

***Journal #4695      from sdc      6.8.20***

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*Historic Ruling for Mashpee Wampanoag Tribe (Mashpee v. Bernhardt)*



[Joe Rhoan](#) is with [Shaylyn Tom](#). [June 4, 2017](#) · [Mesa, AZ](#)

No Miwok.....

Lucy Telles, famous Yosemite-Mono Lake Paiute with one of her prize winning baskets.

Lucy Telles maiden name was Tom, she was Lucy Tom.

Lucy Tom's father was full blooded Yosemite-Mono Lake Paiute Bridgeport Tom and her mother full blooded Yosemite-Mono Lake Paiute Louisa Sam-Tom.

Lucy Tom's mother's grandparents were full blooded Yosemite-Mono Lake Paiute Captain Sam and his wife Susie Sam who died on August 1903.

Her most famous basket was the largest known to have been woven in Yosemite Valley.

It sold for \$250 in 1939;an enormous basket with a 36" diameter that took her four years to weave took first prize at the 1933 World's Fair.

In 1950, Telles raffled off this basket, her son won it, and the National Park Service purchased it for their Yosemite Museum. (Dee Numa )

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**It's the birthday (6.7)** of novelist [Louise Erdrich](#) ([books by this author](#)), born in Little Falls, Minnesota (1954). She grew up in Wahpeton, North Dakota, where her parents taught at the Bureau of Indian Affairs. Her mother was French-Ojibwe, and her father was German; she and her six brothers and sisters were raised in a close, loving family. Instead of watching TV—they didn't own one—the children were encouraged to write and to memorize poems.

She went off to Dartmouth in 1972, the same year the university started admitting women and the first year of its new Native American Studies program. The program's director was Michael Dorris. Years after she graduated, Erdrich was invited back to Dartmouth to read some of her poetry, and she became re-acquainted with Dorris, and they ended up getting married.

She started off as a poet. Her first book was *Jacklight* (1984), a book of poems based on the thesis she wrote for her master's degree in 1979. She said, "I began to tell stories in the poems and then realized that there was not enough room." So she moved on to fiction. She published her first short story, "The Red Convertible," in 1981, and "Scales" in 1982. Later that year, Dorris convinced her to enter a new fiction-writing contest, so in the space of two weeks she wrote "The World's Greatest Fisherman," and she won the \$5,000 prize. Two years later, she published *Love Medicine* (1984), a novel made up of 14 interrelated stories.

*Love Medicine* is populated with characters who live in the fictional town of Argus, North Dakota, or its nearby reservation. There is Marie Lazarre, who starts out life convinced she wants to be a nun—"I was that girl who thought the black hem of her garment would help me rise. Veils of love which was only hate petrified by longing—that was me." And her rival Lulu Lamartine—"Lulu Lamartine was usually controlled as a cat, and got her way through coaxing, cajoling, rubbing against your leg. An old woman who remained infuriatingly pretty, she bent others to her will before they knew what was happening." And Nector Kashpaw, the man who loved Lulu but married Marie anyway: "Here is what I do not understand: how instantly the course of your life can be changed. I only know that I went up the convent hill intending to sell geese and came down the hill with the geese still on my arm. Beside me walked a young girl with a mouth on her like a flophouse, although she was innocent. She grudged me to hold her hand. And yet I would not drop the hand and let her walk alone. Her taste was bitter. I craved the difference after all those years of easy sweetness." After *Love Medicine*, Louise Erdrich wrote many novels set in the same fictional universe, and Marie, Lulu, and Nector all reappeared, along with others connected to them. Her novels include *Tracks* (1988), *The Last Report on the Miracles at Little No Horse* (2001), *The Master Butchers Singing Club* (2003), *The Plague of Doves* (2008), *Shadow Tag* (2010), and *LaRose* (2016).

