



Indian Country TODAY

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

A Letter from the Publisher

Shekóli. It's not easy to keep abreast of all the information presented on Indian Country Today Media Network, let alone the rest of your favorite sites and sources. We hope that readers of this newsletter find it useful precisely because it offers a digest of the many headlines and stories that are generated in any given week in Indian country. Recently, longtime contributor Steve Russell posted an article that has real-world implications for a specific group of Natives (Russell among them). We think it's worth sharing some details here, with the aim of maximizing its usefulness.

Russell pointed out that individuals who might be eligible for care from Indian Health Services, as well as some Native Alaska Corporation shareholders, but who live outside an HIS service area, have special status under the Affordable Care Act. With Healthcare.gov finally up and running smoothly—by most reports—now may be the time to consider taking advantage of some of the benefits. To wit:

- Enrolled Indians and Alaska Natives can purchase private insurance off the exchange at any time, without having to wait for the annual enrollment period.
- At certain income levels (such as \$70,650 or lower for a family of four), you can enroll in zero-payment plans with no deductibles, copayments or coinsurance.
- If your income is higher, or you are being served by IHS, you



can enroll in a limited cost sharing plan which will take care of out of pocket payments at IHS or its referrals.

- If you are eligible for IHS, then you are free from the Shared Responsibility Payment, commonly known as the penalty tax for those who do not enroll.

As noted columnist Mark Trahan has written in our pages, individual participation and enrollment in Obamacare has significant implications for increased funding from private insurance sources for Indian Health Services aside from what is allocated by the federal government. Most important, with the onset of a new year typically come many questions and decisions about health care coverage for the coming year. The government website has specific information for Alaska Natives and Indians alike, and individuals and tribal nations may benefit by gathering information now to make the most informed choices.

Until then, we hope you find this overview helpful.

Na kir wa,

Ray Halbritter

Table of Contents



2	COMMENTARY	10	CLASSIFIEDS
3	NEWS	11	WEEK IN PHOTOS
6	WOLF HUNTS END EARLY	12	WEB, EVENTS, LETTERS
8	HISTORIC ENVIRONMENTAL RULING	13	CARTOON, ALERTS
9	THE PROFESSOR V. THE PRESIDENT	14	HOW DID I MISS THAT?
		15	BIG PICTURE

A Dubious Outcome Document

Steven Newcomb (*Shawnee, Lenape*), the co-founder and co-director of the *Indigenous Law Institute*, dismisses the recently passed outcome document of the United Nations' high level plenary meeting because it is tied so closely to the imperfect U.N. Declaration on the Rights of Indigenous Peoples:

Has the United States made any official statement indicating that it commits itself, pursuant to the Declaration, or "implementing" the U.N. high level meeting outcome document, to end its claim of plenary power over Indian nations, or to end the subjection of Indian

nations through federal Indian law and policy? Of course not.

The U.N. high level outcome document draws attention from any consideration of the rightful political status of Indian nations or any acknowledgment of them. The language of the outcome document treats "states" as being the only political entities with a "national" level.

The vast majority of the outcome document places the focus on indigenous "individuals" or "persons"—such as "indigenous persons with disabilities" and "indigenous peoples and individuals, particularly elders, women, youth, children and persons with disabilities"—within the domestic and domes-

ticating political framework of the state. The phrase "their own representative institutions" was the method by which state governments deftly and effectively sidestepped any acknowledgment in the context of the United Nations that "Indigenous peoples" have "governments."

In the view of states, they are the ones with "governments" in the context of the international arena. Peoples termed "indigenous," because they are deemed to exist under the authority of state governments, are deemed by states to have merely "representative institutions."

Why do some representatives of peoples termed "indigenous" seem so enthusiastic about such a fundamentally flawed document? <http://bit.ly/1skrDjk> ☞

Drawing Natives Into The Immigration Reform Battle

At the height of the recent immigration battle, amid arguments over how each wave of foreigners is met with complaints about its entry, President Obama said, "the only people who have the right to say that are some Native Americans." **Dina Gilio-Whitaker** (*Colville*), a research associate at the Center for World Indigenous Studies, dissects this observation:

Immigration debates always follow a certain logic whereby a hierarchy is assigned as to who is more deserving of American residency and citizenship. It is

and always has been based on race, ethnicity, and class, with preference given to those constructed as white. Whoever the undeserving non-whites of the day are, they are always perceived as being some kind of threat.

What's unsettling about Obama's statement about Native Americans and immigration is his use of the qualifying term "some." One can only speculate about what he might have meant. I think it's clear he meant American Indians, as opposed to people who are native-born Americans but from immigrant stock. But was he implying that everyone born in the U.S. is "native" American (as so many defensively claim), and that of those

only those considered "Native American" (as in American Indian) have the right to complain?

On the other hand, did he mean that only certain American Indians have the right to complain, and if so, which ones? Only the ones with no immigrant ancestry?

We can't know for sure, but having to raise the question reminds us that the debate about racial purity and racial hierarchies is very much alive relative to American Indians. It reminds us also of the importance of shifting the terms of the debate to emphasize that American Indians' relationship to the United States is fundamentally political, not racial. <http://bit.ly/1yyIUYi> ☞

When Stanford Led The Way

Dean Chavers, a three-degree graduate of Stanford University and author of *Racism in Indian Country*, recalls how his alma mater became the first U.S. institution of higher learning to abandon its Indian sports mascot, more than 40 years ago:

When I got my admission letter to graduate school at Stanford, I was elated. I knew nothing about the Stanford Indian or "Prince Lightfoot," the mascot who did fake Indian dances during the football games.

When we got to Stanford, two graduate

students—myself and John White, Cherokee—met 22 new Indian freshmen. We added 24 people to the three Indian students on the campus—two undergraduates and one graduate student in law school. Within a week we had formed the Stanford American Indian Organization, which is still functioning.

The first and practically only item on the agenda was eliminating the Stanford Indian symbol. We met every Sunday in the Indian House, which was an old two-story frame house south of the law school. We elected Lorenzo Starrs, Lakota, from Pine Ridge, as president. In November we presented a petition to change

the mascot name, to Stanford President Richard Lyman, and got no response.

