



Indian Country THIS WEEK FROM

TODAY THE PREMIER E-NEWSLETTER SERVING THE NATIONS, CELEBRATING THE PEOPLE

A Letter from the Publisher

Shekóli. Whether it's in a music video tribute by Gyasi Ross, or a lesson in sovereignty from Mark Trahant or Fawn Sharp, hardly a week goes by on the ICTMN website without a mention of the great Billy Frank, the remarkable hero and activist who passed on last year. His lifetime of re-establishing and defending the fishing rights of the first peoples of the Pacific Northwest will always be cherished. However, recent references to Billy Frank have appeared in a darker context: the ongoing conflict between the state of Maine and the Penobscot Nation over fishing rights to the Penobscot River.

To anyone in Indian country, or with a passing understanding of treaty rights or sovereignty, the issue appears to be quite clearly in favor of the Penobscot. Now comes news this week in our feature "Members of Congress Back Penobscot Nation" that several members of Congress also agree—and have felt compelled to file an *amici curiae* brief in support of the Nation. In the original lawsuit, filed in 2012, the state of Maine asserted that Congress's 1980 Maine Indian Settlement Claims Act (and its state companion piece) affirmed only the Penobscot's right to hunt and fish on its many islands in the Penobscot River, while excluding the Nation's aboriginal and historic rights over the river itself. The aggressive actions by the state have



some observers warning that the lawsuit marks a new round of fishing wars in the Northeast, akin to those won by Billy Frank and various nations in the 1970s.

"The river is simply who we are," Penobscot Chief Kirk Francis tells ICTMN. "It's the very core of our identity as a people and it's simply the most important thing in the Penobscot Nation's life." At the Nation's behest, the Department of Justice has already intervened on its behalf and initiated its own lawsuit against the state. Thanks to the members of the Native American Congressional Caucus, Congress now asserts that the intention of the 1980 legislation was to uphold rights to the river to the very people who have always been identified with it.

To fish, hunt and live on the land and the waters as we always have is the very meaning of sovereignty.

Náki'wa,

Ray Halbritter

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When the Ethnic Shoe is on The Other Foot

To illustrate prevailing attitudes toward Natives, Terese Marie Mailhot, a student at the Institute of American Indian Arts, deploys the time-honored technique of satire:

When there are too many white people at a venue, I get scared. Please don't judge me; I know some great white people. But it is you bad apples who ruin it for your ethnicity. Don't you see you're just playing into stereotypes with your hiking and snowboarding? Your enthusiasm for the hot new ethnic

food that none of your white friends have tried yet? Can't you stop wearing cargo shorts? How many granola bars and cartons of coconut water could you possibly need to carry?

If you could only see that when you tell me to "Get over the past, it was a hundred years ago," I wonder if you've ever actually been to a reservation.

If only you could see that when you ask me about the plights of being Indian, or if I am "spiritual," or practiced "any of that stuff," you really worry me, because I think, "Man, these white people are so uncivilized." I mean, where did they learn social tact or cultural re-

spect? Who taught these people to wear sandals with their khakis?

I'm not sure why you guys, who want to be close to us, approach us like socio-cultural anthropologists, studying us in great detail, asking us questions, trying to "understand." Part of my role as a woman who wants to decolonize and subvert culture is to reject being known, identified and managed. I mean, how has appealing to the better natures of white people helped my ancestors? Let's face it, you guys are savages.

I'm just saying what everyone is thinking. I'm helping you guys out. <http://bit.ly/1zIYWfQ> 🌐

Thinking About 'Tribes'

Steven Newcomb (Shawnee, Lenape), co-founder of the Indigenous Law Institute, considers how constructs—no matter how unnaturally derived—can shape the course of Native lives, often for the worse:

Were there "tribes" existing here in our part of the world before the Christian Europeans invasively arrived with that word? The answer is no.

Before Colonization (B.C.), our ancestors existed here on Great Turtle Island in worlds and realities of their own making. They had experiences that were the result of our own languages and our own

words, which were woven into our free and independent existence. They were free and independent of colonization and domination.

"Tribes" did not exist as a feature of their physical world but as a result of the word and the idea being mentally projected onto and applied to certain groupings of humans. Once that word and the mental associations that go with it have been established as an ongoing and unquestioned habit, no one bothers to ask whether that word makes sense. It becomes treated in everyday life as simply a "natural" feature of the world of everyday experience.

We experience our lives in terms of the words and mental concepts. "Tribe," "tribes" and "tribal" are a direct result of us having become mentally conditioned and adapted to the colonizing language of English. It is a product of colonization (domination), which means that decolonization (liberation) ought to involve an effort to shift our words and our use of language in a manner that enables us to construct the mental and physical reality we desire to experience.

But what is the reality we desire to experience? And what are the obstacles in the way of achieving that desired state? <http://bit.ly/1R9YWnI> 🌐

Not In My Native Back Yard

It is no coincidence, says Camaray Devalos (Pechang'awish), that so many environmentally ruinous projects are undertaken on tribal lands:

In Canada, tribes downstream of the Serpent River face serious long-term impacts from the uranium mine at Elliot Lake. Babies of those who lived at Serpent River, as well as children of male workers who worked at the mine, are reported to have had a high number of fetal death and birth defects. It is estimated that 80 times more radiation is contained in Native people living near the uranium

mine than in those living in the south.

Coal strip mining has also been an issue for tribes, notably the Northern Cheyenne. Since there is little rainfall in their area to begin with, the strip-mining process exacerbates the problem by disrupting and contaminating groundwater systems. In Grassy Narrows, Canada, there is mercury contamination due to a paper factory that used mercury and then released it into the river. The result is toxic methyl mercury. Over 20,000 pounds of this harmful waste has been dumped into the river, and experts say it can take close to 100 years for the ecosystem to correct itself.

At the Nett Lake reservation in Minnesota, the Potlatch Timber Corporation releases unsafe formaldehyde into the atmosphere. These emissions pollute the environment, as well as the people who live near it, with cancers and ocular damage. James Bay, once a rich ecosystem, is now being disrupted by hydroelectric exploration. Four major rivers have been destroyed and five 735-kilovolt power lines are cutting through the wilderness.

