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A Letter from the Publisher

Shekőli. Water and oil don’t mix. Sometimes we’re reminded of this in spectacularly tragic ways, as with the Exxon Valdez or Gulf oil spills. For the most part, though, oil production and distribution, like mining and other industrial degradations vital to modern life, takes place out of sight, out of mind. We don’t see 30-inch oil pipelines cutting through wealthy suburban neighborhoods or marring the landscapes of our rich cities.

When we hear of them leaking, or if we hear of them leaking, it’s happening way out yonder—somewhere where nobody lives. Nobody but animals, perhaps; maybe an Indian or two.

Last month the U.S. Army Corps of Engineers approved permits for the path of the proposed Dakota Access Pipeline to run within half a mile of the Standing Rock Sioux Tribe land. It also approved two crossings of the source of the Sioux Nation’s drinking water, the Missouri River.

Standing Rock cried foul. Designed to bring oil from the Bakken oil fields to a distribution center in Illinois, the Dakota Access Pipeline as envisioned is an affront to the sovereignty of the tribal nations that have consistently objected to the plans to have the pipeline cut across traditional Indian lands. It puts the lie to the concept of federal consultation, necessary for projects on such land. It ignores the rights of Indians. It is a reminder of how our lands and waters have been used and left to waste in the past and how vulnerable they are to pollution in the future.

For weeks, thousands of Natives and tribal citizens from all over Indian country rallied to Standing Rock’s aid (see this week’s feature, Water Is Life). More than 80 nations and organizations passed resolutions and support to Standing Rock leadership. This week, a federal district court judge heard oral arguments on Standing Rock’s motion for a preliminary injunction to halt construction and then announced that he would need until September to weigh the evidence presented.

So one round ends, and another begins. As with all such high-stakes projects that pit huge corporate dollars against the legal rights of Natives, U.S. courts have proved to be uncertain venues for Indians. But what is not fungible is the resolve of Indian nations to protect their land, their people and their water. International law is clear on the rights of Indigenous Peoples to clean land, clean air and clean water.

Most of all, natural law tells us what is right. From this we derive our sense of who we are, of what is ours, and what we need to keep our water sacred and pure. Legal documents will come and go, but what we know to be true will never change.
Commentary

Voting Rights For All

On August 1, a federal judge rejected a North Dakota law that sometimes made it impossible for Native Americans to vote. The case highlights a deeper issue, says National Congress of American Indians President Brian Cladoosby:

It is the responsibility of the Department of Justice to prosecute violations of the Voting Rights Act. Yet the department has not brought a Section 2 lawsuit on behalf of American Indian and Alaska Native voters since 2000.

American Indian and Alaska Native populations have historically suffered discrimination when voting. The Supreme Court’s decision in Shelby County, which gutted key provisions of the Voting Rights Act, left Native voters even more vulnerable. Native voters often encounter language barriers, polling closures, changes in voter identification laws, purged voter rolls, and intimidation and animosity.

It is also common for Native voters to be assigned to polling places that are unreasonably far away and require significant travel time and expense. Residents of the Duck Valley Indian Reservation in Nevada must drive 200 miles roundtrip to the closest polling location. Small towns of primarily non-Indian voters like Wells, Nevada, have two polling places. These distances also inhibit voter registration and early voting.

Some Native governments and individual members have filed challenges under the Voting Rights Act, and courts have invariably found widespread patterns of discrimination. But resources for this type of costly litigation are limited. Efforts to address these issues through legislation like the Voting Rights Amendment Act and the Native American Voting Rights Act are appreciated. But we need federal enforcement action under existing law.

Equal access to voting is not only a matter of fairness. It is a fundamental civil right afforded to all citizens, including American Indians and Native Alaskans. http://bit.ly/2bjamWf

‘Going Off The Reservation’ And Then Some
The ostensibly innocent use of a scurrilous anti-Native phrase speaks volumes in this election season, write Karen Melissa Hannel and Eric Hannel:

Responding to a question from ABC’s Jake Tapper in April, presidential hopeful Hillary Clinton flippantly stated, “I have a lot of experience dealing with men who sometimes get off the reservation in the way they behave and how they speak.” Her comment was followed by an apology from her national political director, Amanda Renteria: “Hillary Clinton meant no disrespect to Native Americans. She wants this election to be about lifting people up, not tearing them down.”

Just over three months later, Clinton’s billionaire supporter Mark Cuban endorsed her at a July 30 Pittsburgh event by saying he could not support her Republican challenger Donald Trump because “he went off the reservation and went bats**t crazy.”

While Cuban is not employed by the Clinton campaign, his use of the phrase—so soon after his nominee was chastised for it—demonstrates a willful desire to remain obtuse. That the media did not pick up on Cuban’s remark indicates a commitment to reporting on Indian issues only when those issues can be used to stir the pot on a slow news day.

Quite a few commentators defended Clinton’s use of the phrase by noting how common it is and how no one really connects it to the wholesale abuse of an entire group of people. That’s a flimsy excuse.

But if that is indeed the case, perhaps it might help if we imagined replacing “off the reservation” with “off the plantation”—in the same way that Bomani Jones’ excellent parody of Cleveland baseball mascot Chief Wahoo brought attention to the continued acceptance of a double standard.


Racism Out Of Ottawa

When it comes to treatment of Indigenous Peoples versus the rest of Canada’s inhabitants, says Carly McIntosh, a double standard applies:

For many years in Canada, Indigenous People have been fighting for human rights and the government never seems to provide it. Every year is a battle over keeping cold cases open.

The current Canadian government pledged to improve trust with Indigenous Peoples. But it seems that contract has already been changed. At the Legislature Building in Winnipeg, Manitoba, government officials have been secretly speaking on changing the agreement with the indigenous. They want 1) to not reopen all the cold cases on missing and murdered indigenous women, and 2) to ensure that the Royal Canadian Mounted Police and government not be held accountable for their lack of action.

It seems as if our government is taking their sweet time in this matter. Certainly the Terms of Reference seem to favor the government.

