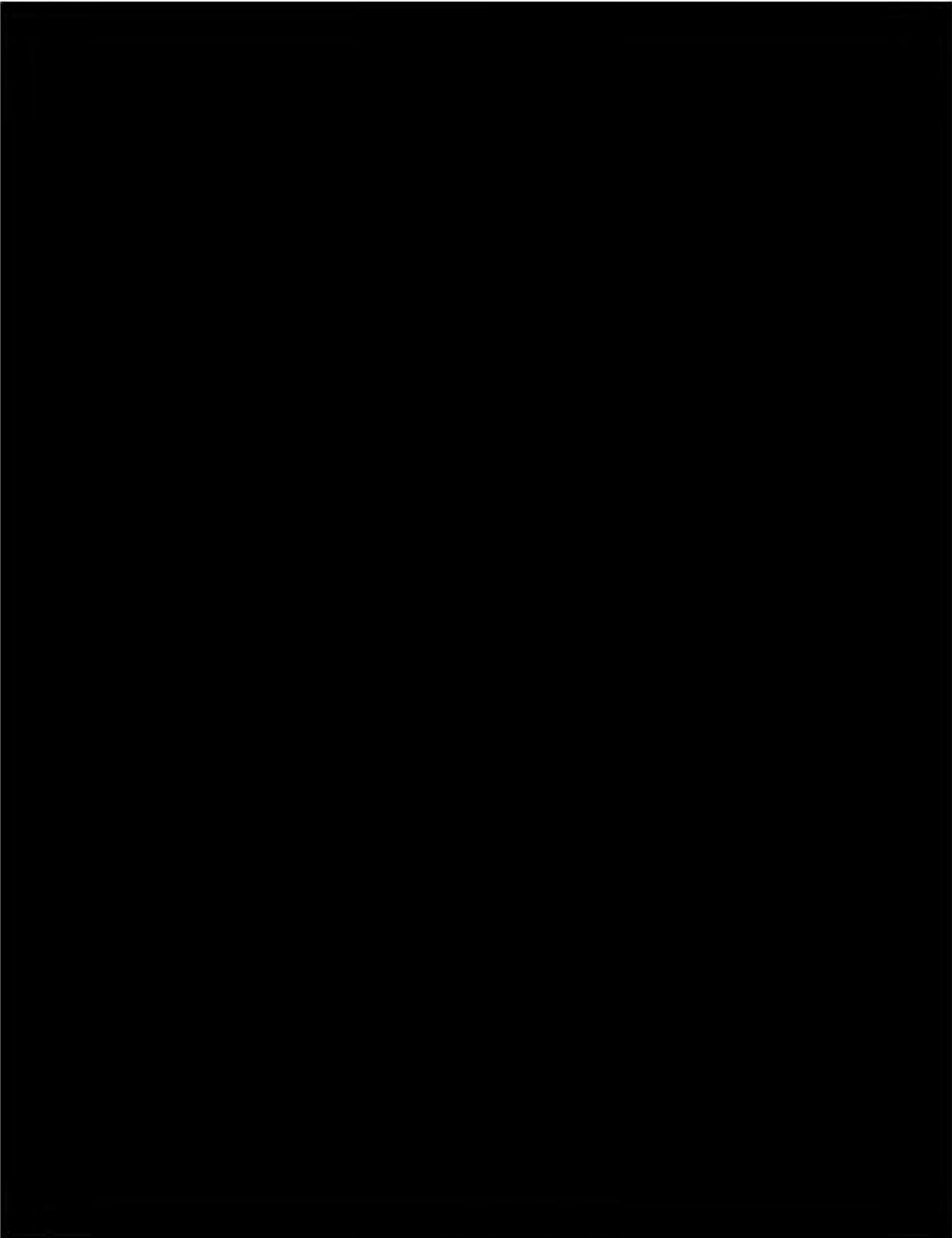
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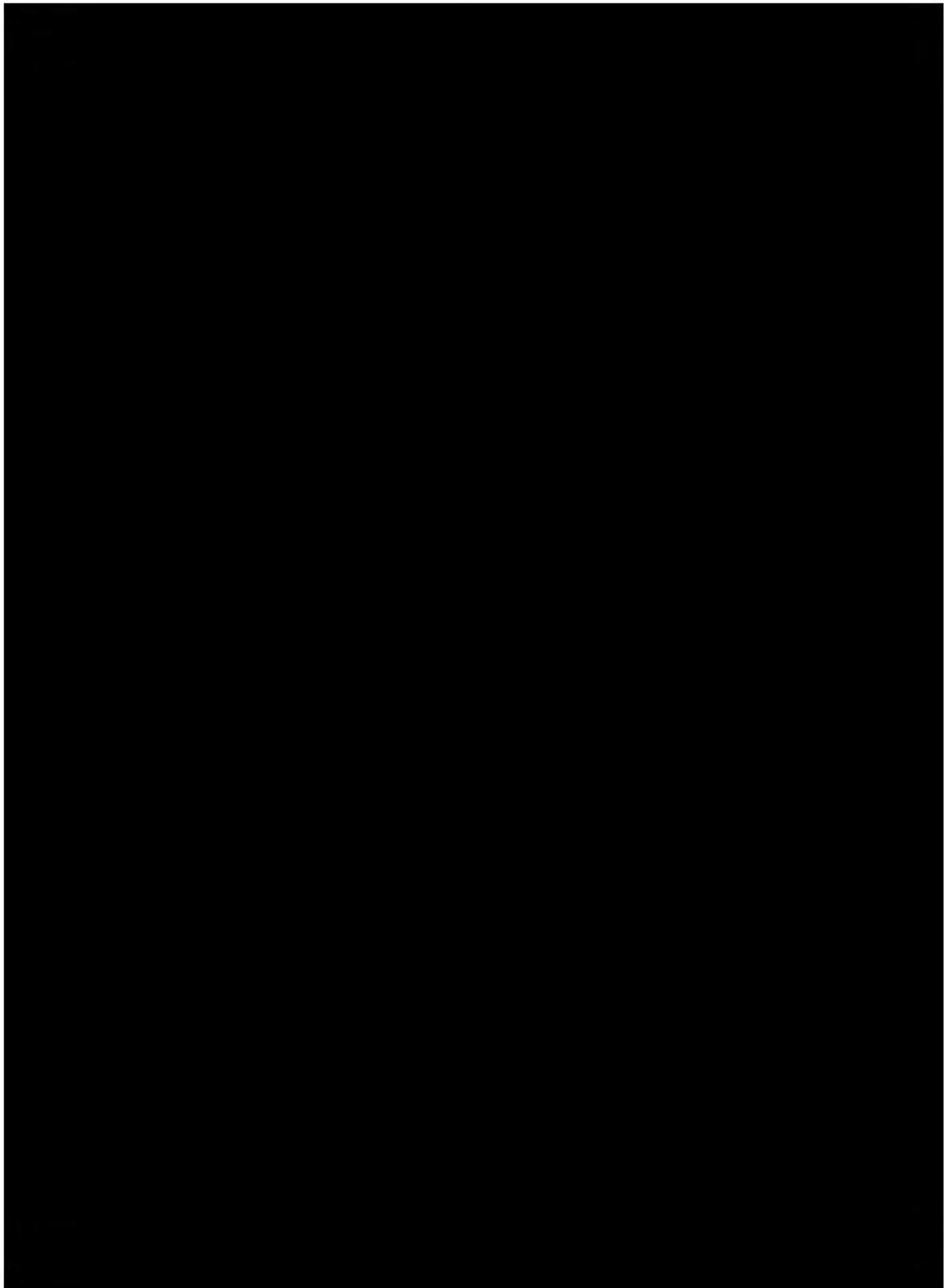


