

RESERVATION REPORT

A Monthly Media Letter Regarding American Indian Policies

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Politics, Congress & Indian Leaders: VENALLY YOURS!

In ancient Rome when corruption spread its tentacles through the halls dominated by the Empire's statesmen, then permeated the middle to higher level bureaucrats and military, the Latin word *venalis*, meaning "for sale," including a willingness to sell one's principles and honor for a price, was expanded to what Romans described as "*a venal era.*" Perhaps the kindest way, two thousand or so years later is to describe America's federal Indian policies, too many Members of Congress and some Executive Branch officials, along with many of the nation's tribal council leaders, as comprising Washington, D.C.'s latest bi-partisan "*venal era.*"

This "era" began with enactment, in the late 20th Century (1988 to be exact), of the Indian Gaming Regulatory Act (IGRA) to provide federally recognized Native American Indian tribes with the combination to the safe filled by those who pursue a gambling habit or addiction. Regardless of state prohibitions on Las Vegas style gambling or the general society's opinions on the subject, any federally recognized tribe was deemed to be eligible for a gambling license.

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Containing Cobell

U.S. DISTRICT COURT OF APPEALS VETOES INTERIOR ACCOUNTING DEMAND
– In a sharp rebuke of Federal District Court jurist Royce Lamberth's nine year effort to force the U.S. Department of Interior and its Bureau of Indian Affairs to provide a detailed accounting of all monies ever received that were due to be paid to Native American Indians, the District of Columbia's powerful Federal Appellate Court issued what amounted to a November "cease and desist" order.

The case affected is the class-action lawsuit filed nearly a decade ago by Blackfoot Indian Louise Cobell, alleging that vast amounts of money, collected by BIA, possibly since 1887, for redistribution to Indian individuals and tribes, had never reached intended recipients.

Judge Lamberth repeatedly humiliated Secretaries of Interior in both the Clinton and Bush Administrations for their seeming inability to produce detailed records of 100-plus year-old transactions and reliable accounting of funds collected or dispersed since 1900.

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BUSH BIA NOW QUESTIONING FEDERAL INDIAN TRUST RELATIONSHIP

– In the aftermath of the Supreme Court's recent decision regarding the massive Cobell lawsuit against the Bureau of Indian Affairs and the Interior Department, a major tremor for many tribal leaders may be occurring. James Cason, Associate Deputy Secretary of BIA, indicated in early December that the Government is considering the termination of the Indian land trust liability in conjunction with resolving the monetary claims of tribes with a settlement now proposed in legislation sponsored by Senator John McCain (R-AZ) and Rep. Richard Pombo (R-CA), the chairmen of Indian affairs committees on both sides of the Capitol.

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APPELLATE COURT VETOES ACCOUNTING DEMAND – (Continued from Page 1) –

In fact, the jurist held Clinton Interior Secretary Bruce Babbitt and Bush Secretary Gale Norton in contempt of his court. It has been estimated that up to \$100-billion in funds could have been mishandled though Secretary Norton has maintained, since she conducted Court-ordered searches and audits of old records, that Indians actually received far more of the fees and other funds collected than alleged by Cobell and fellow plaintiffs.

Monies that would (or should) have been collected for Indians and their tribes over the years have been mostly royalties from oil, gas, timber, grazing and other federal or federally-leased resource extraction activities on tribal lands.

What Judge Lamberth and others involved may have refused to acknowledge, out of their concern for “political correctness,” is that since most of the employees and Bureau of Indian Affairs mid-level administrators responsible for the collection and re-distribution of money due Indians throughout the nation, are in fact Indians themselves, whatever mistakes or corruption were involved may well be a truly Indian problem at the tribal level rather than the clear and unmistakable fault of any political administration.

The Interior Department and other Federal attorneys have contended that the accounting insisted upon by Judge Lamberth might cost up to \$13-billion and could take as long as 200 years to complete – an argument persuasive to the Appeals Court in reaching its latest decision. The Indian tribal plaintiffs have proposed a settlement of \$27.5-billion but House and Senate leaders have indicated that’s more than Congress would ever authorize.

