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Lakota file genocide charges against U.S.
By JEFF ARMSTRONG Published June 10, 2013 | By [Socialist Action](#)

The May 10 conviction of Guatemala's Efraim Rios Montt for genocide perpetrated against the Maya Ixil people of that tortured land—though reversed at least temporarily on May 31 by a 3-2 margin of the oligarchical elite's Constitutional Court—is a world historical precedent that started 13 years ago with a small but determined group of survivors of the U.S.-sponsored massacres of the 1980s.

Like the Ixil, the grassroots people of the Lakota (Sioux) nation are appealing for international support in their struggle to survive against a genocidal onslaught by the U.S. that began more than one and a half centuries ago and continues to this day. Long among the most formidable

internal opponents to U.S. colonization, the Lakota remain at the forefront of indigenous resistance to corporate and governmental hegemony at the state, national, and international level.

When a delegation led by Lakota grandmothers attempted to file a formal complaint of genocide against the U.S. and its constituent states with United Nations Secretary General Ban Ki-moon on April 9, the elders and their supporters were penned in like cattle and blocked by security agents from entering the UN headquarters in New York.

“Our nation is experiencing genocide, and we have been coming to this house called the United Nations since 1984 asking for help, and they never, ever allow us in. We should be in there, we should be able to use the International Court of Justice,” said Charmaine White Face. “No one wants to stand up to the United States. They’re too scared of the United States. But who is the United States? It’s every one of you.”

Not surprisingly, the Lakota’s efforts, like those of the Ixil, have been shunned by the corporate media, but they continue to gain momentum on many fronts. On June 3, they were scheduled to testify to the UN Human Rights Commission but were forced to reschedule the event to the following week due to alleged threats to the elders.

As evidence of genocide, the Lakota cite “the murder of Lakota people both past and present, persistent and ongoing mental and physical harm of Lakota; ongoing forcible transfer of Lakota children to non-Lakota and non-Native custody; forced sterilization of Lakota women; and ongoing genocidal conditions of life, including radioactive pollution, leading to the destruction of the Lakota Oyate as a distinct, and separate national, ethnic, and religious group.” The Lakota grandmothers and their allies in the Lakota Solidarity Project have even produced a powerful, full-length documentary, “Red Cry.”

But the UN complaint is just one facet of a multi-pronged legal, political, and educational movement by the Lakota to stop the state removal of children from their families into white foster homes and institutions, arguably the most salient and best-documented evidence of ongoing U.S. violation of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

Article 2 of the genocide convention states: “... any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.”

Historically, one could make a case for the applicability of most, if not all, of the above provisions to official U.S. policies against all indigenous peoples over more than two centuries. Certainly, the Indian Removal Act of 1830, the Wounded Knee massacre (of which the perpetrators have yet to be stripped of their Medals of Honor), and Sand Creek slaughter perpetrated by the U.S. military in the latter part of the 19th century, the General Allotment Act of

the same time period, the Termination/Relocation policy of the 1950s, the FBI's war on the American Indian Movement, and the cumulative legal decisions validating the above on explicit or implicit grounds of racial or cultural superiority come to mind as constituting violations of contemporary international standards of crimes against humanity, if not genocide per se.

Indeed, the ink was scarcely dry on the Genocide Convention before the U.S. deliberately set out to violate Article 2(e) by arbitrarily removing Native children from their families as part of a comprehensive strategy of abolishing reservation boundaries and absorbing indigenous peoples into the states that surround and besiege them.

In 1950 President Truman appointed Dillon S. Meyer, fresh from his experience administering the Japanese internment camps with an iron fist, as Indian Commissioner to carry out the final solution to the Indian Problem (i.e., their stubborn refusal to fade into the mists of history, itself a genocidal concept) that has haunted this nation since its inception. It was the formal policy and procedure of the United States at the time to forcibly transfer indigenous children to white homes and boarding schools as a component of a strategy to "terminate" tribes as distinct peoples, meeting the essential threshold of intent under the Genocide Convention.

