

THE INDIGENOUS WORLD 2001/2002

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THE UNITED STATES

Following the September 11 attack on New York and the Pentagon, many Native peoples in the United States participated in efforts to aid the victims. For example, Native communities organized spiritual events to ease the passage of the dead as well as to help strengthen the survivors. In addition, keepers of spiritually important pipes traveled to “ground zero” in order to support the efforts of Mohawk ironworkers working at the site. While at this place of sorrow, these Native peoples not only burned sage to cleanse themselves but also purified any non-Native individuals who asked.

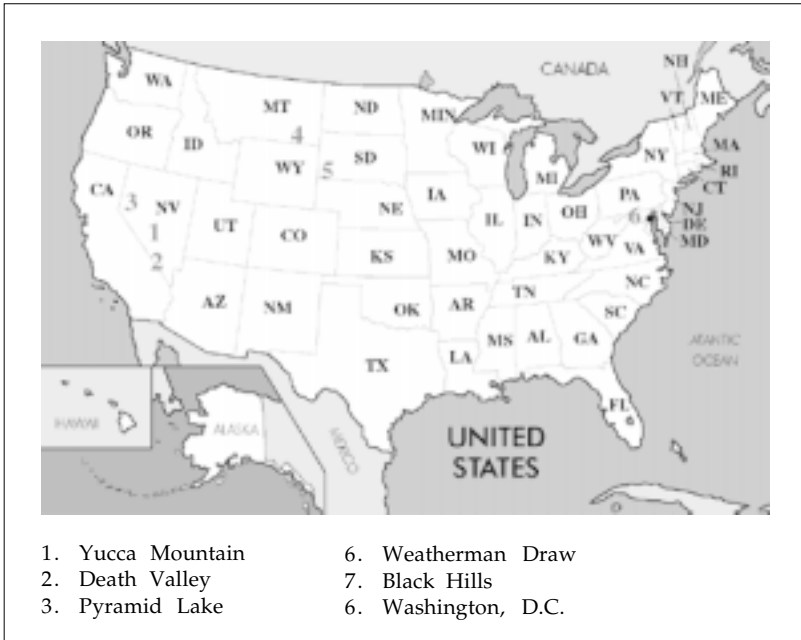
Although the tragedy of September 11 has overshadowed domestic issues, many areas concerning Native communities in the United States still deserve the attention of federal and state authorities. Issues concerning sovereignty, health and finances dominate political discourse among Native Americans. As a consequence, controversies surrounding the Individual Indian Money Trust Fund, sacred sites, gaming, health, education, and jurisdiction over tribal lands, budgets and taxation have begun to gain national attention. Predictably, each of these areas continues to plague Native efforts to sustain viable communities.

Currently, the Bush administration has yet to make any of these issues a priority. This lack of activism on the part of the federal government appears to be related to budgetary constraints, a philosophy that promotes state rights, and a commitment to the development of extractable resources.

A number of Native advocacy organizations have been critical in the fight to protect the rights of indigenous groups affected by the government’s failure to address Native concerns in policy decisions. Particularly helpful in this regard are the Native American Rights Fund (NARF) and the National Congress of American Indians. In order to illustrate the uphill battle facing Native populations in the United States, three specific areas will be addressed. These include the Individual Indian Money Trust Fund, sacred sites, and issues concerning health and education.

Individual Indian Money Trust Fund

Five years ago, three hundred thousand Native people filed a class action lawsuit against the Interior Department’s misuse of trust fund



accounts. Referred to as *Cobell v. Babbitt*, who was Clinton’s Secretary of the Interior, the case alleges that the Bureau of Indian Affairs, a sub agency of the Department of the Interior, underpaid or in some cases failed to pay fees owed to Native tribes and individuals for the use of their land. This problem most commonly occurred over the royalties owed for the extraction of resources such as timber, mining, grazing, oil and coal. At this point in time, these federal agencies cannot account for billions of dollars kept in thousands of trust fund accounts set up for Native peoples. This problem has had the most effect on Natives who reside in the Great Plains states. At least forty percent of the individual accounts managed by the Bureau of Indian Affairs belong to individuals living in North Dakota, South Dakota and Nebraska.

This endemic weakness in accounting procedures began in 1887, when federal law divided some reservation land into smaller plots for individual Natives. Currently, the Bureau of Indian affairs, oversees 45 million acres. Because the land is held in trust, it cannot be taxed or sold and the government must approve any leases.

After President Bush’s election, the *Cobell v. the Department of the Interior* case focused on the actions of the newly appointed Interior Secretary, Gale Norton, and Neal McCaleb, the recently appointed director

of the Bureau of Indian Affairs. In late December, the District Judge overseeing the trial filed contempt charges against both of the government officials over the potentially fraudulent loss of these trust monies. According to the District Judge, Norton and McCaleb failed to aid the trust holders' efforts to gain information concerning funds missing from their accounts.