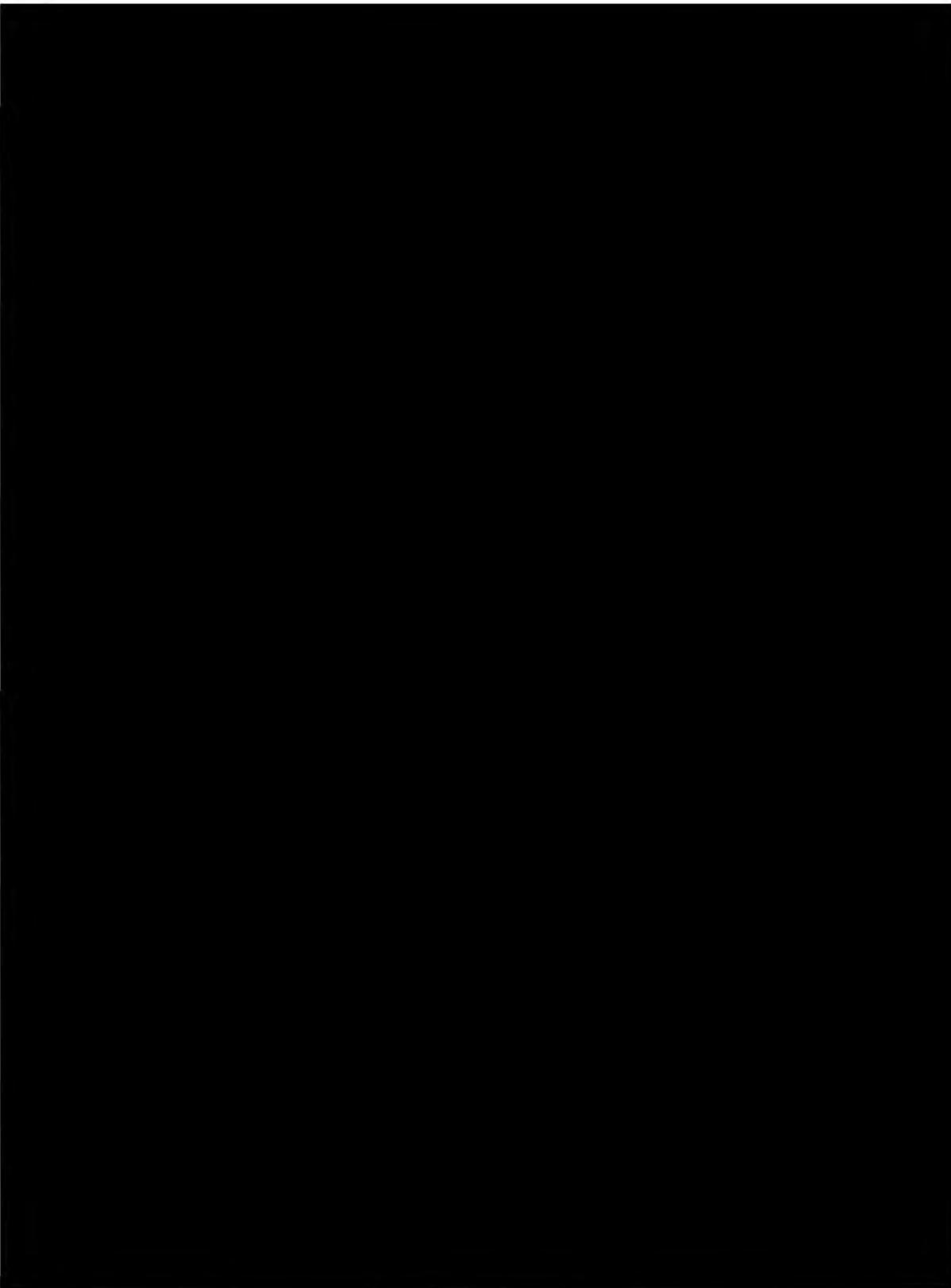


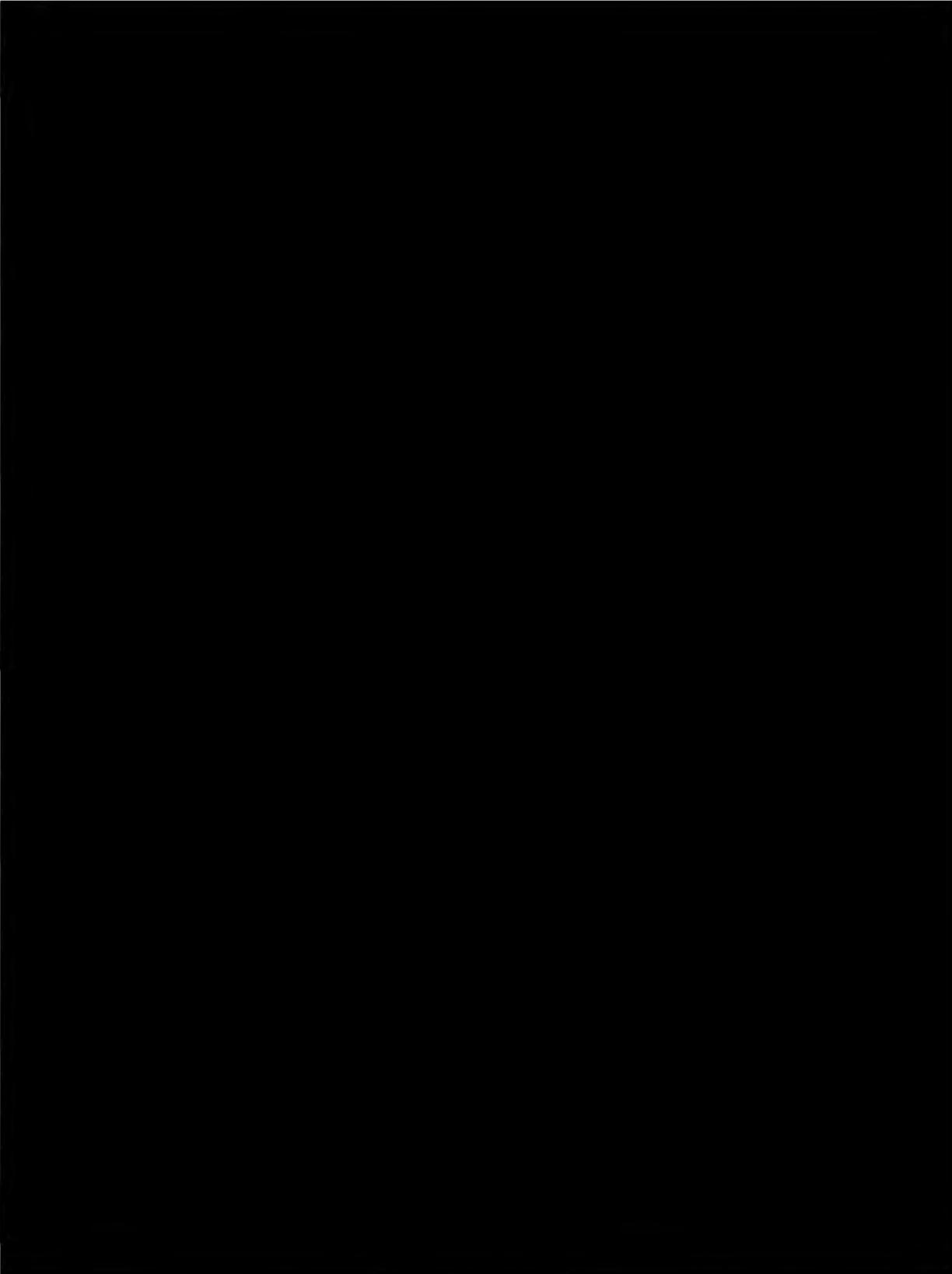
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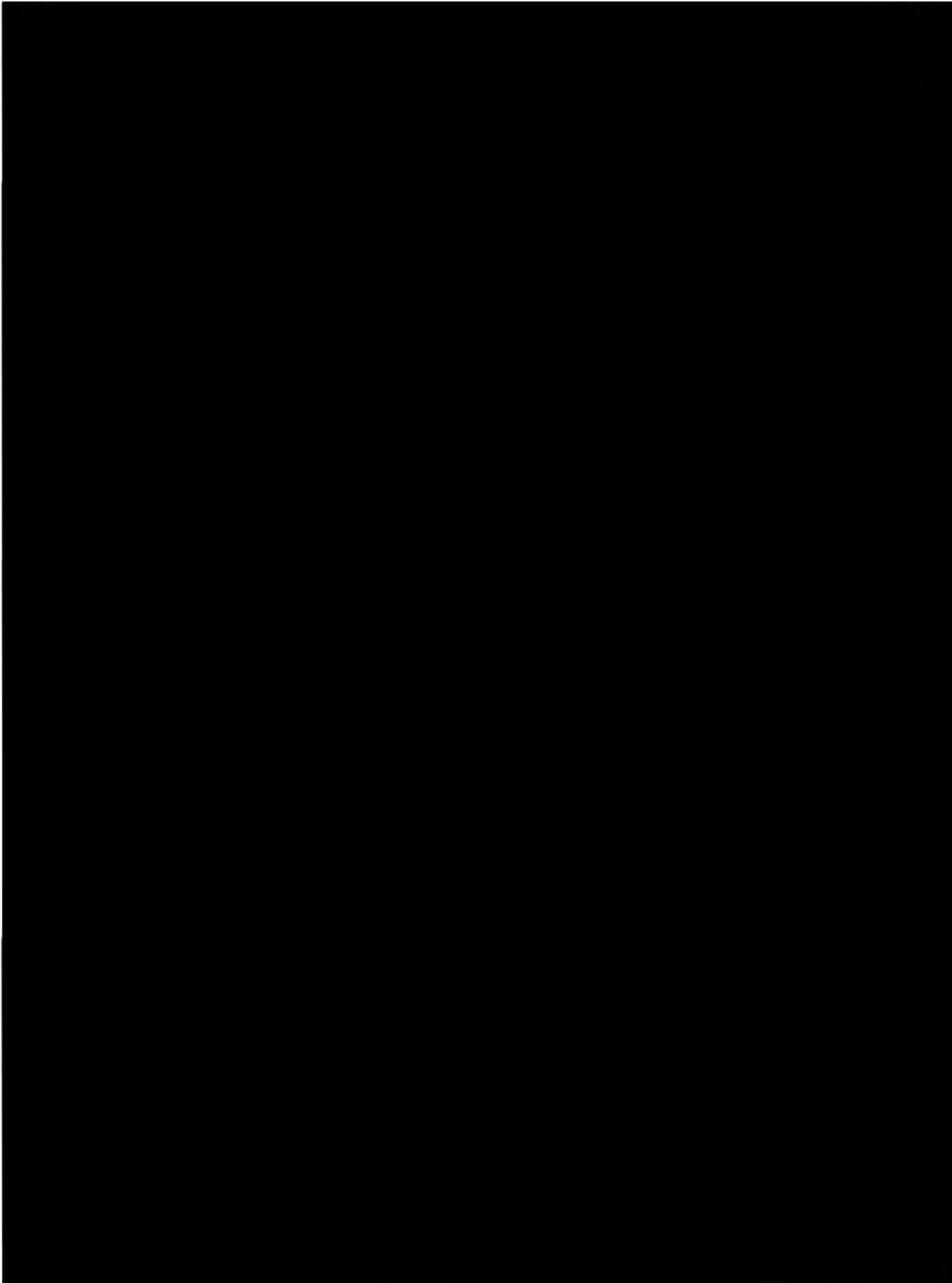