It would have been embarrassing to say the least if the Soviet Union or its allies would have



initiated legal genocide charges against the self-avowed fount of human liberty at the United Nations. So it was that the U.S. celebrated its victory over genocidal Nazi imperialism by rebranding the practice in Indian Country as emancipatory individualism and refusing to ratify the 1948 convention until nearly 40 years later.

Ironically, it was the Indian Child Welfare Act of 1978 that enabled the U.S. to ratify the Genocide Convention by manifesting its intention to stop the wholesale removal of Native children from their families and tribes. ICWA established minimal

protections of due-process

rights for indigenous parents and recognized the exclusive jurisdiction of existing tribal courts to adjudicate child welfare cases within reservation boundaries, also allowing tribes to intervene in state cases.

Ratified by the U.S. in 1986, the Genocide Convention was not implemented until 1989, and then only after denying universal jurisdiction and limiting prosecutions under the act to a five-year statute of limitations for violations of the federal crime of genocide.

As a measure of the government's commitment to punishing the ultimate international crime, the federal offenses of arson, art theft, immigration violation, and some crimes against financial institutions all carry a statute of limitations period longer than five years. Rios Montt himself would be immune from prosecution under the federal genocide act.

Thwarted by the five-year limitation, the U.S. Justice Department indicted former Rwandan official Lazare Kobagaya in 2009 for allegedly lying about his participation in genocide on his application for citizenship, but the government failed to prove his involvement in the 1994 bloodbath and eventually dropped the charges.

A remarkable 2011 National Public Radio series, "Native Foster Care: Lost Children, Shattered Families," revealed that the federal government not only fails to enforce the baseline standards of ICWA against the states but actually underwrites the removal of Native children in some cases with additional funds, adding an economic incentive to the racial and cultural ones.

Focusing on South Dakota, a year-long investigation by NPR reporters Laura Sullivan and Amy Walters, found that 90% of the 700 Native children taken from their homes yearly in that state were placed in white foster homes or group homes, in blatant violation of ICWA provisions mandating that any Indian child taken into foster care be placed with a family member, tribal member, or other Native family in the absence of "good cause" to the contrary.

Far from punishing states for violations of ICWA, despite its finding that 32 states systemically violate its terms, the federal government effectively promotes the legal abduction of children by offering a \$12,000 bounty to the state for permanently removing "special needs" children from their natural families to adoptive placement, a designation the state of South Dakota applies to all indigenous children, according to NPR. Foster families in South Dakota receive as much as \$9000 annually for each child. While the federal government also provides ICWA workers for each reservation, these typically serve as flunkies for the states, at most tepidly attempting to shift federal funds to tribal coffers.

Perhaps the most damning revelation of the NPR report is its tracing of South Dakota's kidnapping-for-profit scheme to the state's highest official: "Critics say foster care in South Dakota has become a powerhouse for private group home providers who bring in millions of dollars in state contracts to care for kids. Among them is Children's Home Society, the state's largest foster care provider, which has close ties with top government officials. It used to be run by South Dakota's Gov. Dennis Daugard.

"An NPR investigation has found that Daugard was on the group's payroll while he was lieutenant governor—and while the group received tens of millions of dollars in no-bid state contracts. It's an unusual relationship highlighting the powerful role money and politics play in South Dakota's foster care system." If the federal government were to uphold its obligations under ICWA and the Genocide Convention, Gov. Daugaard would seem a fit candidate for the first indictment of a U.S.-born citizen under the federal genocide statute.

Daugaard declined to attend the May 15-17 Great Plains Indian Child Welfare Act Summit, despite a personal invitation from U.S. Assistant Secretary of Indian Affairs Kevin Washburn, the top federal Indian bureaucrat. So Daugaard is not only aware, thanks to the NPR report, of the genocidal effects of policies from which he personally profited, but is unwilling to meet with the victims toward rectification of the crimes of his Department of Social Services, which include the cover-up of cases of sexual assault in white foster homes and extensive pharmaceutical drugging of children without parental consent. Following the governor's lead, no South Dakota officials attended the historic meeting, in which nine tribes and top federal officials participated, along with more than 200 aggrieved tribal members.

