



Indian Country

THIS WEEK FROM

TODAY

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

A Letter from the Publisher

Shekóli. This week's newsletter could be called "A Tale of Two Nations." It contains a pair of features that focus on strides made by two notable Nations in the area of business and conservation. The first article delves into the recent Chickasaw victory before the National Labor Relations Board (NLRB). The other outlines Ho-Chunk efforts to reintroduce elk to the heart of their homeland. Add to the mix an in-depth look at the foot-dragging by museums 25 years after the passage of the Native American Graves Protection and Repatriation Act, and we have a packed issue indeed of This Week From Indian Country Today.

The decision by the NLRB affirmed the sovereignty of the Chickasaw Nation and its solid treaty protections. In fact, the strong language in the 1830 Treaty persuaded the NLRB that the Nation's contention that its WinStar World Casino is not subject to the board's jurisdiction. The Chickasaw benefited from both the treaty language and the support of the Choctaw Nation, which joined them in the argument. The decision has sent nations scrambling to study language in their own treaties. Meanwhile, the Tribal Labor Sovereignty Act of 2015 has advanced in the Senate. If the bill passes, our Nations' enterprises would be exempt from the National Labor Relations Act—as state and local governments already are.

For the Ho-Chunk, the recent arrival of 26 elk from Kentucky to Wisconsin marks the latest achievement of an initiative to restore elk herds



that began decades ago. In 1995, 25 elk were released in north Wisconsin, long after the majestic animals had been driven from the area in the 1800s by overhunting and agriculture. Today, the herd numbers 160. After a period of acclimation, and as more animals are transported during the next three years, elk will once again roam in Ho-Chunk lands that border prairie and forest.

"Beyond the value of the restoration itself, this is a powerful opportunity to share the history of our people and to demonstrate the value we place on stewarding the lands provided to us by the creator," said Robert Mann, director of the Ho-Chunk Nation Department of Heritage Preservation. He notes the importance in restoring the elk and the fact that it also helps restore the Ho-Chunk: one of the nation's 12 clans is the Elk Clan.

Stewarding the lands provided to us by the Creator is essential. While we all have much work to do in our territories, we will continue to take heart in the fact that it has always been this way, and will never change.

NA Ki wa,

Ray Halbritter

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The Problems—And Rewards—Of Recognition

*The odds against federal tribal recognition are considerable, says **Mark Rogers** (Montaukett and Matinecock). But there is no alternative:*

Right now there are bands, tribes and nations all over the country that meet or exceed the federal criteria for recognition. But it is unlikely that these groups will ever see justice in the form of recognition.

Money is the prevailing obstacle. Even if a petitioner can manage the exorbitant costs, there are Indian people who ac-

tively discourage the recognition of other Indian people for the sake of money by calling these petitioners “illegitimate” tribes and nations.

Racism is the next hurdle. When I see my kin of all shades honoring their ancestry, I see tradition carried on despite unjust laws. Those who oppose our status as Indians or recognition only see color.

Political agendas make up the vaguest hurdle. Recognition of “new” tribes brings political upheaval. Treaties, land claims, existing compacts and more must be revised and remade in light of another recognized tribe. The political implications of a new nation within an existing

political structure is intimidating enough that many politicians won’t support a revising of the process or a nation with a just claim.

I often ask myself, “Why does my nation subject itself to this process?” The only answer is that we have to. We must fight to right the injustices of the past and create a brighter future. I won’t stop until our people can live and work together as living Indian nations educating our children and caring for our elders and warriors in our traditional ways. I may walk on before seeing that day. But it does not and will not stop me from working to make that a reality. <http://bit.ly/1JLHid7> ☞

Berbers and Arapaho: A Confluence Of Spirit

Joshuah Marshall found insight into his Northern Arapaho background during his Peace Corps service in Morocco:

If at times my experience as a Native American in the Peace Corps had some challenges, it also informed much of the work I did in the Berber community in which I lived. The parallels between the Berbers—the indigenous people of Morocco—and Native peoples in the United States, were striking. Traditional lands were invaded; communities were relocated to less than desirable places;

peoples were assimilated and religiously converted; languages were banned.

I was also deeply aware of the need for respecting the Berbers’ indigenous ways of knowing and doing. Peace Corps training focused on the need for participatory analysis and community action, integration into the local community, and the design of projects with community input. The importance of this was not wasted on me. Native American communities know all too well the consequences of programs designed by outsiders and consultants. Often, policies developed by people hundreds or thousands of miles away by those who think they know bet-

ter than the communities to be served miss the mark.

My identity as an Arapaho man greatly informed my understanding of respecting and valuing indigenous ways of knowing. I knew the pain of having my community or tribe’s ways of knowing, doing, and feeling disregarded by outsiders. I knew the results of solutions foisted upon a community. I knew the feeling of being told what my tribe was doing was wrong, and that what others wanted for you was better and right.

My service in the Peace Corps allowed me to encounter other people who also understood this. <http://bit.ly/1f58z8v> ☞

My Sisterhood With ‘Paige’

Terese Marie Mailhot, a student at the Institute of American Indian Arts, considers her spiritual kinship with “Paige,” a blind 19-year-old aboriginal woman who recently overdosed in Vancouver, as reported by HuffingtonPost:

Who of us hasn’t met a street-smart Indian girl with intellect, whose spirit is vulnerable to exploitation and brutality? These young survivors are on the front lines of the socioeconomic war against us. They struggle every day, searching our eyes for respect, compas-

sion, and protection.

These women are my sisters. When I was in foster care, we stayed with non-Native families. Many of us were from broken homes, homes with loving parents who were too damaged by the world, homes with no love and no regard, or homes where they had to be the mothers to themselves and their brothers.

