UPDATE

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P. O. Box 3336, Redmond, Washington 98073-3336
Tel. 206-660-3085

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Dear ONU Members and Friends,

Every New Year affords us the opportunity for hope. So, as a new administration takes over in Washington, D.C., we begin 2009 anticipating some long overdue changes may finally come to existing federal Indian policy. After all, President Obama promised us all that he will "clean house." (Please be sure to read "One America: An Open Letter To Our New President" on Page 11 of this newsletter)

As you know, the U.S. Dept. of Interior has been wracked with numerous well-publicized problems - - particularly over this past decade - - ranging from overtly corrupt decision-making to influence peddling and employee sex and drug scandals.

A shroud of secrecy envelopes the Bureau of Indian Affairs, with rampant bias in favor of tribal interests being the accepted policy. The agency's appeals process is especially unfair and inequitable. Reform is urgently needed from top to bottom.

Fixing DOI's long-standing record of major ethical problems won't be easy or happen quickly. Continuing increases in rapes, murders, gang shootings, and other violent crime on many reservations in recent years cry out to be remedied, too.

Concerned elected officials and law enforcement friends across America also join One Nation United in calling for full mitigation of the negative impacts caused by tax-free tribal casinos to so many local communities, small business owners, and innocent citizens. County officials, as well as a number of mayors and city council members, have been lobbying these issues with ONU for many years now.

> **"In the eyes of government, we are just one race here. It is American."**
>
> --U.S. Supreme Court Justice Antonio Scalia, 1995

At a recent meeting of the Oklahoma Sheriffs' Association, for example, the main topic of discussion was Indian matters and the lack of any sharing of tribal casino revenues with local jurisdictions. One of the counties has only the sheriff and four officers with no expectation of receiving any monies after the expected approval of a new tribal casino. Same story at a meeting of Wyoming Sheriffs Assn. in late 2008.

In counties faced with large tribal gambling projects, it has been found that impacts on traffic, water/wastewater, the criminal justice system, and social services are profound. Since local communities cannot tax Indian casinos, or the related hotels, golf courses, spas, and other service operations which are ordinarily the source of local government revenue, the negative effects of tribal facilities are much greater.

The Western States Sheriffs Association shares our belief that the environmental and social impacts of tribal casinos should be fully mitigated and that tribes must pay their fair share for all municipal services provided to their customers as well as to tribal members and employees. WSSA has repeatedly passed formal resolutions calling on Congress (1) to make legislative changes to address claims of tribal sovereign immunity as they relate to communities adjacent to original Indian lands (2) to further define the role of Indian tribes to comply with city, county, and state building, health and safety, criminal, and environmental codes (3) to address the tax issues and loss of revenues by non-Indian communities, and also (4) urging U.S. Senators and Representatives to co-sponsor new legislation addressing these concerns for the benefit of all. Thanks to our WSSA friends for their efforts!

We hope you agree that we need strong leadership

(over, please)

and a united membership today more than ever? ONU's strength lies in our large, diverse membership across America. We must make the extra effort now to recruit more new members while retaining our current membership base if we are to continue making a difference.

> **"Why should an Indian tribe have greater immunity than the United States, all the several states and every foreign sovereign nation?"**
>
> --U.S. Supreme Court Justice John Paul Stevens
> *Kiowa Tribe of Oklahoma vs.Manufacturing Technologies Inc.*
> 523 U.S. 721 1998

That's why YOUR help is necessary! Please may we continue to count on YOU? Put your check for $40 for individuals, $70 per couple, $100 for a family membership, $250 for groups and small businesses, and $375-$500 for large businesses, if you can, in today's mail. Your generosity is deeply appreciated! We can't do it without you.

Keep in mind that all of ONU's Board Members are volunteers, including me, your National Director. None of us receive any financial compensation for our dedicated efforts. Plus, ONU's most recent independent audit revealed that 86.4% of every dollar raised goes directly in support of our organization's charitable purpose. Your donation provides maximum benefit toward advancing much needed government policy changes. Please do put your dues check in the enclosed remittance envelope and mail it now!

PROPOSED TRIBAL CASINOS REJECTED

Good news we can report is that in January of this year Secretary of Interior Dirk Kempthorne rejected two more off-reservation casinos, saying that the proposed establishments were too far from the tribes' existing trust lands. As you probably know, former Secretary Kempthorne previously rejected eleven other tribal gambling projects and ceased agency review of a dozen more applications.

This happened because, as you know, we were successful last year in lobbying DOI to adopt new guidelines (adopted on January 3, 2008) for approving or rejecting tribal casino projects. Thanks to all of you for your help in this joint effort! When we speak out with ONE voice, we really can make a difference. And since Obama repeatedly expressed opposition to gambling expansion when he represented the citizens of Illinois, so we are hopeful he will do likewise in his new job as our U.S. President. Send him a letter, postcard, or email message expressing your views, please!