See a pattern? All this is happening mainly in Indian Country. Why don't large mining corporations start their sites in non-Native land? <http://bit.ly/1ceuyZN> 🌐

Oglala Sioux Win Uranium Mine Reprieve

Opponents of a proposed South Dakota uranium mine, led by the Oglala Sioux, won a reprieve last month when the project was delayed following a federal ruling that the tribe had not been adequately consulted over the protection of certain cultural sites.

The Nuclear Regulatory Commission's Atomic Safety and Licensing Board (ASLB) ruled on April 30 that regulatory commission staff failed to properly consult the tribe over the construction of the Dewey-Burdock uranium mine, proposed for Fall River and Custer counties. The decision puts the project on hold and allows Powertech Uranium Corp. (now Azarga Uranium) to refine its proposal.

"As we have argued from the start of this process over five years ago, Powertech/Azarga and the NRC staff have never conducted an adequate review," said Jeffrey Parsons, attorney for the Oglala Sioux Tribe. Debra White Plume of Owe Aku/Bring Back the Way called the ruling a "victory in the multi-layered, protracted paper war to protect sacred water and cultural and sacred places from extractive industries that intend to operate without meaningful regulation and oversight."

But Azarga chief operating officer John Mays declared victory because the decision designated the Nuclear Regulatory Commission—and not his company—as the party that had failed to consult the Oglala Sioux. He also said Azarga now has information it needs to move the project along. "We're very pleased," he told the *Black Hills Pioneer*. "A lot of work went into it, and it's good to see the decision that came out."

The ASLB also said that Azarga must pay closer attention to the potential for water contamination from abandoned, preexisting boreholes in the area. <http://bit.ly/1EMkekY> ☞

Pine Ridge Designated as a Promise Zone Community

The Obama administration has named Pine Ridge Indian Reservation as a Promise Zone community. The designation is meant to help lift communities out of poverty by partnering with the federal government to increase economic activity, create jobs and improve educational opportunities.

At least half of the people on Pine Ridge are in poverty, and 21 percent face unemployment. But its residents designed a plan that has leveraged more than \$15 million dollars of new investments. The Oglala Sioux Tribe partnered with the Thunder Valley Community Development Corporation to develop the plan, which was selected after the tribe submitted an application explaining how the Promise Zone designation would strengthen its efforts toward revitalization.

"This is not something that came from the federal government to the Oglala Lakota people," Nick Tilsen, executive director of Thunder Valley Community Development Corporation, told ABC News affiliate KSFY. "We created this movement on Pine Ridge to do this work, and we've been doing it. We've been building roads. We've been building houses. We've been trying to look at how to improve education."

"We're not talking about putting a dent in poverty; we're going to end poverty on Pine Ridge," said Tilsen. "We're going to end the housing problem on Pine Ridge, and it's not going to be just because of the Promise Zone. The Promise Zone is just part of that strategy."

Last year, President Obama designated the Choctaw Nation as a Promise Zone. So far, the Nation has made several improvements, including adding 19 Head Start classrooms in 13 of its centers, as well as receiving assistance from the Department of Health and Human Services. <http://bit.ly/1GVHbCV> ☞

First Nation Declares Emergency as Broken Ferry Severs Mainland Connection

First they were removed to the far end of a peninsula. Then they were cut off when an aqueduct was built to carry drinking water to Winnipeg, making the peninsula an island. And now Shoal Island 40 First Nation has declared a state of emergency after the ferry they rely on for connection to the mainland failed its inspection last month.

Shoal Lake 40 First Nation is an Ojibwa or Ontario Saulteaux First Nation of 568 people, 266 of whom live

in the community. The reserve, which lies across the border of Manitoba and Ontario, has been under a boil-water advisory for 18 years, having been cut off from the mainland nearly a century ago when authorities built an aqueduct to carry fresh drinking water from Shoal Lake to Winnipeg. Currently, water must be trucked in.

Community leaders are now saying enough is enough. "We have been living in forced isolation for too many years," Chief Erwin Redsky told the *Kenora Daily Miner & News* on May 1. "Our last lifeline to the outside world is down now and we can't bring in emer-

gency health services or water."

During the freezing winter months, a temporary bridge installed two years ago connects Shoal Island 40 to a winter road that in turn leads to the Trans-Canada Highway. But what is needed, Redsky told the Canadian Press, is an all-weather road, which Shoal 40 has been lobbying for without success. Residents are using personal craft to access the mainland, but garbage and liquid waste are accumulating.

"We have elders at risk," Redsky said. "We've been cut off for 100 years and we've barely been hanging on by our fingernails." <http://bit.ly/1OXm1eQ> ☞

Another Oil Train Explosion Raises Tribal Worries

Another oil-train derailment and explosion occurred last week, this time in North Dakota, forcing the evacuation of a small town and renewing environmental concern among tribes.

Flames consumed at least 10 pieces of rolling stock of a Burlington Northern Santa Fe (BNSF) Railway convoy on May 6. Of the 109 cars, 107 were carrying Bakken crude, the Associated Press reported. Two others were buffer cars loaded with sand that rode between the tankers and the engine. The approximately three dozen residents of the town of Heimdal, about 115 miles northeast of Bismarck, were evacuated.

The practice of transporting crude from the Bakken oil fields, whose bitumen is more volatile than normal crude, by train has been growing dramatically, as has the number of accompanying accidents. This is the fifth such derailment in 2015.

“This was just the latest in a series of oil train derailments that have resulted in crashes, followed by explosions, mountains of thick, black, toxic smoke and inevitable spills of poisonous oil that at some point always make their way into water systems, streams, rivers or marine waters,” said Quinault Indian Nation President Fawn Sharp. “These trains are dangerous.”

The Swinomish, too, have come out against oil trains, filing suit recently against BNSF for overstepping regulations regarding transporting crude by rail across the tribe’s reservation.

The wreck occurred about a week after transportation authorities in the U.S. and Canada issued new regulations requiring that new tank cars transporting volatile liquids such as Bakken crude and ethanol must be sturdier and reinforced to avoid rupturing. <http://bit.ly/1JtAdFI>

Energy Department Will Pay \$73 Million in Radiation Leak Case

The Department of Energy will pay \$73.25 million toward infrastructure projects in New Mexico to help settle \$54 million in fines—and to forestall potential future fines—that were levied against it for a February 2014 radiation leak that indefinitely shut down the country’s only underground nuclear storage facility.

