

**Journal #4299**

*Half the land in Oklahoma could be returned to Native Americans. It should be.*

*Indigenous Science: Ethnobotany and Conservation Practices*

*St. Regis Mohawk Tribe joins lawsuit against Monsanto over PCB contamination*

*United Nations Hits the Brakes on Gene Drives*


*IanZabarte: Solem v. Bartlett, 465 US 463 - Supreme Court 1984*

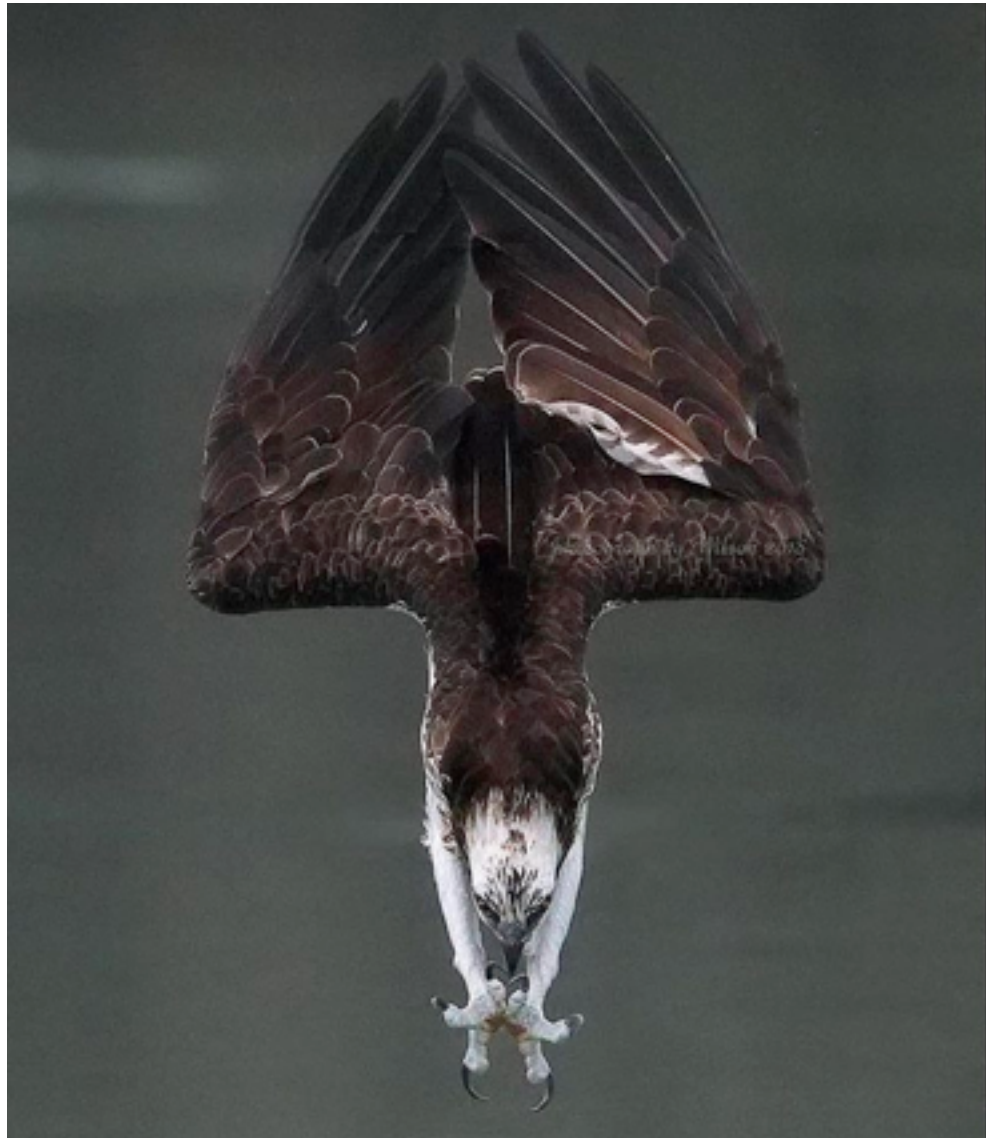
**Critics attack plan to round up wild horses in Nevada**