When a white child goes missing, Amber Alerts go out every hour, Canadian news channels keep the breaking news live, and everything that can help is done immediately. But when an indigenous child goes missing, no Amber Alerts go out. Canadian news channels don’t talk about it. No watch alerts get placed in local newspapers.
The number of Canadian indigenous who go missing, are murdered, suffer serious accidents, endure extreme sickness, and commit suicide is increasing. The lessening of their presence would mean, of course, that the government has fewer Indigenous People to worry about on the land they claim as their own.

If Indigenous People changed places with Ottawa officialdom for even just one week, the latter would be crawling on their knees, begging for forgiveness. http://bit.ly/2bj5tfT

ICT News

Bering Strait Theory Countered In Two Major Studies

By ALEX EWEN
Two new studies have countered the long-held theory that the Americas were populated by ancient peoples who walked across the Bering Strait land bridge from Asia approximately 15,000 years ago.

One study, published in the August issue of Nature and entitled “Postglacial Viability and Colonization in North America’s Ice-Free Corridor,” found that the corridor could not sustain human life until about 12,600 years ago—well after the continents were settled.

The authors matched biological and geological evidence from nine former lakebeds in British Columbia to a database of known genomes. Reconstructing how and when different flora and fauna emerged from the once ice-covered landscape, they found that the deepest layers—from 13,000 years ago—indicated the land was completely barren.

“Even though the physical corridor was open by 13,000 years ago, it was several hundred years before it was possible to use it,” said Professor Eske Willerslev, a zoologist at the University of Cambridge.

“The first people entering what is now the U.S., Central and South America must have taken a different route.”

A second team, led by researchers at the University of California, Santa Cruz, said it examined mitochondrial DNA from bison fossils to “determine the chronology for when the corridor was open.” The team “regards bison as the ideal proxy for assessing human travel through the corridor, given that bison were a major prey of early hunters,” The New York Times reported. The report found that the corridor was a potentially viable travel route for bison about 13,000 years ago, a slightly earlier timeframe than the Nature study.


Harney Peak, Source Of Native Upset, Is Renamed For Black Elk
By DAVID ROOKS
A federal agency has officially renamed Harney Peak, the highest natural point in South Dakota, as Black Elk Peak, after the revered Oglala Lakota (Sioux) holy man.

The name “Harney Peak” has long been a source of upset for the Oceti Sakowin and various treaty tribes. In September 1855, at the Battle of Ash Hollow (a.k.a. the Battle of Blue Water Creek), near present-day Winnebago, Nebraska, Gen. William S. Harney’s troops massacred an undisclosed number of Lakota women and children. On that expedition, a surveyor with Harney’s party named the peak after the general.

But on August 11, the U.S. Board of Geographic Names renamed the site after Black Elk (1863-1950), a second cousin of Crazy Horse, who traveled with Buffalo Bill’s Wild West show. He recounted his Lakota history in the seminal volume Black Elk Speaks.

The decision was 12 in favor, with one abstention. “The federal board determined from the input received that Harney Peak was concerning to Native Americans in the area,” said Lou Yost, the board’s executive secretary for domestic names. Yost added that the change applies to all federal usage on new maps or other products.

“This is huge,” said Basil Brave Heart, who initiated the movement for the name change. “People are calling from all over. We are just so happy.”

However, South Dakota Gov. Dennis Daugaard expressed disappointment in the decision, which he predicted would cause “unnecessary expense and confusion. I suspect very few people know the history of either Harney or Black Elk.”

At 7,242 feet, Harney Peak is the highest U.S. summit east of the Rocky Mountains.

http://bit.ly/2aUoL7A

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Denial Of Akwesasne Chief’s Entry Into Canada Spotlights Border Issues

By REUEL S. AMDUR
Akwesasne District Chief Steven Thomas was turned away recently at the Canadian border, pointing up persistent conflicts between authorities and Indians who hold both Canadian and U.S. identification.

En route to an Assembly of First Nations (AFN) meeting in Niagara Falls, Ontario, on July 10, Thomas was refused entry at the Rainbow Bridge crossing. Although he presented a Canadian passport, his car has New York State license plates. Thomas lives in the Ontario section of the Akwesasne Reserve, which straddles the Ontario-New York boundary.

“I worked in the United States for 37 years and have always owned an American-plated vehicle,” he said. “I have never had any issues in crossing at any of the New York-Canada borders in the past.”

Such incidents are not rare, said Akwesasne Grand Chief Abram Benedict. “The fact is CBSA [the Canadian Border Services Agency] doesn’t broadly recognize aboriginal rights when it comes to border...
crossings,” he told the Cornwall Standard-Freeholder, “and that’s clearly what this case has demonstrated.”

As it is, in June Canada’s Standing Senate Committee on Aboriginal Peoples issued a report, Border Crossing Issues and the Jay Treaty, which urged that protocols be clarified. “Means must be implemented to facilitate legitimate travel for day-to-day activities by First Nations people,” the report said. It recommended that “the Minister of Indigenous and Northern Affairs appoint a special representative to explore further solutions.”

Thomas entered Canada on July 11 at the Cornwall border crossing without incident. “The ironic part,” he said, “[was that] I was on my way to attend the Assembly of First Nations for a border crossing presentation.” http://bit.ly/2aRijH8

ICT News

B.C. Spill Is Poisoning Waterways Two Years Later, Say First Nations

Almost two years after Imperial Metals’ Polley Mine spewed four billion gallons of wastewater and toxic sludge into the forests of northeastern British Columbia, the mine has reopened—prompting protests from First Nations who are dissatisfied with the cleanup process.

Sludge from the August 2014 accident still nestles in the waterways, forests and land into which the effluent spilled, reported the Vancouver Sun. The company, the federal government, First Nations and
environmentalists agree that the incident is one of the worst environmental mining disasters in Canadian history.

The continuing environmental damage prompted several Secwepemc Women’s Warrior Society members to occupy the offices of Imperial Metals on the anniversary of the spill on August 4. Days earlier, some of the same protesters blockaded the mine. “We can and will shut this mine down in assertion of our indigenous rights,” said Secwepemc Society member Kanahus Manuel.

