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Native Americans and their supporters march toward the White House in Washington, DC, in March 2017. | Photo by Manuel Balce Ceneta/AP Images

States Crack Down on Environmental Activists
New laws target infrastructure protesters, raising free-speech concerns

By [Jacob Shea](#) | May 20 2019

On May 7, Texas state legislators approved legislation that imposes harsh criminal penalties for protest around critical infrastructure projects. Under the rule, actual damage or intent to damage critical infrastructure now includes peaceful process, so long as the protest interrupts operations.

This legislation is among a raft of new and pending legislation that, environmental and civil liberties groups say, are designed to discourage people from opposing controversial infrastructure projects. In Oklahoma, individuals who protest pipelines can now be smacked with a \$100,000 fine and 10 years in prison. In Louisiana, activists who make “unauthorized entry of a critical

infrastructure” such as oil pipelines face a punishment of up to five years' imprisonment and a \$1,000 fine. And legislators in North Dakota last March passed a law under which interfering with pipeline construction becomes a felony punishable by up to five years in prison and a \$10,000 fine; groups “conspiring” with such protest could be criminally liable for 10 times that fine.

Thirty five states have considered or enacted legislation restricting the right to protest. At least eight of those bills were introduced this year, with 12 laws now on the books Iowa, Louisiana, and Oklahoma. Illinois, Indiana, Idaho, and Texas have pending legislation that would make protest near “crucial infrastructure” punishable by fines and prison time. (A full accounting of such laws can be found at [Protest Law Tracker](#).)

While the severity of the new protest penalties ranges on a spectrum, one common thread in many is punishment for interference in fossil fuel infrastructure. Two particularly far-reaching [rules](#) signed into law in Oklahoma and South Dakota earlier this year make it illegal to engage in what’s called “riot boosting”—an amorphous term that includes not only protesters themselves but also anyone who “directs, advises, encourages, or solicits other persons participating,” in the words of the Oklahoma law. Groups or individuals found to be breaking the law would be liable for three times the cost of any damages incurred to corporate or government property. In 2017, South Dakota leaders established a law that curtailed protests on public lands and restricted protests that obstruct traffic. In March 2019, state legislators went further, expanding punitive measures for “riot boosting.” Under the new law, organizations or persons not directly involved in a protest but found to act “through any employee, agent, or subsidiary” can also be held liable. [Proposed bills in North Carolina, North Dakota, Florida, Texas, and Tennessee would make it legal to hit protestors with a car](#), as long as the driver didn’t do so intentionally.

The new anti-protest bills have raised alarm among free-speech advocates, who worry that such broad designations criminalize the First Amendment–protected campaigning or fundraising of peaceful protesters, advocacy groups, and environmental nonprofits. In South Dakota, the ACLU, Sierra Club, and other organizations have filed suit against the anti-protest measures. “These energy companies are working with friendly state government to try to chill free-speech activity, and to try to shift the cost of over-policing from the state and themselves to peaceful protesters,” says Courtney Bowie, legal director for the ACLU South Dakota.

Officials in South Dakota seem to be arguing that there are limits to free speech when protest comes into conflict with economic interests. [In a press release](#), South Dakota governor Kristi Noem said, “I fully support the freedoms of speech and assembly, but we must also have clear expectations and the rule of law. My pipeline bills make clear that we will not let rioters control our economic development. These bills support constitutional rights while also protecting our people, our counties, our environment, and our state.” The governor added, “I believe this approach could serve as the next generation model of major energy infrastructure development.” The governor’s office did not respond to requests for comment from *Sierra*.

