

Aboriginal fishery not a charter violation

CBC News

CANADA — A federal program in 1998 that allowed a native-only commercial fishery a day ahead of the usual commercial fishing season in B.C. did not violate the charter rights of non-aboriginal fishermen, the Supreme Court of Canada ruled Friday.

The Supreme Court ruling upheld the 2004 convictions of more than 50 non-native B.C. fishermen who took part in a protest fishery during a prohibited period.

On Aug. 19, 1998, the Department of Fisheries and Oceans granted an exclusive communal fishing licence to the Musqueam, Burrard and Tsawwassen bands to fish for salmon in the mouth of the Fraser River for 24 hours in advance of the usual commercial season, and to sell their catch.

“The agreement entered into with the Musqueam, Burrard and Tsawwassen bands expressly stated that it did not create any aboriginal rights,” the court said.

In 2003, a B.C. provincial court stayed all the charges against the more than 50 commercial fishermen on the grounds that the special fishing licence granted to the three bands breached the charter rights of non-natives. A year later, the B.C. Supreme Court overturned the decision and the protesters were convicted.

The B.C. Fisheries Survival Coalition appealed the B.C. Supreme Court decision in 2006, but was dismissed by the B.C. Court of Appeal on the grounds that the special fishery licence did not constitute denial of non-native fishermen’s rights. The coalition then appealed to the Supreme Court of Canada.

Despite the Supreme Court ruling, the judges identified a “real conflict” over the issue, because non-native fishermen were treated differently based on “racial differences.”

“It is established, in this case, that the right given by the Pilot Sales Program is limited to aboriginals and has a detrimental effect on non-aboriginal commercial fishers who operate in the same region as the beneficiaries of the program,” the court ruling said.

“It is also clear that the disadvantage is related to racial differences ... The right to equality afforded to every individual under Section 15 [of the charter] is not capable of application consistently with the rights of aboriginal fishers holding licences under the Pilot Sales Program. There is a real conflict,” it said.

On Friday, Phil Eidsvik, a spokesman for the B.C. Fisheries Survival Coalition, which spearheaded the Supreme Court challenge, said the judges got it wrong.

The “aboriginal only” fisheries opening is still a practice that is unfair to other Canadian citizens, Eidsvik said.

“The proper way to do this if they wanted to increase aboriginal participation would have been what they have been doing in recent years ... buy licences and vessels for aboriginal bands, issue them to aboriginal bands and let them fish in the same fishery that I do ... We all fish together under the same rules and regulations,” Eidsvik said.

Each of the 97 aboriginal bands on the Fraser River will now expect their own exclusive fishing opportunity, he said.

Eidsvik told CBC News Friday that the coalition will make a direct appeal to Prime Minister Stephen Harper on the matter.

Penobscots’ powwow bears repeating

By Meg Haskell
Bangor Daily News

INDIAN ISLAND, Maine — Wrapping up a week of intertribal meetings on Indian Island, the Penobscot Nation hosted a spirited weekend powwow, open to the public - the first of what is expected to become a yearly cultural celebration on the reservation near Old Town.

The powwow opened at 1 p.m. Saturday with a procession of about 50 dancers and tribal officials into the roped-off dance circle, accompanied by traditional drumming and singing. Flags of the tribes of the Wabanaki Confederacy were placed around the cedar gazebo that sheltered groups of drummers and singers from an overcast sky, as dancers in tribal dress circled the structure. As part of the opening ceremonies, a special dance honored the flags and a second dance honored military veterans.

Dancers represented the four main Algonquin tribes — Penobscot, Passamaquoddy, Micmac and Maliseet — as well as the Wampanoag, Cree, Narragansett, Spirit Lake Sioux

and other tribes.

Head dancers for the hosting Penobscots were Joseph Dana and Laura Priest, young adults dressed in elaborate tribal regalia who led the dances with poise and expressiveness.

“My responsibility is to go out and be an ambassador for the Wabanaki Confederacy,” said Priest, who is 22 and lives in Old Town. Wearing an iridescent, beribboned turquoise and purple dress with matching leggings, Priest said her Penobscot name, Acesatake, means “dragonfly.” Her white-fringed shawl sparkled with hand-beaded dragonflies, and as she danced around the circle in soft white moccasins, she dipped and swirled as if she were taking wing.

The high-stepping, swooping style of dancing Laura Priest specializes in is called “fancy shawl dancing,” said her sister Amy Priest, 27. “It’s like you’re dancing on the clouds; it’s like you’re flying.”

Other dancers — male and female, all ages, from exuberant preschoolers to gray-haired elders — sported a wide variety of garments and accessories, including deerskin dresses, denim jeans, belts of abalone shell, plaid shorts, animal pelts, Reebok sneakers, beaded medicine bags, heavy silver necklaces, stretch pants, eagle feathers, flip-flops, “Kiss Me, I’m Native” T-shirts and more.

Indian Island resident Bianca Moore, 19, wore a soft, full-length, cream-colored deerskin dress with long fringe and intricate beadwork. It once belonged to her maternal great-grandmother, who acquired it from a member of the Kiowa tribe in Oklahoma.