We are very much a collective people. I only see my sister happy when she knows her siblings and children are okay. My cousins are only content on holidays, when the whole family is present. I never saw my mother as

happy as the year she was able to buy gifts for all of her family on Christmas. My cousins pride themselves in coming back from a salmon run with a stockpile to give out to everyone they know. I tell my friends back home that my success is theirs.

What I wouldn’t give to have run into Paige at a bus stop, or to have seen her smart eyes, alone and wanting. I would have given her a safe place to rest her body. Maybe she would reject my compassion. All I can do now is pray, fast, communicate, and protect the Paiges I see, love harder and give more. <http://bit.ly/1Fan6EQ> ☞

Cheyenne River Sioux Tribe Goes Smoke-Free

The Cheyenne River Sioux Tribal Council recently passed the Smoke-Free Air Act, making it the first tribe in South Dakota to ban smoking in indoor public places. The Act also requires that cigarette smoke be kept 50 feet away from public building entrances; it further prohibits the use of electronic cigarettes in indoor places. Smoking outside, in private homes and vehicles, and in designated rooms at hotels is still permitted.

The effort to pass the act was led by the Canli (Lakota for “tobacco”) Coalition of the Cheyenne River Sioux Tribe. The group of providers, cultural leaders, educators, environmental workers, community elders and youth has been promoting smoke-free air and educating the community about the dangers of commercial tobacco and second-hand smoke since 2009.

“We are so proud of our Tribal Council leaders for taking action to protect their people from second-hand smoke,” said coalition organizer Rae O’Leary, a nurse and respiratory therapist. “This is not a Fifth Amendment issue, it is a public health issue. The Smoke-Free Air Ordinance will save lives now and seven generations from now.”

The tribe estimates its members’ smoking rate at 51 percent, compared to the national average of 19 percent. Nonetheless, a 2012 survey of 400 tribal members found that the majority of smokers and non-smokers agree that indoor places should be smoke-free. More than 75 percent of respondents, the polls said, believe that smoking should not be allowed in restaurants, work areas, or tribal offices.

South Dakota passed a similar law in November 2010. But because the tribe is a sovereign nation, the state’s law did not apply to the nine reservations located there. <http://bit.ly/1QIXeGR> 📱

Tribe Challenges Idaho Governor’s Instant Horse Racing Veto BY JACK MCNEEL

The Coeur d’Alene Tribe has petitioned the Idaho Supreme Court to overturn Gov. C.L. “Butch” Otter’s veto of a gaming bill and the subsequent refusal of Secretary of State Lawrence Denney to certify it as law.

Senate Bill 1011, introduced in the Idaho State Senate earlier this year, is meant to repeal a two-year-old law allowing instant horse racing machines that had been installed at three locations. The tribe argued that the devices are glorified slot machines, which are illegal in Idaho.

The repeal bill passed the legislature and was sent to Gov. Otter. Idaho law requires that if the governor vetoes a bill, he must deliver it—with his objections—to the house where it originated within five days. However, Gov. Otter waited seven days, the Associated Press reported. Senate President Pro Tem Brent Hill and Lt. Gov. Brad Little treated the veto as valid and called for a vote. But the Senate did not muster the two-thirds majority required for an override.

The Coeur d’Alene Tribe contends that the override had no effect because, under Idaho’s constitution, the bill had already become law. A few weeks later, the tribe asked Denney to certify the bill as law but he refused, the tribe said. The tribe has petitioned the Idaho Supreme Court to exercise its jurisdiction and order Denney to certify the ostensible law.

“The record clearly shows that the governor did not follow the constitutional requirements for a legal and valid veto,” Coeur d’Alene Tribal Chairman, Chief Allan told ICTMN. “It’s a shame the secretary of state has chosen to waste taxpayer dollars by refusing to do his job.” <http://bit.ly/1cHC7Hy> 📱

Navajo Nation Homes Are Finally Getting Addresses

BY ALYSA LANDRY

Much of the 27,000-square-miles of the Navajo Nation is devoid of street addresses. The topography affords residents the opportunity to live in solitude, far from the intrusions of modern life. But that solitude comes at a price. Directions can be confusing or hazardous. Without street names or GIS coordinates, emergency personnel function in the dark.

But this is changing as communities work to put residents on the map and post red and white numbers on homes. Now, hundreds of people are enjoying

the unprecedented luxuries that come with having street addresses.

“They can use their addresses to apply for bank loans, auto loans, update their driver’s licenses, register to vote,” said Rachelle Silver-Tagaban, a rural addressing technician for the Navajo Nation Addressing Authority, the entity tasked with overseeing the initiative in all 110 chapters of the Nation. “This is all leading up to better public safety.”

The addressing authority, headquartered in the Nation’s Window Rock, Arizona, capital and assisted by AmeriCorps volunteers, supervises the initiative. Individual chapters bear the responsibility of gathering data, assigning house num-

bers and naming streets.

Chapter officials and community volunteers go door-to-door compiling basic information from residents. The data is entered into mapping software, which assigns GIS coordinates that allow emergency responders to pinpoint exact locations. Maps are shared with city, state and county dispatch services.

There are unexpected benefits to being on the grid, said Beclabito Chapter Manager Melissa Kelly: “Businesses always want physical addresses, so this gives people validation and cuts out complications. People are figuring out that they can even use this for pizza delivery.”