The three-judge panel on the Appeals Court concluded that Judge Lamberth seriously overstepped reasonable bounds of judicial authority and, according to the Associated Press report, “improperly expanded the scope of what Congress authorized” when lawmakers agreed an investigation of BIA-Interior accounting of the allegedly missing funds should be conducted. The appellate judges added “the Judge should have allowed the Interior Department more latitude in deciding how to perform the accounting.”

Senator John McCain (R-AZ), chairman of the Senate Indian Affairs Committee and Representative Richard Pombo (R-CA), chair of the House Resources Committee which includes oversight of BIA and Indian tribal or reservation issues, have filed companion bills to resolve the accounting dispute but no fixed payment amount has yet been agreed upon.

MAINE’S MICMACS TRIBE NOT SUBJECT TO WORKER DISCRIMINATION LAWS

- In a 28-page decision, Federal Judge Margaret J. Kravchuk in Bangor, ME, found that the Aroostook Micmacs Band is not subject to State worker protections and may not be probed under the Maine Human Rights Act. She concluded that “the Band enjoys a statutory right of self-governance and is subject only to federal scrutiny, not the State’s.

The issue arose in a 2001 case in which three Aroostook County women employees were summarily dismissed and filed suit under Maine’s Whistleblower Protection Act, alleging their human rights were violated in the process.

Three other Maine tribes reached a settlement of disputed issues relating to State authority with respect to federally recognized tribes. Part of that settlement in 1980 included their willingness to be subject to State laws. But at the time, the Micmacs were not federally recognized and did not participate in the settlement. Thus, even though now possessed of federal recognition, the Micmacs want nothing to do with suggestions they should yield to the State’s jurisdiction.

The Micmacs had waited for the court decision before opening a tobacco shop, exempt from State taxes, near their headquarters in the vicinity of Presque Isle, ME.

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In the Land of the “Quoddy”

(Facts gleaned by our Maine “Passamaquoddy Correspondent,” Steve McCormick.)

In the far northeast of the U.S.A. where Passamaquoddy Bay narrowly separates the State of Maine from mainland Canada and its maritime Province of New Brunswick, local residents including some Native American Passamaquoddy Indians, lobstermen, a handful of developers and a few entrepreneurs from as far away as Oklahoma, together with an assortment of environmentalists and energy experts, are locked in a sensitive and contentious struggle that involves issues of yesterday, today and tomorrow for many.

The struggle has been developing for many months over proposals to establish docking, storage tanks, conversion (liquid into pure gas) plants and pipeline distribution hubs for handling imports of liquefied natural gas (LNG). The struggle now seems destined to grow even more intense in months to come.

One key breakthrough emerged in November. Diana Graettinger of the *Bangor Daily News* reported that Peter Vigue, President and CEO of the Cianbro Corporation of Pittsfield, ME, “confirmed ...that an agreement has been reached with the Passamaquoddy Tribe to develop an LNG facility Down East.”

While ‘Down East’ is a marvelously obscure term used by Maine citizens since colonial times to describe much of the State’s famed ‘rock-ribbed coast,’ in this case it refers generally to the quoddy (a ‘cadie,’ place, region or meadow – a term derived from the Mi’kmaq Indian language) of the northeast corner of the U.S.A..

For Peter Vigue and the Tribe, their LNG plans are even more specifically focused on the previously indicated LNG facility planned for the town of Calais (pop. 3,500) on Passamaquoddy Bay. The Bay exits into Canada’s Bay of Fundy and the North Atlantic and is thus easily accessible to the large trans-ocean LNG tankers.

The announcement of Cianbro’s agreement was provided by Fred Moore of Maine’s St. Croix Development company in Washington County. Moore confirmed that Cianbro Corp. once managed the tribe’s Dragon Products Company, in Thomaston, ME.

