

NWIC GLOSSARY
12 September 2006

AIHEC AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

The American Indian Higher Education Consortium was founded in 1972 by the presidents of the nation's first six Tribal Colleges, as an informal collaboration among member colleges. Today, AIHEC has grown to represent 34 colleges in the United States and one Canadian institution. Unlike most professional associations, it is governed jointly by each member institution.

AIHEC's mission is to support the work of these colleges and the national movement for tribal self-determination. Its mission statement, adopted in 1973, identifies four objectives: maintain commonly held standards of quality in American Indian education; support the development of new tribally controlled colleges; promote and assist in the development of legislation to support American Indian higher education; and encourage greater participation by American Indians in the development of higher education policy.

<http://www.aihec.org/>

Northwest Indian College's president, Cheryl Crazy Bull, is currently serving a second term as AIHEC's president.

AISES AMERICAN INDIAN SCIENCE AND ENGINEERING SOCIETY

The American Indian Science and Engineering Society was founded in 1977 by American Indian scientists, engineers and educators. In view of the high dropout rates and low college enrollment and graduation rates of American Indians compared with all other ethnic groups in the United States, and the severe under-representation of American Indians in the science and engineering fields, these Native professionals resolved to create an organization that would identify and remove the barriers to academic success for Native students.

<http://www.aises.org/about/>

Northwest Indian College has an active AISES chapter.

ALLOTMENT (see Dawes Act)

AMERICAN INDIAN PROBATE REFORM ACT

The American Indian Probate Reform Act (AIPRA) was signed into law by President Bush on October 28, 2004. The legislation introduced by Senator Ben Nighthorse Campbell of Colorado and supported by former Secretary of the Interior Norton reforms American Indian Probate rules and helps to facilitate the consolidation of Indian land ownership across the nation.

The American Indian Probate Reform Act of 2004 (S. 1721) provides valuable tools to the Department of the Interior, Tribal governments, and individual Indians to facilitate the consolidation of Indian land ownership in order to restore economic viability to Indian assets. The Act amends the Indian Land Consolidation Act and amendments made in 2000.

SECTION 1: PROPERTY DISTRIBUTION, WILLS AND ESTATE PLANNING

The Act creates a new nation-wide probate code that changes how Native trust property will be distributed among heirs if one dies without a will. Other changes include amended definitions of "Indian" and "eligible heirs" for purposes of inheriting in trust. The changes also provide opportunities for Indians or the tribe to purchase one's interest in trust or restricted land at probate.

SECTION 2: CONSOLIDATING OWNERSHIP INTERESTS

One of the main purposes of the Act is to preserve the trust status and reduce the number of small, fractionated interests in Indian lands. The Act does this by providing individuals and tribes with more

opportunities to consolidate fractionated interests and by removing some restrictions on what tribes and individuals can do with their lands.

<<http://www.tribal-institute.org/lists/understanding.htm>>

ARTIFACT

Something created by humans usually for a practical purpose; especially an object remaining from a particular period, e.g. caves containing prehistoric artifacts.

A product of artificial character (as in a scientific test) due usually to extraneous (as human) agency

<<http://www.webster.com/dictionary/artifact>>

ASSIMILATION POLICY, 1871 TO 1934

Following the Civil War, all tribes officially resided on reservations. All too frequently, Indian life on the reservations was accompanied by profound poverty, suffering, even starvation. Many reservations resembled prison camps. Tribal members were required to work for rations, even though such rations were already paid for, many times over, by massive land cessions. During this time the BIA literally took charge of Indian life, a paternalism that was to continue for decades.

Religious and social organizations rallied to provide relief for the plight of the Indian but often in exchange for profound changes in their spiritual and cultural life.

Unrest and hostility continued, however; the principle cause was the BIA's continued failure to honor treaty commitments along with repeated demands for tribal land cessions. The general sentiment in Congress was that the government should stop negotiating with tribes as sovereigns and instead "assimilate" them into mainstream society. Not an easy task given that Indians, already through 400 years of contact, had tenaciously refused to relinquish their identity.

In its effort to gain legal control over the tribes to affect assimilation, Congress passed an act ending all treaty making with tribes in 1871. This began the era of assimilationist lawmaking.

"I greatly fear that the adoption of this provision to discontinue treaty-making is the beginning of the end in respect to Indian Lands. It is the first step in a great scheme of spoliation, in which the Indians will be plundered, corporations and individuals enriched, and the American name dishonored in history."

Senator Eugene Casserly of California, 1871

<<http://www.sk.c.edu/netbook/07-assimilation.htm>>

BIA (SEE BUREAU OF INDIAN AFFAIRS)

BOARDING SCHOOLS

Assimilation was the goal of the BIA off-reservation boarding schools, which were established to "kill the Indian in him and save the man" (Capt. R.H. Pratt, Supt., Carlisle Indian Boarding School), as well as of the Catholic mission schools. Indian children were required to abandon their language, dress, and religious practices. More than 50,000 Indian children were taken—often kidnapped—from reservation homes and placed in boarding schools between 1880 and 1930.

<<http://www.sk.c.edu/netbook/07-assimilation.htm>>

BOLDT DECISION

On February 12, 1974, Federal Judge George Boldt (1903-1984) issued an historic ruling reaffirming the rights of Washington's Indian tribes to fish in accustomed places. The "Boldt Decision" allocates 50 percent of the annual catch to treaty tribes, which enraged other fishermen. At the same time Judge Boldt denied landless tribes -- among them the Samish, Snoqualmie, Steilacoom, and Duwamish -- federal recognition and treaty rights.

Western Washington tribes had been assured the right to fish at "usual and accustomed grounds and stations" by Federal treaties signed in 1854 and 1855, but during the next 50 years Euro-American immigrants -- armed with larger boats, modern technology, and the regulatory muscle of the state -- gradually displaced them. The campaign to reassert Native American fishing rights began in 1964 with "fish-ins" on the Puyallup River led by Robert Satiacum and Billy Frank, who defied Washington State attempts to regulate their fishing.

Local tribes sued to block state regulation, but the U.S. Supreme Court issued an ambiguous decision in 1968 that left the issue unresolved. In 1970, the Nixon administration's U.S. Attorney for Western Washington, Stan Pitkin, filed a new complaint against the state of Washington, which was defended by Attorney General (future U.S. Senator) Slade Gorton. Commercial and sport fishing groups submitted friend-of-the-court briefs opposing treaty fishing rights.

This 1970 filing of *U.S. v. Washington* followed by nine days the arrest in Tacoma of 60 persons (Native Americans and their supporters) who failed to disperse during a fish-in on the Puyallup River. The trial began on August 27, 1973. Judge Boldt held court six days a week including on the Labor Day holiday. Forty-nine experts and tribal members testified.

Judge Boldt finally held that the government's promise to secure the fisheries for the tribes was central to the treaty-making process and that the tribes had an original right to the fish, which they extended to white settlers. It was not up to the state to tell the tribes how to manage something that had always belonged to them. Judge Boldt ordered the state to take action to limit fishing by non-Indians.

The Boldt Decision revolutionized the state fisheries industry and led to violent clashes between tribal and non-tribal fishermen and regulators. In 1979, the Ninth Circuit Court of Appeals upheld Boldt's ruling, and on July 2, 1979, the U.S. Supreme Court largely affirmed it. Principles established by the Boldt Decision have since been applied to other resources, including shellfish. (See THE RAFEEDIE DECISION.)

<http://www.historylink.org/essays/output.cfm?file_id=5282>

BUREAU OF INDIAN AFFAIRS (BIA)

The **Bureau of Indian Affairs (BIA)** is an agency of the federal government of the United States within the Department of the Interior charged with the administration and management of 55.7 million acres (87,000 sq. miles or 225,000 km²) of land held in trust by the United States for American Indians, Indian tribes and Alaska Natives. In addition, the Bureau of Indian Affairs provides education services to approximately 48,000 Indians.

<http://en.wikipedia.org/wiki/Bureau_of_Indian_Affairs>

BURKE ACT OF MAY 8, 1906 (34 STAT. 182)

The Burke Act amends the General Allotment Act of 1887, adding that the Secretary of the Interior can authorize the issue of a patent-in-fee simple to an allottee whenever the Secretary is convinced that the Indian allottee is competent and capable of managing his or her affairs. (This did not require the Indian's approval, desire, or knowledge of the fee simple patent issue.) After the patent-in-fee simple is given, all restrictions to sale or encumbrance are removed and the allotment is subject to taxation. Under this act, all allottees who have not received fee simple patents are subject to the exclusive jurisdiction of the United States. This act does not extend to Indian Territory (Oklahoma).

This act also grants the Secretary of the Interior express authority over determining the legal heirs of deceased Indians for the first time. Whenever an allotment is made to an Indian and the Indian dies before the expiration of the trust period, the allotment is canceled and will revert back to the United States. The Secretary of the Interior is then authorized to ascertain the legal heirs of the deceased Indian and issue patents-in-fee simple to the heirs for the land. Or, the Secretary may sell the land and issue a patent to the purchasers and pay the net proceeds to the heirs.

Furthermore, the Burke Act amends the General Allotment Act by granting citizenship to an Indian allottee after a patent-in-fee simple is granted to them. Prior to this, the General Allotment Act had stated that citizenship was granted to an Indian once the allotment was completed and he/she was given a trust patent (or if he/she voluntarily takes up a residence separate and apart from any tribe of Indians therein and “adopted the habits of civilized life.”)

<<http://www.indianlandtenure.org/ILTFallotment/histlegis/histlegisII.htm>>

CEDAR PROJECT

The Lummi Cedar Project is a community-based organization created to facilitate tribal efforts to restore Lummi values, traditions, and life ways that support individual, family and community healing. By creating respectful, trusting and nurturing environments where young people feel valued and respected, the Cedar Project intends for its KLCC effort to provide pathways for youth to participate in facilitating community healing, and to empower individuals and families to mobilize and take collective action towards positive social change.

<<http://www.theinnovationcenter.org/event/lummi.asp>>

CHECKERBOARDING (see also FRACTIONATION)

Since the General Allotment Act allowed for a significant amount of land to pass out of tribal or individual Indian hands, lands within reservation boundaries may be in a variety of types of ownership—tribal, individual Indian, non-Indian, as well as a mix of trust and fee lands. Thus, the pattern of mixed ownership resembles a checkerboard.

Checkerboarding seriously impairs the ability of tribes or individual Indians to use land to their own advantage for farming, ranching, as a home site or for development. It also hampers access to lands that the tribe does own and uses in traditional ways. Furthermore, serious questions of jurisdiction occur on reservations, as different types of owners fall under different governing authorities.

<<http://www.indianlandtenure.org/ILTFallotment/glossary/terms.htm#checkerboarding>>

CHIEF LESCHI

Chief Leschi (1808 - February 19, 1858) was chief of the Nisqually Native American tribe. He was hanged for murder in 1858.

Leschi was born in 1808 near what is today Eatonville, Washington, to a Nisqually father and a Yakama mother. He was appointed chief by Isaac Stevens, first governor of Washington Territory, to represent the Nisqually and Puyallup tribes at the Medicine Creek Treaty council of December 26, 1854, which ceded to the United States all or part of present-day King, Pierce, Lewis, Grays Harbor, Mason, and Thurston Counties and stipulated that the Native Americans inhabiting the area move to reservations. Some maintain that Leschi either refused to sign (and his "X" was forged by another) or signed under protest. The historical record is unclear on this point. However, he did argue that the reservation provided too little land for the tribe's horses.

