Greetings from Acting U.S. Attorney Scott Erik Asphaug

It is my distinct pleasure to greet you and introduce our August 2021 Oregon Indian Country Newsletter. While I have been an Assistant United States Attorney for 17 years, I became the Acting United States Attorney for the District of Oregon on March 1, 2021. Since that time, it’s been my honor to lead our talented staff and, where possible, get out into the community to hear about the challenges facing our great state. Nearly a year has passed since our last email update and what a year it has been.

Communities and households throughout Oregon continue to grapple with the ongoing impacts of the COVID-19 pandemic. Widespread vaccination and adherence to public health directives have given us glimpses at our budding, post-pandemic world and yet, roadblocks to recovery remain. Many vulnerable populations remain unvaccinated and a highly transmissible virus variant has emerged. These dual challenges will require our continued, collective vigilance and perseverance to overcome. Despite them, we remain optimistic, and look forward to (hopefully) seeing many of you in-person before long.

2021 is also poised to be one of the driest in Oregon history, putting intense stress on communities throughout the state. In the Klamath Basin, water levels have reached historic lows, forcing many community members to confront the reality of a year with no water. Low water levels in Upper Klamath Lake spell an uncertain future for endangered C’waam and Koptu, fish species central to the Klamath Tribes’ creation story and culture. And just when the region’s hardships appeared at their height, the Bootleg fire ripped through 650 square miles in the northern county.

It’s difficult to find good in any of this, but Klamath County and the Klamath Tribes will find their way. This region does not shy away from challenges, it rises to them. Our office stands with every member of this community. We have a team of attorneys and staff closely following each of these issues and doing everything in our power to find solutions.

As Acting U.S. Attorney, one of my central duties is to steward the office’s many longstanding programs from one administration to the next, ensuring complete and seamless continuity. Supporting tribal communities has been a top priority of our office for decades and will continue to be as we await our next presidially appointed United States Attorney. To that end, I’m excited to announce our Indian country team is expanding. More on this below, but I wanted to use this
greeting as an opportunity to reaffirm our commitment to the safety and prosperity of all Oregon tribes. I'm proud of our Indian country team and know that you will be well served by all of them.

In the days and weeks to come, please know our entire team, including me, stand ready to support you. Each of us are always just a phone call away.

Sincerely,

Scott Erik Asphaug

Acting United States Attorney

District of Oregon

U.S. Attorney's Office Indian Country Team

The U.S. Attorney’s Office is excited to announce a new addition to our Indian Country team (IC team). In February 2021, AUSA Jaclyn Jenkins joined the U.S. Attorney's Office (USAO) and has been assigned as the lead prosecutor for violent crime in Indian Country related to the Confederated Tribes of the Umatilla Indian Reservation. AUSA Jenkins is excited to join the existing IC team members and looks forward to meeting with tribal government and law enforcement officials. Below is a brief bio and contact information for AUSA Jenkins. In addition, a list of all present IC team members is provided.

AUSA Jaclyn Jenkins [CTUIR]

AUSA Jaclyn Jenkins has been with the USAO since February of 2021. Prior to joining the USAO, Jaclyn spent eleven years at the Umatilla County District Attorney’s Office where she was the Chief Deputy District Attorney. In that capacity, she handled Measure 11, sexual assault and homicide cases, among others. Jaclyn grew up in Hermiston, Oregon. She can be reached at jaclyn.jenkins@usdoj.gov or (503) 727-1060.

AUSA Craig Gabriel, Chief, Organized & Violent Crime: AUSA Craig Gabriel is Chief of the Organized & Violent Crime Unit.

AUSA Natalie Wight, Deputy Chief, Organized & Violent Crime: AUSA Natalie Wight has been an attorney with the U.S. Department of Justice since 2003 and with the District of Oregon since 2012.

AUSA Tribal Liaison Tim Simmons [All 9 federally recognized tribes]: AUSA Tim Simmons has been an attorney with the U.S. Department of Justice since 1995 and serves as a Tribal Liaison for
all 9 Tribal Nations. AUSA Simmons is located in our Eugene Office and can be reached at tim.simmons@usdoj.gov or (541) 465-6740.