The recent surge in legislation appears to be a response to the increase in energy-infrastructure-related protests as the grassroots Keep It in the Ground movement has gained momentum. In late 2016, [Indigenous and environmental activists briefly derailed the Dakota Access Pipeline](#)

[\(DAPL\)](#) during a five-month standoff with law enforcement and, in the process, inspired new opposition to oil and gas projects nationwide. But the counterattack against environmental advocates has been forceful. In the wake of Standing Rock, Energy Transfer Partners, the company behind DAPL, sued Greenpeace USA for \$1 billion for an alleged coordinated criminal conspiracy to undermine the pipeline. A federal court dismissed the lawsuit in February. Just over a week later, ETP brought a second lawsuit against Greenpeace in North Dakota state court. In a press release following the initial ruling, Tom Wetterer, general counsel for Greenpeace USA, responded, “Today’s decision to dismiss Energy Transfer’s baseless lawsuit against Greenpeace and others sends a clear message to companies trying to muzzle civil society that corporate overreach will not be tolerated. It is also a check on corporate efforts to silence dissent.”

The ACLU’s Bowie says that the South Dakota “riot boosting” legislation is a clear response to Standing Rock. But she emphasizes that the law threatens to impact anyone wanting to organize or participate in political protest, regardless of the issue they are concerned about or their political leanings. “I think everyone has something to lose,” Bowie says. “Because right now the way the governor rolled this out is aimed at pipeline protestors, but the law is neutral in terms of who is targeted. . . . I think this is a long-term civil liberties and civil rights issue. The folks that are protesting these pipelines, whether you agree with them or not, they have a right to air their grievances, to raise these issues. I don’t think they see it as something that’s optional.”

The recent anti-protest legislation can be traced back, in large part, to the American Legislative Exchange Council (ALEC), [the Koch brothers–funded “corporate bill mill”](#) behind waves of pro-industry legislation. At ALEC’s States and Nation Policy Summit in 2017, a model bill titled the [Critical Infrastructure Protection Act](#) laid out a path to raise criminal charges for trespassing or damaging “critical infrastructure” including oil refineries, chemical factories, power plants, and pipelines. With backing from trade associations like the American Fuel and Petrochemical Manufacturers, the American Gas Association, and the American Chemistry Council, among others, ALEC approved the model legislation in 2017 and 2018.

Jamie Corey, a senior researcher at Documented, explained in an email how ALEC moves such model legislation to states: “After corporations and legislators vote as equal in task forces on model legislation, legislators take these templates and introduce them as law in their own states. After the bills are introduced, corporations, lobbyists, and right-wing think tanks help gather support for the proposals.”

On the federal level, the Trump administration has fast-tracked oil and gas development while legislators have targeted protest in other ways. In late 2018, the [National Park Service proposed rules to restrict public demonstrations in the capital](#). The Republican-sponsored “Unmask Antifa” bill introduced in the House of Representatives during the last Congress never became law, but it would have put in place harsh penalties for wearing masks and protesting in “threatening” or “intimidating” ways. In August 2017, Trump signed Executive Order 13809, which revived a policy that gives surplus military gear to local police departments around the country. (Though militarization of police stations took off under George W. Bush, Obama halted the policy in the wake of the police crackdown on Black Lives Matter protests.) And as the ACLU [revealed](#) through public records requests ([and later reported by *The Guardian*](#)), a state-

federal interagency task force was formed in 2017 in preparation for Keystone XL protests, if the pipeline project should move forward.

Indigenous and frontline communities, who often stand to suffer the worst impacts of oil and gas developments, have responded with outrage. In South Dakota, the Oglala Sioux Tribe's leadership voted to ban Governor Noem from the Pine Ridge Reservation for her support of the protest laws. [In an open letter to the governor](#), tribe president Julian Bear Runner faulted Noem for consulting with TransCanada, the company developing Keystone XL, while failing to speak with the tribe about the contested project. Calling climate change "a very real existential threat to humanity," the letter said, "In light of this, it is clear that the First Amendment—which trumps state law—was intended to protect speech of exactly the type your laws attempt to abrogate. The Keystone XL Pipeline was even deemed by a previous president to be so dangerous to our sacred lands and atmosphere that he shut it down. How can you presume to criminalize those who would agree with that previous presidential judgement and hence take vigorous action to resist dangerous infrastructure?"

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Jacob Shea is a freelance journalist based in Oakland, California, who covers the environment, science, and politics. He is also a 2019 Sierra Editorial Fellow. You can follow him on Twitter @jhsheal1.