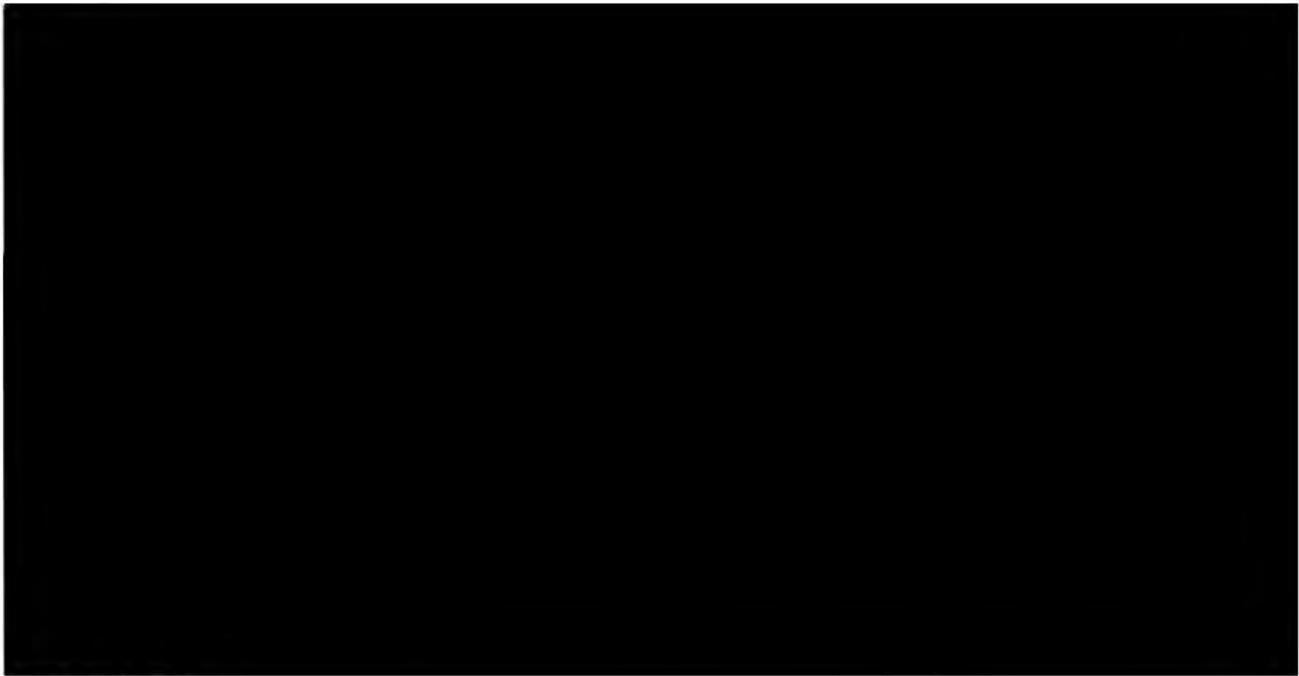




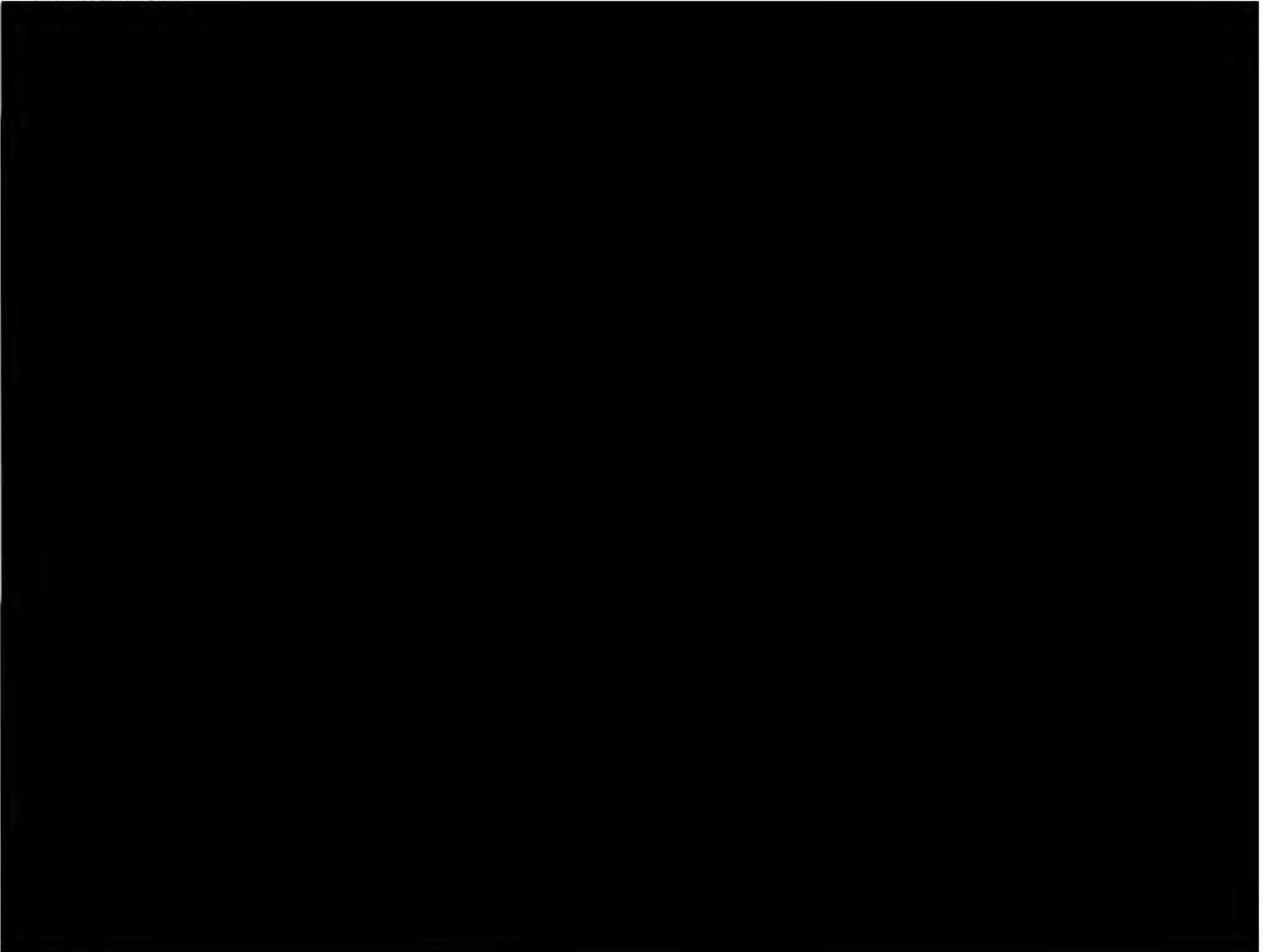


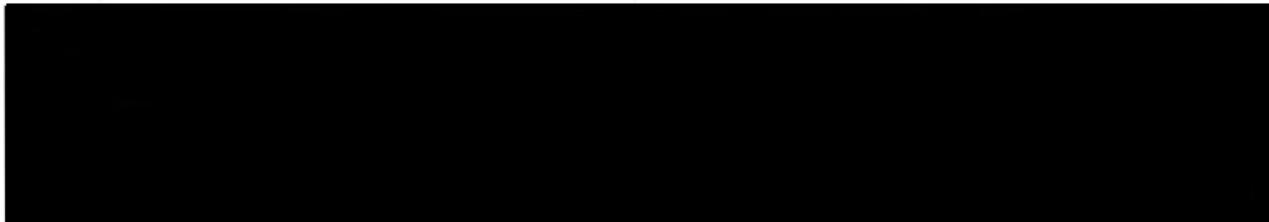


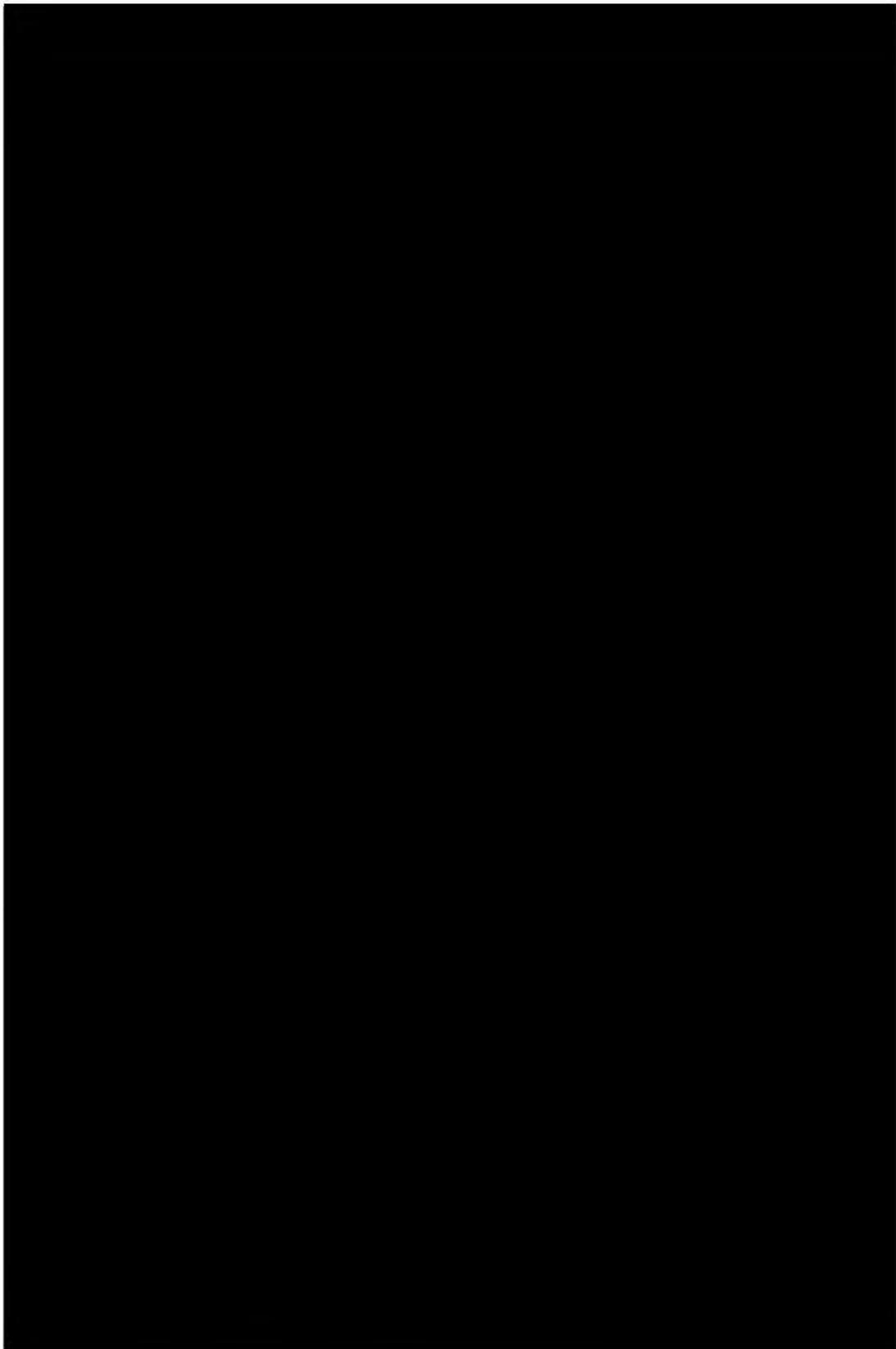


