

RESERVATION REPORT

A Monthly Media Letter Regarding American Indian Policies

Published by New Century Communications, at P.O. Box 277 Reedville, VA, 22539

Volume 5, Number 6

March 2006

TRAVESTY ACTS, 2006

SENATE GOP PUSHES TRIVIAL “REFORM” OF LOBBYING TO TEASE VOTERS –

Exercising maestro authority over the GOP-dominated Senate Rules Committee he chairs, Mississippi Republican Senator Trent Lott conducted a ballet dance with legalisms to win Committee approval of a lobbying overhaul proposal that makes “smoke and mirrors” redundant.

Lott even demonstrated *pas de deux & pirouette* finesse in allowing Senator Daniel Inouye (D-HI) to remove a provision that would have required Indian tribes to report to the Federal Election Commission their mega-thousands of casino revenue dollars in political campaign contributions to federal candidates. No Senate “plumber” wants to turn off the spigot!

The legislation to be submitted for a floor vote calls for a one-year moratorium on a Senator who has retired, resigned or who has been un-elected to accept a position as a lobbyist. There must also be disclosure by a Senator regarding negotiations, while still holding a Senate office, for a private position upon leaving the Senate. That is supposed to help cool down the 2006 election year Indian lobbying scandals, featuring Jack Abramoff (who was never a Senator!).

The Rules Committee bill also cancels access to the Senate floor for former Senators-turned-lobbyists. It also modifies rules regarding gifts to Senators: they must report within 15 days, any acceptance of a free meal or drink from a lobbyist! (Wow! That ought to hurt.) An effort to require Senators to disclose and share the cost of corporate jet travel was rejected but Senators or their staff members, planning to accept free travel accommodations via corporate or commercial transport must henceforth submit to before-and-after Senate Ethics Committee approval.

All existing provisions of the tainted McCain-Feingold campaign funding law of 2003, thanks to the efforts of ranking Committee Democrat Senator Christopher Dodd of Connecticut, remained totally undisturbed by the proposed lobbying “reforms” despite the growing chorus of citizen demands for serious reforms. Legislation to curtail major sources of abuse, involving unlimited Indian casino revenues used to buy lobbyists and elected office holders, has been introduced by several House and Senate Members but what may now be called Senator Lott’s lobbying “reform” bill neatly avoids any such consequences.

The ballet goes on...and Oh! By the way: **WHEN AN INDIAN IS A “PERSON” & NOT AN “INDIVIDUAL” ANYTHING GOES** - The quiriness of the loophole that Senators John McCain (R-AZ) and Russell Feingold (D-WI) arranged to allow the Federal Election Commission to infect their campaign finance “**reform**” act, as a seeming favor to Native American Indians and an actual benefit to Members of Congress, is a wonderful play on words. Socrates would have ripped the provision apart with glee. The federal campaign finance law enabled FEC to stipulate that Americans are “**individuals**,” limited to political funding contributions of \$2,100 to a federal candidate and a maximum of \$26,700 to a political party in any two-year election cycle. Indian tribes, however, aren’t **individuals** but are deemed to be “**persons**” by the FEC. **Persons** can give any amount they wish to candidates. Wow! Of course many of us from the 20th Century were taught that **persons** were **individuals** and vice versa. Who’s to know? Whatever?!

PAGE 2 – RESERVATION REPORT

GINGRICH CALL: McCAIN-FEINGOLD CAMPAIGN REFORM “A VERY BAD BILL” – In a hard-hitting *Wall Street Journal* “Weekend Interview” with editorial board writer Brian M. Carney on February 18, the master craftsman of the 1994 GOP takeover of Congress, has no further patience with Congressional attitudes and enactments which invite profligate spending on earmark “pork” projects and corruption involving lobbyists, Indian tribes and other special interests.

A possible contender for the 2008 Republican Presidential nomination, former House Speaker Newt Gingrich had this to say about the 2003 campaign finance law: McCain-Feingold “strengthened millionaires, weakened the middle-class and made it harder for challengers. I would repeal any limit on people giving, in the constituency they vote in. I’d simply ban all fundraising in Washington (D.C.). You can do that by straight-out rules of the House and Senate.