St. Croix, earlier this year, announced that a \$500-million terminal and storage tank facility known as Calais LNG was planned for a 300-acre site at Red Beach, south of Calais. The land part of the transaction was said to have been the work of partners Fred Moore and Ian Emery. Both are state representatives and Moore is tribal representative for the Passamaquoddy who are eager for an LNG project that may provide jobs and healthy income to Indian workers in an area of Maine where unemployment and job opportunities are especially distressful. Moore has indicated that the company that becomes the principal player will own the land but the tribe will own the facility, which is expected to require 50 employees.

Two other Washington County LNG proposals are pending. One is a joint venture of the Oklahoma-based Quoddy Bay LLC and the Passamaquoddy Tribe of Pleasant Point to be built at Split Rock. The other is a Washington, D.C.-based Downeast LNG that is proposed for Robbinston.

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TO RECIPIENT EDITORS, COLUMNISTS & TALK SHOW HOSTS: *Reservation Report* is a monthly news alert service regarding U.S. federal Indian policies and reservation matters affecting the lives and welfare of Indian and non-Indian residents and businesses, situated on or near reservations. The RESERVATION REPORT Executive and Coordinating Editor is John Fulton Lewis of Reedville, VA. E-mail: nccomm@crosslink.net

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IN AMERICA’S COLONIAL HISTORY, 3/22 WAS A DATE TO REMEMBER – For Julius Caesar, March 15 (the Ides of March) meant his undoing. For the first two permanent European settlements on America’s Atlantic seaboard, March 22 spelled both salvation and disaster. It just depended on where you were in 1621 and 1622.

If you were in Plymouth, March 22, 1621, in the land that would ultimately be named for the Massachusett Indian Tribe, you and your fellow Pilgrims would be surprised but thankful to see a band of Indian natives arriving to offer life-saving food, helpful advice on survival, and added protection against hostile forces that lurked in New England’s vast wilderness near the end of a severe winter. This occurrence would eventually be memorialized, inaccurately some suggest, as the “first Thanksgiving.”

If you were in the Virginia Company colony at Jamestown you would be horrified after experiencing, on a fateful March 22, but one year later in 1622, a disaster in proportion to the population of Virginia’s Jamestown Colony, as compared to the size and population of the United States 380 years later, much, much worse than 9/11, 2001. Colonists and their farmsteads around some 21 settlements alongside the James River between what today are Richmond and Newport News-Hampden Roads, would be largely wiped out in a carefully orchestrated Indian uprising geared to a clock-like Indian attack after dawn March 22nd.

Reservation Report is grateful for the research and factual presentations on these two events, provided, first with respect to the 1621 Plymouth Colony’s salvation, in the December *Smithsonian* magazine and, second with regard to the murderous slaughter of colonists who lived beyond the barricades of Jamestown, as researched by the quarterly magazine, *Colonial Williamsburg*, in its Autumn edition. Taking the good news first, the *Smithsonian* article – “Native Intelligence” - about the saving of Plymouth’s Pilgrims, is from a new book entitled “1491” by Massachusetts’ historian Charles C. Mann, copyrighted and published by Alfred A. Knopf, New York.

On the memorable day in question, the group of Indian warriors that filed through the New England forest to the beleaguered Plymouth Colony, was led by the Wampanoag confederation’s “Massasoit, the sachem (political military leader).” He was accompanied by Samoset, sachem of an allied band to the north, and Tisquantum (often since referred to as Squanto), a captive Indian interpreter, who, some few years earlier, had been kidnapped, enslaved and taken to England where he learned English and European methods for doing things and then managed to win his freedom and work his way home to New England.

Half of those colonists who had survived the months’ long trans-Atlantic voyage in 1620 had died since the settlement was established and the remainder were barely hanging on as the Colony’s first winter waned. Their good fortune, though not fully understood by them at the time, was due to the fact that the Massasoit-led confederacy had been seriously weakened by a disease epidemic and repeated skirmishes with area rivals. The Wampanoag were now threatened by the growing regional power of the Narragansett Tribe and Massasoit figured that with Squanto, as his knowledgeable interpreter, a useful alliance of convenience might be struck with the Pilgrims.