<http://bit.ly/1eYnHEA> 📱

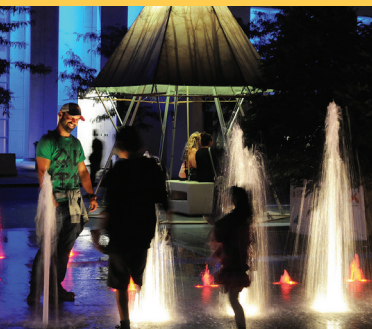


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Elk Return to Ho-Chunk Lands

An initiative that was years in the making

BY DOUGLAS THOMPSON

Bottom Line: *Elk are more than indigenous to Wisconsin; they have helped define a certain tribe. And now they are back.*

Elk once roamed Wisconsin, where they were a native species. But they were driven out in the 1800s by over-hunting and the habitat loss associated with the conversion of native prairie to farmland.

Now the elk are starting to come back, thanks to an initiative to import up to 150 of them from Kentucky over the next three to five years.

So far, 26 wild elk have been transported from Kentucky to Wisconsin, to be held in an acclimation pen before being released into the Black River State Forest sometime early this summer. This marks the beginning of an effort to expand an existing elk herd in northern Wisconsin's Chequamegon-Nicolet National Forest and reestablish a new herd farther south. That reestablishment will take place in Jackson County—in Wisconsin's prairie-forest border region—and in the heart of the lands of the Ho-Chunk Nation.

"The disappearance of this species from Wisconsin was a big loss for the Ho-Chunk Nation," said Robert Mann, director of the Ho-Chunk Nation Department of Heritage Preservation. "We have an Elk Clan, one of the twelve clans."

Elk were historically important to the Ho-Chunk Nation as a source of sustenance and life. "Beyond the value of the restoration itself, this is a powerful opportunity to share the history of our people and to demonstrate the value we place on stewarding the lands provided to us by the Creator," Mann said.

Before the elk arrived at the Black River State Forest acclimation pen, a private ceremony was conducted to welcome them. "This was done not only to thank the Creator and pray for the survival of these animals," said Mann, "but also to instill our values in the younger generations."

The project has been under way for some time. In 1995, 25 Michigan elk were released in the Clam Lake region of far northern Wisconsin, an area where their presence was thought unlikely to threaten agriculture. This herd, which mostly roams on National Forest land in 1842 Treaty ceded territory, now numbers about 160.

At the time of the 1995 release, plans had been made to establish another herd of elk in the area of Black River State Forest. These plans hit a roadblock in 2002, however, when chronic wasting disease showed up in Wisconsin's deer population. When this devastating illness was detected, state officials halted importation of elk and other members of the deer family to help curb its spread, effectively ending plans to establish a herd farther to the south.

Things changed in 2013, however. Governor Scott Walker included language in the 2013-15 state budget that relaxed restrictions for elk importation if the animals are sourced from a wild population and if disease precautions are taken.

"This reopened the door for restoration of elk in the Black River State Forest," said Karen Sexton, wildlife biologist for the Ho-Chunk Nation, who sits on the Wisconsin Natural Resources department's Elk Advisory Committee.

The long-term goal is to establish a herd of 1,400 elk in the Clam Lake area and another herd of up to 400 animals in the Black River State Forest region. While all of the animals in the acclimation pen in Black River Falls State Forest will be released on-site, the intention is also to release animals that will intermingle with the Clam Lake herd. Kentucky will provide all of the animals to establish both of these herds.

One of the main reasons for using Kentucky elk is that wasting disease has never been detected in that herd, said Will Bowling, elk program biologist with the Kentucky Department of Fish and Wildlife. Nonetheless, he stressed that all of the animals relocated from Kentucky will undergo quarantine and testing.

For the time being, the elk in the acclimation pen are being monitored after five of them died of acute babesiosis, a tick-borne disease that officials assume they contracted when bitten by ticks in Wisconsin, the *Milwaukee Journal Sentinel* reported.

"It's shocking to lose five animals in so short a time," said Kurt Flack, a Wisconsin representative of the Rocky Mountain Elk Foundation, one of the initiative's main backers. "But we realize things like this can happen, and we maintain our support for bringing more elk to Wisconsin."

Bowling said that this, his first opportunity to work with a tribe, was eye opening. "Not only do I have respect for the capacity that tribal resource managers bring to an effort such as this," he told Indian Country Today Media Network, "but I also like the idea of these animals going to a place where they will be valued culturally." <http://bit.ly/11BkYgQ> 📱

A Quarter-Century of Repatriation

NAGPRA is the law of the land but challenges remain BY DYLAN BROWN



The Saginaw Chippewa Indian Tribe Men's Society reburied remains at the Nibokaan Ancestral Cemetery in Mt. Pleasant, Michigan in 2012.

Bottom Line: 2015 marks the 25th anniversary of the Native American Graves Protection and Repatriation Act. Has enough been done to protect the remains of ancestors?

Ten-year-old Hector “Lalo” Franco would never forget his great-aunt’s funeral. The distress of his elders burying one of their own took place while strangers scoured the Tachi Yokuts’ ancestral land in California’s Central Valley. They were grave-robbing in the name of science,

progress or profit.

“There was nothing to stop these people,” says Franco, now 61 and the tribe’s historical preservation director.

In 1990, the Native American Graves Protection and Repatriation Act (NAGPRA) changed that—but not before the remains of about 200,000 American Indians, Alaska Natives and Native Hawaiians had been pilfered for federal and museum collections nationwide. Boxed up with those remains are more than a million funeral objects and countless other sacred objects.

NAGPRA established a process whereby those remains would be returned. But 25 years later, righting the historic wrong remains a monumental undertaking.

The federal law established a system by which remains would be returned to descendants based on a “reasonable” conclusion derived from a “preponderance” of the evidence available. But the dark legacy of American archaeology and anthropology and historical mismanagement at museums left little or no documentation for three-quarters of all bones that were

considered Native American. Without such evidence, it was impossible to return 122,736 culturally unidentifiable individuals.

