



Indian Country TODAY

THIS WEEK FROM
THE PREMIER E-NEWSLETTER SERVING THE NATIONS, CELEBRATING THE PEOPLE

A Letter from the Publisher

Shekóli. Early last week New York City witnessed two large-scale displays of a world in flux: the World Conference on Indigenous Peoples and the People's Climate March, the largest of its kind to date. Both hinged upon the United Nations, where leaders of states and Indigenous Peoples had converged for the opening of the General Assembly. Correspondents, contributors and editors of Indian Country Today Media Network were on hand for many of the protests and sessions. Their reports form the body of this week's issue.

While speeches and all-night discussions over language at the United Nations may seem abstract and distant, it is important to understand the basic, and monumental, forces at work. This edition's article about the arguments leading up to and resulting in the World Conference is a forthright synopsis of all the positions at stake. In broad terms, the U.N. famously passed its Declaration on the Rights of Indigenous Peoples seven years ago. Now, naturally, indigenous peoples would like to see those principles (self-determination; control over territories and resources; access to basic needs) followed and honored, with a just and fair system in place that recognizes their nations' basic sovereign rights. U.N. nation states, however, have worked to hedge the bet. Hence, the clash.



The need for a better international response to climate change is another example of world leaders turning a deaf ear to the voice of the people(s). The slow reaction of industrialized nations to the clear and present danger of Mother Earth's changing climate resulted in enough anger and concern to fuel 400,000 marchers in one of the world's greatest cities. "It was most definitely empowering and monumental," performer and activist Dallas Goldtooth told ICTMN. "It was empowering to see the presence of indigenous peoples."

During the aforementioned events, ICTMN was honored to host Kevin Washburn, Assistant Secretary of the Department of Interior—Indian Affairs, for an editorial meeting and on-the-record Q&A. In the weeks ahead you can be sure that we will roll out Secretary Washburn's responses to some pressing and trenchant questions.

Na ki' wa,

Ray Halbritter

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Unlikely Partners in Making Progress

Dante Desiderio, executive director of the Native American Finance Officers Association, praises the process whereby Congress recently passed legislation to permanently increase tribal authority to provide governmental services to their citizens without creating a taxable event:


Congress was not silent. Bipartisan legislation, built upon the work of the Treasury and the IRS, was proposed that provided concrete rules and a legislative framework to deal with this situation. These important bills underscored not only the bipartisan support to fix the

problem, but also legitimized many of the issues raised by tribal governments.

This legislation helped shape the regulation. In turn, seeing senior IRS and Treasury leadership steer the regulatory progress helped garner support for the legislation. In an extraordinary demonstration of bipartisan support, the general welfare exclusion was passed by a simple voice vote in the House, followed by Unanimous Consent in the Senate.

Congress, in building upon the work of the Treasury and the IRS, took the matter of IRS training and deference to tribes seriously and applied a mandate for both. Congress instructed the IRS to stop any audits of tribes until proper training on

the new law and regulation occurred. This will not only stop inaccurate audits, it will also prioritize much needed training by field agents. Tribes need to continue to focus on this issue and take full advantage of this focus on retraining field agents.

The most important takeaway is the process itself. When the executive and legislative branches of the federal government take the time to consult and listen to tribes, on a government-to-government basis, problems can be identified and solutions can be found. Tribes can learn to trust in a process that, while sometimes incredibly slow and frustrating, can produce significant and substantive results. <http://bit.ly/YiO6UF> 

Our Debt to Elouise Cobell

As thousands receive their current round of Cobell case compensation checks, former FBI special agent Walter Lamar, Blackfeet/Wichita, urges a reminder of the woman who made them possible:


The origins of the Cobell settlement payment are easily lost in the frenzy of opening an envelope and cashing a check. Before the money is spent, we should pause for a moment to remind ourselves of who we should thank for our windfalls. In the mid-1980s Elouise Cobell saw a pattern of federal government wrongs and decided to step forward to do some-

thing about it. Her effort resulted in a 1996 class-action suit challenging the federal government.

We always have the choice to do something or do nothing, and doing nothing typically offers far less risk. Elouise knew early on that stepping forward to expose decades of the federal government's gross mismanagement of our precious resources was going to take a personal toll, but she courageously pressed on. As the years went by, she was more vigorously attacked, and still she continued the fight.

Many found something to worry about as the process unfolded—how much attorneys were being paid, how much Elou-

ise was entitled to, checks that might be too small or take too long to arrive, the “Whereabouts Unknown” being left out, a relative might get more than me, and on and on.

Despite our concerns, hundreds of thousands have received checks, tens of thousands will be educated into the future, many tribes' land base will be strengthened, and we have the satisfaction of exposing epic misdeeds—all because one determined woman made the choice to take courageous action. Take a moment to quietly say thanks to Elouise Cobell, who now rests in peace with all the great warriors of our nations. <http://bit.ly/1rbdZTp> 

Fiber Optics on Reservations

The Bureau of Land Management (BLM) recently announced that it was reviewing railroad rights of way to determine whether utilities—mostly telecommunication companies with fiber optic lines—are unlawfully piggybacking on rail lines without federal approval. It's about time, says Dave Lundgren, who practices federal Indian law:


The current announcement is the result of mounting federal litigation and congressional pressure that led to a revised legal position within the Department of the Interior that piggybacking, without compensation, violates the Constitution. This same scrutiny must now

be applied to all Bureau of Indian Affairs (BIA) rights of way.

For far too long, Tribes have endured the empty promises that fiber optics would bring high-speed Internet to their communities, for example, only to find that without any compensation or federal approval, their permanent homelands were again exploited. This time it was by piggybacking lines of communication companies that passed through their lands without delivering any services.

As it stands now, and as the Bureau of Indian Affairs (BIA) wants to continue in the proposed regulations, the agency retains discretion as to whether an abandoned right of way will be “cancelled.” According to the Supreme

Court, however, that discretion is unconstitutional, and abandoned rights of way are automatically forfeited to the landowner.