The next year, Leschi traveled to the territorial capital at Olympia to protest the terms of the treaty, but was rebuffed. In October 1855, Governor Stevens ordered that Leschi and his brother Quiemuth be taken into "protective custody" and sent the militia after them, thereby initiating the Puget Sound War of 1855-1856. Leschi became war chief, in command of around 300 men, and led raids which panicked the white population. In the course of the conflict U.S. Army Colonel Abraham Benton Moses was killed. Leschi was taken into custody under disputed circumstances involving members of his band responding to a government reward offer, and his brother turned himself in. Quiemuth was murdered on November 18, 1856, by an unknown assailant, in Governor Stevens's office, where he was being held for the night on his way to the jail at Fort Steilacoom, now in Lakewood, Washington. Leschi himself was put on trial in 1858 for the murder of Colonel Moses, which he denied having committed. His first trial resulted in a hung jury because of the judge's instruction that killing of combatants during wartime did not constitute murder. He was convicted and sentenced to death in a second trial in which this instruction was not given and his

lawyers were not allowed to introduce potentially exonerating evidence. During the trial, he is reported to have said, through an interpreter:

I do not know anything about your laws. I have supposed that the killing of armed men in wartime was not murder; if it was, the soldiers who killed Indians are guilty of murder too...

I went to war because I believed that the Indian had been wronged by the white men, and I did everything in my power to beat the Boston soldiers, but, for lack of numbers, supplies and ammunition, I have failed.

I deny that I had any part in the killing... As God sees me, this is the truth.

The United States Army refused to carry out the sentence of death at Fort Steilacoom, maintaining that he was a prisoner of war. The territorial legislature therefore passed a law authorizing Leschi's execution at the hands of civilian authorities. On February 19, 1858, Leschi was hanged in a small valley, from a hastily constructed gallows near Lake Steilacoom, in what is today the city of Lakewood. The hangman is reported to have later said "I felt then I was hanging an innocent man, and I believe it yet."

Though Leschi is said to have participated in the Battle of Seattle on January 26, 1856, Frederick J. Grant nevertheless named the Leschi neighborhood in Seattle after the chief in the late 1880s. Today, the neighborhood and its waterfront park; schools in Seattle and Puyallup; and streets in Seattle, Lakewood, Steilacoom, Anderson Island, and Olympia, bear his name.

In March 2004, both houses of the Washington state legislature passed resolutions stating that Leschi was wrongly convicted and executed, asking the state supreme court to vacate Leschi's conviction. The court's chief justice, however, said that this was unlikely to happen, since it was not at all clear that the state court had jurisdiction in a matter decided 146 years earlier in a territorial court. In December 2004, Chief Leschi was cleared by a unanimous vote by a Historical Court of Inquiry.

<http://en.wikipedia.org/wiki/Chief_Leschi>

COBELL VS. NORTON (CLASS-ACTION LAWSUIT, JUNE 10, 1996) [COBELL VS. KEMPTHORNE]

Eloise Cobell, a Blackfeet woman, filed one of the largest class-action suits in U.S. history in 1996 against the U.S. government, now called Cobell vs. Norton. Her suit seeks "redress of gross breaches of trust acting by and through the dependents with respect to the management of over 300,000 individual Indians' money."

Roughly 11 million acres of Indian land is held in trust by the Interior Department. Cobell and her attorneys estimate that more than \$100 billion in royalties may be due individual accounts. In addition to monetary compensation, Cobell's suit calls for control over the individual accounts to be taken away from the Interior Department and placed in receivership to be handled by court officers who would report directly to the Justice Department.

Interior Secretary Gale Norton is adamantly opposed to receivership and has instead, like her predecessors, created yet another internal accounting system called Bureau of Indian Trust Asset Management. This controversial proposal was devised with almost no input from tribes and seeks to lump tribal land with individual Indian's lands. Predictably, this has created a division in Indian country as tribes fear losing their trust relationship with the federal government.

In September, U.S. District Court Judge Royce Lamberth charged Norton with civil contempt, stating that she "committed a fraud on the court" by lying about her department's efforts to address the problem and thus has undermined the public trust.

For American Indians, many of whom live a hardscrabble existence on reservation land, royalty payments are used for basic necessities.

"The way these trust-fund holders have been treated is a national disgrace. If 40,000 people were cut off Social Security, there would be an uproar in Congress," Rep. Tom Udall, D-N.M., told the Washington Post last spring.

To really tell the Indian trust fund story, we have to take a walk into 19th century America. In response to the never-ending hunger for land by white settlers and entrepreneurs, the U.S. government enacted the Dawes Act in 1887. This policy sought to break up Indian land holdings by allotting small parcels of land, 80 acres to 160 acres, to individual Indians who had already been pushed from their land onto reservations through treaties.

The government, as trustee, then took legal charge of the parcels and established the Individual Indian Money (IIM) trust to manage and collect revenues generated by mining, oil, timber, grazing and other interests. The money was then to have been distributed to the allottees and their heirs.

There was trouble from the very start. The trust was handled in a sloppy and criminal manner. There have been numerous allegations over the years that large oil, gas and coal interests may have received special deals from the Bureau of Indian Affairs for use of Indian lands. Some revenues were not collected, or if collected, distributed in a spurious manner.

Despite several court-ordered attempts at reform, the system continues to be hopelessly incompetent. In the words of Judge Lamberth's recent opinion, the Interior Department's handling of the funds "has served as the gold standard for mismanagement by the federal government for more than a century."

"They made us many promises, more than I can remember. But they kept but one; they promised to take our land and they took it," said Lakota Chief Red Cloud in recounting his people's dealings with the white government's representatives.

American Indians and their supporters are closely watching the outcome of Cobell vs. Norton. We are hoping that, for once, these words do not continue to describe the dealings of the U.S. government with Indian people.

<http://www.indiantrust.com/index.cfm?FuseAction=Editorials.ViewDetail&Editorial_id=1&Month=12&Year=2002>

COLONIALISM

Colonialism is the extension of a nation's sovereignty over territory beyond its borders by the establishment of either settler colonies or administrative dependencies in which indigenous populations are directly ruled or displaced. Colonizers generally dominate the resources, labor, and markets of the colonial territory and may also impose socio-cultural, religious and linguistic structures on the conquered population.

<<http://en.wikipedia.org/wiki/Colonialism>>

COMMODITY FOODS

The Food Distribution Program on Indian Reservations (FDPIR) provides commodity foods to low-income Native American families and elderly people residing on or near Indian reservations. [Note the lack of fresh vegetables, fruit, and milk.]

USDA FDPIR FOODS AVAILABLE FOR 2006*

<u>FDPIR COMMODITY</u>	<u>PACK SIZE</u>	<u>FDPIR COMMODITY</u>	<u>PACK SIZE</u>
<i>GROUP (A) -- VEGETABLES</i>		Potatoes, Sliced (A170)	24/15.5 oz cans
Beans, Green (A059)	24/15.5 oz cans	Potatoes, Dehydrated (A196)	12/1 lb packages
Beans, Lt Red Kid 300 (A076)	24/15.5 oz cans	Pumpkin (A164)	24/15.5 oz cans
Beans, Refried (A093)	24/15.5 oz cans	Spaghetti Sauce (A236)	24/15.5 oz cans
Beans, Vegetarian (A090)	24/15.5 oz cans	Spinach (A167)	4/15.5 oz cans
Carrots (A098)	24/15.5 oz cans	Sweet Potatoes	24/15.5 oz cans
Corn, Cream (A122)	24/15.5 oz cans	Tomatoes Diced (A234)	24/15.5 oz cans
Corn, Whole Kernel (A119)	24/15.5 oz cans	Tomato Sauce (A244)	24/15.5 oz cans
Peas (A144)	24/15.5 oz cans	Tomato Soup low salt (A219)	24/10.5 cans
		Veg Mix (A057)	24/15.5 oz cans

Vegetable Soup low salt (A218) 24/10.5 cans

JUICES

Apple Juice (A282) 12/46 oz cans
Cranapple Juice (A279) 12/46 oz cans
Grape Juice 46 (A284) 12/46 oz cartons
Grape J (A285) 12/46 oz cans
Orange Juice (A300) 12/46 oz cans
Pineapple Juice (A286) 12/46 oz cans
Tomato Juice (A290) 12/46 oz cans

FRUIT

Apricots (A353) 24/15.5 oz cans
Applesauce (A351) 24/15.5 oz cans
Fruit Cocktail (A403) 24/15.5 oz cans
Peaches (A411) 24/15.5 oz cans
Pears (A437) 24/15.5 oz cans
Pineapple (A446) 24/20 oz cans
Dried Plums (A489) 24/1 lb package
Raisins (A501) 24/15 oz package

DRY BEANS

Beans, Great Northern (A917) 12/2 lb packages
Beans, Lima (A912) 12/2 lb packages
Beans, Pinto (A914) 12/2 lb packages

MEATS

Beef, Canned (A610) 24/29 oz cans
Beef, Frozen Ground (A609) 40/1 lb pkg
Beef Stew, Canned (A590) 24/24 oz cans
Chix Cut Up 4 lb (A557) 12/4 lb packages
Luncheon Meat, canned (A617) 24/30 oz cans

FDPIR

COMMODITY

Tuna, Canned (A743) 24/12 oz cans
Turkey, Canned (A554) 24/29 oz cans

MISCELLANEOUS

Syrup, Corn (A258) 12/24 oz bottles
Egg Mix (A570) 48/6 oz packages

SPECIALITY ITEMS

(Subject to available funds)

Bison Stew, Canned (A611) 24/24 oz. cans

COUNCIL see LIBC

CURTIS ACT OF 1908

“An act for the protection of the people of the Indian Territory and for other purposes,” the Curtis Act abolished tribal courts, overturned some existing treaty agreements, and gave the Interior Department control over mineral leases on Indian land. Coincidentally Chairman Charles Curtis (later to be Vice-President under Herbert Hoover), who was 1/8 Kaw, had reinstated his name on tribal rolls the previous year and was able to use his position on the Committee to calculate the benefits he would receive from the government allotment to the tribe. In 1902 he drafted and helped pass the Kaw Allotment act, which by chance gave him title to Kaw land in Oklahoma.