Attachments: [NCAI Letter to House Approps Re Yucca Mountain 05.20.2019.pdf](#)

Yucca Funding is not in the bill but Yucca Mountain supporters seek to add funding for licensing.
-Ian

Attachments: [FY2020 Energy and Water ltr 5-20-19.pdf](#)

My letter resulting in DEFEAT of appropriations Yucca Mountain funding amendment today (5.21). (*congratulations, Ian!*)

[Washington Governor Insee withdraws support LNG plant,sides with Puyallup Tribe-Indian Country Today](#)

Puyallup Tribal Council Chairman Bill Sterud praised Gov. Inslee for taking a stand on a very divisive issue. The governor received a lot of criticism for withdrawing his support for the LNG project and Sterud believes it's not just an empty campaign gesture.

"He took a stand and followed through with it," the Chairman said. "I have to kind of pat him on the back."

"Governor Jay Inslee no longer supports the construction of a liquified natural gas plant"

The Puyallup Tribe received some good news on Wednesday when Washington Governor Jay Inslee announced he no longer supports the construction of a liquified natural gas plant (LNG plant) on the Puyallup River Tideflats in Tacoma. The plant, which the tribe has opposed since 2015, would produce up to a half million gallons of highly volatile liquefied natural gas per day and would store up to 8 million gallons of it in a huge tank located at the facility.



Gov. Inslee, a Democrat who announced in March he is running for president on a climate change platform, previously supported the construction of the plant. But he changed his mind and announced his reversal on the same day he signed a bill banning the use of hydraulic fracking in Washington state.

“Being committed now to 100 percent clean electricity and signing a bill prohibiting fracking in Washington state, we want to be consistent to that spirit of progress.

Therefore I cannot in good conscience continue to support the construction of a liquefied natural gas plant in Tacoma...” he told reporters.newsmaven.io/...

What the announcement means to the tribe

The governor’s withdrawal of support for the plant does not prevent its owner, Puget Sound Energy, from completing construction. It does, however, lend added weight to the Puyallup Tribe’s fight against it.

In an interview with *Indian Country Today*, Puyallup Tribal Council Member Annette Bryan explained how many questions about the plant were not addressed by the City of Tacoma’s original environmental impact statement.newsmaven.io/...

Somos Indígena: Ethnic Politics and Land Tenure in New Mexico, 1694-1965

by Jacobo D. Baca

B.A. in History, University of New Mexico, 2003

M.A. in History, University of New Mexico, 2006

Ph.D. in History, University of New Mexico, 2015

This dissertation examines changes in Hispano and Pueblo Indian land tenure in the Tewa Basin of north central New Mexico across three centuries. Land grants imposed upon the Pueblo world in the Spanish colonial period limited the shrinking Pueblo population. They paradoxically protected Pueblo land from further incursions through the Mexican era. By the American territorial period, Pueblo and Hispano land grants were exposed to similar legal, political, and economic processes that dispossessed both communities of their commonly held lands. When New Mexico became a state in 1912, the federal government intervened after decades of renegeing on its duty to protect Pueblo lands. The result was the Pueblo Lands Board, which examined non-Indian claims to lands within the exterior boundaries of Pueblo land grants. New Deal programs followed the proceedings of the board, and addressed both Pueblo and Hispano land tenure by purchasing numerous Hispano community and quasi-community land grants that had long since passed from communal ownership.

Through an examination of intercultural relations and government relations, I analyze how Indian Pueblos and Hispano villages that once shared a sense of common destiny grew apart by the middle of the 20th century.

This dissertation explores ethnic politics in Hispanos struggle for culturally based land claims in New Mexico. It examines the repression of Pueblo-Hispano hybridity by Pueblo rights advocates, government

bureaucrats, Indiophiles, Hispanophiles, and Hispano and Pueblo communities themselves. It compares Hispano communities' struggle for land and water rights with comparable Pueblo Indians struggles.

Despite similarities in how they worked and bore claim to their land in the past, the divisive way that Hispano and Pueblo communities relate to one and other and how they understand and articulate their claims to land and water rights is indicative of growing fissures between the two communities.

