

Shinnecock Indian Nation member fights citations

By Anthony M. Destefano
Newsday

SHINNECOCK BAY, N.Y. — While fishing in Shinnecock Bay, Gerrod T. Smith, a member of the Shinnecock Indian Nation, was slapped with criminal citations accusing him of taking flounder and porgies out of season.

Smith wants a federal judge to deep-six the case brought by the New York Department of Environmental Conservation, because he contends that the state has no right to regulate what members of a sovereign tribe do.

In a case that may be the first of its kind on Long Island, Smith, 53, filed a petition last Friday to have his case transferred from Southampton Town Court to the docket of the Central Islip federal court. Smith said in his court papers that state laws illegally attempt to regulate Shinnecock activity and in particular interfere with rights of Indians guaranteed under the U.S. Constitution.

What could develop into a complex legal argument started simply enough when Smith was fishing near the entrance to Heady Creek on Oct. 6. That's when he was served with the criminal citations by a DEC officer. According to court papers, Smith was caught with 18 flounder and 16 porgies out of season, as well as two undersized black-fish.

Both Smith and his attorney, Scott Michael Moore of Manhattan, declined to comment yesterday about the case.

According to Smith's petition, Shinnecock Indians have a wide range of rights protected by federal law and United Nations treaties, as well as agreements and deeds dating back to Colonial times.

One agreement cited by Smith in his court filing is a May 1659 deed in which the Indian leader Wyandanch ceded territory adjacent to the bay to John Ogden, a well-known landowner. The deed, which is reproduced as an exhibit to Smith's filing, states that Wyandanch's heirs "shall keepe our privilege of fishing, fowling, or gathering of berries or any other thing for our use."

The Shinnecoeks earlier this year lost a federal suit against the state and the Town of Southampton that challenged those governments' abilities to keep the tribe from building a massive casino in Hampton Bays.

Bill Fonda, a spokesman for the DEC on Long Island, confirmed that Smith and another upstate man were ticketed for possessing the fish. Fonda said that a U.S. Coast Guard vessel was also present at the scene and that Smith's boat had to be towed to port because it was disabled.

The maximum penalty for the fishing offenses is \$25 per fish, which in Smith's case would total \$900.

Tribes to take over regulation of certain wells

HELENA, Mont. (AP) — The U.S. Environmental Protection Agency says tribes of the Fort Peck Indian Reservation will become the nation's first to take the place of the federal government in regulating a type of well associated with oil production.

The EPA has authorized Fort Peck's Assiniboine and Sioux tribes to administer a program intended to protect the quality of underground drinking water. The tribes, rather than the federal government, will issue permits for injection wells and will be responsible for enforcing the permits' conditions.

The wells are injected with salty water that is a byproduct of oil production. The injection process is a method of water disposal.

Wanblee bouncing back from blizzard

By Kayla Gahagan
Rapid City Journal

WANBLEE, S. D. — Stephanie Richards stared at herself in the bathroom mirror and began the first of many long brush strokes through her wet black hair. She used the same sink to wash her hair and brush her teeth and flopped a pale purple towel over the bathroom stall door behind her.

"I'm just real used to it, but some people are annoyed by it," she said in a nearly inaudible soft voice.

The 15-year-old is talking about the last five days - living alongside more than 200 people in the Crazy Horse School building in Wanblee, about 20 miles southwest of Kadoka on the Pine Ridge Indian Reservation.

A blizzard last week left a wide swath of destruction through South Dakota, downing powerlines, dumping more than two feet of snow in some areas and leaving hundreds of people stranded.

But many of the communities have started to move on, plowing paths to reopen businesses and returning to work and life as soon as Friday. But the people in Wanblee, a small rural town of about 550 on the reservation, are still struggling for basic needs like food, water, shelter and clothing. And many are living or picking up food and supplies from the school, which has a generator for a few dim lights and enough warm bodies inside to counter the outside chill.

"It's been a real nightmare," said Phyllis Wilcox, a community member who has been organizing the effort to assist people. Inside the school she carries a list of how many families need Pampers diapers, how many are without propane, and how many are in the country and have not even been heard from.