AUSA Pam Paaso [Warm Springs]: AUSA Pam Paaso has been with the U.S. Attorney’s Office since February of 2017 and is the dedicated prosecutor for crimes related to the Warm Springs Tribe. AUSA Paaso is located in our Portland Office and can be reached at pamela.paaso@usdoj.gov or (503) 727-1000.

AUSA Jeff Sweet [Burns Paiute and Cow Creek]: AUSA Jeff Sweet has been with the U.S. Attorney’s office for 12 years and is the dedicated prosecutor for crimes related to the Burns Paiute Tribe and Cow Creek Tribe. AUSA Sweet is located in our Eugene Office and can be reached at jeff.sweet@usdoj.gov or (541) 465-6903.

AUSA Ashley Cadotte [Chemawa Indian School]: AUSA Ashley Cadotte has been with the U.S. Attorney’s Office since December 2019 and is the dedicated prosecutor for crimes related to the Chemawa Indian School. AUSA Cadotte is located in our Portland Office and can be reached at ashley.cadotte@usdoj.gov or (503) 727-1000.

Tribal Victim Assistance Specialist Ella LeVally: Ella LeVally became the Tribal Victim Assistance Specialist in 2020. Ella is located in the Portland Office and can be reached at ella.levally@usdoj.gov or at (503) 727-1172.

MMIP Coordinator Cedar Wilkie Gillette: Cedar Wilkie Gillette has been the Missing and Murdered Indigenous Persons (MMIP) Coordinator since June 2020 and is located in our Eugene Office. She can be reached at Cedar.Wilkie.Gillette@usdoj.gov or (541) 465-6045.

Public Affairs Officer Kevin Sonoff: Kevin Sonoff serves as the spokesperson and primary media contact for the USAO and is located in our Portland Office. Kevin can be reached at kevin.sonoff@usdoj.gov or (503) 727-1000.

Law Enforcement and Community Outreach Coordinator

Another exciting addition to the USAO is Assistant U.S. Attorney Erin Greenawald. AUSA Greenawald started with the USAO on May 10, 2021. AUSA Greenawald’s focus will be law enforcement and community outreach coordination to include engaging with tribes and tribal organizations.

Prior to joining the USAO, from 2018-2021, Erin owned her own law practice in Portland. During that time, she represented crime victims and survivors in civil matters, as well as making sure that her clients’ constitutional and statutory rights were upheld in criminal cases.

From 1999-2018, Erin was a state prosecutor in Oregon, specializing in domestic and sexual violence cases. In 2010, Erin had the opportunity to join the Criminal Justice Division of the Oregon Department of Justice as the state’s first Domestic Violence Resource Prosecutor (DVRP). In that role, Erin was grateful to be able to collaborate with advocates, law enforcement, prosecutors, attorneys, and other tribal nation representatives on various Indian Country issues, as well as provide multiple training sessions to tribal nation audiences on domestic and sexual violence topic areas. Likewise, as an instructor for the Attorney General’s Sexual Assault Training Institute, Erin has been able to participate in multiple training events tailored for and/or inclusive of tribal law enforcement, advocates, and prosecutors. One of Erin’s responsibilities as DVRP was to co-chair the statewide Domestic Violence Fatality Review Team (DVFRT). Erin was fortunate to continue her work with the DVFRT after she left Oregon DOJ. One of the final tasks Erin accomplished for the DVFRT before
joining the USAO was to co-facilitate a mock fatality review in a joint training with members of both the statewide DVFRT and the CTUIR fatality review team.

Erin says she’s looking forward to when she’s able to travel and meet people in person: “I’m so excited about a time (hopefully soon!) when I can engage in face-to-face meetings with tribal leaders and community members and learn more about the diversity of tribal cultures.” Erin is located in our Portland Office and can be reached at Erin.Greenawald@usdoj.gov or (503) 781-8144.

In the News

The Department of Justice recently announced the opening of the application period for its Tribal Access Program (TAP) for National Crime Information. This program allows select federally recognized tribes access to criminal justice databases and provides technology and training to protect tribal communities more effectively. Using TAP, Tribes have shared information about missing persons; registered convicted sex offenders; entered domestic violence orders of protection for nationwide enforcement; run criminal histories; identified and arrested fugitives; entered bookings and convictions; and completed fingerprint-based record checks for non-criminal justice purposes such as screening employees or volunteers who work with children. The Department is accepting TAP applications through August 31, 2021. The formal TAP announcement is available here.