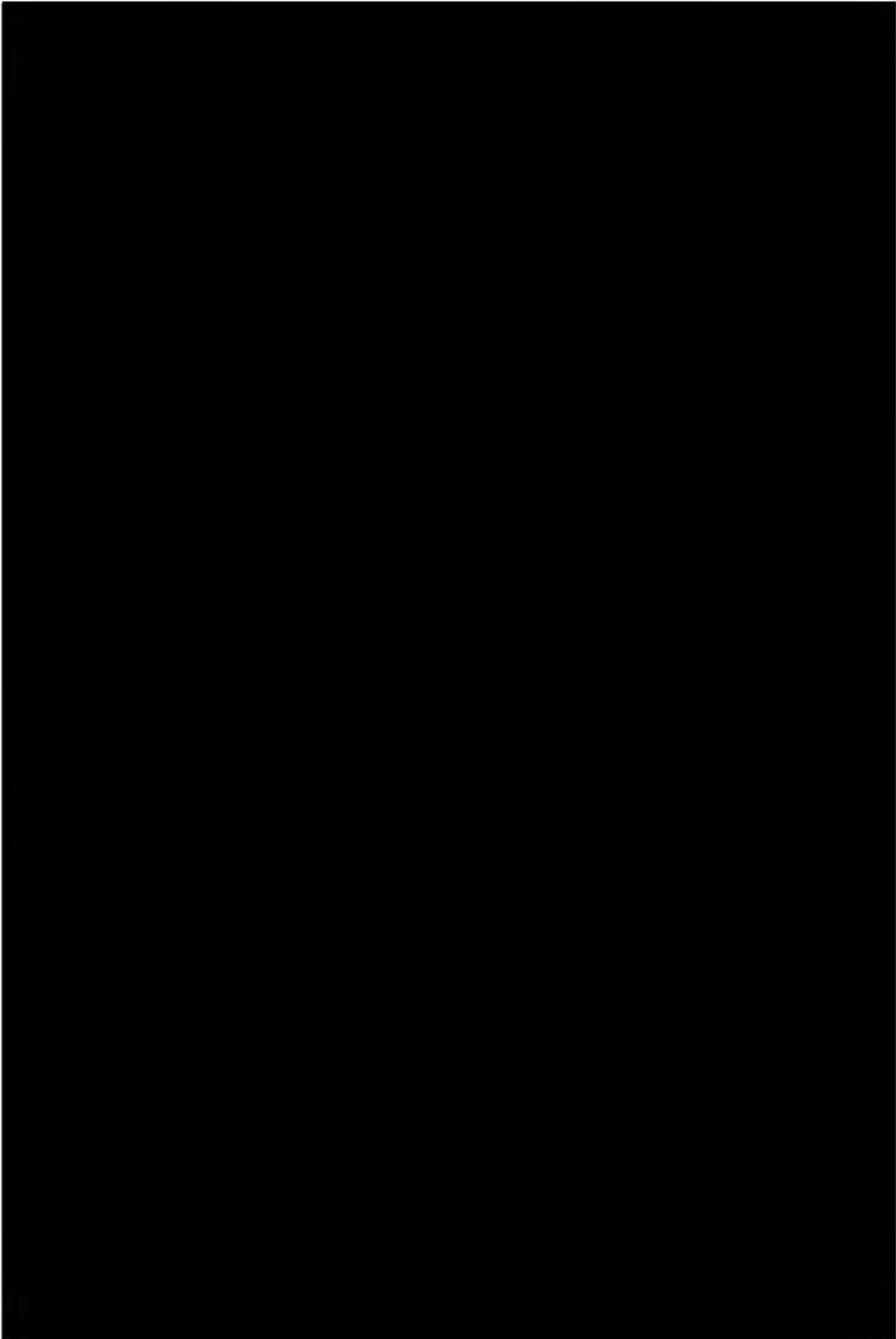


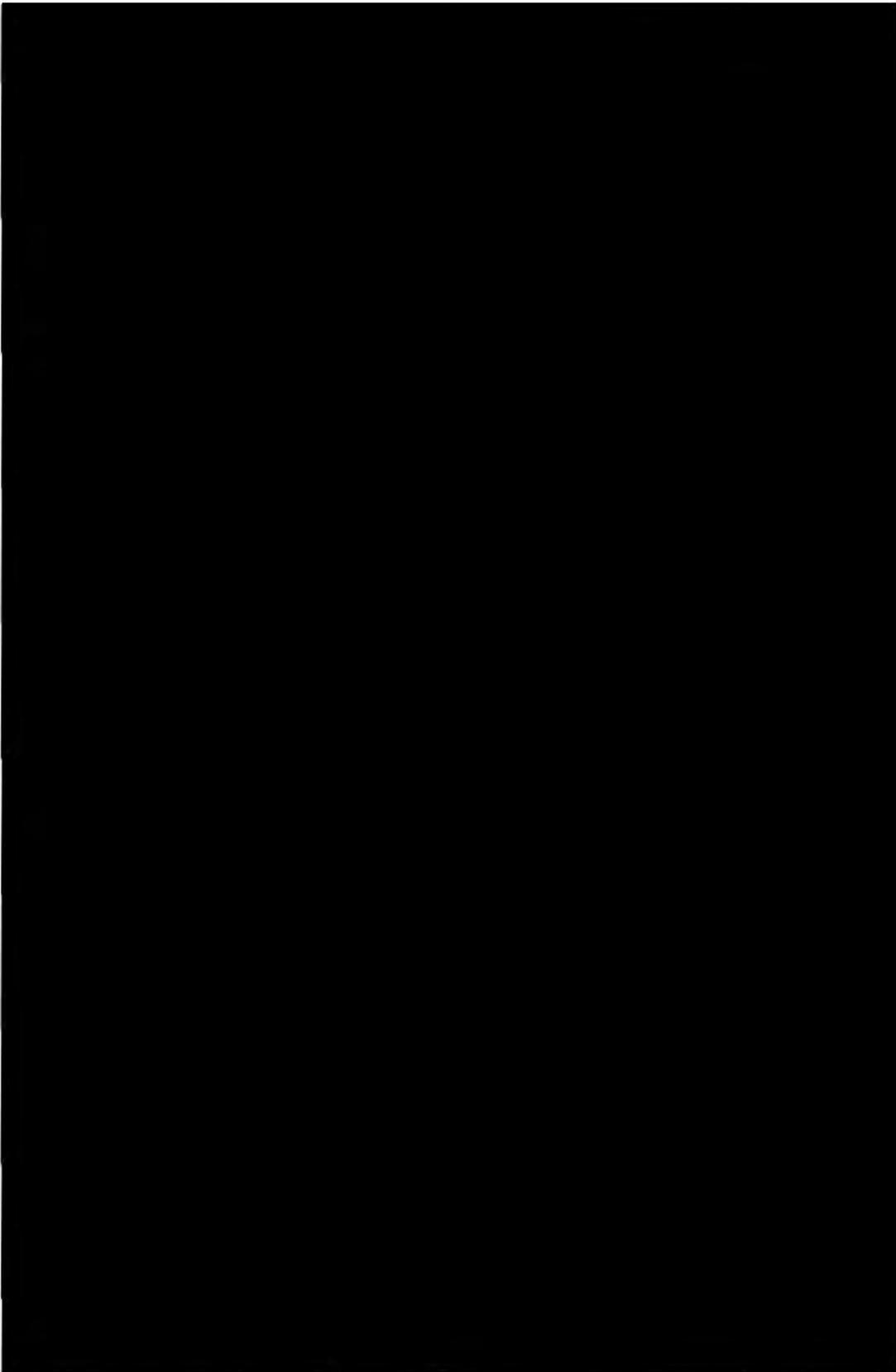
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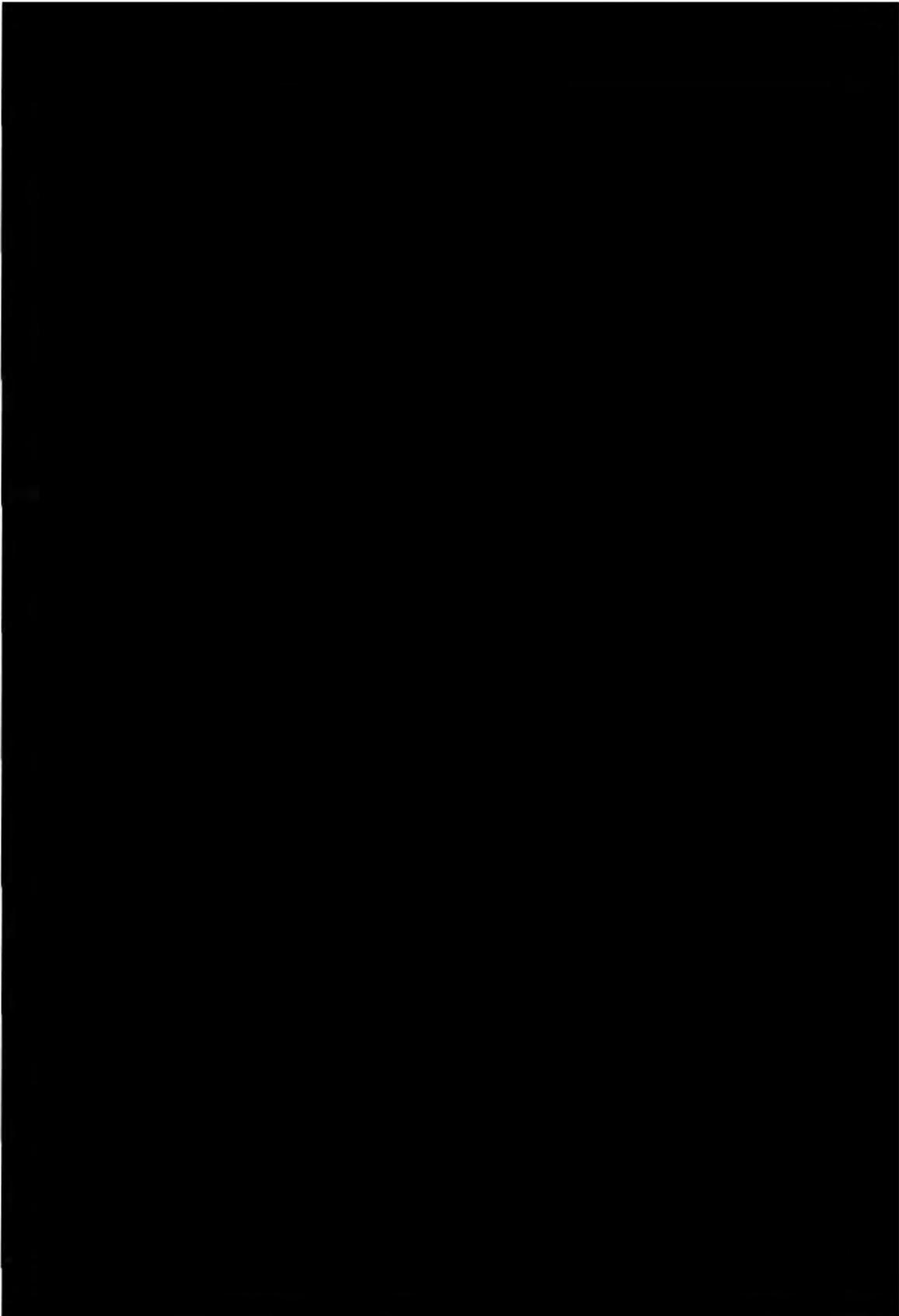