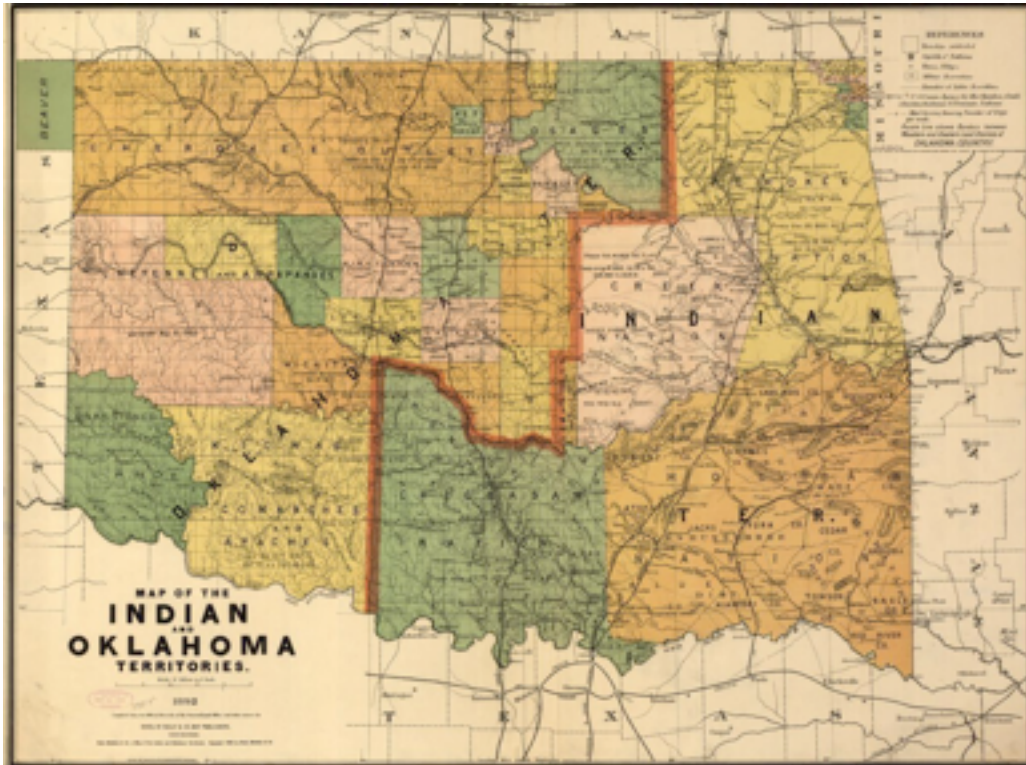
[23 Scholarships To Apply To By The End Of December](#)

[Accelerating Promising Practices for Small Libraries \(APP\)](#)

[Drew  
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Incredible  
photo of an  
eagle going  
in for the  
kill. 





Map of the Indian and Oklahoma territories. (Library of Congress)

[PostEverything](#) Perspective

**Half the land in Oklahoma could be returned to Native Americans. It should be.**

**A Supreme Court case about jurisdiction in an obscure murder has huge implications for tribes.**

By Rebecca Nagle

*Rebecca Nagle is a writer, advocate and citizen of Cherokee Nation living in Tahlequah, Okla. November 28 at 12:20 PM*

On the morning of June 22, 1839, the Cherokee leader John Ridge was pulled from his bed, dragged into his front yard and stabbed 84 times while his family watched. He was assassinated for signing the Cherokee Nation's removal treaty, a document that — in exchange for the tribe's homelands — promised uninterrupted sovereignty over a third of the land in present-day Oklahoma. That promise was not kept.

Sixty-seven years later, federal agents questioned John's grandson, William D. Polson. They needed to add him to a list of every Cherokee living in Indian Territory to start the process of land allotments. Through allotment, all land belonging to the Cherokee Nation — the land John had signed his life for — would be split up between individual citizens and then opened up for white settlement. And by this grand act of bureaucratic theft, Oklahoma became a state.

Today, on the same plot of earth where my great-great-great grandfather John Ridge still lies, is a small cemetery holding five other generations of my family. When I am buried, I will be the seventh. While the cemetery is surrounded by our allotment land and a cousin lives next door, none of it is Cherokee land.

Land loss for Native Americans is framed as a historic phenomenon, but for tribes in Oklahoma, it never stopped. Through allotment, the Cherokee Nation lost 74 percent of our treaty territory. Today, we still lose land every time an acre is sold to a non-Indian, inherited by someone less than half blood quantum, or even when an owner lifts restrictions to qualify for a mortgage. After a century of the legal status quo, the Cherokee Nation has jurisdiction of only 2 percent of our land left after allotment. While the initial hemorrhage of land loss occurred in previous centuries, we are still bleeding.

Yesterday, the Supreme Court heard oral arguments in a case that could make the bleeding stop.