<<http://www.juntosociety.com/vp/curtis.html>>

Bison, Frozen (A634) 20/2 lb. packages
Buffalo, Frozen, Ground (A635) 20/2 lb packages
Ham, Frozen (A669) 12/3 lb carton

GROUP (B) --

DAIRY & GRAINS

Butter, Print (050) 36/1 lb cartons
Shortening (B720) 12/3 lb cans
Bakery Mix (B367) 6/5 lb bags
Spaghetti (B835) 12/2 lb packages
Bakery Mix, Lowfat (B368) 6/5 lb bags
Vegetable Oil (B666) 8/48 oz bottles
Cheese, Process (B064) 6/5 lb loaves
Cheese, Blend (B119) 6/5 lb sliced
Cornmeal, Yellow (B138) 8/5 lb bags
Crackers Unsalted (B370) 12/16 oz boxes
Egg Noodles (B424) 12/1 lb packages
Evaporated Milk (B117) 24/12 oz cans
Farina (B160) 24/14 oz boxes
Flour, All Purpose (B182) 8/5 lb bags
Flour, Whole Wheat (B352) 8/5 lb bags
Instant Nonfat Dry Milk (B095) 12/25.6 oz pkg
Macaroni (B425) 24/1 lb packages
Macaroni and Cheese (B436) 12/26 oz packages
Oats (B437) 12/42 oz tube
Peanut Butter (B474) 12/18 oz jars
Peanuts, Roasted (B501) 24/12 oz packages
Rice L 30/2 (B528) 30/2 lb packages

Ready-To Eat Cereals: boxes
Cereal WB Flakes 14 (B876) 14/17.3 oz
Cereal WB Flakes 17 (B859) 14/17.3 oz
Cereal Corn Flk 18 (B878) 12/18 oz
Cerl Crn Flk 18 (B879) 12/18 oz
Cereal Crn & Rice 12 (Squares) (B855) 14/12 oz
Cereal Oats 15 (Circles) (B853) 12/15 oz

Cereal Rice RTE 13.5 (Crisps) (B856) 12/13.5 oz
Cereal Rice (Crisps) (B858) 14/13.5 oz
Cereal Corn 16 (Squares) (B851) 14/16 oz

**Purchases are subject to market conditions. The list is not updated to include bonus commodities.*

DAWES ACT, OR THE GENERAL ALLOTMENT ACT OR DAWES SEVERALTY ACT OF 1887

This was one of the most significant federal statutes ever enacted. It was, “the first comprehensive proposal attempting to replace tribal consciousness with an understanding of the value of private property” (McDonnell, *The Dispossession of the American Indian*). And, although Congress’ intent was perceived as basically honorable--many Americans felt integrating Indians into white society was a moral responsibility--the implementation of the act ushered in one of the most shameful eras of federal Indian policy.

Authority was delegated to the Bureau of Indian Affairs to allot parcels of tribal land to individual Indians—160 acres to each family head, 80 acres to a single person over 18 years of age. Each individual allotment would remain in trust (therefore exempt from state tax or other state laws) for 25 years, although the Burke Act of 1906 could shorten that period. The Secretary of Interior was given the authority to issue “patents” prior to the end of the trust period if an allottee demonstrated “competence” in managing his or her affairs (see Self-determination Era). Sixty percent of those who received early patents sold their lands immediately, leaving many Indians landless on their own reservations.

Subsequently, large areas of tribal land not allotted were then opened for homesteading by non-Indians. Compensation was made to the tribes for the sale of these “surplus” lands, but the primary effect was that Indian landholdings decreased from 138 million acres in 1887 to just 48 million acres by 1934, a total loss of 90 million acres. Another effect was the “checkerboard” pattern of ownership by tribes, individual Indians, and non-Indians, causing serious jurisdiction and management problems.

<http://www.skc.edu/netbook/07-assimilation.htm>

DISCOVERED

Seen or known of for the first time.

<http://www.webster.com/dictionary/discovered>

“These old people [in burial grounds] weren’t discovered; they were disturbed. We weren’t discovered; we were disrupted.”

Ralph Tom

DOMINANT CULTURE

Culture of the social or political group that holds the most power and influence in a society.

http://highered.mcgraw-hill.com/sites/0072486694/student_view0/glossary.html

ESCHEAT

Escheat is the reversion of the property of a deceased person to the government when there are no legal heirs. In the Indian Land Consolidation Act of 1983, the government proposed that seemingly insignificant fractional interests in allotted land—no more than 2 percent of the total acreage in an allotted tract earning less than \$100 in the year prior to the owner’s death—be reverted to the tribal government regardless of whether the Indian owner had a will describing his or her legal heirs. This was called “forced escheat”. The Supreme Court found this type of escheat a violation of the Federal Constitution’s Fifth Amendment.

<http://www.indianlandtenure.org/ILTFallotment/glossary/terms.htm#escheat>

Fee Simple

The most basic form of ownership. The owner holds title and control of the property. The owner may make decisions about the most common land use or sale without government oversight.

In Indian country, however, whether the owner of fee simple land is Indian or non-Indian is a factor in deciding who has jurisdiction over the land. Due to the checkerboarding of Indian reservations, different governing authorities - such as county, state, federal, and tribal governments - may claim the authority to regulate, tax, or perform various activities within reservation borders based on whether a piece of land is

Indian or non-Indian owned. These different claims to jurisdictional authority often conflict. The case law relevant to jurisdiction on these lands is complex and on some points inconsistent and unsettled.

<<http://www.indianlandtenure.org/ILTFallotment/glossary/terms.htm#feesimple>>

FEE-TO-TRUST CONVERSION

Original allotted trust lands that were transferred to fee status by the allottee or the BIA under the “forced fee” patent era can be returned to trust status in a fee-to-trust conversion if still owned by an Indian. Or, tribes or individual Indians can initiate the process on fee lands they already own or lands they acquire. This process usually takes more than a year and often requires an individual Indian to either declare him or herself legally “incompetent” to manage his or her lands or show other compelling reasons for reestablishing the trust relationship.

<<http://www.indianlandtenure.org/ILTFallotment/glossary/terms.htm#feetotrustconversion>>

FIVE CIVILIZED TRIBES (see also INDIAN REMOVAL ACT OF 1830 which led to the “TRAIL OF TEARS”)

THE CHEROKEE INDIANS

The Cherokee Indians live in many parts of the United States, but more than 100,000 live in parts of Oklahoma. In the 1800's, the Cherokee Nation was one of the strongest Indian tribes in the United States.

Cherokees were considered one of the “Five Civilized Tribes,” because they began to adopt the economic and political structure of the white settlers in the early 1800's. They owned large plantations and some even kept slaves. The Cherokee Nation was a form of republican government. A Cherokee Indian named Sequoia introduced a system of writing for the Cherokee language in 1821.

White settlers began to protest the Cherokee's right to own land in the early 1800's. They demanded that the Cherokee Nation be moved west of the Mississippi to make room for white settlers. Some members of the Cherokee Nation signed treaties with the government in 1835 agreeing to move to Indian Territory in Oklahoma. Most of the tribe did not want to be relocated so they opposed the treaty, but were forced to move to the Indian Territory in the winter of 1838-1839. More than 17,000 Cherokees marched the Trail of Tears from their homes to Oklahoma, during which over 4,000 Cherokees died. Even though most of the Cherokee Nation had been forced to move, more than a 1,000 Cherokee escaped and remained in the Great Smoky Mountains in Tennessee and North Carolina. These tribes became known as the Eastern Band of Cherokee.

The Cherokee who went west reformed their political system, and set up schools and churches. But all this was halted in the late 1800's when Congress voted to abolish the Cherokee Nation to open yet more land for settlement by whites. Today most of the Cherokee remain in northeastern Oklahoma, where they have reestablished their form of government.

CHICKISAW INDIANS

The Chickisaw Indian tribe lived in western Tennessee and Kentucky, northwestern Alabama, and northern Mississippi before they were relocated to Oklahoma by the Indian Removal Act of 1830.

Chickisaws lived in several small villages with one-room log cabins. The people supported each other by trading with other tribes, fishing, farming, and hunting. Each village was headed by a chief.

The Chickisaw Indians were known as fierce warriors. They fought for Great Britain against France and Spain for control of the southern United States. They also fought with the British against the colonists in the Revolutionary War (1775-1783). During the Civil War (1861-1865), the tribe fought for the Confederacy.

In 1837 the tribe was relocated to the Indian Territory in Oklahoma by the Federal Government. About 5,300 Chickisaw descendants live in Oklahoma. They have a Democratic government in which they elect their leaders for the welfare of the tribe.

CHOCTAW INDIANS

The Choctaw tribe originated in Alabama and Mississippi. They believed in their cultural ways, and hunted, farmed, and traded with other tribes to support themselves. They celebrate their crops with their chief religious ceremony which is a harvest celebration called the Green Corn Dance. One of their legends states that the Choctaw Indian tribe was created at a sacred mount called Nanih Waiya, near Noxapater, Mississippi.

After fierce fighting with the United States Army, the Choctaws were forced to sign the Treaty of Dancing Rabbit Creek, exchanging their land for an assigned portion of Indian Territory in what is now Oklahoma. In the early 1830's, over 14,000 Choctaws moved to the Indian Territory in several groups; however, over 5,000 Choctaws remained in Mississippi.

The Choctaws who moved to the Indian Territory established their own way of life. They established schools and an electoral form of government. In the Civil War, the Choctaw Indians fought on the side of the Confederacy; when the south was defeated, they were forced to give up much of their land. Their tribal governments were dissolved by 1907, when Oklahoma became a state. In 1970 when they were recognized by congress and formed their own government. Today, many Choctaws are farmers. About 11,000 still live in Oklahoma; nearly 4,000 still live in Mississippi as a separate tribe.

CREEK INDIANS

The Creek Indians once resided in what is now Alabama and Georgia. In the 1800's, the Creeks fought settlers who wanted their lands in the first and second Creek Wars. They were great warriors; however after the Battle of Horseshoe Bend, the Creeks were forced to sign a Treaty giving up their land. In the 1830's, they were forced to move to the Indian Territory in what is now Oklahoma, receiving very little payment for their lands.

Much of the Oklahoma land allotted to them was of little value. In 1890, a series of laws broke up many tribal landholdings, and lots were sold to individual Creeks. Today, many of the 20,000 Creek Indians live in Oklahoma. The Muskogee and the Alabama are the largest Creek tribes; they live north of the other Creek tribes and are called Upper Creeks. The Lower Creeks are the Yuchi and Hitichi tribes.

SEMINOLE INDIANS

The Seminole Indians, originally one of the Creek tribes, moved out of Alabama and Georgia into Florida in the 1700's. They opposed the U.S. government's acquisition of Florida in 1819, after which they were forced to sell their land to the government and move to the Oklahoma Indian Territory along with the other southeastern tribes. In 1832, a small group of Seminole leaders signed a treaty and promised to relocate, splitting the tribe. Those who remained fled into Florida swamps where they fought the Second Seminole war (1835-1842) in which 1,500 American men died. The Seminole leader, Osceola, was seized and imprisoned by the U.S. Army during peace talks under a flag of truce. Osceola died in prison in 1838. After the war, most Seminoles moved to the Indian Territory, though a small group remained hidden in the Florida swamps.

<www.historicaldocuments.com/IndianRemovalAct.htm>

FORCED FEE PATENTS

A forced fee patent is a trust-to-fee conversion without the request, consent, or knowledge of the landowner. This conversion was allowed by the Burke Act of 1906. Since land that was once in trust became taxable after the issuance of the forced fee patent by the Secretary of the Interior, 27,000,000 acres of allotments were lost through tax foreclosure sales. This was particularly the case with Indians who were serving in the military who were unaware that their land status had changed and taxes were due.

<<http://www.indianlandtenure.org/ILTFallotment/glossary/terms.htm#forcedfee patents>>

GENERAL ASSISTANCE (GA)

Lummi GA provides some funding for Lummi NWIC students.

FRACTIONATION (OR, FRACTIONATED TITLES)

Fractionated land is an allotment owned by more than one owner. The fractionation of land was caused by the way the General Allotment Act dictated how lands would pass from one generation to another. After an Indian allottee died, the ownership of the lands would be given to his or her heirs but the land parcel would remain intact. As these owners died, the ownership in the land would again be divided among their relatives, thus compounding over and over the number of ownership interests in a parcel of land. These single pieces of land often have hundreds of owners, which makes it difficult for any one of the owners to use the land (i.e. for farming or building a home). By law, a majority of owners must agree to a particular use of land.