In 2011, that ostensibly changed. A new NAGPRA regulation known as the 10.11 rule dramatically reduced the amount of evidence required to prove the tribal connection needed for repatriation.

And yet, repatriation remains slow because the rule has reignited the ideological debate between tribes and museums over who should control the past. Locked in the power struggle, only a few thousand of the unknown dead have escaped that limbo.

Structural Racism

Populated with the spoils of wars and massacres, museums devoted to Native history have traditionally been “a mirror of society as a whole,” says Alex Barker, a museum director at the University of Missouri and a member of the NAGPRA Review Committee, an advisory panel comprising both museum and tribal representatives.

“There was and is undeniable structural racism that has affected Native communities going back centuries,” says Barker. “The law was something that was necessary and appropriate.”

The acceleration of dam building, mining and other infrastructural projects from coast to coast in the 20th century drove the American economy. It also laid waste to Native American history. Some preventative measures were taken. The Antiquities Act in 1906 and later the Archaeological Resources Protection Act of 1979 put archaeologists and anthropologists to work preserving the legacy being lost—but mostly for scientific purposes. Ignoring tribes, government agencies offloaded “artifacts” by contracting academics to excavate ahead of public works.

This process had little regard for recordkeeping, leaving collections in disarray and often separated from documentation. A 2010 Government Accountability Office report described the “poor curation practices by agencies and repositories, in general, along with poor historical records and documentation.”

The confusion that was left behind is “the largest NAGPRA issue facing federal agencies” today, according to the National NAGPRA Program, an independent division within the National Park Service that administers the law. Modern experts and tribes were left with “a monumental task” in tracking down Native American items in vast

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archaeological collections that only continue to grow.

Stalling to Steal

Scientific certainty is not needed to determine the cultural affiliation of remains, which is the requirement for repatriation. The law outlines a host of factors to consider—not only geography, biology and archaeological records but also tribal language, oral tradition and expert opinion.

Tribal leaders argue that museums perpetually set the bar too high for repatriation so that they can continue to study bones.

“There is a lot to be learned, I agree,” says Sonya Atalay, who is Anishinabe-Ojibwe, a member of the NAGPRA Review Committee and a University of Massachusetts-Amherst anthropology professor. “But at what cost?”

NAGPRA gives museums 90 days after a request is made to initiate consultation with the inquiring tribe. But it establishes no schedule for repatriation other than a “reasonable” amount of time. According to National Associa-

tion of Historic Preservation Officers President D. Bambi Kraus, museums offer many excuses so that they can drag out consultation for decades.

And according to National NAGPRA data, federal agencies and museums have made no attempt at consultation in regard to 24,215 unidentified human remains and 12,888 culturally affiliated remains.

Tribes argue that documentation for many unidentifiable remains exists. But it is also widely believed that these remains are still classified as “unidentifiable,” even decades after they were labeled as such by museums.

Kraus says she is disappointed that “there isn’t more of an outcry” against the current situation. She also dismisses the argument that tribes are “anti-science.” That argument, she says, ignores the fact that Native Americans needed a law to protect their dead in the first place—something the broader society takes for granted.

Still, a vocal section of the museum community argues that cultural affiliation is difficult to establish. Historic movements, forcible migrations and dislocation by disease and war mean the tribe in closest proximity to where remains are discovered is not automatically the rightful owner. Differing accounts of history exist among the 560 federally recognized tribes.

“How do you weigh among those and say this one is more correct than that one in a respectful way?” asks Barker.

In the absence of records, using genetic information and other analysis to pinpoint the exact origin of hundreds of individuals is expensive and time consuming. Even experts can take years picking out single individuals from the tangle of records with no guarantee of results. Many museums are struggling for funding while their collections keep growing.

The cost of identifying remains also slows down repatriation for some tribes. More pressing issues like unemployment or law enforcement leave them unable to spend the money needed to claim identified ancestors. This creates a gulf between the roughly 26 percent of remains determined to be-

long to a particular tribe and the less than 10 percent that are now back in tribal hands.

In any event, for others, handling the dead after burial is taboo.

The pendulum

The major unanswered NAGPRA question these days is who should have final say when it comes to making repatriation decisions.

The passage of the 10.11 rule four years ago dramatically loosened requirements for cultural affiliation in an effort to accelerate the process. Museums are now required to consult with tribes that request the repatriation of culturally unidentifiable human remains.

If no request is received, the repository itself must initiate consultation with tribes that are recognized by the federal government as aboriginal inhabitants. If they decline, another tribe or non-federally recognized group can ask for repatriation, or the remains and items can simply be reburied according to state or other laws.

Some museums are taking 10.11 as a fresh opportunity to revisit their collections. "Ninety percent of what we have is culturally unidentifiable," says Megon Noble, who became the University of California-Davis's first NAGPRA project manager in 2014. "That really prompted the university to take a look at the way in which we're doing NAGPRA."

The rule, she says, rightly transferred decision-making authority. "Native American people should have the civil right to determine how their ancestors are treated or reburied if that's their choice."

But any museum officials and the Society of American Archaeology disagree. They argue that 10.11 gives too much power to the tribes, undermining the balance of power between tribal interests and scientific inquiry that Congress intended. Critics of 10.11 note the sci-

policy at the University of California-Berkeley's Phoebe A. Hearst Museum of Anthropology.

Healing the wound

While the first decade of NAGPRA was replete with horror stories about dusty, rat-infested collections, Jacobs says that scientific attitudes toward repatriation have undergone a generational shift. "It's just part of the ethos now."


