

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

### A Letter from the Publisher

*Shekóli.* Time was when art produced by our ancestors was defined as artisanship or craftsmanship. Works were not seen as the products of an individual's creativity or genius. Instead, a piece of beadwork or a sculpture was characterized as belonging to a select type of culture or period, with an emphasis on its archaeological or anthropological meaning.

However, change is in the air. Thanks to the stellar work and ceaseless advocacy of today's contemporary Indian artists, museum curators and art critics have been compelled to reassess Native artwork of the past.

Earlier this month, the Metropolitan Museum of Art in New York City unveiled "The Plains Indians: Artists of Earth and Sky," a critically acclaimed exhibition reviewed in this edition of This Week From Indian Country Today. Amid neighboring halls housing ancient Greek and early Chinese Buddhas, the new exhibit showcases 150 pieces of incredible artwork produced in Turtle Island spanning 2,000 years. As awe-inspiring as the show's oldest piece, the Human Effigy Pipe, is a painting from 1962 by the late Oscar Howe (Azuha Makshina). When Howe submitted his work for a museum showing in Tulsa in 1958, the Indian Annual, his work was rejected because it was deemed "not Indian." Now his inspiring canvas, "Calling on



Wakan Tanka," plays a starring role at the exhibit.

The other pieces in the show have come full circle as well. Many are on loan from foreign collections in Europe, an irony not lost on many observers. While our forefathers and mothers were dismissed as savages, and their creative output judged purely functional, it did not stop explorers to these shores from gathering our works and sending them back in great number to Europe, where their value has only grown. The pieces have now returned home, however briefly. Says exhibit curator Gaylord Torrence of the works, "They are charged with layers of meaning in the same way that a painting or sculpture would be in

Euro-American culture. It's taken us a long time to recognize that and accept it."

We welcome the change.

Nл ki² wa,

hay Apellian

Ray Halbritter

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#### **Data Sovereignty For Tribes**

*Ruth Hopkins* (Sisseton Wahpeton & Mdewakanton Dakota, Hunkpapa Lakota) urges that tribes seize control of their digital data against government surveillance:

There is a new frontier that tribes must protect, a digital landscape. The National Security Agency, FBI, CIA and other government organizations have access to all of your personal data, compiled in bulk as metadata. The War on Terror, 9/11 and laws like the Patriot Act have been used to scare the public into accepting an unprecedented era of mass surveillance and government secrecy.

If tribes don't exercise sovereignty over

#### Changing the Redskins Name Legally

ICTMN contributor **Steve Russell** (Cherokee Nation of Oklahoma) opposes the Washington Redskins team name. But he is also dubious about the Lanham Act, the trademark law being invoked in a current lawsuit to stop team owner Dan Snyder from using the name. He offers a possible solution:

The demise of part of the Lanham Act might not be the catastrophe for commerce some would predict. Indians, not having thought to register their tribal their digital domain, they will lose it. The federal government is treating this new digital landscape as though it is undiscovered country where they may once again plant their flag and seize all of it à la Manifest Destiny and the Doctrine of Discovery.

We've got to build our own digital infrastructure and claim ownership of our own metadata. From gaming operations, tribal programs, businesses, educational institutions and individual tribal member activity, tribes have loads of data. Furthermore, we're bleeding out cash flow that's currently going to everyone else who is buying and selling our data under the radar, without tribes' permission. Tribal activities, in-

names as trademarks, are on the wrong end of quite a bit of trademark law and policy. You don't have to think about that for very long to understand why a Cherokee considers the law of trademark a sore spot second only to the law of land tenure.

I object to people who are not Cherokee profiting from the use of the name (this means you, Jeep). But the First Amendment says they can call their product—and Snyder can call his football team—whatever they and he want.

A lawful way out of this box would be to do away with government protection of trademarks and rely on the common law cluding those performed online, should belong to tribes and their peoples.

The digital frontier could also become a battlefield, and we are leaving ourselves vulnerable by refusing to exercise data sovereignty. The United States has spied on organizations like Amnesty International that support the release of political prisoner Leonard Peltier.

The creation and assertion of tribal policy on digital information is long overdue. Make no mistake, it doesn't matter whether you're Democrat or Republican, patriotic, or not. Taking control of our digital infrastructure and protecting our metadata is about asserting tribal sovereignty. *http://bit.ly/1bdKUkp \distarcowsellegettertailies* 

tort of "passing off." That means piggybacking on the money someone else spent to establish a brand by causing confusion among consumers. In the case of the Redskins, nobody is likely to be confused about who the racists are.

I don't look for the Lanham Act to go anywhere. But if the Lanham Act emerges unscathed, and revocation of Redskins is sustained, then Snyder still does not have to change his racist mark. He just loses his monopoly on it. I can think of some ways Indian activists could go to town on that.

Hint: There are excellent artists among us. *http://bit.ly/1HWv5td* 

### When Indians Couldn't Talk to Congress

Israeli Prime Minister Benjamin Netanyahu recently made a controversial address to a joint session of Congress. In September, Pope Francis will make the first-ever papal speech to a congressional joint session. **Peter d'Errico** now recalls the American Indian Movement's failed attempt to similarly address the legislative branch:

In October 1972, the American Indian Movement (AIM) asked to address a joint session of Congress to present its concerns. AIM's request was contained in a 20-point position paper titled "An Indian Manifesto." It was issued as part of the Trail of Broken Treaties march across the continent to Washington, D.C. In January 1973, the White House rejected all 20 points. AIM never got to address Congress.

Vine Deloria, Jr., in his book *Behind the Trail of Broken Treaties*, wrote that the White House rejected AIM's request "without much consideration of the value of the proposal for contemporary times and in the context of the world situation today." Deloria's analysis was confirmed when Suzan Shown Harjo interviewed John Ehrlichman, counsel and chief domestic advisor to President Richard Nixon, about his Indian policy discussions with the president. Ehrlichman said that there weren't any such policy discussions: "He could recall Nixon actually saying only one thing, during the occupation of the BIA building: 'Get those goddamn Indians out of town."