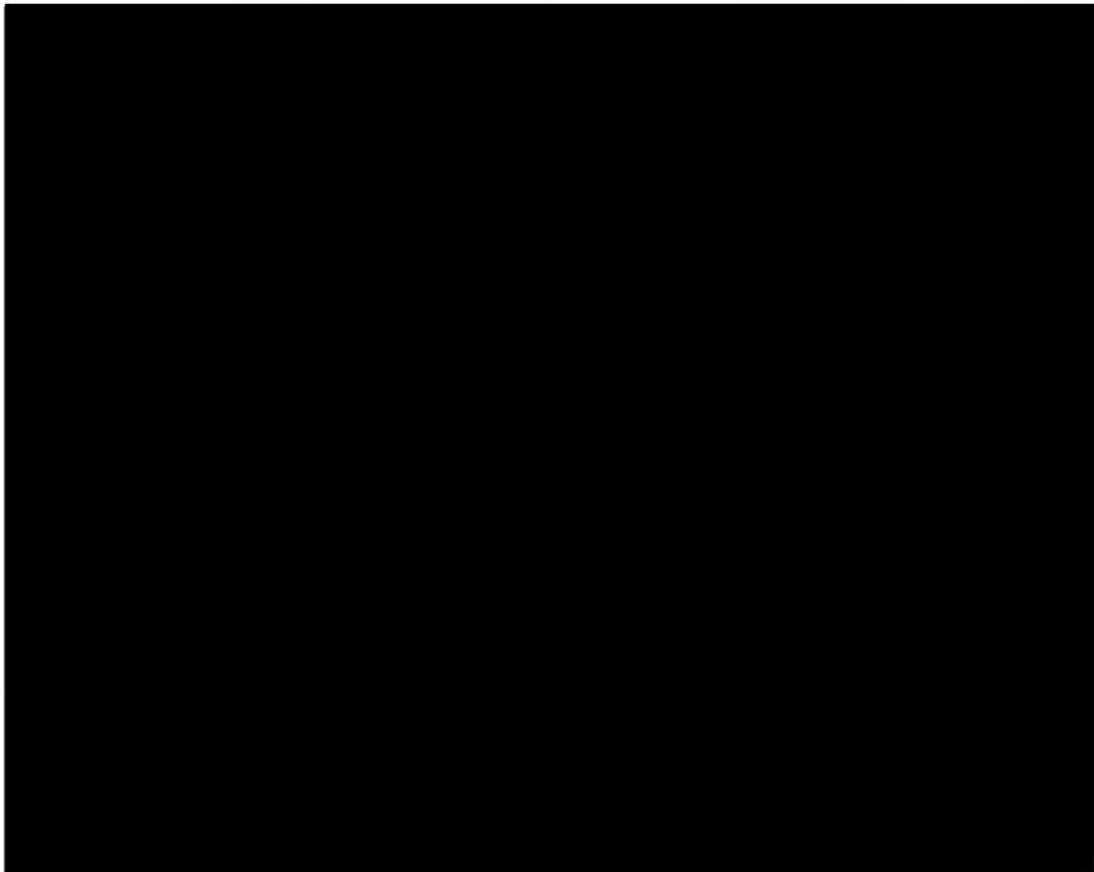






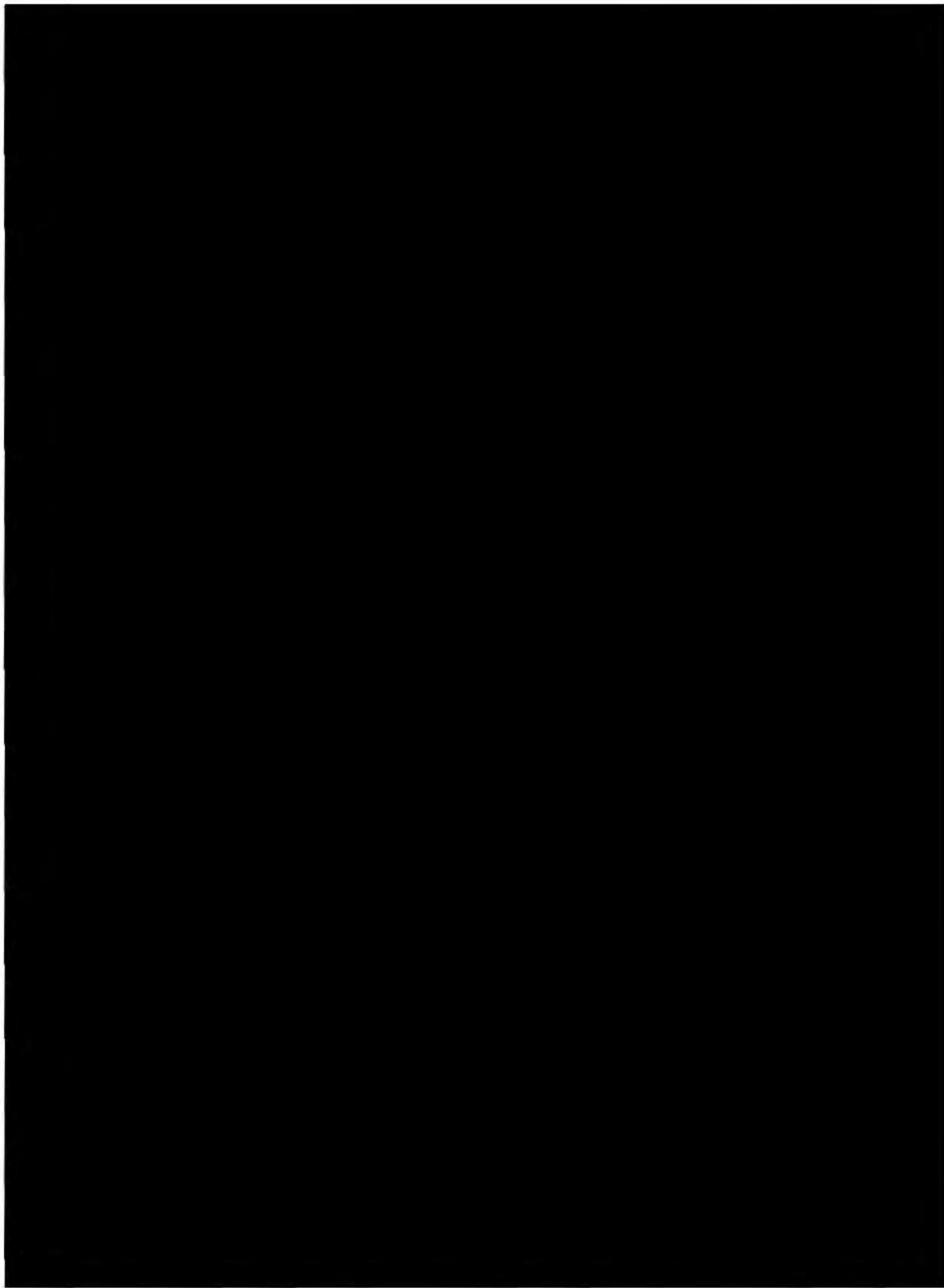




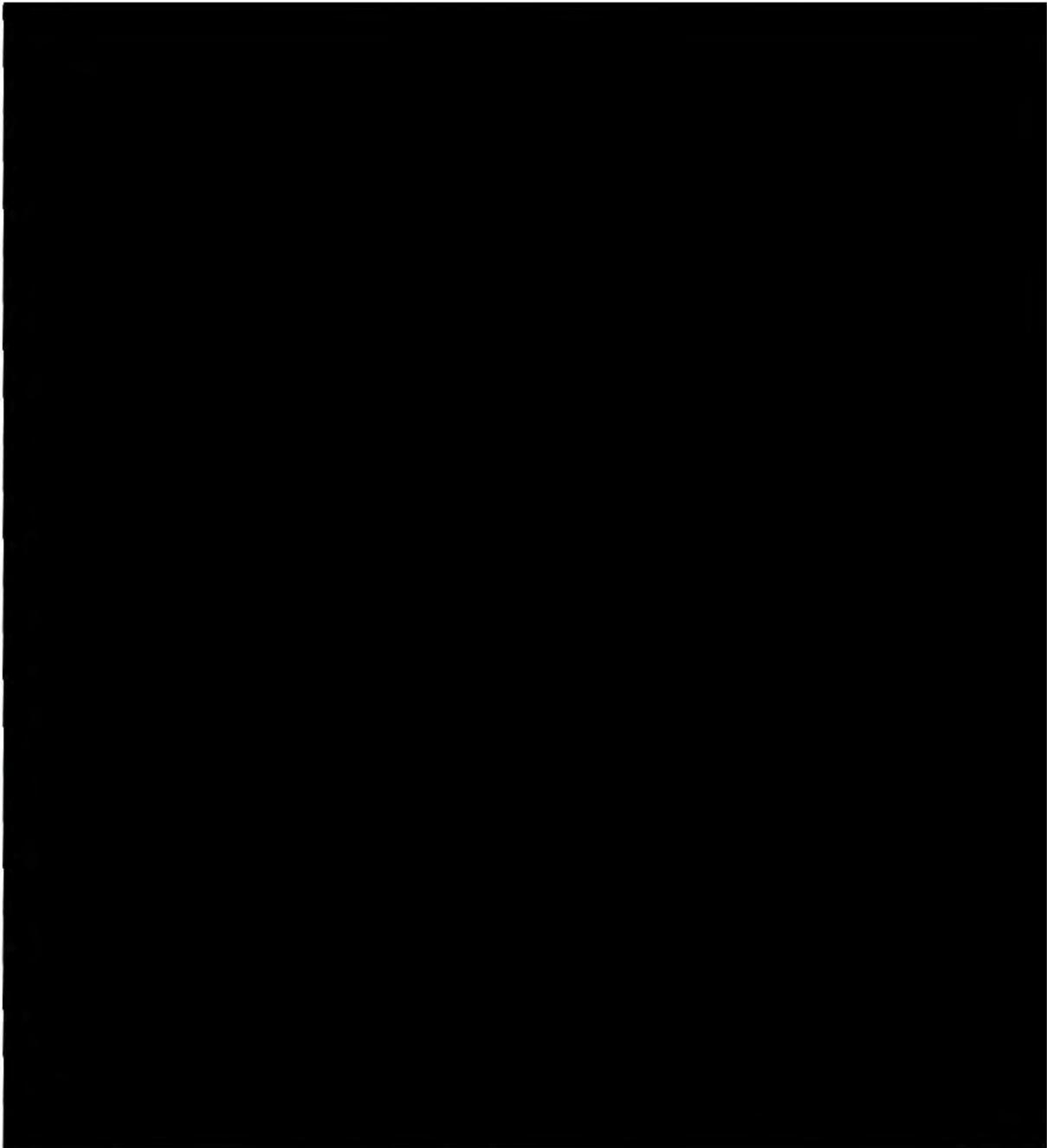


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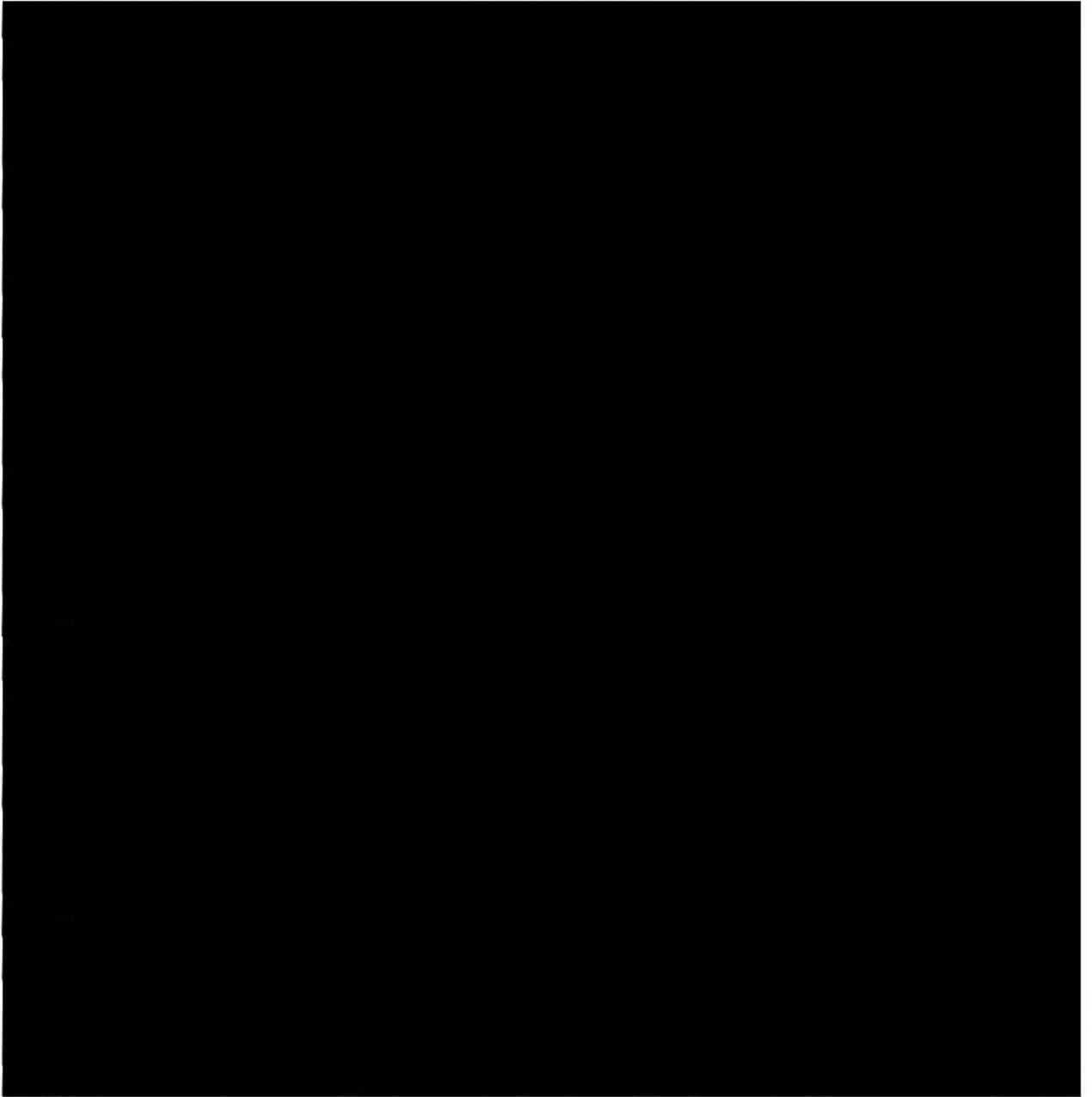