Review Committee member Shannon Keller O'Loughlin praises the shift but says that many more ancestors are still in cluttered garages and dusty backrooms. "I would like to see the day when I can tell my children and our elders that those days are behind us," says O'Loughlin (Choctaw), an attorney with the Lewis Brisbois Indian Nations Law & Policy Practice Group. "I don't think we're there yet."

Meanwhile, boxes of bones that have been untouched since their excavation are still turning up. National NAGPRA added 658 more individuals to the total number of Native human remains last year. Obviously, much work remains. But progress has undoubtedly been made in 25 years.

Finding the rightful homes of the unknown dead remains an odyssey that will require continued commitment, O'Loughlin says. "It is a heavy burden on museums, but are we

prioritizing what's required under the law?"

Hector Franco, among others, still bears the wound left by the crimes he never forgot. "NAGPRA has been one of the ways we've been able to heal this wound. It's still healing, it's still there and the pain is still there."

<http://bit.ly/1S1tfMZ> 



The repatriation process is fraught with bureaucracy and heartache alike.

entific exemptions in NAGPRA's text for Native American objects that are "indispensable to the completion of a specific scientific study, the outcome of which is of major benefit to the United States."

"It's not a law designed to end scientific inquiry into human skeletal remains and it hasn't done that," says Jordan Jacobs, head of repatriation and cultural

Tribe Wins Major Labor Dispute

Historic federal law does not apply to Chickasaw

BY ROB CAPRICCIOSO

Bottom Line: A 185-year-old Indian treaty with Washington has trumped landmark New Deal legislation as it applies to workers.

The Chickasaw Nation can conduct business outside the confines of federal law because it is a sovereign Indian Nation with solid treaty protections, a leading government agency has determined.

At issue was whether the Chickasaw Nation had violated the National Labor Relations Act (NLRA), which was passed 80 years ago as part of President Franklin Delano Roosevelt's New Deal. The Act guarantees basic rights of unionization, collective bargaining and collective action among workers.

The current dispute arose in 2011 when the International Brotherhood of Teamsters Local 886 filed a grievance suit with the National Labor Relations Board (NLRB) on behalf of employees of the Chickasaw-operated WinStar World Casino in Thackerville, Oklahoma. Casino officials, the employees said, had told them that because of tribal sovereignty, they were not protected by the Labor Act and therefore could not unionize.

On June 4, the NLRB decided in the Nation's favor by upholding an 1830 treaty between the Nation and the United States that contained strong pro-tribal sovereignty language that overrode the Act.

"We find that application of the Act would abrogate treaty rights, specific to the Nation, contained in the 1830 Treaty of Dancing Rabbit Creek," the NLRB ruled. "As a result, we decline to assert jurisdiction over the Nation."

"[N]o Territory or State shall ever have a right to pass laws for the govern-

ment of the [Chickasaw Nation]," the 1830 treaty states in part. "[T]he U.S. shall forever secure said [Chickasaw Nation] from, and against, all laws except such as from time to time may be enacted in their own National Councils, not inconsistent with the Constitution, Treaties, and Laws of the United States; and except such as may, and which have been enacted by Congress, to the extent that Congress under the Constitution are required to exercise a legislation over Indian Affairs."

As the NLRB noted, "Article 18 of the 1830 Treaty provides that 'wherever well founded doubt shall arise' concerning the construction of the treaty, 'it shall be construed most favorably towards' the Nation."

The three-member panel that decided the case further noted that in the NLRB's San Manuel Indian Bingo & Casino decision of 2004, the Board outlined its standards for determining when it would assert jurisdiction over businesses owned and operated by tribes on tribal lands.

Thus, the NLRB said, "the Board asserts jurisdiction over the commercial enterprises owned and operated by Indian tribes, even if they are located on a tribal reservation. But the Board does not assert jurisdiction over tribal enterprises that carry out traditional tribal or governmental functions."

The NLRB decision constitutes the latest swerve in what has been a legal roller-coaster ride for the Chickasaw Nation.

The original San Manuel decision of 2004 led to a February 2007 ruling by the U.S. Court of Appeals for the District of Columbia that said that the National Labor Relations Act indeed applied to the casino operations of the

San Manuel Band of Mission Indians.


"The ruling by the D.C. Circuit in San Manuel is the most far-reaching court decision affecting Indian country labor relations and employment in several decades," wrote Indian gaming lawyer Scott Wilson in a regulatory update issued soon after that ruling.

Yet now, the same San Manuel NLRB decision has ended up having the opposite effect for the Chickasaw. Thus, all tribes would seem to be justified in closely examining their specific treaty language with the United States in any future NLRB dealings.

Some tribal advocates feel the current case may favor tribes beyond the Chickasaw, because many tribes have strong treaty language with the federal government. Whether future NLRB decisions will favor tribes with what could be perceived by the board to be weaker treaty language, however, remains to be seen.

In this case, support from the Choctaw Nation played a role in the Chickasaws' favor. The NLRB noted that the Choctaw joined the Chickasaw in arguing that applying the NLRA to the latter would abrogate guaranteed treaty rights of self-government and exclusion.

The NLRB further stated that an 1866 treaty between the U.S. and the Chickasaw did not weaken the words of the 1830 treaty—as some critics have argued—but rather, strengthened them.

"[C]onstruing both treaties in the manner most favorable to the Nation, we find that the provisions of the 1866 Treaty are compatible with the rights guaranteed in the 1830 Treaty, and that article 45 of the 1866 Treaty strongly suggests that those rights remain in place," the panel concluded. <http://bit.ly/1e2Neff> 



The multimedia exhibit “Our Story: A Wampanoag History” opened at the Pilgrim Monument in Provincetown, Massachusetts on May 28.