On June 1, 2021, the Supreme Court of the United States, in United States v. Cooley, ruled unanimously that a tribal police officer has authority to detain temporarily and to search non-Indian persons traveling on public rights-of-way running through a reservation for potential violations of state or federal law. See opinion here.

The Secretary of the Interior announced an investigation into burial sites on current and former school sites. This investigation includes a review of records at Chemawa Indian School in Salem. See Oregon Public Broadcasting’s (OPB) article for more information.

Recent Prosecution Highlights from the USAO District of Oregon

- **U.S. v. Tyler Glenn Chance Warren** – AUSA William McLaren participated in a sentencing hearing on July 14 regarding this case involving the illegal take of a threatened species from the Warm Springs Reservation. On December 3, 2017, Warren and another co-defendant illegally took several bull trout from the Metolius River and a piece of property held in trust by the United States for the Confederated Tribes of Warm Springs. On July 14, Warren was sentenced to three years’ federal probation, a $1,000 fine, 40 hours of community service that the court ordered to be served performing riparian restoration work, and a three-year fishing ban after illegally taking bull trout from the Metolius River in the Deschutes National Forest- a similar sentence to his co-defendants, each of whom Judge Ann Aiken sentenced according to their number of confirmed poaching incidents. Warren is the fourth and final Oregon resident convicted in federal court for illegally taking bull trout as part of Operation No Bull, a coordinated anti-poaching law enforcement operation, launched in 2017. Since its inception, the operation has resulted in criminal charges, civil penalties, or citations for more 30 bull trout poachers in federal, state, and Tribal courts. Read more.

- **US v. Nathan Napyer** – AUSA Pam Paaso indicted this Warm Springs case related to theft from a tribal organization. In April 2021, Warm Springs Tribal Police responded to a burglary on the Warm Springs Reservation. Surveillance video from the scene led to the identification of Nathan Napyer and charges of theft from a tribal organization.

- **US v. Renee Miller** – AUSA Pam Paaso indicted this Warm Springs case related to a death on the Warm Springs Reservation. Renee Miller was charged with voluntary manslaughter in the September 2020 death of Jonathan Gilbert.

- **US v. Thomas Tias** – AUSA Pam Paaso and AUSA Jaclyn Jenkins indicted this Umatilla case related to an assault and death on the Umatilla Indian Reservation. Tom Redhawk
Tias was charged with voluntary manslaughter in the January 2021 death of Thomas Van Pelt. Read more.

**News In Oregon**

**New Warm Springs Tribal Correctional Facility:** On June 1, 2021, the Warm Springs Tribal Police Department (WSTPD) announced the Department of the Interior (DOI) informed the Confederated Tribes of Warm Springs has been approved for the construction of a new Tribal Corrections Facility. See [KTVZ news report](#).

**Oregon DOJ Bias Response Program:** The Oregon DOJ Bias Response Program is building its [Volunteer and Intern Program](#). They are seeking community members and students to help in their work to Stand Against Hate in Oregon. Volunteers and interns receive extensive training in anti-bias victim advocacy, obtain Oregon DOJ certification as a Certified Bias Response Advocate, strengthen our communities to show there is no place for hate, and gain incredible experience working alongside our Bias Response Program staff in the Oregon DOJ Civil Rights Unit. If you have questions about volunteering or interning with the Oregon DOJ Bias Response Program, contact the Bias Response Program Coordinator.

**Oregon Annual Report on Hate and Bias:** Oregon Criminal Justice Commission issued its [second annual report on hate and bias in Oregon](#), covering 2020 data on hate crimes and bias incidents throughout Oregon. In total, 1,101 reports were made to the [Oregon DOJ Bias Response Hotline](#) in 2020, including a 134% surge in reporting in the second half of 2020. In addition, 377 bias crimes were reported to Oregon law enforcement agencies in 2020, indicating a 38% surge in reporting from 2019. Any victim or witness of a bias incident or a hate crime can visit [StandAgainstHate.Oregon.gov](#), or call Oregon DOJ’s Bias Response Hotline at 1-844-924-BIAS (2427). The Hotline accepts all Relay calls and has access to 240+ interpreters to report an incident and talk with trained staff.