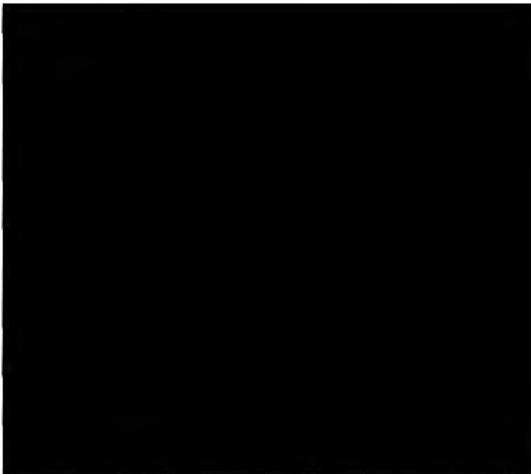


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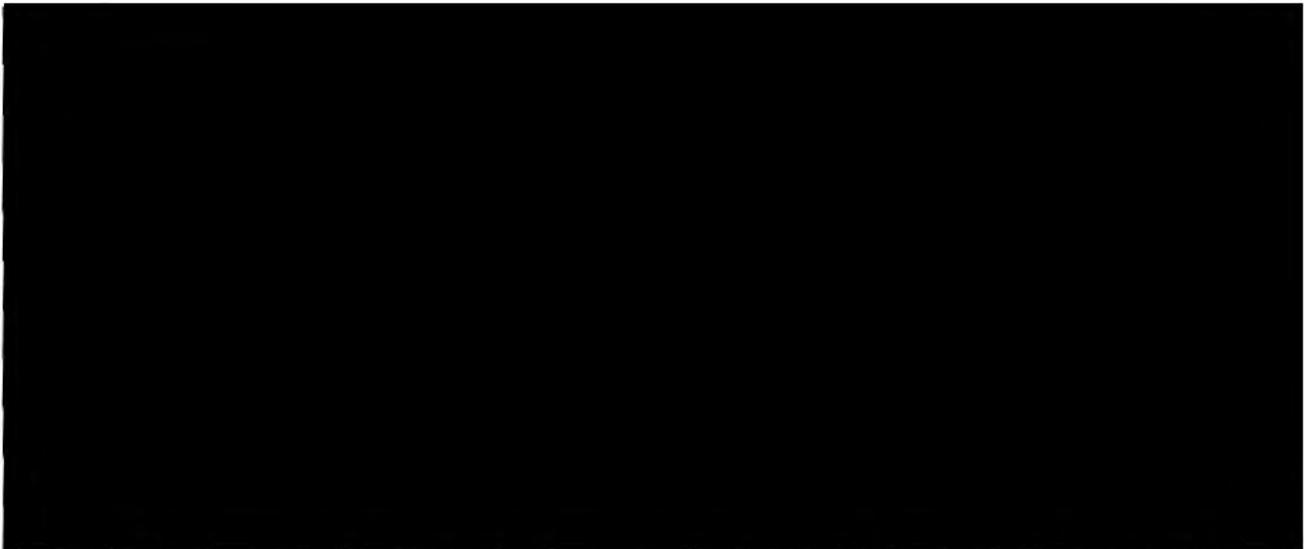
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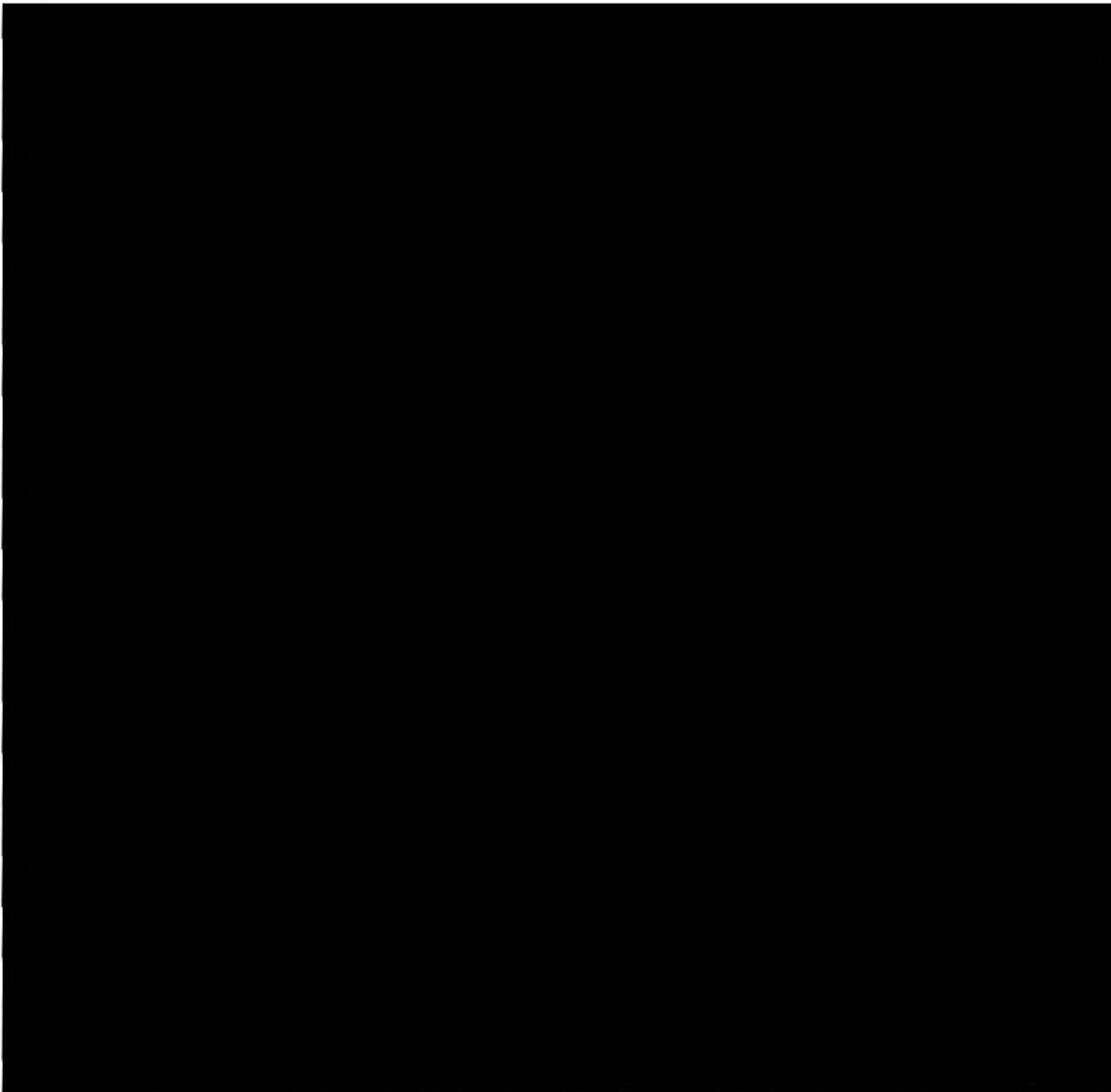


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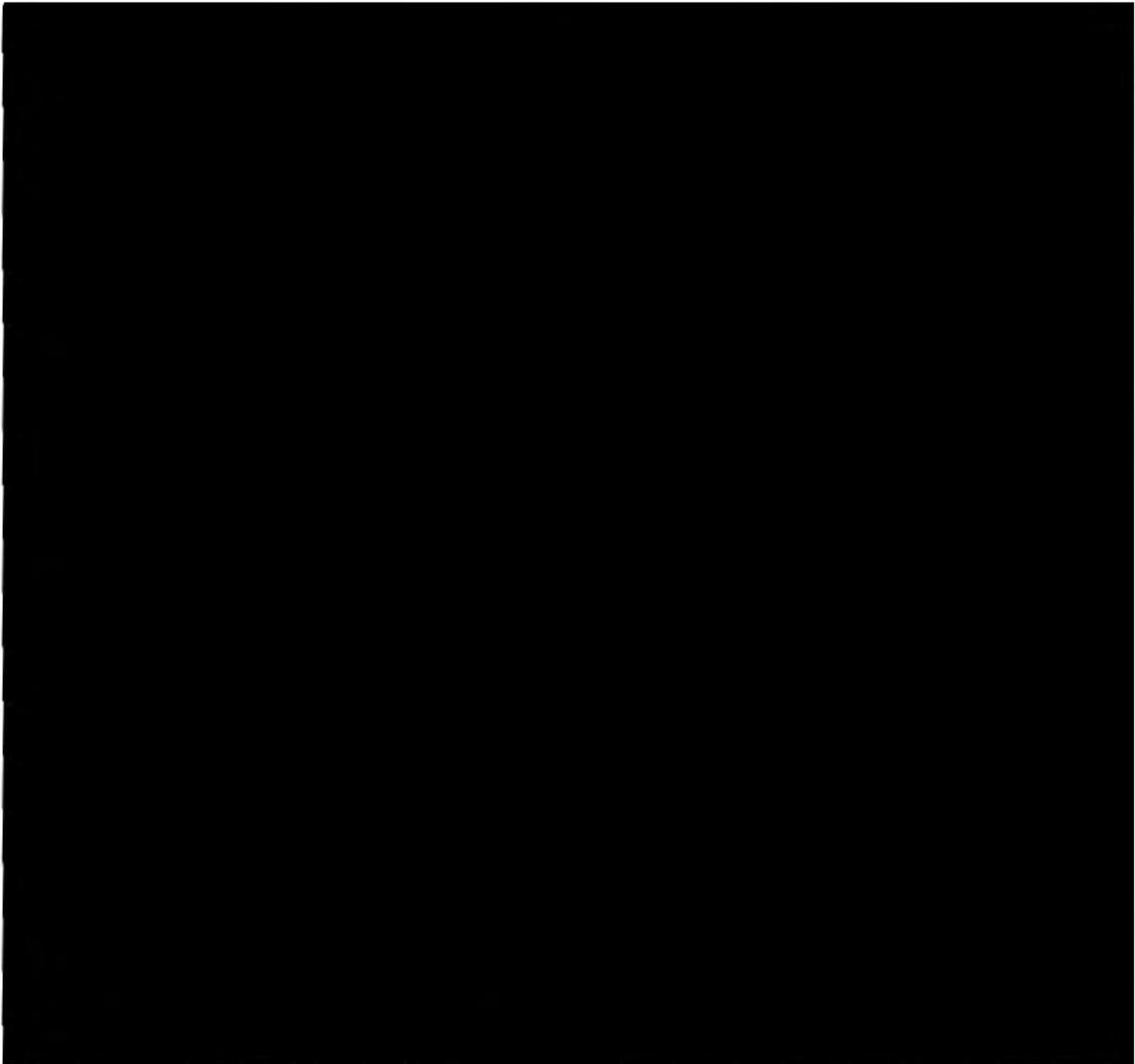
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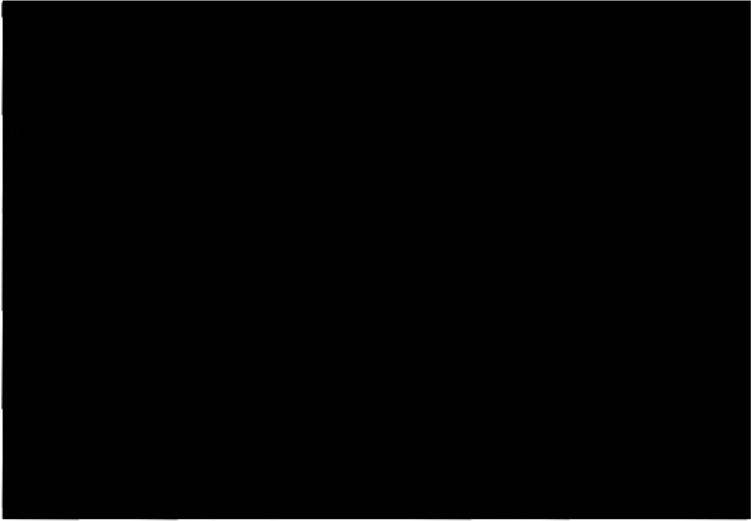