To the BIA's credit, the proposed regulations would now recognize that additional uses of existing rights of way—piggybacking—will require BIA approval. At least that is consistent with the new revised Solicitor Opinion, the recent BLM memorandum and the state of the law. We need to keep a close eye on that comment process. However, the automatic forfeiture requirement for abandoned rail lines is still needed in the proposed regulations to satisfy the Fifth Amendment's prohibition against taking property without just compensation. <http://bit.ly/1v8hd8o> 

Native Leaders Applaud Passage of Tribal General Welfare Exclusion Act

Tribes are lauding the recent passage by Congress of the Tribal General Welfare Exclusion Act of 2013, which effectively mandates that the Internal Revenue Service honor tribal treaties. The legislation abolishes the taxation of tribal welfare and other benefits to members, thus putting tribes on par with states in respect to such public programs.

The bill passed the House by a vote of 277-141 on September 17 and the Senate passed the bill unanimously the following day.

“This is an important day in Indian country,” said Colley Billie, Chairman of the Miccosukee Tribe of Indians of Florida as well as of the General Welfare Exclusion Task Force for the United South and Eastern Tribes (USET). Billie noted that tribes across the country had joined in support of the measure: “Federal tax policy will finally be aligned with federal Indian law and the U.S. Constitution in a way that fully respects the sovereignty of tribal governments.”

In addition to putting tribes on par with state and other programs, the new law establishes a training and education program for IRS agents who will implement the new rules. It also suspends any current IRS investigations related to these benefits until enough personnel are versed in the new legislation.

Among the many public officials and institutions applauding the passage of the bill is the United States Chamber of Commerce, which had previously supported it. “Passage would represent an important and positive step toward removing roadblocks to economic success in Indian country, and would reaffirm Congress’ longstanding commitment to tribal sovereignty and self-determination,” the business organization had stated in a letter to Senate Majority Leader Harry Reid (D-Nevada) and Minority Leader Mitch McConnell (R-Kentucky) in urging its adoption. <http://bit.ly/1t0LF1G> 🌐

U.S. and Canada Sign Major Bison Restoration Treaty

In the first cross-border indigenous treaty in 150 years, several plains tribes in Alberta, Canada and the state of Montana have signed a treaty to restore bison to the 6.3 million acres of grassland and prairie land under their collective control.

The Northern Tribes Buffalo Treaty was signed on September 23 in Blackfoot territory in Browning, Montana. The signatories were the Blackfoot Nation, Blood Tribe, Siksika Nation, Piikani Nation, the Assiniboine and Gros Ventre Tribes of Fort Belknap Reservation, the Assiniboine and Sioux Tribes of Fort Peck Reservation, the Confederated Salish and Kootenai Tribes, and the Tsuu T’ina Nation.

The treaty establishes “intertribal alliances for cooperation in the restoration of American buffalo (or bison) on Tribal/First Nations Reserves or co-managed lands within the U.S. and Canada,” the signatories said.

The signing acknowledged that the tribes and First Nations have more ability collectively than individually to undertake habitat restoration and boost the numbers of the iconic animal—both because of the area involved and the resources and political influence that each tribe brings to bear.

“More than any other species, the buffalo—American bison, or *iiniwa* in Blackfoot—linked Native people to the land, provided food and shelter, and became a central figure in our ancient cultures,” wrote a number of tribal experts on the web site LiveScience.com. “We propose that this historic buffalo treaty will be but a first step, begun by Native people, to create a national agenda to bring buffalo home and enable an important healing for the egregious treatment buffalo received at the turn of the 19th century,” they added. <http://bit.ly/1usPZwj> 🌐

World Summit on Indigenous Philanthropy Focuses on Lives

BY THERESA BRAINE

The three-day World Summit on Indigenous Philanthropy, which took place in Brooklyn last week, focused on funding indigenous projects, workshops profiling groups that are working to build better lives for Indigenous Peoples, and panels on topics ranging from violence against women to climate change.

One panel profiled the Iramoo Zone, which seeks to reach 90,000 aboriginal men and enlist as many as possible to lead violence-prevention efforts in their communities in Australia. Another panel addressed the lack of female repre-

sentation in decisions affecting climate change policy, even though women are often affected the hardest. There were also workshops on culture and on selling indigenous fashion without selling out.

The Sacred Fire Foundation presented its Wisdom Fellowship Award to Tarcila Rivera Zea, a longtime Quechua activist from Ayacucho, Peru. The award honors “the work of an elder who has demonstrated lifelong achievement in bringing wisdom, leadership and learning to their people and their community.”

Rivera, whose work has spanned more than 20 years, has focused mainly on women’s rights. She has also served with the Working Group of Indigenous

Peoples in the formation of the Permanent Forum on Indigenous Issues at the United Nations and helped draft the U.N. Declaration on the Rights of Indigenous Peoples.

“This fire, this flame that we carry inside us and that we show off to the world, we carry for all of humanity and to show the dignity of indigenous women and indigenous people,” Rivera said in her acceptance speech. “We are not beggars. We have profound wisdom, and we have profound contributions to make to development—and also for safeguarding this world for future generations. And so I call upon us all to feed the fire that we carry within, and within our hearts.”

<http://bit.ly/1uttUxP> 🌐

Oglala Sioux Launch Voting Rights Lawsuit

BY STEPHANIE WOODARD

The Oglala Sioux Nation and a nonpartisan civil rights group formed at the request of President Kennedy have filed a voting-rights lawsuit on behalf of voters from the tribe's Pine Ridge Indian Reservation.

The federal suit, *Poor Bear v. The County of Jackson*, invokes the Voting Rights Act and the Fourteenth Amendment. "Our civil rights are being violated," said Tom Poor Bear, Oglala Sioux vice president and lead plaintiff.