AIM's request to address Congress was not radical. The organization stated that the purpose of its address to a joint session would be to focus on "the Indian future within the American Nation, and relationships between the Federal Government and Indian Nations." The AIM "Manifesto" opened with the declaration, "We want to have a new relationship with you . . . an honest one!" *http://bit. ly/1Cx9abL* 

#### Connecticut Tribes Propose Casino Partnership to Battle Competition BY GALE COUREY TOENSING

Once robust rivals for the region's gaming customers, the Mashantucket Tribal Nation and the Mohegan Tribe will join forces to manage new Connecticut casinos. Their new venues, whose planning was announced on March 10, would be strategically placed to draw customers away from expanding gaming facilities in New York, Rhode Island and Massachusetts.

The Mohegan and Mashantucket, the only two federally recognized tribes in Connecticut, would manage the casinos jointly. The currently own and operate the Mohegan Sun and Foxwoods Resort Casino, respectively.

Once the biggest and most successful casinos in the world, Mohegan Sun and Foxwoods have seen declining revenues for the past eight years, brought on by increasing regional competition and the recession. The new facilities would be much smaller than the tribes' two behemoth resort casinos, with no hotels or concert venues—only slots and table games.

Connecticut has reaped over \$3 billion from each tribe under the tribal-state gaming compact. The two tribes provide the state with 25 percent of the slot revenues from each facility, and that compact will likely remain in place. But if legislation for the new casinos passes, the governor would have to negotiate a new compact with the tribes to determine the state's share of revenue from the new casinos.

A recent Quinnipiac University poll says that 75 percent of Connecticut voters oppose more casinos in general. Moreover, nearly 60 percent oppose specific legislation to allow the two Native-American tribes to open new, smaller casinos.

"Voters think gambling in Connecticut is good for the state, but they don't want more casinos," said Quinnipiac University Poll Director Douglas Schwartz. *http://bit.ly/1FY4MBp \rightarrow* 

#### Meskwaki Nation Opposes New Midwest Oil Pipeline

The Sac & Fox Tribe of the Mississippi in Iowa (Meskwaki Nation) has formally opposed a 1,100-mile-long underground pipeline that would carry 570,000 barrels of Bakken crude daily across 343 miles of Iowa to Patoka, Illinois, and from there to the Gulf Coast.

"As a people that have lived in North America for thousands of years, we have environmental concerns about the land and drinking water," tribal chairwoman Judith Bender wrote in a February 19 letter to the Iowa Utilities Board, the *Des Moines Register* reported. "As long as our environment was good we could live, regardless of who our neighbors were. Our main concern is Iowa's aquifers might be significantly damaged. And it will only take one mistake, and life in Iowa will change for the next thousands of years. We think that should be protected, because it is the water that gives Iowa the best way of life."

The prospect of damage to sacred sites and wildlife habitat also concerns the 1,400-member Meskwaki Nation, the *Register* reported. While the pipeline would not cross the Sac & Fox reservation directly, it would have an impact on traditional lands and put Native American graves at risk.

The pipeline proposal comes from Dakota Access, LLC. Dakota Access first proposed the pipeline in July 2014, but the project has met with much resistance. Twenty other groups, including the Sierra Club, the Iowa Audubon Society, the League of Women Voters of Iowa and the Iowa Farmers Union also oppose the pipeline and have joined to form the Bakken Pipeline Resistance Coalition.

A company spokesperson told the *Register* that Dakota Access would comply not only with the federal Native American Graves Protection and Repatriation Act but also with numerous environmental laws. *http://bit.ly/1EYIRy3* 

#### Navajo Nation Makes International Appeal In San Francisco Peaks Battle BY ALYSA LANDRY

The Navajo Nation is seeking international help to protect its sacred San Francisco Peaks near Flagstaff, Arizona from reclaimed sewage water being used by the Arizona Snowbowl ski resort.

The Nation has filed a complaint against the U.S. government with the Inter-American Commission on Human Rights (IACHR), alleging violations of their rights to practice their religion and culture. If heard, the complaint would be addressed by commissioners representing countries throughout the western hemisphere and tasked with protecting fundamental human rights.

The Nation's complaint, filed March 2, states that artificial snowmaking is "incompatible with the sacred character and ecology of the mountain."

The IACHR, created in 1959 by the Organization of American States, devotes special attention to populations who have been historically targeted by discrimination. Although the group's findings are not legally binding, its work can help sway public opinion and persuade policymakers to rethink their strategies.

"We want an independent body to take a critical look, make an independent assessment," said Robert Williams, the E. Thomas Sullivan professor of law and faculty co-chair of the University of Arizona's Indigenous Peoples Law and Policy program, which is representing the Navajo Nation in the international arena. "If we reframe Indian rights issues into a human rights paradigm, we can transform conscience. We can open perspectives."

The 12,000-foot-tall, San Francisco Peaks, a volcanic mountain range, is one of the Navajo people's four sacred mountains. At least 13 additional tribes also consider them sacred. http://bit.ly/1AVZDpe I

#### Major Accolade For Erdrich

#### *Will receive Library of Congress Prize*

Ojibwe author Louise Erdrich will receive the prestigious Library of Congress Prize for American Fiction in September. Erdrich is the author of 14 novels, most recently the 2012 Harper-Collins volume The Round *House*, which won both an American Book Award and the National Book Award. Among Erdrich's other honors are the National Book Critics Circle Award for fiction for Love Medicine. "Louise Erdrich has portrayed her fellow Native Americans as no contemporary American novelist ever has, exploring-in intimate and fearless ways-the myriad cultural challenges that indigenous and mixedrace Americans face," said Librarian of Congress James H. Billington. *http://bit*. ly/1xxn7k3 🐗

#### Teepee Poles Vandalized in Canada

### Incursion on sacred campus area

Teepee poles erected by the University of Alberta's Faculty of Native Studies were vandalized with toilet paper and vinyl flag tape over the weekend of March 7-8. The teepee had been set up as part of a "Justice for our Sisters" memorial designed to bring awareness to murdered and missing aboriginal women, children and two spirit persons. "This disrespectful and ignorant behavior cannot be tolerated on this campus," said university president Indira

Samarasekera. "The university stands in support of our indigenous students, faculty and staff. We value diversity, inclusion and safe spaces for all members of our community." Campus protective services and Edmonton Police Service are conducting an investigation. http://bit. ly/1Dw5b0F #