It took two years to get the administration to act on the petition. But in 1972 the university ombudsman, Lois Amsterdam, approved the dropping of the Indian symbol. The administration went along with her decision and the Stanford Indian became the Stanford Cardinal that year.

The actual decision was not made by the administration, however. It was made by the Associated Students of Stanford University President Doug McHenry and by the Student Senate.

<http://bit.ly/1sgpnPF> ☞

Shoshone-Bannock Tribes Oppose Delisting of Yellowstone Grizzly

Citing the importance of the Yellowstone grizzly to traditional culture, ceremony and spirituality, the Shoshone-Bannock Tribes are opposing the U.S. Fish and Wildlife Service's plan to take the sacred animal off the endangered species list—especially since the move would make the bears vulnerable to trophy hunting.

“The grizzly bear holds a unique position in the traditional culture and ceremonial life-ways of the Shoshone-Bannock Tribes, in common with many of the other tribes associated with the Yellowstone region that will be deeply affected and detrimentally impacted if the grizzly is delisted and subsequently trophy hunted,” the tribes said on November 4.

The tribes' Fort Hall Business Council “not only renounces the federal government's desire to delist the grizzly bear but also is unambiguous in rejecting Idaho Fish and Game's proposed trophy hunts for the grizzly if the Great Bear is shorn of Endangered Species Act protections,” said the council. “No grizzly bears will be hunted on Shoshone-Bannock lands, and the Shoshone-Bannock will oppose any attempts to hunt grizzlies in their recognized ancestral homelands.”

The declaration “countermans any previous votes casted by the Shoshone-Bannock Tribes in favor of delisting the Yellowstone grizzly bear,” the tribes said. “Following the grizzly bear management plans of the federal and tri-state governments of Idaho, Wyoming and Montana –all of which advocate trophy hunts for grizzlies—would not only represent a threat to tribal sovereignty but also contravene the American Indian Religious Freedom Act.”

The grizzly bear was listed as threatened in 1975 in the lower 48 states because their numbers had dropped to two percent of its peak range south of Canada, according to the National Park Service. They were put back on the list in 2009. <http://bit.ly/1B1puOM> ☘

Agriculture Department Backs Infrastructure and Broadband Support for Indian Country

Tribal infrastructure and broadband support will receive a needed boost with the announcement by the U.S. Department of Agriculture (USDA) that \$9.7 million will be disbursed to 62 community-based and nonprofit organizations and educational institutions through the department's 2501 Program.

USDA Secretary Tom Vilsack made the announcement before tribal leaders at the recent 2014 White House Tribal Nations Conference. Among the current 2501 Program grants that will directly benefit tribal and Native communities are:

- A \$5.4 million loan to upgrade broadband service for residents of New Mexico's Mescalero Apache Reservation. This is the first telecommunications loan that the USDA has made under the Substantially Underserved Trust Area provision of the 2008 Farm Bill.
 - Twenty-eight loans and grants totaling \$4.1 million to 1994 Land Grant Tribal Colleges through the USDA Rural Development's Community Facilities program. This program will facilitate the construction, enlargement or improvement of community facilities for health care, public safety and public services.
 - Partnerships between the USDA and three tribal colleges (Ogla-Lakota College in Kyle, South Dakota; the Institute of American Indian Arts in Santa Fe, New Mexico; and United Tribes Technical College in Bismarck, North Dakota) to provide grant writing assistance and other services to help traditionally underserved communities access federal resources as appropriate.
- The 2501 Program is also known as the Outreach and Assistance to Socially Disadvantaged Farmers and Ranchers and Veteran Farmers and Ranchers Program. It primarily partners with historically black land grant universities, Native American land grant tribal colleges and universities, Hispanic-serving institutions of higher education, and community-based and nonprofit organizations that work with minority and veteran farmers and ranchers. <http://bit.ly/1z3cPKX> ☘

Colorado River Tribes Sue Federal Government to Stop Blythe Solar Project

The Colorado River Indian Tribes (CRIT) have filed suit against the federal government to rescind the approval for the Blythe Solar project in the Mojave Desert, claiming that the 4,000-acre project will destroy huge swathes of sacred sites.

The reservations of the Mohave, Chemehuevi, Hopi and Navajo tribes are just a few miles northeast of the site, putting the project firmly within their ancestral homelands, the complaint alleges. The plaintiffs have sued the Department of the Interior and the Bureau of Land Management (BLM) under the National

Historic Preservation Act, the National Environmental Policy Act, the Federal Land Policy Management Act, and the Administrative Procedure Act, according to Courthouse News.

“The religion and culture of CRIT's members are strongly connected to the physical environment of the area, including the ancient trails, petroglyphs, grindstones, hammerstones, and other cultural resources known to exist there,” the tribes allege in the complaint, which was filed on December 4 in U.S. District Court Central Division of California, Eastern Division. “The removal or destruction of these artifacts and the development of the Project as planned will cause CRIT, its

government, and its members irreparable harm.”

The suit alleges that the agencies did not adequately consult with tribes before approving the \$1.1 billion project on August 1. “It accuses the government of failing to properly communicate with the tribe prior to approving the massive project,” reported the website Law360.com.

“BLM conducted no government-government consultation with CRIT prior to approval of the project,” the complaint states. “It then allowed the project developer to begin ground-disturbing activities before any cultural resource monitoring or treatment plans were in place.” <http://bit.ly/1scPuah> ☘

Turmoil Follows Apparent Navajo Murder-Suicide

BY ALYSA LANDRY

The Albuquerque office of the FBI is investigating an apparent murder-suicide that left a mother and her teenage daughter dead in an isolated community on the Navajo Nation.

Authorities believe Zonnie Begay and her 13-year-old daughter, Zachanda, were stabbed to death on November 20 inside a residence in the community of Ojo Encino, located on the eastern edge of the Navajo reservation, near Cuba, New Mexico. The perpetrator, a 22-year-old man who was associated with the family, later shot and killed himself about 10 miles away from the residence, said FBI spokesman Frank Fisher.

"She was a very lovable, laughable type of person," said Begay's cousin, Jarvis Mullahon. "When she was in the room, the whole environment was positive. Her laugh was contagious. You would notice her if she was in the room." Begay's daughter, Zachanda, was an honors student at Cuba Middle School. The two were buried November 29 after a funeral service that drew more than 300 mourners.

