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Native American tribes' lawsuit could decide who controls Senate in 2015

By Jordy Yager - 07/16/13 05:00 AM ET

A high-profile lawsuit on the voting rights of Native Americans could help determine control of the Senate in the next Congress.

A group of 16 Native Americans, nine of whom are military veterans, is waging a protracted legal battle against Montana's Democratic secretary of State and county administrators, arguing for improved access to voter [registration](#) sites.

The case will be significant for Democrats in 2014 as they vie to keep control of the upper chamber by holding retiring Sen. Max Baucus's (D-Mont.) seat. Republicans need to pick up six seats to win back control of the Senate.

The litigation is moving forward at the same time as a recent Supreme Court decision that no longer requires a number of jurisdictions to get advance federal permission in order to make changes to their election laws.

The three Montana counties now being sued have historically lost Section 2 Voting Rights Act cases. However, for the state's overwhelmingly poor and geographically isolated Native Americans — who vote predominantly for Democrats — the Montana fight is deeply personal. Tribal leaders say it is an issue of fundamental fairness.

An estimated 50,000 Native Americans are eligible to vote in Montana. Many of them live on reservations throughout the sprawling 550-mile-wide state, which means driving more than 100 miles for some to reach polling sites established long before Native Americans got the right to vote.

It's the distance equivalent of voters in Washington, D.C., having to drive to Gettysburg, Pa. and back to complete their late [registration forms](#) or cast early in-person absentee ballots.

If the state allowed more voting stations, known as satellite offices, on reservations, more Native Americans would have the ability to vote by a factor of 250 percent, a group supporting the lawsuit argues.

This group, which is providing strategic and financial support to the plaintiffs, includes [Four Directions](#), a nationally known voting rights organization, and Tom Rodgers, the Native American lobbyist who blew the whistle on former lobbyist Jack Abramoff for charging Native American tribes exorbitant fees on lobbying.

Together, they have spent about \$335,000 waging the legal battle, which began in the months leading up to the 2012 election. They have also offered to pay the cost of establishing the satellite offices, which could run up to \$8,000 apiece for each location.

The Department of Justice, Montana tribal leaders, the ACLU and the National Congress of American Indians have all backed the plaintiffs in the legal dispute.

The origin of the lawsuit began when Rodgers, a member of Montana's Blackfeet tribe, received a phone call that U.S. Army Spc. Antonio Burnside, a fellow Blackfeet member whose tribal name was Many Hides, was killed last year in combat on Good Friday in Afghanistan.

In late April 2012, after raising the money to help celebrate the soldier's life, Rodgers said a feeling of rage overcame him.

He noted that Native Americans have the highest percentage of military enlistees of any ethnic group.

"Some of the poorest of the poor can fight a war and die for you on a hellish moonscaped mountainside and then when they return home in a flag-draped coffin, you seek to diminish their native brothers' and sisters' ability to vote. Young dead soldiers do not speak. They leave us their deaths. It is us who must give them meaning by remembering them," Rodgers said. "We got tired of the dark lies in rooms of white marble. Now the plaintiff warriors will take their faith in justice by acting with justice to other rooms of white marble: the 9th Circuit Court of Appeals and Congress."

Sen. Jon Tester (D-Mont.), who won reelection last year, said that poverty and unemployment levels on reservations are higher than in the rest of the state, and that many Native Americans don't have access to transportation or can't take time off from work.

"Native Americans are about 6 percent of the population, so it's absolutely significant," said Tester.

"Everybody who's entitled to vote, we ought to give them every opportunity to vote," Tester said. "We shouldn't be limiting participation, we should be encouraging it."

The suit might have an impact beyond Montana as well. If it goes as far as the Supreme Court, major Native American populations in Arizona, New Mexico, North Dakota, South Dakota, Nevada, California, Minnesota, Washington, Oregon and Alaska could see their voting rights greatly expanded or restricted.

Democrats are facing challenging elections in four of those states next year.

Native Americans have played a crucial role in electing Democratic senators, including Tester and Sens. Tim Johnson (S.D.), Maria Cantwell (Wash.), Al Franken (Minn.), Heidi Heitkamp (N.D.) and Mark Begich (Alaska.). All have won elections by fewer than 4,000 votes.

