Indian Country Today the premier e-newsletter serving the nations, celebrating the people

A Letter from the Publisher

Shekóli. It has always struck Native leaders as inexplicable when members of surrounding communities of Indian Nations stand in the way of the betterment of the Native population. Rhetoric (and worse) aside, would not better living conditions on Indian territories ease frictions and help erase negative stereotypes that help create those frictions? Would not self-sufficient communities ease the strain on local, state and federal resources? Take it one step further: What if those same Indian nations were able to provide jobs to members of communities outside of their own? Would not the change from job seeker to job provider be beneficial to all, and elevate the standard of living on all sides?

These are the thoughts come to mind by news of a welcome turn of events, as reported in this issue of This Week From Indian Country Today. For years, the operation of the casino owned by the Match-E-Be-Nash-She-Wish-Band of Pottawatomie Indians, also known as the Gun Lake Band, has been dogged by legal actions by David Patchak, a non-Native living near the tribes trust land. The court cases have involved challenges based on the deleterious Carcieri rulings, and a new interpretation of the Quiet Title Act, an act that holds the federal government may not be sued in property disputes involving land held in trust. When an appeals court reversed an earlier decision and expanded the criteria for parties allowed to bring suits in Quiet Title Act cases, the U.S. Supreme Court remanded to district court for trial. What looked like five more years of frivolous lawsuits loomed. Needless to say, these court actions were costly and disruptive to the Gun Lake Band, and had Indian legal experts watching with concern.



In the end, though, despite the court decisions and Patchak position, support for Gun Lake extended far beyond their nation—and far beyond Indian Country. Late in September, President Obama signed the Gun Lake Trust Land Reaffirmation Act, a legislative solution that passed through both houses of Congress with bipartisan support, ensured the unencumbered operation of the casino and put a stop to Patchak's challenges. "The tribe has always enjoyed tremendous local support," said Gun Lake spokesperson James Nye, "so we consulted with local elected officials and got an overwhelming response." With 1,000 jobs provided by the Gun Lake Nation hanging in the balance and an economic development plan for the area stuck in limbo, the surrounding communities were in no mood for legal obstacles thrown up by a singular minority opposition. Their elected officials

rallied to them, and resolved the situation at the federal level.

Gun Lake's economic success meant more than Indians finding a way out of poverty. It meant maintaining growth and harmony for everyone near and on Pottawatomie homelands. In the end, common sense and the desire for community well being prevailed.

NΛ Ki wa.

Ray Halbritter

Lay Halbrich

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How To Improve Native Housing

Sami Jo Difuntorum (Kwekaeke Shasta), chairwoman of the National American Indian Housing Council, urges the adoption of critical Native housing legislation that is pending before Congress:

The cornerstone of healthy communities throughout the world is access to safe, culturally relevant and quality affordable housing. Nowhere is that more apparent than in Indian Country. Indian housing has had a long history of challenges, from barriers to traditional credit to delays in surface lease approvals. Important housing legislation is now pending in Congress.

Native Americans face some of the worst housing and living conditions in

the country. The availability of affordable, decent and safe housing in Indian country falls far below that of the general U.S. population. The Native American Housing Assistance and Self-Determination Act of 1996 remains the dominant framework for the delivery of housing assistance in Indian Country to its most vulnerable citizens.

When the House returns for its lame duck session later this month it will consider, among other bills, HR 4329, the Native American Housing Assistance and Self-Determination Reauthorization Act of 2014. This legislation, introduced by Rep. Steve Pearce, (R-New Mexico), was favorably reported by the House Financial Services Committee in July.

Its highlights include strengthening

tribal self-determination; expediting approvals by the U.S. Department of Housing and Urban Development; streamlining environmental requirements; and authorizing tribes to blend funds for housing construction and sanitation facilities. In addition, the legislation includes a provision to create new opportunities for Indian Housing providers to serve for Native American Veterans, modeled on the **HUD-Veterans Affairs Supportive Hous**ing program.

By enacting this reauthorization, we can take a big step forward in promoting Indian self-determination and reforming the main federal statute that governs how low-income housing assistance to Indian families and communities is administered. http://bit.ly/1xaEad6 🐗

Confronting the Past, Addressing the Future

Before this country can move forward on Native relations, says Kevin Leecy, chairman of the Bois Forte Band of Ojibwe in northeastern Minnesota, it must acknowledge its disreputable legacy:

In Germany, students in grades K-12 receive mandatory instruction about the Holocaust. In South Africa, the Truth and Reconciliation Commission bore witness to the injustices of Apartheid. These countries took such public steps because they understand that casting light on the dark chapters of history is

the only way to move beyond guilt and anger to real healing.

It is time for America to shine a light on its relationship with Indians. For too long, only bits and pieces of the story have been told: Columbus sailing the ocean blue. The first Thanksgiving at Plymouth. Noble savages. The truth, as truth always turns out to be, is much more complicated.

When Europeans began their influx into this continent, there were tens of millions of Native people here with distinct cultures, communities and forms of governance. Europeans, and later Americans, who wanted the indigenous peoples' lands and resources reacted in a variety of ways that included deception, outright lies and genocide.

I am not saying this to make anyone feel bad. I am saying it because it is the truth our truth as Americans. And until we acknowledge it and find a way to deal with it, we cannot move forward as a stronger, more united country. If we want it to be in the past, then we have to get past it. Bad feelings already exist in both the Indian and non-Indian communities—hurt, anger, guilt, confusion. If we are to move past them, we have to squarely face our history. Only then can we look to our future. http://bit.ly/1GcC9lK ♠

Obama: 'A Spirit of True Partnership'

The following is a verbatim extract from President Barack Obama's official declaration of Native American Heritage Month, issued by the White House on October 31:

In a spirit of true partnership and mutual trust, my Administration is committed to respecting the sovereignty of tribal nations and upholding our treaty obligations, which honor our nation-to-nation relationship of peace and friendship over the centuries. We have worked to fairly settle longstanding legal disputes and provide justice to those who experienced discrimination. We have taken unprecedented steps to strengthen tribal courts, especially when it comes to criminal sentencing and prosecuting individuals who commit violence against Native American women.