On Aug. 28, 1999, on a rural road outside Henryetta, Okla., Patrick Murphy murdered fellow Creek citizen George Jacobs. He was tried and sentenced to death. In 2004, Murphy's public defender argued that the crime occurred within Muscogee (Creek) Nation's reservation and — because only tribes and the federal government can prosecute crimes on Indian land — the state of Oklahoma did not have jurisdiction to try the case. In 2017, the U.S. Court of Appeals for the 10th Circuit agreed. Oklahoma appealed, and now the outcome of [\*Murphy v. Carpenter\*](#) affects not only the fate of one man but the treaty territory of five tribes and nearly half the land in Oklahoma.

The history of tribal land, with small exceptions, has moved unforgivingly in one direction. Today, American Indian reservations comprise only 55 million acres, or 2 percent of all land in the United States. Meanwhile, the National Forest Service occupies 200 million acres. In the emergence of this great nation, our government set aside more land for trees than for Indians.

[\*\[Two Native American women are headed to Congress. This is why it matters.\]\*](#)

If the Supreme Court upholds the 10th Circuit's decision, the ruling would result in the largest restoration of tribal jurisdiction over Native land in U.S. history.

The undisputed fact of the case is that Oklahoma does not have jurisdiction if the murder occurred on reservation land. The disputed fact, and the question brought before the court yesterday, is “whether the 1866 territorial boundaries of the Creek Nation . . . constitutes an ‘Indian reservation’ today.”

Creek citizens arrived in present-day Oklahoma at gunpoint. Their treaty territory — along with the Cherokees, Chickasaws, Choctaws and Seminoles — was promised to them “as long as the grass grows or the water runs.” Yet, at the turn of the century, the government came, divided up that interminable land, and gave one parcel to each tribal citizen. Most of the allotted land quickly transferred to white ownership — by sale, by swindle or by outright theft.

Between 1893 and 1907, the federal government took many different actions to force allotment on tribes. They threatened and coerced tribal leaders. They jailed traditionalists who refused to

participate. They took over schools, courts, mineral resources and even the dispersal of tribal funds.

In 1879, a landmark case asked the question: Are Native Americans considered human beings under the U.S. Constitution? This is Chief Standing Bear's story. (The Washington Post)

Amid the furious land grab, one important action Congress did not take was to legally terminate Creek Nation's reservation. According to the Supreme Court decision *Solem v. Bartlett*, reservations cannot be terminated without a "clear statement" from Congress. That statement, in the historical record, simply does not exist.

Oklahoma's position is that no such statement is needed because the sheer and devastating totality of "everything [that] was taken away from tribes," as the state's lawyer argued, is indication enough that Congress intended to leave them with nothing, much less a reservation, and "not one single absolute smidgen" of sovereignty over their land.

The attorney for Muscogee (Creek) Nation, Riyaz Kanji, rebuked this analysis, giving examples from tribes who, despite federal infringement, still clearly have reservations. "Congress has told the tribes over time . . . you will allow this mining and these easements along your land, even if you don't want it. You will allow your children to be taken away and placed in boarding schools, even if no parent would want that." Maltreatment alone, Kanji argued, does not dissolve a reservation.

More than 100 Indian reservations went through allotment, and arguably every tribe has had something — whether land, children, money, books or papers — seized by the United States or their surrounding state. If such hostile actions alone can be evidence to the Supreme Court that a reservation no longer exists, tribes could lose land without their or even Congress's consent. In short, it would set unique and dangerous precedent that merely treating Native Nations as though their land does not belong to them is enough to take it away.

*[North Dakota's voter ID law aimed to silence Native votes. Instead, it rallied my tribe.]*

Oklahoma argued yesterday that the sky is falling down, and if the 10th Circuit decision is upheld, it will cease to function as a state — a compelling argument for people who know nothing about how reservations legally function. An entire body of law already governs states' relationships to tribes and those tribes' relationship to non-Indian residents. Half the states in the union have reservations, and the majority of those have reservations that — thanks to allotment — have non-Native owned "fee land" where tribal jurisdiction is already limited. Reservations comprise 27 percent of the land in Arizona, and it functions just fine.

The exact legal question presented by this case — whether the allotment of tribal land dissolved a reservation — was asked and answered by the Supreme Court less than two years ago. In 2016, eight of the nine justices ruled in favor of the Omaha Tribe, and five of those justices are still on the bench. But the disputed area the Supreme Court upheld for the Omaha Tribe is much smaller, has fewer non-Native residents, and lacks the vast oil and gas reserves compared to 40 percent of the state of Oklahoma. If Oklahoma wins, the obvious reason will be the only difference between the two cases: circumstance, not precedent.