But for now, Montana — where Democrats are scrambling to find a candidate following ex-Gov. Brian Schweitzer’s surprise decision not to run — is the central battleground.

Montana Secretary of State Linda McCulloch (D) says she supports the Native Americans’ demands, but that the lawsuit is misdirected.

At a [video-recorded meeting](#) with the tribes earlier this year, tensions between the two sides were palpable as they failed to negotiate a compromise after a nearly hour-long discussion.

“I care that the people at this table have equal access, and what is in my power as secretary of State to do, I can do,” said McCulloch. “What I do not have the authority over is establishing county clerk offices. That authority belongs to the county governing body, the county commissioners.

“We will support and assist any county whose governing body has made a decision to open a second county clerk election office that can offer services such as registering voters and issuing absentee ballots. You have my unwavering commitment to that.”

A spokeswoman for McCulloch, citing the ongoing litigation, declined to comment for this article.

The plaintiffs and tribal leaders rejected McCulloch’s remarks. They said Montana’s secretary of State should join the tribes by officially standing with the plaintiffs and leading the county commissioners to create the satellite offices.

J. Gerry Hebert, who worked on voting rights issues for more than 20 years in the Department of Justice’s Civil Rights Division, doesn’t agree with McCulloch’s assessment either, saying that this type of case falls directly within her office’s jurisdiction.

“The secretary of State is the chief election officer and as such has the overall responsibility to ensure that all the state laws are complied with,” said Hebert, now the executive director of the Campaign Legal Center. “And in this case, which is typically the case, a plaintiff will file a lawsuit and bring it against both local and state election officials, because it is both of their responsibilities.”

Although the issue has been in the local press for nearly a year, the Montana Democratic Party has not weighed in on the lawsuit, saying only that it supports greater access to polling sites and will continue aggressive “get out the vote” efforts.

“Increasing access to the ballot box on reservations and throughout Montana has always been a priority,” said Chris Saeger, a spokesman for the state’s party. “We would welcome any improvements that make it easier for Montanans to have their say in elections.”

“The Democratic Party of Montana has said we have done what we could,” Rodgers said. “But hope has two beautiful daughters. Their names are anger, for the way things are, and courage, to make a difference.”

Carole Goldberg, a professor and vice chancellor at UCLA’s School of Law who has dealt extensively with Native American legal rights, said discrimination is widespread in many states with Native populations.

“There are persistent patterns where states have criminal jurisdiction on reservations and the counties that exercise this jurisdiction locate their facilities and services in a place convenient for the non-Native population and not the Native populations,” said Goldberg, who has donated to multiple Democratic candidates.

Barring a settlement, oral arguments are expected to begin this fall.

Read more: <http://thehill.com/homenews/senate/311199-tribes-lawsuit-could-decide-who-controls-senate-in-2015#ixzz2ZFJAxqC>

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[Watchdogs: Contractor on Keystone XL Review Lied About Conflict of Interest With TransCanada](#)

Mike Ludwig, Truthout: In a signed conflict of interest disclosure form filed with the State Department in June 2012, ERM claimed it had "no existing contract or working relationship with TransCanada," the Canadian firm that wants to build the pipeline, in the past three years. Publicly available documents, however, show otherwise. [Read the Article](#)

Johnny Depp reportedly interested in buying Wounded Knee land, returning it to tribe

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THE ASSOCIATED PRESS

Depp made the comments in a wide-ranging interview with [the British tabloid the Daily Mail](#).

Wounded Knee is the site of an 1890 massacre. The 7th Cavalry killed about 150 Native American men, women and children in the final battle of the American Indian Wars. Some estimates put the Native American casualties from the battle as high as 300.

'It's very sacred ground and many atrocities were committed against the Sioux there," the Daily Mail quoted Depp as saying. "And in the 1970s there was a stand-off between the Feds (federal government) and the people who should own that land. This historical land is so important to the Sioux culture and all I want to do is buy it and give it back. Why doesn't the government do that?"