Convoluted already complex relationships are changes in Hispano ethnic politics, where celebrations of a Spanish colonial heritage have given way to a recognition and assertion of indigenous origins, articulated notably in claims to land and water rights.

https://digitalrepository.unm.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1001&context=hist_etds

Vote NO on AB30. The legislation will annihilate bedrock provisions of Nevada water law in order to allow state regulators the ability to grant massive appropriations of water to facilitate dangerous and irresponsible projects like the Las Vegas Pipeline.

The bill gives the State Engineer's office unharnessed discretion to make these decisions and provides a roadmap for future water regulators to plot more water grabs in the nation's driest state. The bill is designed for wealthy special interests to acquire water they currently cannot have under the law.

This will all come at the expense of our plant life, wildlife, and human life in rural and urban parts of the state.
In addition the bill will open the door to irresponsible appropriation of water to mining companies.

Anyone who supports the environment will vote NO on AB30. *From Great Basin Mine Watch*



**The Oldest Lake In Nevada Is A
Beautiful Piece of Living
History Beautiful Piece of Living History**
onlyinyourstate.com



Finding aid for Native American History Collection, 1688-1921

[UMDL finding aids home](#)

Manuscripts Division, William L. Clements Library, University of Michigan

Finding aid created by Christopher G. Tounsel, July 2010; Philip Heslip, February 2011

<https://quod.lib.umich.edu/c/clementsmss/umich-wcl-M-342nat?view=text>

This volume contains primary source documents—all from Montana—that relate to various topics in American history.

Each “lesson” includes one or more documents, correlations to National History Standards and Montana Social Studies Standards, background information about the document(s), and a few suggested teaching activities that can be easily incorporated into your existing curriculum.

Montana Primary Sources From the National Archives

Rocky Mountain Region Denver Federal Center, Building 48

P.O. Box 25307 Denver, CO 80225-0307 (303) 407-5740

We welcome feedback concerning the lessons and documents contained in this volume. Please send your comments to: Lori Cox-Paul, Education Specialist, lori.cox-paul@nara.gov

<https://www.archives.gov/files/denver/education/materials/lessons-montana.pdf>

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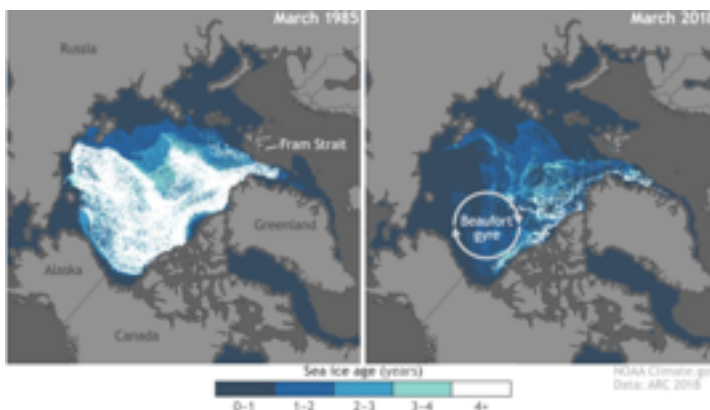
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In the warming Arctic, a promising solution to climate change

GRIST

CREATIVE

THURSDAY,



JANUARY 31, 2019

The state of Minnesota may give a boost to addiction programs that use traditional healing practices

<https://www.minnpost.com/mental-health-addiction/2019/05/the-state-of-minnesota-may-give-a-boost-to-addiction-programs-that-use-traditional-healing-practices/>

Teachers - Move to Arizona! Academies of Math and Science \$37,500 - \$53,000 a year
2016 Arizona **Charter School** of the Year. Academies of Math and Science - High Performing
Charter School, High Needs Communities. Middle **School** ELA teacher.... Easy apply

Forget the hype. Here's the state of clean energy in 6 charts.