The controversy arose when South Dakota's Jackson County, which overlaps Pine Ridge, refused to set up a pre-election satellite voting and registration office in the reservation town of Wanblee. Poor Bear, a Wanblee resident, said the county has a long history of discriminating against its Native citizens. They were barred from voting until the 1970s and from holding county office until 1980, according to the complaint.

The minutes of the Jackson County Commission from June 2014 minutes indicate that its officials blamed costs for their decision. However, the South Dakota Board of Elections had written a Help America Vote Act (HAVA) Plan that funds satellite voting and pre-approved the procedure for Jackson, as well as for two other counties that overlap Indian reservations.

The Native communities met the plan's race-neutral eligibility criteria for funding, including relatively greater poverty and longer distances to existing offices.

The HAVA plan was written to make it easier for voters to cast a ballot, notwithstanding their financial circumstances, according to elections board member Linda Lea M. Viken, a Rapid City attorney. "The state's HAVA Task Force found that Jackson County fulfilled the criteria, and thus they were pre-approved," she said. "They've got the money, but they won't open the office," said Poor Bear. <http://bit.ly/ZeMyN9>

More Than 2,000 Native Mascots Are Not Contested

BY SIMON MOYA-SMITH

There are more than 2,100 schools across the U.S. whose sports teams bear a Native American mascot and moniker, a new report has determined.

The report, released by FiveThirtyEight.com, examined a database that had access information on 42,624 schools in the country. It disclosed that as of July 23, 2013, at least 2,129 high school, college, semi-pro and amateur teams fielded teams with Native American mascots or nicknames. Among these, the most prevalent monikers were "Warriors," at 780 schools; "Indians," at 493; "Raiders," at 343; "Braves," at 147; and "Chiefs/Chieftains" at 123.

The report also found that in those areas where Native American mascots are most prevalent—specifically, the Midwest—the population of indigenous peoples was low. Jesse Zamora, Rarámuri (Tarahumara), a member of the Oyate Native American Student Organization at the University of Colorado Boulder, told ICTMN that there are few to no Native Americans in these communities to provide information regarding the detrimental effects of Indian mascots.

"They're in areas where the Native population is in small numbers or nonexistent," he said. "There's no voice or perspective from Natives into those local schools to call them out as to what they're doing wrong and explaining why it's wrong."

Zamora suggested that normalized discrimination of Native Americans in the U.S. is another reason why many schools retain Indian mascots. "I think the fact that there are 2,000 [schools] that have mascots goes back to [the] widespread racism against indigenous peoples—some out of pure ignorance, some out of intentional harm," he said. <http://bit.ly/1mpzKNM>

Cherokee Nation Opens Latest Career Services Office

The Cherokee Nation opened its new Career Services office in Tulsa, Oklahoma on September 17. The new office will help facilitate the Nation's status as lead recruiter for the Macy's fulfillment center, which is currently under construction in Owasso. The new 5,100-square-foot office will offer job referrals and employment training, GED classes, and Talking Leaves Job Corps outreach and admissions services.

The 1.3 million-square-foot Macy's fulfillment center is expected to open in April.

"Having a job is a basic necessity, which is why it's so important to the Cherokee people, and all residents of the Tulsa area, to have this new resource available," said Principal Chief Bill John Baker. "Career Services has helped thousands of individuals get trained, become career ready and ultimately employed."

"The reason we want to be in the Tulsa area is primarily because of the partnerships formed with Macy's and other businesses we hold on-the-job training contracts with here in Tulsa," said Diane Kelley, executive director of Cherokee Nation Career Services. "We will now be able to help even more citizens find not

just a job, but a career."

In fiscal year 2014, more than 5,000 Cherokee Nation citizens took advantage of the Cherokee Nation's Career Services programs. The new Tulsa office will be staffed by 10 employees and is across the street from Cherokee Nation Businesses' corporate offices.

The Nation's Career Services program has nine other offices, located in Tahlequah, Claremore, Jay, Muskogee, Pryor, Sallisaw, Stilwell, Vinita and West Siloam Springs.

Office expansions in Sallisaw and Pryor are also planned for this fall. <http://bit.ly/1sZKHTk>

Listening Session At Reservation Summit

Senate committee will host event

The U.S. Senate Committee on Indian Affairs is slated to host a Listening Session on Economic Development that has only recently been added to the conference agenda of this month's Reservation Economic Summit (RES) in Wisconsin, hosted by the National Center for American Indian Enterprise Development. The committee will be sending its top economic development council to hear and solicit comments and collect recommendations to bring back to committee members for further action. "This newly added session complements an already strong agenda and schedule of speakers, and provides even more value-added benefit to event attendees,"

said Gary Davis, the president and chief executive officer of the National Center. <http://bit.ly/1rblRnL>

New Indian Fisheries Commission Chairman

Will continue work of Billy Frank

Swinomish tribal member Lorraine Loomis has been elected to fill the position of chairman of the Northwest Indian Fisheries Commission (NWIFC) following the death of Billy Frank, Jr. in May. Loomis, 72, will serve out Frank's term through May 2016. She has managed the Swinomish tribal fisheries since 1975 and has extensive fisheries-management experience elsewhere in the region as well. She is also part of the Fraser River Panel of the Pacific Salmon Commission, which is managing sockeye and pink

salmon across the U.S.-Canadian border. Loomis is moving from her position as commission vice-chair, a spot that will now be filled by Stillaguamish tribal chair Shawn Yanity. <http://bit.ly/1rn2pmU>

\$300,000 For Hawaiian Language Preservation

Award from Administration for Native Languages

The Administration for Native Americans has awarded the 'Aha Pūnana Leo Hawaiian language nest preschools in Hawaii a \$300,000 grant for the first year of a three-year grant project. The project will enhance and strengthen Pūnana Leo's quality and impact in the Native Hawaiian community through increasing language proficiency and

the professional capabilities of its staff. The grant will be used for historical research, the development of teacher guides, and staff training at the annual weeklong 'Aha Nu'ukia Summer training courses. These are the only professional development and early childhood education trainings conducted entirely in Hawaiian. <http://bit.ly/1seP42g>