“Now what you’ve got is a dance in which members go to unending PAC fundraisers hosted by lobbyists in order to raise enough money so they can’t be challenged, which means they don’t have to go home, so they can have more time free to go to more fundraisers hosted by more lobbyists. I just think that system’s wrong.”

Gingrich insists that the conservative base of his Party in Congress will just not bother to vote this Fall if Republicans don’t make tax cuts permanent, clean up their act, sharply reform Medicaid and public health care and get back to something inspiring such as the ’94 “Contract With America” he fashioned as a winning platform.

RECENT CANADIAN ELECTION THREATENS MAINE & INDIAN LNG PLANS – The selection of Greg Thompson, a member of Canada’s Parliament from New Brunswick Province, to serve in the Cabinet of newly elected Prime Minister Stephen Harper, may be a serious setback to the hopes of some Maine industrial developers and the Passamaquoddy Indian tribe. Thompson, a long serving parliamentarian, will now be Minister of Veteran Affairs in Harper’s conservative government.

But Thompson is best known in Maine and New Brunswick, according to Steven McCormick, Reservation Report’s Passamaquoddy correspondent, for his vehement opposition to the construction of a liquefied natural gas terminal on Passamaquoddy Bay. The eco-fragile Bay separates, and is thus a joint concern of, Maine and New Brunswick.

The vigorously debated – and promoted – LNG terminal proposition is a contentious issue in Maine since many environmentalists and the lobster industry take a dim view of making the Bay and its Atlantic approaches a busy harbor for giant LNG tanker ships from Africa, the Middle East and other fossil-fuel natural gas centers of the world, to bring their liquefied contents to a conversion processing and pipeline-distribution plant in Calais, Robbinston or Pleasant Point, each of which is situated on or near the Bay.

Some in Maine and Canada are critical of Thompson because he has not been equally opposed to LNG terminals that are now established in Nova Scotia and New Brunswick but away from Passamaquoddy Bay. But now as a Cabinet Minister, he has a little more clout.

Meanwhile, reports McCormick, the Oklahoma-based development firm, Quoddy Bay LLC – headed by the father-son team of Don and Brian Smith, who are one of several bidders for establishing LNG processing and gas line distribution facilities in Maine – has upped the ante by announcing it is prepared to process two billion cubic feet of gas daily instead of the 500-million it originally indicated. This would require two piers for docking tankers carrying the liquefied natural gas from foreign fossil fuel sources. This firm, in a pact with the Passamaquoddy Indian tribe, would build on tribal reservation land.

PAGE 3 – RESERVATION REPORT

BIA OFFICIAL SAYS IGRA ALLOWS INDIANS TO OPEN CASINOS ANYWHERE – In testimony before the Senate Indian Affairs Committee on February 1st the Acting Deputy Assistant Secretary for Policy and Economic Development in the Office of Indian Affairs at the Interior Department disclosed that there were really NO restrictions in the Indian Gaming Regulatory Act of 1988 that would limit where Indian tribes could establish gambling emporiums in the U.S.A.

BIA official George Skibine said any federally recognized tribe, with a federal license and key state and local official approval, could set up a Class III casino in mid-town Manhattan without regard to what other property owners or businesses or the general public might think about such an occurrence. And with ample funding available from gaming industry investors and casino-owning tribes it's clear from Skibine's assertion that Indian tribes that were generous in making campaign contributions to the right politicians could easily obtain official approvals. Pandora's Box opens!

INDIAN TRIBES STUNNED BY NEW “KENNEWICK MAN” RESEARCH FINDINGS – The 9,200-year-old man, now referred to by Pacific Northwest area Indian tribes as their “Ancient One,” is less and less theirs to claim. In 1996, when his skeletal remains turned up on the bank of the Columbia River and he was promptly dubbed - thanks to the geography of his burial - “Kennewick Man,” the Indians almost succeeded in promptly reburying him.

They argued it was their privilege to do so under terms of the federal law that suggests, perhaps ridiculously and too readily, that any “early American” whose remains are found and who appeared to have died on American soil before the arrival of the Jamestown and Plymouth colonists, must be an ancestor of modern day Indians.