The Tsilquotin First Nation threatened a lawsuit, citing economic and cultural harm stemming from damage to salmon habitats. “Any threat to the salmon we depend on has the potential to directly impact the livelihoods of us,” said Chief Francis Laceese, Chief of Tl’esqox. “Our people will not stand by and watch environmental disasters wipe out our sources of food, spirit and ceremony.”

The Union of B.C. Indian Chiefs (UBCIC) also supported the protesting First Nations. “The collapse of the Mount Polley tailings dam,” said UBCIC President Grand Chief Stewart Phillip on August 10, “will be long remembered as the most destructive assault of Indigenous Title, Rights and Treaty Rights for all First Nations living in the Fraser River Basin.”

http://bit.ly/2bgG0wU

Navajo Nation Advances On Geothermal Greenhouses

By ANNE MINARD

Following a critical summer vote and a recent university agreement, the Navajo Nation is making progress toward establishing geothermal greenhouses, with an eye toward economic development.

The effort grows out of the Navajo Transitional Energy Company (NTEC). The company was formed in 2013 to help manage the Navajo Mine near Farmington, New Mexico, after the Navajo bought the mine from the international coal company BHP in late 2012. NTEC has committed to spending 10 percent of its profits toward renewable energy opportunities to diversify the Nation’s energy portfolio.

The geothermal initiative is a first step. NTEC has begun planning a pilot project to explore and develop geothermal resources in Tohatchi, New Mexico; Tohatchi Chapter voters unanimously passed a resolution supporting the project by a 34–0 vote in late June. The resolution authorizes resource exploration and a project feasibility study and allows NTEC to seek outside funding.

NTEC began exploring geothermal projects in the fall of 2015 through a partnership with the Colorado School of Mines. Current plans include geothermal greenhouses to grow local plants and trees, providing jobs for the local community. The greenhouses could also help build capacity at Navajo Technical University by supplying opportunities for student research and collaboration.

The emphasis is on economic development rather than power generation, said NTEC spokesman Erny Zah: “Once off the ground, it could employ 20-30 people and grow Native plants.” Zah added that NTEC officials have met with Navajo forestry officials about possibly raising vegetation for reseeding fire-damaged areas, over-grazed parts of the forest, or old roads. http://bit.ly/2aBhP4R
Federal Officials Offer Housing Hope To North Dakota Tribes

By MARK FOGARTY
Tribes, lenders and federal housing officials met in Bismarck, North Dakota to try to jumpstart private lending on Indian homelands in the state, with a view toward providing better housing. Sponsored by the Department of Housing and Urban Development (HUD), the first Great Plains Regional Housing Conference was held during the first week of August.

The forum was an attempt, said Sen. Heidi Heitkamp (D-North Dakota), to bring tribes and lenders together to “navigate housing and infrastructure resources on tribal land.” The meeting follows a request made by Heitkamp to HUD Secretary Julian Castro last October to address “the dire need to build public-private partnerships necessary to help both tribes and private financial institutions like small banks.”

Heitkamp acknowledged severe housing challenges facing tribal communities in North Dakota. According to Census Bureau data, she said, “those living in North Dakotan tribal communities live in poverty at 2.7 times the rate of the rest of the country and often lack a kitchen, plumbing or live in overcrowded conditions almost four times more often than Americans nationwide.”

But, she said, “We’re going to hit the reset button. We’re going to start turning this issue around and re-examine and re-finalize our opportunities for Indian housing, especially in the Great Plains.”

And Castro told attendees, “Too many Native youth go to bed each night in overcrowded, dilapidated homes unfit to withstand the harsh winters.” He held out possible relief by noting that HUD is currently working on a Native housing study to identify problems and opportunities on reservations. He also told tribal leaders that his department has requested an additional $50 million to fund Native housing in FY 2017. http://bit.ly/2b2PvaH

Tagging Native Kids As Criminals

The pitfalls of ‘risk assessment’

By TANYA H. LEE

Bottom Line: A powerful tool for predicting youthful recidivism is arousing skepticism in Native circles.
‘This tool criminalizes Native youth because of their family, because of their community, because of poverty.’

A key predictor of the likelihood of youthful offenders committing violent or serious crimes in the near future is biased against Native Americans, a new study has concluded.

The predictor, called “risk assessment,” is conducted after an offender has been detained by law enforcement. A powerful tool, it is a major factor in determining whether a youth goes home or to a jail, treatment center, foster care or a group residential setting.

It can be used to decide whether a teenager enters the criminal justice system or is diverted to a wellness program run by his or her tribe. It can be conducted by psychologists, mental health nurses, corrections officers or social workers.

But researchers at the University of Nebraska (UNL)-Lincoln have found that American Indian experts think the risk assessment instruments used most widely in the U.S. are not serving many of their subjects well.

The study is based on a survey of 35 Native psychologists, therapists, substance abuse counselors, tribal police, high school teachers and tribal court workers. The respondents were queried specifically about what is referred to as the “structured assessment of violence risk in youth” (SAVRY).

While the study focused on just this one instrument, the researchers emphasize that their concerns apply to the vast majority of such assessments.
“Native professionals realize that risk assessment instruments are not necessarily culturally valid and may not be the best indicator of risk in Native youth,” said Cynthia Willis-Esquela, a UNL associate professor of psychology of Cherokee Oklahoma descent. “The implication for Native youth is that they may be over-identified as being a risk, whereas a culturally appropriate measure may not have produced that outcome.”

Formal risk assessment instruments are intended to take the subjectivity out of predictions about whether a person is likely to be a danger to him or herself or others. When practitioners relied just on their gut feelings, said Stephane Shepherd, a forensic psychologist at Swinburne University’s Centre for Forensic Behavioural Science in Australia, “minorities were being identified as having a higher risk because the professionals making the assessments are generally white.”