#### Neets'aii Gwich'in Member Now A Cultural Trustee

Princess Daazhraii Lucaj named by Obama

Princess Daazhraii Lucaj (Neets'aii Gwich'in) was named by President Obama on March 12 to the board of trustees of the Institute of American Indian and Alaska Native Culture and Arts Development. Lucaj, who is dedicated to preserving the Gwich'in language and culture, is a director and actor who has made a career out of working on indigenous endeavors. She served as executive director of the Gwich'in Steering Committee from 2011 to 2014, having previously served as Alaska Director at the Indigenous Leadership Institute from 2009 to 2011. She has been a member of the SAG-AFTRA Native American Committee since 2007. http://bit.ly/1Fv2JGR

#### Quinault Nation Settles Discrimination Suit

# End of athletic league sparked legal action

A lawsuit charging civil rights violations against tribal member athletes of the Taholah School District in Washington, filed by the Quinault Indian Nation against four other school districts, their administrators and athletic directors, has been settled. The suit, filed in February 2013, stemmed from the dissolution of Taholah's athletic league, thereby reducing equal opportunities for Taholah's student-athletes to participate in extracurricular activities. Taholah's loss of a sports league meant that the Taholah students and parents had to travel hundreds of miles to play games. The settlement includes a new league constitution that will be adopted by all member schools. http://bit. ly/1BNKJEU 🐗

#### Another Iditarod Win For Seavey

A mushing dynasty is consolidated

Dallas Seavey won his third Iditarod Trail Sled Dog Race title on March 18, crossing the finish line in Nome, Alaska after 8 days, 18 hours, 13 minutes and 6 seconds. In nine Iditarods, Seavey has made seven top 10 finishes, finishing first or fourth in the last five runs. This is the fourth title won by Seavey and his family in four consecutive races, and its fifth overall. Seavey's father, Mitch, won in 2004 and 2013; Dallas won in 2012, 2014 and 2015. The 2015 competition marks the first time that a father and son team finished first and second in the same Iditarod. http://bit.ly/1ErL92h 🐗

#### Input Sought For Carlisle Project

Attempts to develop a heritage center

Activists are seeking input

from descendants of the Carlisle Indian Industrial School to develop a heritage center at the infamous school's farmhouse, currently located in the present-day Army War College in Carlisle, Pennsvlvania. The Carlisle Indian School Farmhouse Coalition is distributing an online survey that is accessible via Facebook. "It is imperative to the integrity of this project that it be guided in all planning and implementation by the input of the descendants," said Louellyn White, Akwesasne Mohawk, a Carlisle descendant and the founder of the coalition. "At this point in the process it's essential that we hear the voices." http://bit.ly/1x4vSY0 🐗

#### School Changes Mascot Name

'Redskins' is out at Lancaster High

School district officials in Lancaster, New York voted unanimously last week to change their controversial high school nickname, the "Redskins." The Lancaster Central School District Board hosted a special meeting at which it was decided the word is offensive to Native Americans, USA Today reported. Earlier this month, Akron and Lake Shore high schools in New York cancelled lacrosse games with Lancaster over its offensive moniker. "We offer our sincere congratulations to the Lancaster Central School District Board for their admirable choice," said the Change the Mascot campaign. "They listened to all sides of the debate and arrived at a fair decision." http://bit.ly/1LmTwp7 🐗

# 'Layers of Meaning'

#### A retrospective of Native art for Native art's sake by THERESA BRAINE

**Bottom Line:** A major exhibit at New York City's Metropolitan Museum of *Art spotlights a galaxy of Native items* not as anthropological curios but as treasures in their own right.

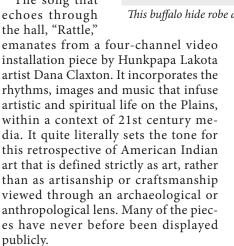
A walk around the Iris and B. Gerald Cantor Exhibition Hall on the museum's second floor (the space is tucked next to galleries containing early Greek art and ancient Chinese Bud-

ists such as the late Oscar Howe, also known as Mazuha Hokshina or Trader Boy, a Yanktonani from South Dakota. Back in 1958, non-Indian judges rejected his entry in the Indian Annual at

A mournful song echoes through the exhibit hall, similar perhaps to sounds that once drifted across the Great Plains.

But this is not your everyday exhibit hall, and we are not on the prairie. "The Plains Indians: Artists of Earth and Sky," now at the Metropolitan Museum of Art in New York City, is a rare and important showcasing of the art and creativity of some of the original inhabitants of Turtle Island.

The song that echoes through the hall, "Rattle,"





Tulsa's Philbrook Museum of Art as being "not Indian," as the Met states in its writeup of the work.

This was because Indian art supposedly only came in one flavor, known as "studio style," which "had become the standard in Native painting in the early 1900s," the museum said. But today, Hokshina's 1962 painting "Calling on Wakan Tanka" ("The Dakota Creator Spirit") is a highlight of the exhibit.

In other words, having first defined indigenous artwork as non-

This buffalo hide robe depicts the exploits of at least two Lakota warriors and includes 60 figures across 14 events.

dhist sculptures) reveals more than 150 works. They range from the 2,000-yearold Human Effigy Pipe-the oldest object in the exhibit and Ohio's official state artifact-to an array of intricately rendered statues, delicately beaded masks, elaborately designed dresses and robes adorned with detailed paintings.

All are heavily endowed with symbolism and meaning, which only adds to their beauty.

It is recognition a long time coming for contemporary American Indian artart during colonial times because of its use on functional items, non-Indians then tried to decree what constituted art when indigenous artists created it solely for art's sake.

The misconceptions date back centuries. When Europeans made contact hundreds of years ago and branded the people they found on Turtle Island as savages, the art of the Indigenous Peoples who lived here was dismissed as purely functional. Thus, it did not fall under the rubric of what was commonly considered art at the time. That did

not stop explorers from packing it up and sending it back to Europe in great volume.

As awareness has grown over the years, and hidden history has been uncovered, the pieces have been shipped

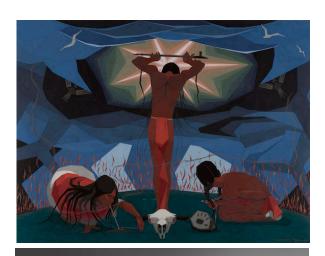
back across the ocean to reside, albeit temporarily, in the premier art museum of the United States. In this exhibit, which opened on March 9 and runs through May 10, Indians not only make art but also define it in a collection that "demonstrates the long history of change and creative adaptation that characterizes Native American art," said Metropolitan Museum Director and CEO Thomas Campbell.