Tanaya Beatty, who is Da'naxda'xw First Nation from Canada, will play Sacagawea in HBO's upcoming six-hour miniseries Lewis and Clark.



Students of an Ojibwe language class at the University of Massachusetts-Amherst built and floated a birch-bark canoe last month.



“Spider Woman” by Rudolph Carl Gorman (Navajo), is part of “Enter the Matrix: Indigenous Printing” at the University of Oklahoma.

Griffin House

Beginning on **June 15, 2015**

An 81 unit building including 4 units designated for the disabled, located at 122 South Broadway, Yonkers, NY, is available for renting to those with limited income.

Qualifications will be based on income guidelines.

Interested persons may obtain an application by telephoning the Griffin House at **(914) 376-1400**, picking it up in person, sending an email to info@hhmgmt.com or writing to us at 122 South Broadway, Yonkers, NY 10701.

Completed applications sent by regular mail, not registered or certified mail must be received by **July 14, 2015**.

All applications received after this deadline date will not be processed until all applications received by the deadline are processed.



Winnebago Tribe of Nebraska

The Winnebago Tribe of Nebraska is seeking bids for the Independent Audit of the financial statements for the fiscal year ended **9/30/2015**.

The bid should include:

Winnebago Tribe of Nebraska/Gaming Commission and the WinnaVegas Casino with a separate bid price for each.

Proposals are due by close of business on **July 15, 2015**. A Request for Proposal may be obtained by contacting the:

Winnebago Tribe of Nebraska, P.O. Box 687, Winnebago, NE 68071.
Attn: "Acting CFO"

Realty Director

The Association of Village Council Presidents, a non profit organization in Bethel, AK is currently recruiting for a Realty Director.

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

SUMMARY: The Realty Program Director, under the direction of the Vice President of Community Services, is responsible and accountable for the AVCP Realty/Trust Programs which include: Transactions Services, Probate and Estate Services, Rights Protection and Native Allotments. Advises Senior Management on trust and real estate services matters.

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

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



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Headlines from the Web

FAMILIES FIGHT NATIVE AMERICAN ADOPTION RULES

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

ANDERSON, DENSON TO MEET IN RUN-OFF FOR TRIBAL CHIEF

<http://bit.ly/1dzipi5>

THOUSANDS TO GATHER FOR 20TH ANNIVERSARY COUSHATTA POWWOW

<http://townta.lk/1GwcYM0>

ONEIDA NATION MOURNS LOSS OF MURDERED MEMBER

<http://bit.ly/1QqKmu5>

QUAPAW TRIBE PUSHES BACK AGAINST LITTLE ROCK OBJECTIONS TO LAND

<http://bit.ly/1f1fcJ8>

POTAWATOMIS SUING CITY OF SHAWNEE IN TRIBAL COURT

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

Upcoming Events

ANISHINAABE NIBI (WATER) GATHERING

JUNE 18-21

Anishinaabe elders from Manitoba and Northwestern Ontario will share knowledge about traditional water law with indigenous youth, academics and others. Activities will include a sunrise ceremony, lighting of the sacred fire, the tying of water drums and a water offering ceremony.

Location: Whiteshell Provincial Park, Manitoba, Canada

NATIONAL NATIVE AMERICAN YOUTH INITIATIVE

JUNE 20-28

Sponsored by the Association of American Indian Physicians (AAIP), this intensive summer program is designed to prepare American Indian and Alaska Native high school students for, and promote them toward, careers in health care or biomedical research. AAIP member physicians will mentor students interested in such various specialty areas as pediatrics, surgery, family practice and cardiology.

Location: George Washington University, Washington, D.C.

AMERICAN INDIAN SUMMER INSTITUTE IN EARTH SYSTEM SCIENCE

JUNE 21-JULY 3

This residential summer program for Native high school students will conduct field research and create presentations relating to tribal environmental issues, addressing the critical need for earth systems professionals within tribal communities.

Location: La Jolla Band of Luiseño Indians Reservation and the University of California-Irvine

AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM CONFERENCE

JUNE 22-26

This second annual behavioral health conference will focus upon building the research capacity of tribal colleges and universities, with particular regard to historical trauma. Participants will learn how to assist with “reframing” traumatic experiences and explore resiliency as a model, as compared to a deficit model and the development of positive community norms. In addition, participants will address the application of qualitative and quantitative statistics to behavioral health research and explore the dissemination process to share research findings.

Location: Diné College, Tsailé, Arizona

ABORIGINAL LAW, CONSULTATION & ACCOMMODATION CONFERENCE

JUNE 23-24

“Beyond Accommodation: Building Lasting Partnerships for Mutual Benefit” will present aboriginal community leaders, project proponents, legal professionals and government representatives who will discuss successful pathways to building lasting partnerships for mutual benefit. “Critical Updates in Legislation and Case Law,” “Engagement with Aboriginal Communities—Beyond the Legal Relationship,” “Conducting an Effective Consultation,” “Defining Aboriginal Title” and “Building Strong Relationships—Laying the Foundation to Ensure Mutually Beneficial Outcomes” are among the scheduled topics.

Location: Marriott Bloor Yorkville, Toronto, Canada

NATIONAL INDIGENOUS WOMEN’S RESOURCE CENTER WEBINAR

JUNE 24

“Fatherhood and Wellness for Native Men, Teens and Boys” will discuss responsible fatherhood across the generations, with an emphasis on commitment and the importance of rehabilitation and healing.

Contact Information: <http://bit.ly/1FHUgxx>

LETTERS TO THE EDITOR

Re: “How Far Can A Dandelion Seed Fly?”, which counters the notion that dandelions were introduced to the New World only “by those who carried these seeds on the Mayflower”

(May 24):

Very interesting article! People speak about dandelions like they are just one species. But in fact there are 250 distinct species. So it can be true that there were species of dandelions

in America before the arrival of Europeans, and that the Europeans brought other species with them.