The tribal summit and the NPR series were spearheaded by the Lakota People's Law Project (LPLP), which has relentlessly challenged the state legally and politically and is bringing increasing pressure on the federal government to act. Dan Sheehan, chief legal counsel for the LPLP and director of the Romero [formerly Christic] Institute, said South Dakota officials are "into a total dialectical, confrontational stance. They're feeling like they're under siege from the tribes, so they're circling the wagons and getting ready to fight."

Sheehan said the South Dakota legislature has appropriated \$2.3 million to defend the state from a pending class-action federal civil rights lawsuit.

Sheehan traced the institutionalization of state kidnapping of Native children back to the late William Janklow, a former South Dakota congressman, governor, and attorney general notorious for his role in what the Lakota refer to as the "Reign of Terror" on the Pine Ridge Reservation in the years following the American Indian Movement-led occupation of Wounded Knee in 1973.

According to Sheehan, members of the George W. Bush administration tipped off Janklow on a Texas strategy to grab millions of dollars in federal subsidies by administering a psychological test devised by the Eli Lilly pharmaceutical corporation to children taken into protective custody. Replicating the strategy, South Dakota developed a mental health test failed by 98% of Native children, who then become "special needs" cases under federal law, with the state receiving up to \$79,000 for each Indian child and the child being placed involuntarily on psychoactive drugs.

"They ask questions like 'do you feel like people are staring at you when you go out in public' in racist Rapid City, or 'do you feel you're treated unfairly' to a child who's just been uprooted from his home and placed with strangers," said Sheehan.

The immediate priorities of the LPLP, Sheehan says, are to affect the transfer of South Dakota child-protection services to the tribes and to persuade the U.S. Justice Department to serve as lead plaintiff in its civil rights suit against the state. The latter is currently on hold pending the Supreme Court's decision in the atypical "Baby Veronica" case, which challenges the constitutionality of the Indian Child Welfare Act.

Sheehan says tribal officials have yet to determine whether they will support the Lakota Grandmothers' UN genocide petition, suggesting their decision may hinge on whether the Justice Department exercises its responsibility to take up their cause domestically.

While it is unlikely that President Obama or Chief Justice Roberts (who termed the minimal protections of ICWA placement standards “extraordinary rights” in oral arguments) will ever be called to account by an international tribunal for complicity in genocide so long as the U.S. refuses to accept the jurisdiction of the International Criminal Court, they may wish to consider the potential damage to their personal reputations and that of their nation that even an unenforceable international verdict could bring. Just ask Lazare Kobagaya.

Photo: Charmaine White Face (left) and Canupa Gluha Mani deliver petition to Tracy Toulou, an official at the federal Office of Tribal Justice, April 17.

From www.lakotagrandmothers.org.

Nevada Magazine photo needs September/October 2013 issue

Submission Deadline: Friday, July 26

Birding - looking for images of birds, of course, but also images of birders "in action" studying and watching birds.

Southwestern Nevada Ghost Towns - specifically Blair, Bonnie Claire, Coaldale, Gold Point, Goldfield, and Silver Peak. Any other ghost-town photos will be considered for the Visions department.

1864 Tavern - New establishment on California Avenue in Reno.

Downtown Las Vegas - specifically anything new (Atomic Liquors) or under construction, such as Downtown Grand/Downtown3rd & Slotzilla.

Pre-Statehood Photos - we need help obtaining historical photos from Nevada before it became a state in 1864. These will be used in two "Pre-Statehood" features that will appear in our next two issues.

Fall Events - Any images that capture the spirit of a popular September/October celebration in Nevada.

Please get permission to photograph on private property. If you just want publication and photo credit (no pay), please notify us when you submit your images.

Editor's Note

When you're out shooting, think of how you can get people enjoying Nevada in your photos. Remember, people engaging in activities adds a nice touch.

Nature

We're continually looking for images from Nevada's great outdoors, particularly wildlife, to spotlight on our 'Nature' page. Think seasonal and timely to the issue.

Visions

Captivating images from your collection could be used in this department. Think seasonal and timely to the issue.

Your Nevada

A gallery page featuring a single intriguing image, or multiple images, of the Silver State. Send your favorite Nevada images, subject line 'Your Nevada,' along with detailed caption info.