Today, as community and tribal leaders, members of our Armed Forces, and drivers of progress and economic growth, American Indians and Alaska Natives are working to carry forward their proud history, and my Administration is dedicated to expanding pathways to success for Native Americans. To increase opportunity in Indian Country, we are investing in roads and high-speed Internet and supporting job training and tribal colleges and universities. The Affordable Care Act provides access to quality, affordable health insurance, and it permanently reauthorized the Indian Health Care Improvement Act, which provides care to many Native Americans. And because the health of tribal nations depends on the health of tribal lands, my Administration is partnering with Native American leaders to protect these lands in a changing climate.

Every American, including every Native American, deserves the chance to work hard and get ahead. This month, we recognize the limitless potential of our tribal nations, and we continue our work to build a world where all people are valued and no child ever has to wonder if he or she has a place in our society. http://bit.ly/1s6p4Rk 🐗

Anti-'Redskins' Message Rocks Minneapolis

A crowd that was estimated to be as large as 5,000 strong gathered in front of TCF Stadium in Minneapolis, Minnesota on November 2 to protest the continued use of "Redskins" as the name of the Washington, D.C. National League Football team, which was facing off that day against the Minnesota Vikings.

"It's a good day to be indigenous," said Amanda Blackhorse, Navajo, who filed the lawsuit that led to the United States Patent and Trademark Office's revocation of five of the team's trademarks. "I'm so glad to be here with you today. Minnesota Natives don't mess around."

"It's important to remember the history of this word," said Oneida Indian Nation Representative Ray Halbritter, the publisher of Indian Country Today Media Network. "This is a word screamed at our ancestors as they were dragged at gunpoint off their lands."

Native activists were joined by boldface names from Minnesota politics. "You don't make a name out of genocide," said former Gov. Jesse Ventura. Minneapolis Mayor Betsy Hodges called the name "more than an insult—it's hate." Rep. Betty McCollum said that Redskins owner Dan Snyder is "on the wrong side of history and the wrong side of human rights." Other speakers included Clyde Bellecourt, co-founder of the American Indian Movement, and longtime activists Winona LaDuke and Charlene Teters.

Ashley Fairbanks, a graduate of the University of Minnesota, reported that some protesters attempted to engage in dialogue with fans of both teams but were met with diatribes and offensive comments.

"So many Vikings fans yelled at us, war-whooped at us, told us to 'go back to Washington," she wrote on Facebook. "It was a draining day, but it felt good to stand in a line of strong Native people." http://bit.ly/10vGL5Q and http://bit.ly/1yZ1Y3P

Federal Grant for Artifacts Research Goes to Indiana University

Indiana University has received a grant of \$194,685 from the National Science Foundation to study the professional training that scholars receive as it is related to understanding, appreciating and complying with the Native American Graves Protection and Repatriation Act (NAGPRA).

"Even after more than 20 years, many scientists, museum personnel and students are often unsure how to comply with the regulations while using materials that are subject to NAGPRA in their research," said April Sievert, the principal investigator for the grant and director of the Glenn A. Black Laboratory of Archaeology at the university. "We at Indiana University see a need for additional training about NAGPRA so future professionals are better equipped to appreciate the spirit of the law and work within its provisions. While we are committed to fulfilling the expectations of the law and consulting with tribes in our own research and scholarship, it would be even better to see the law as a door into new kinds of research involving tribal partners."

The National Science Foundation grant provides funding for one year. During that time, the Indiana University team will conduct surveys to assess current training; develop a database of contact information and existing training materials; produce a white paper on the alignment of the law with the Code of Conduct of the Register of Professional Archaeologists; and distribute a newsletter to tribes, colleges and cultural resource

The project will also include collegium meetings at which faculty, students and consultants will discuss ways in which archaeological ethics are taught and learned in relation to the requirements of the law. http://bit.ly/1vQjPqm &

Half of Native Mortgage **Applications Were Denied** in 2013

BY MARK FOGARTY

Half of American Indians applying for mortgages last year did not receive them, according to recently released federal data.

Native Americans, i.e. Indians and Alaska Natives, were approved for home loans at a rate of 50.85 percent in 2013. However, 30 percent saw their applications denied and another 19 percent withdrew or did not complete their applications, according to Home Mortgage Disclosure Act (HMDA) data that was sorted by the firm ComplianceTech of Arlington, Virginia.

Some 26,000 Indians were approved for mortgages last year, HMDA data show. In addition, approximately 24,000 "Native Hawaiians" (Native Hawaiians, plus Natives from Pacific islands like Guam and American Samoa) had a somewhat better approval rate at 56.6 percent. About 43,800 Indians or Native Hawaiians were denied loans or fell out of the process.

A ComplianceTech analysis of minority lending for the past 10 years (2004 to 2013) found that American Indians were granted 296,000 mortgages and Native Hawaiians 351,000. That constitutes a 0.33 percent share for Indians and 0.32 percent share for Native Hawaiians. (The analysis counted only loans where race was known; more than 10 percent of 2013 mortgages were made to people whose races were not known.)

More than 2,200 lenders made at least one home loan to Indians last year, according to the ComplianceTech data, with a nationwide 2013 total of \$5.7 billion. That figure was down slightly from \$5.8 billion in 2012.

The analysis indicated that Indians had a 46 percent approval rate over the decade, while Hawaiians did better, at 51 percent. The HMDA mandates that mortgage lenders divulge their lending volumes and to whom loans were made each year; 7,190 institutions reported these figures last year. http://bit.ly/100eNnu 🐠

U.N. Sounds Alarm on Climate Change in Major Report

The United Nations sounded dire warnings in its latest assessment of global climate change in a report released on November 2.

"The atmosphere and oceans have warmed, the amount of snow and ice has diminished, sea level has risen and the concentration of carbon dioxide has increased to a level unprecedented in at least the last 800,000 years," said Thomas Stocker, co-chair of the U.N. Intergovernmental Panel on Climate Change (IPCC) Working Group I, one of three groups that compiled the report.

This was the fifth in a series of reports by the IPCC, which was created in 1988 by the World Meteorological Organization and the U.N. Environment Programme to evaluate published scientific papers related to climate change and compile the findings into accessible form for policy makers.

"We have the means to limit climate change," said IPCC Chairman R. K. Pachauri. "The solutions are many and allow for continued economic and human development. All we need is the will to change, which we trust will be motivated by knowledge and an understanding of the science of climate change."

Later this year, government leaders will gather in Peru for the annual meeting of the UN Framework Convention on Climate Change, which will set the framework for Paris meetings in 2015, when emissions targets are scheduled to be completed.