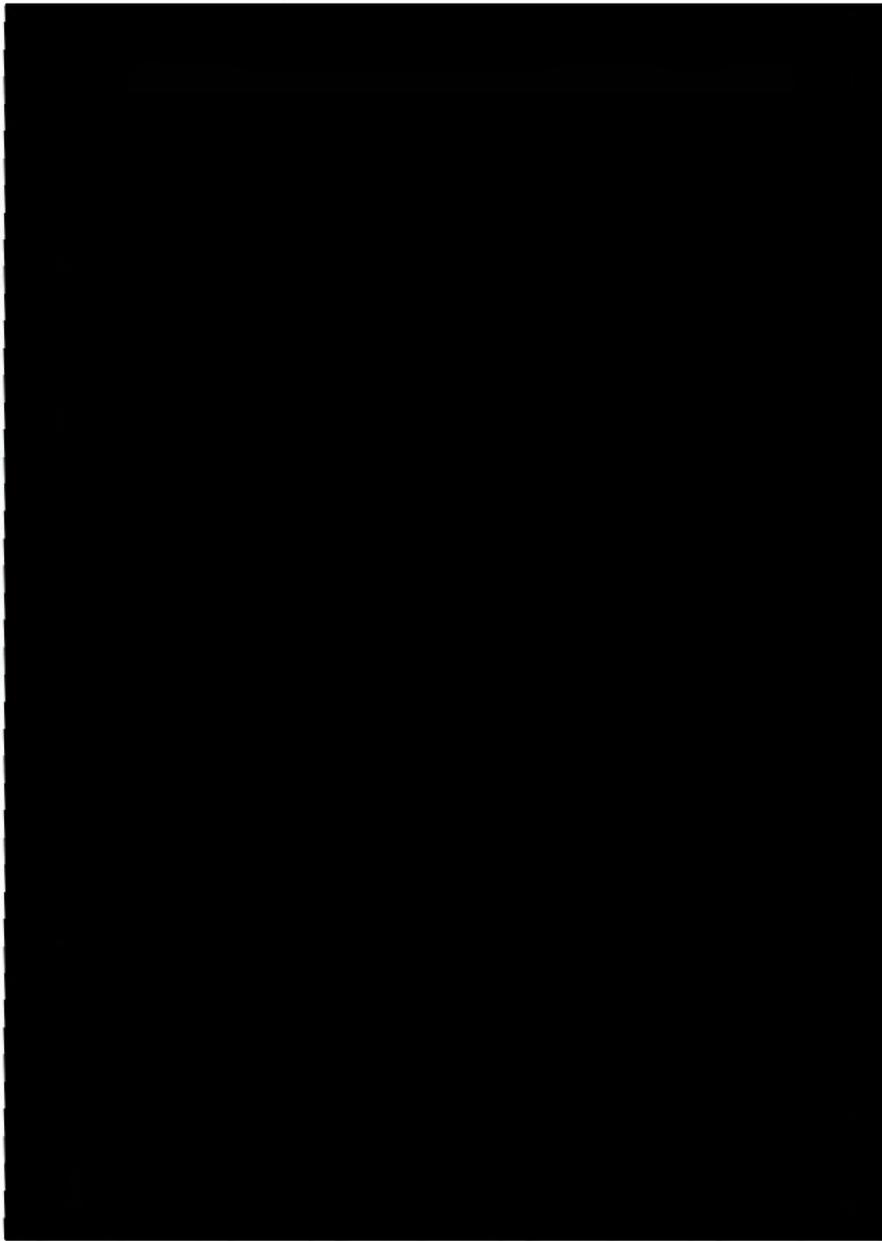
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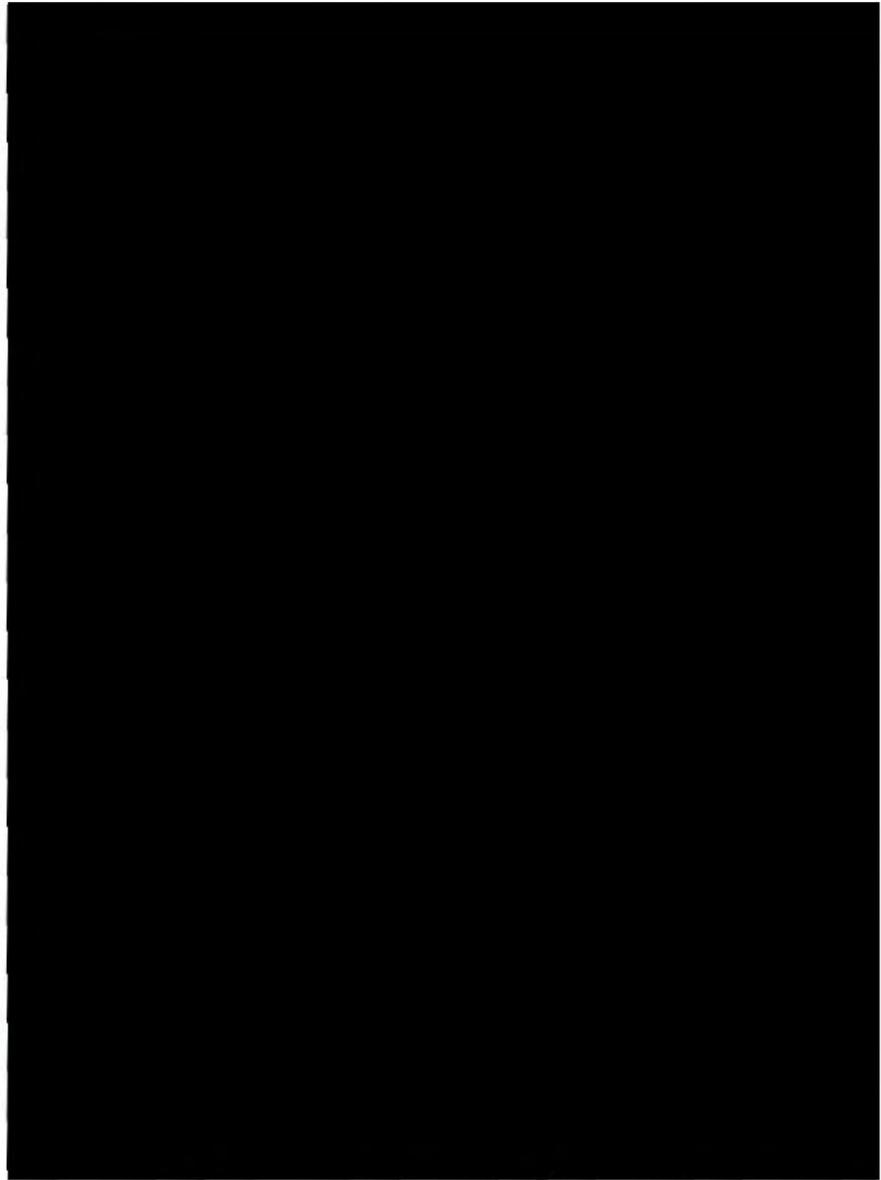
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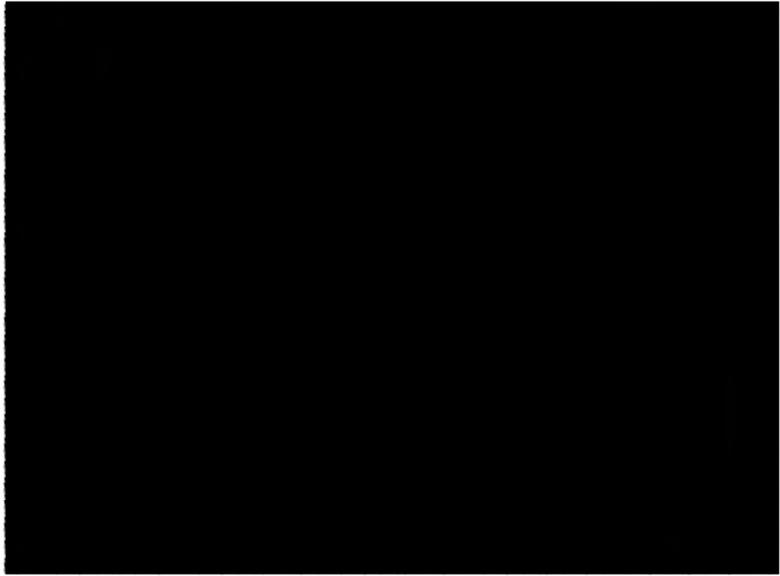