The trouble is, Kennewick's skull just didn't look Indian enough, according to a few people of anthropological scientific bent who got an early look at him. In an angry bit of emergency litigation, a court agreed with scientists who said they should have a chance to really examine the remains before any reburial.

The first assessments of specialists in such matters was that Kennewick was about 45, that he had drowned in the river, his body was washed up and embedded in the mud of the river bank and that a strange weapon point, lodged in his hip, had probably caused a fatal infection or, in some way, weakened him – thus contributing to his demise. The leader of the archaeology-anthropology team was, and is, Doug Owsley of the Smithsonian's National Museum of Natural History. So what have he and his colleagues found out in their carefully conducted research?

Kennewick has virtually no features likening him to Native American Indians, least of all to tribes in the Pacific Northwest. Kennewick was carefully buried by unknown “others,” parallel to the river, head facing upstream, arms neatly positioned beside him in peaceful recline. He was in his 30s when he died. The spear point with stem in his body had cleanly healed over and did not cause his death.

As the study of Kennewick goes on, some Indian tribal leaders are uneasy about the proceedings for a more disturbing reason than the need to re-entomb a claimed “ancestor” who, it appears, no longer qualifies. Will Kennewick's skeletal characteristics confirm that other races from other lands, far distant from the North Asian ethnic background claims of U.S. Indians, may now be considered as “original” Americans? Should not Kennewick, and probably those who buried him, be accorded the same “native” or “indigenous” status that Indians have been granted?

Wouldn't it be all-American if no group or culture in America is henceforth entitled to any special consideration, as compared to all the other immigrant arrivals down to the present day. Isn't that what being an American is all about, anyway?

PAGE 4 – RESERVATION REPORT

FEDERAL JUDGE REFUSES ABRAMOFF SENTENCING DELAY BEYOND 3/29/06 - U.S. District Judge Paul C. Huck says he can see no valid reason for “postponing the sentencing” of lobbyist Jack Abramoff despite wishes of prosecutors and defense lawyers.

MILWAUKEE DAILY CITES INDIAN CASINO LINKS TO EMBEZZLING CASES -

The recent report that the fire chief of the Mequon, WI, community resigned amid allegations that he may have mishandled fire department funds as the result of a gambling problem prompted Editor Bob Manzke of the Wisconsin newsletter *American Rights Guardian Update* (Winter 2006 edition) to throw the PARR (Protect Americans’ Rights and Resources) organization’s spotlight on embezzling.

PARR is a private sector conservation civic association with a special focus on failed federal and state, Indian-related, policies. Manzke says his membership is also dismayed with the growing and often adverse effect, which Indian casinos have on Wisconsin’s taxpayers and some politicians, as well as their concern with the failure of the state’s Department of Natural Resources to effectively curb spear-fishing and other lake and forest wildlife abuses, by Wisconsin’s reservation Indians.

Vast numbers of the valuable but increasingly threatened lake walleye and muskie fish populations are slaughtered and left to rot, he notes. This, he adds, endangers the long-range needs of tribal members as well as state-licensed sport fishermen from throughout the Upper Midwest who bring bountiful tourist dollars into the state and into the lake area.

In decrying the spreading gambling addiction problems, and with a veiled reference to American history’s “noble savage” concept, Manzke asked his readers: “Please tell me what’s noble about all this?” He then quoted reporter Tom Kertscher’s recent summary of gambling-induced embezzlement cases as published in the *Milwaukee Journal/Sentinel*: **“If it is proven that Mequon’s ousted fire chief stole money because of a gambling problem, he could be among the highest-ranking government employees in Wisconsin ever to be convicted of such a crime.”** Other examples mentioned among now imprisoned Public Officials –

“Barbara Berger: Sentenced in August 1999 to 12 years in prison for embezzling \$197,000 from Brown County government while working as the county’s deputy treasurer. Records from Oneida Casino show Berger pumped more than \$1 million into slot machines over four years and suffered losses of \$184,000.

“Veronica Klimek: Sentenced to six years in prison in August 2003 after being charged with embezzling more than \$200,000 while working as a clerical assistant in the Marathon County Sheriff’s Department. Said she had a gambling addiction.