Indian advice and help with planning and planting for the new crop year plus the intelligence and potential fighting support area Indians might provide were benefits sorely needed by the Pilgrim community. Thus was an alliance formed, paving the way for Plymouth Colony’s survival and success?

Soon to arrive, tragically for Massasoit and his people, were more of Europe’s diseases that were often lethal to immune-deficient Indians. This was followed by shiploads of hundreds of new settlers who soon outnumbered the area’s native population.

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IN AMERICA’S COLONIAL HISTORY, 3/22 WAS A DATE TO REMEMBER – (Continued from Page 4) – What was good for European settlement in New England, thus became disastrous for the indigenous Indians therein.

Now for the bad news for Europeans nearly 600 miles away:

In an age when America had barely begun at Jamestown and native Indian populations were viewed by most European colonists as unlettered, unsophisticated but not altogether unfriendly savages, an attack was launched against English settlements along the James River of Virginia that, for all of its horrifying cruelty, became especially notable, and thus remarkable, for its precise timing and coordination.

On the morning of March 22, 1622, throughout a fifty-mile stretch along both sides of the James River, the native warriors of Eastern Virginia attacked many of the English colonists who had established farms and small communities outside of fortress Jamestown during the first one and a half decades of the Virginia Company’s colony.

One large contingent of Indians assaulted the fortress itself but were successfully repulsed. At least one third of the coalition of more than 30 tribes that made up the Powhatan confederacy (named in honor of the by then deceased Chief who had first assembled tribes to confront the earliest permanent European settlement in North America) participated in the amazingly synchronized raids.

Colonists preparing their fields for spring plantings, or working along the River’s shoreline to catch the annual shad fish spawning migration, or to retrieve clams and oysters, were quickly slain. Women and children, working or playing around isolated homes or tiny clusters of dwellings, became innocent, easy targets of Indian wrath after a number of years of relative peace and frequent cooperation between whites and the native population.

By early afternoon, of the entire 2,200 colonists of the Virginia Company, some 350 or one-sixth of them had perished. Many of their homes, farm buildings and livestock had been destroyed or severely damaged and scores of the remaining, but isolated, white settlers were fleeing toward the safety of Jamestown. In only a few known instances, had friendly Indians warned settler households in advance that something dire was about to happen. Otherwise, in a number of exposed locations, colonists were caught off guard and had little time to effectively defend themselves. The master planner of the attack was Opechancanough, who had been chosen to succeed as paramount chief after the death of Powhatan in 1618. Archaeologists are now persuaded that planning for the uprising began developing right after Powhatan’s death.

In the Colonial Williamsburg article, “*The tyme appointed,*” writer Mary Miley Theobald notes: “Initially, the plan was keyed to the death ceremony for Powhatan, a ritual at which all of the confederation of tribes gathered. Powhatan’s body had been stored in a shrine...beside the Pamunkey River.” Since dead *werowances* (headmen or chieftains) were not buried for several years when decomposition of the remains was complete, the “*takinge upp of Powhatan’s bones*” did not occur until 1621. That was when the assembled tribesmen were alerted to raid plans..

Opechancanough is now believed to have intended to launch the raids against settlers in 1621 following the delayed burial of Powhatan’s bones. But he counted on special help from an Accomack Indian paramount leader on the Eastern Shore of Chesapeake Bay, who could provide a lethal poison for arrowhead tips- water hemlock (*Cicuta maculate*) which might have been especially effective against colonists. That leader, Esmy Shichans, had become a friend of the English settlers and refused to participate in any uprising. In fact, Shichans warned Jamestown to be on the alert.

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RARE INDIAN ROCK-ART DISCOVERY IN NORTHEASTERN U.S. – Conferees on Iroquois Research at the Rensselaerville Institute, in the town of that name, learned surprisingly good news this fall from a team led by a Canadian archaeologist and high school teacher. He and colleagues from Colorado State University found a red ochre-streaked rock face that had originally been reported in a 1920 photograph deposited in the New York State Museum in Albany.