Family and community members hope the incident helps shed light on longstanding issues in Ojo Encino and other remote areas of the Navajo Nation, where communication is unreliable and law enforcement presence is rare.

"It's very rural, basically made up of the chapter house and residences," Mullahon said of Ojo Encino. "There is no police substation there, and you have to climb the highest hill to get one bar on your cell phone.

"When people cry out for help, the people terrorizing them know any response will be slow," he also said. "It can take police up to six hours to respond to a place like Ojo Encino. It's easy to point a finger, but this needs to be a huge wakeup call." <http://bit.ly/1qqbYDm> 📍

Mining Company Charged With Clean Water Act Felonies in Alaska

In a first-time case for Alaska, the Justice Department has charged a mining company with violating the federal Clean Water Act, for allegedly dumping toxic waste into the Salmon River in the western part of the state. Five of the company's executives have been issued criminal indictments.

Officials at XS Platinum Inc. not only conspired to dump waste from the company's platinum mine, according to the 28-page federal indictment, but also created false records to hide their actions. Moreover, the Justice Department has charged, the executives knew that polluted water was being discharged from the Platinum Creek Mine, some of it into waters that flow through the Togiak National Wildlife Refuge. The five officials in question who have been charged are due to appear in court on January 21.

The case started in 2011 when, during a routine flyover of the area, fisheries biologist Mark Lisac of the Togiak National Wildlife Refuge discovered murky water that should have been teeming with salmon. The 400 photos he took "showed new mining work with turbid ponds, as he describes them, flowing into the river system," the *Alaska Dispatch* reported. XS Platinum had promised that it would employ a "zero discharge system" in the area, reusing all the mining wastewater.

According to the Justice Department, XS Platinum held nearly 200 mining and hard-rock claims over more than 4,000 acres at the mine along the Salmon River and its tributaries. Most of the claims were under the jurisdiction of the Bureau of Land Management, but 21 fell within the purview of the Togiak National Wildlife Refuge, the Justice Department said. <http://bit.ly/133CuZ8> 📍

Nonprofit Group Will Offer Water and Blankets to Diné This Winter

BY SIMON MOYA-SMITH

Forty percent of homes on the Navajo Reservation do not have running water, meaning that water must often be trucked in. Many families turn on their taps or flush their toilets in vain. As they conserve their water for drinking and cooking, these households are not able to do laundry. This has a significant impact on the wear and tear of their cherished blankets.

Enter DIGDEEP, a nonprofit

organization that is now working to provide clean, accessible water to the Diné. The organization launched a campaign last week to keep hundreds of Diné families warm during the brutal winter months. The group's Give Water, Give Warmth effort will provide wool Pendleton blankets to Diné families in need, with the purchase of a Pendleton this holiday season. Also, \$100 will be donated to the Navajo Water Project.

DIGDEEP founder and Executive Director George McGraw stressed the importance of providing Diné families with warmth and clean water this winter. "If you're Navajo Ameri-

can, you're 67 times more likely not to have a tap or toilet in your house," McGraw said. "It's really our mission not only to provide safe, high quality water to this community, but also a quantity that meets human rights standards."

McGraw would like other Americans to begin to acknowledge that access to clean water is a serious problem in the U.S. "It's really important to us in this campaign to help Americans see this as an American problem," he said. "We want them to see that it's a problem that's really solvable. We really hope to band together this year."

<http://bit.ly/1wgLTWY> 📍

No More 'Redskins' At Oklahoma High School

Unanimous vote strikes down mascot

Cheers and applause erupted when the school board of Oklahoma City, Oklahoma voted 8-0 last week to do away with "Redskins" as the 88-year-old mascot of Capitol Hill High School and search for a new name. Star Yel-lowfish, the school district's administrator for American Indian student services, was among those who argued successfully for the change. "I was actually surprised about how well received it was," she told NewsOK.com. "I thought that I would have to do more education on our end to let them learn about the word. But they get it. They got it, and they care about our kids." <http://bit.ly/1yNKDNa> 📍

'Kellytown' Is Saved In Nashville

Native village from 15th century to be preserved

Fundraising efforts to save a Native American settlement dating to the 1400s in what is now Nashville, Tennessee have proved successful. Karl Dean, mayor of the Metropolitan Government of Nashville and Davidson County, has filed legislation to purchase what is known as "Kellytown." If the legislation is approved this week the 6.72-acre tract, located in Forest Hills, will be purchased for \$740,000. More than half the money will come from fundraising efforts spearheaded by the nonprofit group Friends of Kellytown. The site is one of the largest remaining Mississippian-era Native villages in the United States, with some 500 burials

on its grounds. <http://bit.ly/12KWLS60>

Two Tribes Are 'Climate Action Champions'

Announcement made by White House

Two tribes are among 16 communities designated by the White House as Climate Action Champions, whose "approaches can serve as a model for other communities to follow," it was announced on December 3. The Blue Lake Rancheria Tribe of California and the Sault Ste. Marie Tribe of Chippewa Indians each won for a diversity of efforts in preventing, preparing for and adapting to climate change. The designees "have considered their climate vulnerabilities and taken decisive action to cut carbon pollution and build resilience," the Obama administration said. All were winners in a nationwide competition launched by the Department of Energy during the fall. <http://bit.ly/12L2jvO> 📍

Last Steps On Mashpee Wampanoag Casino Bid

Environmental impact report is finished

The Mashpee Wampanoag Tribe moved another step closer toward its three-year, \$500 million effort to build a destination resort casino in Taunton, Massachusetts when, last week, it announced the completion of its Final Environmental Impact Report on the project. "This report is the final step in the state's environmental review process and helps us stay on track to bring thousands of jobs to southeastern Massachusetts,"

Mashpee Wampanoag Tribal Chairman Cedric Cromwell told the *Taunton Daily Gazette*. The document, more than 700 pages long, analyzes the impact the casino development would have on wastewater, wetlands, transportation, air quality, water supplies, rare species and other environmental considerations. <http://bit.ly/1weCal2> 📍

