

## Navajo dyeing expert keeps tradition alive

FLAGSTAFF (AP) — Navajo dye expert Mark Deschinny — like his grandmother and mother before him — uses local plants to make natural dyes for Navajo weaving.

Blue penstemon. Sagebrush. Holly berries. Cliff rose. The plants are found throughout the Southwest for the task, Deschinny said.

And the task is a natural one, he added. Here, one will not find acids, lye, bleach, onion skins, coffee or Kool-Aid.

Following in the tradition of four generations of his family, Deschinny is an expert at using natural materials to make dyes that color wool in traditional Navajo weaving.

More than 20 people attended a presentation Deschinny put on at Coconino Center for the Arts July 12 to show just how he makes naturally dyed yarn for weaving.

Deschinny, a former engineering technician, took on the dyeing challenge when he returned to the reservation.

The reason: “Cultural retention,” he said.

As he began learning about the plants and minerals that go into making dyes for wool, baskets and pottery, he had a disturbing thought.

“We realized a lot of Navajos and children on the reservation didn’t know a lot about these plants,” he said.

Most of the people he asked about dyes used synthetic, exotic, chemical-laden products.

So, he immediately went to work to promote — and keep alive — traditional Navajo dyeing processes. He makes presentations at schools, colleges and museums to show how to use local plants, minerals, water and his family’s knowledge to make vibrant-colored yarn spun from local sheep’s wool.

He demonstrates the ceremonial value of the plants and minerals to Navajo life and the processes and tools used in their crafts.

Dyes change in an area because of different plant species, he said.

“But that’s what makes the dyes in those areas unique,” he added.

For instance, in and around Flagstaff, expect to see dyes made of blue penstemon, Rocky Mountain bee plant, walnut leaves, bark and hulls, sagebrush, rabbit brush and pinyon.

Just before the presentation he had been out searching for plants traditionally used in the dyeing process. His mother continues to teach weaving at University of New Mexico at Gallup.

His family is known for creating “dye charts.” In fact, he said, his grandmother invented them. Dye charts take a local plant and attach a piece of yarn dyed with the plant that runs to a makeshift loom with the start of a Navajo rug.

Flagstaff resident Kathy Pray attended the presentation.

“I’m a spinner and a weaver,” she said.

She learned how to spin and weave in Brazil, where they also used natural dyes.

“I was curious what they use for natural dyes here,” she said.

She has a partial rug on her loom now. Although the flavor of the rug she’s working on is Navajo, it’s not a traditional design. She said she spins her yarn in the winter because working with wool is a “warm process.”

## Foes ask judge for shutdown of casino

By T. J. Pignataro and Michael Beebe  
Buffalo News

BUFFALO, N.Y. — Opponents of the Seneca Nation’s Seneca Buffalo Creek Casino asked U. S. District Judge William M. Skretny Monday to go as far as to direct the U. S. Marshals Service, if necessary, to permanently shut down gambling at the Seneca’s downtown Buffalo site.

The Citizens Against Casino Gambling in Erie County filed a motion in federal court requesting an expedited hearing on their motion for Skretny to issue an order enforcing his judgment last week that gambling on the nine-acre site is illegal.

“His decision to any lawyer is very clear and unequivocal,” said Richard J. Lippes, co-counsel with Albany attorney Cornelius D. Murray. “The Senecas and the federal government, should it choose to support them, are going to have to answer why they are still operating.

“There is no question they are gambling illegally,” Lippes said.

Attorneys for the National Indian Gaming Commission and the U. S. Justice Department have declined so far to comment, and could not be reached immediately for comment on the motion.

Maurice A. John Sr., the president of the Seneca Nation of Indians, stressed Monday that the nation itself is not a party to the lawsuit. After last week’s decision, the nation announced it would be continuing its operations “business as usual” at the casino site.

The Senecas say Skretny’s decision didn’t include an order to stop operating the casino.

Joel Rose, co-chairman of Citizens Against Casino Gambling in Erie County, is puzzled by the Senecas’ position to continue downtown gaming in light of last week’s ruling.

“My question is what part of ‘illegal’ don’t they understand?” Rose asked.

According to John, how-

ever, Monday’s motion by casino opponents can have no effect before at least July 23.

“Despite the plaintiffs’ zeal to keep this case in the media, our legal advisers say the plaintiffs have to wait 10 business days after the original decision before any enforcement proceedings can commence,” John said.

“The nation is currently abiding by the court’s decision and has maintained all along that it would follow the directions of the court and the federal agencies involved, and that has not changed.”

In Monday’s affidavit supporting the motion for Skretny to issue an order enforcing his judgment, Murray claims that continuing gambling at the temporary casino is “not only a violation of this court’s judgment, but it is an illegal and unlawful activity under the Indian Gaming Regulatory Act.”

“Unless and until the illegal . . . gambling at the site is stopped, it appears that the

tribe will continue to act as if this court’s decision was an irrelevant academic exercise and that there is nothing that can be done to stop them,” Murray argues.

He goes on to request Skretny to order the chairman of the National Indian Gaming Commission to order “the immediate and permanent closure” at the Buffalo site and, if the chairman fails to do so, requests that U. S. marshals “be directed to take such action as is reasonably necessary in order to ensure that such gambling be immediately and permanently stopped.”