In July, the Jingle Dress Project dancers brought a message of healing to Cannon Beach. See [KLCC’s coverage](#) of the Jingle Dress Project.

**Missing and Murdered Indigenous Persons (MMIP) Information**

In November 2019, the Department of Justice launched a national strategy to address Missing and Murdered Indigenous Persons (MMIP) that included the hiring of MMIP coordinators to serve with U.S. Attorney’s Offices. In June 2020, Cedar Wilkie Gillette became the District of Oregon’s MMIP Coordinator. In this edition, MMIP Coordinator Wilkie Gillette provides an update on the new BIA Missing and Murdered Unit, National MMIP Awareness Day, and the Warm Springs MMIP Pilot Project.

- **New BIA Missing and Murdered Unit:** On April 1, 2021, Interior Secretary Deb Haaland launched the new OJS Missing and Murdered Unit (MMU), which is expanding the function of the former BIA Cold Case Teams that started in 2020. Visit the [MMU webpage](#).

- **National MMIP Awareness Day:** President Biden [proclaimed](#) May 5 as Missing and Murdered Indigenous Persons Awareness Day. The USAO released a [press release](#) recognizing the Day and MMIP Coordinator Cedar Wilkie Gillette was featured along with other Oregonian MMIP voices on KLCC 89.7 FM [MMIP Voices](#) and in [this article](#) on the Underscore. The U.S. Department of Health and Human Services hosted a livestream commemorating May 5 with a Red Shawl event and featured, among others, Interior Secretary Deb Haaland, Principal Deputy Assistant Secretary, Indian Affairs Brian Newland, and Director of the Office of Tribal Justice Tracy Toulou. To close the event, MMIP names were written in remembrance and honoring on a red shawl. A livestream of the event can be viewed [here](#).

- **MMIP Pilot Project:** MMIP Coordinator Wilkie Gillette continues to be involved in the development of national MMIP guides that can assist tribes in developing their own Tribal
Community Response Plans (TCRPs) to respond to MMIP in their communities. The District of Oregon is one of six districts across the country approved for a TCRP Pilot Project and the USAO is presently working with the Confederated Tribes of Warm Springs to develop a TCRP to address missing person’s cases.

Coordinator Cedar Wilkie Gillette can be contacted at (541) 465-6045 or Cedar.Wilkie.Gillette@usdoj.gov.

Office for Victims of Crime (OVC) Information

Katherine Darke Schmitt, Deputy Director of the Office for Victims of Crime, Tribal Grants Division provides important information on the FY 2021 OVC Tribal Victim Services Set-Aside Program:

OVCC Progress Notes on the FY 2021 Tribal Victim Services Set-Aside Program

A 1988 amendment to the Victims of Crime Act of 1984 (VOCA) created the Office for Victims of Crime as part of the Department’s Office of Justice Programs (OJP). An important part of OVC’s mission is to administer grant award programs that are funded by the Crime Victims Fund (CVF), which primarily includes criminal fines paid by convicted federal offenders. Each year Congress authorizes OVC to use the CVF to support grant programs for victim services.

In the fiscal year (FY) 2018 budget, for the first time Congress created a tribal victim services set-aside (TVSSA) from the CVF. The amount of the first set aside was 3 percent, and accordingly, the 2018 set-aside totaled about $133 million, “available to the Office for Victims of Crime for grants, consistent with the requirements of the Victims of Crime Act, to Indian tribes to improve services for victims of crime." In the FY 2019 and FY 2020 budgets, Congress authorized a tribal set-aside of $167.65 million in 2019; and $132.050 million in 2020, for the same purposes.

In response to tribal consultations, Federal Advisory Committee hearings, and listening sessions in which tribal leaders expressed a strong preference that the tribal set-aside funding be distributed via a formula rather than as a competitive program, the Department implemented an interim formula grant program for disbursing tribal set-aside funds in 2020. Under this non-competitive formula program, federally recognized Indian tribes, tribal designees, and tribal consortia consisting of two or more federally recognized Indian tribes, were eligible to apply for tribal set-aside funding.

OVC made 133 awards in October 2020 totaling $112.6 M in formula grant awards. These funds will provide victim services to over 200 tribes. Even though all eligible applicants that submitted Phase 1 and Phase 2 applications received grants under the FY 2020 tribal set-aside program, OVC was unable to commit the full amount of the set-aside formula program funding to formula grantees because not enough applications were received from eligible tribes. OVC committed the remaining balance of the set-aside formula program funds to support grant awards to tribes and tribal-serving entities that submitted applications under FY 2020 OVC competitive grant programs.