Until now, only that photograph, taken by New York State Archaeologist Arthur C. Parker, had ever provided proof of the art's existence though the rock-face was first reported in 1853 by Franklin Hough, a New York physician and science-historian who is remembered by many as the "father of American forestry." Since the photo appeared in Albany 85 years ago, a number of searches have been conducted by scientists and amateur archaeologists since then to find the site but without success.

The new discovery is particularly significant because until now, in all the northeastern U.S., there are only two Maine rock-art sites found that are still visible and one near Amsterdam, in northern New York's Mohawk tribal area, which has completely eroded away in intervening years since it was first reported.

Scardera, who teaches at a Jesuit school in Montreal, has moonlighted for seven years as crew chief of a Colorado State University research team to help the U.S. Army find and secure any archaeological sites on the 107,000-acre property of Fort Drum, in the vicinity of Mohawk Indian tribal lands, before construction begins for a major enlargement of facilities at the Fort to house 6,000 more soldiers.

Amazingly, what school teacher Francis Scardera and his colleagues discovered appears little changed by the erosion of time from that depicted in the Albany museum photograph. For obvious security reasons, there has been no public disclosure of the actual site on or around Fort Drum. A leading authority and author of "Picture Rocks: American Indian Rock Art in the Northeast Woodlands," Ed Lenik, says this "is a very significant discovery. You're talking about an organic material that's hundreds of years old and still there."

Whether in Western Europe, South Africa, the American Southwest or Northeast, any finding of ancient rock art is cherished by archaeologists and anthropologists as visible proof of human advance in civilization's evolution, demonstrating not only the prowess of primitive man as hunter-provider or warrior but depicting those animals on which humans depended and, sometimes, human enemies who had to be faced and overcome for the sake of survival.

BUFFALO MAYOR SELLS PART OF DOWNTOWN TO ANOTHER "NATION" – It was "kind of strange" admitted Mayor Anthony M. Masiello when, for \$2.7-million, he turned over nine acres in the center of his city to the Seneca Indian tribe, negating U.S., New York State or Buffalo municipal authority over the site. And he did it because it will give his city the people-magnate of an Indian gambling casino. Talk about "thirty pieces of silver!" Call it the sell-out of "the American dream!"

This, of course, opens a potential floodgate for tribes to carve up America's cities, one by one, and thus destroy the character, security and integrity of the U.S.A. as it marches – or stumbles – through the rest of the 21st Century. There certainly must be Oneida Tribe eyes glancing longingly on downtown Syracuse (NY) or Sioux wishes for a few blocks of Sioux City (Iowa) and Sioux Falls (South Dakota) and some of the Chippewa branches who now might hope to occupy downtown Minneapolis. And in tribe-heaven, California, why not claim key midtown blocks of L.A. and San Francisco?

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U.S. POLITICIANS & INDIAN LEADERS: VENALLY YOURS! – (Continued from Pg. 1)

In southeastern Connecticut, claimants to Pequot and Mohican tribal legitimacy, aided by eager lawyers and gaming interests, established casinos within relatively easy access to New York, Providence and Boston populations and became overnight successes.

However, the “venal era” of Indian casino activity came of age with the 2002 enactment of the McCain-Feingold Campaign Finance Reform. That wasn’t the intent of the sponsors but through what Senator John McCain (R-AZ) later described as a regrettable oversight; the Federal Election Commission was able to grant a tremendously valuable favor and exemption to Indian tribes. Tribes were not required to live by the rules of campaign spending applied to all other Americans.

Elaine Willman, Chair of Citizens Equal Rights Alliance (CERA) - a national organization of community education groups and citizens in 25 states, who reside within or near federally recognized Indian reservations, explains the chronology of the “favor”:

“January 28, 2000: Federal Election Commission (FEC) Advisory Opinion No. 1999-32 declares that a tribe acting as a federal (utilities) contractor may (unlike any other federal contractors) make political contributions as ‘a person.’