Rose says he is confident Skretny will enforce his own ruling. “It seems to me quite logical that having issued the decision, the judge would enforce it,” Rose said.

Meanwhile, New York State is continuing to staff the casino with inspectors from the state Racing and Wagering Board — a move that was praised by the Senecas on Monday.

“The nation thanks Gov.

[David A.] Paterson and the lawyers of the state wagering board for their support of the nation’s interpretation of the federal court ruling,” John said. “The court’s decision included no order to cease casino operations so the nation is, in fact, meeting the requirements of that decision.”

The Buffalo News reported over the weekend that the state’s argument was that as long as the Senecas continued to run the casino, it would have its inspectors on hand.

Skretny’s ruling held that the nine-acre parcel off Michigan Avenue was sovereign Indian territory, but did not meet the exception for off-reservation casinos as required by the 1988 National Indian Gaming Regulatory Act.

He ruled that using money from the Seneca Nation Settlement Act of 1990, a congressional law that repaid the Senecas for 99 years of undervalued leases, was not part of a land settlement claim, as required by the gaming act.

## Extravaganza



Guests of the Mashantucket Pequot tribe and the Grucci family gather on the Custom House pier in New London, Conn., to watch the Mashantucket Pequot Fireworks Extravaganza by the world-famous Grucci family as part of Sailfest, Saturday. The three-day festival features food, music, carnival rides and the fireworks on Saturday night.

## Drinker Biddle battle over Redskins trademark

Zach Lowe  
The American Lawyer

NEW YORK, N.Y. — After 16 years in litigation, neither plaintiffs nor defendants appear to be tiring of the federal trademark dispute between the Washington Redskins and Native Americans over the team’s name.

Since 2004, Drinker Biddle & Reath has represented Native Americans who claim the trademark does not deserve federal protection because it disparages an entire class of people. Since 1992, Quinn Emanuel Urquhart Oliver & Hedges has represented the Redskins.

On Friday, Quinn Emanuel’s Robert Raskopf, who has seen the case through several court rulings and an ownership change, won the latest round when a federal district court judge in Washington, D.C., ruled that the youngest of the Native American challengers waited too long -- nearly eight years -- after turning 18 to file the complaint.

But Drinker Biddle’s Philip Mause has already filed suit in D.C. with a new group of Native American petitioners, all of whom just turned 18, to move the litigation forward in the event the first suit doesn’t make the goal line.

Federal District Court Judge Collean Kollar-Kotelly originally ruled for the Redskins in 2003, saying the Native Americans could not prove the Redskins trademark was disparaging and that the group waited too long to file the suit. The group appealed, and the U.S. Court of Appeals ordered Kollar-Kotelly to reconsider the delay issue.

In her decision Friday, Kollar-Kotelly said the eight-year delay could have cost the Redskins tens of millions of dollars in merchandise sales, and it put the team at a disadvantage at trial because key witnesses had died and documents went missing.

## White Earth: Shooting Star Casino closer to trust status

Crookston Daily Times

CROOKSTON, Minn. — The White Earth Band received notification from the United States Department of the Interior, Interior Board of Indian Appeals, that the decision of the Midwest Regional Director accepting the Shooting Star Casino properties into trust has been upheld on appeal.

The Board agreed with the BIA that it “had a statutory, nondiscretionary duty to accept the casino proper-

ty into trust because the land was purchased with White Earth Land Settlement Act Funds and is located within the exterior boundaries of the Band’s reservation.”

The Band is currently suing Mahnommen County in Federal Court for the District of Minnesota, seeking to enjoin the County from collecting taxes it claims are owed on the property, and claiming a refund for taxes paid on the property by the Band over the past

12 years. White Earth Chairwoman Erma J. Vizenor stated, “The property in question has been subject to multiple appeals as to trust status in an attempt to delay the inevitable. WELSA was signed by the governments of White Earth, the State of Minnesota and the United States. No one was completely satisfied with its terms, but it is the law. It is unfortunate that it has taken this long to enforce its terms, but we are grati-

fied that the Department of the Interior has stepped up to recognize its obligations under the Act. We believe this is a major step toward succeeding in our efforts to vindicate our rights through litigation in federal court.”

The White Earth Band contends that the land must immediately be taken into trust County tax liens because the terms of WELSA restrict lands as soon as they are purchased with WELSA funds. This ruling should apply to thou-

sands of acres of White Earth lands that White Earth has purchased with WELSA funds that are awaiting acceptance into trust status. The Band also claims the lands are not taxable under the terms of the Indian Gaming Regulatory Act.

A recent decision of the Bureau of Indian Affairs in a similar case concerning casino lands of the Oneida Nation of New York found that any taxes claimed by a county did not have to be satisfied before the land

could be taken into trust. The Band is currently awaiting a decision by the BIA on whether it will apply the same reasoning to this land.

“We hope the BIA makes the right decision in moving forward on the final acquisition immediately. In the meantime, we will continue to pursue our lawsuit to assure the land goes into trust, as promised by WELSA, and to attain the fullest possible recovery for the people of the White Earth Nation,” said Vizenor.