After consultation with tribal leaders in November 2021, OVC retained many of the features of the FY 2020 TVSSA program, including noncompetitive distribution of set-aside funds based on population; and a two-phase process that allows OVC to calculate grant awards based on the number of tribes that intend to apply.

OVC made additional changes to the TVSSA Formula program in 2021 to increase the discretion tribes have in using their tribal victim services set-aside funds to serve victims as their communities deem appropriate, for example, supplies necessary to support victim participation in traditional/cultural therapeutic practices (sweat lodges, smudging, and crafting supplies, etc.) and food as part of cultural/traditional activities reasonably incorporated into victim services are explicitly allowable expenses in FY 2021 TVSSA awards. Additionally, TVSSA awards may now be up to 60 months long.
All federally recognized tribes were eligible to participate in the FY 2021 Tribal Victim Services Set-Aside Formula program, regardless of when they last received set-aside awards, and regardless of the project periods of those awards. Eligible applicants were invited to submit a population certification in March 2021 in order to allow OVC to run the formula to determine allocations for each eligible applicant. Applicants were then invited to submit a full application, including a project narrative and budget, by June 14, 2021.

As of July, 2021, OVC is in the process of collecting and reviewing applications from tribes that submitted their intent to participate in the FY 2021 TVSSA Formula program. OVC anticipates making 148 TVSSA awards in FY 2021. For more information about how OVC administers the TVSSA program, please visit https://ovc.ojp.gov/funding/opportunities/o-ovc-2021-90001.

### Upcoming Training and Events

Please note that these dates and venues may change due to the COVID-19 pandemic. Please check with the individual sponsoring agency for updates and confirmation.

- **Public Education on Registered Sex Offenders and Sexual Offending for Tribal SORNA Programs**
- **The Role of the United States Marshals Service for Tribes Implementing SORNA**
- **Building AMBER Alert in Indian Country**
- **Cultural Considerations When Working Within Indian Country – Part 1**
- **A Tribal-State Collaboration Model: Poarch Band of Creek Indians’ Journey to Success**
- **Tribal Law Enforcement Recruitment and Retention: Successful Strategies**
- **Youth Engagement Strategies: Fostering Development of Tomorrow’s Tribal Criminal Justice Leaders**
- **Tribal Remedies for Violation of Domestic Violence Protection Orders**
- **Sexual Assault Response Team (SART) Development in Tribal Communities**

### Funding Opportunities

**NTIA Tribal Broadband:** The National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce, is providing a funding opportunity for the Tribal Broadband Connectivity Program. The Program provides new federal funding for grants to eligible entities to expand access to and adoption of: (i) broadband service on Tribal Land; or (ii) for programs that promote the use of broadband to access remote learning, telework, or telehealth resources during the COVID–19 pandemic. The deadline for applications is September 1, 2021. [Read more](https://www.ntia.doc.gov).

**Small, Rural, and Tribal Body-Worn Camera Program:** This competitive microgrant solicitation will fund body-worn cameras to law enforcement departments with 50 or fewer full-time sworn personnel, rural agencies, and federally-recognized Tribal agencies. Deadline is August 31. [Read more](https://www.ntia.doc.gov).

For more information regarding federal funding opportunities, see the Office of Justice Programs ([https://www.ojp.gov/](https://www.ojp.gov/)); Office on Violence Against Women ([https://www.justice.gov/ovw]); the COPS Office ([https://cops.usdoj.gov/]); and the Office for Victims of Crimes ([https://ovc.ojp.gov/]).
Indian Land Tenure Foundation grants supporting Education, Cultural Awareness, Economic Opportunity, and Legal Reform: ILTF serves Indian Country in the recovery and control of rightful homelands. The organization makes grants to Indian nations and nonprofit organizations for land-related initiatives in four areas: education, cultural awareness, economic opportunity, and legal reform. Letters of inquiry accepted on an ongoing basis. Read more.