E-mail images to:

Art Director Sean Nebeker at snebeker@nevadamagazine.com.

Please put the subject and issue date (SO13) in the subject line, and provide your mailing address. We prefer you send an initial sampling of low-resolution images.

Sean will contact you later if he needs the high-res versions.

*Mail CDs or slides to: Attn: Sean Nebeker, Nevada Magazine, 401 N. Carson St.
Carson City, NV 89701*

REDBONE - "Wovoka" www.youtube.com

"Wovoka and the ghost dance" Lyric: In the moon of the fallen leaves (Wovoka) Appeared one day He had come of the land of spirit With the message of prophecy...

7 Things You Can Do With An Encyclopedia | ThisIntoThat

www.thisintothat.com

Books that have gone lifeless as literary objects are reborn in Jim Rosenau's hands...The results are as witty as they are sturdy." December 3, 2004

When Drones Guard the Pipeline: Militarizing Fossil Fuels in the East

Winona LaDuke July 02, 2013

Someone needs to explain to me why wanting clean drinking water makes you an activist, and why proposing to destroy water with chemical warfare doesn't make a corporation a terrorist. I'm in South Dakota today, sort of a ground zero for the Keystone XL Pipeline, that pipeline, owned by a Canadian Corporation which will export tar sands oil to the rest of the world. This is the heart of the North American continent here. *Bwaan Akiing* is what we call this land-Land of the Lakota. There are no pipelines across it, and beneath it is the Oglalla Aquifer wherein lies the vast majority of the water for this region. The Lakota understand that water is life, and that there is no new water. It turns out, tar sands carrying pipelines (otherwise called "dilbit") are 16 times more likely to break than a conventional pipeline, and it seems that some ranchers and Native people, in a new Cowboy and Indian Alliance, are intent upon protecting that water.

This community understands the price of protecting land. And, the use of military force upon a civilian community- carrying an acute memory of the over 133,000 rounds of ammunition fired by the National Guard upon Lakota people forty years ago in the Wounded Knee standoff. That experience is coming home again, this time in Mi'gmaq territory.

Militarization of North American Oil Fields

This past week in New Brunswick, the Canadian military came out to protect oil companies. In this case, seismic testing for potential natural gas reserves by Southwestern Energy Company (SWN), a Texas-based company working in the province. It's an image of extreme energy, and perhaps the times.

SWN exercised its permit to conduct preliminary testing to assess resource potential for shale gas exploitation. Canadian constitutional law requires the consultation with First Nations, and this has not occurred. That's when Elsipogtog Mi'gmaq warrior chief, John Levi, seized a vehicle containing seismic testing equipment owned by SWN. Their claim is that fracking is illegal without their permission on their traditional territory. About 65 protesters, including women and children, seized the truck at a gas station and surrounded the vehicle so that it couldn't be removed from the parking lot. Levi says that SWN broke the law when they first started fracking "in our traditional hunting grounds, medicine grounds, contaminating our waters." according to reporter Jane Mundy in an on-line Lawyers and Settlements publication. This may be just the beginning.

On June 9, the Royal Canadian Mounted Police (RCMP) came out en masse, seemingly to protect SWN seismic exploration crews against peaceful protesters – both native and non-Native, blocking route 126 from seismic thumper trucks. Armed with guns, paddy wagons and twist tie restraints, peaceful protestors were arrested. Four days later the protesting continued, and this time drew the attention of local military personnel. As one Mi'gmaq said, "Just who is calling the shots in New Brunswick when the value of the land and water take a backseat to the risks associated with shale gas development?"

The militarization of the energy fields is not new. It's just more apparent when it's in a first world country, albeit New Brunswick. New Brunswick is sort of the El Salvador of Canadian provinces, if one looks at the economy, run akin to an oligarchy. New Brunswick's Irving family empire stretches from oil and gas to media, they are the largest employer in New Brunswick and the primary proponents of the Trans Canada West to East pipeline which will bring tar sands oil to the St. Johns refinery owned by the same family. Irving is the fourth wealthiest family in Canada, the largest employer, land holder and amasses that wealth in the relatively poor province. The Saint John refinery would be a beneficiary of any natural gas fracked in the province. In general, press coverage of Aboriginal issues there is sparse at best.