<http://www.indianlandtenure.org/ILTFallotment/glossary/terms.htm#triballyownedland>

GENERAL ALLOTMENT ACT see DAWES ACT

GENOCIDE

After the Nazi-perpetrated Holocaust during World War II, genocide was defined (in part) as a crime "committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such." Does *genocide* apply to the experience of the indigenous peoples of the New World?

Some scholars believe that it does. Historian David Stannard, for example, has argued that "The destruction of the Indians of the Americas was, far and away, the most massive act of genocide in the history of the world." Stannard believes that the natives of the Americas were deliberately and systematically exterminated over the course of several centuries, and that the process continues to the present day. Stannard estimates that almost 100 million American indigenous people have been killed in what he calls the *American Holocaust*.

Stannard's claim of 100 million deaths has been disputed because he does not cite any demographic data to support this number, and because he makes no distinction between death from violence and death from disease. Noble David Cook considers books such as Stannard's—a number of which were released around the year 1992 to coincide with the 500th anniversary of the Columbus voyage—to be an unproductive return to Black Legend-type explanations for depopulation. In response to Stannard's figure, political scientist R. J. Rummel has instead estimated that over the centuries of European colonization about 2 million to 15 million American indigenous people were the victims of what he calls *democide* (the murder of any person or people by a government, including genocide, politicide, and mass murder.) "Even if these figures are remotely true," writes Rummel, "then this still make this subjugation of the Americas one of the bloodier, centuries long, democides in world history."

While no mainstream historian denies that death and suffering were unjustly inflicted by a number of Europeans upon a great many American natives, many argue that genocide, which is a crime of intent, was not the intent of European colonization. Historian Stafford Poole wrote: "There are other terms to describe what happened in the Western Hemisphere, but genocide is not one of them. It is a good propaganda term in an age where slogans and shouting have replaced reflection and learning, but to use it in this context is to cheapen both the word itself and the appalling experiences of the Jews and Armenians to mention but two of the major victims of this century."

Therefore, most mainstream scholars tend not to use the term "genocide" to describe the overall depopulation of American natives. However, a number of historians, rather than seeing the whole history of European colonization as one long act of genocide, do cite specific wars and campaigns which were arguably genocidal in intent and effect. Usually included among these are the Pequot War and campaigns waged against tribes in California starting in the 1850s.

.....
The population of North America prior to the first sustained European contact in 1492 is a matter of active debate. Various estimates of the pre-contact Native population of the continental U.S. and Canada range from 1.8 to over 12 million. Over the next four centuries, their numbers were reduced to about 237,000 as

Natives were almost wiped out. Author Carmen Bernard estimates that the Native population of what is now Mexico was reduced from 30 million to only 3 million over four decades. Peter Montague estimates that Europeans once ruled over 100 million Natives throughout the Americas.

European extermination of Natives started with Christopher Columbus' arrival in San Salvador in 1492. Native population dropped dramatically over the next few decades. Some were directly murdered by Europeans. Others died indirectly as a result of contact with introduced diseases for which they had no resistance -- mainly smallpox, influenza, and measles.

Later European Christian invaders systematically murdered additional Aboriginal people, from the Canadian Arctic to South America. They used warfare, death marches, forced relocation to barren lands, destruction of their main food supply -- the Buffalo -- and poisoning. Some Europeans actually shot at Indians for target practice.

Oppression continued into the 20th century, through actions by governments and religious organizations that systematically destroyed Native culture and religious heritage. One present-day byproduct of this oppression is suicide. Today, Canadian Natives have the highest suicide rate of any identifiable population group in the world. Native North Americans are not far behind.

The genocide against American Natives was one of the most massive, and longest lasting genocidal campaigns in human history. It started, like all genocides, with the oppressor treating the victims as sub-humans. It continued until almost all Natives were wiped off the face of the earth, along with much of their language, culture and religion.

We believe that:

- Only the mass murder of European Jews by Christians from 306 to 1945 was of longer duration.
- Only the mass murder by the government of the USSR of about 41 million of its citizens (1917 to 1987), and by the government of China of about 35 million of its citizens (1949 to 1987) may have involved greater loss of life.

"By then [1891] the native population had been reduced to 2.5% of its original numbers and 97.5% of the aboriginal land base had been expropriated....Hundreds upon hundreds of native tribes with unique languages, learning, customs, and cultures had simply been erased from the face of the earth, most often without even the pretense of justice or law." Peter Montague

<<http://www.religioustolerance.org/genocide5.htm>>

HISTORY

A chronological record of significant events (as affecting a nation or institution) often including an explanation of their causes [as written by the conquerors].

<<http://www.webster.com/cgi-bin/dictionary>>

HY'SHQE

The Lummi (and some neighboring tribes') expression for "Thank you."

HY'SHQE SIAM

The Lummi (and some neighboring tribes') expression for "Thank you, respected people."

INDIAN GAMING REGULATORY ACT OF 1988

The Indian Gaming Regulatory Act is a United States federal law, which establishes the jurisdictional framework that presently governs Indian gaming.

The Act establishes three classes of games with a different regulatory scheme for each.

Class I gaming is defined as traditional Indian gaming and social gaming for minimal prizes. Regulatory authority over class I gaming is vested exclusively in tribal governments.

Class II gaming is defined as the game of chance commonly known as bingo (whether or not electronic, computer, or other technological aids are used in connection therewith) and if played in the same location as the bingo, pull tabs, punch board, tip jars, instant bingo, and other games similar to bingo. Class II gaming also includes non-banked card games, that is, games that are played exclusively against other players rather than against the house or a player acting as a bank. The Act specifically excludes slot machines or electronic facsimiles of any game of chance from the definition of class II games. Tribes retain their authority to conduct, license, and regulate class II gaming so long as the state in which the Tribe is located permits such gaming for any purpose and the Tribal government adopts a gaming ordinance approved by the Commission, Tribal governments are responsible for regulating class II gaming with Commission oversight.

The definition of class III gaming is extremely broad. It includes all forms of gaming that are neither class I nor II. Games commonly played at casinos, such as slot machines, blackjack, craps, and roulette, would clearly fall in the class III category, as well as wagering games and electronic facsimiles of any game of chance. Generally, class III is often referred to as casino-style gaming. As a compromise, the Act restricts Tribal authority to conduct class III gaming.

Before a Tribe may lawfully conduct class III gaming, the following conditions must be met: (1) The Particular form of class III gaming that the Tribe wants to conduct must be permitted in the state in which the tribe is located; (2) The Tribe and the state must have negotiated a compact that has been approved by the Secretary of the Interior, or the Secretary must have approved regulatory procedures; and (3) The Tribe must have adopted a Tribal gaming ordinance that has been approved by the Chairman of the Commission.

The regulatory scheme for class III gaming is more complex than a casual reading of the statute might suggest. Although Congress clearly intended regulatory issues to be addressed in Tribal State compacts, it left a number of key function in federal hands, including approval authority over compacts, management contracts, and Tribal gaming ordinances. Congress also vested the Commission with broad authority to issue regulations in furtherance of the purposes of the Act. Accordingly, the Commission plays a key role in the regulation of class II and III gaming.

The Act provides the FBI with federal criminal jurisdiction over Indian gaming establishments, including those located on reservations under state criminal jurisdiction. Since the inception of IGRA, the FBI has devoted limited investigative resources to Indian gaming violations. Meanwhile, the Indian Gaming industry has grown from one that produced nearly \$100 million in total revenues in its first year, to one that exceeds \$14.5 billion annually; a total that exceeds the combined gaming revenues of Las Vegas and Atlantic City. This growth, coupled with confusing jurisdictions and limited regulatory resources, has generated great concern over the potential for large-scale criminal activity and influence in the Indian gaming industry. Recent allegations of large-scale fraud and corruption have led to extensive media scrutiny and inquiries from Congressional leaders as to the FBI's response to these allegations.

<http://en.wikipedia.org/wiki/Indian_Gaming_Regulatory_Act>

INDIAN LAND CONSOLIDATION ACT (ILCA)

In 1983, Congress and the Department of Interior attempted to enact legislation that would consolidate Indian lands and counteract fractionation. This legislation is known as the Indian Land Consolidation Act, or ILCA. These attempts - in the 1980's and 1990's - to consolidate Indian lands were eventually declared unconstitutional by the Supreme Court in two separate lawsuits. These first attempts by the federal government to address fractionation sought to extinguish very small trust interests and have those lands consolidated under tribal ownership. Although many believe that this was, and is, good policy (creating more tribal trust land), the problem was that the United States was not willing to pay the Indian owners of the small trust interests anything for taking their interests away. The Supreme Court ruled that these interests could not be consolidated and taken away without compensation.

<<http://www.calindian.org/groundhog.summer2003.htm>>

ILCA 2000 AMENDMENTS

In 2000, Congress passed, and the President signed, more amendments to the Indian Land Consolidation Act (ILCA). These amendments were not widely understood when adopted, and even today are very complex and difficult to understand. As Secretary of the Interior Gale Norton started to have training sessions through which her understanding of the Act and her plans for implementation became more well known, it was clear that there was a shift from trying to extinguish small trust land interests to terminating the status of the Indians who owned these interests: if an heir was no longer considered an Indian, then the land would go out of trust. Those of us familiar with Indian history are all too familiar with this approach to solving complex problems: if we terminate Indians, then we eliminate any trust obligation to them, and we can either take their lands or absolve ourselves of responsibility for managing and protecting these scarce and valuable resources. If the 2000 amendments go into effect, a majority of Indian heirs would no longer be considered Indian for purposes of BIA probate, and perhaps for other purposes as well. These heirs would either be barred from inheriting trust interests or the interests would pass to them in fee. This is a devastating change in federal policy, and will cause great distress throughout Indian Country.

Fortunately, the 2000 amendments could not take effect without a somewhat complicated certification process. The Secretary has never completed that certification process and the 2000 Amendments have not yet been implemented. However, the fact that the law is still on the books and could be certified and implemented is an intolerable situation. Many Indian seniors do not know whether to leave their land in trust or whether to take it out of trust so they can give it to their children and grandchildren. There were other changes that were incorporated in the 2000 amendments for the more beneficial purpose of consolidating small interests so that these allotments would have more value and usefulness. However, upon more considered reflection, some of these proposals were the subject of extensive criticism throughout Indian Country, and there has been a strong current calling for either repeal or reform of the 2000 amendments.

<<http://www.calindian.org/groundhog.summer2003.htm>>

INDIAN OWNED LAND (see also Non-Indian Owned and Tribal Trust land)

Indian owned land is any land owned by an Indian landowner, i.e., Any tribe or individual Indian who owns an interest in Indian land in trust or restricted status is a landowner.

<<http://www.indianlandtenure.org/ILTFallotment/glossary/terms.htm#triballyownedland>>

INDIAN REMOVAL ACT OF 1830 which led to the "TRAIL OF TEARS"

The Trail of Tears

In 1838 and 1839, as part of Andrew Jackson's Indian removal policy, the Cherokee nation was forced to give up its lands east of the Mississippi River and to migrate to present-day Oklahoma. The Cherokee people called this journey the "Trail of Tears," because the migrants faced hunger, disease, and exhaustion on the forced march. Over 4,000 out of 15,000 of the Cherokees died. The Cherokee call the forced march to Oklahoma "*Nunna daul Tsuny*," which translates as "*trail where they cried*."