"It is an important opportunity to highlight the artistic traditions that are indigenous to North America and to present them in the context of the Met's global collections," Campbell said.

Take the Blackfeet horse mask. Like its counterparts in Europe, be they made of Spanish leather or metal armor, the mask is designed to protect the horse in battle. But the indigenous version—made in the 19th century from tanned buffalo hide, cotton cloth, ribbon, wood, brass tacks, glass beads and ochre—takes things to a much deeper level.

"It was to sort of ornament the horse, it was to protect the horse," exhibit curator and art historian Gaylord Torrence told Indian Country Today Media Network. "But this horse mask is transformative. It has transformed a horse into the power of a buffalo—that kind of speed, that kind of endurance, that kind of energy. There's a whole other layer of meaning associated with this—for the maker, for the owner, and for the community."

The same holds true throughout the exhibit. A Dakota (Eastern Sioux) cradleboard from 1840, made of Nativetanned leather, porcupine quills, metal cones and glass beads, is covered in thunderbirds and spirit beings. Again, the artistic touch was also functional, since the cones would clink together if the child moved.





Top: 'Calling on Wakan Tanka' (1962) by Oscar Howe (Yanktonani); bottom: a Dakota (Eastern Sioux) cradleboard from 1840, covered in thunderbirds

Another item, a girl's belt set, is also imbued with both artistry and functionality. The 1884 piece by a Southern Cheyenne artist is strung with tool cases, as well as with bags holding firesparking capability for both flint and steel. Charms in the form of deer tails, a wooden bead and two shells are just a few of the accouterments on this musthave accessory that can also come in handy for survival.

Covering an entire wall at the end of the exhibit is the Jaune Quick-to-See-Smith oil and mixed media painting titled "Trade (Gifts for Trading Land with White People)," from 1992, on loan from the Chrysler Museum of Art. Characterized by scarlet, the work is crowned with a row of baseball caps, tshirts and other sports paraphernalia bearing Indian names.

The exhibit was organized by the Musée du quai Branly, Paris, in collaboration with the Met and in partnership with The Nelson-Atkins Museum of Art in Kansas City, where Torrence is senior curator of American Indian Art, as well as Professor Emeritus in Fine Arts at Drake University. The works were culled from no fewer than 81 institutions and private collections in France, Germany, Austria, Switzerland, Canada and the U.S.

More than taking a look back, the exhibit also charts the evolution of "hundreds of years of artistic tradition, maintained against a backdrop of monumental cultural change," the Met said. The exhibit takes the viewer chronologically through the history of Plains peoples and those who were influenced by them. It begins with pre-contact works, then moves on to 19th century works related to westward colonial expansion, and then to reservation life.

"Basically all of these objects, which are functional in the spiritual

or utilitarian way, also contain the values, the beliefs—they are charged with layers of meaning in the same way that a painting or sculpture would be in Euro-American culture," said Torrence. "It's taken us a long time to recognize

# The Needs Of Native Housing

#### There is more to homelessness than just a place to live by ANNE MINARD

**Bottom Line:** Since 1996, housing assistance for Natives has improved. There is still a long way to go—as well as room for innovation and cause for optimism.

A major federal Native housing initiative has shown early success, but more effort is needed to address the pervasive epidemic of homelessness, Native leaders testified before the Senate last week.

The testimony, at a March 18 hearing before the Senate Committee on Indian Affairs, focused on S. 710, a bill that would reauthorize the Native American Housing Assistance and Self Determination Act of 1996 (NAHASDA). The act is designed to reorganize and simplify the process of housing assistance to Native communities, and to improve substandard or even nonexistent living conditions.

Asked by the committee what remains needed to improve Native housing, Karen Diver, chairwoman of the Fond du Lac Band of Lake Superior Chippewa Indians, provided a simple answer.

"More everything," she said. "More cooperation between the federal agencies." She suggested, for example, that federal partner agencies could adopt NAHASDA's policies and let funding be distributed through block grants according to tribal policies.

Among other issues, Diver asked for assurances that creative financing not be penalized. For example, she said, her tribe's housing programs have at times diverted Indian Health Service (IHS) dollars for housing needs. As a result, she said, concerns have grown that such moves could result in lower appropriations for housing programs—because Congress would assume tribes were finding those needs met elsewhere.

"Some tribes don't want to say IHS dollars can be used for housing," Diver said. "Sometimes we fear problem solving because we fear there will be less resources." Gary Cooper (Cherokee), executive director of the Housing Authority of the Cherokee Nation and a board member of the National American Indian Housing Council (NAIHC), offered a mixed message. On the one hand, he praised the housing act. "NAHASDA has signaled a shift in relations between tribal governments and the federal government," he said.

'Sometimes we fear problem solving because we fear there will be less resources.'

But he also found fault with the current legislation. "There are lengthy waiting lists," Cooper said. "Just when we finish a project, another generation comes along. We have couch-surfing and overcrowded conditions. That's what homelessness looks like in Indian country."

He added that although Indian country has made considerable advances in the housing realm, "The sad truth is in 2015, poverty in America continues to have an Indian face."

Indeed, the speakers were clear in saying that housing programs and entitlements for Natives need improvement because of ongoing economic and social inequalities in Indian country in general.

Russell Sossamon, executive director of the Choctaw Nation of Oklahoma Housing Authority, Hugo, Oklahoma and an alternate board member of NAIHC, argued that homelessness is but one piece of a larger puzzle. More needs to be done to address related solutions, including higher education opportunities, career development and economic growth on reservations, he said.

Mellor Willie, the Navajo Nation's Washington D.C. political advisor, suggested a connection between housing and other pressing social issues. For example, he said, career opportunities and economic development are stymied without housing.

"There is a huge brain drain effect on Navajo," he stated in written testimony. "Even for middle and higher income families, there's no housing. Banks are hesitant to finance on tribal trust lands."

But amid the frustrations, hopeful signs were cited. On the Navajo Nation, for example, NAHASDA funds and other grant income is being combined to create novel financing packages. And tribal representatives are beginning to seek financiers from Wall Street for private investment. The current CEO of the Navajo Housing Authority, Aneva J. Yazzie, has spearheaded a reservation-wide master-planning approach that began with a sophisticated mapping system.

"That's important because most of the Navajo Nation is so geographically rugged," Wellie said. "The mapping system overlays infrastructure and utilities, as well as floodplains, to find the only logical places to build."