"With this latest report, science has spoken yet again and with much more clarity," said United Nations Secretary General Ban Ki-moon in a statement, launching the final installment Fifth Assessment Report of the IPCC in Copenhagen. "Time is not on our side...leaders must act." http://bit.ly/1xWVu4h

Drinking-Water Arsenic and Heart Disease Linked in Study of Native Americans

Arsenic in drinking water is a concern throughout Indian country because of its connection to diabetes and other ills. But now it may also be implicated in heart disease, according to a new study.

The so-called "Strong-Heart Study" was undertaken to examine "a stable population relying mainly on private well water," *The New York Times* reported on October 30. The 4,000 subjects, drawn from the Southwest and the Dakotas, had been tracked since the late 1980s with measurements of lifestyle and environmental exposure to various substances.

A comparison of arsenic levels in the subjects' urine with heart disease rates found that atherosclerosis, strokes and heart attacks rose with arsenic levels, said Dr. Ana Navas-Acien, an associate professor of epidemiology at the Johns Hopkins Bloomberg School of Public Health. "For those with chronic exposure to arsenic, rates of cardiovascular illness were often doubled, even after taking into account various lifestyle and genetic risks," the *Times* said.

The contamination has derived from geological rather than man-made sources, the report stated.

Environmental factors must be considered when evaluating such heart-disease risk, said Dr. Gervasio Lamas, chief of cardiology at Mount Sinai Medical Center in Miami. "We need more cardiologists to be thinking about environmental effects on the heart," Lamas told the *Times*. "It's not just some abstract E.P.A. [Environmental Protection Agency] problem. It's actually affecting our patients." http://bit.ly/1x4YM9c

Assembly of First Nations Announces Three Candidates for National Chief

Three candidates are vying for the Assembly of First Nations (AFN) National Chief slot that Shawn A-in-chut Atleo vacated in May. Earlier this month Perry Bellegarde, chief of the Federation of Saskatchewan Indian Nations (FSIN); Leon Jourdain, former Treaty 3 grand chief and previous chief of Lac La Croix First Nation in northwestern Ontario; and Ghislain Picard, who has been serving in Atleo's stead since July all became official candidates.

The AFN "is at a pivotal point in its

history," Bellegarde said in announcing his candidacy. "I am committed to being a catalyst for positive change for First Nations across Canada. I want to see aboriginal rights and title and our treaty rights recognized, honored and implemented."

Picard, who has long spoken of the necessity of implementing institutional agreements on the ground, took an opposite tack. "For the lack of a better term, we have one common enemy: the Canadian government—in the sense that we have to find ways to engage the present and future governments, but not solely on their conditions," he told CBC News.

The AFN's new leader will be elected on December 10, the first day of a Special Chiefs Assembly in Winnipeg, Manitoba. The AFN counts 639 First Nation communities across Canada among its members, though elected First Nations chiefs of their proxies are the only ones eligible to cast a vote.

Atleo resigned following fallout over the controversial First Nations Education Act, just a year and a half into his second term. Among other issues, he had recently drawn fire for appearing to have had too close a relationship with the Canadian government as its federal education legislation was being unveiled. http://bit.ly/1xdktCk

First-Ever **Aboriginal Mayor for** Winnipeg

Bowman, Métis, makes history in Canada

Although Winnipeg, Manitoba has the largest indigenous population of any city in Canada, only now has it elected the first aboriginal mayor in its 140-year history. Brian Bowman, Métis, was voted in on October 22 in an unexpected landslide: he routed New Democratic Party (NDP) candidate Judy Wasylycia-Leis, who had been projected to win. The Winnipeg Free Press credited Bowman's victory in part to a plethora of infrastructural issues, including frozen water lines, severe potholes and water main breaks, all of which crippled the city. CBC News called the election "a break with tradition for city hall and a new acknowledgment of the city's aboriginal heritage." http://bit.ly/1s5nYV8

FEMA Releases Booklet For Tribes

Federal agency issues emergency procedures

The Federal Emergency Management Agency (FEMA) has issued a booklet that consolidates resources for American Indians. FEMA and Tribal Nations: A Pocket Guide "explains FEMA's policies on tribal engagement, outlines key FEMA programs and how they relate to tribes, and provides contact information on how to reach the agency's tribal liaisons," the agency said on October 31. From assessing flood risk, to locating tribal liaison offices, to accessing disaster assistance and mitigation programs, the 11-page pamphlet was developed in coordination with national tribal organizations and released at the National Congress of American Indians' Annual Convention in Atlanta. The guide is available to tribal leaders in hard copy through their Regional Tribal Liaison office. http:// bit.ly/1GjLWGK 🐞

Honor Song For 2014 Capitol Christmas Tree

Leech Lake youth offer holiday tribute

A group of young men from the Leech Lake Reservation performed an honor song written for the 2014 Capitol Christmas tree as it left its origin site in Bemidii, Minnesota. The tree was cut down on October 29 and will make its way to the Capitol by November 20. "At a young age you are taught to respect life, nature, and your surroundings, and to only take what is needed," said the Leech Lake Band of Ojibwe Facebook post. "With this gift of the tree we are able to share the beauty of the land with the nation and to build and strengthen relationships with our neighbors." http:// bit.ly/10unuBE

Blame Is Assigned For Sand Creek Massacre

Study holds territorial governor 'culpable'

John Evans, the governor and superintendent of Indian Affairs for the Colorado Territory, should be held "culpable" for the infamous Sand Creek massacre of November 29. 1864, which left as many as 200 Cheyenne and Arapaho dead, says a new report by University of Denver scholars. Evans, a physician and railroader who co-founded both Northwestern University and the University of Denver, "created the conditions in which the massacre was highly likely," the report states. It cites a proclamation that forced all peaceful Indians in the region to report to reservations or be considered hostile. A second proclamation issued one month before the massacre invited white settlers "to kill and destroy . . . all hostile Indians." http://bit. ly/1x3qz9O **₲**₺

Navajo Nation Gaming Expands Its

Martha King unanimously elected as chairperson

The Navajo Nation Gaming Enterprise has expanded its board of directors and elected Martha L. King as chairperson by unanimous vote. Tamarah Begay, Quincy Natay, Leah Claw and Kristina Haskell were nominated by Navajo Nation President Ben Shelly and confirmed by the tribal council. Already serving on the board were King, Martin Lieberman and Vice Chairperson Danielle Her Many Horses. Together they are responsible for "establishing overall policies and objectives for the management of the affairs and assets of Navajo Gaming and for periodic review and evaluation of management results," the Navaio Nation said. Secretary/ treasurer Kristina Haskell is also part of the team. http://bit. ly/1uCwhzk ₫