Kalliopeia Foundation’s cultural and ecological renewal projects rooted in reverent connection to a sacred, living Earth: The foundation supports, connects, and lifts up extraordinary projects and leaders who are modeling powerful ways to reconnect ecology, culture, and spirituality. They find most of their grantee partners through networks, field research, and at gatherings, and accept proposals by invitation only. If you feel your work is strongly aligned with their mission, you can send a brief email telling them about your work. Letters of inquiry accepted on an ongoing basis. Read more.

Margaret A. Cargill Foundation’s funding for Native arts initiatives: Areas of interest include natural resources and animal habitat protection; natural disaster preparedness, relief, and recovery; arts, music, and human creativity; human services; animal welfare; professional development for educators; and special projects. Letters of inquiry accepted on an ongoing basis. Read more.


NoVo Foundation funding for Indigenous communities: Interest in a cross-section of areas, including but not limited to, violence against girls, women, and the earth; leadership of Indigenous girls and women; Indigenous cultural expression; healing from historical trauma and oppression; and Indigenous education. Letters of inquiry accepted on an ongoing basis. Read more.

W.K. Kellogg Foundation: Numerous grant opportunities providing funding for Indigenous communities. Focus areas of interest include educated kids, healthy kids, secure families, racial equity, and community/civic engagement. Application deadlines vary per grant. Read more.

Jobs and Opportunities

The DOJ Office of Tribal Justice is accepting applications for Internships. The internship is designed to give full-time law students the opportunity to gain first-hand experience working on challenging projects and cases principally involving issues of federal Indian law. For more information, visit: https://www.justice.gov/legal-careers/job/office-tribal-justice

The United Indians of All Tribes Foundation is hiring for several positions including positions related to foster care and housing specialists. Learn more.

The Oregon Department of Justice Bias Response Program is building a team of trained volunteers and interns who are passionate about victim advocacy and anti-bias work. They will be hiring 11 positions to better respond to reports of bias incidents and crimes and assist in starting up a new Hotline. Learn more.

New Avenues for Youth Robinswood is hiring for youth advocates and relief staff. Visit Youth Advocate and Relief Youth Advocate to learn more.

Raphael House of Portland is hiring for several positions.
Native American Youth and Family Center (NAYA) is hiring for numerous positions.

What We're Watching and Reading

The Institute for Local Self-Reliance (ILSR) recently released a report entitled “Building Indigenous Future Zones” which examined the issue of tribal internet access. The report points to some solutions Native nations might want to consider. An article in Native News Online discusses the Report.

There is an interesting video about a Sioux Chef who travels the country serving meals to Native and non-Native people, sharing cuisine specifically designed with the traditional foods sourced from the local area.

As Long As Grass Grows (The Indigenous Fight For Environmental Justice, From Colonization To Standing Rock) by Dina Gilio-Whitaker. The book looks at what environmental justice policy means in Indian Country through the lens of treaties, food and water security, and the protection of sacred sites, while highlighting the important leadership of Indigenous women in this centuries-long struggle. Click here to read a review of the book.

If you’re interested in reading more about burial sites on current and former school sites, you may want to look at the following articles: Hundreds of unmarked graves found at a site of what was once Canada’s largest Indigenous school (NPR Canada Graves) and Remains of 10 children at the Carlisle Indian School in Pennsylvania are returning home (Carlisle).

There is an interesting article regarding how tribal elders’ memories can help save species from extinction. You can read the article at Vox Indigenous Memories.

In regard to the drought in the Pacific Northwest, there was an interesting article in the LA Times discussing the impact of the drought on Native Americans.

On April 14, 2021, the State of Washington passed a law which will place a statue of tribal leader Billy Frank Jr. in the U.S. Capitol.

There are some interesting articles regarding Amber Alert in Indian Country in the most recent issue of The Amber Advocate. You can access the articles at AMBER Advocate Newsletter.

A Note About Our Language

“Indian Country” is the legal term used to describe reservations and other lands set aside for Indian use, such as Indian allotments and lands held in trust for Indians or Indian tribes, and is defined under 18 U.S.C. § 1151. We use the term Indian Country versus the term Native American or some other term because it describes the statutory jurisdiction of the U.S. Attorney's Office.
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This newsletter is brought to you by the U.S. Attorney’s Office for the District of Oregon Indian Country (IC) Program.

If you have questions or content suggestions, please email USAOR.ICNews@usdoj.gov or call (503) 727-1000.