Other tribes have launched creative solutions with NAHASDA's support and funds. The Choctaw Housing Authority has created a 501(c)(3) home finance corporation to address the home ownership needs of tribal members. The corporation has made \$45 million in direct loans as well as leveraged lending through private partners.

The program also offers "homebuyer and financial counseling, how to use your home as an asset throughout your life to achieve other goals," Sossamon testified. http://bit.ly/1MNBERx #

# **Tester Revisits Carcieri**

A Senate bill would address a contentious Supreme Court decision

**Bottom line:** A "clean Carcieri fix" is back on the table, thanks to Jon Tester.

A Senate bill that would repair the Supreme Court's 2009 ruling in *Carcieri v. Salazar*—which curbed federal authority to take land into trust for tribes af-

ter 1934—has been proposed by Indian Affairs Committee vice chair Jon Tester (D-Montana). The bill was presented on March 12.

The Supreme Court decision was based on language in the Indian Reorganization Act of 1934, which authorized the Secretary of the Interior to take land into trust for "any recognized Indian tribe now under Federal jurisdiction." Associate Justice Clarence Thomas, who wrote the 8-1 majority opinion in the case,

said that "now" meant the year 1934.

However, he did not define "under federal jurisdiction."

As a result, the decision has caused tribes a loss of economic opportunity, created major delays in infrastructure projects, and increased litigation and costs for both tribes and the Interior Department in their efforts to put tribal lands into trust.

Tester's bill, S. 732, "cleanly" fixes the *Carcieri* ruling by striking the phrase "any recognized Indian tribe now under Federal jurisdiction" and inserting "any federally recognized Indian tribe," without conditions or exceptions.

The Supreme Court decision created two classes of tribes: those recognized

#### BY GALE COUREY TOENSING

before and after 1934, Tester said.

"This bipartisan bill was built with tribal input and eliminates unnecessary hurdles for tribes to increase economic development opportunities," the senator said. "The court decision had a negative impact on tribes across the nation. This Perhaps the fiercest congressional opponent of a clean *Carcieri* "fix" is Sen. Dianne Feinstein (D-California), who has linked the issue to her opposition to Indian gaming. "[A]ny *Carcieri* fix must address concerns about tribal gaming," she told the Senate Indian Affairs Com-

mittee.

However, the Indian Reorganization Act was enacted 54 years before the 1988 Indian Gaming Regulatory Act. Moreover, the act does not touch on the issue of gaming.

The Indian Reorganization Act was enacted specifically to restore some of the more than 90 million acres of indigenous land that the federal government seized during the 19th century. In effect, the 2009 *Carcieri* ruling put a halt to 75 years of Indian land restoration. The Interior Department took ap-

Tester: 'The court decision had a negative impact on tribes across the nation.'

solution addresses one of Indian Country's top priorities and is a strong step forward to fulfilling the federal government's treaty and trust responsibilities."

A clean *Carcieri* fix would allow tribes to determine how to use their own land to create jobs and increase economic development. But in the six years since the high court made its *Carcieri* decision, a congressional solution has remained elusive.

"It's taking a while because other stakeholders see this as an opportunity to fix other issues," Dave Kuntz, Tester's press secretary, told Indian Country Today Media Network. "Senator Tester doesn't agree with that approach. He would like to see a clean bill." proximately 10 million acres of land into trust between 1934 and 2009.

This is the second time that Tester has sponsored legislation to repair the high court's *Carcieri* ruling. His previous bill, S.2188, introduced in March 2014, was voted unanimously out of the committee and then died. Tester co-sponsored two similar bills in two previous sessions of Congress.

Tester's new bill is co-sponsored by senators Jerry Moran (R-Kansas), Al Franken (D-Minnesota), Martin Heinrich (D-New Mexico), Heidi Heitkamp (D-North Dakota), Patty Murray (D-Washington), Debbie Stabenow (D-Michigan), and Tom Udall (D-New Mexico). http://bit.ly/1AJUamn

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> VILLAGE PARK DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY

The Shingle Springs Band of Miwok Indians is looking for an IT Director for the Rancheria.

The IT Director is responsible for installing, modifying and making repairs to computer hardware and software systems, providing technical advice and support to system users, managing the phone system and assisting surveillance.

Needs: 5 years' experience in Information Technology. Management experience also preferred. High School Diploma or equivalent. California Driver's License. Also knowledge of TAS and GP is preferred, along with experience in dealing with issues sensitive to Native Americans.

To apply please go to www.shinglespringrancheria.com to download print and fill out an application, and return it to the HR Assistant, Kat Montgomery at 530-387-4973 Fax 530-676-3582 or at 5168 Honpie Rd Placerville Ca. 95667

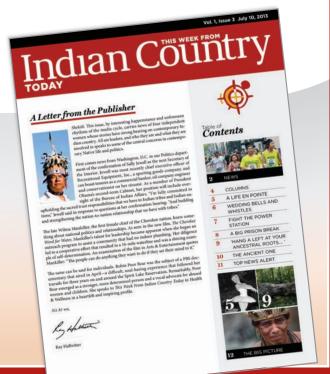


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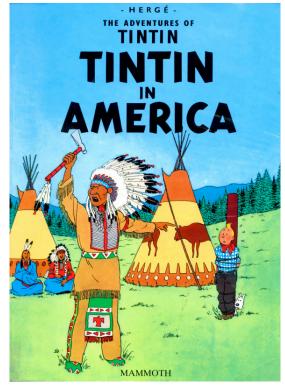
*Teepee poles, erected to commemorate missing and murdered aboriginal women in Canada, were vandalized at the University of Alberta.* 



*Louise Erdrich (Ojibwe), author of the acclaimed novel* The Round House, *will receive the Library of Congress Prize for American Fiction.* 



"Two Grey Hills" is by master weaver Barbara Teller-Ornelas (Dine), the featured artist at Arizona State University's Southwest Indian Art Fair.



A Winnipeg branch of the bookstore chain Chapters pulled a racially insensitive Tintin comic from its shelves—and then put it back.

#### OGLALA SIOUX TRIBE P.O. Box 2070 Pine Ridge, SD 57770

#### REQUEST FOR PROPOSALS FOR FORENSIC AUDIT OF THE FINANCIAL RECORDS OF THE OGLALA SIOUX TRIBE

#### Purpose and Intent

The purpose of the request for proposals (RFP) is to solicit proposals to perform a forensic audit of specific financial records of the Oglala Sioux Tribe.