Early in the 19th century, while the rapidly-growing United States expanded into the lower South, white settlers faced what they considered an obstacle. This area was home to the Cherokee, Creek, Choctaw, Chickasaw and Seminole nations. These Indian Nations, in the view of the settlers and many other white Americans, were standing in the way of progress. Eager for land to raise cotton, the settlers pressured the federal government to acquire Indian lands.

Andrew Jackson, from Tennessee, was a forceful proponent of Indian removal. In 1814 he commanded the U.S. military forces that defeated a faction of the Creek nation. In their defeat, the Creeks lost 22 million acres of land in southern Georgia and central Alabama. The U.S. acquired more land in 1818 when, spurred in part by the motivation to punish the Seminoles for their practice of harboring fugitive slaves, Jackson's troops invaded Spanish Florida.

From 1814 to 1824, Jackson was instrumental in negotiating nine out of eleven treaties that divested the southern tribes of their eastern lands in exchange for lands in the west. The tribes agreed to the treaties for strategic reasons. They wanted to appease the government in the hopes of retaining some of their land, and they wanted to protect themselves from white harassment. As a result of the treaties, the United States gained control over three-quarters of Alabama and Florida, as well as parts of Georgia, Tennessee, Mississippi, Kentucky and North Carolina. This was a period of voluntary Indian migration, however, and only a small number of Creeks, Cherokee and Choctaws actually moved to the new lands.

In 1823 the Supreme Court handed down a decision that stated that Indians could occupy lands within the United States, but could not hold title to those lands. This was because their "right of occupancy" was subordinate to the United States' "right of discovery." In response to the great threat this posed, the Creeks, Cherokee, and Chicasaw instituted policies of restricting land sales to the government. They wanted to protect what remained of their land before it was too late.

Although the five Indian nations had made earlier attempts at resistance, many of their strategies were non-violent. One method was to adopt Anglo-American practices such as large-scale farming, Western education, and slave-holding. This earned the nations the designation of the "Five Civilized Tribes." They adopted this policy of assimilation in an attempt to coexist with settlers and ward off hostility.

Other attempts involved ceding portions of their land to the United States with a view to retaining control over at least part of their territory, or of the new territory they received in exchange. Some Indian nations simply refused to leave their land – the Creeks and the Seminoles even waged war to protect their territory. In the First Seminole War from 1817 to 1818 the Seminoles were aided by fugitive slaves who had found protection among them and had been living with them for years. The presence of the fugitives enraged white planters and fueled their desire to defeat the Seminoles.

The Cherokee used legal means in their attempt to safeguard their rights. They sought protection from land-hungry white settlers, who continually harassed them by stealing their livestock, burning their towns, and squatting on their land. In 1827 the Cherokee adopted a written constitution declaring themselves to be a sovereign nation. They based this on United States policy; in former treaties, Indian nations had been declared sovereign so they would be legally capable of ceding their lands. Now the Cherokee hoped to use this status to their advantage. The state of Georgia, however, did not recognize their sovereign status, but saw them as tenants living on state land. The Cherokee took their case to the Supreme Court, which ruled against them.

The Cherokee went to the Supreme Court again in 1831. This time they based their appeal on an 1830 Georgia law that prohibited whites from living on Indian territory after March 31, 1831, without a license from the state. The state legislature had written this law to justify removing white missionaries who were helping the Indians resist removal. The court this time decided in favor of the Cherokee. It stated that the Cherokee had the right to self-government, and declared Georgia's extension of state law over them to be unconstitutional. The state of Georgia refused to abide by the Court decision, however, and President Jackson refused to enforce the law.

In 1830, just a year after taking office, Jackson pushed a new piece of legislation called the "Indian Removal Act" through both houses of Congress. It gave the president power to negotiate removal treaties with Indian tribes living east of the Mississippi. Under these treaties, the Indians were to give up their lands east of the Mississippi in exchange for lands to the west. Those wishing to remain in the east would become citizens of their home state. This act affected not only the southeastern nations, but many others further north as well. The removal was supposed to be voluntary and peaceful, and it was that way for the tribes that agreed to the conditions. But the southeastern nations resisted, and Jackson forced them to leave.

Jackson's attitude toward Native Americans was paternalistic and patronizing -- he described them as children in need of guidance, and said the removal policy was beneficial to the Indians. Most white Americans thought that the United States would never extend beyond the Mississippi. Removal would

save Indian people from the depredations of whites, and would resettle them in an area where they could govern themselves in peace. But some Americans saw this as an excuse for a brutal and inhumane course of action, and protested loudly against removal.

Their protests did not save the southeastern nations from removal, however. The Choctaws were the first to sign a removal treaty, which they did in September of 1830. Some chose to stay in Mississippi under the terms of the Removal Act. But though the War Department made some attempts to protect those who stayed, it was no match for the land-hungry whites who squatted on Choctaw territory or cheated them out of their holdings. Soon most of the remaining Choctaws, weary of mistreatment, sold their land and moved west.

For the next 28 years, the United States government struggled to force relocation of the southeastern nations. A small group of Seminoles was coerced into signing a removal treaty in 1833, but the majority of the tribe declared the treaty illegitimate and refused to leave. The resulting struggle was the Second Seminole War, which lasted from 1835 to 1842. As in the first war, fugitive slaves fought beside the Seminoles who had taken them in. Thousands of lives were lost in the war, which cost the Jackson administration 40 to 60 million dollars -- ten times the amount it had allotted for Indian removal. In the end, most of the Seminoles moved to the new territory. The few who remained had to defend themselves in the Third Seminole War (1855-58), when the U.S. military attempted to drive them out. Finally, the United States paid the remaining Seminoles to move west.

The Creeks also refused to emigrate. They signed a treaty in March 1832, which opened a large portion of their Alabama land to white settlement, but guaranteed them protected ownership of the remaining portion, which was divided among the leading families. The government did not protect them from speculators, however, who quickly cheated them out of their lands. By 1835 the destitute Creeks began stealing livestock and crops from white settlers. Some eventually committed arson and murder in retaliation for their brutal treatment. In 1836 the Secretary of War ordered the removal of the Creeks as a military necessity. By 1837, approximately 15,000 Creeks had migrated west. They had never signed a removal treaty.

The Chickasaws had seen removal as inevitable, and had not resisted. They signed a treaty in 1832 which stated that the federal government would provide them with suitable western land and would protect them until they moved. But once again, the onslaught of white settlers proved too much for the War Department, and it backed down on its promise. The Chickasaws were forced to pay the Choctaws for the right to live on part of their western allotment. They migrated there in the winter of 1837-38.

The Cherokee, on the other hand, were tricked with an illegitimate treaty. In 1833, a small faction agreed to sign a removal agreement: the Treaty of New Echota. The leaders of this group were not the recognized leaders of the Cherokee nation, and over 15,000 Cherokees -- led by Chief John Ross -- signed a petition in protest. The Supreme Court ignored their demands and ratified the treaty in 1836. The Cherokee were given two years to migrate voluntarily, at the end of which time they would be forcibly removed. By 1838 only 2,000 had migrated; 16,000 remained on their land. The U.S. government sent in 7,000 troops, who forced the Cherokees into stockades at bayonet point. They were not allowed time to gather their belongings, and as they left, whites looted their homes. Then began the march known as the Trail of Tears, in which 4,000 Cherokee people died of cold, hunger, and disease on their way to the western lands.

By 1837, the Jackson administration had removed 46,000 Native American people from their land east of the Mississippi, and had secured treaties that led to the removal of a slightly larger number. Most members of the five southeastern nations had been relocated west, opening 25 million acres of land to white settlement and to slavery.

<<http://www.historicaldocuments.com/IndianRemovalAct.htm>>

INDIAN REORGANIZATION ACT

The **Indian Reorganization Act** of 1934, also known as the **Wheeler-Howard Act** or informally, the *Indian New Deal*, was U.S. federal legislation that secured certain rights to Native Americans, including

Alaska Natives. These include a reversal of the Dawes Act's privatization of common holdings of American Indians and a return to local self-government on a tribal basis. The Act also restored to Native Americans the management of their assets (being mainly land) and included provisions intended to create a sound economic foundation for the inhabitants of Indian reservations.

<http://en.wikipedia.org/wiki/Indian_Reorganization_Act>

JOM (JOHNSON-O'MALLEY PROGRAM)

The Johnson-O'Malley Program is designed to meet the specialized and unique educational needs of eligible American Indian students attending public schools. The JOM Program provides funds to supplement the regular school program. JOM programs are used for tutoring, academic support, cultural activities, summer education programs and after school activities. Schools are eligible to receive JOM funds for each student, ages 3 through grade 12, who is a member of, or at least one-fourth degree Indian blood from a descendent of a member of an Indian tribe. BIA schools and sectarian schools serving American Indian/ Alaska Native students are not eligible to receive JOM funds.

http://www.oiep.bia.edu/programs_jom.html>

LAND IN TRUST / FEDERAL TRUST LAND

Trust land is Indian-owned land, the title to which is held in trust and protected by the federal government. Indian people and tribes have use of the land, but ultimate control of the land remains with the federal government.

<<http://www.indianlandtenure.org/ILTFallotment/glossary/terms.htm#landintrust>>

LHAQ'TEMISH

People of the Sea, The Lummi Nation.

We are Lummi. We are Coast Salish people with a rich history, culture and traditions. We are fishers, hunters, gatherers, and harvesters of nature's abundance. We envision our homeland as a place where we enjoy an abundant, safe, and healthy life in mind, body, society, environment, space, time and spirituality; where all are encouraged to succeed and none are left behind.

<<http://www.lummi-nsn.org>>

LIBC Lummi Indian Business Council

The General Council are all Lummi tribal members who are 18 years and older and are voting members of the tribe. The duties of the General Council include: (a). Act on all adoptions recommended by the business council, as provided in Section 2, Article II of the Lummi Nation constitution; (b). Review the actions of the business council at the annual meeting; (c). Recommend actions to be taken by the business council; (d). Appoint a committee to certify all elections to the business council; (e). Consider the recall of members of the business council as provided in Section 2, Article V, and consider all referendums, as provided in Article VII of the Lummi Nation constitution.

<http://www.lummi-nsn.org/tribal_c.html>

LITTLE BEAR CREEK

Little Bear Creek is the Lummi Nation assisted living residence for seniors; look for the carved bears on Lummi Shore Drive.

LUMMI TRIBAL SCHOOL

The new Tribal School houses grades K-12; it was built in 2005 to replace buildings near the present NWIC campus; turn at the carved frogs on Lummi Shore Drive.

MAKAH WHALING

Whaling and whales are central to Makah culture. The conduct of a whale hunt requires rituals and ceremonies which are deeply spiritual. They are the subject and inspiration of Makah songs, dances,

designs, and basketry. For the Makah Tribe, whale hunting imposes a purpose and a discipline which benefits their entire community. It is so important to the Makah, that in 1855 when the Makah ceded thousands of acres of land to the government of the United States, they explicitly reserved their right to whale within the Treaty of Neah Bay.