Indian Impersonations Slammed At Bowdoin

Lacrosse players receive reprimand

Fourteen lacrosse players at Bowdoin College will be reprimanded for dressing as Native Americans in November, college officials said. The players hosted a party near the campus in Brunswick, Maine, where they encouraged attendees to dress similarly. The party was dubbed "Cracksgiving" as the party was held in a residence known as the "Crack House," the *Portland Press Herald* reported. "What they did was inappropriate," college spokesman Scott Hood told the *Press Herald*. "The players have apologized and expressed their regret." Dean of Student Affairs Tim Foster has sent a campus-wide email informing students that the 14 athletes will face disciplinary actions. None will be expelled, according to reports. <http://bit.ly/1uo6DZD> 📍

Cherokee Complete Traffic Light Project

First-ever undertaking for Oklahoma tribe

The Cherokee Nation has inaugurated its first traffic light project, erected in the city of Tahlequah in con-

junction with the Oklahoma Department of Transportation (ODOT). The multi-light fixture was activated on November 18 at the intersection of U.S. Highway 62 and Coffee Hollow Road, through which 11,000 drivers pass daily. The intersection marks the entrance to Sequoyah High School, Head Start, the Cherokee Immersion Charter School and the Early Childhood Development Center. The Cherokee funded the project with a half-million-dollar grant from the Federal Highway Administration Tribal Transportation Program; the tribal roads department funded the remainder of the total \$750,000 cost. The ODOT approved the plans and provided oversight. <http://bit.ly/1uoKgCj> 📍

Developer Versus First Nation in British Columbia

Conflict over reported burial site

A segment about a real estate director who wanted to develop land containing what archaeologists believe are more than 40 earthen burial mounds, bearing the remains of ancestors of the Sumas First Nation, was recently featured in a report by CBC News. "I thought it was a great opportunity," said John Glazema, director of Corpus Management Group, who hoped to erect a \$40 million residential and industrial complex on the site, known as Lightning Rock. Sumas First Nation Chief Dalton Silver told CBC he was "relieved" when construction was stopped but that confrontations between property owners and First Nations would continue until the government makes reforms. <http://bit.ly/1wjFz0T> 📍

Wolf Hunts End Early

Quotas are met or exceeded ahead of schedule **BY KONNIE LEMAY**



A gray wolf in Wisconsin. The quota has been exceeded, and the sanctioned wolf hunt is over three months early.

Bottom Line: *Two states have ended all or part of their wolf hunts in advance of their announced deadlines, apparently because of burgeoning lupine populations.*

Wisconsin has ended its wolf-hunting season far ahead of schedule because the state's target numbers had either been reached or exceeded. And the day before, Minnesota announced that it had closed one of its three hunting and trapping zones after hitting its target number.

Wisconsin closed the last of six hunting and trapping zones on December 5, some three months early,

because the quota for wolf kills had already been exceeded. The hunt began on October 15 and was to have run through the end of February.

Some observers hailed the closures as a sign that wolf numbers have rebounded significantly. "That there can be a hunting and trapping season is evidence of the tremendous success of the recovery program," said David MacFarland, the carnivore specialist of the Wisconsin Department of Natural Resources (DNR).

Others were not as pleased. "I feel that the only reason a person would hunt a wolf is bragging rights," said Nigaanigiizhig (Jim St. Arnold),

Ojibwe elder and the Traditional Environmental Knowledge coordinator for the Great Lakes Indian Fish and Wildlife Commission in Odanah, Wisconsin. "They can't eat the meat of a wolf, they can only have a trophy."

In Wisconsin about 80 percent of the wolves that are taken are trapped. There is no limit on the number of traps set, but a trapper can only kill one wolf. Any other live-trapped wolves must be released. In Minnesota, which has an early hunt with guns only and a later hunt with shooting and trapping, about 50 percent of the kill is from traps.

The gray wolf has been delisted as

an endangered species in several regions, and six states have since allowed wolf hunts. The total population of gray wolves in the lower 48 states is estimated at about 5,500, according to the International Wolf Center; the population in Alaska is estimated at 8,000 to 11,000. Within the Great Lakes region, most tribes have officially opposed any recreational hunting or trapping of wolves. These opponents include the 11 member tribes of the Great Lakes Indian Fish and Wildlife Commission.

“As a member of the Wolf clan, I was taught that the wolves are my brothers and sisters. They are my teachers and protectors,” said St. Arnold. “As such, it is important for me to do what I can to protect them as I would any member of my family.”

Controversy is arising in states like Wisconsin, where the target quota set by the DNR is being exceeded. This year, while the overall quota of 150 wolves was exceeded only by four wolves as of the morning of December 5, the number of wolves killed in one zone—29—was nearly double the 15 that had been permitted. The season was closed in that zone three days after it opened. It continued in the other five until December 5.

“The overage is a reminder that the State of Wisconsin is still really operating on its learning permit when it comes to harvesting wolves,” said Peter David, the wildlife biologist of the Great Lakes Commission.

In Michigan during the November elections, voters rejected two wolf-hunting laws earlier enacted by the state legislature. However the legislature, anticipating those votes and working with a hunting coalition, enacted a third wolf hunt law before the vote, too late for it to be placed on the ballot. Though wolf hunting remains on the books in Michigan, the actual hunt was canceled this year by the state Department of Natural Resources

because of the ballot initiatives.

Minnesota is the only state other than Alaska that has retained a reproducing population of wolves when they became extinct elsewhere. In Minnesota, a 2013 poll commissioned by the conservation group Howling for Wolves showed that 66 percent of respondents felt that a recreational wolf hunt was unnecessary because wolves already can be killed legally by landowners if they attack pets, people

*Some hail the
early end to the
hunts as a sign of
recovery. Others
are upset that they
go on at all.*

or livestock.

Minnesota estimates its wolf population at 2,400, down from a peak of 3,020 in 2004. This year the state’s Department of Natural Resources has set a kill quota of 250 wolves in three zones. Last year the quota was 220, but 238 animals were killed. During the first year of the state hunt, the quota was set at 400 but 413 wolves were killed.

The higher quota for that first year was based on estimates taken several years earlier, according to Dan Stark, carnivore specialist for the Minnesota Natural Resources Department. The kill quota averages about 10 percent of the estimated population. Should the state’s wolf population fall below 1,600, the hunt would need to be re-

evaluated under the state’s wolf management plan.