In 1835, the Supreme Court upheld the sovereignty of the Cherokee Nation against the state of Georgia in a landmark decision that effectively ended Andrew Jackson's campaign to remove all Indians west of the Mississippi. That was, until Jackson simply ignored the decision. He famously remarked, "Marshall has made his decision, let us see him enforce it." As a result, Cherokees, Creeks, Choctaws, Chickasaws and Seminoles were rounded up by U.S. soldiers and forced on death marches in which a quarter to a third of their citizens died.

When Jackson vowed to defy the Supreme Court, there was one other man standing in the room. It was my ancestor, John Ridge.

I am not telling the story of my family and my tribe to ask the Supreme Court to change the law. I tell this story to ask that the law be followed.

If the Supreme Court rules in favor of the Muscogee (Creek) Nation, the land that John Ridge not only died on, but for, could be acknowledged as Cherokee land for the first time in more than 100 years. John signed the treaty of New Echota knowing he would be killed for it but believing that the rights of the Cherokee Nation enshrined in that blood-soaked document were worth it.

One hundred and seventy-nine years later, the grass is still growing, the water is still running and, in eastern Oklahoma, our tribes are still here. And despite the grave injustice of history, the



legal right to our land has never ended.

c2st.org

[Indigenous Science: Ethnobotany and Conservation Practices | The Chicago Council on Science and Technology](#)

**Featured Guests: Natives Adam Kessel, Gina Roxas, Dr. Eli Suzukovich III**

**Adam Kessel (Lakota/Italian)** has extensive experience as a teacher in environmental education in Chicago. His book, *Zombie Gardening*, is a fun and unique field guide. The book draws readers in by offering unique and sarcastic field notes about the identification of edible plants and the ongoing struggles of living in a post zombie world. *Zombie Gardening* creates an exciting opportunity to get readers excited about botany and the conservation of natural resources. He gained his passion and knowledge of ethno-botany through his many years of service to the Native American community of Chicago. During that time, he helped to develop an extensive culturally based science curricula that revolved around traditional uses of plants of the Great Lakes Region. He received his Master of Arts in Teaching from National-Louis University of Chicago. He holds a teaching certificate with the State of Illinois, an arborist certificate through the International Society of Arboriculture, and an Interpretive Guide certificate through National Association for Interpretation

**Gina Roxas is a Prairie Band Potawatomi** and has studied the environment through a multifaceted lens of traditional teachings as well as the humanities and science. Her interest in ethnobotany and commitment to maintaining indigenous traditions has led her to develop culturally-based, hands-on educational programs through gardening. She manages the Medicinal Garden Project at Trickster Art Gallery which provides resources for the support and education of indigenous traditions in the community.

**Dr. Eli Suzukovich III (Little Shell Band of Chippewa-Cree/Krajina Serb)** is an anthropologist with a focus on cultural resource management, ethnography, religion, oral history, and ethno-biology. Through his academic and professional careers, Eli's work has included community level research within the American Indian communities of Chicago, IL and Missoula, MT; archival collections research and management; applied ethnography; forensic field and laboratory research; and field technician for the Montana USDA.

Currently, Eli is a lecturer in the Environmental Policy and Culture Program at Northwestern and Native American and Indigenous Research Institute faculty affiliate. Outside of Northwestern, he is an associate fellow in the Keller Action Science Center located within the Field Museum of Natural History. Eli serves on the National Urban and Community Forestry Advisory Council, a FACA council that works with the U.S. Forest Service and USDA in developing urban forestry programs, funding protocols, and policy recommendations. On the community level, Eli serves on the Leadership Council for the St. Kateri Center of Chicago, a Native American outreach center for Chicago's Roman Catholic Archdiocese, and is involved with the Dunning Read Conservation Area Advisory Committee, which serves to guide the management of a 25 acre conservation easement on Chicago's northwest side.

**[Indigenous Science: Ethnobotany and Conservation Practices | The Chicago Council on Science and Technology](#)**



**Earth, taken from Mars by the rover Curiosity.”**



wickedlovelyperfectlyimperfect

This is a picture from the Curiosity Rover on Mars showing Earth from the Perspective of Mars. You are literally looking at your home from the Perspective of another planet. Epic times indeed

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**[St. Regis Mohawk Tribe joins lawsuit against Monsanto over PCB contamination](#)**

standard-freeholder.com

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**[HawaiiSEED](#)**

Today, the UN has made a significant global decision on how to govern gene drives.

**[#DontHackHawaii](#)**

"This important decision puts controls on gene drives using s...

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etcgroup.org

**[United Nations Hits the Brakes on Gene Drives](#)**

Friends of the Earth International and ETC Group Landmark...

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[Ian Zabarte https://scholar.google.com/scholar\\_case...](https://scholar.google.com/scholar_case...)

