

## BIA regional office upholds tribe’s election of new chief

By Clifton Adcock  
Tulsa World

TULSA, Okla. — After months of intertribal fighting involving allegations of coup attempts and financial improprieties, the regional office of the Bureau of Indian Affairs has upheld the Seneca-Cayuga tribe’s election of a new chief.

In a letter dated Thursday to LeRoy Howard, who was elected chief in June, Jeanette Hanna, the BIA’s regional director in Muskogee, stated that the bureau recognizes Howard as interim chief of the tribe until a dispute involving the election can be resolved by the tribe.

At the center of the fight was a tribal court order stating that the constitutionally mandated June meeting would be delayed because of a lawsuit filed last year by the tribe’s former chief, Paul Spicer, against several members of the General Council who had petitioned him to call a special meeting of the council.

The Miami, Okla.-based tribe’s constitution states that all members age 18 and older with voting rights are members of the General Council.

In May, the tribal judge stated that the order, which delayed any General Council meetings until a preliminary hearing had taken place, was to remain in effect until July after defense attorneys requested a continuance because of scheduling conflicts, effectively delaying the council meeting.

However, on June 7, more than 60 members of the General Council met despite the order and passed several resolutions, including abolishing the tribal court system, accepting Spicer’s resignation, and electing Howard as chief.

According to the BIA’s letter, at the time the lawsuit was filed, the court order was not recognized by the bureau and, therefore, the meeting was valid.

“In view of the Region’s decision to not recognize the November 15, 2007 Order of the Tribal Court, the validity of the Council to hold the June 7, 2008 annual meeting and the business conducted at that meeting is not an issue with the Region,” the letter states.

Meanwhile, Spicer had stated in the tribe’s newsletter that he would resign as chief because of health reasons once his successor was elected and sworn in, and he endorsed one of the candidates running for chief.

On June 7, while the council was meeting, mail-in election results came in showing that Howard had won the spot of chief, and Spicer withdrew his resignation statement, but the newly elected government was able to move into the tribal headquarters and take control.

Spicer then began firing tribal employees and gave several of them severance checks of \$20,000 before the newly elected government could stop it. Later, armed with a tribal court order stating that he would have to be given back control of the government before the tribal election could be certified, Spicer tried to take control of the tribe’s casino and smoke shop.

In a July 11 letter to Spicer, the bureau stated that the temporary restraining order stating that Spicer be given control of the government was not valid because it was from a case that was filed before the court’s recognition by the BIA.

Second Chief Katie Birdsong said the internal issues involving the election cited by the BIA have been worked out, and the results were certified at a subsequent General Council meeting.

“As far as the tribe’s concerned, we have solved it internally by certifying the election at General Council,” she said.

Neither Spicer nor his attorney could be reached for comment Friday afternoon.

Spicer said in a previous interview that he planned to appeal the July 11 regional BIA decision to the bureau’s Washington headquarters.

# Energy boom threatens Indian artifacts

Kevin Moloney  
New York Times

DOLORES, Colo. — The dusty documentation of the Anasazi Indians a thousand years ago, from their pit houses and kivas to the observatories from which they charted the heavens, lies thick in the ground near here at Canyons of the Ancients National Monument.

John Gwin, a retired F.B.I. agent, devotes his time to studying and leading tours of the Anasazi landscape at Chimney Rock.

Or so archaeologists believe. Less than a fifth of the park has been surveyed for artifacts because of limited federal money.

Much more definite is that a giant new project to drill for carbon dioxide is gathering steam on the park’s eastern flank. Miles of green pipe snake along the roadways, as trucks ply the dirt roads from a big gas compressor station. About 80 percent of the monument’s 164,000 acres is leased for energy development.

The consequences of energy exploration for wildlife and air quality have long been contentious in unspoiled corners of the West. But now with the urgent push for even more energy, there are new worries that history and prehistory — much of it still unexplored or unknown — could be lost.