“May 15, 2000: (FEC) Advisory Opinion No. 2000-05 declared that tribal governments are *not* governments when making election contributions. This was just in time to fund both Bush & Gore Presidential election needs.

“March 27, 2002: President Bush signs the McCain-Feingold Campaign Finance Reform Act, which intentionally *excluded* “Indian Tribes.”

“March 14, 2005: FEC Advisory Opinion No. 2005-01 declares that tribal governments, even while acting as federal contractors or associated with federal contractors may continue to make political and election contributions. (To his credit, FEC Commissioner Michael Toner, vigorously dissented.)”

“The Indian Gaming Regulatory Act (IGRA) of 1988 has facilitated an escalating tribal gaming revenue industry exceeding \$18.6 billion in 2004 alone. The oversight agency, National Indian Gaming Commission (NIGC) allows campaign contributions and payment to lobbyists as tribal ‘economic development.’”

Now consider the mounting embarrassment of official Washington, D.C., the established capital of the American Nation, its laws and justice system. Consider, for example, deposed GOP Majority Floor Leader Tom DeLay (Texas) of the House of Representatives, who may manage to squash some Texas political indictments that dethroned him pending adjudication.

But “The Hammer,” as Tom is un-lovingly referred to in Capitol corridors, isn’t likely to get his old job back when the Senate Indian Affairs Committee’s sweeping investigation of lobbyist Jack Abramoff and Indian gambling payoffs involving DeLay and many other Congressmen and Senators, get a full airing in the first months of the New Year.

Just consider a few examples of what the public is reading, hearing or viewing these days as the “other lead story” after Iraq, the booming economy or immigration:

Washington Post - “Federal prosecutors have all but finalized a plea agreement with a second business partner of former lobbyist Jack Abramoff in exchange for cooperation in the ongoing criminal investigations of Abramoff, congressional aides and Rep. Robert W. Ney (R-OH)...(Sen.) Dorgan acknowledged to the Associated Press that in the fall of 2003 he pushed Congress to approve legislative language urging government regulators to decide whether the Mashpee Wampanoag tribe of Massachusetts deserved federal recognition” about the same time he was meeting with tribal representatives and an Abramoff associate.

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BIA QUESTIONING INDIAN TRUST RELATIONSHIP – (Continued from Page 1) -

Such a decision could potentially vitiate Indian tribes' "sovereignty" claims, jeopardize tribes' exemptions from certain state and federal taxes, sharply reduce revenue claim settlements due tribes, and greatly limit expansion of casino sites beyond reservation boundaries. It would, in effect, revolutionize federal Indian policies.

Cason disclosed the new Administration thinking during a special Indian Trust conference held the first weekend in December at Arizona State University's College of Law Great Hall. The two-day event was sponsored by ASU's Indian Legal Program and its American Indian Policy and Leadership Development Collaborative, as well as by the Law School of the University of New Mexico and the American Indian Law Center. Attending were many tribal leaders and attorneys who specialize in dealing with Indian-related issues. Also participating in discussions were business developers seeking to joint venture construction and enterprise projects on Indian lands, which, in Arizona alone, amount to 27 percent of the total land in the State.

Cason made it clear that the Bush Administration and Congressional leaders believe that "settlement of Cobell is a settlement of the trust responsibility and therefore the federal liability," according to Indian law specialist, Lana Marcussen of Phoenix. Much of the conference time was focused on the views of Indian Law professors trying "to find ways to sever the trust from the land status" and grant ownership of the land to tribal members.

Coincidentally, in a late November editorial in the Native American Press/ Ojibwe News in Bemidji, Minnesota, Editor-Publisher Bill Lawrence recommended giving every tribal adult member, such as his readers on the Red Lake and White Earth reservations, private ownership of a parcel of the reservation property. Tribal communalism, like communism, in which no one owns anything but must share everything is a demonstrated failure when it comes to building pride and self respect, he declared. It is time for change, he writes.

IN THE LAND OF THE "QUODDY" – (Continued from Page 3 - Governor John Baldacci is the recipient of a special economic assessment report from David Flanagan of Washington County.