—Sarah McGrath
France



TOP NEWS ALERTS

From IndianCountryTodayMediaNetwork.com

HOPI ARTIFACTS AUCTIONED FOR \$450,000

Fifteen sacred Hopi *kachina* masks and figurines were auctioned for approximately \$450,000 on June 1 and June 11 in the latest controversial sale of such items in Paris. The Hopi, of Arizona, and the Acoma Pueblo, of New Mexico, tried but failed to block the sale of the items. Among those who backed the tribes were the Holocaust Art Restitution Project, Arizona's congressional delegation and the actor Robert Redford. "There is emotional trauma," said Hopi tribal member Sam Tenakhongva. "These sacred objects are human beings."

FORMER LUMBEE CHAIR DIES IN AUTO ACCIDENT

Jimmy Goins, 66, who was chairman of the Lumbee Tribe of North Carolina from 2004 to 2010, was killed in an automobile accident on June 7; his vehicle ran off N.C. 71, hit a highway sign and overturned. A member of the Lumbee Self-Determination Commission and chairman of the tribe's Federal Recognition Committee,

Goins was known for his advocacy of home ownership and was instrumental in organizing the tribal Boys and Girls Clubs. "Jimmy was a pillar in the community," said tribal councilman Jonathan Locklear.

NEW AMERICAN INDIAN COLLEGE FUND INITIATIVE

The American Indian College Fund has joined with the Brazleton Touchpoints Center under the auspices of a Clinton Global Initiative to provide early childhood training for teachers and service providers in underserved Native communities. The partnership is expected to reach more than 600 families across six tribal nations and will build on the College Fund's earlier training of some 371 early childhood teachers.

MICHIGAN TRIBE AND COUNTY ENTER INTO PACT

The Sault Ste. Marie Tribe of Chippewa Indians of Michigan and the Chippewa County Board of Commissioners last week unanimously agreed to a consul-

tation agreement to foster "improved government-to-government relations and cooperation." A liaison committee will be created, to which the county and the tribe each will appoint at least two members. Both the county and the tribe will now "meet and confer on a regular basis to discuss matters of mutual interest and concern," reported the Sault Ste. Marie *Evening News*.

NATIVE RIGHTS GROUP SEVERS FEDEX TIES

The Native American Rights Fund (NARF), a nonprofit law firm, has ended its service with Federal Express because of its ongoing sponsorship of the Washington Redskins, whose home stadium is FedEx Field in Landover, Maryland. In a letter to FedEx, NARF Executive Director John E. Echohawk called "Redskins" a "racial slur masquerading as a team name." Echohawk further wrote, "We have officially moved to replace FedEx with another carrier as we can no longer justify using our funds to help FedEx perpetuate this racial stereotype."

UPCOMING POW WOWS

WAA WIYE GAA MAAG POW WOW

6/19/15—6/21/15
28 miles north of Deer River on Hwy 46
Squaw Lake, MN
218-760-7955
maang40@yahoo.com
LLOjibwe.org

WASHUNGA DAYS POW WOW

6/19/15—6/20/15
Kaw Mission State Historic Site
Council Grove, KS
620-767-5413
Washunga.com

STEWART FATHER'S DAY POW WOW

6/19/15—6/21/15
Stewart Facility
5500 Snyder Avenue
Carson City, NV
775-687-8333
cgibbons@nic.nv.gov
StewartIndianSchool.com

OSAGE RIVER POW WOW

6/19/15—6/21/15
Tuscumbia Riverside Park
Tuscumbia, MO
573-369-2710
oldjed@hughes.net
OsageRiverPowWow.com

MUCKLESHOOT VETERAN'S POW WOW

6/19/15—6/21/15
Muckleshoot Powwow Grounds
17500 South East 392nd Street

Auburn, WA
253-876-3327
grant.timentwa@muckleshoot.nsn.us
muckleshoot.NSN.us

39TH ANNUAL GREAT LAKES AREA TRADITIONAL POW WOW

6/19/15—6/21/15
Woodland Gathering Grounds
N15760 Hannahville B-1 Road
Hannahville, MI
906-466-9933
Hannahville.net

2ND ANNUAL MOUNT AIRY VETERANS POW WOW

6/19/15—6/21/15
Veteran's Memorial Park
691 West Lebanon Street
Mount Airy, NC
336-749-0593
TheVMF.org

11TH ANNUAL HONORING OUR ANCESTORS INTERTRIBAL POW WOW

6/19/15—6/21/15
Ashtabula Antique Engine Club
4026 US Highway 322
Wayne, OH
440-319-4483
redwolf_0801@yahoo.com

45TH ANNUAL CITY OF ROSES DELTA PARK POW WOW AND ENCAMPMENT

6/19/15—6/21/15
East Delta Park
10737 North Union Court
Portland, OR
503-984-7303
sballman.unci@gmail.com

INDIAN PLAZA INTERTRIBAL POW WOW

6/19/15—6/21/15
Indian Plaza Campgrounds
Charlemont, MA
413-339-4096

5TH ANNUAL CELEBRATING ALL LIFE AND CREATION POW WOW

6/20/15
Plummer Park
7377 Santa Monica Boulevard
West Hollywood, CA
RedCircleProject.org