**[Solem v. Bartlett, 465 US 463 - Supreme Court 1984 - Google Scholar](#)**



*Yes, it is Friday, hence the pic on left.*

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**Critics attack plan to round up wild horses in Nevada** | Las Vegas Review-Journal

<https://www.reviewjournal.com/news/politics-and-government/nevada/critics-attack-plan-to-round-up-wild-horses-in-nevada-1535122/>

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thescholarshipssystem.com

**[23 Scholarships To Apply To By The End Of December - The Scholarship System](#)**

<http://bit.ly/2E4GI9j>

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**Big Opportunities for Small Libraries: IMLS Launches New Special Initiative**

The Institute of Museum and Library Services has launched a new special initiative, **[Accelerating Promising Practices for](#)**

**[Small Libraries \(APP\)](#)**, and is accepting grant applications now through February 25, 2019.

This new funding opportunity is designed specifically to strengthen the ability of small and rural libraries, archives, and related organizations to serve their communities, and awards sizes range from \$10,000 to \$50,000.

The initiative is in line with the IMLS Strategic Plan 2018-2022, **[Transforming Communities](#)**, which includes goals of lifelong learning, increasing public access, and building capacity. APP is a special initiative of National Leadership Grants for Libraries, which support projects that enhance the quality of library and archives services nationwide by advancing theory and practice.

“We’re pleased to support the work of small libraries and archives across our nation who are essential to their communities in so many ways,” said IMLS Deputy Director of Library Services Robin Dale. “These grants will provide opportunities for small libraries who provide such



important programs and services at a local level to impact new, promising practices on a national scale.”

### **Categories**

Three categories of APP grants are available to applicants:

- **Transforming School Library Practice:** School libraries support learning and the development of critical thinking, creativity, and collaboration skills. IMLS is interested in furthering how school library professionals can serve as integral instructional partners to classroom teachers. Grant projects could include programs and services that prepare students for success in college, career, and life, or foster early, digital, information, health, financial, media, civic, and other types of literacies.
- **Community Memory:** Libraries and archives not only serve as stewards of our nation’s knowledge and collections, but also as trusted spaces for community engagement and dialogue. This project category centers on engaging local communities in the collection, documentation, and preservation of their local histories, experiences, and identities. Proposals could include events and programs to digitize materials related to community histories, such as photographs, artifacts, or texts, or oral history projects that involve community members in the documentation and preservation of local histories.
- **Digital Inclusion:** Libraries have an important role in promoting digital inclusion and increasing access to information, ideas, and networks. This category focuses on projects that support the role libraries play in promoting digital literacy, providing internet access, and enabling community engagement through civic data and civic technology. Grant proposals could include programs supporting broadband access and wireless networks to address the homework gap, increase small business development and entrepreneurship, or plan for emergency preparedness.

### **Cohort Learning and Evaluation**

Grantees in this initiative will participate in communities of practice based on their project category. Three third-party mentor organizations will lead these cohorts, providing expert guidance and facilitating communication between grantees.

“Using an approach similar to IMLS’s Community Catalyst initiative, these new grants will support small libraries—some who may be applying for their first federal grant—through capacity building and cohort style learning,” said Dale.

This component of the grant is designed to promote shared knowledge, build grantee capacity in relevant areas, and grow networks in the library and archives fields. In addition, IMLS intends to identify and support a third-party organization to evaluate this initiative.

### **Who is Eligible?**

This grant opportunity is designed for small and rural libraries and archives, and applicants should consider how their organization might be a good fit. There are a number of ways to be “small,” and attributes of “small” libraries or archives could include:

- size of the staff and volunteer corps;
- operating budget and sources of revenue;
- size of the collection and range of services provided;
- size of facility and property;

- types, numbers, and geographic distribution of audiences served; and size relative to other organizations of the same discipline or within the same geographic region.

Institution types could include rural or urban public libraries, Native American tribal libraries, school districts representing elementary through secondary school libraries, or research or special libraries. For more details, please read the [notice of funding opportunity](#) (PDF 384KB).

### Webinars

Two pre-application webinars will be held with program staff to answer questions from potential applicants. The webinars, which will each cover the same material, are scheduled for:

- [Tuesday, December 18, 3:00 p.m. - 4:00 p.m. Eastern](#)
- [Wednesday, January 9, 2:00 p.m. - 3:00 p.m. Eastern](#)

Recordings of the webinars will also be made available on the [IMLS website](#). For information about how to participate in the webinars or to access the webinar recordings, see the [IMLS webinar page](#).

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[Avantgardens](#)

**Night heron** angle fishing at  
Namyangju-si, South Korea  
Photo: [500px.com/55abk](#)