This RFP will encompass the preparation of an audit report detailing the findings of the forensic audit of the financial transactions of the Oglala Sioux Tribe and provide a determination of the questions presented above. Following the completion of the audit report, the auditor shall make a presentation to the Oglala Sioux Tribe to discuss the findings of the Forensic Audit.

Proposals are being solicited through a fair and open process to ensure the highest quality services at a fair and competitive price.

#### **Background**

The Oglala Sioux Tribe, Pine Ridge is located in southwestern South Dakota.

#### Scope of Services

The Auditor shall be required to perform the following services for the Oglala Sioux Tribe:

A forensic accounting and audit of all financial transactions of the Tribe for the years 2011-2015 and such additional years as may be necessary.

#### **References**

Provide a list of clients with at least three (3) Tribes for whom you have provided forensic auditing services in the last two (2) years.

List the captions of any and all actions which have been filed against you, if any.

#### Proposal

The auditor shall submit the information required by this Request for Proposals (RFP), including the hourly rate for which the Auditor agrees to provide the services, and the maximum amount for the services.

#### <u>Laws</u>

The Auditor shall comply with all applicable laws, statutes, regulations and ordinances of the Oglala Sioux Tribe and the laws of the federal government. The parties' contract shall be governed by the laws of the Oglala Sioux Tribe.

In accordance with 25 USC 450e, 25 CFR and Tribal TERO Ordinance, Indian Preference will be afforded to qualified Native American applicants/firms.

#### Presentation Package

The Oglala Sioux Tribe seeks from all interested auditors information that will assist the Oglala Sioux Tribe in selecting the auditor who will provide the highest quality services at a fair and competitive price. The Oglala Sioux Tribe seeks auditors who have experience with tribes and/ or tribal organizations and forensic audits.

#### **Evaluation Criteria**

The following factors and their relative importance in determining the auditors firm selected. Proposal must be responded to those factors to be considered.

A. Responsiveness to this RPF

- B. Relevant Experience
- C. Availability of Staff with the requisite qualifications and technical abilities
- D. Peer review/ extended quality control reviews examples (10, 20, 30, 40, 50)
- E. Cost/ Price

Cost Proposal Format (Cost proposal shall not be a filling rate)

Direct Labor: Staff 1: \_\_\_\_\_ Hours x Hourly Rate = \_\_\_\_\_

Direct Labor: Staff 2: \_\_\_\_\_ Hours x Hourly Rate = \_\_\_\_\_

Materials (if any)

Overhead (Rate) & Components

Profit

Out of Pocket

A. Form of Proposal

Provide a cost proposal based upon an hourly rate. Include a list of hourly rates of principals and associates. A maximum amount for the services must be provided.

B. Description of Services

Provide a description of all services to be rendered with a detailed explanation of how the services will be provided. By submitting a proposal, the Auditor acknowledges that he/she fully understand the scope of work, activity and service.

C. Qualifications and Relevant Experience

Evidence and documentation shall be submitted highlighting qualifications and experience that will assist the Tribe in the evaluation and selection process.

#### **Miscellaneous Provisions**

A. The Auditor acknowledges that he/she has read this Request for Proposals, understands it, and agrees to be bound by its terms and conditions. Proposals must be submitted prior to the time and date specified, by mail. No facsimile or email proposals will be accepted.

B. The Oglala Sioux Tribe reserves the right to reject any or all proposals in whole.

C. The Oglala Sioux Tribe reserves the right to contact references provided with the proposal.

Any departures from this Request for Proposals must be noted. Any conditions or terms must be written and included with the RFP. Questions should be directed to: Melanie Two Eagle, OST Treasurer, Oglala Sioux Tribe, Pine Ridge, SD (605.867.5821.

#### How to Submit Your Proposal

One original and five (5) copies of your Proposal are to be submitted by April 29, 2015 no later than 10:00 a.m. MT to:

#### Melanie Two Eagle-Black Bull, Treasurer

Oglala Sioux Tribe P.O. Box 2070

#### Pine Ridge, South Dakota 57770

# Headlines from the Web

CREEK NATION CHIEF ADDRESSES CALLS FOR HIS RESIGNATION http://bit.ly/1AQSy9r

PIT RIVER TRIBE RALLIES TO PROTECT MEDICINE LAKE http://bit.ly/1BS3vfH

# Upcoming Events

#### ADVISORY BOARD FOR EXCEPTIONAL CHILDREN MEETING MARCH 26-27

The purpose of the meeting, conducted by the Bureau of Indian Education (BIE), is to meet the mandates of the Individuals with Disabilities Education Act of 2004 for Indian children with disabilities. Agenda items will include a report of the BIE director's office; the appointment of the advisory board and vice chair; and public comment. **Location:** Indian Affairs Building, Albuquerque, New Mexico

#### NATIONAL JOHNSON-O'MALLEY ASSOCIATION CONFERENCE

MARCH 29-31

The National Johnson-O'Malley (JOM) Association, Inc. was formed as a nonprofit educational organization in part to maintain formal liaisons with tribal, state and federal governmental agencies and other educational organizations, including the National Congress of American Indians and the National Indian Education As-

#### LETTERS TO THE EDITOR

Re: Jacqueline Keeler's "Real and Unreal Indians Among Us," which broached the issue of tribal affinity (March 12):

First, I believe that tribally enrolled citizens should be those spearheading First Peoples' issues. It is their right and responsibility.

Second, I believe that the voices of tribally enrolled peoples who still live on the rez or territories should be given THREE MAINE TRIBES WEIGHING LEGALIZATION OF POT ON THEIR LANDS http://bit.ly/1HVlClQ

YUKON-KUSKOKWIM DELTA TRIBAL LEADERS DEBATE POSSIBLE REGIONAL TRIBE http://bit.ly/1BvMO4S

sociation. The theme of the conference is "JOM Recipe for Success: Parent, Student and Teacher Collaboration." **Location:** Portland Marriott Downtown Waterfront, Portland, Oregon

#### NATIVE AMERICAN LAW CONFERENCE MARCH 30

"Tribal Stewardship of Plant and Food Soveriegnty" will discuss a range of contemporary topics, including "Protection of Tribal Cultural Property," "Tribal Perspectives on the Legalization of Marijuana," and "Best Practices for Tribal Research Protocols." Tribal stewardship topics will include presentations on the Shoshone-Bannock Tribes, the Kootenai Tribe and the Operation of the Coeur d'Alene Tribal Farm. Continuing legal education credits are available for Idaho and Washington.