Landowner James Czywczynski, whose family has owned the property since 1968, put a 40-acre parcel of the Wounded Knee National Historic Landmark and another 40-acre parcel on the open market for \$4.9 million in May. The Wounded Knee landmark is on the Pine Ridge Indian Reservation.

The land has an assessed value of less than \$14,000, according to the Associated Press.

The Daily Mail asked Depp if he really were prepared to pay for the land.

"I am doing my best to make that happen," he said. "It's land they were pushed on to and then they were massacred there. It really saddens me."

Oglala Sioux Tribal President Bryan Brewer welcomed the possibility that Depp would buy the land and return it to the tribe, [according to the Indian Country Today Media Network](#). It quoted him as saying that the tribe would be more than willing to meet with Depp.

Showing of Navajo 'Star Wars' set for this week

The original Star Wars: Episode IV - A New Hope premiered nationwide in 1977, but the characters based in a galaxy far, far away were brought a little closer to home during the Navajo dubbed film premiere on June 30 at the El Morro Theater.

"It has a lot of humor in it," said 2012-2013 Miss Navajo Nation Leandra Thomas adding that she caught herself smiling throughout the whole movie. "I've never seen any of the Star Wars movies and it made a lot of sense seeing it once (and) in the Navajo language." The first character the audience is introduced to in the film is C-3PO and R2-D2 as they walk through their spacecraft while it's being attacked. As the first line in Navajo is spoken by C-3PO the audience erupts in cheers.

"I was very very impressed how all the recordings came together," said Geri Hongoeva-Camarillo, who played C-3PO.

As the movie moved forward the crowd reaction remained high as the audience laughed and cheered as each character was introduced with a Navajo voice.

"The tone in Navajo definitely makes a big difference compared to when you listen to something in English," said Donovan Hanley from White Cone, Ariz., who attended the premiere with his mother Ann Maree Hanley. "It was very cool and good representation."

"It was nice to share this with her," said Hanley of his mother. "It's a new way of connecting the older generation with the new."

The movie is 125 minutes long and it is entirely spoken in the Navajo language. The parts that included an alien character with an alien language were subtitled in Navajo. No English subtitles were shown at the bottom of the screen during the movie.

"I think this will encourage our young ones to start picking up Navajo and learn Navajo," said the elder Hanley.

She added that the movie is a great way for the elders to understand why the younger generations watch these types of movies.

Eroina Pahe, 13 from Window Rock, said, "Most people who know Navajo and don't really know how to speak English can actually understand the movie."

'The dream just ended'

By Larissa L. Jimmy

Many Farms elders reminisce about wetter days
Navajo Times

July 11, 2013

MANY FARMS, Ariz.

There are about 5,000 lakes and [ponds](#) on the Navajo Nation, but for the elders of Many Farms, there is only one: Many Farms Lake, also known as To'ahidiilíinii (Water that Comes Together).

Today, Many Farms Lake is nothing more than an abandoned murky pond with no fish, useful only to dragonflies. But according to the Navajo elders in the area, the lake once thrived with vegetation and was stocked with fish.

Only a week after President Ben Shelly declared the Navajo Nation in a state of drought emergency, sprinkles managed to fall lightly onto the dried cracks of the lake's skeletal floor, which looks like ancient cobble stones. Unfortunately, the sprinkles only lasted a moment.

But talking with the elders puts this sad situation in perspective.

The irony is that this once-bountiful lake started off as a pond until it eventually became bigger with the help of surrounding washes.

There are about four washes that connect with the lake - Chinle, which feeds the lake the most; Jimson Weed Wash; Ghad Tiszhini Wash and Sheep Dip Wash, according to Many Farms officials.

David Charles, born and raised in the area, said, "People would come from all over to fish" for its big [catfish](#), trout, and bass.

Many Farms Lake is now murky and muddy. Before, it used to be [clear and clean](#); even clean enough to drink from, according to some of the locals.

"The moon could reflect off the lake," says Charles, "but now it's red."