At Nine Mile Canyon in central Utah, truck exhaust on a road to the gas fields is posing a threat, environmentalists and Indian tribes say, to 2,000 years of rock art and imagery. In Montana, a coal-fired power plant has been proposed near Great Falls on one of the last wild sections of the Lewis and Clark trail. In New Mexico, a mining company has proposed reopening a uranium mine on Mount Taylor, a national forest site sacred to numerous Indian tribes.

“We’re caught in the middle between traditional culture and archaeological research and the valid existing rights of the oil and gas leaseholders,” said LouAnn Jacobson, an archaeologist by training and the manager of both

the Canyons of the Ancients National Monument and the Anasazi Heritage Center here in the four-corners area, where Utah, Colorado, Arizona and New Mexico touch.

Nationally, only about 20 percent of the 193-million-acre national forest system has been surveyed for historical or cultural content, according to a recent report by the National Trust for Historic Preservation. At the federal Bureau of Land Management, which oversees 261 million acres, including the monument here, the figure is only 3 percent.

Heightened awareness of the risk to historic sites has been fueled in part by the growing number of retirees like John Gwin who have flocked to retreats like Durango and Pagosa Springs in Colorado. Mr. Gwin, a burley former F.B.I. agent who has dedicated his retirement to the study and stewardship of the Anasazi landscape, said the region’s mix of ancient past and verdant nature was unmatched anywhere in his travels.

“I enjoy being out there, being quiet and appreciating the people who lived there 1,000 years ago — imagining what Chimney Rock meant to them,” said Mr. Gwin, who leads tours as an unpaid volunteer for the federal Forest Service at the Chimney Rock Archaeological Area, about an hour east of here.

But population growth has also brought people who are not so reverent. Instances of vandalism and illegal raids for relics — as more footprints are found leading out into once-silent Indian mounds — have risen sharply in the last few years, though few offenders are caught.

Federal land managers, tribal leaders and archaeologists call it piling on. Energy companies build roads for access to their drill pads. But then expanding populations, many of them riding off-road vehicles, use those roads for exploration or exploitation. What was once remote becomes less so, and harder than ever to defend for future generations.

“Multiple use worked for

a while, but now the uses are in the same place,” said Terry Morgart, a legal researcher for the Hopi tribe in Arizona. “You can’t have recreation, cultural resources, energy development and cell towers all on the same spot. I think the agencies are aware of these conflicts, but because they’re stuck with these archaic laws, they’re between a rock and a hard place.”

Indian leaders, who link modern tribal populations in the Southwest to the ancestral Anasazi, have mounted a campaign to stop the local exploration for carbon dioxide, which would be used to help rejuvenate old oil fields that are now stirring to life in Texas and elsewhere as oil prices soar.

“Fencing dozens of sites for the facilitation of energy development is not what we had in mind when we supported the designation of the monument,” said Leigh J. Kuwan-wisiwma, the director of the Hopi Cultural Preservation Office, in a letter in April to federal agencies.

## San Pasqual government has split, bureau says

By Onell R. Soto  
San Diego Union-Tribune

VALLEY CENTER, Calif. — In a move that could force the closure of Valley View Casino, the Bureau of Indian Affairs said yesterday the tribal government for the San Pasqual Indian band has collapsed in a rift over tribal membership.

“I am unable to recognize any tribal government for San Pasqual and strongly urge the members of the San Pasqual Band of Mission Indians to take immediate action to address this matter,” James Fletcher, the bureau’s local superintendent, said in a letter.

“Only federally recognized tribal governments may operate governmental programs, businesses, conduct business or act on behalf of their membership,” he wrote.

In addition to its hillside casino in Valley Center, the tribe operates a quarry and provides government services including fire protection, housing and education.

But it has long struggled over who belongs in the tribe and the disagreement now has broken up a five-member committee the BIA considers the tribe’s governing body.

Only legitimate governments can operate tribal casinos, say the BIA and the National Indian Gaming Commission, which oversees such gambling.

In letters to members, some tribal leaders have said they’ve insulated the casino from tribal politics, in part by having a separate legal entity, the San Pasqual Casino Development Group, run the 1,750-slot gambling hall.

But that might not be enough for the national commission.