So psychologists look at a sample of offenders to identify some of their common behavioral patterns. These patterns include substance use, delinquent peers, family with other offenders, poor anger management, low educational attainment, and unemployment.

The behavioral items the offenders have in common are listed. Then a clinician sits down with an offender and ticks off the items to see if an offender has those particular problems. From that information, the clinician calculates a score that indicates the likelihood the offender will engage in future violence.

Most clinicians dealing with American Indian, Alaska Native, First Nations and Australian Aborigine youth offenders, Shepherd points out, are white. So the results of any assessment are influenced by issues of trust between indigenous youth and white people in authority, as well as any biases the clinician brings to the encounter.

“Another obvious issue is that the risk assessments were developed based on the behavioral norms, the worldviews, the health system beliefs, the behavioral expectations and the typical behaviors of the white population,” Shepherd said.

“The problem arises,” said Willis-Esquela, “when these instruments have not been validated with minority populations, but they are extended to minority populations as if they are an accurate measure.”

But the issues that Native American experts have with these tools run far deeper.

“Labeling was their number one objection,” said Shepherd. “They thought that this tool criminalizes Native youth because of their family, because of their community, because of poverty.”

A person scores higher on the risk assessment, for example, if he or she has family members who have been in jail, does poorly in school, or lives with a relative other than a biological mother or father—factors that may have nothing to do with the individual. The individual may, for instance, simply live in a community with under-resourced schools.

The second objection was cultural “decontextualization.” The experts thought the assessments too individualistic and look at the offender with no reference to community, said Shepherd. Nor do they take any account of discrimination, historical injustices, broken treaties, boarding school experiences, intergenerational trauma, post-traumatic stress disorder or other factors that could influence a youth’s responses.
“Their third point was it doesn’t take into account cultural expressions of behavior,” said Shepherd. “For example, ADHD is a risk factor in the assessment. There’s a potential for Native youth to score high on this because we are curious and our kids like to explore so we might be seen as not paying attention.”

Nor do the assessments take into account how Indigenous Peoples express stress and what their coping mechanisms are.

“For example,” Shepherd said, “research shows that some minority groups are more likely to be diagnosed as having a lack of empathy in a risk assessment and that’s purely because in a white/non-white clinical interaction they might not use very much facial expression or they might suppress their emotions for whatever reason.”

“The final concern,” she added, “was that the instrument completely ignores cultural norms and practices. It doesn’t consider extended family arrangements and how supportive those can be. It doesn’t consider culturally based child rearing practices. It doesn’t consider things like involvement in ceremony and how that’s a coping mechanism and also acts as sort of therapy.”

Overall, said Shepherd, “People in Indian country saw the risk assessments as being very negative. They would have preferred to see an instrument with a positive outcome—how can we develop a plan and help the youth rather than what we have now, which is clearly intended to justify punitive measures?”

This phase of the research is expected to be published later this year. The next phase will look at how to improve risk assessments so they do not over identify Native American youth as potential criminals.

“One outcome of this might be that more Native professionals are included in developing a measure that would be more accurate for American Indian youth and yield the best outcomes for them, for their communities and for law enforcement all at the same time,” said Willis-Esqueda.

http://bit.ly/2brPEYO

Fate Of Dakota Access In Limbo
Judge needs more time to rule on injunction request

By VALERIE TALIMAN, WEST COAST EDITOR

Bottom Line: A major tribal faceoff against a $3.8 billion pipeline will likely continue as a federal court wrestles with a legal tiger.
Support for the pipeline protest has come from many quarters, including the Chief Big Foot Riders.
Thosh Collins

The controversial Dakota Access Pipeline project has galvanized Indian country. Since early August, tribal activists have faced off against lines of police in Hunkpapa Territory near Cannon Ball, North Dakota, as construction crews prepared to break ground for the new pipeline, while Standing Rock Sioux governmental officials resolved to broaden their legal battle to stop the project.

But resolution on certain construction issues will have to wait until September 9, now that a U.S. District Court judge declared at an August 24 hearing in Washington, D.C. that he would need more time to rule on an injunction request filed by the Standing Rock Sioux Tribe (SRST).

On July 26, 2016 the Standing Rock Sioux were stunned to learn that the U.S. Army Corps of Engineers had given its approval for the pipeline to run within a half-mile of the reservation without proper consultation or consent. Also, the new 1,172-mile Dakota Access Pipeline will cross Lake Oahe (formed by Oahe Dam on the Missouri) and the Missouri River as well, and disturb burial grounds and sacred sites on the tribe’s ancestral Treaty lands, according to SRST officials.

Texas-based Energy Transfer Partners will build, own and operate the proposed $3.78 billion Dakota Access Pipeline and plans to transport up to 570,000 barrels of crude oil fracked from the Bakken oil fields across four states to a market hub in Illinois. The pipeline—which is already facing widespread opposition by a coalition of farmers, ranchers and environmental groups—will cross 209 rivers, creeks and tributaries, according to Dakota Access, LLC.
Standing Rock Sioux leaders say the pipeline will threaten the Missouri River, the tribe’s main source of drinking and irrigation water, and forever destroy burial grounds and sacred sites.

“We don’t want this black snake within our Treaty boundaries,” said Standing Rock Sioux Tribal Chairman David Archambault II. “We need to stop this pipeline that threatens our water. We have said repeatedly we don’t want it here. We want the Army Corps to honor the same rights and protections that were afforded to others, rights we were never afforded when it comes to our territories. We demand the pipeline be stopped and kept off our Treaty boundaries.”

On July 27, SRST filed litigation in federal court in the District of Columbia to challenge the actions of the Corps regarding the Dakota Access pipeline. The suit sought to enforce the tribal nation’s federally protected rights and interests.

By seeking a preliminary injunction, the nation aimed to undo the Corps’ approval of the pipeline at a hearing on August 24. The Cheyenne River Sioux Tribe and several other Native nations have asked to join the lawsuit.

On August 8, Dakota Access called the Standing Rock Sioux to give 48-hour notice that construction would begin on August 10 for an access corridor and staging area where pipes and other equipment will be stored for construction.