Washburn Meets With Halbritter and ICTMN

Meeting coincides with United Nations conference

Assistant Secretary-Indian Affairs Kevin Washburn, a member of the Chickasaw Nation, met with Oneida Indian Nation Representative and CEO Ray Halbritter and members of the Indian Country Today Media Network editorial staff

Services & Support

- Conference Facilitation
- Networking Opportunities
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in New York City last week to discuss land and water rights, as well as to address the convoluted process by which tribes receive federal recognition. Washburn was in New York on the occasion of the U.N. World Conference on Indigenous Peoples. During the meeting with Halbritter and ICTMN, Washburn engaged in a lengthy question and answer session; the interview will appear as a series on ICTMN.com in the coming weeks. <http://bit.ly/YeLUhd> 🍀

Inuk Throat Singer Wins Major Award

Blasts animal-rights activists in acceptance

The Nunavut-reared throat singer Tanya Tagaq has won the Polaris Prize, given annually to the best album by a Canadian artist, based on a poll

of Canadian music critics. The award, given for Tagaq's album *Animism*, includes a \$30,000 cash prize. In her acceptance speech, Tagaq pointedly addressed the issue of seals as an eternal Indigenous resource, attacking animal-rights activists who criticize Canada's annual seal hunt. "People should wear and eat seal as much as possible," she said in defense of "an indigenous culture thriving and surviving on a sustainable resource." Tagaq then held up a sealskin wristband to moderate audience applause. <http://bit.ly/1Cauvp4> 🍀

Seattle Ready To Abolish 'Columbus Day' As Official Designation

Washington city will now celebrate 'Indigenous Peoples' Day'

The city of Seattle, Washington is expected to soon abolish Columbus Day as a holiday designation and accord the second Monday in October the title of "Indigenous Peoples' Day." The Seattle city council's vote on the change is timed so that Mayor Ed Murray can sign the resolution on October 13, officials announced. Tulalip Tribes Council member Theresa Sheldon welcomed the move to cease honoring Christopher Columbus, whose exploration of the Caribbean for Spain entailed enslavement, rape, mutilation and murder. "On behalf of all our indigenous and non-indigenous ancestors who established the United States of America, it's a true blessing and about time," Sheldon said. <http://bit.ly/1mJDE4z> 🍀

Taos Pueblo Gets High Tourism Marks

Second-place finish in USA Today poll

Voters across the country chose Taos Pueblo in Taos, New Mexico as the second "Best Native American Experience" in the United States based on *USA Today's* "10 Best Readers' Choice" contest. Acoma Pueblo in Albuquerque was chosen as the #1 pick. In August, *USA Today* asked readers to choose their top 10 choices for Best Native American Experience from 20 nominees; half of the top 10 winners are based in New Mexico. Taos Pueblo has been continuously inhabited for over 1,000 years and is the only living Native American community to be designated both a World Heritage Site by UNESCO and a National Historic Landmark. <http://bit.ly/Zfn7Lf> 🍀

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Marching for Climate Change

Indigenous peoples take active role in protest **BY THERESA BRAINE**

Bottom Line: *Some 400,000 people participated in the historic People's Climate March in New York City. And none had as strong a voice or as visible a presence as Native representatives.*

"In a word, empowering," said Casey Camp-Horinek, a Ponca Nation actress and activist. She was referring to the phenomenon that was the People's Climate March in New York City on September 21, in which Indigenous Peoples took a major part.

The crowd topped 400,000, according to organizers. Their ranks included former Vice President Al Gore, New York City Mayor Bill DeBlasio and U.N. Secretary-General Ban Ki-Moon. There were celebrities, too—Mark Ruffalo, Leonardo DiCaprio, and Sting among them.

And they marched alongside indigenous activists who were addressing an array of climate issues.

The march stretched out longer than its official two-mile route, with walkers streaming down Sixth Avenue from Columbus Circle for hours upon hours. The demonstrators periodically stopped to chant and cheer. Hundreds of thousands more marched worldwide in dozens of cities, all trying to bring the attention and commitment of world leaders to the global climate crisis. Excitement and determination charged the air. There were participants of many faiths. There were

trade unions.

Not to mention Indigenous Peoples from all over the world.

"Today was a historic day," said Clayton Thomas-Muller, Colomb Cree Nation, a co-director of the Indigenous Tar Sands Campaign of the Polaris Institute and an organizer with Defenders of the

development of the Alberta oil sands, the building of pipelines and ongoing fracking. It also gave voice to such less publicized environmental matters as mountaintop mining.

In addition, the march demonstrated how climate justice and social justice could work hand in hand.

"It was such a monumental experience," Goldtooth said. "It hits me really deep in a good way—so strong, so united in this message."

There was strong hope for the continuity of cross-cultural messages. "We're going to stop the Keystone XL pipeline from coming," Camp-Horinek said, and show solidarity with "the people at Ground Zero, the tar sands," where the oil would come from in Alberta, Canada. "It's either this, or our children and grandchildren have no air to breathe," Camp-Horinek said. "It's not for us, it's for everyone. It's not a choice."

An opening event to the protest that took place on September 19 featured 350.

org founder Bill McKibben, Riverkeeper Alliance attorney Robert F. Kennedy Jr., the singer Donovan and the indigenous 14-year-old rapper and activist Xiutezcatl Martinez, among others. Jubilation reigned among the several hundred members of the audience. They whooped and cheered as leaders of the environmental movement, including Sierra Club Executive Director Michael Brune, spoke



Mark Ruffalo, Leonardo DiCaprio and Edward Norton paid silent homage at the march.

Land. "Never before has there been such a demonstration on climate. It sends a strong, strong message."

"Monumental," said the activist and comedian Dallas Goldtooth of the 1491 comedy troupe. "Amazing—very empowering to see the presence of indigenous peoples."