Public opinion does not uniformly support increased populations of gray wolves. In Washington State, which does not currently have a hunt, billboards have gone up warning, “The Wolf ... Who’s Next on Their Menu,” with images of elk, deer, cattle, dogs and a child on a swing. These images were commissioned by the organization Washington Residents Against Wolves, *The New York Times* reported.

A study by Washington State University, published recently in the journal PLOS ONE, showed that depredation of livestock increased when wolves were killed to stop attacks. There have been rare cases of unprovoked wolf attacks against humans. But generally, healthy wolves avoid interaction with people.

For the Anshinaabe people especially, the fate of the wolf—“ma’iingan”—is important.

“There are a few stories about the wolves and our people,” St. Arnold said. “One talks about how the Creator instructed the first Anishinaabe to name those things that didn’t have a name. Knowing that the man would be lonely, the Creator

asked the wolf to travel with the man as a companion. During their journey they became as close as brothers, and the wolf taught many things to the Anishinaabe man: how to look for food, how to take care of his family, how to watch the world around him, and many other things.

“After their journey, the wolf knew he had to walk his own path again. As he started to leave, he told the Anishinaabe man that because of their travels, many talks and the bond they had formed, they were like brothers. He, the wolf, told the man that he would always be there to teach him when he looked, and that as brothers, what happened to one would happen to the other. As one survived, so would the other.” <http://bit.ly/1zRCbe9> 🌀

Historic Environmental Ruling For Yukon

A legal victory in defense of preservation efforts

Bottom Line: *First Nations in Yukon won a landmark case when a judge ruled that the Canadian territory's government had overstepped its bounds in overriding a land-use plan to preserve the bulk of the huge Peel Watershed.*

Four Canadian plaintiffs emerged victorious on December 2 when a Yukon Supreme Court justice ruled that the territorial government had violated a plan known as the Umbrella Final Agreement (UFA), which had been developed to allow development—but not a total devastation—of the vast Peel Watershed.

Supreme Court Justice Ron Veale decided in favor of the Nacho Nyak Dun and Tr'ondëk Hwëch'in First Nations, the Canadian Parks and Wilderness Society Yukon Chapter, and the Yukon Conservation Society. He also sent the government back to the consultation stage by declaring that the alternate plan put forth by Yukon officials ran counter to the goal of reconciliation with First Nations and thus did not uphold the “honor and integrity of the crown.”

“This is a remarkable judgment,” said attorney Thomas Berger for the plaintiffs. “The land use planning process in the Umbrella Final Agreement signed by Canada, Yukon First Nations and the Yukon Government in 1993, and entrenched in the Constitution has been vindicated.”

The Umbrella Final Agreement, signed in 1993 by several Yukon First Nations and the Yukon government, laid out a land-use planning process that had been

a decade in the making, said Berger. The Yukon government had not disputed the tenets of the agreement, which was crafted over five years at a cost of \$1.6 million by the Peel Watershed Planning Commission, according to CBC News.

The planning commission recommended in 2011 that 80 percent of the watershed, much of it lying in the traditional territories of the Nacho Nyak Dun, the Tr'ondëk Hwëch'in, the Vuntut Gwitchin, and the Tetlit Gwich'in First Nations, be



The Peel Watershed occupies a major portion of Yukon.

protected. The other 20 percent would be open to development, according to the agreement, covering 26,000 square miles. The Yukon government had a chance to change the agreement in 2011 but did not, the plaintiffs said.

“Following the 2011 territorial election, the Yukon Party government rejected the commission’s land use plan and developed its own plan, which it released in 2012 and approved in January 2014,” CBC News said. “It provides protection from development of less than 30 percent of the land.”

The plaintiffs filed suit in February

2014, soon after the newly elected Yukon government had finalized its own plan. They argued the case in July.

“We are very happy to see the courts honor and uphold the integrity of the Umbrella Final Agreement and Yukon First Nation agreements,” said Nacho Nyak Dun First Nation Chief Ed Champion.

“The Peel River Watershed is as sacred to our people as it was to our ancestors, and through this decision today we have ensured it will remain so for our grandchildren,” said Tr'ondëk Hwëch'in First Nation Chief Roberta Joseph.

“The planning process will now return to the stage where Yukon Government ran it off the rails—the final round of consultation with First Nations and the public,” said the plaintiffs. “The court order constrains Yukon Government to the modifications they previously proposed, but the question of the amount of land protected and the question of access are off limits.”

The Yukon government said it remained committed to working with First Nations and other groups while assessing the judge’s ruling.

“The government will carefully review today’s decision before determining how to move forward and will assess implications of the judgment on land use planning and the economic future in Yukon,” the territorial government stated. “As we examine the court’s opinion and the reasons given by the judge, we will continue to work with First Nations, consulting and engaging on many ongoing files, projects and activities.” <http://bit.ly/1D9snlv> 📍

The Professor Versus The President

Obama and his law mentor face an environmental impasse BY GALE COUREY TOENSING

Bottom Line: *President Obama supports the massive Cape Wind project. His former law professor, representing Native interests, does not.*

Cape Wind Associates, which has been trying for more than a decade to build a massive \$2.6 billion wind energy project in public waters off the coast of Cape Cod, has a new challenge. It comes in the form of law professor Laurence H. Tribe of Harvard University, who mentored President Barack Obama when he was a Harvard law student—and who now opposes Obama's support of the project.

The Cape Wind project proposes erecting 130 turbines, each towering 440 feet above the water, across a 25-square mile area between Cape Cod, Martha's Vineyard and Nantucket. Since it was first proposed in 2001, the project has faced fierce opposition from the Alliance to Protect Nantucket Sound, the umbrella group for dozens of opponents. The opposition includes the Mashpee Wampanoag Tribe on Cape Cod and the Aquinnah Wampanoag Tribe on Martha's Vineyard. The tribes oppose the project because they say it would block their ritualistic and unimpeded view of the sunrise.

The Obama administration has touted Cape Wind as America's first offshore wind farm. But Tribe has allied himself with the opponents of the environmentally minded project, thus putting him in conflict with his former student and the current President of the United States.