It's been five days, and many of the people don't have power at their house for heat, gas for their cars, batteries for their cell phones, or electricity for their refrigerators. As of Sunday afternoon, the local store was still closed, the tribal dispatch center was inundated with calls and food was running low at the school.

"We haven't taken baths; we have no shampoo. We're getting cabin fever," Betty Red Bird said in the cafeteria of the school, which has doubled as a jungle gym, living room and bedroom for the more than 150 kids and dozens of adults staying there.

"We have nothing to go back to," said Susan Thunder Shield, who said people are looting homes. "We have no water, not food, no heat. We're lost; we don't know what to do."

For some of the people, who rely on assistance regularly, or are under special circumstances, the storm has pushed them too close to the edge.

Foster Conroy and Stefanie Cordier brought their four kids, including a 17-day-old baby girl, to the school after handmade fires outside for cooking and boiling water grew too difficult.

Conroy said he remembers when he started to worry.

"When we started running low on diapers and formula," he said.

When the community lost power Wednesday night, the school board agreed to open the Crazy Horse school, a large building built at the top of a slight hill that many have hitchhiked to in desperation.

Roland Morrison became somewhat of a celebrity Sunday when he showed up at the school after having walked and hitchhiked 18 miles. Community members seated him with a bowl of hot soup and dry socks.

The supplies have trickled in from community organizations and private donors, like Ruby Clifford and her daughter Belva, who came the first night with food and blankets and stayed until Sunday.

But paper plates, generators, diesel fuel, milk, formula, cots and bread are still needed, Wilcox said.

On Sunday, the front office was converted into a command center by local community members, who, frustrated by a lack of leadership from the tribal, state or federal entities, have taken it upon themselves to help the community.

"I hope I don't step on toes here, but we've got to get organized," said Jon Siedschlaw, former Todd County emergency response director. The Wanblee resident used a front-end loader after the storm let up to help residents because there is not a single plow in the community and the one grader overheated.

"You just jump in and do what you've got to do," Wilcox said, which for her has meant giving KILI Radio daily updates, helping organize National Guard assistance and pushing for a Black Hawk helicopter to land next to the school to take patients for dialysis.

"When it happened Wednesday, it was 'what do you do? Who do you call?'" she said.

Many people in school said they called tribal leaders and got no help.

"Our hands are tied; we have no political power," Siedschlaw said.

Pastor Gus Craven has also helped organized relief efforts and was frustrated by the lack of help - mainly that no organization - tribal, FEMA, Red Cross -- had yet set up an emergency command station to help people.

Red Bird said they should have been able to rely on John Steele, the tribe's current president.

"Somebody should be at the houses, asking people what they need," she said.

Steele said he wasn't able to get out of his house east of Manderson until Saturday.

He said the USDA commodity program has provided food, the Red Cross has been dispatched, a truck of food and water was sent to the area Saturday and the Oglala Sioux Tribe transportation program has included the area as a top priority for assistance.