“It’s pretty heavy,” Moore admitted, lifting one long-sleeved arm, dripping with fringe. Her grandmother Jean Chavaree, 72, said she urged Moore — one of her eight granddaughters — to dance in the fragile family heirloom at the historic powwow. It may be the last time the dress will appear in a public performance, Chavaree said.

“I’ve been thinking of selling it to a museum,” she said. “It’s really too fragile to keep wearing and I want to have a typical Penobscot

dress made.” That dress would likely be made of deerskin, Chavaree said, but the Penobscot beadwork would be floral designs, rather than the geometric patterns of the Kiowa.

In addition to the dancing and drumming, the powwow featured vendors with traditional American Indian crafts.

About 250 nondancing attendees enjoyed the first day of the powwow. Gay and John Kemp drove up from their home in Lynn, Mass.

“We go to powwows all over New England, every weekend, all summer long,” Gay Kemp said. They heard about the first-ever Indian Island event at a recent powwow in Durham, N.H., and agreed they needed to make the trip.

“My father always said we were Penobscot,” Gay Kemp said, “so I decided to come find the Penobscots.”

John Kemp, who was dressed to blend with the traditional native dancers, said he is of French-Canadian heritage — “just your common, walking-around white guy.” The retired couple took a full week and visited Bangor and Acadia National Park as well as Indian Island.

“We’ve never been this far north in Maine,” Gay Kemp said, adding that they would definitely make a repeat visit next year.

Penobscot Chief Kirk Francis said the colorful and symbolic powwow marked the end of “a powerful week of unification among the tribes.” Tribal leaders from across Canada and New England have been meeting on Indian Island since Tuesday to explore common interests and concerns.

“We have a lot to celebrate,” Francis said. The Penobscot Nation’s substantial land holdings in Maine, its stable membership of about 2,500 people, and its rich cultural heritage are all powerful assets, he said, despite ongoing concerns over tribal sovereignty, economic opportunity and thorny relations between the tribe and the state of Maine.

Francis said he expects the summer powwow will be an annual cultural celebration on Indian Island, along with some smaller seasonal gatherings.