Tribe, the Carl M. Loeb University Professor and Professor of Constitutional Law at Harvard, has taught at the Law School since 1968 and argued the first of the two *Bush*

v. Gore Supreme Court cases for former Vice President Al Gore in the disputed 2000 presidential election. He has argued dozens of other major cases before the high court. In 1988-1989, when Obama was a first-year Harvard law student, Tribe took him on as a research assistant. The future president held the position for two and a half years, *The Fis-*



Tribe: Once a teacher, now an opponent

cal Times reported.

"He was amazing," Tribe told *The Fiscal Times*. "This kid comes in wearing jeans and a sweatshirt—lanky kid, strange name—but I was quite amazed by him and we talked for a long time, even though he hadn't taken constitutional law yet, let alone take it from me." When Obama asked Tribe for some research assignments, Tribe responded with what he described as "some very challenging stuff."

Obama carried off the assignments with aplomb. "In all of my years of teaching, I don't think I've ever been that impressed with a first-year law student," Tribe said.

Some 25 years later, on November 6, Tribe and a team of lawyers filed a brief in the 1st Circuit Court of Appeals in Boston, arguing that various Massachusetts agencies and officials had committed "an ongoing violation

of federal law" by strong-arming the energy company NSTAR into buying power from Cape Wind.

The appeal challenges a district court's dismissal of a lawsuit that was filed earlier this year. And it bolsters constitutional arguments that opponents have advanced regarding issues of environment, public safety and cultural preservation—particularly of the Wampanoags' ceremonial need for an unobstructed view of the sunrise.

If Cape Wind receives funding and final approvals, it will be among the most expensive power projects in the nation and will cost at least three times the price of competing out-of-state green energy providers. According to NSTAR's estimates, Cape Wind would raise electricity bills for NSTAR customers by nearly \$1 billion over the life of the contract.

"From an economic perspective, the State has imposed a direct surcharge on ratepayers' power rates attributable to illegal discrimination" because NSTAR will collect every cent from its customers that it pays to Cape Wind, the brief asserts.

"We have a very strong case that shows NSTAR was coerced into buying Cape Wind power in a way that violates federal law, discriminates against affordable green power producers, and burdens small businesses and municipalities with unnecessarily high electricity costs," said Audra Parker, president and CEO of the Alliance to Protect Nantucket Sound.

"It's time that the state acknowledges and takes responsibility for this backroom deal that would place a tremendous cost burden on consumers and businesses throughout the Commonwealth," she added. <http://bit.ly/1z7OtiV> ☞



Confederated Tribes of the Umatilla Indian Reservation

Department Director – Office of Information Technology

Exempt Status, Full Time with benefits package. Pay Range: 15

The Office of Information Technology (OIT) Director will ensure that information technology policies, systems, infrastructure, and capacity meet the needs of the core functions of CTUIR government. The OIT Director addresses this responsibility by ensuring that strategic long term goals, policies and procedures are adopted and implemented for CTUIR. The OIT Director serves as a member of CTUIR's senior management and will operate with both business and technology grounding. An effective OIT Director must have both the technical knowledge needed to determine how to satisfy business requirements with technical solutions and the strategic vision to identify goals, formulate a business plan, construct one or more programs for system development, and deliver technical solutions on time and within budget. The OIT Director oversees the Information Technology Program, Geographic Information System (GIS) Program, Records Management Program, and community technology function.

For more information or Application for Employment contact:

Office of Human Resources at (541)276-3570 or visit website @ www.ctuir.org.
Position is open until filled with the first pull of applications on January 6th, 2014.

Beginning on **December 15, 2014**
Pueblo Nuevo Site, a 172 unit building located at 210 Stanton Street, New York, NY 10002 will open its rental waiting list to eligible families with limited incomes. Qualifications will be based on Section 8 Federal Guidelines.

Interested persons may obtain an application by calling or writing to:

Pueblo Nuevo Associates, LLC
CCP Management LLC
754 Eastern Parkway
Brooklyn, NY 11213
718-475-7666

Please do not submit:
More than one (1) application per family
If more than one (1) application is received, it will be dropped to the bottom of the list.

If you have a disability & need assistance with the application process, please contact:
Leah Slavin
718-475-7666

Completed applications must be sent by **First Class Mail ONLY** to the P.O. Box stated on the application and must be received by **March 31, 2015**



Psychologist Position

University Counseling Center at the University of Wyoming has an opening for a Psychologist.

University of Wyoming is an EEO/AA employer.

Background investigations are conducted on all prospective employees

Obtain more information and apply at:

<https://jobs.uwyo.edu/>

Application deadline is January 11, 2015 at 11:59 pm.



Umonhon Nation School

Umonhon Nation Public School is nestled inside the small isolated community of Macy, NE, home of the Umonhon tribe since the 1800's. Umonhon Nation Public School, is located on tribal lands about 70 miles northwest of Omaha and 27 miles southeast of Sioux City, IA. 510 students in grades Pre K-12 attend the school. The school has a high mobility rate. Currently 100% of the students are Native American. The majority of staff lives outside the community and make the daily commute from several outer lying communities.

Applicants must qualify for a Nebraska Administrative and Supervisory Certificate with an endorsement in Superintendentcy. Minimum of three years school administrative experience required. **The start date for the position is July 1, 2015. Open from 12/1/2014 to 1/5/2015.**

APPLICATION REQUIREMENTS:

1. Letter of application, including reasons for interest in the position.
2. A signed copy of the application form.
3. A signed copy of the background check form. (Important: Submittal of this form is not required until such times as it is determined that the applicant is qualified for the position of Superintendent of Schools)
4. Resume
5. Letters of recommendation
6. Transcripts

Send Resumes to:

Stacie Hardy, Ed.S.
Interim Superintendent
Umonhon Nation Public School
Macy, NE
office: 402-837-5622