It was hoped that the march, Goldtooth said, would help build bridges, connecting different components of the environmental movement. And by all accounts it did. The protest spotlighted such big-ticket issues as the



French Foreign Minister Laurent Fabius, primatologist Jane Goodall, former Vice President Al Gore, New York City Mayor Bill de Blasio and U.N. Secretary General Ban Ki-moon (above) joined former congressman Dennis Kucinich, Onondaga Nation Chief Oren Lyons, Leo DiCario and Native participants (below).

of the ravages of climate change—from the effects on health, to the environmental damage being wrought, to the newly recognized force that is the role of Indigenous Peoples.

“Indigenous people have been in this fight since right from the beginning,” McKibben told ICTMN. “They’re the ones who first raised the Keystone pipeline fight that became the emblematic fight of this thing. So leaders like Clayton Thomas-Muller or Idle No More—they’re the people who are at the absolute forefront of all we do.”

Such inclusivity was in keeping with the march’s motto, “To change everything, we need everyone.” And everyone, it seems, was on hand. More than 1,500 businesses, unions, faith groups, schools, social justice groups, environmental groups and others participated, according to the climate march’s website. Signs of support cropped up all around the city, from the Society for Ethical Culture to ABC Carpet and Home.

Melina Laboucan-Massimo, Lubicon

Lake First Nation in northern Alberta, said she believes Indigenous Peoples’ voices will become ever more dominant in the environmental movement as mainstream organizers realize that Natives were in fact their predecessors.

“I see it changing because it has to change,” said Laboucan-Massimo, who came to New York with other indigenous groups from the Alberta oil sands. “I think that the environmental movement doesn’t have a choice in the matter. I think that the mainstream white environmentalism are realizing that it can’t continue its type of campaigning without meaningfully working with indigenous communities, especially around the areas in the land that they campaign on, which is our traditional territory.”

Furthermore, she said, organizers are realizing that they need not only to bring indigenous people in at the outset, but that they also must build relationships—reflecting what Indigenous Peoples have long done in regard to the Earth itself.

“Indigenous peoples have always had a

relationship with Mother Earth, and relationships with each other,” Laboucan-Massimo said. “And that connectivity is so important—the reciprocity, the way that we engage with the world around us—it’s not a hierarchy, it’s an actual circle in the way that we work with each other, and that there’s no living being that’s above or below.”

Martinez almost stole the show at the pre-march rally, speaking in a lilting hip-hoppy voice of optimism. “My generation is going to be affected most by climate change, and future generations to come,” he said to the standing-room-only crowd. “The adults had a party on the planet and left it for us kids to clean up. Metaphorically.”

But far from being a reason to waver, he said, “We have been presented with an opportunity, because what better time to be born than now? We exist at a perfect time, because this generation, these people in this room, the neighbors next to you—we have the opportunity to rewrite history, to change the fundamental beliefs of our entire society.”

Indigenous people, he told ICTMN afterward, are key to this process: “Up until the last couple of years it’s been a white people’s movement to the extent that there haven’t been Latino communities involved, there haven’t been African-American communities involved, and the indigenous people have not been involved, and they have not been given a voice until now. Indigenous peoples are a very, very powerful force to be reckoned with. We are rising up around the globe, around the country, and we are at the forefront of this movement.”

Indeed, he said, the affinity with Mother Earth is the very thing that unites disparate indigenous cultures across the board.

“It’s different in every indigenous culture, but we all respect and honor the sacred creator that has given us life, the Mother Earth that has given us life,” Martinez said. “And we are rising. The indigenous people are bringing forth this rebirth. We are on the front lines along with the youth and along with our elders. And it’s going to be very powerful.”

<http://bit.ly/1v0kFmu> and <http://bit.ly/1p8gUXg> ☘

States Trump Peoples

At U.N. conference, the will of nations prevails **BY GALE COUREY TOENSING**



Participants at the World Conference on Indigenous Peoples, held at the United Nations on September 22-23

Bottom Line: *Anyone who was expecting major policy changes from last week's United Nations World Conference on Indigenous Peoples was almost certainly disappointed.*

If the most important part of any United Nations world conference or high-level plenary meeting is the resulting Outcome Document, then it was nations—and not native peoples—who benefited from the document adopted at the High Level Plenary Meeting held last week.

The conference—the World Conference on Indigenous Peoples (WCIP)—was held so that states could form an agreement on implementing the U.N. Declaration on the Rights of Indigenous Peoples (UNDRIP). That the two-day conference was needed now, after the U.N. General Assembly adopted the Declaration on September 13, 2007, reflects the speed that states have

taken to advance the human rights of the world's 379 million Indigenous Peoples.

The Outcome Document (OD) was prepared prior to the conference and adopted by U.N. member states without a vote on September 22. It reaffirms the commitment of these states to support the Declaration and promises to consult and cooperate with Indigenous Peoples and obtain their free, prior and informed consent (FPIC) before taking any actions that affect their lands and resources.

The document also commits states to “empower” Indigenous Peoples; to improve access to “appropriate” education, health and economic development; and to make the elimination of violence against Indigenous Peoples, especially against women, a priority. Altogether, the document directs states to implement the human rights to which they committed in adopting the Declaration seven years ago.

However, Indigenous Peoples did not participate in writing the final document, other than offering input during the preparation process, ICTMN columnist Dina Gilio-Whitaker observed: “The WCIP Outcome Document, as expected, makes no revolutionary new commitments to elevate the political status of Indigenous Peoples in the U.N.”

Gilio-Whitaker noted that the International Indian Treaty Council issued a statement that expressed appreciation of the states' commitment to strengthen efforts toward the repatriation of cultural and ceremonial items and human remains. The statement also acknowledged sections of the document that encourage states to incorporate UNDRIP more fully with their human rights obligations.

But the Treaty Council's statement also expressed “regret that the final WCIP Outcome Document did not include a

specific reference to the development of an international oversight mechanism for the observance of Treaties, Agreements and other Constructive Arrangements” as recommended in the Alta Outcome document.