Notah Begay III **Honored For His** Philanthropy

Golf Digest award is given to Native links legend

Native golfing giant Notah Begay III received Golf Digest magazine's "Golfers Who Give Back Award" at the Topgolf event in Dallas, Texas on November 3. Begay was honored for his work with his namesake foundation, which helps to develop leadership skills and healthy habits, especially the reduction of obesity and Type 2 diabetes, among Native American children. Cosponsored by Golf Digest and TopGolf, the event raised \$250,000 for charity. "Golf was a wonderful springboard to talk about important issues," said Begay, a four-time PGA winner and a current analyst for NBC/Golf Channel. Golf Digest editor-in-chief Jerry Tarde presented the award. http://bit.ly/1tFcH1O ◆

Seminole Tribe Fights For Panther Protection

Struggle continues against power company

The Seminole Tribe is continuing its legal battle to fight a potential new power plant that could endanger Florida panther population on land near the tribe's Big Cypress Reservation, the Palm Beach Post reported on November 1. In 2011 the Seminoles sued Florida Power & Light Co. (FPL), which owns 7,801 of the acres in question, after 3,109 acres were rezoned to allow for the plant, which would be powered by natural gas. The acreage is home to no more than 160 Florida panthers, which once freely roamed the southeastern U.S. The Seminoles are legally mandated by their obligations to the U.S. Fish & Wildlife Service to safeguard both the panthers and their habitats. http://bit.ly/1xled9X ♠

Why Tribal Libraries Matter

Landmark study cites both their importance and major gaps by KRISTI EATON

Bottom Line: *Tribal libraries are often lifelines to information, jobs and other vital resources. But more often than not, they are coming up short.*

Merida Kipp remembers the elder who came into her library looking to learn more about computers. Kipp, the library administrator at the Yakama Nation Library in Toppenish, Washington, said the man was apprehensive. But over time, he learned to use the machines and their various programs. He eventually purchased his own laptop. "He was intimated at first, but he just took off with it," Kipp said.

Stories like this are highlighted in a new, groundbreaking study examining the role of tribal libraries and recommendations on how to improve broadband access and digital literacy in Native communities.

The study was released by the Association of Tribal Archives, Libraries, and Museums, an Oklahoma City-based non-profit organization. It found that while 100 percent of public libraries offer visitors access to the Internet and computers, only 89 percent of libraries in Indian country can offer patrons access to the Internet and only 86 percent can offer access to computers. At least 40 percent of the tribal libraries in the study are not able to offer broadband Internet access either.

"In many cases, tribal libraries are the lifeline that provides vulnerable populations with their only access to computers and the Internet," the report said, adding that results indicate, however, that tribal libraries have significant digital access needs in terms of high-speed Internet connections and technology infrastructure.

On rural, remote Indian reservations, the Internet can be an equalizer, said study author Traci Morris, director of the American Indian Policy Institute at Arizona State University. "They can get jobs through that. It is access to the outside community and other places," she said.

Many homes on Indian reservations do not have computers or access to the Internet, Kipp said. "Without it, it's affecting their job skills, education skills and today's form of communication," she said. "That's why it's important to be able to have it at the library."

In 2010, the Federal Communications Commission issued the National Broadband Plan, which set a goal of all governments playing a part in the move to broadband Internet service. Digital inclusion, according to the study, means that people have access to high-speed, afford-

Tribal libraries lag in some areas. But they can also lead and exemplify.

able Internet and it's available to those who may not have access to it at home.

But the study, which was funded by the Institute of Museum and Library Services, found that tribal libraries are lagging behind public libraries.

"All libraries are underfunded in my opinion, but tribal libraries are severely underfunded. They just don't have the tax base," said Susan Feller, president of the Association of Tribal Archives, Libraries, and Museums.

In the study sample of libraries in Indian country, only 42 percent were able to help visitors with technology training while 87 percent of rural public libraries and 90 percent of public libraries could. One of the reasons is that tribal libraries often don't receive discounts known as E-Rates that make digital access more affordable for schools and public librar-

ies. Only 15 percent of Indian country libraries in the study received the discounts compared to more than half of public libraries.

"It's part of the rural, rugged nature of tribal lands," said Morris. "Part of it is it takes a special kind of regulatory push to get folks out there. It takes more approval. It's also extraordinary cost-prohibitive. There's more bang for your buck in an urban area because there are more households concentrated. So it's extremely expensive to put in and it has to do with rules and regulations and the amount of approvals necessary and the rural and ruggedness of tribal lands."

But while tribal libraries lag in some areas, they are leaders and can be used as examples in others, Feller and Morris said. Both women noted the strong cultural connections libraries in Native communities play: helping with language preservation initiatives, cultural preservation programs and workshops and meeting centers.

"Tribal libraries are unique because they're more than just having books on a shelf that they distribute free of charge. They also serve as cultural centers at times," Feller said.

The study makes 35 recommendations on how to improve digital inclusion within Native American libraries among five key areas: leadership, training, resources and services, policy and advocacy, and research.

The recommendations include creating a Tribal Library Action Network to serve as a voice for tribal libraries; evaluating state libraries' digital literacy training programs and seeing if tribal libraries can be included; making culturally appropriate tribal library digital literacy available; advocating that the FCC's E-Rate policies include tribal libraries at the same access available to public libraries; and assisting other entities with collecting data on tribal libraries when possible. http://bit.ly/1tx6whw

Hopi Impound Navajo Sheep

Tribe against tribe in partition lands by ANNE MINARD

Bottom Line: Against the backdrop of a deep drought in the Southwest, the Navajo and the Hopi are facing off—on the issue of sheepherding.

The deep Southwestern drought has pitted tribe against tribe. Hopi authorities—backed by the Bureau of Indian Affairs (BIA)—have impounded hundreds of sheep and other livestock owned by Navajo who are grazing the animals on Big Mountain, which lies on Hopi Partition Land.

Navajo ranchers in the area, many of them lifelong, elderly, pastoral people, are crying foul. They are upset about actions that they say are harsh and unfair, even though those actions fit legal Hopi definitions of overgrazing. Moreover, the activist group Black Mesa Indigenous Support has alleged that in some cases, intimidation has been employed.