Whales gave oil, meat, bone, sinew and gut for storage containers: useful products, though gained at a high cost in time and goods. To get ready for the hunt, whalers went off by themselves to pray, fast and bathe ceremonially. Each man had his own place, followed his own ritual, and sought his own power. Weeks or months went into this special preparation beginning in winter and whalers devoted their whole lives to spiritual readiness.

Men waited for favorable weather and ocean conditions and then paddled out, eight in a canoe. They timed their departure so that they would arrive on the whaling grounds at daybreak.

Paddling silently, whalers studied the breathing pattern of their quarry. They knew from experience what to expect. As the whale finished spouting and returned underwater, the leader of the hunt directed the crew to where it would next surface. There the men waited.

When the whale rose, the paddlers held the canoe just to its left, their speed matched to the animal's. As the back broke the surface, the harpooner struck and the crew instantly paddled backward, putting all possible distance between the canoe and the wounded prey so as to avoid the thrashing tail flukes. A hit in the shoulder blade interfered with use of the flippers and slowed the whale. Floats of sealskin blown up like huge balloons and attached to the harpoon line slowed the whale. Harpoons weren't intended to kill the whale, but to secure the sealskin floats to them until they tired themselves and could be lanced fatally. Shafts of yew wood measured 12 to 18 feet long - heavy wood to add to the harpooner's thrust and help the blade pierce deeply. Splices in the shaft deadened the springiness and furthered the penetration. They also let the shaft break rather than hit the canoe repeatedly if the whale rolled. Furthermore, they allowed a clean break rather than a splintering. This aided repair.

Shafts fell away once the harpoon head had been set. In a whale, the head turned partly sideways. Barbs of elk antler helped to keep it from pulling out. They fit one on each side of the blade, which was mussel shell. Spruce pitch - at Ozette still pungent after 500 years within the earth - fared and smoothed the head. Whale sinew plied into rope and bound with wild cherry bark attached the harpoon head to as much as 40 fathoms of additional rope. This line, which was of twisted cedar boughs, was carried coiled within the baskets so that it would play out easily and wouldn't entangle the canoe's occupants.

A telltale float at the end of the line acted as a marker so that the whalers could follow their prey, setting additional harpoons and staying out over night if need be. Eventually the time came for the final kill which was done using a special lance.

The next step was to tow the whale home - a distance of only a few miles if its spirit had heeded prayers to swim for the beach, perhaps 10 miles or more if not. As a precaution against the whale's sinking, a diver generally laced the mouth shut. This kept water from flooding into the stomach, weighing the carcass down and complicating the tow.

Songs eased the paddling. Songs welcomed the whale to the village; welcomed the returning hunters and praised the power that made it all possible.

The relationship between Makah and whales is very old. Ozette deposits dating from 2,000 years ago hold humpback and gray whale bones and barbs from harpoons. The relationship is also very recent. The Makah were forced to cease whaling practices in the 1920s due to the scarcity of gray whales caused by the commercial whaling industry. The Makah Tribe resumed whale hunting under international and domestic law, and on May 17, 1999, harvested their first whale in 70 years.

<<http://www.makah.com/whalingtradition.html>>

NAGPRA (SEE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT)

NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT (NAGPRA)

A United States federal law passed in 1990 required that Native American cultural items be returned to their respective peoples if and when they have been excavated, and allows archeological teams a short time for analysis before the remains must be returned. "Cultural items" include human remains, funerary objects, sacred objects, and objects of cultural patrimony. Consequently, this legislation also applies to many Native American artifacts, especially burial items and religious artifacts. It has necessitated massive cataloguing of the Native American collections of many museums in order to identify the living heirs, culturally affiliated Indian tribes, and Native Hawaiian organizations of remains and artifacts.

<http://en.wikipedia.org/wiki/Native_American_Graves_Protection_and_Repatriation_Act>

NON-INDIAN OWNED LAND (see also Indian Owned and Tribal Trust land)

Non-Indian owned land is any land owned by a non-Indian landowner.

NORTHWEST INDIAN FISHERIES COMMISSION (NWIFC)

NWIFC assists treaty Indian tribes with biologically-sound fisheries and advocates for management issues; located in Olympia. The Fishery Management and Planning Division provides technical assistance and coordination to tribes in the development and implementation of annual and long-range fishery plans. Staff also assists tribes in the implementation of the U.S./Canada Pacific Salmon Treaty, which regulates fisheries on salmon stocks shared by the two countries. Another major task of the division is to coordinate tribal participation in the implementation of efforts to protect several western Washington salmon stocks that have been listed as "threatened" under the Endangered Species Act.

<http://www.nwifc.org/fishmgmt/index.asp>

The Habitat Services Division provides coordination, representation and technical assistance to member tribes on fish habitat and other environmental issues. The division monitors these issues and acts as an information clearinghouse. Activities within the division include:

- Coordinating policy and technical level discussion between tribes and federal, state and local governments, and other interested parties
- Coordinating, representing and monitoring tribal interests in the Timber/Fish/Wildlife process, Coordinated Tribal Water Quality and Ambient Monitoring programs
- Monitoring, analyzing and distributing technical information on habitat-related forums, programs and processes
- Implementing the Salmon and Steelhead Habitat Inventory Assessment Program

<<http://www.nwifc.org/habitat/index.asp>>

The Enhancement Services Division provides tribal support services in enhancement planning, hatchery coordination, coded wire tagging, and fish health. Activities include:

- Coded wire tagging of 4 million fish at tribal hatcheries to provide information critical to fisheries management;
- Fulfilling tribal requests for coded wire tag analysis;
- Providing genetic, ecological, and statistical consulting for tribal hatchery programs; and
- Providing fish health services to tribal hatcheries in the areas of juvenile fish health monitoring, disease diagnostics, adult health inspection and vaccine production.

<<http://www.nwifc.org/enhance/index.asp>>

Indian tribes have always lived in the river valleys of what is now western Washington. As part of these ecosystems, we co-evolved with the natural resources of this area, our cultures centered on fishing, gathering and hunting.

Today, the wild salmon upon which we have always depended are disappearing. More than a century of timber harvesting, dam construction, rapid population growth and other factors have destroyed and

degraded important salmon spawning and rearing habitat. Past overharvest drove salmon populations lower. Salmon hatcheries designed to compensate for the loss of natural production caused by habitat destruction now threaten the genetic integrity and ability of wild salmon to compete for food.

Western Washington tribes are leaders in the salmon recovery effort. No other group of people knows salmon as well, and none has a greater stake in their survival.

We know that the battle to preserve, protect and restore the salmon and other natural resources of the region cannot be fought alone. Only through cooperation can the shared vision of a better environment for future generations be assured, and available funding leveraged to provide the greatest benefit.

<<http://www.nwifc.org/recovery/index.asp>>

Shellfish have been a mainstay of western Washington Indian tribes for thousands of years. Clams, crab, oysters, shrimp, and many other species were readily available for harvest year-round. The rapid decline of many western Washington salmon stocks, due in large part to habitat loss from the region's burgeoning human population, has pushed shellfish to the forefront of many tribal economies.

The tribes have two distinct types of shellfish harvests – commercial and ceremonial/subsistence. Shellfish harvested during a commercial fishery are sold to licensed shellfish buyers who either sell shellfish directly to the public or to other commercial entities. Tribes collect taxes from tribal members who sell shellfish. Those taxes are used to help pay for tribal natural resource programs. Ceremonial and subsistence harvests of shellfish, which have a central role in tribal gatherings and daily nutrition, are intended for tribal use only.

Talks between the tribes and the state over shellfish harvest began in the mid-1980s, but were unsuccessful. In 1989, the tribes were forced to file suit in federal court to have their treaty shellfish harvest rights recognized. Years of negotiations were unsuccessful, and the issue went to trial in May 1994.

In December 1994, Judge Rafeedie ruled that all public and private tidelands within the case area are subject to treaty harvest, except for shellfish contained in artificially created beds. His decision requires tribes planning to harvest shellfish from private beaches to follow many time, place, and manner restrictions on harvest.

Tribal shellfish managers have developed harvest management and supplementation plans, and harvest data is collected and shared with other tribes and the state. Examples of cooperation can be found throughout the region.

<<http://www.nwifc.org/shellfish/index.asp>>

OFF-RESERVATION TRUST LAND

Off-reservation trust land is land outside the boundaries of reservations that is protected by the federal government for Indian use. These pieces of land could be religious sites or pieces allotted to individuals out of the public domain.

<<http://www.indianlandtenure.org/ILTFallotment/glossary/terms.htm#offreservationtrustland>>

PATERNALISTIC

A system under which an authority seeks to supply the needs or regulate the conduct of those under its control in matters affecting them as individuals as well as in their relations to authority and to each other.

<<http://www.webster.com/dictionary/paternalistic>>

PATRONIZING

Adopting an air of condescension toward; treating haughtily or coolly.

<<http://www.webster.com/dictionary/patronizing>>

PERSPECTIVE (COGNITIVE)

One's "point of view", the choice of a context for opinions, beliefs and experiences.

<<http://en.wikipedia.org/wiki/Perspective>>

POINT ELLIOTT TREATY OF 1855

The Point Elliott Treaty was a treaty between the United States government and various Native American tribes of the Puget Sound region in the newly-formed Washington Territory. It was signed on January 22, 1855, at Point Elliott, today the site of Mukilteo, Washington.

Signers of the Point Elliott Treaty included Sealath and Territorial Governor Isaac Stevens. Representatives from the Suquamish, Skagit, Snohomish, Duwamish, Lummi, Swinomish, and other tribes also signed. The treaty established the Port Madison, Tulalip, Swinomish, and Lummi reservations. The Native American signers included: Duwamish Chief Seattle, Snoqualmie Chief Patkanim, and Lummi Chief Chow-its-hoot.

<http://en.wikipedia.org/wiki/Point_Elliott_Treaty>

The entire text of the treaty is at <<http://www.lummi-nsn.org/pointelliotttreatyof1855.html>>

PUBLIC LAW 280

Public Law 280 is a federal statute enacted by Congress in 1953 that enabled states to assume criminal, as well as civil, jurisdiction in matters involving Indians as litigants on reservation land. Previous to the enactment of Public Law 280, these matters were dealt with in either tribal and/or federal court. Essentially, Public Law 280 was an attempt by the federal government to reduce its role in Indian affairs.

Enumerated in Public Law 280 were six states which were obligated to assume jurisdiction from the outset of the law: Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin. States that have assumed at least some jurisdiction since the enactment of Public Law 280 include: Nevada, South Dakota, **Washington**, Florida, Idaho, Montana, North Dakota, Arizona, Iowa, and Utah.

Many oppose Public Law 280 because it was initially enacted without the consent of the Indians it affected. Although Public Law 280 was amended in 1968 requiring the consent of the tribe, consent was not required for states that had assumed jurisdiction up to 1968. Others argue that the enactment of the law was a response to the growing fervor surrounding assimilation due to the nascent Cold War. Still others argue it was a purely economic move on the part of the federal government. They argue that involvement in Indian affairs was a financial burden the federal government did not want to bear. Therefore, the federal government passed the buck to the states.

<<http://www.humanities.uci.edu/IDP/nativeam/pl280.html>>

THE RAFEEDIE DECISION AND IMPLEMENTATION PLAN

In 1989, the tribes were forced to file suit in federal court to have their treaty shellfish harvest rights recognized. Years of negotiations were unsuccessful, and the issue went to trial in May 1994.