The Alta Document was created as a road map for the WCIP by representatives of Indigenous Peoples from all of the world’s global geopolitical regions at the Global Indigenous Preparatory Conference in Alta, Norway in June 2013.

“Additionally, the Document was adopted with reservations by the Holy See (objecting to a clause guaranteeing reproductive rights) and Canada (who objects to the concept of ‘free, prior, and informed consent’),” Gilio-Whittaker said. “Reservations” means that national governments opt out of those clauses to which they object, she explained, and that it is possible that more governments will formally register written reservations.

Indigenous Peoples received far less attention in the Outcome Document than they wanted, based on their recommendations in Alta, Gilio-Whittaker said. Nonetheless, she thought that modest gains were made.

“The WCIP Outcome Document is part of a growing body of international protocols that collectively can be seen as a gradual accumulation of political power for Indigenous Peoples in the U.N. system,” she said. “What Indigenous Peoples got out of the World Conference, however imperfectly, is greater recognition of their rights in the international system.”

But Glenn Morris, a professor of political science at the University of Colorado at Denver, was disappointed by the results of the conference. “I found the meeting to be a predictable success for U.N. state members,” Morris told ICTMN. “Similarly, it marked a retreat from the 40 years of international struggle towards Indigenous Peoples’ liberation that took hold after the liberation of Wounded Knee in 1973.”

Morris supported a call made by “absolute consensus” earlier this year by the North American Indigenous Peoples Caucus (NAIPC), which urged that the WCIP be cancelled by “absolute consensus.” The call came after John Ashe, who was then the President of the General Assembly, made it clear that Indigenous Peoples would not have full and equal participation on par with states in preparing for and participating at the conference.

Some NAIPC members later distanced themselves from that decision. But NAIPC’s official—and dissident—voice was not heard at the WCIP because elected Chairwoman Debra Harry did not participate.

Morris noted that four essential prin-



Onondaga Nation Chief Tadodaho Sid Hill welcomed the participants.



Acting General Assembly President Maria Cristina Perceval and Under-Secretary-General Gegegnework Gettu applaud the Outcome Document.

ciples that have defined the last four decades of advocacy for indigenous rights have now been excluded from the “so-called” Outcome Document. They are:

1. **Self-Determination:** This refers specifically to the right of indigenous nations to determine their political status and freely pursue their own economic, social and cultural development. Self-determination, though a hallmark of UNDRIP, is not mentioned in the Outcome Document.
2. **International relations:** This principle refers to the international personality of indigenous nations and international character of treaties between indigenous nations and invader states. It affirms that indigenous peoples are not conquered nations and are not rightfully under the domination of settler states is an

extension of the principle of self-determination, Morris said. Similarly, the treaties between indigenous peoples and invaders must be accorded international status and be subject to impartial, international arbitration. There is, though, no mention of treaties between indigenous nations and states in the Outcome Document.

3. **Control of territories, natural resources and traditional knowledge:**

There are no guarantees in the Document to secure the free, prior and informed consent (FPIC) of Indigenous Peoples prior to state or corporate invasions of these areas. Any references to this consent in the OD

are gratuitous, Morris stated, and have therefore been rendered as meaningless.

4. **Dismantling the Doctrine of Christian Discovery:**

The legal bedrock upon which all U.S., Canada, and other invader states rationalize their domination and destruction of Indigenous Peoples, is left entirely unexamined and intact

in the Document, Morris said.

“How can states make the pretense of honestly implementing the spirit of the UNDRIP while ignoring these four essential areas?” Morris asked.

During NAIPC’s debates about withdrawing from the World Conference, Morris argued, some observers effectively stated, “If you’re not at the table, you’re probably on the menu.” He countered with another food-related adage:

“[It was] from the great Uruguayan author Eduardo Galeano,” he said. “‘Your participation in this process allows you to suggest the sauce with which you will be eaten.’ That is the most that came out of this meeting for Indigenous Peoples—the ability to participate in choosing the methods that invader states will use to destroy us.” <http://bit.ly/1mBdK2L>

[ly/1mBdK2L](http://bit.ly/1mBdK2L)

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This position manages and directs all tribal departments, programs, and services of the Mashpee Wampanoag Tribe. Responsibilities will include but are not limited to implementing the daily processes, tasks, actions and procedure of Tribal Operations; Managing and maintaining a Tribal administration management strategy that sets measurable levels of service for Tribal Operations while seeking to maintain a high performance workplace; Managing and supervising Tribal Operations employees according to the Tribe's Employee Handbook and Tribal and applicable Federal employment laws; Implementing, managing and maintaining an independent and politically insulated system of dispute resolution mechanisms and a re-organized Tribal bureaucracy that focuses on efficiency and effective implementation for the Tribe; and other essential Tribal administration duties.

Salary: \$95,000 to \$110,000 annually

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Preference is given to qualified Native American candidates in accordance with the Indian Preference Act of 1934 (Title 25, U.S.C., Section 472)

Applications and full position description can be obtained by calling (508) 477-0208, or at **www.mashpeewampanoagtribe.com**.