Law-enforcement authorities and activists have been facing off near Cannon Ball, North Dakota.

Courtesy Standing Rock Dakota Access Pipeline Opposition

As news of the planned construction spread via social media among tribal citizens and activists, a grassroots gathering assembled at what eventually developed over many days into three camps of several thousand people determined to hold the line and stop construction. After Dakota Access workers began clearing an area for preliminary pipeline work, several hundred protestors gradually assembled at the site, prompting law enforcement to intervene and arrest more than a dozen people.
Among those were Chairman Archambault and SRST Councilman Dana Yellow Fat, who quickly posted bond and were released.

“We have a voice, and we are here using it collectively in a respectful and peaceful manner,” Archambault said. “The Standing Rock Sioux Tribe is doing everything it can legally, through advocacy and by speaking directly to the powers that be who could have helped us before construction began. This has happened over and over, and we will not continue to be completely ignored and let the Army Corps of Engineers ride roughshod over our rights.”

Archambault said the United Nations Declaration on the Rights of Indigenous Peoples requires free, prior and informed consent for development impacting Indian land, territories and waters.

“We have a serious obligation, a core responsibility to our people and to our children, to protect our source of water,” he said. “Our people will receive no benefits from this pipeline, yet we are paying the ultimate price for it with our water. We will not stop asking the federal government and Army Corps to end their attacks on our water and our people.”

The proposed construction route is within a half-mile of the tribe’s reservation border, sparking concerns for protection of cultural resources that remain with the land. Hunkpapa religious and cultural sites are situated along the route of the pipeline, including burial sites of ancestors.

“The land between the Cannonball River and the Heart River is sacred,” said Jon Eagle Sr., STST’s Tribal Historic Preservation Officer. “It’s a historic place of commerce where enemy tribes camped peacefully within sight of each other because of the reverence they had for this place. In the area are sacred stones where our ancestors went to pray for good direction, strength and protection for the coming year. Those stones are still there, and our people still go there today.”

Eagle worries that the pipeline will harm many tribal nations along the Missouri.

“Wherever the buffalo roamed our ancestors left evidence of their existence and connection to everything in creation,” he said. “The aboriginal lands of the Oceti Sakonwin extend as far west as Wyoming and Montana, as far north as Canada, as far east as the Great Lakes, and as far south as Kansas. Construction along this corridor will disturb burial places and cultural sites.”

Similar positions were expressed during oral arguments at the hearing on August 24 before District Court Judge James E. Boasberg. “Out of 359 miles of pipeline we only had an opportunity of two sites to look at,” said EarthJustice Legal Defense Fund attorney Jan Hasselman on behalf of the Standing Rock Sioux Tribe, referring to the consultation process. “That was not enough, and the scope was too narrow.”
Standing Rock Sioux Chairman David Archambault II (right) was arrested on August 11 for his part in the blockade.

Further, he said, Dakota Access’s archaeologists did not know enough history to even identify what constituted a sacred site. “The site could be registered right now as a historical site with what they have found,” Hasselman said, quoting the tribe’s archaeologist. “Meanwhile, the Dakota Access archeologist had walked right over it.”
Dakota Access attorneys said the tribes had been given ample opportunity to visit pipeline sites. They also said that because the company wants to have oil running by January of 2017, any halting of the construction would be unfair to people with vested interests. Construction is continuing elsewhere along the route.

Federal law required the Army Corps to review and deny or grant the company’s permit applications to construct the pipeline. The southern route takes the pipeline across the Missouri River and Lake Oahe, implicating lands and water under federal jurisdiction.

According to filings by SRST, in the initial environmental assessment, the maps utilized by Dakota Access and the Army Corps did not indicate that the tribe’s lands were close to the proposed Lake Oahe crossing. The company selected this route because the northern route “would be near and could jeopardize the drinking water of the residents in the city of Bismarck.”

“The U.S. Army Corps of Engineers is not an opponent or a proponent of the project,” said its Commander of the Omaha District in a May 4 story in the Des Moines Register, prior to the hearing. “Our job is to consider impacts to the public and the environment as well as all applicable laws, regulations and policies associated yet with this permission and permit review process.”

“It is important to note that Dakota Access does not cross any reservation land and is compliant with all regulations regarding tribal coordination and cultural resources,” an Energy Transfer spokesperson told ICTMN. “We have communicated with the various tribes that have an interest in the DAPL project as we recognize the traditional range of the Native Americans and their sensitivity to historic ranges for cultural properties.

“We are confident the [Army Corps] has adequately addressed the portion of the project subject to their review and where a NEPA analysis is required. They are the experts in this area, and we believe they have done an excellent job addressing any comments received to date.”

Lawyers for the SRST have maintained that the company’s draft environmental assessment of December 9, 2015 did not mention that the route they chose brings the pipeline near the drinking water of tribal citizens. In fact, it omitted the existence of the tribe on all maps and analysis, in violation of environmental justice policies.

The August 24 hearing hinged on whether the tribe had been adequately consulted during the permitting process, and whether due diligence had been performed. Since they first heard of the proposed project in 2014, SRST leaders have voiced strong opposition to company, state and federal officials, and to Congress. They met with the U.S. Environmental Protection Agency, U.S. Department of the Interior, and the Advisory Council on Historic Preservation to discuss the harm imposed by the pipeline.

All three agencies subsequently wrote letters to the Army Corps expressing environmental and cultural resource concerns related to the pipeline.

Judge Boasberg said he needed time to weigh the evidence presented at the hearing before rendering a decision on the injunction.

Despite the postponement, SRST Chairman Archambault said the court hearing was a victory in its own right.
“For our children that are not even here yet, this is something that is very powerful, very special,” he told ICTMN. “Whatever the result is, know that we won, because we’re changing policy on how pipelines are put in. These projects encroach on Indian country, so we’re setting a precedent that’s very powerful. And it’s only done because we’re able to unite and we’re able to do it with prayer.”


Additional reporting by Alex Hamer in Washington, D.C.