After hearing testimony from tribal elders, biologists, historians, treaty experts, as well as testimony from private property owners and non- Indian commercial shellfish growers, Federal District Court Judge Edward Rafeedie followed in the footsteps of the Boldt Decision. He ruled the treaties' "in common" language meant that the tribes had reserved harvest rights to half of all shellfish from all of the usual and accustomed places, except those places "staked or cultivated" by citizens – or those that were specifically set aside for non- Indian shellfish cultivation purposes.

"A treaty is not a grant of rights to the Indians, but a grant of rights from them," Rafeedie wrote in his December, 1994 decision, adding that the United States government made a solemn promise to the tribes in the treaties that they would have a permanent right to fish as they had always done. Rafeedie ruled all public and private tidelands within the case area are subject to treaty harvest, except for shellfish contained

in artificially created beds. His decision requires tribes planning to harvest shellfish from private beaches to follow many time, place, and manner restrictions on harvest.

<<http://www.nwifc.org/shellfish/index.asp>>

REPATRIATE

To return to the country of origin, allegiance, or citizenship.

<<http://www.webster.com/dictionary/repatriate>>

RESERVATION (INDIAN) (cf. reserve)

Reservations are defined areas of land which tribes reserved for their exclusive use and possession. These lands are defined in treaties, executive orders, or acts of Congress. The word *reservation* itself comes from the fact that tribes "reserved" these lands out of much larger areas that they owned and utilized. In 1905, the U.S. Supreme Court stated: "the treaty was not a grant of rights to the Indians, but a grant of right from them, — a reservation of those not granted" (*United States v. Winans*, 198 U.S. 371, 381 [1905]).

<<http://www.historycooperative.org/journals/ohq/106.3/miller.html>>

The term "reservation" has been used since 1851 when the United States Congress passed the Indian Appropriations Act, which authorized the creation of Indian reservations in modern day Oklahoma.

RESERVE (INDIAN)

Term predating the use of "reservation" in U.S. History to denote lands designated for Indian use by the United States; also the term used in Canada for the institution similar to the United States reservation.

REUBEN SNAKE

In the case of *Oregon v. Smith*, a case involving Native American religious liberty, the U.S. Supreme Court threw out its long-standing precedents and declared that no longer does the Government have to show that laws which burden and restrict religious liberty must be justified by a compelling Government interest. Even very large religious organizations issued protests and sought a rehearing in the Court. The Baptists, the Methodists, Jewish groups, dozens of religious groups, and over 50 of America's most distinguished constitutional law professors sought a rehearing of the Court's decision.

But consider the implications of this case from our perspective. The U.S. Supreme Court reversed a long line of settled cases in order to rule that the use of the sacrament of Native American worship, the holy medicine, peyote, is not protected under the first amendment of the constitution. They said, in our case, our religious exercises, our form of worship, the use of our holy sacrament, is not protected by the Constitution. The Court said that Native Americans, who have enjoyed religious liberty on the land since before the Pilgrims fled here, are no longer entitled to religious liberty.

This trampling of Native American religious liberty is intolerable.

Our people have been using the holy medicine, peyote, for thousands of years.

For the last twenty years, the American people have been suffering an epidemic of abuse of refined chemical drugs like cocaine, heroin amphetamines, PCP, and so forth. American cities are crawling with violence and crime. This is a terrible tragedy, and this kind of drug abuse is also a problem for some Indian youth.

But there is no peyote drug problem. I defy the justices of the Supreme Court to find newspaper reports of drive-by shootings in connection with the holy medicine. I challenge anyone concerned about the problem of drug abuse to find examples of dope peddlers selling the holy medicine in America's school yards and play grounds. The idea is preposterous. We don't have a peyote abuse problem in the Nation.

Yet the widespread fear, bordering on panic, about the tragedy of drug abuse has clouded the minds of the Justices. In the name of the war on drugs, our use of our holy medicine is restricted. In the name of this

war on drugs, our guarantee of free exercise of religion has been violated. In the name of the war on drugs, the religious freedom of every American has been placed in jeopardy.

The consequences are outrageous. For decades Native Americans have endured the harassment and persecution of law enforcement authorities ignorant of, or indifferent to, our ancient ways of worship. The law reports are filled with tragic cases of our men and women dragged from worship, or from their homes, to jail cells and to courtrooms, forced to defend themselves, to justify themselves to the ignorant and the callous. But in those degrading circumstances, we could always point, confidently, to the first amendment's guarantees of free exercise of religion, and know that ultimately we would prevail. Now, unbelievably, we are no longer assured that we will prevail.

This has been intolerable to us, this is intolerable to us, and it is intolerable to every American who treasures their right to worship God without Government interference.

In the Native American Church every day is a holy day, but today is special. In the Hebrew calendar, today is Yom Kippur, the day of atonement, the most solemn day of Jewish worship. Many Jewish friends of Native Americans invited to join us this morning explained that they could not worship with us here, for they would be in their own temples in prayer.

For many of the 5741 years of the Hebrew calendar, the Jewish people have suffered oppression on account of their religion. Today, 199 years after the American Bill of Rights was adopted, we are thankful that the Jewish people feel free to worship without fearing Government harassment.

But ladies and gentlemen, today the 250,000 members of the Native American Church are not free to worship God without fear of Government harassment. Church president Emerson Jackson has declared tomorrow a day of prayer for peace. Today, hundreds of our people are preparing for a night-long Native American Church service and prayer for peace. But many of our elders, who have traveled thousands of miles to be here to worship in our Nation's capital, who have experienced the indignities of religious persecution, expressed to the organizers of this worship service a great fear - will we be arrested? Will we be arrested?

We have had to call law enforcement authorities - attorneys general, prosecutors, assistant State's attorney, narcotics units - around the region to assure ourselves that our worship will proceed undisturbed by the hideous specter of a police raid.

I ask my bothers and sisters who are Christians, my bothers and sisters who are Moslem, my brothers and sisters who are Hindus, my bothers and sisters who are Buddhists, my bothers and sisters who are Jewish, do any of you worry that your worship services will be raided by the police? Do any of you feel it necessary to call the police in order to set up a worship service? Do any of you have to explain to law enforcement officers that you have a right to worship your God in you own manner?

I ask my bothers and sisters who are Christian, do you need permission from your State alcoholic beverage control commission to give sacramental wine to communicants under the age of 21? Do your priests need licenses from the Government to perform a mass? Of course not, but under the Smith decision, that shocking possibility may yet come to pass.

I ask my brothers and sisters, when they tell their children about their religious rites, do they have to warn their little ones about the police? Do they have to explain that they should not be ashamed because of the special police "interest" in their worship?

I ask the American people, does this sound like the religious life we expect to live in the United States of America?

Well, my brothers and sisters, this unbelievable condition burdens our worship. This relic of prejudice burdens our worship. This Government involvement in our religion burdens our worship, and it is intolerable.

Today, at the highest point in Washington, overlooking our little press conference, the National Cathedral is being dedicated. Today the last stone is being placed in that beautiful monument to the central importance of God and prayer in American life.

It is profoundly ironic that just as that glorious cathedral is being completed and dedicated in our Nation's Capital, the U.S. Supreme Court has jeopardized the status of every minority religion, and it has done so in a case involving native American Church members using the holy sacrament of our church.

We are here today with one simple message - we demand that our use of our sacrament, the holy medicine peyote, be fully protected by law without qualification. We ask no more, we expect no more, and we are entitled to nothing less!

Why must we stand here and defend our religion? Why must we tell you that our church is a good church? Why must we tell you that we do not tolerate drug abusers or alcoholics in our church?

We are reduced to this posture because of laws passed and enforced in an atmosphere of almost total ignorance about Native Americans. Perhaps we should not be surprised. Like most Americans we like to go about our business quietly and without drawing attention to ourselves. One of the central teachings of our church is humility.

We have never held a press conference before. We have never drawn attention to ourselves before. We are uncomfortable this morning, but to protect ourselves, we have a duty. We are here today to tell the American people that our worship is sacred, it is legitimate, it is profound, it is good, it is wonderful in the eyes of God, it is wonderful for our people, and we must, we must pray the way God has taught us.

Americans, you have taken much from us. You have benefited from us in many ways. You have left us little land, you have taken away our traditional livelihoods. Do not allow the Government to take our religious freedom away.

We urge you to join us in supporting the "Religious Freedom Restoration Act of 1990," H.R. 5377. But this is only a first step. The bill does not go far enough. It does not specifically protect our worship, the one that the Supreme Court chose to disregard and deny protection. We urge that the bill be amended to specifically protect Native American religious freedom.

That is not too much to ask. Soon we will be returning to our homes across America and to our children and grandchildren. We will say we engaged in the political process, we spoke to the American people and to the national news media. We went to Washington, and we told our story.

Can we tell our children, "We succeeded, you are now safe"? Can we tell our children, "We have brought back for you the security, the safety, the certainty that you, our children, and your children can worship God as we have been taught"?

It is our prayer that we can!

<<http://www.repatriationfoundation.org/congress.html>>

RIGHT OF DISCOVERY

The Right of Christian Discovery comes directly from the Old Testament of the Bible and is based on the story of the "covenant" between the deity of the Old Testament and the "chosen people." The covenant was based on land. The land "promised" to the Hebrews by the Old Testament deity was already inhabited by the Canaanites, whom the Hebrews were commanded to dispossess. Eventually, this biblical story was transferred to the Americas. As the British international law scholar Henry Sumner Maine put the matter: "In North America, where the discoverers or new colonists were chiefly English, the Indians inhabiting that continent were compared almost universally to the Canaanites of the Old Testament."

Eventually, the story of the divine covenant between the Old Testament deity and the "chosen people" became part of the cultural and linguistic fabric of the United States. It is this biblical perspective that the U.S. Supreme Court inserted into the Johnson decision 180 years ago. [In the 1823 U.S. Supreme Court

decision Johnson v. McIntosh the U.S. representatives said the Johnson decision held that "as a result of European discovery, the Native Americans had a right to occupancy and possession." But "tribal rights to complete sovereignty were necessarily diminished by the principle that discovery gave exclusive title to those who made it."] The one difference is that the Court referred to the Covenant Tradition in terms of a distinction between "Christian people" and "heathens." The Supreme Court drew on the Right of Christian Discovery found in Vatican papal bulls of the fifteenth century and in English charters, all of which were premised on the view that all non-Christian lands throughout the world were destined to be taken over by Christians.

<<http://www.indiancountry.com/content.cfm?id=1019481723>>

SCHELANGEN

The Lummi cultural and economic way of life.

SEAPONDS AT LUMMI

A 750 acre saltwater pond built in 1970-71 to provide jobs for Lummi people. The seapond has operated continuously since that time in various capacities: (1) release salmon for commercial and recreational enhancement--1-5 million fish per year, (2) growout area for clams--200,000-300,000 pounds per year, (3) water supply for the shellfish hatchery and (4) jobs.

SE-EYE-CHEN TREATMENT CENTER

Prevents, interdicts, and treats alcohol and drug use by members of the Lummi community

SELF-DETERMINATION

Self-determination or the right to self-determination is a theoretical principle that a people ought to be able to determine its own governmental forms and structures.

<<http://en.wikipedia.org/wiki/Self-determination>>

SEVERALTY

Ownership of real property by one person only, also called sole ownership. This relates to allotment of Indian reservations whereby the land was divided up for assignment to individuals or families.