Tribes celebrate smoking policies

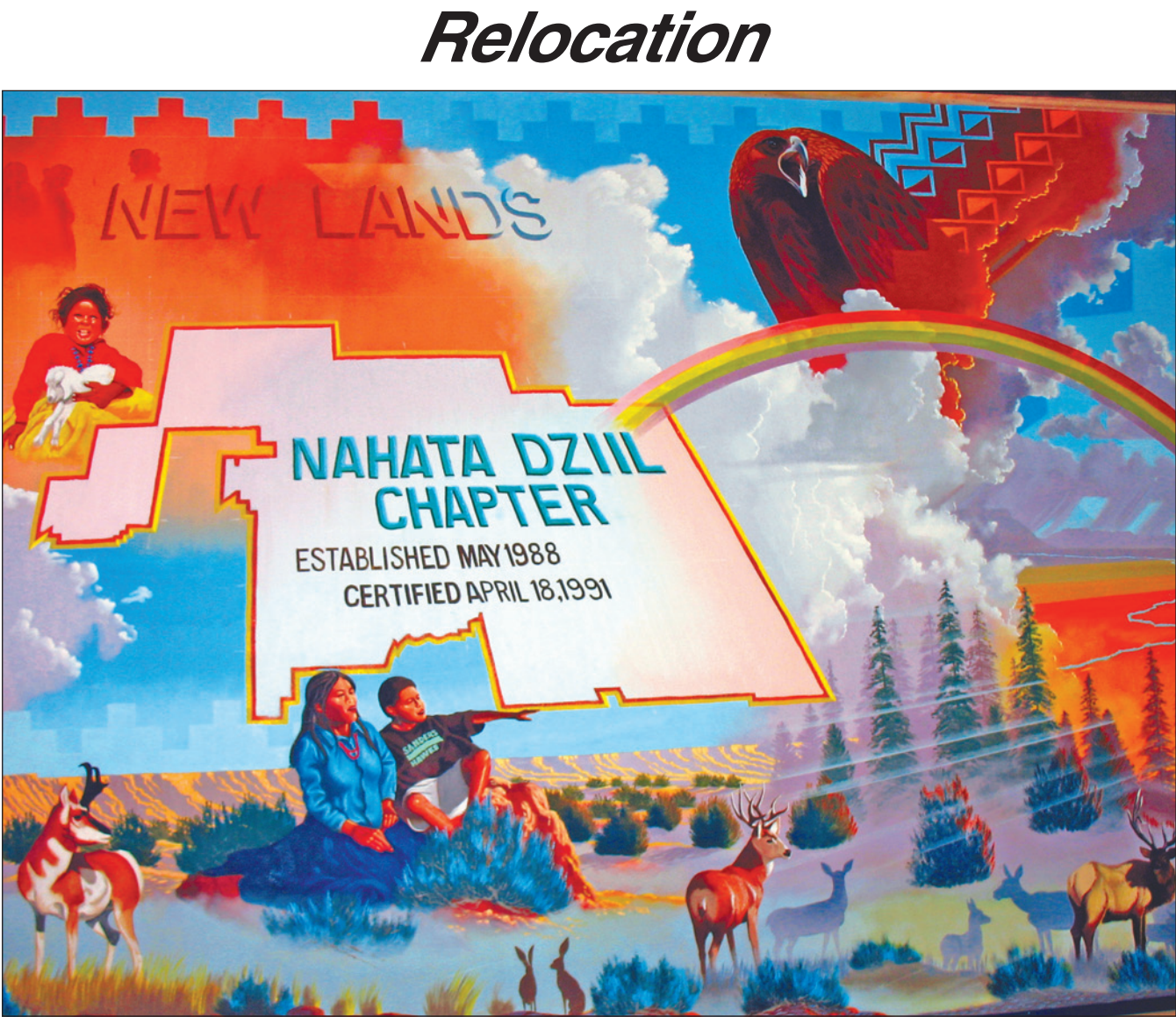
Eureka Reporter

EUREKA, Calif. — On May 21, the Yurok Tribal Council signed policy restricting smoking 25 feet from all doorways, entry ways, and windows of all tribal buildings.

UIHS staff attended the Spring Fling at the Yurok Tribal Office in Klamath on Saturday, June 7, and provided information on secondhand smoke, with prizes and games.

The Wiyot Tribe celebrated the adoption of no smoking policies.

On May 30, the Wiyot Tribe and United Indian Health Services celebrated the passing of a Resolution by the Wiyot Tribal Council, which banned smoking in their playground, picnic areas, sports, areas, and community event areas. The after-school event was spent with children and their families playing games, learning about the dangers of secondhand smoke, and sharing a meal.



Associated Press

A mural in the Nahata Dziil Chapter House of The Navajo community is shown in Sanders, Ariz. on May 22. More than 20 years ago, the federal government bought land here for thousands of Navajos who were relocated off land Congress said belonged to the Hopi tribe. It's different here than elsewhere on the Navajo Nation, all the roads are paved, schools and clinics are a short drive away, and everyone has electricity and running water. But the federal office that has provided for those conveniences is set to close, and some Navajos are arguing that it's too soon.

March lends support to shunned tribe members

By Robert Gold
Cape Cod Times

MASHPEE, Mass. — Mashpee Wampanoag Tribe members held a march and gathering yesterday afternoon in a show of support for shunned tribe members.

More than 20 people showed up for yesterday’s event, with about half making the 17-mile walk from Mashpee town park to the Old Indian Burial Ground at Meetinghouse Road and Route 28. Two Mashpee police cars gave the group an escort.

Tribal member Tiffany Mendes was one of those who decided to make the walk along Great Neck Road North.

“This is just for support,” she said.

The four members — Stephanie Tobey-Roderick, Michelle Fernandes, elder Amelia Bingham and her son Steven — were shunned in December 2006 for seven years by the tribal council after they filed suit in Barnstable seeking access to tribe finances. The punishment bars them from tribal benefits and activities, including the annual powwow, which begins July 4.

Tobey-Roderick, Fernandes and Amelia Bingham appeared at yesterday’s event.

Last July, the four defied the wishes of the tribal council and attended the annual powwow.

The four were issued trespassing citations by Mashpee police, though the complaints were dropped.

With this year’s powwow days away, Tobey-Roderick hasn’t decided whether she’ll try again. The drama and conflict might be too much.

“I don’t want to subject myself (and others) to that,” she said.

Amelia Bingham also said they plan to appeal a Suffolk Superior Court judge’s decision, issued Friday, to dismiss the Binghams’ lawsuit against the tribal council. The Binghams claimed the tribal leaders violated their civil rights with the shunning punishment.

Bad weather delays casino construction

By Clifton Adcock
Tulsa World

TULSA, Okla. — Construction of the first phase of the new Muscogee (Creek) Nation casino near 81st Street and Riverside Drive has been delayed because of bad weather, but tribal officials are hoping that the casino will be open around the first of next year.

The new casino’s first phase will be 272,000 square feet, have 2,800 gaming machines, and feature a 480-seat buffet and a lounge area, said Muscogee (Creek) Nation Chief of Staff Mike Flud.

The \$160 million first phase, which consists of the casino and a parking garage, was scheduled to be completed by September of this year, but several days of rain and bad weather have pushed the construction completion date back to

December, Flud said.

Once the construction is finished, the casino should open about 30 days later, or by the end of January, Flud said, after all of the gaming machines are put in and finishing touches and inspections are made.

Employees already have received the training necessary to work in the new casino, he said.

The current casino’s staff will be moved over to the new casino, but staff levels likely will double for the larger operation, bringing the estimated number of employees to about 1,200, Flud said.

The second phase of construction, which consists of a hotel and convention center, is still in the early stages of planning, Flud said.

The new casino likely will be one of the largest in the state.