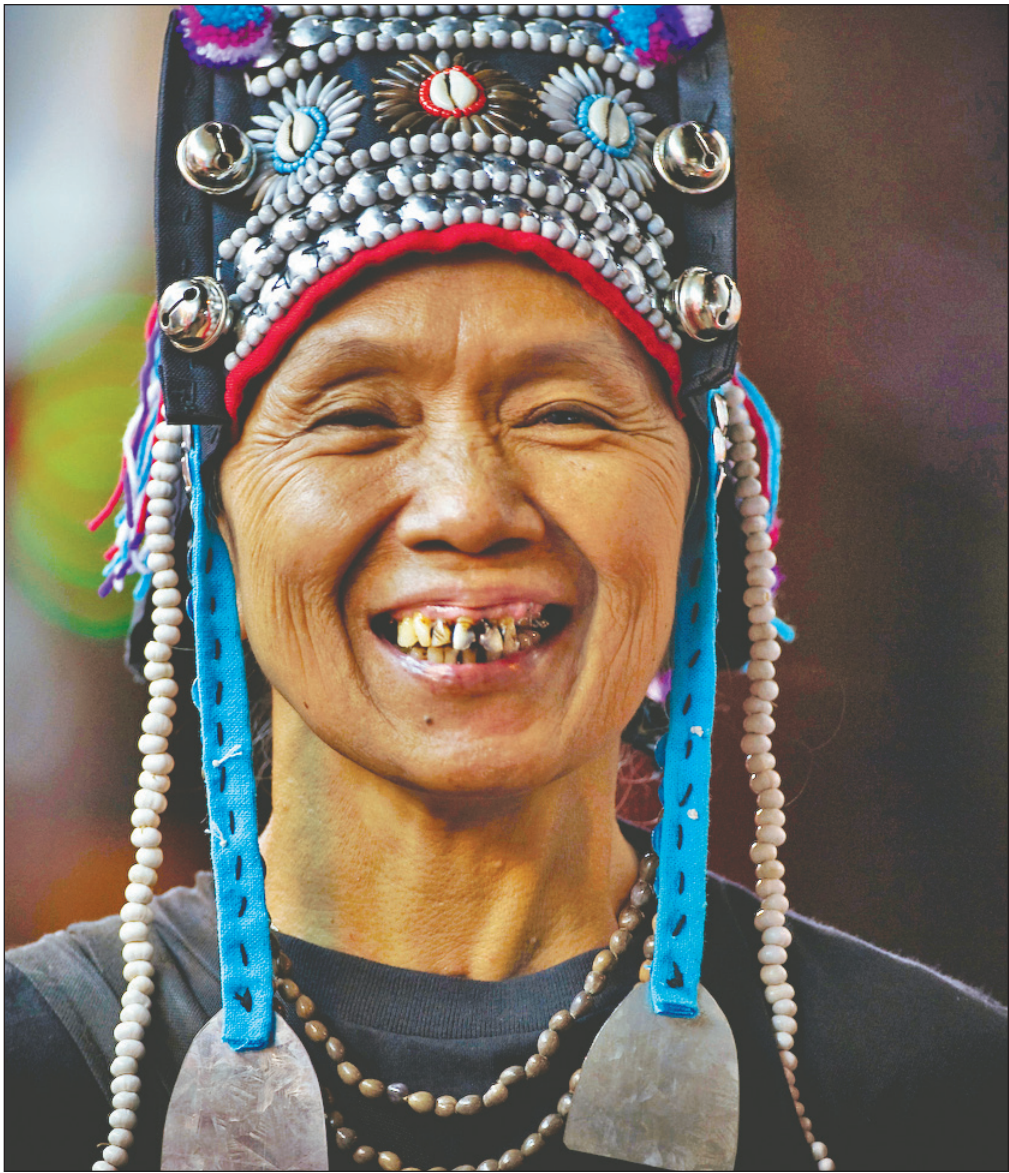
He said he's received many calls from residents asking him to officially declare it a disaster area, but he's not ready to do that. The power outage is the biggest problem, he said, and that could stretch on for another week.

"We're taking care of matter and trying to think of people in the countryside," he said. "I think we were on top of it from the beginning by providing help with shelter, by getting food and water out there."

But many say it's not enough.

"We have no water, not food, no heat," Thunder Shield said. "We're lost, we don't know what to do."

Selling items



Associated Press

An Aka Hill Tribe woman smiles as she sells items to western tourists Sunday, near a popular entertainment venue in downtown Bangkok. As the world's economy takes a turn for the worse many believe Thailand's tourism industry will suffer a slowdown as well.

Menominee tribe sues to keep casino hopes alive

By Cary Spivak
Milwaukee Journal-Sentinel

MILWAUKEE — In a last-ditch effort to keep alive its six-year bid to open an off-reservation casino in Kenosha, the Menominee tribe Friday asked a federal judge to prevent the Department of Interior from acting on its application to open a gambling hall in Dairyland Greyhound Park.

In effect, the northern Wisconsin tribe is betting it has a better chance of winning under an Obama administration than it would under the Bush administration. Tribal officials have said they expect Interior Secretary Dirk Kempthorne to reject their application.