She said, "We have a lot of books in our house. They are our primary decorative motif—books in piles on the coffee table, framed book covers, books sorted into stacks on every available surface, and of course books on shelves along most walls. Besides the visible books, there are the boxes waiting in the wings, the basement books, the garage books, the storage locker books. They are a sort of insulation, soundproofing some walls. They function as furniture, they prop up sagging fixtures and, disguised by quilts, function as tables. The quantities and types of books are fluid, arriving like hysterical cousins in overnight shipping envelopes only to languish near the overflowing mail bench. Advance Reading Copies collect at beside, to be dutifully examined—to ignore them and read Henry James or Barbara Pym instead becomes a guilty pleasure. I can't imagine home without an overflow of books. The point of books is to have way too many but to always feel you never have enough, or the right one at the right moment, but then sometimes to find you'd longed to fall asleep reading *The Aspern Papers*, and there it is." (*Sounds like mine.*)

She said, "By having children, I've both sabotaged and saved myself as a writer. [...] With a child you certainly can't be a Bruce Chatwin or a Hemingway, living the adventurer-writer life. No running with the bulls at Pamplona. If you value your relationships with your children, you can't write about them. You have to make up other, less convincing children. There is also one's inclination to be charming instead of presenting a grittier truth about the world. But then, having children has also made me this particular writer. Without my children, I'd have written with less fervor; I wouldn't understand life in the same way. I'd write fewer comic scenes, which are the most challenging. I'd probably have become obsessively self-absorbed, or slacked off. Maybe I'd have become an alcoholic. Many of the writers I love most were alcoholics. I've made my choice, I sometimes think: Wonderful children instead of hard liquor."

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### The famous Easter Island heads have bodies 🗿



[earthlymission.com](http://earthlymission.com)

This funny image of two of the famous Easter Island statues sitting with their arms folded underground is not as far from reality as one might think.

We've all seen the iconic images of the Easter Island heads. But what you might not have known is that the heads actually have hidden bodies buried under the earth!

The statues, known as *Moai*, were carved by the Rapa Nui people between the years 1,100 and 1,500 from stone found on their islands situated in the South Pacific.

Over time, the statues became buried in sediment and rocks, hiding and preserving the torsos.

However, a team of archaeologists at UCLA excavated several of the heads to reveal the underlying torso and body.



[earthlymission.com](http://earthlymission.com)

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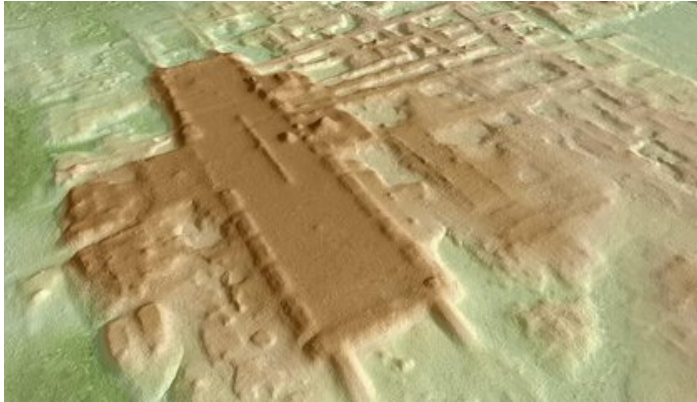
### [Elveda Martinez](#)

I'm proud of the work that the Native American Fish and Wildlife Society has done. Our Walker River students have attended practicums and have received scholarships. Our College Interns have done presentations at regional and national conferences and highlighted work being done on our reservation or work they have done in college.