“There has to be a functioning government in place,” Eric Schalansky, the commission’s Sacramento-based regional director, said two weeks ago. A spokesman for the commission confirmed that late yesterday.

Joe Navarro, who heads the San Pasqual Casino Development Group wouldn’t say what the BIA’s decision means for the casino.

He sits on the tribe’s enroll-

ment committee, but didn’t sign the June letter in which the panel told about 50 of the tribe’s 300 members that they were being suspended.

That letter followed an anthropologist’s finding that an ancestor, Marcus Alto Sr., was adopted, and as result, his descendants are not really Indians.

“We’ve never dug graves with them. I’ve never had contact with them,” Ron Mast, the tribal member who challenged their ancestry, said in an interview last month. “They have never been my family.”

The suspensions led to rival groups holding simultaneous meetings, each saying they were the true government.

Tribal members on both sides say the dispute is about money — enrolled members receive nearly \$4,000 a month in casino profits — but also about identity.

Fletcher warned tribal leaders their actions were outside the tribe’s rules and tried — and failed — to get mediators from the U.S. Department of Justice to unite the two sides.

“I have concluded that no recognizable tribal government presently exists,” Fletcher said.

He blamed both sides — those who were trying to kick out the Alto descendants, as well as the Alto descendants and their allies.

He said the BIA generally stays out of internal disputes, but federal law gives it oversight.

“The BIA must ensure that the tribal governing body is properly constituted and qualified in representing the tribe in matters before the Department of Interior,” he said.

Reached by phone yesterday, Fletcher said he couldn’t comment beyond what he said in the letter.

Tribal Chairman Allen Lawson, whose official title is spokesman, didn’t want to talk about the BIA’s action.

“The tribal government is operating,” he said. “Our tribal people address all their issues internally. That’s our custom and tradition.”

But the issues haven’t been addressed properly, Fletcher said in his letter.

## It’s a celebration



Associated Press

Joanna Salinas, an Aztec dancer from Mexico City, performs at the Bear Mountain, N.Y., Native American Heritage Celebration, Sunday. Native American dancers from numerous tribes from the Americas performed at the two-day celebration.

## Regents, Kansas tribes seek to oust Haskell president

By Karrey Britt  
Lawrence Journal World

LAWRENCE, Kan. — The Board of Regents at Haskell Indian Nations University wants to oust President Linda Warner who was hired just more than a year ago.

In a letter, the 15-member board asked the Bureau of Indian Education to investigate possible irregularities in accounting, procurement and hiring practices at Haskell under Warner’s supervision.

“As a board, we are hear-

ing more and more about hiring practices. There also seems to be some issues with procurement,” said George Tiger, vice chairman of the board. “When you have so many faculty, staff and students coming to the Board of Regents with their concerns — strong concerns — that kind of sends a red flag up.”

Earlier this week, Prairie Band Potawatomi Nation, Mayetta, which has about 5,000 tribal members, passed a resolution supporting the regents’ letter. The Kickapoo

Tribe in Kansas passed the same resolution Thursday. The Kickapoo Tribe, Horton, has about 1,600 members.

“We need to get this resolved immediately before school starts (Aug. 20). The Bureau of Indian Affairs needs to act urgently,” said Steve Cadue, Kickapoo tribal chairman.

The Iowa Tribe of Kansas and Nebraska, which has about 4,000 members, also plans to pass the same resolution during a meeting next week.

Warner’s office referred calls to the Bureau of Indian Education. During past interviews, she has denied allegations outlined in the letter.

Nedra Darling, a bureau spokeswoman, said a team of Deputy Assistant Secretary for Management staff did an on-site review of human resources, acquisition and finance June 17-19. The review was done in preparation for minor personnel system changes already scheduled to take place and because of the regents’ letter sent May

29.

“I am sure anything that she did is part of that review, so it is looking at her, but it also came at the same time that they were sending out this team to go out and look at the areas of the management function,” Darling said.

Although the board called for the immediate reassignment of Warner to another facility, Darling said Warner is still president. She said results of the review would be presented to regents at its meeting Oct. 14-17.