The Waste Isolation Pilot Plant (WIPP) has been closed since the incident, in which a waste drum ruptured, leaked radiation and contaminated 21 workers. The accident occurred because the Los Alamos National Laboratory packed the radioactive material in organic, rather than inorganic, kitty litter. This enabled a chemical reaction that sparked a fire, which in turn caused the rupture that led to the leak.

Because the accident came about largely as a result of permit violations and protocol failure, the infrastructure projects will be funded at least partly from the unearned salaries of the contractors who were involved, environmental authorities said.

“It’s not being diverted from cleanup budgets or the operational budgets of WIPP or Los Alamos,” State Environment Secretary Ryan Flynn told the *Albuquerque Journal*. “It’s going to supplement the money we currently receive.”

The money will be used to fund projects designed to protect local communities and safeguard transportation routes in New Mexico and around Energy Department sites. It is hoped that this will improve the safety and security of nuclear materials and the roads over which they are transported, New Mexico Governor Susana Martinez said.

The New Mexico Environmental Department found a total of 31 violations at WIPP and Los Alamos in December. The cleanup cost is estimated at \$500 million. <http://bit.ly/1RgnjjQ>

Organization of American Historians Formally Opposes ‘Redskins’

BY CHRISTINA ROSE

The executive board of the Organization of American Historians (OAH) has voted unanimously that the Washington, D.C. National Football League franchise should change its name from “Redskins.” OAH President Jon Butler announced the vote on April 29.

“This makes it official: the nation’s primary group of historians of the United States has spoken and has done so overwhelmingly,” Butler

told ICTMN. “The previous vote of the membership, taken on April 18, 2015, was by a margin greater than 90 percent, while the board’s action was unanimous.”

Butler, who taught at Yale University for 27 years, said the OAH decided to act on the resolution because “we are a historical organization and our members are overwhelmingly teachers. We want to act in a thoughtful way.”

Former OAH executive director Lee Formwalt, author of *Looking Back, Moving Forward*, said he was not surprised that the resolution had been passed.

“The members are in the business of examining the past and usually know what the problems were,” he said. “They tend to be in favor of change of those problems. We don’t want to go back to the good old days because they weren’t good. I think that race has been a significant issue in America and is our original sin. It doesn’t surprise me it occupies the minds of a lot of historians.”

The OAH boasts more than 7,000 members worldwide. The resolution was proposed by James W. Loewen, author of *Lies My Teacher Told Me: Everything Your High School History Textbook Got Wrong*. <http://bit.ly/1cuMWh3>

Colorado Kills Native Education Bill

GOP defeats measure in Senate

Republicans in the Colorado State Senate last week killed a bill that would have provided in-state tuition costs for Native Americans with historic ties to the state. The bill was the second such attempt by its sponsor, Democratic State Representative Joe Salazar; last year, Senator Mary Hodge called the measure “reparations” for Native Americans. “I have never been more frustrated with the political process as I am today,” stated Salazar on Facebook. He vowed that the bill “will come back next year until they understand that this is a goodness owed to the First Peoples of this state who were forcibly removed.” <http://bit.ly/1KLHNME>

Native Actor Defends ‘The Ridiculous Six’

Says that walkout was exaggerated

Ricky Lee, a Native actor who worked on the Adam Sandler film *The Ridiculous Six*, says that the current controversy over the movie’s ostensible racial insensitivity is overblown. It was recently reported that a dozen cast members and the film’s cultural advisor walked off the set because the script uses such names as “Beaver Breath” and “Never-Wears-Bra” and depicts an Apache woman urinating while smoking a peace pipe. But “there were 150 extras, including grandmas and grandpas and children, who kept working,” Lee told the *New York Daily News*. Lee

acknowledged that the film’s on-screen stereotyping of Natives raises “legitimate issues. But it’s the wrong battlefield.” <http://bit.ly/1Khvk2w>

Three Native Students Are Truman Scholars

Chosen from nearly 700 college candidates

Three Native students are among the 58 winners of this year’s prestigious Truman Scholarship, which awards college students up to \$30,000 toward graduate study. They are Villanova University junior Keith Martinez (Oglala Lakota Sioux), Stanford University senior Alfred Delena, who grew up on the Pueblo of Zuni Reservation; and Vanderbilt University junior Ariel Helms (Cherokee). Martinez chairs the Youth Advisory board for Lakota Children’s Enrichment; Delena is majoring in human biology and minoring in education; and Helms is majoring in molecular and cellular biology. The winners were selected from among 688 candidates nominated by 297 colleges and universities. <http://bit.ly/1E8l6hf>

Tarahumara Workers Rescued in Mexico

Forced to work in ‘shameful’ conditions

Mexican authorities have liberated more than 200 Tarahumara men, women and children who were effectively enslaved at two agricultural work camps in the southern part of Baja California. They were “tricked and transported 560 miles away from their communities into shameful, illegal conditions for miser-

able salaries,” said Secretary of Labor and Social Oversight Alfonso Navarrette on March 16. He cited “unhealthy conditions, in tiny shacks put together with sticks, black plastic belts, sacks and cardboard amidst puddles of mud and garbage, with completely contaminated bathrooms.” Mexican legislators are now considering charges against the camps’ operator, the El Cerezo Rural Production Society, Ltd. <http://bit.ly/1bs9bTh>

Rancheria Band Demands Return of Cigarettes

Plainclothes agents confiscated shipment

The Big Sandy Rancheria Band of Western Mono Indians is demanding the return of a shipment of more than \$600,000 worth of its cigarettes that they say plainclothes federal agents illegally seized. In February, the agents stopped a Big Sandy delivery truck near Barstow, California and confiscated the cigarettes under the Contraband Cigarette Trafficking Act, claiming there was no evidence of state or local taxes being paid on them. The agents further asserted that the Canadian-based company from which the tribe bought them is not state certified. On May 2 the tribe filed legal action and insisted that the cigarettes be returned before they potentially spoil. <http://bit.ly/1Kh7Quo>

‘Drunken Indians’ Remark Prompts Resignation

‘Unfortunate comment’ from Air Force general

Air Force Maj. Gen. Michael A. Keltz resigned on April 30 after publicly stating that a fellow officer appeared to be “drunker than 10,000 Indians.” Keltz, who commanded the 19th Air Force at Joint Base San Antonio-Randolph in Texas, made the remark during a misconduct hearing on April 9 about an officer who was seeking reduced punishment for alleged public intoxication during a unit event, *Stars and Stripes* reported. Keltz made the observation before 75 audience members, according to an Air Education and Training Command spokeswoman. In a statement, Keltz said he “inadvertently made an unfortunate comment”; his resignation became effective April 30. <http://bit.ly/1Ki4EPd>

Can Alabama Tribe Reduce State Deficit?