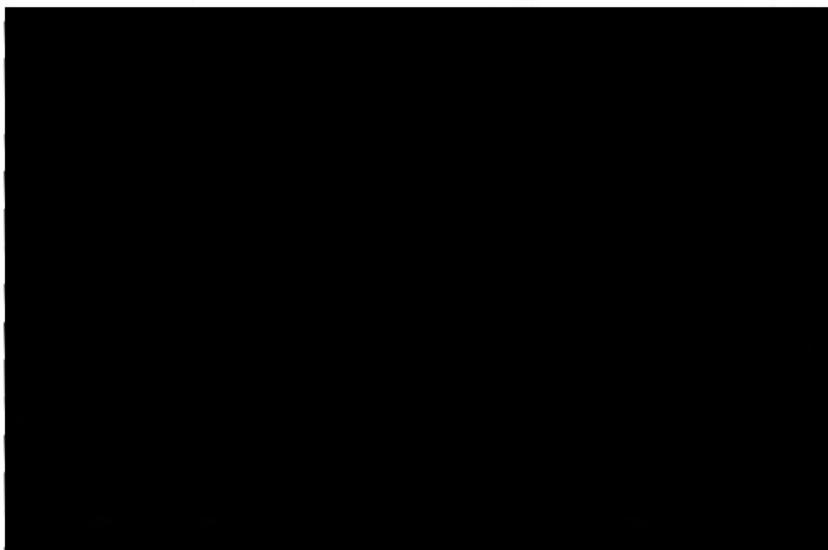




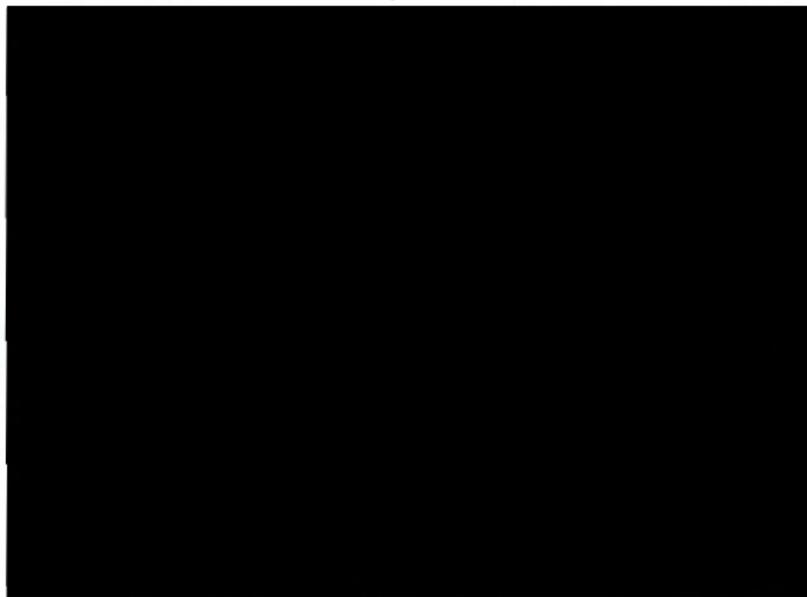




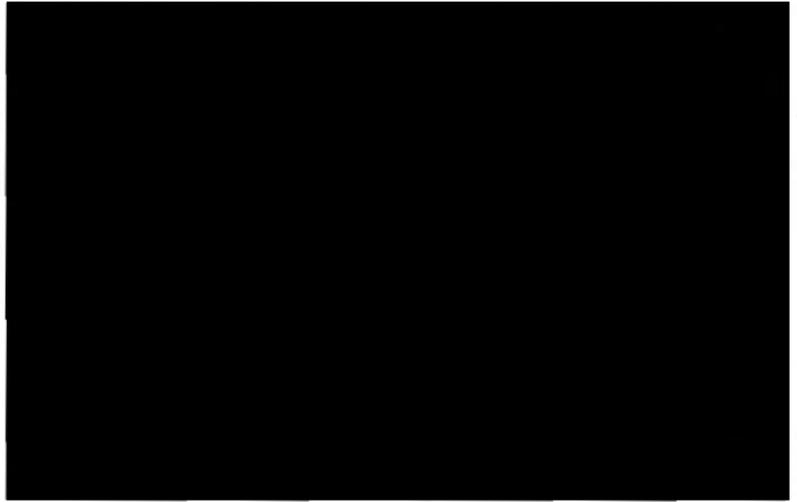




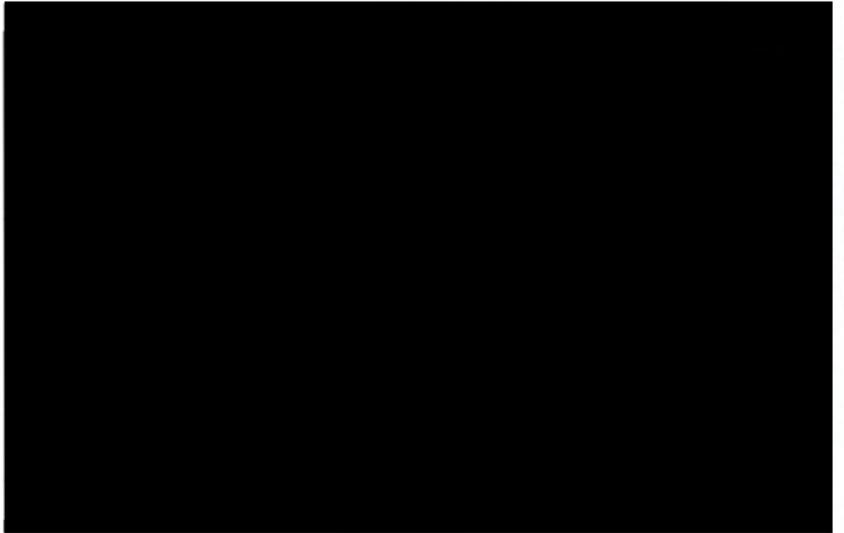




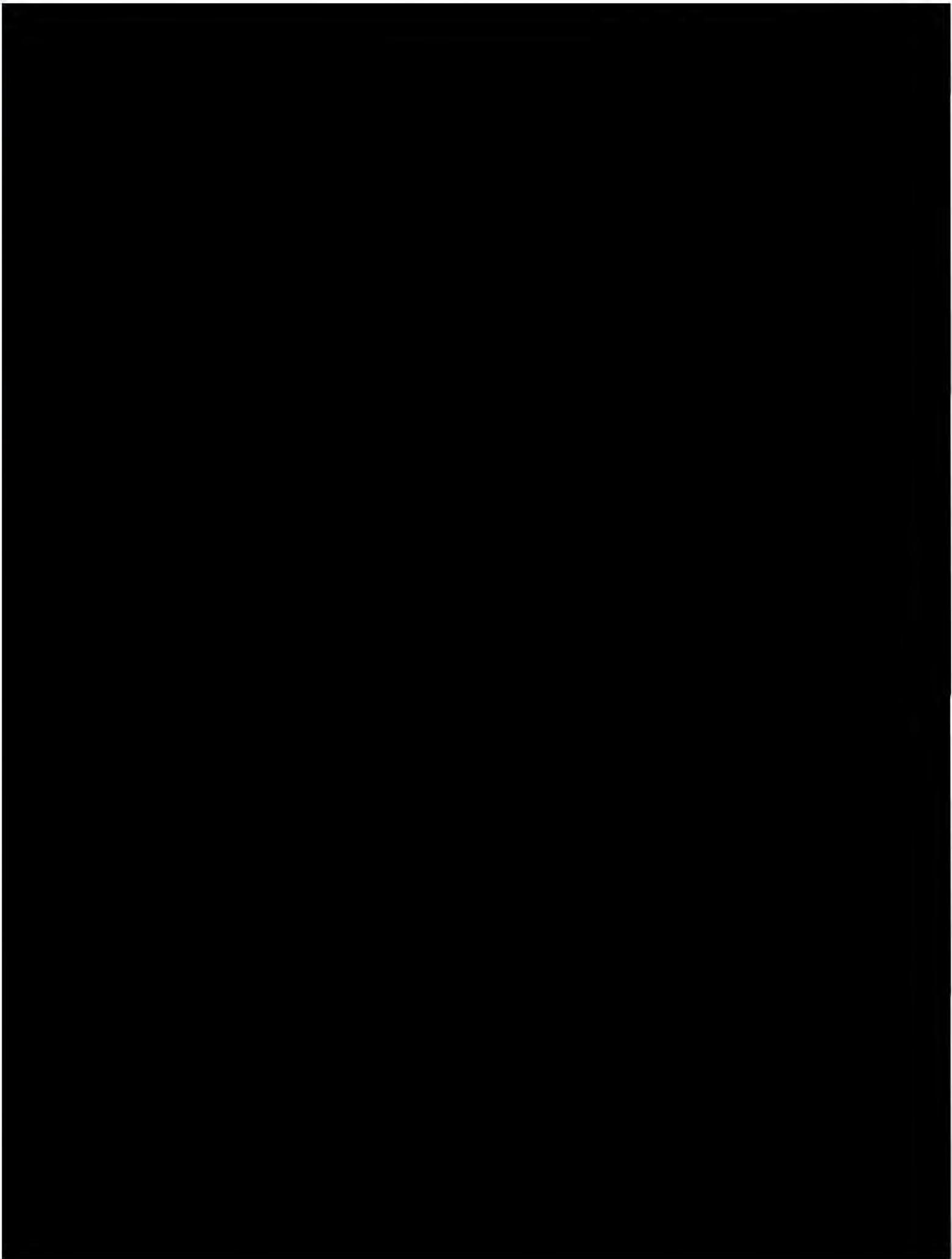




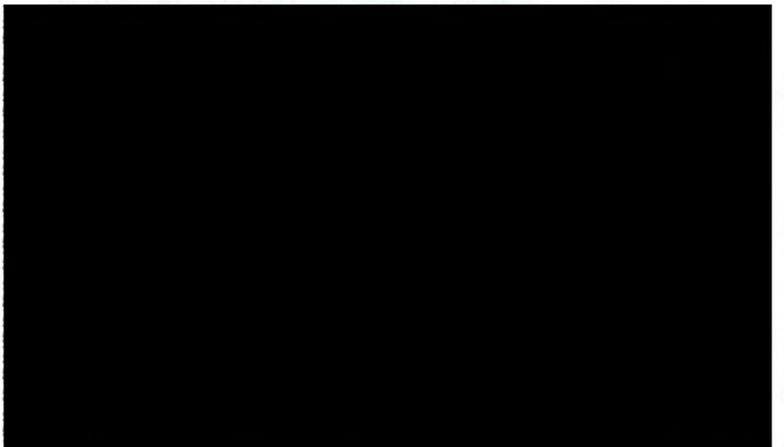


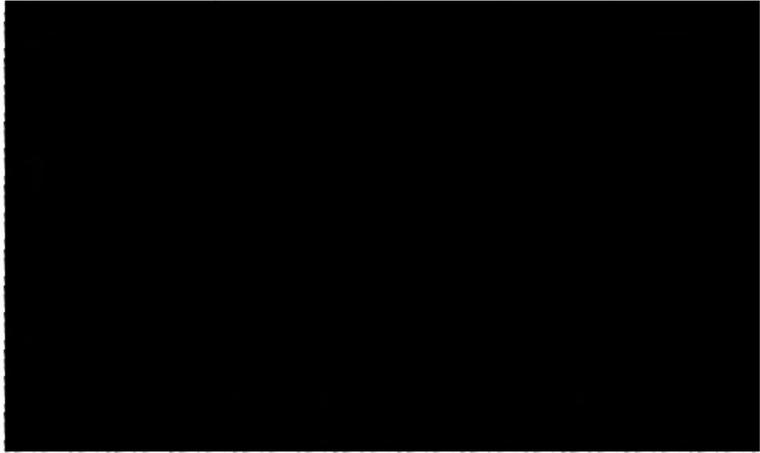












**From** Gusinsky, Robert (USASD)  
**To** Stanton, Meridith  
**Cc**  
**Subject** RE: DRAFT Pendleton referral

**Date** 4/13/2010 1:31:17 PM

Hi Meridith.

The referral letter looks great.

I did talk to [REDACTED] about this case. He informed me of the [REDACTED]  
[REDACTED]

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Robert Gusinsky  
Assistant U.S. Attorney  
District of South Dakota  
515 Ninth Street Suite 201  
Rapid City, SD 57701  
(605) 342-7822  
Robert.Gusinsky@USDOJ.gov

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**From:** Stanton, Meridith [mailto:Meridith\_Stanton@ios.doi.gov]  
**Sent:** Tuesday, April 13, 2010 11:25 AM  
**To:** Gusinsky, Robert (USASD)  
**Subject:** FW: DRAFT Pendleton referral

Hi Robert,

I just wanted to make sure that you received the email below and to ask if there are any revisions you would like us to make to referral.

Best Regards,

Meridith

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**From:** Stanton, Meridith  
**Sent:** Thursday, April 01, 2010 4:19 PM  
**To:** Robert (USASD) Gusinsky (Robert.Gusinsky@usdoj.gov)  
**Subject:** DRAFT Pendleton referral

Hi Robert,

I have attached a copy of the draft referral for your initial review and comments. The IACB has been requesting the assistance of an Attorney Advisor in the Department of the Interior's Office of the Solicitor, and has been promised their assistance. That said, they are very short handed. We hope to be able to

7/23/2014

RE: DRAFT Pendleton referral- Enterprise Vault Archived Item

meet with an Attorney Advisor early next week. However, if there is a further delay would you prefer that I put the letter – with any additions or changes you might recommend – on IACB/DOI letterhead and send it directly to you with the accompanying “attachment” binder?

I look forward to hearing from you.

Best Regards,

Meridith