<<http://www.4554.com/Glossary/SEVERALTY.html>>

SHELLFISH HATCHERY AT LUMMI

The Lummi shellfish hatchery is similar to a fish hatchery for the production of juvenile shellfish for aquaculture and enhancement. The Lummi hatchery has provided seed (larvae of clams, oysters, etc.) for projects from Alaska to Mexico and Korea. The hatchery has 5-9 permanent employees and has been in operation since 1972.

SLATER ACT

The Slater Act [of Congress approved March 3, 1885 (23 Stat. at L. 340, chap. 319), and the amendments [204 U.S. 458, 459] thereto] provides for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and grants patents therefore, and for other purposes." Also known as the Slater Act.

<<http://www.indianlandtenure.org/ILTFallotment/specinfo/sa%20Alaska%20and%20the%20Northwest%20Area%20BIA%20Regions.pdf#search=%22providing%20for%20allotment%20of%20lands%20in%20severalty%20to%20the%20Indians%20residing%20upon%20the%20Umatilla%20Reservation%22>>

The allotment of lands on the Umatilla Reservation preceded the General Allotment Act (Dawes Act) of February 8, 1887. The Dawes Act allotted lands in severalty (meaning separately and individually rather than in common ownership) to Indians, breaking up tribal interests, promoting agriculture, and declaring Indians who received allotments U.S. citizens. The assimilationist policy of allotment broke reservations

into checkerboard pieces, allowing whites to purchase lands and giving them access to resources on reservations.

<<http://www.ccrh.org/comm/umatilla/primary/allotmnt.htm>>

SOVEREIGNTY

Sovereignty is the exclusive right to exercise supreme political (e.g. legislative, judicial, and/or executive) authority over a geographic region, group of people, or oneself.

<<http://en.wikipedia.org/wiki/Sovereignty>>

SQUOL QUOL

The Lummi Community monthly newspaper is the *Squol Quol*. Copies are available in the NWIC Library and in the entrance to Building 10 at the beginning of each month.

STEVENS' TREATIES

As Washington's first territorial governor, Isaac Stevens oversaw the establishment of government in what would become Washington State. He also led the survey of a route to Puget Sound for a transcontinental railroad. Stevens's superintendence of Indian Affairs did not serve the interests of Native Americans and resulted in needless deaths and enduring controversy.

Stevens' railroad survey expedition left Minnesota in June 1853 to document the route of the railroad, but also recorded the flora and fauna, and the Native American tribes enroute. The survey party reached Fort Vancouver on November 19, 1853.

It was Stevens' discharge of his duties as Superintendent of Indian Affairs that proved most dramatic. Since 1850 white settlers had been granted lands throughout Oregon Territory without any release of title by the resident Native Americans. What is more, the most desirable properties, on prairies and along the rivers, were those most needed by the tribes for survival. Conflicts quickly occurred, and they resulted in fatalities. Stevens's response was to divide the territory into districts and assign Indian Agents to find tribal representatives with whom to sign treaties. He then left the territory for Washington, D.C. to lobby Congress for funds for roads and improvements and for the northern route for the transcontinental railroad.

Stevens returned in December 1854 and plunged into the organization of treaty councils. His agents had been making the rounds of villages and selecting individuals who would represent each tribe. According to historian David M. Buerge, "Not only was the timetable reckless; the whole enterprise was organized in profound ignorance of native society, culture, and history. The twenty-thousand or so aboriginal inhabitants who were assumed to be in rapid decline, were given a brutal choice: they would adapt to white society or they could disappear." Despite this draconian approach, Stevens was something of a moderate between those who believed in political and cultural equality with the Native Americans and those who advocated their complete elimination.

West of the Cascades, Stevens organized four treaty councils between December 25, 1854 and February 26, 1855. Each lasted about four days. The governor distributed manufactured goods, read out the treaty terms in the Chinook jargon, allowed some comment, then invited the tribal representatives to step forward to affix their marks to the treaties. Few if any understood the implications of signing the documents. The result was, the Native Americans lost most of their land in exchange for small reservations. Two more councils east of the Cascades did not go as smoothly, but Stevens obtained the requisite marks on the treaties. The treaties did allow the tribes to continue to gather fish in common with whites at all their accustomed places.

Before the treaties were signed, a young Yakama Indian murdered an Indian Agent who was investigating the murders of some miners. Stevens dispatched a military force of 102, and the Yakamas turned it back. Violence spread to the west side of the mountains and innocents of all races died throughout the rest of 1855. Stevens advocated an elaborate winter campaign against the tribes east of the mountains. U.S. Army Department of the Pacific Commander, General John Wool (1784-1869) wanted to let things calm down

and work out a peaceful solution. Indians murdered settlers. Militiamen murdered Indians. Stevens charged that Wool had abandoned him, forcing Wool to return to Washington, D.C., to defend himself.

Stevens then undertook a campaign against the mixed-race settlers of the Hudson's Bay Company, seizing them and their property. When Territorial Judge Edward Lander (1816-1907) attempted to enjoin Stevens, Stevens arrested Lander. President Pierce was pressured to remove Stevens, but Pierce only reprimanded him. Stevens continued his campaigns against the tribes resulting in more loss of life, mostly old men, women, and children. Stevens had Nisqually Chief Leschi (1808-1858) hanged in 1858 for allegedly killing a soldier in open combat. Citizens such as Ezra Meeker (1830-1928) spoke out against Stevens's conduct and in defense of the tribes, not a popular position. The Indian War wound down with the tribes being relegated to their reservations.

Stevens was elected as Territorial delegate to Congress in 1857 and 1858 and his service as Governor and Superintendent of Indian Affairs ended. It was left to his successors to resolve lingering issues between Native Americans and the settlers.

One of the provisions of the Stevens treaties allowed the tribes the right to fish in their accustomed places in common with the settlers. In 1974, this was interpreted in courts to mean that the treaty tribes were entitled to one-half the harvestable fish and shellfish in Western Washington. This decision returned to the tribes control of resources recognized in the treaties.

<http://www.historylink.org/essays/output.cfm?file_id=5314>

STOMMISH

Stommish is the annual celebration for Lummi Veterans, begun after WWII. It is held in June on the "Stommish Grounds" across from the entrance to the new Tribal School.

THRIFTY GENE HYPOTHESIS

Need refutation by Dr. Bill

When mice are kept on dry kibble, they pretty much regulate their weight. But when they're put on a cafeteria diet, which is what we're exposed to – unlimited choice – mice balloon up just like we do. One of the thoughts in terms of obesity is that when people lived in a time when food was not abundant, there was a benefit to being able to store a lot of fat. So when you hit the lean times you are able to survive. So there is a lot of talk about diabetes and obesity and the "thrifty gene" hypothesis. Again, the idea being that people might have had a genetic background that in the past would have been very advantageous to be able to store a lot of fat and survive through winters where there wasn't a lot of food availability, or various kinds of famine, but in today's world, the developed world where food is abundant, it can be problematic when you start building up a lot of fat.

<http://www.welltopia.com/obesity_summary.html>

TREATY (also see Point Elliott Treaty of 1855):

A contract or compact between nations. It is an agreement that is binding upon the nations that sign the treaty. The United States Constitution says treaties are "the supreme Law of the Land." The property rights that a specific treaty protects are not for all Indians in general but are rights specific to the tribe that signed the treaty. The United States entered into more than four hundred treaties with Indian tribes between 1778 and 1871.

<<http://www.historycooperative.org/journals/ohq/106.3/miller.html>>

TRIBAL TERMINATION

From the earliest colonial times, European colonists had sought to assimilate the tribal culture. Through government policy and Christian missionary works, the dominating culture attempted many strategies to end native peoples' attachment to their cultural beliefs, practices and social structures. As recently as the 1950s and 60s the United States government instituted a policy of "tribal termination" with the goal of total assimilation of tribal members into mainstream culture. During this period, a number of active tribes were formally "terminated" by the federal government. Protests in the 1970s caused the federal

government to reverse its termination policy. The Federal Indian Self-Determination Act was passed which guaranteed the right of tribes to govern themselves. It also established the right of non-recognized native communities to establish tribal governments that could be recognized by the federal government.

<<http://www.norwichbulletin.com/legacy/customerservice/livingintwoworlds/page5.pdf#search=%22TRIBAL%20TERMINATION%22>>

TRIBAL TRUST LAND (OR LAND IN TRUST, OR FEDERAL TRUST LAND) (see also Indian Owned and Non-Indian owned land)

Tribal trust land is Indian-owned land, the title to which is held in trust and protected by the federal government. Indian people and tribes have use of the land, but ultimate control of the land remains with the federal government.

<<http://www.indianlandtenure.org/ILTFallotment/glossary/terms.htm#triballyownedland>>

TRUST-TO-FEE CONVERSION

Trust-to-fee conversion is the conversion of lands held in trust by the U.S. Government to fee simple status. With the passage of the Burke Act in 1906, Indian lands held in trust were converted to fee status if the Secretary of the Interior determined that the Indian landowner was competent. Today, trust lands can be converted to fee status in 30 days. Only individual Indian landowners can request a trust-to-fee conversion.

<<http://www.indianlandtenure.org/ILTFallotment/glossary/terms.htm#trusttofeeconversion>>

USUAL AND ACCUSTOMED AREAS (U & A)

Usual and accustomed areas are treaty-protected hunting, fishing, and subsistence areas under state and federal jurisdiction.

<<http://yosemite.epa.gov/r10/tribal.NSF/34090d07b77d50bd88256b79006529e8/ecdd67d129641bf488256a8d006d6497!OpenDocument>>

YESS

The mission of Lummi Youth Enrichment Social Services (YESS) is to implement safe and affordable social service programs for Lummi children, youth and their families.

<<http://www.lummi-nsn.org/yess.html>>

THE WEST

See PBS “The West”: *Episode One* to 1806, *Episode Two* 1806 to 1848, *Episode Three* 1848 to 1856, *Episode Four* 1856 to 1868, *Episode Five* 1868 to 1874, *Episode Six* 1874 to 1877, *Episode Seven* 1877 to 1887, *Episode Eight* 1887 to 1914.

WEX LI’EM

The Lummi Nation Community Center, in the style of a traditional longhouse, is where many gatherings, including graduation, are held; Wex Li’em means “house of frogs.” It is located across from the Stommish Grounds; turn at the carved wooden frogs.

WHITE PRIVILEGE

White privilege, or **White skin privilege**, is a term of analysis used to denote a particular kind of alleged social relation, one which typically involves a right, advantage, exemption or immunity granted to or enjoyed by white persons in Western countries beyond the common advantage of nonwhites in those same nations. In the view of those using the term, it is the primary benefit of racism expressed as preferential treatment within a society.

<http://en.wikipedia.org/wiki/White_privilege_%28sociology%29>

WORLDVIEW (OR WORLD VIEW)

Worldview is the framework through which an individual interprets the world and interacts in it.

<<http://en.wikipedia.org/wiki/Worldview>>

***Other Terms to be Defined:**

- Balance
- History
- Identity
- Integrity ("real") (perhaps Sharon could assist us in a definition and connotations here?)
- Knowledge (is this related to traditional, cultural, etc. knowledge, and perhaps misappropriation thereon?)
- Mindmap *include/omit?
- Mindset *include/omit?
- Place (sense of...) *ask Sharon
- Relationship *include/omit?
- To be a people *ask Sharon?
- Youth Safe House