The 72-year-old grew up about a mile from the lake. He smiles as he explains how his family loaded up their family wagon with chunks of ice during the wintertime. The ice, according to Charles, was thawed and used for drinking water, something no sane person would consider today.

A variety of birds flourished in the area.

"There were cardinals, bluebirds, shiny black birds with white specks, but now there are (just) crows," Charles says.

Thick blue clouds hover over the remains of the lake, evidently not enough to block out the sun because soon after the shower, sun rays beamed here and there.

"Back in those days, it wasn't this hot," Charles said. "It was cooler. Nowadays, it's very hot."

In addition, Charles said he has noticed a change in the climate: less rain and snow, higher temperatures and continuous winds.

Seventy-four-year-old Helen Olson Chee says that when she was about six years old, her dad Joseph Olson helped build the dam that formed the reservoir.

According to Roland Tso, the grazing official for Many Farms Chapter, about \$2 million was lobbied from the state to rehabilitate the dam, also known as the "Diversion Dam." That same dam now has a waterline discoloration from south to north, the only evidence that there was ever water in the lake.

According to Olson, in recent times, the dam had undergone reconstruction to increase the lake's water levels and additional rocks were added for reinforcement. Although, to Olson, the result was unsuccessful, "To eh ohaheyoniídeh aahahii o aas díín" ("There used to be a lot of water, now there's no more").

"Last year there was water. This year there is none. About two years ago, people stopped planting because of the water," Charles says.

When Many Farms Lake would swell with the rain and melted snow, the water from the lake would irrigate and moisten the land, which local farmers would then use for planting. There was an abundance of corn, squash, watermelon, cantaloupe, sunflower seeds, and cucumbers that once congested the north side of the lake. Olson says the farmers came as far away as Rough Rock to plant in the moist soil.

It was hard work, though

Community member Susan Olson, 53, recalls the strenuous labor demanded from farmers for the vegetation around the lake.

"They didn't use tractors back then. They used horses, mules and plows," says Olson. "It was manual labor."

Olson describes the mules as fast-walking animals and said that farmers would have to be quick in following the creatures while planting seeds in the soil. Vegetation is also thick around the artesian well, which can be found nearby among what locals call "monkey egg trees." This alternative source of water, too, has begun to slowly deplete.

In addition, Charles said that because of the drought, fish that once populated the lake were being found in farm fields either alive or dead.

"Yesterday, I went there and I couldn't believe it," said Charles, shaking his head. "There were whirlwinds coming from the lake. I couldn't believe that all the water was gone. I heard about it, but I didn't think that it was gone completely."

According to Many Farms Chapter Secretary-Treasurer Lucy Ayze, the chapter has been trying to replenish the farm lands, but that could take years.

"I remember when this whole place was overstocked and Many Farms at one time thrived," said Ayze.

Marlene Thomas, 56, a community member, said Many Farms Lake almost dried up before, back in 2000, but in that case it was intentional, unlike the current situation.

"Some people wanted to drain the water from the lake and use it as irrigation for their cornfields, but it didn't happen because some people didn't want that to happen," says Thomas.

Since the Navajo Nation's drought declaration, the evidence continues to grow that many communities are being severely affected. The elders in the Many Farms community may only find comfort in their memories of what used to be.

"It seems like the dream just ended," said Charles. "Is it ever going to rain again or will there be water in that lake again? I don't know."

Although Heller and the Sagebrushers always ignore Nevada Constitutional history, his stance and his words can be effectively used by tribal governments to protect and pursue their sovereignty. sdc

Ranch family's case fires up Heller speech

By STEVE TETREAULT and SEAN WHALEY LAS VEGAS REVIEW-JOURNAL

A judge's ruling that federal officials had interfered with a Nevada ranch family's water rights and grazing permits sparked U.S. Sen. Dean Heller into an angry speech last week against government overreach.

Heller used the long-running case involving the Hage family of Nye County as a jumping off spot in an address that also touched on reported abuses by the National Security Agency and the Internal Revenue Service.

"The American people will not stand for an all-powerful government that ignores their constitutional rights," the Nevada Republican said on the Senate floor Wednesday. "It is long past time that we end this culture of government bullying and harassment."