Big Mountain lies just north of the Hopi Reservation on land that has historically been the subject of disputes between the two tribes. Termed Hopi Partition Land, Big Mountain was awarded to the Hopi people in a government-ordered land settlement in 1974. Despite several eviction attempts over the years, some extended Navajo families remain on Big Mountain, as they have for generations

The current conflict began, said Clayton Honyumptewa, director of the Hopi Tribe's Natural Resources Department, when his staff made annual, reservation-wide livestock counts in August. At that time, ranchers with livestock that exceeded their permitted numbers were issued citations and notified that they needed to reduce their herds, Honyumptewa said.

Violators were told they had 60 days to comply. Also, letters were sent out to ranchers who were deemed to be out of compliance. Additional notices were posted at local stores and post offices.

On October 20, Natural Resources Department rangers began impounding

herds. Protocol dictates that shepherds' flocks be held until their owners can pay impounding fees; the fees vary from about \$1,000 to \$2,000. The shepherds are then escorted as they transport the over-limit livestock off the Hopi reservation. As law enforcement officers, the rangers carry firearms.

There have been reports of ranger intimidation. But Honyumptewa disputed these reports, maintaining that any enforcement actions have been driven by resource concerns. He said that the Na-

'It's not our fault that the government, or the BIA, whoever you want to blame, dropped the ball.'

vajo Nation surrounds the Hopi Reservation and that resident ranchers have been exceeding their permits. Honyumptewa added that Navajo shepherds living in nearby areas are cutting fences to allow their livestock to trespass on Hopi lands.

"Our conditions out there are pretty bad," he said. "We've had the drought for fifteen, sixteen years, and we haven't had any rain or snow. Basically we're trying to protect and conserve what resources we have left."

"The Hopi call upon the Navajo Nation and its citizens to honor their agreements and join with the Hopi Tribe to protect our sacred lands by the continued and ongoing enforcement of the reasonable grazing regulations," stated an official Hopi announcement on October 31. "It is in the best interest of all livestock owners that we work together to preserve the natural resources for the benefit of all."

Nicole Horseherder, a Navajo resident of nearby Navajo Partition Lands, disputed the Hopi position. Throughout the thorny decades when the land's ownership was contested, she said, the Navajo people on Big Mountain provided for themselves with their livestock, independently of any government rations or handouts.

"It's not our fault that the government, or the BIA, whoever you want to blame, dropped the ball on the resources so the land can't support livestock and farming," Horseherder said. "I disagree with the number. I disagree with the law. It's a bogus regulation that they're trying to enforce on people. They didn't come through on their part. If they had, the land would be in better shape."

Navajo Nation President Ben Shelly and Speaker Pro Tem LoRenzo Bates said on October 30 that the impounding cease. "Among many families, livestock is the main source of food," Shelly said.

"We have heard the concerns of our people, particularly those of elderly Navajos who rely heavily on their livestock for their livelihood," said Bates. "Impounding livestock of Navajo people is a deliberate violation of their rights to practice our culture and traditions and it must stop immediately."

Sammie Biakeddy, a Navajo resident of Big Mountain, said he is acquainted with all three families, all of them traditional Navajo sheepherders, whose herds have been impounded.

"They are being stewards of the land and livestock, have a spiritual calling and a way of life," he said. "The Hopi rangers threaten to continue impounding livestock continually and spontaneously. This sub-human treatment of my people at Big Mountain and surrounding communities must stop." http://bit.ly/1psyUBH

Who Called The Sheriff?

Concern over South Dakota vote turnout by STEPHANIE WOODARD

Bottom Line: Early voting on the Pine Ridge Indian registration seesawed amid grass-roots efforts and the presence of law enforcement. Along the way, there were several surprises.

"Voters walking into the polling place would see the sheriff there and veer off," said Donna Semans, the Rosebud Sioux field coordinator for the voting-rights group Four Directions. "If I was driving them to the polls, they'd spot the sheriff's vehicle out front and tell me, 'No way. I'm not going in there."

Semans runs Four Directions' getout-the-vote (GOTV) operation on the Oglala Sioux Tribe's Pine Ridge Indian Reservation, in South Dakota. Since mid-October, her team had transported voters from around the 2.1-million acre reservation to a polling place in Pine Ridge Village. There, they could register and cast a no-excuse absentee ballot ahead of Election Day.

Then one day, the county sheriff showed up in the voting office. Tribal members warned each other that casting a ballot might be a way to get arrested. "Word spread like a grass fire," said Semans. The number of people wanting rides to the election office dropped from more than 100 a day into the teens.

The concerns were not far-fetched, said OJ Semans, Donna's father and co-director of Four Directions: "To us, there's a lot of history behind the sight of a white man in a uniform. In South Dakota, the disparity between Native and non-Native incarceration rates is extreme. It's like the Old South, except it's happening in the 21st century."

The problems at the polling place arose during the week of October 13, when \$50,000 in donations to support GOTV from the liberal blog Daily Kos arrived on Sioux reservations. Turnout surged. The National Congress of American Indians and other groups also contributed. The total soon topped \$100,000. The na-

tion's eyes had shifted to South Dakota and its Native voters. They are reliably Democratic and make up some seven or eight percent of the state's electorate, said Greg Lembrich, a New York city attorney and legal director for Four Directions.

After a kickoff rally in the state capital, Pierre, on Native American Day (a.k.a. Columbus Day), reservation GOTV operations throughout South Dakota gassed up and hit the road. Dustina Gill, of Sisseton Wahpeton Oyate, a Sioux tribe, drove a bus dubbed the "War Pony" to all nine Indian communities in the state to encourage voters to register and vote early.

To us, there's a lot of history behind the sight of a white man in a uniform. It's like the Old South.'

On Pine Ridge, Semans hired drivers and set up a command center in an unused video store in Pine Ridge Village. Oglala Sioux tribal member Kevin Killer, the area's representative to the state legislature, joined her there with a second GOTV group created through his nonpartisan PAC, NDN Election Efforts. The two operations had as many as 20 drivers turning up daily to give friends and neighbors a lift to the polling place. A big bloc of voters, typically sidelined by isolation and poverty, was suddenly on the move.

Until then, no more than five voters a day had been turning up, according to election official Sue Ganje, of nearby Fall River County. Although counties run elections, bare-bones Shannon County—the non-tribal entity that overlaps much of Pine Ridge—cannot afford to run its own. So Shannon contracts with Ganje and other neighboring counties, including the mostly white Fall River, to do so.