Native Gains In Washington

Democrats are racing for the state legislature and Congress

BY RICHARD WALKER

Bottom Line: If they perform as well in the general election as they did in their primaries, Lummi and Colville candidates could further Washington State’s increasingly Native political identity.

Sharlaine LaClair and Joe Pakootas are rising Native political stars in the Evergreen State.

Washington voters may soon elect a fourth Native American to their state legislature and a former tribal chairman to the House of Representatives.

Sharlaine LaClair, executive director of the Lummi Ventures economic development program and a Lummi Nation planning commissioner, advanced on August 2 to become the Democratic nominee for the state House of Representatives from the 42nd District. East of the Cascades, former Colville Tribes chairman Joe Pakootas is now the Democratic candidate for the 5th Congressional District.
LaClair and Pakootas finished second to their Republican challengers. If the former wins in November, she will be one of four Native Americans in the Washington Legislature. If the latter triumphs, he will be one of three Native Americans in the House.

Both candidates have hurdles to overcome. To begin with, they substantially trailed their victorious primary opponents. Pakootas finished some 16,000 votes behind Cathy McMorris Rodgers while LaClair ran 3,709 votes behind first-term Republican incumbent Luanne Van Werven.

And there is another challenge—namely, convincing mainstream voters that experience in tribal government is as important as experience in local, county, state or federal public office.

However, the candidates’ respective portfolios augur well.

As chairman of the Colville, Pakootas was head of an indigenous Nation that has a government-to-government relationship with Washington, D.C. He was tribal chairman when his government led the removal of heavy metals from the Columbia River and Lake Roosevelt, and he is credited with leading Colville’s business enterprises to four profitable years. The Colville Tribes and its enterprises is the largest employer in North Central Washington.

Colville has 9,500 citizens, and its reservation comprises 11 communities across 3,307.5 square miles, an area almost the size of Puerto Rico. Its tribal government has more than 40 departments and public services.

Pakootas, an MBA graduate of the University of Washington and a former CEO of the Nez Perce Tribe’s economic development arm, supports campaign finance reform and believes that “our country can find the right balance between honoring individual rights and ensuring the safety of our communities.” Among the other planks in his platform are criminal justice reform and increased funding for higher education.

And he is hitting hard at his opponent McMorris Rodgers’ endorsement of the GOP presidential nominee.

“We’ve all heard the racist, misogynistic, prejudiced, hateful, uneducated, and fear-mongering comments that Donald Trump has made,” Pakootas said. “My opponent must now navigate within a culture that perpetuates and even promotes this behavior. She says that Donald Trump ‘Owes it to our country to treat everyone respectfully and to build an inclusive coalition.’ How is it possible for my opponent to maintain her stated values while also supporting Mr. Trump’s toxic ideology?”

For her part, LaClair—who holds a master’s degree in public administration from Evergreen State College—currently leads a program that is working to develop economic opportunities, improve access to education, and build healthy families. Tribally speaking, she races war canoes as a member of the Autumn Rose Canoe Club.

As for her legislative priorities, she is stressing “the incredible power of education and economic opportunity to build strong communities.” Moreover, she said, “Our area is blessed with an incredible variety of natural beauty and resources. It is our duty to protect and use [them] responsibly.”

LaClair may be able to exploit her opponent Van Werven’s support of the coal-shipping terminal that was proposed at Cherry Point, an environmentally sensitive area that is sacred to the Lummi people.
In that regard, she said, “My family has prospered along the land and waters of Whatcom County since time immemorial. As stewards of our homeland, my inherent values reflect a deep sense of responsibility to honor all people and to give back.” http://bit.ly/2aWbOlg

The Week in Photos

“Raven Bears Witness” by Larry McNeil (Tlingit/Nisga’a) is featured in “As We See It-Contemporary Native Photographers,” at 516 Arts in Albuquerque.
Gary David is stepping down as president and CEO of the National Center for American Indian Enterprise Development, effective September 30.
Harney Peak, the highest natural point in South Dakota, has been officially renamed for the revered Oglala Lakota (Sioux) holy man Black Elk.
Hickory Edwards (Onondaga, Turtle Clan) has led Native youth and elders on paddle journeys over the last 8 years accumulating in over 3,000 miles.

**Headlines from the Web**

Tribes, Oklahoma Reach Deal On Water Rights Dispute

Northern Cheyenne Tribe Rehabbing Bear Butte Property
The Movement To Define Native American Cuisine

Tribes Watch GOP Effort To Wrest Control Of Federal Land

Mashpee Tribe Seeks Involvement In Land Trust Suit

Judge Orders Reinstatement Of St. Croix Tribe Members

Upcoming Events

**August 27: Diabetes Conference for Native Americans**
Sponsored by the nonprofit organization Taking Control Of Your Diabetes (TCOYD), this conference will seek to address issues connected with a medical condition that affects 16 percent of all Native Americans. Featured speakers are Kibbe Conti (Lakota), nutrition consultant for the Indian Health Service in Rapid City, South Dakota; Evan Adams (Coast Salish), chief medical officer for First Nations Health Authority; endocrinologist Stephen Ponder (Meskwaki); and behavioral specialist Darryl Tonemah (Kiowa, Comanche, Tuscarora).
**Location:** Rolling Hills Casino, Corning, California

**August 29-September 2: National Tribal Preservation Conference**
The agenda will encompass such topics as tribal consultation on ancestral lands; sacred sites case studies; a cultural resource fund update; tribal success stories; and international repatriation. Pre-conference events will feature the Tribal Historic Preservation Officers “Toolkit”; a Native language workshop; and a field trip to Chimney Rock National Monument. Sponsored by the National Association of Tribal Historic Preservation Officers (NATHPO).
**Location:** Sky Ute Casino Resort, Ignacio, Colorado