The NAFWS 2019 Annual Report is available. Have a look at some of the good work we have accomplished in 2019: [nafws.org](http://nafws.org)    [nafws.org](http://nafws.org)

*Reading gives us someplace to go when we have to stay where we are.— Mason Cooley*

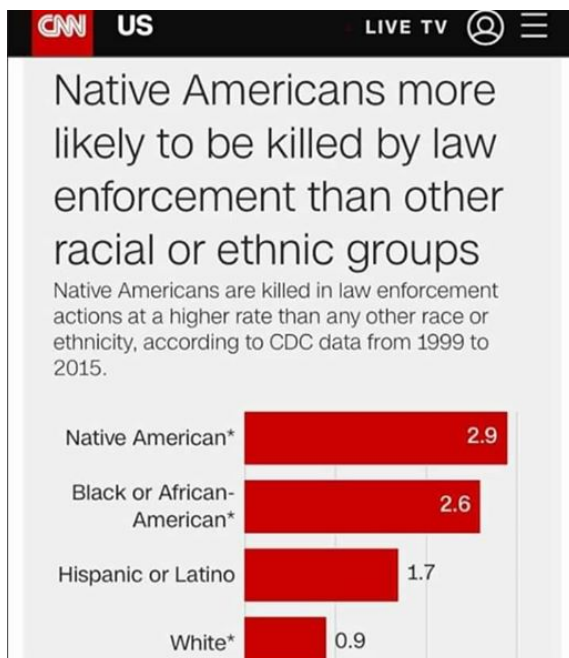




**Serial Survey Identifies Oldest, Largest Maya Structure Ever Found in Mexico** On this day (6.5) in 1799, naturalist Alexander von Humboldt set sail from La Coruña in Spain, heading toward Latin America. Von Humboldt studied the geography, languages, flora and fauna of what are now Venezuela, Colombia, Ecuador, Peru, Mexico and Cuba; in his writings on Cuba and its economic system, he called for ending slavery.

[Learn more about the polymath, who is the center of an exhibition at the Smithsonian American Art Museum](#)

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stütttsiiso'ōkāasim  
@MrHWM

cuomo just asked when was the last time you saw the american military deployed against american citizens. burnett says 1807.

lets try wounded knee in 73 and and standing rock in 2016.

the way this country forgets what it does to native people is fucking remarkable.

Elveda Martinez: Grant Application Submitted: Just wanted to update our Walker River members on a grant that I and Marlene worked on and submitted. A tribal resolution was presented and passed by the Tribal Council on the meeting that was via live FB in May, 2020. Here is information that was submitted to the Council:

#### Native American Agriculture Fund (NAAF) Pinenut Picking Project – 2020 Scope of Work

The Native American Agriculture Fund (NAAF) was created from funds attributed to the settlement of the Keepseagle litigation. They are allowed to fund grant projects for a total of 20 years until the year 2038. Tribal governments are eligible to apply for funds as long as the tribe agrees to a limited waiver of sovereign immunity for the amount of funding applied for.

There is a section that allows funding for Special Emphasis Projects – Traditional Foods and Food Sovereignty Programs. Under this section I'm applying for funding where tribal members will pick pinenuts for our community members. They'll be required to pick, clean and bag into 1 pound bags. We'll hire a lead person on a contract basis to head up the program. They'll inventory supplies, distribute supplies and work with others in weighing and bagging the pinenuts for distribution. All pickers will be paid \$40/per pound. We'll purchase supplies and provide some gas for those wanting to pick. We're looking to pick 500 pounds of pinenuts.

I'm submitting an application on-line; it's due on June 1, 2020. We're requesting \$51,585.00. We're hoping to hear about whether or not we'll be funded by July or August. This would be for one Pinenut season.



CARES Act Project for Walker River: I submitted this to our Tribe and it was approved for funding. I appreciate any and all input and ideas to get this started. You can respond here or email me at: [emartinez@wrpt.org](mailto:emartinez@wrpt.org).

Planning for Food Sovereignty Project: I want to plan for a large garden, orchard and a building that can be used for storing food; this would be near the garden; it would allow for freezers and

coolers for food; need a kitchen for canning of food; etc. This is ...

[See More](#)



#### **More Grandma stories:**

[Linda Rodriguez](#) I remember my grama Lena chopping of the chickens head and throwing them at us and they would be jumping around with no head !! We would scream and run every time !!! She was the only grama I really knew was very small when my grama passed !!!

[John HighEagle](#) I watched the Price is Right and Let's Make A Deal every morning with my dad's mom when I was 4.