Poarch Band of Creek approached on gaming

Facing a \$541 million budget deficit in Alabama, state lawmakers are looking to the Poarch Band of Creek for possible financial assistance. Senate President Pro Tem Del Marsh last week filed a bill that would, among other provisions, authorize Class III gaming for the tribe. Although the staff of Gov. Robert J. Bentley has met with the tribe about the compact, no agreement has been reached. “We have gladly answered the call to help many times over the years,” Poarch Band Chairwoman Stephanie A. Bryan told the Associated Press, “and once again we stand ready to be part of the solution.” <http://bit.ly/1H1Zg56>

In Touch In The Classroom

Reconnecting to roots BY CHRISTINA ROSE

Bottom Line: *At the University of Massachusetts-Boston, a course in Native language and culture has been honed to a fine emotional point.*

On April 15, some 60 students at the University of Massachusetts-Boston were treated to a lecture on life by Ramona Peters (Bear Clan, Mashpee Wampanoag). She took the students on a journey that many had never made before.

Peters, the Tribal Historic Preservation Officer and Native American Graves Protection and Repatriation Act director for her tribe, spoke softly for an hour on a variety of topics. She touched on wampum belts: “Whoever drilled the holes was the historian who breathed the story into the beads.” She discussed the land: “When we neglect the earth, we do not feed it with our attention. Attention is nourishment.”

And she instructed the students to close their eyes and reach out.

“I am asking you to focus in your mind, to go to the place that makes you feel connected to this planet. You all were born with what you were given: land, space, food, parents and grandparents, many generations, knowledge, wisdom, talents. Those are things you brought in through your own spirit. If you use all of that to the highest good, you are living in a state of thanksgiving.

“Now, in your mind,” she said, “can you say ‘Thank you?’”

One student, Jocelyn Figlock, was moved nearly to tears. “American culture is very focused on the self and all about you,” she said. “Ramona started the talk with, ‘I am not going to talk about myself, that is not what we do. We talk about the land.’ It hit me hard. It’s a common-sense way of thinking that is not so common.”

Peters’ appearance was part of the retooled UMass-Boston course “Indigenous Women, Mother Tongues, and Nation Building.” Taught by four professors, the

offering now features a revised syllabus by Amy Den Ouden (Euro-American), Ruth Garby-Torres (Schaghticoke), Jennifer Weston (Lakota) and Emily Jones (Euro-American). The objective is to make the course material ever more personally felt.

“How do we feel our connection to others?” asked Amy Den Ouden, associate professor of Women’s and Gender Studies. “What does respect and reciprocity mean? These are fundamental indigenous



“Go to the place that makes you feel connected to the planet,” Ramona Peters told UMass students.

concepts that our students are working on. This is something they have to work through, throughout the semester.

“For some students,” Den Ouden continued, “it can be a challenge and frustrating. It’s not simple for them. They knew the mythology of Native Americans but they didn’t know about indigenous experiences, knowledge, history, and perspectives of indigenous people and particularly women.”

The rethought course was made possible by a reciprocal effort between the university and the Mashpee Wampanoag Language Department. “I provided some of the teaching and instruction, and foundational issues in language revitalization

were woven throughout the course,” said the language department’s director, Jennifer Weston. “In exchange, the language department and our charter school project received several thousand dollars for early literacy materials and curriculum development, which have been used in a public school setting.”

Specifically, \$7,000 was provided by UMass-Boston’s Civic Engagement Scholars Initiative, which funds the course and contributes to the language program’s efforts. Den Ouden, one of the co-instructors of the course, is pleased with the result.

“I see a lot of important changes in the students,” she said. “Many have a real awakening—a historical awakening and a personal awakening. I don’t think there is a way for young people to learn about indigenous history and the ongoing struggles without, as Ramona said, doing some real work on connectedness.”

According to Den Ouden, interest in Native studies among non-Natives is picking up. “Native American and Indigenous Studies programs are dramatically changing non-Native perceptions about Native people,” she said. “There is a stronger and stronger presence of indigenous educational knowledge

in university curriculums now, and I think it is having a significant impact.”

As part of the civic engagement aspect of the course, students have written opinion pieces to local newspapers and letters to senators asking Massachusetts to support the Mashpee Wampanoag Language program. Students working with Weston have begun developing legislature based on similar language programs in Montana.

One satisfied student is Angelo Lima, who spent his early years in Brazil. “I have been very assimilated into American culture,” he said. At the same time, he added, “This class helped me reconnect with some of the beliefs I was taught before I moved here.” <http://bit.ly/1F6bCqz>

For Native Children, A Major Education Bill

The biggest Washington initiative since No Child Left Behind BY TANYA H. LEE

Bottom Line: Tribes could have a significant voice as the U.S. redefines the principles by which children will be educated over the next several years.

Congress is working on the first major overhaul of national educational strategy since the No Child Left Behind (NCLB) Act of 2001—and it is of particular interest to Native Americans.

The 600-page bipartisan Every Child Achieves Act of 2015 is a reauthorization of the Elementary and Secondary Education Act, which was first signed into law by President Lyndon Johnson 50 years ago. Unanimously approved by the Senate Health, Education, Labor and Pensions Committee in April, it is headed for the Senate floor as the House hatches out its own version.

For Natives, the legislation is significant.

“The Senate bill actually does more for tribes in Native education than any education bill has done in a very long time,” said Ahniwake Rose, Cherokee, executive director of the National Indian Education Association. “This bill increases the role of tribes in state education plans and local education plans, and that alone is going to be incredibly helpful because education is such a states’ rights issue.”

The current version of the bill moves many responsibilities that NCLB assigned to the federal government back to states. That includes developing and executing plans to improve low-achieving schools.

One major reason NCLB failed was its mandate that all students be proficient in grade-level reading and math by 2014. Because many school districts could not meet that goal, the Department of Education began issuing waivers to states in 2011.