What prompted Heller was a 104-page opinion issued on May 24 by U.S. District Court Judge Robert Jones in the case involving the Hage family and their Pine Creek Ranch near Tonopah.

The case arose out of allegations against Wayne N. Hage and the estate of his father, Wayne Hage Sr., who died in 2006.

In what is just a chapter in a feud that dates to the days of the Sagebrush Rebellion, the government charged the Hage family, along with rancher Benjamin Colvin, with trespassing by grazing cattle without a permit on Bureau of Land Management and U.S. Forest Service land.

But in the course of a 2012 trial, Jones uncovered evidence of a government conspiracy against the ranchers. The agencies invited others to obtain grazing permits on Hage allotments and they

applied for water rights in an attempt to interfere with the family's water rights, according to an account of the case by Nevada blogger Tom Mitchell.

"The government's actions over the past two decades shocks the conscience of the court," Jones wrote in his opinion.

In his speech, Heller echoed the judge.

"Whether it is the IRS targeting groups for their political views, the NSA confiscating mass amounts of private data, or the federal government interfering with property rights, the American people are fed up with this laundry list of examples of the federal government blatantly disrespecting their constitutional liberties," he said. — STEVE TETREAUULT

There has been little participation in this event by Native communities....given the theme this year, the 150th Anniversary of the signing of the Shoshone Treaty, and the ultimate passage of the 13th, 14th, and 15th Amendments which were not extended (provisionally) to the Indian community until 1924, this forum provides an excellent forum for the non-Indian community to be educated. sdc

I am finally having a chance to tackle the beginning stages of planning for next year. I wanted to give you all some updates and get some dates on your calendars. I apologize in advance for the length of this email, also if I missed anyone on this email please feel free to forward.

This year was our most successful trip to nationals, we had four entries make it to the finals round, including a senior group documentary from Carson High School (final rank was 13 overall in the nation), a junior group performance from Mendive Middle School (final rank was 14 overall in the nation), a senior group website from Advanced Technologies academy (final rank was 14 overall in the nation) and a junior individual exhibit from Faiss Middle School (final rank was 6 overall in the nation) which also won a special award, Outstanding Entry for Exploration of History.

I was incredibly proud to have nearly 60 students representing Nevada this year at Nationals, but more importantly we had more students and teachers participating locally than ever before. We had teachers from several districts as well. We are spreading the word about History Day and you all are to thank for your support of this program.

This past year we have added several elements to our contest year which you all have been the epicenter of, a webinar series to help students and teachers all over Nevada. Local nights/days at the museums and University Libraries, moving the Northern Nevada contest to UNR (yay!), as well as our ever successful Winner's Workshop. We could not have done any of that without all of your help and we hope to continue these successful events for the 2013-2014 program year.

As many of you know Brian Boothe from Clark County left Nevada in March, Brian was an essential person in helping this program to grow and become successful. I would like to take this opportunity to thank him for his hard work but also to let you know that we have a new Co-Coordinator. Emily Rodriguez will be taking over the co-coordinator role in August. Emily joined the delegation in Maryland this year and was a huge help to me the whole week. Emily

has a lot of great ideas and I know she is going to do amazing things with the Southern Nevada Contest!

So onto this year!!!

This year's theme is **Rights and Responsibilities in History** and the first thing I would love your help with is to start brainstorming a list of Nevada related topics for this year's theme. After all it will be our 150th birthday during this contest year so I am hoping to see a lot of Nevada related projects.

I would like to have an opportunity to hold a kick off meeting, we will do one Northern Nevada and one in Southern Nevada to avoid the phone call weirdness from last year. Please fill out your related Doodle by Thursday July 18th.

- For northern Nevada if you could please fill out this doodle for the second week in August <http://doodle.com/mim2633bw7fm8w3p>
- For southern Nevada if you could please fill out this doodle for the second week in September <http://doodle.com/sucav84gvt94qax2>

Some other items to note:

We are planning to schedule both the northern and southern contests on **April 26, 2014**. We will need to be all hands on deck since we will have to pull them off on the same day due to all the various school schedules we are dealing with.