[Stella Marie Hunter](#) I used to sleep with my Grama Josephine and I would be scared cause she would stay up late and watch war movies

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All of Nevada's 17 counties average less than 10 inches of annual rainfall, yet urban sprawl in the Las Vegas Valley has been predicated on the assumption that, if all else fails, the Southern Nevada Water Authority would be able to siphon water from basins along the Utah border and bring it south through a pipeline likely to cost somewhere in the neighborhood of \$15 billion.

Turns out that plan had environmental impacts that were hard to get around, so Las Vegas has gone back to the proverbial drawing board and stakeholders in White Pine, Nye and Lincoln Counties are breathing a sigh of relief.

On Monday Kyle Roerink (Great Basin Water Network) will give us the lowdown on all the loose ends he is still tying off and a look ahead to where struggles over ground water might go from here. Bring your questions. Kyle has answers.

**Meeting link:** <https://bit.ly/2MEqMww>

The meeting ID and password are embedded in the link, but if it doesn't work for any reason you can sign in manually at <https://zoom.us/join>.

Meeting ID: 895 2375 5103

Meeting password: 448858

The room opens at 11 on Monday, June 8th. The informal social hour runs from 11 to noon, and though the video will have started recording, that portion gets trimmed off before it's posted for streaming. The speaker's presentation will start at noon or shortly thereafter. Q&A session follows.

Click the meeting link and you'll find yourself in the waiting room. You'll be admitted as quickly as possible, usually within seconds. Having been zoom-bombed once already, we've come to appreciate the value of having a waiting room just in case a swarm of Zoom-bots suddenly comes knocking.



[Chag Lowry](#)

[June 5, 2019](#)

June 6 will mark the 75th anniversary of the D-Day Invasion on the northern coast of Normandy, France in World War Two. Maidu elder Johnny Smith was a member of the 82nd Airborne Division's 325th Glider Regiment. He flew aboard an unarmed glider with 12 other brave souls and landed behind enemy lines. The glider had no engine, it glided down through turbulence and anti-aircraft fire. Johnny and his boys landed. Then they fought to liberate people from Nazis who believed in nationalism and white supremacy.

It's important to remember that our Native men were involved in every aspect of World War Two. Tomorrow the world will commemorate D-Day. I'll be with you on June 6 Mr. Johnny Smith, and we will honor your part in this world-changing event.

[John D. Berry](#)    [D-Day, June 6, 1944. Remember.](#)

Was just doing some searching few years back Found this:

The Indian Journal, Oklahoma, February 25, 1943, p.#1.

37 McIntosh county boys left the armory office of the county draft board here early Wednesday morning for the reception, center at Fort Sill. A special bus carried the boys to the reception camp and was due to reach there around five o'clock Wednesday afternoon. Despite the early hour in which the draftees took their departure a large crowd of relatives and friends were present to see them off. The men making the trip to camp were: Bill Prewitt, Bill Reed, Richard. M. Thomas, Lloyd B. Treat, Howard D. Hallon, James J. Jacksonv, Othel T Dixon, Christopher C Adams, Jr., and Ben L. Hurst. Jessie A. Young, Frank A. Jones, Brownie Berry, Zirl A. Hopkins, Audie R. Granlich, Theodore W Pearce, E. P. Hammontree, Oscar F. Martin, Dallas S.



Breedlove, Willie E. Pitts, Herman C. Thompson, Roy J. Ott, and John B Douglas. Fred T. Keifer, Charles H. Castleberry, Russell L. Stewart. Harold James, Lawrence B. Willman., Thomas J. Creekbaum, Tandy V. Couch, Eugene H. Renfrow, Joseph A. Ruxenscheon, Mitchell D. Harjo, Robert Butler, Jacob Ov Pendley, James D. Freeman, John. R, Wells, and Deward J. Etner

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**Mashpee Wampanoag Tribe and Native Organizations Encouraged by Recent Decision in *Mashpee v. Bernhardt* and Now Call on DOI for Recommitment to Tribal Sovereignty**