Fracking proposals have come to their territory with a vengeance, and the perfect political storm has emerged- immense material poverty (seven of the ten poorest postal codes in Canada), a set of starve or sell federal agreements pushed by the Harper administration (onto first nations), and extreme energy drives.

Each fracking well will take up to two-million-gallons of pristine water and transform the water into a toxic soup, full of carcinogens. The subsistence economy has been central to the Wabanaki confederacy since time immemorial, and concerns over SWN's water contamination have come to the province. A recent Arkansas lawsuit against SWN charges the company with widespread toxic contamination of drinking water from their hydro-fracking.

Canada is the home to 75% of the worlds mining corporations, and they have tended to have relative impunity in the Canadian Courts. Canadian corporations and their international

subsidiaries are being protected by military forces elsewhere, and this concerns many. According to a U.K. Guardian story, a Québec court of appeal rejected a suit by citizens of the Democratic Republic of the Congo against Montreal-based Anvil Mining Limited for allegedly providing logistical support to the DRC army as it carried out a massacre, killing as many as 100 people in the town of Kilwa near the company's silver and copper mine. The Supreme Court of Canada later confirmed that Canadian courts had no jurisdiction over the company's actions in the DRC when it rejected the plaintiffs' request to appeal. Kairos Canada, a faith-based organization, concluded that the Supreme Court's ruling would "have broader implications for other victims of human rights abuses committed by Canadian companies and their chances of bringing similar cases to our courts".

In the meantime, back in New Brunswick, a heavily militarized RCMP came out to protect the exploration crews. Opposition to the Keystone XL pipeline has many faces, from ranchers in Nebraska and Texas who reject eminent domain takings of their land for a pipeline right of way, to the Lakota nation which walked out of State Department meetings in May in a show of firm opposition to the pipeline. All of them are facing a pipeline owned by TransCanada, a Canadian Corporation.

On a worldwide scale communities are concerned about their water. In El Salvador, more than 60% of the population relies on a single source of water. In 2009, this came down to choosing between drinking water and mining. In 2009, after immense public pressure, the country chose water. It established a moratorium on metal mining permits. Polls show that a strong majority of Salvadorans would now like a permanent ban. A testament to how things can change even in a politically challenged environment.

Up in Canada's version of El Salvador, twelve people, both native and non were arrested, some detained and interrogated by investigators of the RCMP forces on June 14, and after a day of the federal military "making their presence" felt, the people of the region have concerns about how far Canada will go to protect fossil fuels.

Here in *Bwaan Akiing*, I am hoping that people who want to protect the water are treated with respect. And, I also have to hope that those 7,000-plus American-owned drones aren't coming home, *omaa akiing*, from elsewhere to our territories in the name of Canadian oil interests.

Winona LaDuke is the Executive Director of Honor the Earth in White Earth Reservation, Minnesota. Visit their website at HonorEarth.org

Great platform to which Tribes could/should submit information to educate public:

<http://now.msn.com/mental-floss-presents-50-facts-about-the-50-states>

EPA's Abandoned Wyoming Fracking Study One Retreat of Many

Abrahm Lustgarten, News Report: When the Environmental Protection Agency abruptly retreated on its multimillion-dollar investigation into water contamination in a central Wyoming natural gas field last month, it shocked environmentalists and energy industry supporters alike. In 2011, the agency had issued a blockbuster draft report saying that the

controversial practice of fracking was to blame for the pollution of an aquifer deep below the town of Pavillion, Wyo. – the first time such a claim had been based on a scientific analysis.

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Clinton Pattea

By Dennis Wagner The Republic | azcentral.com Fri Jul 5, 2013 10:12 PM

Clinton Pattea, the Fort McDowell Yavapai Nation leader who helped bring prosperity to an impoverished tribe while advancing the national cause of Indian sovereignty, died Friday at the age of 81.

Pattea served for nearly four decades as a council member in the tiny Indian community along the Verde River east of Scottsdale. He spent more than 25 years as its president.