**August 30-31: Self-Monitoring Basics & Best Practices (Indian Housing Block Grants)**
Recipients of the Indian Housing Block Grant (IHBG) are required to complete an annual self-monitoring to ensure compliance with IHBG and other applicable federal requirements. During this two-day course, participants will learn how to properly plan and execute a self-monitoring review with the help of appropriate case studies, exercises, and hands-on review of the Department of Housing and Urban Development’s self-monitoring plan checklists. Other training topics will include: sampling methods, managing the self-monitoring process, preparation and submission of the self-monitoring report, and developing and implementing a Corrective Action Plan.
**Location:** Holiday Inn Express Empire Sioux Falls, Sioux Falls, South Dakota

**August 31: Securing Funding From Public and Private Subsidy Providers**
Given diminishing federal grants and assistance for capital improvements, tribes have been compelled to develop new and more stable revenue sources. Conducted by the Native Learning Center, this webinar addresses how structuring tribal entities can more readily secure funding from public and private providers. After the webinar, attendees will be able to determine what type of capital improvement projects are needed; establish a budget; structure a tribal entity; determine where and how to apply for capital through public and private providers; and assess how to prioritize and work
Dina Gilio-Whitaker’s “Healing Unresolved Grief in Indigenous and Settler Societies” (August 1) is a great article that raises some important questions.

This might sound crazy, but I would rather deal with the intergenerational trauma or psychological wounds that we Natives may struggle with today than with what the settlers might have to deal with. “White guilt” serves no purpose unless it motivates settlers to change the system that they have created.

Unfortunately, many settlers have no idea of the abuse/oppression/genocide that was committed in the past or the system of abuse they created that continues to this day. Obviously that is part of the privilege they enjoy. But I agree with Ms. Gilio-Whitaker when she writes, “The truth is out and it is getting louder."

There is much healing on our side when the truth is acknowledged. That is an important step in the right direction.

—Stephanie Chau
Lansing, Michigan
ALASKA VILLAGE VOTES TO RELOCATE
Threatened by erosion and the danger of falling into the Chuckchi Sea, the tiny Inupiat Eskimo village of Shishmaref, Alaska voted on August 16 to relocate. According to unofficial results of a special election, 89 of the approximately 600 residents favored moving and 78 voted to stay; the total does not include absentee or special needs ballots. The cost of relocating Shishmaref, which is situated about 600 miles northwest of Anchorage, would be some $180 million.

TWO TRIBES ACQUIRE MAJORITY STAKE
The Calusa Indian Community and the Rincon Band of Luiseño Indians, both of California, have acquired a majority stake in PRC Composites, an Ontario-based manufacturer of fiberglass shipping crates for military weapons and materiel. According to the *Inland Valley Daily Bulletin*, the move “provides PRC with a ‘minority-owned’ business designation that could lead to more contracts.” PRC, which had its origins in Santa Fe Springs as Plastics Research Corps., currently employs about 120 people.

**CHICKASAW JOIN WITH BRITISH GAMING SUPPLIER**
The Chickasaw Nation has contracted with the London-based gaming software supplier GAN to launch a new social casino through GAN’s proprietary Simulated Gaming Platform. GAN’s technology essentially offers cross-platform (web, mobile, VR) slot and table game play for entertainment. Games will include online poker, backgammon, gin rummy, poker dice and blackjack tournaments. The Chickasaw, who operate 20 casino properties across Oklahoma, are GAN’s largest multi-property U.S. client.

**NEW PROGRAMS AT DINÉ COLLEGE**
Diné College in Tsaile, Arizona, the Navajo Nation’s oldest college, is offering three new undergraduate programs. They are a B.S. degree in biology; a B.S. in science in secondary education, with tracks in math and science; and a B.A. in psychology. The programs are accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools. The new degrees, announced on July 1, bring the number of bachelor’s programs offered by Diné to five.

**DAVIS DEPARTS TOP INDIAN ENTERPRISE POST**
Gary Davis is stepping down as president and CEO of the National Center for American Indian Enterprise Development, effective September 30. During his tenure, which began on an interim basis in January 2012 and became official that June, Davis strengthened the National Reservation Economic Summit (RES) and launched regional RES events across the country. He was also instrumental in taking Indian country’s message to international audiences to promote business partnerships.

**How Did I Miss That?**

**Horses in Taco Bells, Dennis Rodman’s personal issues and the strange fate of ‘B-girls’**

**BY STEVE RUSSELL**

KDFW in Dallas-Fort Worth scored a viral video out of Commerce, Texas, of a young man riding a horse into a Taco Bell. The newly famous rider was Lathan Crump, a third-generation cowboy who had just come from a calf roping competition. Police said they had no plans to do anything unless there was a complaint. There was no complaint.

My cousin, Ray Sixkiller, reminded me to state the name of the four-legged star of the video: “Hollywood.”

* * *

In a video interview shot for Viceland, former NBA star turned actor (turned wrestler turned diplomat turned professional celebrity) Dennis Rodman, the man reputed to be Donald Trump’s choice for
ambassador to North Korea after diplomatic relations are restored, related how he “broke” his penis three times. Not playing basketball, but in overly athletic sexual encounters. Rodman related each bedroom bungle in great detail. Among the details: “There was blood everywhere.”

“If his pal Kim Jong Un ever turns on him,” Cousin Ray chuckled, “Rodman can delay his execution by playing Scheherazade.”

I thought my cousin was paying tribute to Rodman’s storytelling ability in a weird way. And then I remembered all the times Rodman has appeared in drag.

* * *

The BBC reported that David Lisnard, mayor of Cannes, has banned Muslim women from wearing the “burkini” on its beaches. The burkini has been a way for observant Muslim women to enjoy the beach. But Mayor Lisnard calls it “not respectful of good morals and secularism.” Informally, some authorities expressed fear of concealed bombs, which appears about as practical as hiding a bomb in a diver’s wetsuit.

Cousin Ray had trouble suppressing a chuckle when he reminded me that these are the same beaches that brought us topless bathing suits for women and thongs—both of which fundamentalist Christians think raise moral issues.