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Yesterday (6.5), the United States District Court for the District of Columbia rendered a decision in favor of the Mashpee Wampanoag Tribe in the case of *Mashpee Wampanoag Tribe v. Bernhardt*. In its opinion, Judge Paul L. Friedman ruled:

The Court will grant the Mashpee Tribe’s motion for summary judgment and deny the federal defendants’ and defendant-intervenors’ motions for summary judgment. Furthermore, because the Secretary of the Interior’s September 7, 2018 Record of Decision is arbitrary, capricious, an abuse of discretion, and contrary to law, the Court remands the matter to the Secretary of the Interior for a thorough reconsideration and re-evaluation of the evidence before him consistent with this Opinion, the 2014 M-Opinion, M-37209 – its standard and the evidence permitted therein – and the Department’s prior decisions applying the M-Opinion’s two-part test.

**For the first time since the termination era, the Department of the Interior (DOI) attempted to disestablish a Tribal reservation, ordering the homelands of the Mashpee Wampanoag Tribe to be taken out of trust. The order from DOI Secretary David Bernhardt came on March 27, 2020, as the Tribal Nation worked to respond to the COVID-19 public health emergency, during active litigation on the status of the land, and following the rescission of the 2014 *Carcieri* M-Opinion and the issuance of a new 4-part test to qualify under the first definition of “Indian” in the Indian Reorganization Act (IRA). On March 30, 2020, the Mashpee Wampanoag Tribe asked the Court to issue an emergency restraining order to prevent DOI from taking immediate action to disestablish its reservation.**

“The DC District Court righted what would have been a terrible and historic injustice by finding that the Department of the Interior broke the law in attempting to take our land out of trust,” said Mashpee Wampanoag Tribal Chairman, Cedric Cromwell. “We will continue to work with the Department of the Interior — and fight them if necessary — to ensure our land remains in trust.”

**The Court ruled DOI's 2018 decision that the Mashpee Wampanoag Tribe did not prove it was "under federal jurisdiction" in 1934, and therefore did not meet the first definition of "Indian" under the IRA—making the Mashpee Wampanoag Tribe ineligible to acquire land in trust—was arbitrary and capricious. It remanded the decision to DOI with clear direction to issue a decision consistent with the 2014 M-Opinion's standard and the evidence permitted therein, as well as DOI's prior decisions applying the 2014 M-Opinion test. The Court further directed DOI to properly address each piece of evidence, give a reasoned analysis as to whether it is probative, explain any departure from past DOI precedent, and view all probative evidence in concert rather than in isolation. And importantly, the Court's decision also mandates that DOI maintain the land in trust pending DOI's new determination and prevents DOI from applying its new 4-part test in this case.**

"USET SPF is pleased that the Court acted swiftly and justly to provide necessary certainty to the Mashpee Wampanoag in these uncertain times," said USET SPF President, Kirk Francis. "The Department of the Interior was under no order to take the land out of trust, and so to attempt to rob the Mashpee of their homelands is nothing short of shameful. The Department should be assisting Tribal Nations as we work to reestablish our homelands after centuries of federal action designed to assimilate and terminate. Instead, actions by this Administration are aimed at perpetuating antiquated and regressive federal policies, resulting in the destabilization of our governments. While we celebrate this victory with Mashpee and all of Indian Country today, the centuries-long fight to protect and restore Tribal homelands is ongoing and we must remain steadfast in our vigilance. We continue to stand with Mashpee as the Department reexamines its evidence on remand."

"On behalf of the National Congress of American Indians, we congratulate the Mashpee Wampanoag Tribe on their historic victory. We consider this a win for all of Indian Country," said NCAI President Fawn Sharp. "The Mashpee Wampanoag relationship with the United States is one of political equality, derived from their inherent sovereignty, powers, and authority that long predates the United States. No federal agency or civil servant has the authority to diminish or in any way undermine that unique political relationship and standing. We will remain vigilant and stand united with Mashpee who have shaped and supported this country from the arrival of the first European settlers and will coexist as sovereign equals for generations to come."