When the court resumed after its recess during January 2002, the Interior Secretary discussed her efforts to determine how much Natives are owed because of prior mismanagement of the fund, which began more than 100 years ago. Norton's main defense centers on the faulty accounting practices of the past, a loss of critical documents due to improper storage and the destruction of other critical information by past administrators.

Both McCaleb and Norton are spearheading efforts to remove the Bureau of Indian Affairs' historical control over trust accounts. In its stead, they envision the development of a Bureau of Indian Trust Assets Management. Consequently, Norton requested that \$300 million earmarked for the Bureau of Indian Affairs be transferred to the Department of the Interior. Apparently, she visualizes using this money for trust fund management. However, only \$83 million of this funding will be used to oversee trust reform. Almost every Native leader opposes this proposal. As one leader noted, this change fails to address the decades-old problem of the government's mismanagement of billions of dollars belonging to Native landowners.

As an alternative, tribal leaders suggest centralizing trust funds - both tribal and individual - while allowing the Bureau of Indian Affairs to continue managing the funds. Currently, the management of trust funds is spread between a number of Interior and Bureau of Indian Affairs departments. According to the Santee Sioux Tribal Chairman, Roger Trudell, "the bottom line would be to get the bureau out of the Interior Department. Right now, fish get more money than an Indian person gets".

If the class action suit perseveres and a total loss of income owed the Native peoples is determined, the federal government will be responsible for returning monies belonging to the individuals involved in the class action suit. As yet, the contempt charges facing Norton and McCaleb have not been resolved.

Sacred Sites

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Protecting land considered sacred to Native peoples has been a contentious issue in the United States. A particularly problematic situa-

tion occurs when the private or public sector rather than Native peoples control culturally important land. Yucca Mountain provides an example of this difficulty.

In January 2002, the Department of Energy chose Yucca Mountain as a repository for the bulk of the nation's nuclear waste. Currently, about 40,000 tons of commercial waste is generated yearly. Estimates suggest that this amount will increase by at least 2,000 tons annually. In order to address this problem, the Energy Department wants to deposit a minimum of 77,000 tons of highly radioactive material at Yucca Mountain.

Located in Nevada, Yucca Mountain is considered a place with immense spiritual power by the Shoshone and Paiute peoples. According to their beliefs, even the water emerging from the mountain contains spiritual energy. Although the mountain has been used by the military for nuclear testing, the land is actually protected by an 1863 treaty signed by the United States Government and the Shoshone. Unfortunately, the Shoshone have not been able to control their rights to the land. Because of the misuse of this area, the Western Shoshone Nation suffer from widespread cancer, leukemia and other disease as a result of the fallout from more than 900 atomic explosions on their territory.

During President Clinton's tenure in office, he vetoed the use of Yucca Mountain as a nuclear repository. With a new administration, this policy has changed. President Bush approved the site's use as a storage area for radioactive waste in February 2002. If the Senate and the House approve the plan, Yucca Mountain will become the nation's number one nuclear repository. Currently, the Native peoples affected, Nevada officials and environmentalists are fighting Yucca Mountain's designation. Politically, however, it appears that this coalition will lose their battle.

Adding insult to injury, Senate Bill 958 - the Western Shoshone Claims Distribution Act offers \$117 million to individual Western Shoshone citizens for 26 million acres of land that is not, and has never been, for sale. With the passage of this bill, any future claims made by the Western Shoshone will not be considered. Presently, the bill is still in committee. It is impossible to predict whether or not the Senate will pass the bill once it moves to the floor for a vote. Sponsors of the bill hope that its passage will diminish the loss of Yucca Mountain by providing monies for the land and long-term health costs incurred by the Western Shoshone from the past misuses of their territory.

Weatherman Draw, which encompasses 47,000 acres and is located approximately 70 miles southwest of Billings, Montana is another sacred area in peril. At least ten Native nations perceive this region to be sacred. Numerous rock drawings dating back several

thousand years, dot the entire landscape. Unfortunately, Philip Anschutz, the 16th wealthiest person in the world, has a lease to drill for oil in the area. He bought the lease in 1994, which predates the Bureau of Land Management's regulations concerning the protection of places important to our nation's heritage. During Clinton's presidential term, the issue was buried in red tape. After Bush took office, he granted Anschutz's firm the right to begin drilling in the region this June.

As a strategy to protect the region, the Blackfeet have offered Anschutz the right to drill for oil on their reservation instead of on the sacred site. Based on geological surveys, the region offered by this Nation is known to contain at least two billion barrels of oil. To date, Anschutz has refused to consider the Blackfeet's offer.