“Malini Sathasivam: Sentenced Dec. 20, 2005, to 16 years in prison for embezzling \$3 million from the state, four area banks and her own family. The former Fitchburg resident and employee of the state Commerce Department blamed a gambling problem, although a prosecutor contested that, saying the thefts were planned and not impulsive.”

Kertscher listed some additional embezzlers, explaining: “Their thefts ranged from \$5,000 to more than \$500,000, and their sentences ranged from two years of probation to 10 years in prison. And this is just from various governments. This does not include money embezzled from private businesses.”

Wisconsin gambling and fishing management problems, particularly, are now so critical, in PARR’s view that highway billboards are now being considered, and one is readied, to call a wider state audience’s attention to the organization’s leadership in opposing corruption and mismanagement. Manzke may be reached at PARR1@tds.net or 414-543-4181.

PAGE 5 – RESERVATION REPORT

MINNESOTA CONSERVATIONIST HANSON SAYS: “TAKE BACK OUR LAKES!” -

Longtime civic leader, conservation political activist and Minneapolis-St. Paul businessman Howard Hanson, in a wide-ranging commentary, indicates it may be time, once again, to seek a U.S. Supreme Court re-examination of key aspects of Federal Indian Policy (FIP). In the mid-1990's Hanson led a movement, which successfully intervened for landowners in a treaty rights dispute between the Mille Lacs band of Chippewa and the State of Minnesota. The State had said they would lose if they went to court and instead, wanted to make an agreement.

With the help of former Vikings Coach Bud Grant the landowners stopped the secretly negotiated settlement and got it into court where they felt it belonged. Their lawyer used the Indian Claims Commission's final payments to the Chippewa tribes as their defense. However, the State would not use that defense and even though the landowners lawyer got ten minutes of oral testimony before the Supreme Court they only ruled on the States argument which lost. So even though being full parties to the case the landowners have still not been heard.

Writing in the *Member Update* March-April 2006 newsletter for the PERM (Proper Economic Resource Management) group of conservationists and sportsmen and women, Hanson alluded to the increasing costliness of FIP. He cited such things as the current Indian gaming corruption scandals, tribal sovereignty claims on lands, and an extension of the “privileges” which tribes seek, plus the enormous poverty and degradation of Indian reservations around the nation despite the huge profits now being derived by tribal leaders from casino operations.

He writes: “Recent studies are estimating...that for every dollar from gaming, there are up to three dollars spent in social costs to area residents and businesses.”

But Hanson's primary concern, in terms of PERM's membership throughout Minnesota is the mismanagement of the state's natural resources, especially lakes impacted by Indian reservations and, thus, Indian fishing with gill nets, spears and other destructive devices and practices. He asks: “Who is picking up the tab in the arena of proper economic resource management?”

“For example, who is picking up the tab on ‘Treaty Rights’ fisheries management that led to illegal over-harvesting of Red Lake with miles of nets in the upper portion? Who prosecuted poachers caught selling fish? Do the resort owners there have a justifiable lawsuit against the State of Minnesota? It appears that the Red Lake band violated the 1929 agreement with the State to abide by rules set forth by the Commissioner.” Hanson continues: “How about the Leech Lake agreement? Recently the Walker area has lost thirty or so businesses. Why are our public officials again allowing the tribal netting to destroy the local economy? **“One of the first sentences in that agreement: ‘There shall be no commercial sale of fish’ has turned out to be a cruel joke to a once prosperous local economy. Are our State officials purposely allowing this activity to run resorts out of business?”**

ONE NATION UNITED ORGANIZATION SPOTLIGHTS NCAI “EMBASSY” PLANS –

In the February 2006 issue of the ONU newsletter UPDATE, the group's national director, **Barb Lindsay – Barb@onenationunited.org** - reminded the members that the National Congress of American Indians has announced plans to raise \$12-million to acquire a building on Washington, D.C.'s “embassy row” and seek formal diplomatic status from the U.S. State Department.

In the same issue, Lindsay reports “native delegations at the United Nations are making progress on negotiations toward the adoption of a ‘Declaration on the Rights of Indigenous Peoples’ – an unprecedented set of standards that would define the international human rights” of such peoples and their tribes.