We are hoping to spread the program into other districts and grade levels (8th grade geography and possibly civics classes due to the theme this year). Any help you can offer throughout the year with getting the word out there will be much appreciated.

I will send out meeting invites as soon as I get the doodle results back.
Excited for another fun and adventurous world of History Day!

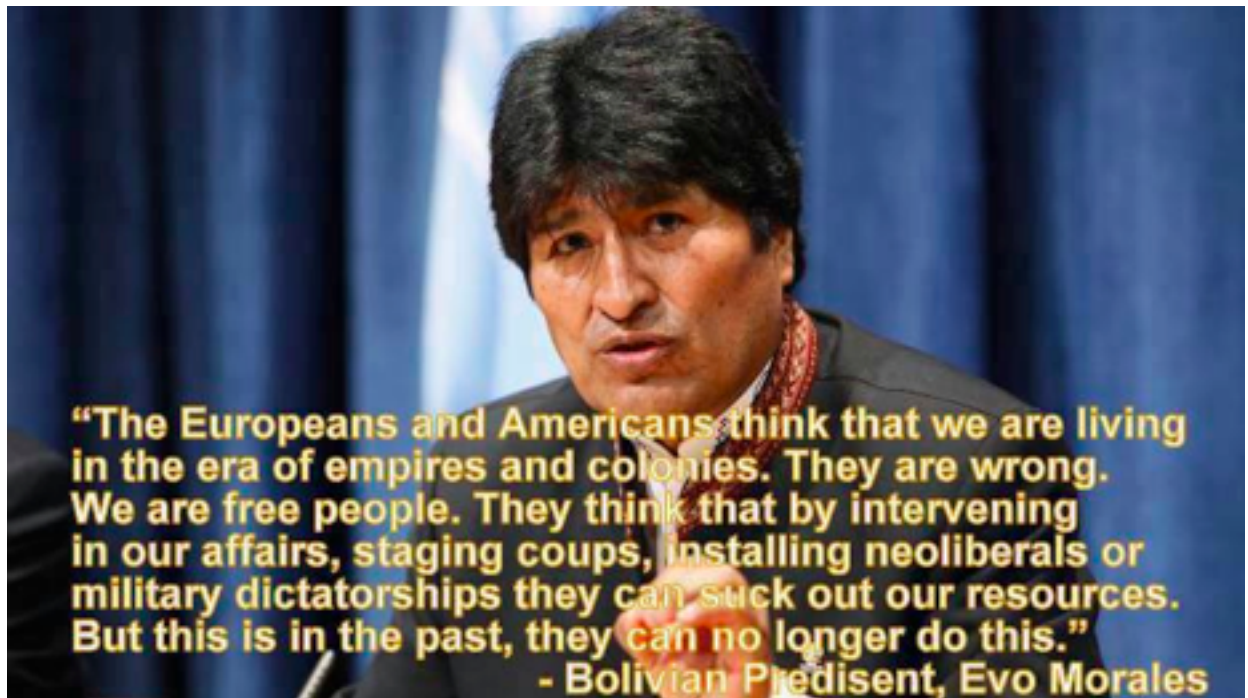
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Task force on Klamath water woes goes to work Associated Press

Members of a task force looking for solutions to the Klamath Basin's water woes should seize an opportunity that may not come again if they don't act, the natural resources adviser to Oregon Gov. John Kitzhaber said.

[White Wolf: New film "Cherokee Word For Water": Story of the first modern female Chief of the...](http://whitewolfpack.com) whitewolfpack.com

The survival of wolf populations by teaching about wolves, their relationship to wildlands. Find beautiful Videos creations, photographie, wolf wisdom, quotes, wolf poetry, native american legends.



"So here I stand... one girl among many.

"I speak – not for myself, but for all girls and boys.

I raise up my voice – not so that I can shout, but so that those without a voice can be heard."

Read the full speech of Malala Yousafzai at the United Nations on Friday here: <http://bit.ly/178Nv7I>

Watch it here: <http://bit.ly/12JaOkO>

See more photos: <http://bit.ly/12savyD>