**USET SPF and NCAI share a profound commitment to Tribal sovereignty and the restoration of Tribal homelands. In light of this commitment, we have been advocating for a fix to the Supreme Court decision in *Carcieri v. Salazar* since it was handed down in 2009. *Carcieri* has created a deeply inequitable 2-class system, in which some Tribal Nations have the ability to restore their homelands and others do not. This 2-class system serves to deny these Tribal Nations a critical component of the trust relationship, vital aspects of the exercise of inherent sovereignty, and the opportunity to qualify for several government programs.**

We continue to call for the immediate passage of a fix that contains the two features necessary to restore parity to the land-into-trust process:

- (1) A reaffirmation of the status of current trust lands; and
- (2) Confirmation that the Secretary has authority to take land into trust for all federally recognized Tribal Nations.

While this decision is an important step toward righting centuries of wrong against the Mashpee Wampanoag Tribe, our collective work is not finished. We urge and await a positive determination from DOI on Mashpee's homelands once and for all. Our organizations will continue to fight for the restoration of Tribal homelands and the full delivery of trust and treaty obligations. We call upon DOI to recommit itself to the restoration of homelands, the trust obligation, and Tribal sovereignty.

I hope they give us two weeks' notice before the end of this so we can lose 10 pounds, cut our hair and get used to not drinking at 9:00 a.m.

New monthly budget: Gas \$0 Entertainment \$0 Clothes \$0 Groceries \$2,799.

Breaking News: Wearing a mask inside your home is now highly recommended. Not so much to stop COVID-19, but to stop eating.

Low maintenance women are having their moment right now. We don't have nails to fill and paint, roots to dye, eyelashes to re-mink, and are thrilled not to have to get dressed every day. I have been training for this moment my entire life!

When this quarantine is over, let's not tell some people.

I stepped on my scale this morning. It said: "Please practice social distancing. Only one person at a time on scale."

Not to brag, but I haven't been late to anything in over 6 weeks.

It may take a village to raise a child but I swear it's going to take a vineyard to home school one.

I wanted zombies and anarchy. Instead we got working from home and toilet paper shortages. Worst. Apocalypse. Ever.

You know those car commercials where there's only one vehicle on the road - doesn't seem so unrealistic these days.

They can open things up next month, I'm staying in until July to see what happens to you all first.

Day 37: The garbage man placed an AA flyer on my recycling bin.

The spread of Covid-19 is based on two things:

1. How dense the population is. 2. How dense the population is.

Appropriate analogy: "The curve is flattening so we can start lifting restrictions now" = "The parachute has slowed our rate of descent, so we can take it off now".

People keep asking: "Is coronavirus REALLY all that serious?" Listen y'all, the churches and casinos are closed. When heaven and hell agree on the same thing it's probably pretty serious.

Never in a million years could I have imagined I would go up to a bank teller wearing a mask and ask for money.

Home school Day 1: I'm trying to figure out how I can get this kid transferred out of my class.

Putting a drink in each room of my house today and calling it a pub crawl.

Okay, the schools are closed. So do we drop the kids off at the teacher's house or what?

For the second part of this quarantine do we have to stay with the same family or will they relocate us? Asking for myself. . . .

Coronavirus has turned us all into dogs. We wander around the house looking for food. We get told "No" if we get too close to strangers and we get really excited about going for walks and car rides.

The dumbest thing I've ever bought was a 2020 planner.

I was in a long line at 7:45 am today at the grocery store that opened at 8:00 for seniors only. A young man came from the parking lot and tried to cut in at the front of the line, but an old lady beat him back into the parking lot with her cane. He returned and tried to cut in again but an old man punched him in the gut, then kicked him to the ground and rolled him away. As he approached the line for the 3rd time he said, "If you don't let me unlock the door, you'll never get in there."

Enjoy your day. You don't have anything else to do.

*(Not true. There is so much to do...hope you're being busy. sdc)*