Another reason NCLB failed was that

it required high-stakes testing, which met with strong resistance from educators and parents in some school districts. By contrast, the new legislation keeps statewide annual testing of students in grades 3 through 8, and once in high school. But it allows states to decide what weight to give the results of those tests.

Standardized testing and rigorous standards—though not necessarily Com-



“The bill does more for tribes than any education bill in a long time,” said one expert.

mon Core standards—are important to the Native community, said Rose. “Our [Native] students are highly mobile, so having the opportunity to have [comparable] standards across the board is very important.”

Under the new legislation, states may develop their own standards or adopt the Common Core standards. The federal government will not be allowed to provide incentives for the use of Common Core standards or the assessments based on them.

Standards are critical to ensuring that the main purpose of the original Elementary and Secondary Education Act is achieved because it is, at its core, a civil rights law, analysts say.

“In the history of civil rights, the feder-

al government plays a critical role in protecting vulnerable people and enforcing federal law,” said Liz King, senior policy analyst and director of education policy at the Leadership Conference on Civil and Human Rights, an umbrella group of 200 civil rights organizations. “There are core protections that we believe need to be held by the federal government, especially the ability to review and approve state [education] plans, for example.”

The Leadership Conference strongly favors standardized assessments.

“Without annual data [from testing] we’re going to lose the ability to identify specifically how Native students are doing in a lot of schools and districts,” said King. “If we only have a couple of years of data there will not be enough Native students in some schools to be able to say, ‘This is how Native students are doing and this is how students who are not Native are doing.’”

Despite general optimism about the new legislation, some concerns remain. Chief among them is Title I portability. Some lawmakers want Title I dollars to follow students into charter schools, private schools or other schools rather than remain in the high-poverty schools where they were allocated.

“We would oppose Title I portability,” Rose said.

And that is where the tribes come in.

“Particularly on the Senate side, tribal communities are going to have a real impact on our ability to pass a really good law,” said Scott Simpson of the Leadership Conference. “[There are] key senators in places like Montana and the Dakotas—places where the civil rights community doesn’t have a huge presence.

“But we know,” he added, “that Native American communities are strong and are important constituencies.” <http://bit.ly/1zPN5Gh>

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Members of Congress Back Penobscot Nation

Support offered for fishing and hunting rights **BY GALE COUREY TOENSING**

Bottom Line: *The Congressional Native American Caucus tries to avoid tribal conflicts. But they have found an exception in Maine.*

Five members of Congress have filed a federal brief backing a lawsuit by the Penobscot Indian Nation against the State of Maine concerning a dispute over hunting and fishing rights. It is apparently the first time that members of Congress have intervened to support an Indian Nation's fight for its sovereign rights against a state.

The representatives—all members of the Congressional Native American Caucus—filed an *amici curiae* (friends of the court) brief on April 29 in federal district court in Maine. They are co-chairs Betty McCollum (D-Minnesota) and Tom Cole (R-Oklahoma), a citizen of the Chickasaw Nation; and vice chairs Raúl M. Grijalva, (D-Arizona), Ron Kind (D-Wisconsin) and Ben Ray Lujan (D-New Mexico).

Cole said his caucus tries to stay out of tribal disputes. “I don’t think that’s an appropriate place for us to be, but in this case my counterpart Betty McCollum and I both felt the same way—that this was just an egregious case of a state effectively abrogating parts of a treaty.”

The original lawsuit—*Penobscot Nation v. State of Maine, Maine Attorney General Janet Mills and Two Other State Officials*—was filed in August 2012. The Penobscot filed their suit after Maine asserted that the Nation has jurisdiction and regulatory authority over hunting and fishing only on its reservation islands—and not in the “Main Stem” of the Penobscot River.

However, the Nation owns numerous islands in the Main Stem. It also owns hundreds of thousands of acres of land elsewhere in the state as a result of the 1980 federal Maine Indian Claims Settlement Act and its state companion, the 1980 Maine Implementing Act.

The *amici* brief asserts that Congress plainly intended to include the entirety of the Penobscot River within the Penobscot Reservation when it ratified the legislation.

The Penobscot River flows around 60 miles north of Indian Island, where the Penobscot Nation’s government is located and where most of its citizens live. It is central to the identity and culture of its namesake Nation, said Penobscot Chief Kirk Francis.

‘This river is simply who we are. It’s the very core of our identity as a people.’

“This river is simply who we are,” he said. “It’s the very core of our identity as a people and it’s simply the most important thing in the Penobscot Nation’s life.”

A year after the Nation filed its lawsuit, the Department of Justice entered the case at its request—both as an intervener on the Penobscot Nation’s behalf and as a plaintiff filing a separate action against the state of Maine.

Invoking Native “political self-determination and economic self-sufficiency,” the caucus members state in their brief that they seek “to protect the rights of the Penobscot Nation and its members to sustenance fishing, hunting, and trapping within its reservation without interference from the State of Maine.”

“The State now contends that Congress, in drafting the Settlement Act, intended to harm the Penobscot Nation by persuading it to cede historically tribal land to the State, while preserving its sustenance fishing rights in name only by diminishing tribal land to include only the dry land of the islands in question,” the brief says. “But this interpretation cannot be squared with Congress’s intent to draft a statute that fulfills its trust responsibilities to the Penobscot Nation.”

Some tribal leaders think the Penobscot case might turn out to be as significant for East Coast tribes as the “fish wars” of the 1960s and 1970s led by the late Nisqually leader Billy Frank Jr. were to West Coast tribes. At that time protesters held “fish-ins” at traditional fishing locations aimed specifically at asserting their treaty-protected fishing rights and, more broadly, their resistance to being culturally assimilated into American society.

“We applaud the Penobscots for going to court to defend their rights,” Cole said. “The battle they’re fighting is not just for themselves. If sovereignty is diminished anywhere it’s diminished everywhere.”

The Nation is “extremely honored and excited that Congress has weighed in on this very important case,” Francis told ICTMN and praised the five members of their caucus for their action. “They truly have proven their commitment to these issues,” he said. “For us this is such a scary and stressful time—having our rights and territory attacked—and this at the very least tells us in a very relevant and important way that we are not alone.”