PAGE 6 – RESERVATION REPORT

ARCHAEOLOGISTS MAKE “COME AROUND-GO AROUND” DISCOVERY – **ARCHAEOLOGY** magazine, in its March-April 2006 issue, reports that a bottle gourd plant species that originated in Africa and is found growing in Mid-Atlantic region land sites on America’s East Coast and as far south as Peru, has been tracked, by confirming DNA analysis, as having reached the Americas, 10,000 years ago from Northeast Asia.

Such a botanical occurrence, while possibly attributable to such natural conveyors as winds or migratory wildfowl, more likely resulted from human migration. Such gourds, when harvested, may have been used as containers in which to carry water or seeds on long human migrations and hunting trips. Neolithic nomads and other travelers may have dropped or even purposely planted seeds wherever they camped or settled along the way.

Exceptionally curious, however, is how the DNA of bottle gourds found in states nearest the Chesapeake Bay watershed should be directly linked to the gourds in Northeast China, yet was not found in gourds that grow in the rest of North America, particularly in areas much closer to Asia. The discovery may further inspire the scrutiny of the earliest “native” populations traced to sites from central Pennsylvania to the Carolinas.

The gourd DNA was a joint research project involving New Zealand’s Massey University, the State of Maine, the Smithsonian Institution, Harvard University and the National Museum of Natural History.

“This finding paints a new picture of the founding of the Americas,” says co-author Bruce Smith of the Smithsonian Institution. “These people did not arrive here empty-handed; they brought a domesticated plant and dogs with them. They arrived with important tools necessary to survive and thrive on a new continent, including some knowledge of and experience with plant domestication.”

A Google reference reports bottle gourds (*Lagenaria siceraria*) have been grown worldwide for thousands of years. The gourds have little food value but their strong, hard-shelled fruits were long prized as containers, musical instruments, and fishing floats. This lightweight “container crop” would have been particularly useful to human societies before the advent of pottery and settled village life, and was apparently domesticated thousands of years before any plant was domesticated for food purposes.

Radiocarbon dating indicates that bottle gourds were present in the Americas by 10,000 years ago and widespread by 8,000 years ago. Some of the specimens studied by the team were not only the oldest bottle gourds ever found but also quite possibly the oldest plant DNA ever analyzed. Smithsonian magazine even featured a picture painted in the 17th Century of a Native American woman carrying a large bottle gourd as a container, presumably of water, with her right hand and leading her child in a left hand-clasp. Such a gourd – 1000 years old - was recently found in Kentucky.

OLD INDIAN TREK: SLIPPAGE ON GLACIER? OR DRY EARTH TRIP-UP? –

Canadian archaeologists who found a 1,400 year-old piece of hide in 2003 as they were examining melting ice in southwest Yukon Province, now have determined their first conjecture was wrong. They thought then that the hide might have been part of some ancient hunter’s bag.

It has since been deduced to be the oldest moccasin of any Canadian aborigine ever found and was probably worn by an Athapaskan tribesman. That tribe’s preferred domain was near the glacial site within Canada’s boreal forests.

The discovery is part of a joint research program begun in 1997 involving the Canadian Territories and native groups.

PAGE 7 – RESERVATION REPORT

INDIAN LAW AUTHORITY MARCUSSEN EXPLAINS “NEW FEDERALISM” – In a fascinating analysis and commentary in the March 2006, *CERA Journal* – a new newsletter published by the Citizens Equal Rights Alliance and edited by South Dakota rancher Darrel Smith - Arizona-based lawyer Lana Marcussen provides readers with a fresh approach to understanding the much disputed meaning and application of the term “sovereignty” as it is intended under the U.S. Constitution.

As an attorney specializing in cases that involve Indians, tribes and reservations and the tribal claims of “sovereignty,” she writes: “The New Federalism is all about sovereignty. The Constitution divides sovereign authority into three distinct political bodies – the federal government, the state government and the People. The greatest sovereign power was intended (by the Framers of the Constitution) to be in the sovereign people. This was the whole basis of the theory that people could govern themselves by setting up government structures as contracts that responded through the popular vote to the will of the people.

“New Federalism is the return to the Framers’ view of sovereignty embodied in the Constitution as verified by the Tenth Amendment....New Federalism is based on all ‘persons’ in the broadest sense of the word , being part of the sovereign people....New Federalism asserts the individual sovereign rights of persons as idealistically defined by the Framers.