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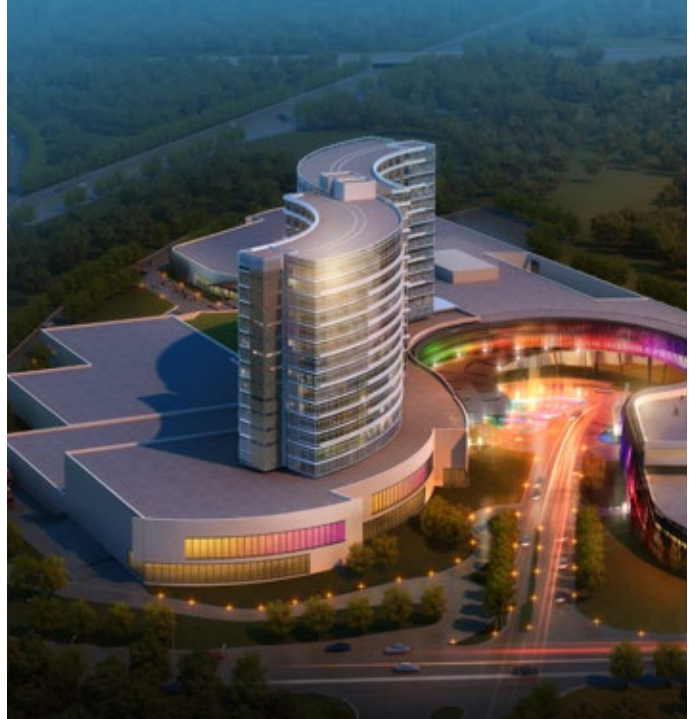
Stephanie Muise was among 70 undergraduates who spoke at the American Indian Science and Engineering Society's national conference.



The school board of Oklahoma City, Oklahoma, decided to scrap the 88-year-old "Redskins" mascot of Capitol Hill High School.



The Shoshone-Bannock Tribes are opposing plans to delist the Yellowstone grizzly as an endangered species, fearing an increase in trophy hunting.



The Mashpee Wampanoag Tribe has completed its final Environmental Impact Report for a \$500 million casino complex in Taunton, Massachusetts.

NORTHLAND COLLEGE; NEWS9/KWTU-DT; WOLVES OF THE ROCKIES/AP IMAGES; MASHPEE WAMPANOAG TRIBE

Headlines from the Web

IRS SEEKS TAX DOCUMENTS FROM FLORIDA TRIBE CHAIRMAN; DECEMBER 15 HEARING SET
<http://bit.ly/1vO3qa4>

CHUMASH DONATE \$10,000 TO LEGAL AID FOUNDATION
<http://bit.ly/1vLF5Sn>

GUN LAKE TRIBE ANNOUNCES SHARING PAYMENTS OVER 60-MILLION DOLLARS
<http://bit.ly/136wTkj>

APPEALS COURT DISMISSES SUIT OVER SPENDING OF THE COLVILLE TRIBE'S \$193 MILLION SETTLEMENT
<http://bit.ly/1wynlfi>

OFFICIALS INVESTIGATING FIRE AT SHINNECOCK RESERVATION ON TUESDAY
<http://bit.ly/166CybT>

TRIBE SUBMITS FINAL CASINO ENVIRONMENTAL IMPACT REPORT TO STATE
<http://bit.ly/1vF9a0V>

OBAMA PLAN AIMS TO HELP YOUNG AMERICAN INDIANS
<http://wapo.st/1s00stK>

WYANDOTTE CASINO HOLDS GRAND OPENING FOR EXPANSION
<http://bit.ly/1shPKoj>

PERRY BELLEGARDE, NEW AFN CHIEF, HAS KNOWN TRIUMPHS AND DISAPPOINTMENT
<http://bit.ly/1AocBgO>

Upcoming Events

NEW YEAR'S EVE SOBRIETY POW WOW DECEMBER 31

The 29th annual gathering, sponsored by the Native American Rehabilitation Association (NARA) of the Northwest, Inc., will include traditional Native games, a NARA honoring, a sobriety countdown, an Aztec dancers' performance, and arts and crafts venues. All dancers and drums are welcome.

Location: Oregon Convention Center, Portland, Oregon

MORNING STAR POW WOW JANUARY 10

This 15th annual traditional benefit pow wow is being conducted to raise funds for St. Labre Indian School in Ashland, Montana,

which serves Cheyenne and Crow families through three schools that offer a range of educational opportunities. The gathering also supports and builds the American Indian community of the central Atlantic area. A final purpose is to provide a cultural and educational event for students and the wider community.

Location: John Carroll School, Bel Air, Maryland

NATIVE AMERICAN FINE ARTS FESTIVAL JANUARY 10-11

"The Taste and Texture of Tradition" will spotlight Native American traditions and family legacies that are carried on and celebrated through the arts. Special efforts will be made to share information about the role that the senses play in creating and understanding Native American art.

Location: Litchfield Elementary School, Litchfield Park Arizona

BOARD AND COUNCIL MEMBER'S ROLES AND RESPONSIBILITIES

JANUARY 13-14

Conducted by CSN/DCI America—which for over 20 years has offered consulting, training and technical assistance across Indian Country—this forum will review Robert's Rules of Order, issues of governance, and the effectiveness of ethics laws, with an emphasis on "The Loud Voice of Our Consciences." Other panels will be devoted to leadership roles (forums will include "Characteristics of an Effective Leader," "Leaders as Motivator," and "What It Means to Have a Vision"), liability issues (including "A Conservative Approach" and "Tribal Sovereignty") and decision-making (including "Deciding on and Implementing Strategies" and "Diagnosing the Problem").

Location: Westmark Hotel, Anchorage, Alaska

LETTERS TO THE EDITOR

Re your article about shock queen Nicki Minaj kicking off the European "Pinkprint Tour" adorned in a feathered headdress (12/8):

I hate not only that celebrities feel the need to wear a headdress, but that some non-cultural embellishments might help it look non-Native. We have to remember not to see cultural appropriation

in everything we see. Otherwise it will water down our concerns over accurate headdresses being used.

—Michael Madrid
Las Cruces, New Mexico

In her commentary about the recent passage of the Tribal General Welfare Exclusion Act (11/21), Dina Gilio-Whitaker makes good points. I would add a small

suggestion: Make all tribal taxes paid by tribal citizens deductible from federal income taxes whether or not the tribal citizens generally make enough money to itemize deductions. Yes, it would require a new line on the 1040-EZ. But it would be a powerful incentive for tribal governments to depend less on Uncle Sam and more on the people they represent.