**Location:** University of Idaho College of Law, Moscow, Idaho

#### INAUGURAL NATIVE MEDICAL

**MARIJUANA SYMPOSIUM** MARCH 30 "Marijuana: The Next Big Thing in Native American Economic Development?" will feature industry experts

special attention and consideration.

However, I part with those who categorize all or most non-enrolled Native People as non-Native. There are many of them who, because of historical circumstance, politics, or a personal choice, did not enroll but who are still very much Native. They have Native blood, culture, language, community and, sometimes, even locale. They have been outlanders and lived among the MOHEGAN TRIBAL AUTHORITY CHIEF BOBBY SOPER READY FOR NEXT CHALLENGE http://bit.ly/1FtT03J

WATER AGENCIES, AGUA CALIENTE TRIBE FACE OFF IN COURT http://desert.sn/1wXDH1o

who will discuss the most recent legal, economic, social and policy changes that are allowing Native America to enter the medical marijuana market. Consideration will be given to whether the market is or is not appropriate for all tribes.

**Location:** Harbor House, San Diego, California

#### LANGUAGE IMMERSION PLANNING AND METHODOLOGY WORKSHOP

MARCH 30-APRIL 1

Conducted by the Indigenous Languages Institute, this three-day workshop will train those who interact regularly with early childhood/Head Start programs through grade 12 where Native information is the main language of activity. Among the panel subjects will be "What Is Oral Language Immersion?", "How and When Does Language Acquisition Happen?" and "What Are the Essential Principles of Oral Language Immersion?" Workshop partners include the National Congress of American Indians and the National Indian Education Association. Location: Mystic Lake Casino Hotel, Prior Lake, Minnesota

settler colonialists, while often secretly practicing and preserving their culture. They consider the rez as a place of colonial assimilation, and thus refuse to join.

These are First Peoples who, because of genocide, find themselves on the outside, but who remain faithful to the beliefs of their ancestors.

> —Sammy Snake St. Charles, Missouri



# TOP NEWS ALERTS

From IndianCountryTodayMediaNetwork.com

#### TWO RECOGNITION MEASURES APPROVED

The Senate Committee on Indian Affairs on March 18 endorsed bills that would extend federal recognition to seven tribes. They are the Little Shell Tribe of Chippewa Indians in Montana: and the Chickahominy Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, the Monacan Nation, and the Nansemond Tribe. all of Virginia. The measures passed despite the opposition of committee chairman John Barrasso (R-Wyoming).

#### 1790 CREEK TREATY NOW ON DISPLAY

The first treaty between the Muscogee Nation of Oklahoma and the United States has gone on public display for the first time. Muscogee Nation leaders helped unveil the 1790 Treaty of New York, on Ioan from the National Archives, at the National Museum of the American Indian in Washington, D.C. last week. "This is a historic moment," said Justine Giles, interim director of the Muscogee Nation Cultural Center. "The 1790 Treaty of New York is a living testament of what our ancestors accomplished, endured and negotiated."

#### DISENROLLED PALA BAND MEMBERS CAN'T SUE

A federal court ruled last week that 27 former members of California's Pala Band of Mission Indians cannot sue tribal officials for removing them the rolls. "The relief sought by the appellants clearly operates against the tribe," the 9th Circuit Court of Appeals said in an unpublished decision. The 27 plaintiffs were among more than 100 who have been dropped from tribal rolls. Assistant Secretary-Indian Affairs Kevin Washburn has said that his department lacks the authority to investigate the matter.

#### INDIAN GAMING COMMISSION CHAIRMAN PASSES INITIAL APPROVAL

The Senate Committee on Indian Affairs approved the nomination of Jonodev Chaudhuri (Muscogee Nation of Oklahoma) as chairman of the National Indian Gaming Commission (NIGC) last week. The commission has lacked an official chairman since September 2013, when Chaudhuri became vice chairman and acting chairman. He emphasized the necessity of a permanent chairman to the committee: "It's essentially a constitutional officer that needs to be running an agency of the NIGC's importance." Chaudhuri' nomination now goes to the full Senate for approval.

#### A TRIBALLY OWNED CANCER CLINIC

With its purchase of the Seattle Cancer Treatment & Wellness Center, the Puyallup Tribe of Washington will shortly open the first tribally owned cancer care clinic in Indian country. The tribe will commence operation of a new, 8,200-square-foot facility in Fife, Washington, later this spring. "We have a strong ancestral bond with nature and creation," said tribal chairman Bill Sterud. "We believe that natural healing through traditional roots, berries, herbs and traditional healing can blend with modern oncology practices."

# How Did I Miss That?

American flags, filth on Mount Everest and the Ringling Brothers elephants

The Ringling Bros. and Barnum & Bailey Circus has announced that it will phase out their elephant abuse (I mean "act"). This departure from a 133-year history with performing pachyderms is a major victory for protestors against ugly training methods. The circus promises a dignified retirement for the elephants at the Ringling Brothers Center for Elephant Conservation in Florida.

My cousin Ray Sixkiller wondered if folding the abuse tent means we now have to travel to Florida to buy a sack of elephant manure.

"Go ahead and laugh," he said. "My plants love the stuff."

\* \* \*

Ray's other comment on the matter was more pointed.

"If the circus can give up a 133-year tradition to do the right thing," he said, "then it ought to be possible for the Washington football team to ditch a 'traditional' racial slur that only dates from 1933."

\* \* \*

In the formerly serious University of California system, the student government on the Irvine campus voted to ban all national flags, including the U.S. flag, citing an obvious truth: "Flags not only serve as symbols of patriotism or weapons for nationalism, but also construct cultural mythologies and narratives that in turn charge nationalistic sentiments."

Indians will note with approval another truth in the resolution: "The American flag has been flown in instances of colonialism and imperialism."

Truisms notwithstanding, there are problems with this silly controversy. First, it's unlawful for a public university to ban symbols with which it disagrees. Second, a ban does not follow from the premises. You don't achieve a "culturally

#### BY STEVE RUSSELL

inclusive space," as the resolution claims, by banning symbols.