“It is not a ‘state’s rights’ approach. It is primarily based on the answer to Dred Scott given by Abraham Lincoln. It relies on the Civil War Amendments (13th, 14th, 15th) and applies the great cases of the Civil Rights Movement against the policies and procedures of the federal government that continue to claim the sovereign authority to define the natural rights and capacities of each individual.

“This has placed the New Federalism on a collision course with Federal Indian Policy” which “has existed in its present form since 1871. ...Indian tribes and all persons who were members of Indian tribes were placed under the plenary authority of the federal government to determine and remove permanently the individual sovereignty of each Native American.”

Another Credible Definition

As Reservation Report contributing editor, Scott Peterman (sepeterman@twenvy.it.com) of New York notes: “Blackstone stated, regarding sovereignty --

‘This unlimited power is that supreme, irresistible, absolute, uncontrollable authority, which by political writers in general is denominated the sovereignty; and which is by most of them supposed to be vested in the government or administrative authority of the state, but which, we contend resides only in the people, is inherent in them and unalienable from them.’

The individual is especially sovereign in a representative government because by its very nature, representative government recognizes the value of the individual and his inalienable rights. Both state and federal governments derive their sovereign powers from the sovereignty of the people, which in turn relies on the sovereignty of the individual.

RESERVATION REPORT plans to continue the dialogue on “sovereignty” in its April issue, pro and con Lana Marcussen’s views on the subject..

PAGE 8 – RESERVATION REPORT

CORRECTING UNFAIR REFERENCE PUTS ISSUE IN PROPER CONTEXT -

In the February issue of *RESERVATION REPORT*, we reported our concern and agreement with a column by *Wall Street Journal* columnist Tunku Varadarajan that was critical of Los Angeles' Democrat Mayor Villaraigosa for delivering a Spanish language reply to President George W. Bush's State of the Union speech.

A translation of the Mayor's address shows the theme of his remarks was substantially the same as that delivered on behalf of the Party, in English, by Governor Tim Kaine of Virginia. We believe writer Varadarajan should have made that point clear and thus, as well, so should we.

What concerned us then, as it obviously concerned the Journal writer, is that having multilingual responses of a major speech by the sitting U.S. President may cater to a multicultural advocacy for Americans to speak and interpret major policy addresses in many tongues without the bulk of the population knowing what is being said to this or that language segment of the population. This would be a course of behavior that might lead to undermining the U.S.A.'s "out of many cultures (and languages) one" nation and tradition that unifies our strength as Americans.

Villaraigosa's outreach to Hispanics was carried throughout the nation by Spanish language radio and television stations. Most non-Hispanics, however, did not know about this. Had the L.A. Mayor taken advantage of the general public's innocent state of ignorance, all other Americans of so many cultures - who depend on English as the *lingua franca* of our nation's public, political and partisan forums - would have been totally blind-sided by any political harangue which he might have launched. It is thus our great good fortune that Mayor Villaraigosa is a true American and his answer to President Bush did not markedly deviate from Kaine's. However, political transparency and openness would be furthered, we believe, if it is henceforth required that any official Party response to a U.S. Presidential speech, in any language other than English, must be thoroughly publicized and its translated availability in English promptly advertised.

VA. REP. WOLF CONTENDS IGRA'S "GOOD INTENTIONS" HAVE GONE AWRY –

In his January 2006 letter to President George W. Bush, Republican Congressman Frank R. Wolf wrote that while the Indian Gaming Regulatory Act of 1988 may have intended to give Indians "greater self-sufficiency," the result has been to use gambling revenues to feed "greedy investors who offer to pay for litigation costs, lobbyist fees" and often, the costs of land in exchange for some of the profits from what is now a \$19-billion per year industry while "the overwhelming majority of Native Americans still live in poverty. In fact, the per capita income of Native Americans is only \$8,000, one-third of the national average. It seems unfathomable to me that there is not more support for transparency in tribal gambling to ensure that benefits flow to those to whom" such proceeds "were promised." Wolf wants a moratorium on casino licensing while Congress adopts major reforms.

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