During that time, he was instrumental in the campaign to stop construction of a dam that would have engulfed Yavapai land, and he helped pave the way for legalized Indian gaming by leading a successful standoff against FBI agents who raided the tribe's casino.

Largely under Pattea's leadership, the community of just 950 members developed not only the casino, but a Western adventures company, an RV park, a golf club, two Radisson resorts and businesses in construction materials and agriculture.

Pattea grew up on the 40-square-mile reservation in an adobe house with a dirt floor and no electricity or running water. His great-grandfather had been a Yavapai chieftain in the 19th century.

He attended a local elementary school and then was sent to live part time at the Phoenix Indian School campus. After high school, Pattea worked part time at Valley National Bank while attending Phoenix College, then transferred to Northern Arizona University. He graduated in 1959 with [a degree in finance](#) and business administration, and returned to a job at the bank.

Pattea was first elected to the Tribal Council in 1960, just one year out of college. In the early 1970s, he led the campaign to stop construction of Orme Dam, a Verde River project that would have flooded 17,000 acres of tribal lands. After a decade-long political fight, the federal government killed the plan. The Yavapai Nation's annual rodeo and fair commemorate that event.

Pattea also became a leader in the tribal casino movement. In May 1992, FBI agents raided the Fort McDowell Casino, seized 349 [slot machines](#) and put them in [moving vans](#). Before agents could drive away, tribal members moved in and blockaded exits, creating a three-week standoff.

"They had the rifles and guns aimed at us," Pattea recalled later. "We were very proud of the fact that we did protest in a manner where no one got hurt, and there were no injuries to our side or their side."

Pattea helped negotiate a compact with then-Gov. Fife Symington allowing the Yavapai casino to remain open.

The pact, which paved the way for other tribes, was considered a national victory for Indian self-determination and is celebrated annually by the Yavapai on Sovereignty Day. It helped changed the fortunes of an impoverished Indian community that had an estimated unemployment rate of 50 percent.

Pattea, considered a titan among Native American-rights advocates, chaired the Arizona Commission of Indian Affairs for 16 years. In 2009, the National Indian Gaming Association gave Pattea the Wendell Chino Humanitarian Award for service to Indian country.

Pattea's tenure has not been without criticism. His 2008 election victory over incumbent President Raphael Bear was challenged after disclosures that Pattea's campaign manager had received hundreds of thousands of dollars in unexplained payments from the Fiesta Bowl. Pattea, a member of the Fiesta Bowl board, never responded to interview requests about the controversy.

Over the years, he repeatedly sought to establish the Fort McDowell as the venue for a professional sports stadium, but negotiations always failed.

Known by many as "Dr. Pattea," the Yavapai president emphasized education as a key to rebuilding the Yavapai economy, and he oversaw tribal contributions to Arizona universities for Native American scholarships. He was awarded an honorary doctorate by his alma mater in 1999.

"Education opens doors and gives a better understanding about working with the outside world," Pattea explained in a 2003 interview with *The Arizona Republic*. "We want our young people to also invest or go into businesses that are off the reservation."

Ned Morris, a Tohono O'odham Nation chairman, once referred to Pattea as "a man of sound judgment, experience and someone we can look up to and revere as a leader of his people."

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### **Fort McDowell Yavapai Nation Loses Long-Time Leader (July 5, 2013)**

HUD's Office of Native American Programs was saddened to hear of the passing of Dr. Clinton M. Pattea, president of the Fort McDowell Yavapai Nation. Dr. Pattea devoted much of his life's work serving the Fort McDowell Yavapai people, including his 50 years in Tribal office. He was centrally involved in the Nation's defining events for over 60 years. While his life has come to an end, his visionary leadership endures in the promising futures of his People.

Family members are encouraging donations to The Dr. Clinton M. and Rosiebelle Pattea Foundation at any Wells Fargo Bank in lieu of flowers.

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The Heard Museum's board, staff and volunteers extends its sympathy to the family of Dr. Clinton M. Pattea, president of the Fort McDowell Yavapai Nation, who passed away on July 5. Under his leadership, the Fort McDowell Yavapai Nation changed history by continuing to stand up for its rights as a sovereign Native nation over the past half-century.