The *amici* brief urges the court to grant summary judgment to the Nation. Requests for summary judgment from the Justice Department and the state are pending. Maine Attorney General Janet Mills did not respond to a request for comment.

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



Torres Martinez Desert Cahuilla Indians

Invitation for RFP # 10254 –
Native American Legal Services

Due Date –

May 29, 2015

Torresmartinez.org

jswenson@tmdci-nsn.gov

Winnebago Tribe of Nebraska

Closes 5-18-15

Chief Financial Officer:

Responsible for all financial and fiscal responsibilities of the Winnebago Tribe of Nebraska.

Behavioral Health Director:

Planning and directing Mental Health Programs.

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Registered Dietician:

Provides nutrition assessment and nutrition education to individuals and families.

www.winnebago-tribe.com



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Stanford University senior Alfred Delena, who grew up on the Pueblo of Zuni Reservation, is a winner of the prestigious Truman Scholarship.



The Oglala Sioux hailed a federal decision to delay plans to develop a uranium mine in Fall River and Custer counties in South Dakota.



The first of nine bison calves in a herd that was received by the Cherokee Nation last October was born on April 8.



Navajo golfer Rickie Fowler displays the trophy of the Players Championship, which he won unexpectedly on May 10, 2015

ALFRED DELENA; AP IMAGES; COURTESY CHEROKEE NATION; AP IMAGES

Headlines from the Web

NATIVE AMERICAN ACTORS WORK TO OVERCOME A LONG-DOCUMENTED BIAS

<http://nyti.ms/1F514KI>

LOCAL TRIBES CONTINUE FIGHT FOR FEDERAL RECOGNITION

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

WHY NASA CALLED THE NORTHWEST INDIAN COLLEGE SPACE CENTER

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

ATTORNEY SEARCHING FOR COBELL SETTLEMENT BENEFICIARIES

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

COURT SAYS SIOUX VOTING RIGHTS SUIT WILL PROCEED

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

CHEROKEE CHIEF WON'T SEEK 4TH CONSECUTIVE TERM

<http://bit.ly/1bAk85i>

UPCOMING EVENTS

HOUSE COMMITTEE ON NATURAL RESOURCES OVERSIGHT HEARING MAY 14

The House Subcommittee on Indian, Insular and Alaska Native Affairs will address "Inadequate Standards for Trust Land Acquisition in the Interior Act of 1934."

Location: Longworth House Office Building, Washington, D.C.

NATIVE AMERICAN HEALTHCARE CONFERENCE MAY 17-19

The sixth annual conference will emphasize new treatments, equipment and opportunities. Topics will include "Fighting Cancer Now," "Legalization of Marijuana and Its Healthcare Benefits," "Building a Healthcare Facility—From the Ground Up" and "Leading the Way to Suicide Safer Care." A pre-conference mental health workshop will be devoted to issues of depression, hopelessness and suicide.

Location: Harrah's Resort Southern California, Valley Center, California

UNITED SOUTH AND EASTERN TRIBES SEMI-ANNUAL MEETING MAY 18-20

Hosted by the Mashantucket Pequot Tribe, the meeting will begin with a general assembly, then proceed to presentations for the board of directors, a business meeting and discussions among tribal committees. Among the committees and their topics will be Culture & Heritage ("In Search of Ceremonial Stepping Stone Landscapes in Alabama"), Natural Resources ("Tribal Nutrient Strategy and Water Quality Monitoring"), Tribal Emergency Services ("Effective Interactions With Youth: Why Youth Do What They Do") and Veterans Affairs ("Effects of Agent Orange").

Location: Foxwoods Resort & Casino, Mashantucket, Connecticut

TRIBAL FINANCIAL MANAGER CERTIFICATE PROGRAM MAY 19-21

This program provides tribal financial managers with the essential policy and technical tools needed to manage fiscal systems within the context of American Indian government and enterprise operations. The certificate program also provides Continuing Professional Educa-

tion credits through the Native American Finance Officers Association (NAFOA), which is registered with the National Association of State Boards of Accountancy. The program is conducted by the Arizona State University American Indian Policy Institute and NAFOA.

Location: Arizona State University, Tempe, Arizona

NATIONAL ABORIGINAL HEALTH FORUM MAY 20-21

Developed to provide timely information on recent developments in healthcare program and service development, the forum draws on directed speeches, case studies and roundtable discussions to address the latest challenges, solutions and best practices in the field. The conference will spotlight "First Nations Health Authority: Supporting Aboriginal Health Priorities," "Understanding Canada's Greatest Aboriginal Health Challenges for Better Project Delivery" and "Advancing Holistic Medicine: Removing the Stigma Against Traditional and Western Medicine."

Location: TELUS Convention Center, Calgary, Alberta

LETTERS TO THE EDITOR

Re the disputed claim of Vanilla Ice that he is Choctaw (April 28):

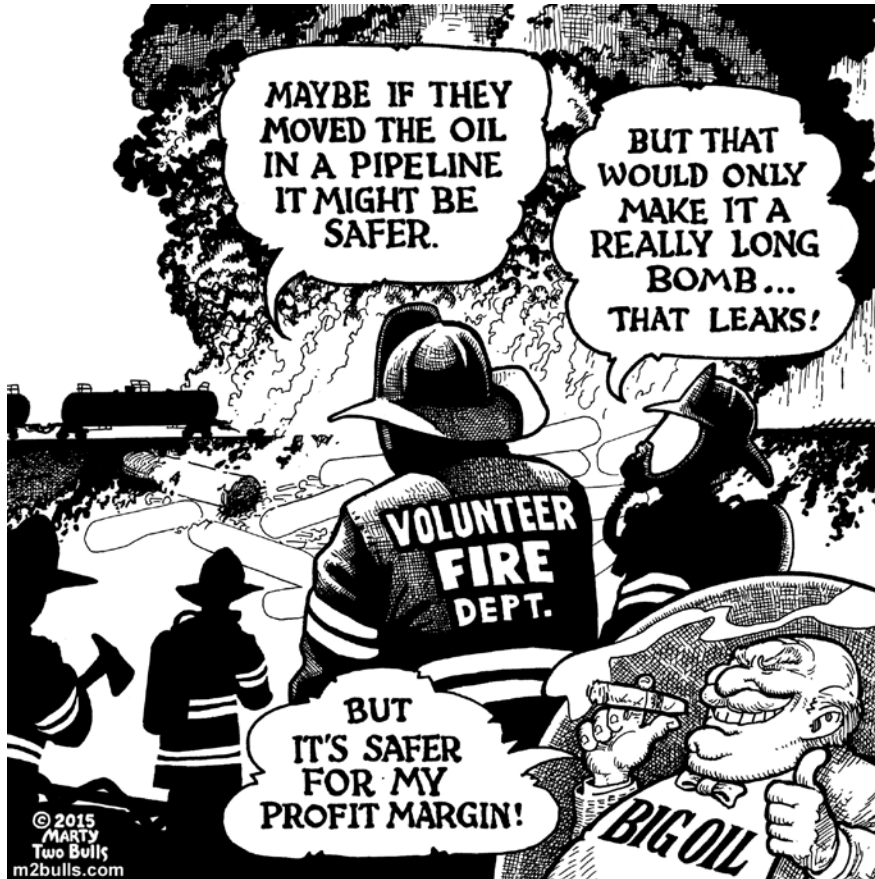
I was raised believing that I had Native ancestry, and after my mom passed away I wanted to do the research to find out the truth for myself. But tracing your ancestry can be very tricky. In my case