Submit applications/resumes by **November 1, 2014**, to:

Jason Turner, HR Director
Mashpee Wampanoag Tribe
483 Great Neck Road South
Mashpee, MA 02649
or hr@mwtribe.com

Accountant

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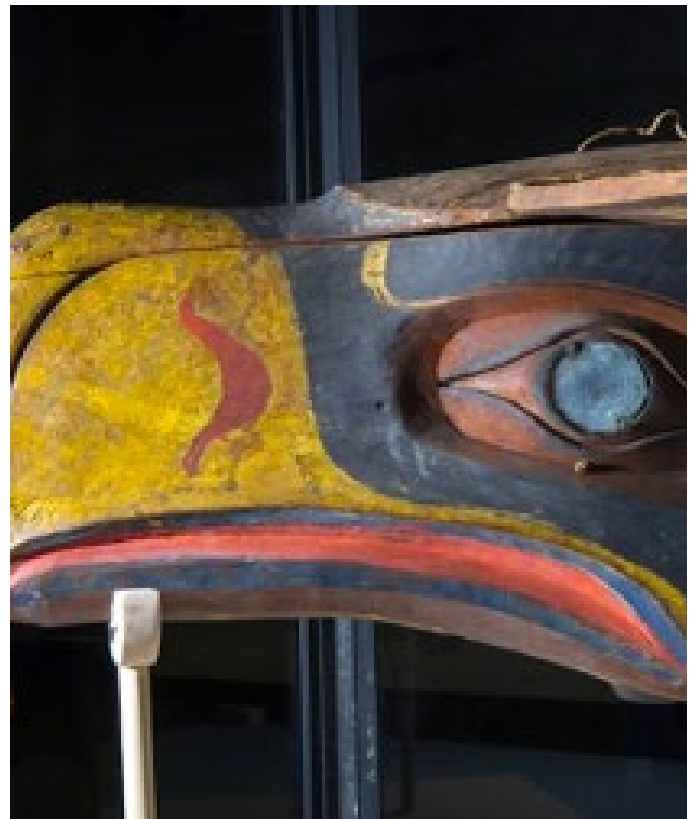
The historic treaty of Canandaigua was recently unveiled at the National Museum of the American Indian.



In a major agreement, Canada and Montana have agreed to restore bison to some 6.3 million acres under their control.



Inuk Throat Singer Tanya Tagaq has won the prestigious Polaris Prize for the best album by a Canadian artist.



A \$22,000 fundraising campaign is under way to bring a cedar Kwakwaka'wakw mask from Maine to Seattle for exhibition.

HUDSON MUSEUM; COURTESY TANYA TAGAQ/VAN OTIS; THINKSTOCK; KEVIN WOLFE/AP IMAGES FOR THE SMITHSONIAN'S NATIONAL MUSEUM OF THE AMERICAN INDIAN

Headlines from the Web

SALT MINE RAIL EXTENSION CONCERNS SENECAS

<http://on.rocne.ws/1t09eYp>

NAVAJO TONGUE TRIPS UP CANDIDATE ON CAMPAIGN TRAIL

<http://bit.ly/1sr8m4K>

CHUMASH UNVEIL CASINO EXPANSION RENDERINGS

<http://bit.ly/ZeRMly>

VETERANS HEADED TO DC ON CHEROKEE 'WARRIOR FLIGHT'

<http://bit.ly/1uJ2aBF>

SHERIFF WANTS MEETING WITH TRIBAL BOSS AFTER TIFF

<http://bit.ly/1BcavQH>

D.C. COUNCIL CONSIDERS BILL TO BAN INDIAN MASCOTS AT SCHOOLS

<http://wapo.st/ZcNmSx>

Upcoming Events

TRADITIONAL PEACEMAKING

OCTOBER 6-7

Subtitled "Exploring the Intersections Between Tribal Courts and Peacemaking, Including Alternatives to Detention," this training session seeks to introduce grantees and other attendees to the various peacemaking models being used in tribal courts. The goal is to explore how tribal courts integrate traditional justice and community values into varied aspects of tribal civil and criminal justice; provide experiential training for accessing tribal judicial systems that utilize cultural forms of justice; and explain how traditional peacemaking can unlock new approaches to provide effective representation of civil and criminal legal services clients. Sponsored by the National American Indian Court Judges Association, the Native American Rights Fund and Columbia University Law School. **Location:** Hard Rock Hotel and Casino, Tulsa, Oklahoma

RES WISCONSIN OCTOBER 6-9

The Reservation Economic Summit (RES), presented by the National Center for American Indian Enterprise Development, offers an opportunity for networking, enrichment

and information. Attendees will have extensive access to respected tribal leaders, members of Congress, federal agency representatives, state and local elected officials, and top CEOs. They will also benefit from high-caliber teaming initiatives, business development sessions, a trade show, business exposition, artisan market, a business leaders forum, and more.

Location: Potawatomi Hotel & Casino, Milwaukee, Wisconsin

TRIBAL SELF-GOVERNANCE ADVISORY COMMITTEE MEETING OCTOBER 7-9

The meeting will be conducted by the Office of Tribal Self Governance, of the Office of the Director of the Indian Health Service, a division of the Department of Health and Human Services.

Location: 12 and K Hotel, Washington, D.C.

NATIONAL TRIBAL JUDICIAL AND COURT CLERKS' CONFERENCE AND ANNUAL MEETING OCTOBER 7-10

The theme of the 45th annual meeting, sponsored by the National American Indian Judges Association, is "Celebrating Tribal Justice Innovations and success." Panels will include "How Judicial Accountability & Cross-Jurisdictional Communication Can Improve ICWA Compliance," "Courts, Judges and

Social Media: Opportunities and Risks," "Overview of Federal Cases Affecting Tribal Justice," "Tribal Appellate Courts: Models, Tips for Judges and Advice for Withstanding Federal Court Review," and "Incorporating Traditional Justice Into Tribal Court Adjudications."

Location: Hard Rock Hotel and Casino, Tulsa, Oklahoma

AMERICAN SOCIETY FOR ETHNOHISTORY ANNUAL MEETING OCTOBER 8-12

The American Society for Ethnohistory, founded in 1954 to "promote the interdisciplinary investigation of the histories of the Native Peoples of the Americas," celebrates its 60th year with "Ethnohistory at 60: Looking Forward, Reflecting Back." Among the more than 50 sessions are "Real Tobacco for the Real People: Nicotine and Historic Lowland Maya Trade," "Native Settlers: Negotiations of Identity and Culture in a Konkow Maidu," "Protecting the Choctaw Cause," "Early Nineteenth Century Cherokee Ethnography" and "Geographies of Colonialism: Indians, Settlers and State in the Early Republic." The event is co-hosted by Indiana University and the Miami Tribe of Oklahoma.