Third, you don't start stupid fights you can't win. Not only is the flag a symbol beloved by most of the country, that country is paying the lion's share of the costs of the university education that is devalued by the blunder at Irvine.

\* \* \*

The Associated Press reported that GOP presidential hopeful Jeb Bush is asking his supporters to refrain from giving

'Don't start stupid fights you can't win. You don't achieve a 'culturally inclusive space' by banning symbols.'

more than \$1 million in a quarter to super-PACs supporting his candidacy.

"If I was running," Cousin Ray bragged, "my supporters wouldn't have to be told to keep it under a million."

\* \* \*

Two American women from California were caught carving their names into the Roman Colosseum, which is almost 2,000 years old and a UNESCO World Heritage Site. The motivation appears to have been the opportunity to take selfies documenting vandalism against the priceless structure. When I quit grinding my teeth, I was moved to look up how many UNESCO sites in this country were built by Indians: Mesa Verde, Cahokia Mounds, Chaco Canyon and Taos Pueblo.

\* \* \*

The Nepalese government has instituted a new rule for climbers of Mt. Everest, who have numbered about 4,000 since Tenzing Norgay and Sir Edmund Hillary first topped it in 1953. Each climber will have to return with 18 pounds of trash or forfeit the deposit of about \$4,000 required for their climbing permit.

It's a start but is unlikely to lessen the load on the mountain from about 26,500 pounds of human excrement each climbing season. Sherpas pack it out from lower camps. But enough is left at higher altitudes to create what *National Geographic* called "a fecal time bomb."

Hearing of this unique pollution issue, Cousin Ray remarked, "No shit?"

\* \* \*

Speaking of cultural heritage, Will Chavez wrote an article in the *Cherokee Phoenix* that is a heartbreaker for those of us who want to see our tribal government as an exemplar of a republic run according to democratic ideology. The *Phoenix* filed a request under the tribal Freedom of Information Act to learn the compensation paid to members of various tribal boards and commissions.

Why should a reporter for the tribal newspaper not be given that information with a phone call? On top of that, the *Phoenix* didn't get everything it requested.

It's not enough for tribal governments to be just as smart as the colonial governments. They must be smarter.

"Could be worse," Cousin Ray commiserated. "The Cherokee Marshal Service could start acting like President Obama's Secret Service detail." *http://bit.ly/1Ch4J4L @* 

### **UPCOMING POW WOWS**

#### 43rd Annual University of South Dakota Wacipi

3/26/15—3/27/15 University of South Dakota Vermillion, SD 605-677-7219

#### 11th Annual American Indian Disability Summit

3/26/15 Desert Willow Conference Center 4340 East Cotton Center Boulevard Phoenix, AZ 800-280-2245

#### Salt River Veterans Recognition Pow Wow

3/27/15—3/29/15 Salt River Pima Maricopa Indian Community 10005 East Osborn Road Scottsdale, AZ *pacer.reina@srpmic-nsn.gov* 

#### Brigham Young University Cedartree Memorial Competition Pow Wow

3/27/15—3/28/15 Wilkinson Student Center Ballroom Provo, UT 801-422-4086 cedartree\_powwow@byu.edu multicultural.BYU.edu/content/byu-cedartreememorial-competition-pow-wow

#### Miss, Junior Miss & Little Miss Indian Oklahoma City Honor Dance

3/27/15 Destiny Christian Center Del City, OK <u>MissIndianOKC.org</u>

#### 1st Annual Pow Wow at University of Virginia

3/28/15 University of Virginia, McIntire Amphitheater 275 McCormick Road Charlottesville, VA *uvapowwow@gmail.com nasuatuva.WordPress.com* 

#### **University of Redlands Pow Wow**

3/28/15—3/29/15 University of Redlands 1200 East Colton Avenue Redlands, CA 909-748-8878 nora\_pulskamp@redlands.edu Facebook.com/events/634477539992008

#### 67th Annual Augsburg College's Traditional Pow Wow

3/28/15 Si Melby Gymnasium 715 23rd Avenue South Minneapolis, MN 612-330-1144 *aiss@augsburg.edu Augsburg.edu/aissp/traditional-powwow/* 

#### 12th Annual Student Government Association Spring Pow Wow

3/28/15 Comanche Nation 1608 SW 9th Street, Lawton, OK *CNC.cc.ok.us* 

#### East Carolina Native American Organization's Pow Wow

3/28/15 East Carolina University, Minges Coliseum Greenville, NC 252-864-7162 *hunta@ecu.edu* 

#### 28th Annual Mole Lake's Youth TRAILS Pow Wow

3/28/15 Crandon High School Crandon, WI 715-478-5115 *missi.vanzile@scc-nsn.gov* 

#### Carolina Indian Circle's Annual Pow Wow

3/28/15 University of North Carolina Woollen Gymnasium Chapel Hill, NC 828-736-8238 or 910-258-9740 cicpowwo@gmail.com

#### Woodlands and High Plains Pow Wow

3/28/15 Concordia College - Memorial Auditorium 8th and 12th Avenue South Moorhead, MN 212-299-4519 slu@cord.edu Facebook.com/pages/woodlands-and-highplains-powwow-whpp/126720620767390

#### **31st Annual Circle of Nations**

Indigenous Association Pow Wow 3/28/15 University of Minnesota - Morris 600 East 4th Street Morris, MN *facebook.com/events/358969854285926* 

#### 27th Natchez Pow Wow

3/28/15—3/29/15 Grand Village of Natchez Indians 400 Jefferson Davis Boulevard Natchez, MS 601-442-0200 *cborum@hotmail.com NatchezPowWow.com* 

#### 101st Annual University of Oklahoma's American Indian Student Association Spring Pow Wow

3/28/15 Lloyd Noble Center 2900 South Jenkins Avenue Norman, OK

roberts@ou.edu Facebook.com/pages/ou-american-indian-alumni-society/108920062499922

#### Oklahoma City University Spring Pow Wow

3/28/15 Freede Wellness Center Northwest 27th Florida Avenue Oklahoma City, OK 918-284-6521 *acdellinger@my.okcu.edu* 

Among the many vintage photographs of Natives being colorized by John Gulizia Foto FX is this one of Zuni Elder Si Wa Wata Wa, taken by Edward S. Curtis in 1903.

# THE BIG PICTURE