WESGET SIPU VETERANS MEMORIAL POW WOW

6/20/15—6/21/15
Togus Veterans Affairs
Togus, ME
207-446-7997

RED ROAD NATIVE AMERICAN INDIAN SOBRIETY POW-WOW

6/20/15—6/21/15
979 Somerset Avenue
Dighton, MA
508-493-5520

POW WOW BY THE SEA

6/20/15—6/21/15
Imperial Beach Plaza,
Seacoast Drive & Evergreen
Imperial Beach, CA
619-423-6610
grassdancer7@yahoo.com
OneWorldBridge.org/powwow-by-the-sea.html

PLAINS INDIAN MUSEUM POW WOW

6/20/15—6/21/15
Center of the West's Robbie Pow Wow Garden
720 Sheridan Avenue
Cody, WY
CenteroftheWest.org/explore/events/powwow

HONORING SAGANING TRADITIONAL POW WOW

6/20/15—6/21/15
Pow Wow Grounds
2750 Worth Road
Standish, MI
800-884-6271
SagChip.org/pow-wow/saganing

23RD ANNUAL TRADITIONAL NATIVE AMERICAN POW WOW

6/20/15—6/21/15
Sullivan County Fairgrounds
Forksville, PA
570-928-9416
EasternDelawareNations.org/events.html

20TH ANNUAL MATTAPONI POW WOW

6/20/15 Mattaponi Indian Reservation
1413 Mattaponi Reservation Circle
West Point, VA
804-769-8783
mcustalow@gcaservices.com

How Did I Miss That?

Cell phone jamming, presidential clown cars and air-breathing fish

BY STEVE RUSSELL

In a ringing defense of good government and modeling behavior for school kids, the *Tampa Bay Times* reported that science teacher Dean Liptak, unable to get his students to stay off their cell phones during class, jammed their signals.

For this, Liptak drew a five-day unpaid suspension. Superintendent Kurt Browning wrote that jamming cell phone signals violates federal law and quoted the Federal Communications Commission website, which warned that jamming could block emergency communications.

"Where would we be," my cousin Ray Sixkiller asked with a straight face, "without school districts that protect our children from renegade employees?"

Talking Points Memo reported that Republican presidential candidate and front runner for the evangelical vote Mike Huckabee, the former governor of Arkansas, expressed confusion about the fact that some feminists find public nudity liberating while others find it oppressive.

"So, are topless photos of women an offensive display of sexism, or an empowering blow against sexism? Poor Huck," Cousin Ray snickered. "That boy just doesn't get out much."

That paragon of good taste, Sen. Ted Cruz (R-Texas), has apologized. On the campaign trail in Michigan, Cruz again told a tasteless "joke" about Joe Biden that *Business Insider* called him out on in March. This time he told it just before the funeral of Biden's son Beau, setting off a social media firestorm.

When I noted that where I come from, it's customary to give people who are grieving some slack, my Republican

Cousin Ray—who is no Cruz fan—piled on by saying, "It's customary to give grievors some slack where everybody comes from."

The Democratic clown car of presidential contenders contains one-issue candidates Morrison Bonpasse (wrongful criminal convictions), Andy Caffrey (genetically modified organisms), Willie Carter (on a mission from God), Doug Shreffler (not a politician), Michael Steinberg (elder issues) and Robby Wells (liberty).

The GOP clown car is much more crowded, and the problem at first will be limiting the bodies on the debate stage. The line between the first tier and the clown car is extremely fuzzy—and controversial. Fox News intends to admit the top 10 candidates as determined by the (Republican only) polling data. If the debate were held today, the first tier would be, in order of polling numbers, Gov. Jeb Bush, Sen. Marco Rubio, Gov. Scott Walker, Dr. Ben Carson, Gov. Mike Huckabee, Sens. Rand Paul and Ted Cruz, Gov. Chris Christie, The Donald Trump, and Gov. Rick Perry.

CNN, meanwhile, has promised to host a second tier debate on the same night as the first tier debate on Fox. Of those currently in the top ten, I predict that Carson, Huckabee, Christie, Trump, and Perry will wind up in the first tier clown car...but this may be wishful thinking.

Cousin Ray was excited to learn that another presidential candidate, Gov. Lincoln Chafee, a grad of Montana State University, is a skilled farrier.

"Go ahead and laugh," quoth Ray, "but Linc Chafee will have the *Journal of*

Equine Foot Science endorsement sewn up. Or shoed up."

Public Radio International offered a follow-up to the recent story about *Anabas testudineus*, the "climbing perch" that can live out of water for up to six days, pulling oxygen from the air, and "walk" on spines that are deadly to wildlife trying to dine on it. A freshwater fish native to Papua New Guinea, it has managed to hitch a ride on fishing boats to islands off the mainland of Australia, where naturalists fear it may make it the rest of the way.

"Their presence there could disrupt existing habitats," Public Radio International reported. Citing Australians working "to identify and eradicate this invasive species," the radio report was sanguine. "Should be pretty easy to spot, right? Just look for the green fish walking from one pond to the next."

Researchers from Rice University have theorized, based on study of the sediment in Belize's famous Blue Hole, that the cause of the Mayan civilization fading away was a 100-year drought.

The decline needs explanation in light of Mayan achievements in art, science, and mathematics. Much evidence was wiped out when the Spanish colonists undertook to destroy all of the Mayan codices. This led to the myth that no culture indigenous to the Americas had writing. The Rice study showed serious drought between 800 and 900 C.E., which coincides with the decline of Mayan culture. Early colonial scholars blamed the decline of the Maya on the Aztecs.

"I guess," Cousin Ray harrumphed, "once they burned all the Mayan writings, they could make up whatever story they wanted." <http://bit.ly/1KXeV3R> 📄



This Hu'Whipper kachina figurine by Michael Dean Jenkins was featured at this year's Heard Museum Katsina Doll Marketplace in Phoenix.