Location: Crowne Plaza Union Station Hotel, Indianapolis, Indiana

LETTERS TO THE EDITOR

Re your article about "human safaris" that are killing uncontacted peoples in Peru ("Tourist Porn," September 13):

This is a reminder of the multiple vantage points in life and our need to consider our actions beyond how we're impacted by our experience. One person considers this experience an adventure, while a whole

society is threatened by it. The "tourist" is vaccinated and popping malaria pills with no regard to the harm he or she may bring to others. What strategies are in place to create further awareness for the market buying into this advertised safari?

I imagine that if tourists genuinely knew the harm they were capable of causing,

they would not pay into being a part of it.

I hope that measures will be taken before this becomes an epidemic weakness of our consideration for the Mascho-Piro and/or any community that is going through similar encounters.

—Ashley Propes
Seattle, Washington

Let us know what you think. To have your letter to the editor considered for publication, please email us at editor@ictmn.com



TOP NEWS ALERTS

From IndianCountryTodayMediaNetwork.com

MORE THAN \$2 BILLION IN OBAMA SETTLEMENTS

With last week's federal agreement to pay the Navajo Nation \$554 million to settle claims over mismanaged funds and natural resources—the largest such settlement ever to a single tribe—the Obama administration has since 2010 negotiated settlements totaling \$2.61 billion for tribal trust accounting and trust management claims. *The Washington Post* reported, "From his first days in office, President Obama has worked to honor the government-to-government relationships between the United States and tribal governments," said Sam Hirsch, acting assistant attorney general for the Justice Department's Environment and Natural Resources Division.

CHOCTAWS BREAK GROUND ON PROJECT

The Choctaw Nation has broken ground on a \$10.3 million

tribal complex at the South Side Industrial Park in McAlester, Oklahoma. The initiative began 19 months ago, when Assistant Chief Gary Batton and Tribal Councilor Bob Pate asked McAlester to consider selling the industrial park, reported the *McAlester News-Capital*. On September 23 Batton, who is now chief, gathered with tribal, city and state officials for the groundbreaking. The new complex will comprise a food distribution facility, a wellness center, a community center and a Head Start building.

GABRIEL GALANDA RECEIVES DIVERSITY AWARD

Gabriel Galanda, managing partner of Galanda Broadman, PLLC, received the 2014 Excellence in Diversity Award of the Washington State Bar Association (WSBA) on September 18. Galanda represents tribal governments and

businesses in critical litigation and crisis management, while advocating for Native American citizens in civil rights controversies, and mediates and arbitrates Indian country-related disputes. Galanda is the founder of a Washington State nonprofit organization dedicated to improving Indian prisoner ceremonies named Huy, which in the Coast Salish language means, "See you again/We never say goodbye."

OSAGE NATION BOYCOTTS FEDEX OVER 'REDSKINS'

The Osage Nation has announced that it would boycott FedEx, whose namesake professional sports field is home to the Washington Redskins, until it reconsidered its relationship with the National Football League team. Osage Nation Principal Chief George Standing Bear signed the executive directive on September 23, saying that Redskins owner Daniel Snyder "chooses to stick

with a brand which dictionaries define as disparaging and offensive." He directed all Osage employees to cease using FedEx services and encouraged them to use comparable services where available.

CALIFORNIA CASINO REFERNDUM HEATS UP

The fight over an upcoming referendum on a casino compact between the North Fork Rancheria of Mono Indians and the state of California has grown more intense with a \$100,000 donation by the United Auburn Indian Community to defeat the proposition, which will be decided at the polls on November 4. The United Auburn Tribe, which operates the Thunder Valley Casino, now joins other tribes who argue that passage of the referendum "would set a precedent for tribes to build casinos far from their reservations," reported the *Sacramento Bee*.

UPCOMING POW WOWS

12th Euharlee Veterans Pow Wow

10/4/14—10/5/14
Frankie Harris Park
Euharlee, GA
770-296-3097
NativeHeart.org

Sacred Springs Pow Wow

10/4/14
Aquarena Center
921 Aquarena Springs Drive
San Marcos, TX
512-393-3310
iciinfo@IndigenousCultures.org
IndigenousCultures.org

Harvest Moon American Indian Festival

10/4/14—10/5/14
31st & Troost
Kansas City, MO
[Facebook.com/harvestmoonamericanindianfestival](https://www.facebook.com/harvestmoonamericanindianfestival)

Dighton Intertribal Council Pow Wow

10/4/14—10/5/14
979 Somerset Avenue
Dighton, MA
508-967-8296

40th Annual Honolulu Intertribal Pow Wow

10/4/14—10/5/14
Thomas Square Park
925 South Beretania Street
Honolulu, HI
808-392-4479 or 808-392-9239
honolulupowwow@gmail.com
HonoluluIntertribalPowWow.com

3rd Annual Moore High School Pow Wow

10/4/14
300 North Eastern Avenue
Moore, OK
405-209-9156
kortnitorralba@mooreschools.com

19th Annual Chumash Intertribal Pow Wow

10/4/14—10/5/14
Live Oak Campground
Santa Ynez, CA
805-688-7997
info@santaynezchumash.org
SantaYnezChumash.org

13th Annual Cumberland Plateau Pow Wow

10/4/14—10/5/14
Putnam County Fairgrounds
155 Fairgrounds Road
Cookeville, TN
931-544-4908

Cherokee Indian Fair

10/7/14—10/12/14
Cherokee Indian Fairgrounds
Cherokee, NC
800-438-1601
travel@nc-chokeee.com
VisitCherokeeEvents.com/event/44521-chokeee-indian-fair

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Among the many works of Leonda Fast Buffalo Horse, a resident of the Blackfeet Reservation, is this set of three large stained glass panels at First People's State Park in Montana.

THE BIG PICTURE