I have an ancestor who fought in the Revolution and is going to be included in the Washington, D.C. memorial for Black American Revolutionary soldiers. It is a great cause that I fully support.

At the same time, I wonder how accurate this research is and how many Native Americans will be misidentified as

black. In the end, I would recommend a DNA test. It won't tell you your tribe. But if you are really unsure and want a more pinpoint answer about your family's genetic makeup, then that is the way to go.

—Timothy Hayes
Port Angeles, Washington



TOP NEWS ALERTS

From IndianCountryTodayMediaNetwork.com

ALASKA NATIVE COMPANY SCAMMED FOR MILLIONS

Afognak Native Corp., an Alaska Native company headquartered on Kodiak Island, lost \$3.8 million last month when a cyber attack transferred the money of a subdivision to an offshore bank account. *The Alaska Dispatch News* reported that the attack, which took place on April 15, involved duping the controller of Alutiq LLC, an Afognak subsidiary. "Please be assured the company is working aggressively to recover funds to the maximum extent possible under law," wrote Afognak's CEO, Greg Hambricht, to shareholders.

QUINALT NATION CAN KEEP ITS LAKE

A federal judge has dismissed a lawsuit that tried to revoke

the Quinalt Indian Nation's ownership of Lake Quinalt in Washington State. The suit, brought by the private company North Quinalt Properties, LLC and Thomas and Beatrice Landreth, argued that the waters are reserved for public use, and that state authorities had not fulfilled their management responsibilities. But U.S. District Judge Ronald Leighton said the state is protected from the suit, and that the Nation has tribal sovereign immunity.

CHEYENNE RIVER SIOUX BAN PUBLIC SMOKING

The Cheyenne River Sioux Tribe of South Dakota has banned smoking inside all public places, effective May 1. The ban applies to such establishments as restaurants, bars and tribal offices.

"I believe protecting our people from second-hand smoke in indoor public places will be a much needed, positive change for our tribe," said Wayne Ducheneaux, chairman of the tribe's health committee. Violators can be fined \$50 and businesses that allow smoking may be fined \$100.

CHEROKEE PURSUE HUNTING AND FISHING RIGHTS

The Cherokee Nation and the Oklahoma governor's office will soon discuss a compact that would determine hunting and fishing rights for the Nation across 14 northeastern counties. "Negotiations will soon be underway," said Michael McNutt, a spokesman for Oklahoma Gov. Mary Fallin. "We have moved from a talking stage to beginning negotiations on a pend-

ing compact." In 2009 the Cherokee told its citizens that licenses were not needed to hunt or fish on lands that historically belonged to their people, in light of past federal treaties.

A FEATHER, BUT NO BEADS, AT GRADUATION

Officials at Bishop Union High School in California have told graduating senior Leticia Gonzales (Bishop Paiute) that she may not wear a beaded graduation cap that her grandmother made for her at her commencement ceremony. Although the district will permit her to wear an eagle feather, students are asked not to alter their caps and gowns. "I've always appreciated this school," Gonzales said. "But this situation makes me want to get out of here sooner."

How Did I Miss That?

*Coyotes in Manhattan, the passion of
Bernie Sanders and cheeseheads* BY STEVE RUSSELL

MSNBC recently showed a video of a coyote running down a street in Manhattan. “They’ve been trying to catch that guy for weeks,” the reporter said, “but he outsmarted them.” My cousin Ray Sixkiller had his face very close to the TV.

“I’m trying to figure out if Coyote’s loose on Wall Street. That would explain a lot.”

Polling shows that Marco Rubio’s message of being the candidate of the future is working to put him in front of the GOP pack. My Republican Cousin Ray was skeptical.

“So,” he said, “the future is against normal relations with Cuba, gay marriage, abortion, public funding for birth control, and allowing states to legalize marijuana; the future wants to cut medical care and education to fund more weapons and thinks U.S. foreign policy is not aggressive enough.

“If he wanted to repeal the Civil Rights Act of 1964 and clock Indian policy back to termination and relocation, he’d have a clean sweep!”

Time reported that The Social Club in Nashville has declared itself to be a church called The United Fellowship. Christians had mobilized to rezone The Social Club to run them off because their purpose was “to engage in any sexual activity.” The rezoning came up after they had already spent \$750,000 on remodeling the property. The “dungeon” is now space for the “choir,” the dance floor is the “sanctuary,” and 49 small private rooms are now “prayer rooms.”

Cousin Ray said he guessed that

some of the ministers up in arms will have to join The United Fellowship to bust it. “Going undercover, as it were.”

THV11 reported that Susie Clark of Evening Shade, Arkansas was visiting Crater of Diamonds State Park for the second time in 33 years when she found a 3.39-carat white diamond. That would be about the size of a pinto bean. She named it “Hallelujah” and intends to keep it rather than turn it into cash.

“Right,” Cousin Ray snickered. “That idea will last until she sees her insurance bill—but I bet she doesn’t take another 33 years to get back to the park!”