Flanagan is a former president of the Central Maine Power Company and perhaps the most salient point he made among some 70 recommendations was that it is high time the State Government took the lead in pushing approval of the LNG terminals as an effective way of boosting the region's economy.

Though many local residents of communities likely to be affected, by turning the "Quoddy" area into an international LNG energy facilitator center, are worried that environmental damage to Passamaquoddy Bay and area safety where giant tankers and volatile fuel are involved, especially in the hands of possibly inadequately-trained workers, Flanagan tells the Governor 'not to worry.' "Washington County will benefit directly from the construction and operating jobs and tax revenues, and possibly reduced energy costs," he says.

Such assurances are not likely to prevent area lobster industry harvesting and processing personnel from voicing continued concern that their livelihoods may be jeopardized if nearby Bay and Ocean waters are contaminated by any tanker spillage or LNG unloading accidents.

Flanagan has suggested that the Governor now try to establish an LNG 'working group' to develop a coordinated plan for guaranteeing the \$400-million in funding that will be required for an LNG terminal, in addition to carefully and convincingly addressing the safety, environmental and aesthetic considerations raised by other pockets of opposition in "Quoddy" Bay communities.

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U.S. POLITICIANS & INDIAN LEADERS: VENALLY YOURS! - (Continued from Page 7) - “Democrats are hoping to capitalize on Republican ethical woes. But as the Washington Post reported in June, some prominent Democrats, including former Senator Thomas A. Daschle (S.D.), Sens. Harry M. Reid (Nev.) and Byron L. Dorgan (N.D.) were among beneficiaries of the largest campaign contributions from Abramoff’s associates and clients...The Post reported earlier this year that a \$3 million grant...went to an Abramoff client, one of the richest tribes in the country, as a result of pressure from Sen. Conrad Burns (R-Mont.)”

NBC’s ”Meet the Press” - Sen. John McCain (R-AZ) predicted “lots of indictments...This town has become very corrupt.” McCain, as Chairman of the Senate Indian Affairs Committee, launched the probes into Abramoff’s dealings.

The Wall Street Journal – A Justice Department investigation into possible influence-peddling by...Abramoff, is examining his dealings with four lawmakers, more than a dozen current and former congressional aides and two former Bush Administration officials...”

Multiply these items by the hundreds of media outlets reporting this and more every day!

FEDERAL INDIAN POLICY: REALLY, IT’S ALL ABOUT THE MONEY – In the current U.S. Capitol cesspool of scandal, swirling around America’s confused and corrupted Indian policies, acceptance of lobbyist Jack Abramoff’s money has been thoroughly bi-partisan. As in “the world’s oldest profession,” the lobbyist wants a favor and “lawmakers” want the money. North Dakota’s Democrat Senator Byron Dorgan, variously confessing he “did” and “did not” do favors for Abramoff’s clients, now says he’ll return the \$67,000 in payoff money he received. Montana Republican Senator Conrad Burns says he won’t return the \$150,000 he received for favors he provided because he’s already spent it. He may explain to Montanans “everybody in Congress takes money like this,” which isn’t quite true.

IN COLONIAL HISTORY, 3/22 WAS A DATE TO REMEMBER – Continued from Page 5) – Opechancanough had to cancel his plans while vigorously denying there was any plot against colonists. He then fine-tuned his strategy for the following year.

Those who belonged to the Powhatan confederacy were skilled lunar timekeepers and tallied their Moon stages by knots on strings and notched sticks, writes Colgate University Professor of Astronomy and Anthropology Anthony Aveni. In a companion article to Theobald’s, entitled *How Was ‘the tyme appointed’?* “On the eve of the March 22, 1622 attack, calculations reveal that the Moon was in its third quarter phase and that it rose in the south-southeast in the constellation Sagittarius about an hour past midnight.” Indians up and down the James River and belonging to a number of tribes linked to the Powhatan confederacy, were ordered to conduct their raids in the early morning after dawn following the appearance of the Moon in its third quarter phase.