—S.W. Russel

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

JUSTICE DEPARTMENT ALLOWS POT ON INDIAN LAND

The Justice Department has told U.S. attorneys not to prevent tribes from selling or growing marijuana on their sovereign lands, even if their practices violate state laws. "The new guidance, released in a memorandum, will be implemented on a case-by-case basis and tribes must still follow federal guidelines, said Timothy Purdon, the U.S. attorney for North Dakota and the chairman of the Attorney General's Subcommittee on Native American Issues," reported the *Los Angeles Times*.

REMARK ABOUT INDIANS AS 'WARDS' SPARKS REACTION

A reference the week before last made by Rep. Paul Gosar

(R-Arizona) to Native Americans as "wards of the federal government" has sparked reaction from both opponents and proponents. "He kind of revealed the truth—the true deep feeling of the federal government," said Phil Stago of the White Mountain Apache Tribe. But Gosar's spokesman, Steven Smith, said, "I think it's misconstrued. If you look at the work the congressman has done, that's far from the truth."

FIRST NATIONS CHIEFS NOW ON ENERGY PROJECT

The British Columbia oil refinery company Pacific Future Energy last week recruited two First Nations chiefs to help launch a new bitumen refinery. Former national chiefs of the Assembly of First Nations Shawn Atleo and Ovide Mercredi were tapped as advisors.

Pacific Future Energy intends to take bitumen, an oil-based substance, from Alberta's oil sands and convert it into refined products for export to Asia. According to the *Financial Post*, the initial phase of the project would cost \$10 billion.

NATIVE AMERICAN MODEL ACCUSES COSBY

Supermodel Beverly Johnson, whose ancestry is African-American and Blackfoot, told *Vanity Fair* last week that Bill Cosby drugged her at his home in New York City. Titled "Bill Cosby Drugged Me. This Is My Story," Johnson's account of her assault accords with recent charges raised by other women against the comedian. "Now that other women have come forward with their nightmare stories, I join them," Johnson said. "I had to use my voice

as a sister, mother, and grandmother, and as a woman."

KEYSTONE OPPOSITION SPURS SIMILAR PROTESTS

Grassroots protests against the controversial Keystone XL pipeline have inspired resistance to similar pipelines across North America, *The Wall Street Journal* reported last week. "Using Keystone XL as a template, national environmental groups are joining with local activists in a strategy aimed at prolonging government reviews of proposed pipeline routes and their environmental impact," the *Journal* reported. "As a result, six oil and natural-gas pipeline projects in North America costing a proposed \$15 billion or more and stretching more than 3,400 miles have been delayed."

How Did I Miss That?

Chimpanzees, Lee Harvey Oswald and laser weapons BY STEVE RUSSELL

The Washington Post reported that the Nonhuman Rights Project lost a unanimous opinion in New York's Third Judicial Department, turning away Tommy the Chimpanzee's bid for personhood in law and therefore freedom. "They would have better luck in the courts," my cousin Ray Sixkiller said drily, "if they incorporated the chimp."

Corporations are legal persons and animals are not, but dead humans ought to rest in peace. In 1981, they opened up Lee Harvey Oswald's grave to quiet conspiracy theorists who claimed he was not buried there. He was, but that did not have any effect on the tinfoil hat crowd who think Oswald was smart enough to get a job with a perfect sniper's perch before JFK had any plans to visit Texas, much less Dallas.

A lawsuit just ended where Oswald's brother sued the funeral director who did the exhumation. Robert Oswald claims that he bought the pine box Lee Harvey was buried in for \$300 and then Allen Baumgardner sold it secondhand for \$87,000. Baumgardner's legal theory is that the casket was a gift to Lee Harvey that Robert did not expect to get back. Judge Don Cosby is expected to make a decision soon. "I can't imagine," Cousin Ray snickered, "why neither of these sterling characters asked for a jury trial."

A more recent funeral happened when Dollree Mapp walked on. Mapp stood up to Cleveland police who were searching for a man allegedly involving in bombing the house of Don King's—the same Don King who is now a famous boxing promoter but then was reputed to make a living in the numbers racket.

After the police shoved their way into

Mapp's home without a warrant, they found a pencil sketch of a naked person and some books with racy titles, which were illegal in those days. Her conviction was reversed in a Supreme Court opinion that started



Are chimps people? Should they perhaps be incorporated?

out to strike down the Ohio obscenity law for general nuttiness but veered into the Fourth Amendment and extended the Exclusionary Rule that products of unlawful search are not admissible in a criminal prosecution to state courts. So it was that this uppity woman of African-American and Mississippi Choctaw descent got her name on a landmark case, *Mapp v. Ohio*.

Bloomberg reported that the Porsche 918 Spyder Hybrid has sold out at \$845,000 a copy. Production was limited to 918 vehicles. Americans bought 297. Cousin Ray would not say whether he bought one. "You never can tell when you might want to go zero to 60 in 2.5 seconds on 67 miles per gallon."

An environmental committee appointed by Indian Prime Minister Narendra Modi suggested that the government should "rely on business owners to volun-

tarily disclose the pollution that their projects will generate and then monitor their own compliance." George W. Bush could have written that when he was governor of Texas. Mr. Modi should visit Texas and see how that worked out. "Tell him he might want to bring an oxygen bottle," Cousin Ray snarked.

The New York Times reported that the U.S. is going to be steered in the same direction as India by the new majority of Republican attorneys general, who are teaming up with the energy companies that donated to their campaigns to frustrate Environmental Protection Agency moves to curb pollution. It's only fair to point out that environmental groups have worked

with Democratic attorneys general to stop pollution, so it's not so much the method as the result that voters have to pick.

The Wall Street Journal reported that the U.S. Navy has successfully tested a laser weapon. Cousin Ray pointed out that the weapon has a fundamental political flaw: "Each firing costs only 59 cents. No room for graft."

First Look showed video from a practice of the Washington, D.C. football team in which "team mates" got into a fistfight, said to be over a dropped pass. "Only three wins by December will do that," Cousin Ray said. So far, the 2014 Washington team has beaten only the Jaguars, the Titans, and the Cowboys. The betting window is still open on whether the Washington team will have a winning season before they give up the racial slur in their name. <http://bitly/1qEXQ9>



JURI PEEPRE/FLICKE/PROTECTPEEL.CA

A recent Yukon Supreme Court ruling will help preserve the bulk of the huge Peel Watershed.

THE BIG PICTURE