Vermont Senator Bernie Sanders will give Hillary Clinton a primary challenge from the left. His take on government policies that ignore the poor and create more poor by ruining the middle class might have legs if he had money to compete with the money Clinton gets from the beneficiaries of those policies. Sanders has never run a negative ad against a political opponent, so the rich lode of negative material Clinton offers is still not in play in the primary.

My Republican Cousin Ray salivated, “Bring her on!”

Inforum reported that Republican North Dakota State Representative Randy Boehning, 52, voted against a bill to outlaw discrimination against gay people starting in 2012 and most recently last month.

Cousin Ray was puzzled at my choice to report this. “A middle-aged Republi-

can from North Dakota is against gay rights? This is news?”

BloombergPolitics reported that the NFL has decided to voluntarily surrender its tax exemption. Many media speculated that the tax hit bought a different privilege at a bargain price. Giving up nonprofit tax status, the league will no longer have to publicly report the salaries of big shots like Commissioner Roger Goodell. *Forbes* reported Goodell’s salary at \$44 million in 2013.

Unlike the NFL (while a nonprofit), the constituent teams reveal next to nothing, despite that most of them have gotten public money to build their stadium. The only exception is the Green Bay Packers. The Pack represents an open book because it is the one team owned by the community where it plays.

Sen. Harry Reid, a Nevada Democrat not running for reelection, seized the NFL tax news moment to pressure the league to change the name of the Washington football team with a swipe at owner Dan Snyder. “That tax break that they got is \$100 million,” Reid said. “They’re treating that as if it’s nothing because they have such problems with other issues, not the least of which is kowtowing to the owner, especially one that has a team here in Washington.”

I wanted to know how the only publicly owned team gets away with calling Packer fans “cheeseheads?” Cousin Ray reminded me.

“A wedge of cheese on your head is better than a fake war bonnet,” he said, “and ‘cheddar’ is not a racial slur.”

<http://bit.ly/1DNn0IS> ☞

UPCOMING POW WOWS

OAKVILLE INDIAN MOUNDS MULTICULTURAL INDIAN EVENT

5/14/15—5/16/15
Oakville Indian Mounds Education Center
1219 County Road 187
Danville, AL
OakvilleIndianMounds.com

ANNUAL GRANDMOTHER MORNING DOVE POW WOW

5/15/15—5/18/15
336 Nimble Hill Road
Newington, NH
603-651-8769

8TH ANNUAL ONTELAUNEE PARK INTERTRIBAL POW WOW

5/15/15—5/17/15
Ontelaunee Park
7344 Kings Highway Road
New Tripoli, PA
610-298-2645

35TH ANNUAL FLAGSTAFF HIGH SCHOOL POW WOW

5/15/15—5/17/15
Flagstaff High School Gym
400 West Elm Avenue
Flagstaff, AZ
928-853-0077
Facebook.com/indianeducationsupport-program

26TH VETERANS OF THE MENOMINEE NATION-GATHERING OF WARRIORS POW WOW

5/15/15—5/17/15
Woodland Bowl
N559 Liberty Road
Keshena, WI
715-851-4748
westmartin@new.rr.com

23RD ANNUAL MONACAN POW WOW

5/15/15—5/17/15
Route 130 West
Elon, VA
434-946-0389
mnation538@aol.com
MonacanNation.com

1ST ANNUAL ARMED FORCES DAY POW WOW

5/15/15—5/17/15
306 Camden Road
Wadesboro, NC
NearRiverDwellers.com/powwow_info.htm

15TH ANNUAL TESORO CULTURAL CENTER'S INDIAN MARKET AND CONTEST POW WOW

5/16/15—5/17/15
Tesoro Cultural Center
19192 Highway 8
Morrison, CO
303-839-1671
tesoroinfo@tesoroculturalcenter.org
TesoroCulturalCenter.org/Calendar.html

TRAIL OF TEARS REMEMBRANCE CELEBRATION

5/16/15—5/17/15
5434 S. Tower Drive
Battlefield, MO
417-883-5840
BattleFieldMO.gov

6TH ANNUAL "HONORING OUR WARRIORS" GOURD DANCE

5/16/15
580 South Navajo Route 6830
Birdsprings, AZ
curley.jason@hotmail.com
928-587-4852
Facebook.com/Annual.BirdspringsGourd-Dance

TUNICA-BILOXI POW WOW

5/16/15—5/17/15
Earl J. Barbry, Sr. Convention Center
Marksville, LA
800-946-1946, ext. 2034
TunicaPowWow.org

NEW HAMPSHIRE INTERTRIBAL COUNCIL POW WOW

5/16/15—5/17/15
Dulac Land Trust
Osgood Road
Sanbornton, NH
603-651-8769

METCALFE COUNTY'S ANNUAL NATIVE AMERICAN STYLE POW WOW

5/16/15—5/17/15

Harris Pow Wow Grounds
464 William Judd Road
Edmonton, KY
270-432-3295
renegade3295@scrtc.com

HONORING OF THE ELDERS INTERTRIBAL POW WOW

5/16/15—5/17/15
Tamworth Camping Area
194 Depot Road
Tamworth, NH
603-617-5852
honoringoftheelders@gmail.com
honoringoftheelders.Wix.com/powwow

30TH IN HONOR OF OUR CHILDREN POW WOW

5/16/15 Kelso High School Gym
1904 Allen Street
Kelso, WA
360-501-1655
Kelso.wednet.edu/Programs/IndianEducation/Powwow.aspx

22ND ANNUAL DRUMS ON THE POCOMOKE POW WOW

5/16/15—5/17/15
Cypress Park
1 Bridge Street
Pocomoke City, MD
302-381-3698
bearseeseagles@msn.com
AssateaguePeopleofDelMarva.org/

20TH ANNUAL UNITED NATIVE AMERICAN CULTURAL CENTER UNITY DAYS POW WOW

5/16/15—5/17/15
United Native American Cultural Center
29 Antietam Street
Ayer, MA
978-772-1306

39TH ANNUAL KLATOWA EENA POW WOW

5/16/15
Gill Coliseum
660 Southwest 26th Street
Corvallis, OR
Native American Longhouse Eena Haws
541-737-2738
nativeamericanlonghouse@oregonstate.edu
OregonState.edu/nal/



Leanne Goose, from the Inuvik Northwest Territories, performed at the Gathering of Nations and helped judge the Miss Indian World Pageant.

JASON MORGAN EDWARDS

THE BIG PICTURE