(Interesting is the fact that on April 18, 1644, Opechancanough conducted another uprising – again following the appearance of the Moon in this phase, but this time in Capricorn.)

What completely fooled the settlers beyond Jamestown’s fort, according to one chronicler of the time, was that the Indians “on Friday, before the day appointed by them for the attack, they visited...some of our people in their dwellings.” Colonists learned by dying.

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U.S. SUPREMES: STATES CAN LEVY FUEL TAX ON OFF-RES. INDIAN STATIONS -

Justice Clarence Thomas wrote the 7-2 Majority Opinion, for the highest court in the land in early December, which declared Indian tribal claims to “sovereignty” notwithstanding, states may impose fuel taxes on reservation owned and operated gas stations. The fact that tribes often impose their own levies on energy fuels for some purpose such as reservation road repairs or improvements is the tribe’s problem – not the state’s.

The case – *Wagon v. Prairie Band Potawatomi Nation, 04-631* - pertained to a Potawatomi tribe’s service station near its gambling casino, some 15 miles north of Topeka, Kansas. When Kansas levied a fuel tax, the tribe resisted on grounds that (1) as a “sovereign” power the State had no such right and (2) since the tribe already had its own fuel tax for reservation use, a state tax would amount to double taxation.

Justice Thomas concluded, with six of his colleagues including new Chief Justice John Roberts, Kansas can tax distributors who sell fuel at an Indian-owned and operated gas station and, furthermore, the Tenth U.S. Circuit Court of Appeals in Denver erred in deciding that the State tax violated the tribe’s “sovereignty.”

Justice Thomas wrote: “Kansas law makes clear that it is the distributor, rather than the retailer, that is liable to pay the motor fuel tax. While the distributors are ‘entitled’ to pass along the cost of the tax to downstream purchasers...they are not required to do so.”

The decision may enable Kansas to collect an estimated \$300,000 annually from Indian motor fuel sales.

NEW MEXICO IGA OPPOSES OFF-RESERVATION CASINO PROPOSAL – The Indian Gaming Association in the State has focused on a Jemez Pueblo plan for a tribal casino in the southern part of the State, 300 miles from its reservation in the north. The IGA said its position was not a sign of hostility against any tribe’s right to a gambling center – only its strong opposition to off-reservation Indian operations. All but one of the dozen or so New Mexico tribes with casinos belongs to the Association but since Jemez Pueblo does not have a casino, they are not members.

BIA TO HOLD TEN JANUARY ’06 PUBLIC MEETINGS RE; INDIAN ENERGY ROLE – Of critical importance to all who concern themselves with federal Indian policies -

The Federal Register has posted an announcement of Bureau of Indian Affairs hearings around the nation where the Agency will seek public input “on the development of proposed regulations to govern Tribal Energy Resource Agreements.” Public comments are sought at a series of meetings between January 9 and 19, 2006. Written comments may be mailed to “Attention: Section 503 Rulemaking, Office of Indian Energy and Economic Development, 1849 C St., NW, Mail Stop 2749, Washington, DC, 20240...or by e-mail to IEED@bia.edu.”

Meetings begin January 9 - Sacramento (Hilton – Arden West 2200) and Houston (Hilton Garden Inn); January 10 - Tulsa (Hilton Garden Inn) and Billings, MT (Sheraton); January 11 - Portland, OR (Doubletree Hotel) and Minneapolis (Hilton at Airport); January 12 – Denver (Country Inn Suites); January 13 – Albuquerque (Marriott) and Las Vegas (Renaissance Hotel); January 19 – Washington, D.C. (Sydney Yates Auditorium, Department of Interior Main Bldg. – 1849 C Street, NW). Title V, Section 503 of the Energy Policy Act of 2005 (Pub. L. 109-58), requires the Secretary of the Interior to promulgate regulations that implement new provisions concerning development of energy resources on tribal lands - specifically, creation of Tribal Energy Resource Agreements (TERA). These agreements promote tribal oversight and management of energy and mineral resource development on tribal lands.