On October 17, after several days of high voter turnout in Pine Ridge Village, Ganje requested that the county sheriff, Jim Daggett, visit the polling place. "I believe I just asked him to pop by periodically when he was in town, which I have always done in the past, so he just popped in, I believe," she said in an interview on October 20.

Ganje was not surprised by what she perceived as intimidation, she said In an interview on Pine Ridge a week later: "I know that in the past, whenever the sheriff has come, I've heard this, in the past, that it was intimidating to voters. I don't think he was doing anything other than popping in."

When Ganje was asked if she thought Native people felt welcome in the Pine Ridge Village polling place, she said she "would always hope so." She pointed out that she had hired tribal members as election workers. "I don't know what else I can do," she said.

Complaining of discrimination "under color of law," Four Directions contacted state and federal authorities about the sheriff's visits. Soon thereafter, U.S. Attorney for South Dakota, Brendan Johnson, said he was "closely following the matter in conjunction with the Department of Justice Voting Rights Section."

The sheriff's visits stopped. Turnout numbers rebounded. "We hit 81 today," Donna Semans said on October 27. And on Election Day, Sheriff Daggett lost his re-election bid after his Native opponent, Rex D. Conroy, Sr., received 85 percent of the vote. http://bit.ly/1Ahy0wy

Congress Reaffirms Casino Trust Land

A win for the Gun Lake Tribe by GALE COURSY TOENSING

Bottom Line: Legal standing, the Carcieri precedent and even the 1934 Indian Reorganization Act figured in formulating the new federal law that allows a Michigan tribe to fully ply its gaming trade.

The Match-E-Be-Nash-She-Wish-Band of Pottawatomie Indians opened its casino in Wayland, Michigan in February 2011. But only now can the Band—also known as the Gun Lake Tribe—rest assured that the trust land of its casino will no longer be challenged in court.

This assurance is the result of a new federal law that bars current and future legal challenges to the status of the tribe's 147-acre parcel of land in Bradley, Michigan.

Late in September, President Obama signed S. 1603, "The Gun Lake Trust Land Reaffirmation Act," which confirms the trust status of the tribal land upon which the Gun Lake Casino is located. The Senate had unanimously approved the legislation on June 19; the House approved it on September 16, preparatory to Obama's signature.

"This is a historic day for the Tribe and Indian Country," said Gun Lake Chairman D.K. Sprague. "This new law not only reaffirms the trust status of our land, but also permanently ends the frivolous legal challenges that our Tribe and the local community have faced for more than ten years. We are pleased that Congress and the President of the United States have vindicated our position."

The controversy over the Gun Lake casino is long and convoluted. In 2005 the anti-Indian casino group MichGo (Michigan Gambling Opposition) filed a lawsuit that opposed the Interior Department's decision to take the land into trust. The organization ultimately took its case to the Supreme Court. But in January 2009 the

high court refused to hear MichGo's arguments. This decision freed Interior to finalize Gun Lake's land-into-trust application.

In the interim, David Patchak—a Mich-Go associate who lives near the casino—filed his own suit in federal court in August 2008. He claimed that Interior did not have the authority to take the land into trust for Gun Lake because the tribe was not "under federal jurisdiction" in 1934, when the Indian Reorganization Act was passed.

We were looking at going all the way back down to federal district court to litigate the case on its merits.'

Patchak's suit was pegged to the controversial Supreme Court case of *Carcieri v. Salazar*, which was then pending. When the high court issued its controversial ruling in February 2009, and effectively supported Patchak's argument, his case moved forward.

However, Patchak's suit was ultimately dismissed on procedural grounds because he did not have standing to challenge the Quiet Title Act (QTA). That act states that the federal government may not be sued in property disputes involving trust or restricted Indian lands.

But an appeals court reversed the lower court ruling and expanded the previous criteria for "standing," which had previously required a party to be injured or affected by an action. Gun Lake and the Justice Department petitioned the Supreme Court to review the appeals court decision.

In its ruling of June 2012, the high court upheld the appeals courts decision that Patchak had standing to file the lawsuit—even though the tribe's land-into-trust application had already been finalized by the Interior Department. The Supreme Court remanded the case to the district court for a trial.

"So we were looking at going all the way back down to federal district court to litigate the case on its merits, which would have meant another five years in court," said Gun Lake spokesman James Nye. "And that's when we began to assess whether there was another solution. The tribe has always enjoyed tremendous local support, so we consulted with local elected officials and got an overwhelming response.

"They wanted to know the potential harm that could be caused by the Patchak lawsuit," Nye continued. "One thousand employees under a cloud . . . the tribe couldn't expand on its economic development plan."

Gun Lake was in a unique position to seek a legislative remedy to Patchak's legal challenge, Nye said. Not only had the land already been taken into trust but the casino was also built and operating.

Nye expressed his appreciation to the community for its support, singling out Sens. Debbie Stabenow (D-Michigan) and Carl Levin (D-Michigan), the sponsor and co-sponsor, respectively, of S.1603. Nye also thanked Rep. Fred Upton (R-Michigan) for leading the passage of the bill in the House.

Since the Gun Lake Casino opened in 2011, the Gun Lake Tribe has shared casino revenues of more than \$52,200,000 with state and local governments. http://bit.ly/losp9ml



Chief Information Officer

The Association of Village Council Presidents, a non profit organization in Bethel, AK is currently recruiting for a Chief Information Officer.

- Competitive Salary
- Excellent Benefits
- 12 Paid Holidays and 18 days personal leave in the first year
- Employer paid Health Care for you
- Retirement Plan with employer contribution after 90 days of service

Summary: The Chief Information Officer (CIO) is responsible for the technological direction of the corporation's non-profit and for-profit organizations. The CIO proposes and directs projects, and researches funding opportunities. The CIO additionally proposes and manages the entire Information Technology (IT) program budget, and is responsible for the purchasing and upgrades of equipment. The CIO is the senior level person in the IT Department and manages the computer specialists and other IT workers. The CIO for AVCP directs, plans, organizes, and controls all activities of the IT Department and ensures the effective, efficient, and secure operation of all automated data processing systems for AVCP. Works as an integral part of the Senior Management team in developing an integrated information system for all AVCP interests.

Contact AVCP's Human Resources Department at 800-478-3521 for an application, to submit your resume or more information. Review our job description at www.avcp.org

Per Public Law 93-638 (Indian Self Determination & Education Assistance Act) qualified Alaskan Natives/ American Indians are given preference but candidates from all backgrounds are welcome to apply.