The lawsuit filed in U.S. District Court in Green Bay asks that the department be enjoined from acting on the application and that new rules governing approval of off-reservation casinos be stricken from the books.

The hopes of winning approval from the Bush administration dimmed in January when the federal government imposed the new rules and rejected 11 applications for gambling halls, including two filed by Wisconsin tribes.

Among other things, the new rules dictated that the farther a new casino is from the reservation, the tougher it would be to win approval. The Menominee reservation is located near Keshena, about 200 miles from the proposed casino site.

The U.S. Department of Interior did not act on the Menominee application in January, a bid that's been the subject

of intense lobbying efforts from proponents and opponents. The tribe last month asked Kempthorne not to act on its application because it expected him to rule against the bid. The department last week rejected the tribe's request for a delay.

The suit charges that the rules governing approval of off-reservation casinos that were imposed in January were arbitrary, capricious and violate federal Indian gaming law.

"Interior Secretary Dirk Kempthorne tried in January to rewrite the rules to fit his own personal views against off-reservation gaming," said Lisa Waukau, Menominee Tribal chairman, in a written statement. The statement also charged that the expected rejection would be "illegal, unfair and unacceptable."

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Creeks to hold historic meeting

By Clifton Adcok
Tulsa World

OKMULGEE, Okla. — A historic exercise in American Indian government will take place this week in Okmulgee as the Muscogee (Creek) Nation holds its first constitutional convention in at least 100 years. The tribe's leaders drafted a constitution in 1979, and amendments to that document must go through its council.

Tribal leaders believe that a convention of this type has not been held since the 19th century. The convention on Friday and Saturday will let tribal citizens decide on more than 100 proposed amendments to the constitution.

Sessions will run from 9 a.m. to 5 p.m. in the Mound Auditorium at the Creek Nation Tribal Capitol Complex. A total of 122 proposed amendments are up for consideration by tribal delegates.

Proposals include a change to the constitutional preamble and the elimination of tribal rights and entitlements to current citizens who are less than one-quarter Creek Indian.

The convention is not open to nontribal members or the media. All tribal citizens who are registered to vote in the Creek Nation are eligible to be convention delegates.

They must register to participate and must present tribal citizenship, voter registration cards and photo identification.

Proposed amendments that are approved by delegates are destined for a special election, which will be scheduled by Principal Chief A.D. Ellis.

The convention is a unique and "monumental" moment for the tribe, said Patrick E. Moore, a district judge for the tribe who sat on the constitutional convention committee.

"I would like to encourage as many people who want to come to the Capitol those two days and participate in the changing of their laws," Moore said.

"Constitutions are for the people to make the laws, and they're supposed to tell the government what to do. This is a time for people to come in and voice their opinions."

About three years ago, voters passed an amendment stating that the tribe would hold a constitutional convention.

But subsequent litigation held up the convention for nearly a year, Moore said.

After the court case was closed, the 11-person constitution convention committee began gathering proposed amendments and planning for the convention.

Each voter received a form to submit an amendment by Aug. 29.

The panel received about 167 proposals, but some were rejected because of issues such as verifying the author's tribal citizenship. Some were combined with similar proposals, Moore said.

After the convention, a commission has 60 days to write a report to the tribe's election board, which will begin preparing special election ballots.

Although the convention is scheduled to last only through Saturday, it could continue into Sunday, Moore said.

"We're plowing new land right now," he said. "We've never done this before."

Keetoowahs keep chief, assistant

TAHLEQUAH, Okla. (AP) — Voters in the tribal election for the United Keetoowah Band of Cherokee have opted to keep their chief and assistant chief.

George Wickliffe received more than 59 percent of the vote in Monday's election for tribal chief, while incumbent Assistant Chief Charles Locust also will keep his job with the Oklahoma-based tribe.

Tribal voters ousted Treasurer Shelbi (Doyeto) Wofford, giving challenger Ella Mae (Cooksey) Worley more than 59 percent of the vote.

The Keetoowah band was chartered in 1950 and is a federally recognized tribe.