* * *

*Popular Science* reported that SpaceX has delivered the first rocket engine, known as the Raptor, which will be used to power the next generation of rocket, known as Falcon Heavy. The Raptor is meant to power Falcon Heavy to reconnoiter Mars. The next generation after the Raptor will be known as BFR (an acronym unlikely to be expanded in a family publication), to power the Mars Colonial Transporter.

Cousin Ray had an ethical question: Do Indians have an obligation to warn the Martians what’s about to happen?

* * *

Speaking of fighting back, CNN reported that the Navajo Nation has hired John Hueston, known for his litigation of one of the great corporate rip-offs in history, against Ken Lay and Jeff Skilling of Enron. The Navajo have retained Hueston to sue corporate perpetrators and the Environmental Protection Agency for spilling 880,000 pounds of heavy metals into the Animas River near Silverton, Colorado in the Gold King Mine disaster.

Navajo Nation Attorney General Ethel Branch spoke to CNN about the significance of clean river water to the Navajo people. The way she spoke reminded me of how Cherokee Nation officials jump all over threats to the Illinois River because of our ceremonial needs.

* * *

Great Big Story reported on Bri McMillen, who has been dubbed “the only B-girl in Alaska.” Cousin Ray and I grew up in the ‘50s when “B-girl” was code for a “Bar Girl,” whose job was to chat up customers and get them to order drinks. The B-girls themselves would get drinks with almost no
alcohol, so they could keep going all evening. The customers would get the real deal, and presumably
get more generous as they got drunker. Given Alaska’s history of rough mining towns, we found it hard
to believe there was only one B-girl left.

Cousin Ray and I were out of date. The “B” stands for “break dancer,” and being the only woman, Bri
McMillen is forced to compete against men. Ray observed that she better not quit her day job.

He walked right into it. McMillen’s day job is being a Blackhawk helicopter mechanic.

* * *

CNN recycled a report from Canadian TV about a Great White Hunter who posted a YouTube video of
himself throwing a spear into a black bear. He celebrated his manliness and then went home,
returning the next day to find the dead bear.

The kill was not illegal, but you have to wonder what he was trying to prove. If the point were courage,
he would have chased the bear right then, because he had another spear and most real hunters take
pride in quick kills.

Of course, a mortally wounded black bear might fight back. http://bit.ly/2bHVhkV and

Upcoming Pow Wows

Honoring Traditions 9th Annual Pow Wow

8/26/16—8/28/16
Pala Band of Mission Indians
Cupa Cultural Center
10779 Highway 76
Pala, CA
760-891-3590
Facebook.com/palapw

Gathering At The Falls Pow Wow
8/26/16—8/28/16
Riverfront Park
507 N. Howard Street
Spokane, WA
509-590-5044
SGarcia@nativeproject.org
GATFpowwow.org

Cha Cha Bah Ning 36th Annual Traditional Pow Wow
8/26/16—8/28/16
Veterans Memorial Grounds
Bingo Palace Drive
Cass Lake, MN
218-256-6163
LLOjibwe.com

Three Fires Homecoming 30th Annual Pow Wow and Traditional Gathering
8/27/16—8/28/16
2789 Mississauga Road, R.R. # 6
NoA 1H0 Hagersville
United States Minor Outlying Islands
905-768-5686
info@newcreditpowwow.com
NewCreditPowWow.com

Spirit Of The Clouds Pow Wow
8/27/16—8/28/16
Route 114 Weare
Weare, NH
603-654-2900

Potawatomi Trails 23rd Annual Pow Wow
8/27/16—8/28/16
2700 Emmaus Avenue
Zion, IL
847-746-5797
wlb99@att.net
Goflo.com/powwow

Adamstown Pow Wow
Monroe Independence Day Pow Wow
8/28/16—8/29/16
34396 State Route 7
Sardis, OH
740-934-9353
jferferbabb@yahoo.com

Thunderbird American Indian Mid Summer 38th Annual Pow Wow
8/29/16—8/31/16
73-50 Little Neck Parkway
Floral Park, NY
718-347-3276
info@queensfarm.org
QueensFarm.org

Ashland Labor Day Pow Wow
8/29/16—9/1/16
U.S Highway 212
Ashland, MT
406-784-2883
CheyenneNation.com

Leech Lake Labor Day Pow Wow
9/2/16—9/4/16
Veterans Memorial Grounds Bingo Palace Drive
Cass Lake, MN
218-308-3120
LLOjibwe.com

Totah Festival Pow Wow
9/3/16
200 West Arrington
Farmington, NM
800-448-1240
FarmingtonNM.org

Oceana County Intertribal “Honoring Our Elders” Traditional Pow Wow
9/3/16—9/4/16
1025 South State Street
Hart, MI
231-894-8361
North Country Intertribal Pow Wow
9/3/16—9/5/16
934 Elm Strett
Newport, ME
443-771-6207 or 207-368-4944
ncountrypowwow1@yahoo.com

Native American Festival
9/3/16—9/5/16
23 Middle Grove Road
Greenfield Center, NY
717-589-7744
sunrisesigns@nmax.net

Kentucky Native American Heritage Museum 8th Annual Honoring Our Veterans Pow Wow
9/3/16—9/4/16
4116 Cumberland Falls Highway
Corbin, KY
606-528-6342
sioux80@msn.com
KNAHM.org

Iroquois 35th Annual Festival
9/3/16—9/4/16
324 Caverns Road
Howes Cave, NY
518-296-8949
info@iroquoismuseum.org
IroquoisMuseum.org

Indian Plaza Intertribal Labor Day Pow Wow
9/3/16—9/5/16
1475 Mohawk Trail Route 2E
Charlemont, MA
413-339-4096

Eufaula Indian Community Pow Wow and Homecoming
9/3/16—9/4/16
Eastside Ballpark on Lake Eufaula
Eufaula, OK
918-584-9507 or 918-617-7985
jaydee.tiger@yahoo.com
The Big Picture
“Always With Me,” a beaded pow wow choker by Celeste Pedri-Spade, is part of “The Teaching is in The Memories of Anishinabeg,” at the Thunder Bay Art Gallery.

CELESTE PEDRI-SPADE