Fremont County School District #14 **Wyoming Indian Schools** Ethete, Wyoming

Is accepting applications for the following position:

SUPERINTENDENT

For application information please log onto the district website at www.fremont14.k12.wy.us

Applications are due into the administration office no later than December 12, 2014 to be considered for an interview. Please do not contact individual board members.

If you need more information concerning this position, please contact:

> Michelle Hoffman, Interim Superintendent 638 Blue Sky Highway Ethete, Wyoming 82520 michelle.hoffman@wyo4life.net 307-332-3904

Omaha Tribe of Nebraska

Chief Judge

Open Until Filled Salary Negotiable Experience Required

Prosecutor

Open Until Filled Salary Negotiable **Experience Required**

Clinical Director

Open Until Filled Salary Negotiable **Experience Required**

Omaha Tribe of Nebraska PO Box 368 Macy, NE 68039 P:402-837-5391 F:402-837-4394 clecount@omahatribe.com

Assistant Progressor, Teacher Education

North Dakota State University invites inquiries, nominations, and applications for a enure-track position in the School of Education. The position is focused on teacher education to begin August 15, 2015, or as negotiated. The position will be housed in the School of Education in the College of Human Development and Education. To learn more about the School of Education, visit http://www.ndsu.edu/education.

RESPONSIBILITIES: Responsibilities for this 9-month, tenure-track position will include undergraduate and graduate instruction in secondary education courses; research and scholarly activity; supervision of field experiences; advising undergraduate and graduate students; and collaboration with internal and external constituencies.

COMPLETE APPLICATION INFORMATION available at http://jobs.ndsu.edu/postings/5444

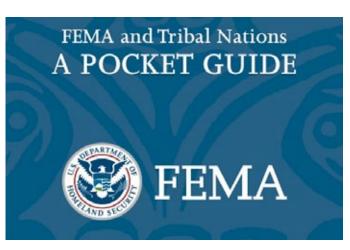
The search will be conducted in compliance with North Dakota open records laws.

NDSU is an ADVANCE Institution and Carnegie Very High Research Activity Institution. North Dakota State University is an Equal Opportunity/Affirmative Action Employer. This position is exempt from North Dakota Veterans' Preference requirements.

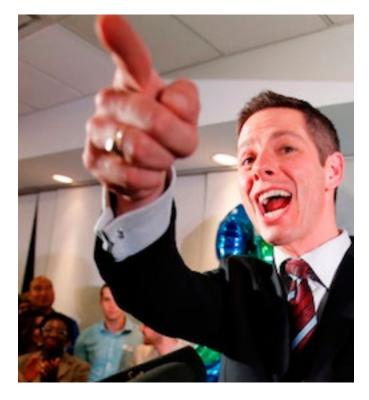




Critics have assailed British model Leilani Dowding for her stereotyped depiction of tribal regalia on her Facebook page.



The Federal Emergency Management Agency (FEMA) recently issued a guide specifically designed for tribes.



Brian Bowman, Métis, was elected the first aboriginal mayor of Winnipeg, Manitoba in the city's 140-year history on October 22.



Beadworker Marcus Amerman, Choctaw, won a 2014 fellowship from United States Artists; shown here is his "Kills Enemy," ca. 1988.

Headlines from the Web

MAURICE JOHN VOTED BACK AS SENECA NATION PRESIDENT

http://bit.ly/1x7HSEn

JUDGE GRANTS PRELIMINARY INJUNCTION TO KEEP **CHUKCHANSI CASINO CLOSED**

http://bit.ly/1GufZeV

GENEALOGY SITE ADDS 3.2M AMERICAN INDIAN RECORDS

http://wapo.st/10WUIdUs

CALIFORNIA PROP 48 TRIBAL GAMING MEASURE DEFEATED

http://bit.ly/1x7nYMd

US COURT UPHOLDS CONVICTION OF EX-PEQUOT CHAIRMAN

http://cbsloc.al/13NLKk3

POLICING AUTHORITY FOR LITTLE RIVER BAND OF OTTAWA **INDIANS SUSPSNEDED**

http://bit.ly/1przfEW

Upcoming Events

TRIBAL CONSULTATIONS: INDIAN WATER RIGHTS SETTLEMENT

NOVEMBER 13

This consultation is being held pursuant to the Interior Department's renewed approach to Indian water rights settlements, in connection with how to best ensure the availability of resources to address the increasing need for protection of Indian water rights. Emphasis will also be given to strengthening the oversight, management, and analytical capabilities of the department's Indian Water Rights Office. The department seeks input as it reevaluates the current program and process. Written input may be provided before November 30. Location: Division of Energy & Minerals Development Building, Lakewood, Colorado

NATIVE AMERICAN SYMPOSIUM

NOVEMBER 14-15

The 10th Native American Symposium at Southeastern Oklahoma State University will focus on the protection and preservation of Native history and culture. The keynote speaker will be Dr. Brad Lieb from the Chickasaw Nation's Division of His-

LETTERS TO THE EDITOR

Re your article about the refusal of a district court judge to try the non-felony charges that have brought against two young men who have been accused in the fatal beating of two homeless Navajo men in Albuquerque, in juvenile court (October 31):

I do not understand what is wrong with people who want to hurt and or kill.

tory and Culture, currently president of the Mississippi Association of Professional Archaeologists. Papers, presentations, creative projects, and films on all aspects of Native American life and studies are welcome. All papers presented at the symposium will be eligible for inclusion in the published proceedings.

Location: Southeastern Oklahoma State University, Durant, Oklahoma

NANAINA GENERAL MEMBERSHIP MEEETING NOVEMBER 15

"Sustaining the Strength of American Indian and Alaska Native Nursing" is the theme of this year's general membership meeting of the National Alaska Native American Indian Nurses Association. Agenda items will include reports from the officers and officers-elect, bylaw changes, the installation of new officers and board members, and discussions of priorities, membership benefits and financial sustainability.

Location: Little America Hotel and Conference Center, Flagstaff, Arizona

BUREAU OF INDIAN AFFAIRS SECRETARIAL ELECTION

PROCEDURES NOVEMBER 18

The Bureau of Indian Affairs is proposing to amend its regulations governing secretarial elections and procedures for tribal members to petition for secretarial elections. The proposed new rule reflects changes in the law and the requirement that regulations be written in plain language. Additional comments must be received on or before December 17.