NATHANAEL JOHNSON



Only 80,000 Koalas Remain in the World, Rendering Them 'Functionally Extinct'

Aylin Woodward, Business Insider

Woodward writes: "Australia's cutest marsupial is now 'functionally extinct.' Experts at the Australian Koala Foundation (AKF) announced on May 10 that they believe no more than 80,000 koalas are left on the continent."

Springtime in the New Normal of Climate Disruption WILLIAM RIVERS PITT,
TRUTHOUT Climate disruption is here. Find the beauty within this new normal while you can, because it is still all around us. Be fully present, obeisant to awe. Grieve in your wonder, and then act. **The Earth will tell you what to do. It has been telling us for a long time.** Read the Article →!';;

As states gather to sign Colorado River drought plan, focus turns to what's next

By Andrew Nicla, Arizona Republic, 5/20/19

After

months of tense, difficult negotiations, a plan to spread the effects of anticipated cutbacks on the drought-stricken Colorado River is nearing completion. On Monday, representatives of the seven states that rely on the river will gather for a formal signing ceremony at Hoover Dam, the

real and symbolic center of the Lower Basin Drought Contingency Plan. The plan is a blueprint for shortage sharing built around water levels in Lake Mead, the giant reservoir on the Arizona-Nevada border that has sunk to near-record low levels after two decades of drought.

States aren't waiting for the Trump administration on environmental protections

By Brady Dennis and Juliet Eilperin, Washington Post, 5/19/19

More than a dozen states are moving to strengthen environmental protections to combat a range of issues from climate change to water pollution, opening a widening rift between stringent state policies and the Trump administration's deregulatory agenda. In recent months, Hawaii, New York and California have moved to ban a widely used agricultural pesticide linked to neurological problems in children, even as the administration has resisted such restrictions. Michigan and New Jersey are pushing to restrict a ubiquitous class of chemical compounds that have turned up in drinking water, saying they can no longer wait for the Environmental Protection Agency to take action.

Mendocino Pygmy Forest Protection Project awarded funds

By Elizabeth Larson, Lake County News, 5/19/19

NORTH COAST, Calif. – Mendocino Land Trust has received funding from the California Department of Fish and Wildlife to acquire a 93-acre conservation easement off of Gordon Lane, just south of Mendocino, with the purpose of conserving 49 acres of rare pygmy forest. Residents of California's North Coast have long admired these enchanting tiny forests, but their rarity and sensitivity have not always been well understood.

Steven StandingCloud

This is the coolest idea I've seen at a powwow where you can borrow an outfit for the day for your kids. It's the Anoka School District NDN Ed program powwow.

[Shannon Giizhik](#) Saint Paul Public Schools has been doing this for the past few years too! Super good idea!!

[New Study: The More you Hug your Kids, the More Their Brains Develop](#) [dailyhealthpost.com](#)

German 12-Year-old Boy Plants 1Million Trees, Takes Over UN Program to Plant a Trillion More [goodnewsnetwork.org](#)

https://www.washingtonpost.com/news/magazine/wp/2019/05/13/feature/what-do-native-americans-want-from-a-president/?utm_term=.e6cef09d29d1



Maine law bans Indian mascots in public schools



Norm Cavanaugh

I would have to say, schools that have the majority of non-Indian students should change their Mascots of Native Americans especially if it is derogatory. As for the place I graduated from Owyhee high School, which is on the Duck Valley reservation in Nevada, I felt it really was an honor to be called the Owyhee Braves, since it is on the Duck valley reservation. We were proud to be called the Braves competing in high school sports and we didn't have to dress up as Hollywood Natives because we were real Natives with the exception of a few non-Indian blood brothers and sisters:) Just my thoughts...

Geoff Ellis

♥ I present you, **Dr. Keliiaa**! Today, Katie graduated with a PhD in Ethnic Studies from UC Berkeley! The culmination of her research raises the voices of Native people, especially Native Women. Our family, our community and our people are proud! Especially mom and dad.

And congratulations to **Loni Romo** who earned her Masters.
Richard Thunderhouse earned his AA in Industrial Millwright Technology as well as being on the GBIA Dean's List.