On a more optimistic note, the Lenape of New Jersey have managed to save a 10,000-year-old site from plans by the town council of Vernon, New Jersey to build a baseball field on the sacred area. In this case, the National Congress of American Indians passed a resolution protecting the site from development.

Another positive development involves the Pyramid Lake Paiute Tribe's agreement with the Department of the Interior and local cities in Nevada. \$36 million will be used to clean up the Truckee River, a major source of water for Pyramid Lake. As a consequence, the endangered cui-ui fish, which is only found at Pyramid Lake and considered critical to the local Paiute, will have a chance to recover (see also *The Indigenous World 2000-2001*).

Health Issues

During the year, the Indian Health Service, under the auspices of the Department of Health and Human Services, received \$2.6 billion to provide healthcare to 2.4 million American Indians and Alaska Natives. Populations residing on reservations or in rural communities received most of these monies.

Currently, 60% of Native peoples in the United States rely on the Indian Health Service for their medical needs. And yet the health of Native peoples is still poorer than that of any other ethnic population in the United States. Obvious health disparities exist in terms of life expectancy, infant deaths, diabetes, tuberculosis and alcoholism. Life expectancy is five years less than for any other populations in the United States. Infant mortality is 8.9 per 1,000 live births, as compared to 7.2 for the population at large. In other areas, these disparities become much worse. In relation to the population at large, death rates

due to alcoholism (740%), tuberculosis (500%), diabetes (390%) and suicide (190%), are clearly much higher for Native peoples.

According to the Indian Health Service, they only receive 59% of the monies needed to address the health care needs of Native peoples. Hopefully, next year's budget will take these health disparities into account.

Development

Reservations are desperately trying to develop employment opportunities for their citizens. In some states, gambling has provided a boom to local economies. Many states do not allow this type of activity, however. In those states that do allow gambling, the market is becoming saturated with competing gaming operations. In the past, proceeds from gaming could not be taxed by the state in which they operated. A number of states have successfully fought to tax these proceeds during the past year. This has reduced profits made from gambling further.

In Nebraska, the Santee community has continued to battle against the state for the right to legally operate a gaming operation. For the first time since this issue arose, the state's committee addressing the activity had enough votes to send a bill to the floor. Once there, it is hoped that the bill will receive enough support from fellow state legislatures to undertake a statewide ballot on the rights of Native gaming. If passed, casino gambling would be allowed on reservation lands or trust lands owned by the Omahas, Winnebagos, Poncas and Santees. According to some elected officials, however, not enough votes are available in the state legislature to place the issue on November's ballot.

During the past year, the Lakota attempted to develop the commercial production of hemp. The importation of hemp is allowed through NAFTA and currently Canada is one of the main exporters of this crop into the United States. Unfortunately, the United States failed to grant the Lakota the right to produce hemp for sale.

Unfortunately, state and federal laws continue to hinder the commercial development of tribal lands. Few options beyond gambling, the selling of extractive resources and the leasing of land for grazing or farming are presently available to Native peoples. Few Native nations have managed to make enough money in any of these areas to diversify their economies. Hopefully, 2002 will be a more prosperous one for the indigenous peoples of the United States.

Education

Native American students face obstacles in their educational success. Only 9% of Native Americans have bachelor's degrees, as compared to 22% for whites and 20% for all other ethnic groups. The Bureau of Indian Affairs' school programs, which serve 50,000 students, will receive \$504 million in 2002. Although the General Services Administration estimates \$292 million dollars are needed to repair, improve and construct schools under the management of the Bureau of Indian Affairs, only \$13.1 million dollars were earmarked for these needs.

Native schools that administer their own education programs have also received less money than requested. During the 2002 fiscal year, these schools will only receive 80% of the funding needed to fulfill their administrative responsibilities.

Native educational leaders are lobbying Bush to "leave no child behind" and to fund schools adequately in his 2003 budget. They have yet to see the 1 billion dollars promised by Bush for improving Native American education. Hopefully, funding levels will increase during the next fiscal year.

Land Claims

In 2001, few - if any - Native communities won in their efforts for either the return of land taken illegally or for monetary compensation for lost land. The Timbisha Shoshone Tribe has yet to receive any acreage in Death Valley, although they were promised that this would occur in a 1983 ruling. The Lakota, who view the sale of the Black Hills of South Dakota as illegal, received monies for this land. Like the Hopi, however, the Lakota refuse to touch money given for land.

Currently, the Wichitas and affiliated Tribes, located in Oklahoma, are fighting Texas for the right to control the use of their ancestral lands in that region. It is legal for private landowners in Texas to sell individuals permits to dig on their property for artifacts once belonging to the Wichitas and their affiliates. So far, the state of Texas has not stopped this practice.