Location: Embassy Suites Oklahoma City Airport, Oklahoma City, Oklahoma

NCUIH ANNUAL LEADERSHIP

CONFERENCE NOVEMBER 18-19

Sponsored by the National Council of Urban Indian Health, "Moving Forward Together" will include such topics as "Accreditation Standards and Risk Management," "One to One concurrent Urban Program Questions/Needs" and "Urban Indian Health Institute Data Collection and Use." Among the ancillary activities will be an NCUIH membership discussion, directors meeting, and an address by Yvette Roubideaux, Director of the Indian Health Service.

Location: Doubletree By Hilton Denver, Denver, Colorado

SENATE COMMITTEE ON INDIAN

AFFAIRS NOVEMBER 19

This oversight hearing will address "Protecting Our Children's Mental Health: Preventing and Addressing Childhood Trauma in Indian Country."

Location: 628 Senate Dirksen Building, Washington, D.C.

In what kind of environment did these youths grow up? Their trial in juvenile court would not be fair to the memories of the people they killed, or to their families. These boys should be tried as adults.

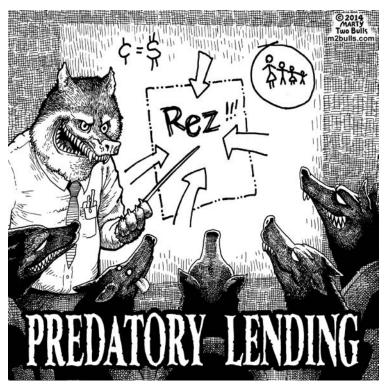
My thoughts and prayers go out to the survivors.

> —Rawleigh Chandler Blue Creek, Ohio

I believe that the youths in the Albuquerque case should be tried as adults. If you are willing to commit adult crime, you should be willing to pay adult time.

-Michael Madrid Las Cruces, New Mexico

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

NEW HEAD OF THREE AFFILIATED TRIBES

Mark Fox was elected on November 4 as the new leader of the Three Affiliated Tribes of the Mandan. Hidatsa and Arikara Nations, based at the Fort Berthold Reservation in North Dakota. Fox, the tribes' tax director and a former councilman, received an unofficial 1,240 votes against the 1,094 votes of his opponent, Damon Williams, the tribes' lead attorney. Fox has said that he wishes to add an elected attorney general and a legislative-style body to the tribes' governance structure. He succeeds Tex Hall, who served three non-consecutive terms.

BETTER ROAD FOR HUALAPAI AND GRAND CANYON

The Department of Agriculture

and residents of the Hualapai Reservation in western Arizona last week cut the ribbon on the opening of a newly paved ninemile section of the Diamond Bar Road, which links county and state routes to Grand Canvon West on the reservation. The Hualapai tribe operates the Grand Canyon Skywalk, the glass platform that has become a draw for 700,000 visitors annually. The tribe spent \$30 million on the project. The old road, Hualapai Chairwoman Sherry Counts told the Associated Press in August, was "one of our biggest headaches."

CHEROKEE HONOR NATIVE BUSINESSES

The Cherokee Nation honored eight standout certified Indianowned businesses for 2014 at a November 6 dinner at the Hard Rock Hotel & Casino in Tulsa,

Oklahoma. The recipients were Cherokee Ready Mix; Stilwell Hardware; CGA Engineers Inc.; Cooper Construction; J&E Feed Distributors Inc.; Camco Promotional Products: Adamson Electric, Inc., and Contech LLC. "We have more Indian businesses working for our tribe on contracts and subcontracts than ever before in our history," said Cherokee Nation Principal Chief Bill John Baker.

BABY GOLDEN EAGLE IS FREE

Munchie, an injured golden eaglet rescued in July, has taken wing. The bird took flight on October 5 over a Wyoming ranch where there are many prairie dogs and other prey upon which it can feed. The three-month old raptor, which had suffered from a bacterial infection in its throat, had

been unable to swallow and had to be hand-fed via tube four times daily and medicated. "He was very anxious to leave his crate," said Susan Ahalt of Ironside Bird Rescue.

SECOND TERM FOR PONCA CHAIRMAN

Larry Wright, Jr., won a second, nonconsecutive term as the chairman of the Ponca Tribe of Nebraska on November 4: he had previously served as chairman from 2006 to 2010. Wright, a former high school social studies teacher, defeated two opponents, Mark Peniska, Jr. and Susan E. Baker. "I think I have some leadership skills that can help move the tribe forward and take advantage of some of the opportunities out there," said Wright, whose constituency comprises nearly 3.600 members nationwide.

UPCOMING POW WOWS

UPCOMING POW WOWS

11/13/14-11/15/14 Orlando, FL 505-765-1052 AISES.org/news/events/2014-nationalconference

ANNUAL CHEROENHAKA (NOTTO-WAY) INDIAN INTERTRIBAL "CORN HARVEST" FALL FESTIVAL POW wow

11/14/14-11/16/14 Old Bridge Road 27345 Aquia Path Courtland, VA 757-562-7760 wdbrowniii@aol.com Cheroenhaka-Nottoway.org

24TH ANNUAL THE GREAT AMERICAN INDIAN EXPOSITION AND POW WOW

11/14/14-11/16/14 Richmond Raceway 600 East Laburnum Avenue Richmond, VA 252-532-0821 powwow@vance.net

25TH ANNUAL TEXAS CHAMPION-SHIP NATIVE AMERICAN POW WOW

11/15/14-11/16/14

Traders Village Houston 7979 North Eldridge Road Houston, TX 817-860-9944 tvhpowwow@tradersvillage.com Traders Village.com/houston/events/25thannual-native-american-championshippow-wow

14TH ANNUAL AWI AKTA DISTRICT **CHEROKEE VETERANS THANKSGIV-ING POW WOW**

11/15/14 Gage Park Zoological Shelter House 635 South West Gage Boulevard Topeka, KS 785-272-5489 cmballard@aol.com AwiAkta.org

NATIONAL NATIVE AMERICAN HERI-**TAGE DAY POW WOW**

11/16/14 Bridgewater State University's Kelly Gym 34 Park Street Bridgewater, MA 617-642-1683 mcnaa@aol.com MCNAA.org





American indian Movement co-founder Clyde Bellecourt addressed an anti-"Redskins" protest on November 2 outside TCF Stadium in Minneapolis, where the Washington, D.C. NFL team was facing the Minnesota Vikings.

THE BIG PICTURE