We've been told that the Obama team will find it difficult to reverse the new DOI rules making it harder for tribes to acquire land away from their existing reservations for proposed gambling operations. Due to the fact that these guidelines are the subject of several ongoing federal lawsuits, our legal counsel believes the new Obama administration's appointees will most likely have to operate under the new Kempthorne regulations - - even though the tribes will object strongly. That's why our new President needs input from people like you, so that "the tribal view" isn't all that he hears!

EPA GRANTS THE NAVAJOS CONTROL OVER INJECTION WELLS

We're very sad to report that the Environmental Protection Agency (EPA) recently approved the Navajo Nation of Arizona's application to administer an underground injection control (UIC) program for oil and gas-related injection wells. Under the Nation's UIC program, the tribe will have authority to issue permits, conduct inspections, and participate in enforcement actions against privately-owned well operations.

The Navajos are the first tribe in the country approved to implement their own UIC program under provisions of the federal Safe Drinking Water Act. Their program will apply to approximately 400 existing oil and gas-related injection wells (called Class II wells) and any future wells located within the exterior borders of the Navajo reservation and on tribal trust lands and trust allotments. The Navajos claim they now have the technical, permitting, and enforcement capability to fully implement their injection well program.

Our gas and oil production industry friends in states such as Oklahoma and Texas will need to join ONU in keeping a close eye on this situation. It must be taken seriously and addressed quickly, as a number of other Indian tribes are currently seeking identical regulatory authority over non-tribal companies.

This action was taken by career employees at the EPA, but it must have been approved by high-level Bush appointees. It remains to be seen what policy position will be taken on this issue by the Obama administration.

In tough economic times, our government shouldn't make domestic oil and gas production more expensive and time-consuming than it already is… It's also unfair and unconstitutional to give regulatory control over private businesses to tribal governments in which we have no voice or vote.

Additional information about this action is available at the EPA's website: www.epa.gov/region09/water/groundwater/navajonation

WINS FOR NON-INDIAN FISHERMAN

Here's some great news for our fishermen friends in the Pacific Northwest. Non-tribal commercial fishermen will receive two-thirds of $2 million in federal funding being paid as a result of poor salmon runs last year. Not nearly enough to compensate for their income losses, but at least a step in the right direction.

Another piece of very welcome news for both our sport and commercial fishing friends in Washington, Oregon, and Idaho was

handed down on November 25, 2008. U.S. District Court Judge Michael Mosman ruled that state governments can proceed with plans to kill up to 85 California sea lions a year for five years in the Columbia River at Bonneville Dam, where they gather each year to gorge on the Spring Chinook salmon run. NOAA fisheries officials had previously authorized the removal of up to 85 of the "worst predator offenders and repeat visitors" to the dam. But the U.S. Humane Society went to court seeking to block their removal.

California sea lions, although once in sharp decline, are no longer "endangered" now numbering over 300,000 along the Pacific Coast. Everyone has been waiting for this important ruling, since all three states asked for legal authority to remove the predators back in 2006. Mosman said that removal of the animals will increase the number of salmon and steelhead making it past the dam to their spawning grounds.

MORE D.C. VISITS NEEDED

We delayed putting this newsletter out since we've been researching what to expect from President Obama and his new agency appointees, such as former Colorado Senator Ken Salazar, who recently took over as Secretary of Interior. One thing we discovered is that in the final few weeks before leaving office top officials at the Interior Department shifted six key Bush appointees into senior civil service posts. The transfer of top political appointees into permanent federal positions is called "burrowing" and this means the Obama Administration will likely be deprived of the opportunity to install its preferred appointees to these top jobs.

Assuming we have adequate finances, we must make several more research and lobbying trips to our Nation's Capitol in the year ahead. This is just one reason why we must ask again for your continued support of One Nation United's efforts.

It's people - - like you - -who share our commitment to freedom, equality under the law, responsible self-government, and a robust free enterprise system that provide the financial resources that allow us to continue ONU's vital lobbying and educational work. The many new appointees in D.C. must hear "our side" of the story.

Administration officials have already announced that Obama may reverse former President Bush's decision not to sign onto the United Nations' Declaration of Indigenous Rights. The U.S. joined several other major world nations, including Canada, in rejecting this proposed unwise declaration because it could force our government to obtain the consent of tribal nations before enacting new laws and might also force the U.S. and Canada to share multi-millions of dollars annually in oil and gas pipeline royalties with local tribes. Let our President know your views, please!

URGE "NO" VOTE ON THE AKAKA BILL

The proposed Akaka bill giving Native Hawaiians (with as little as "one drop" of Native blood) a legal status comparable to Mainland Indian tribes is another issue of major concern to us since Obama has repeatedly endorsed this terrible legislation.

ONU continues to argue against passage of the "Native Hawaiian Reorganization Act of 2007" (S.381 and H.R.862) which proposes to create a new sovereign Native Hawaiian governing entity within the State of Hawaii. Will you help by contacting your two U.S. senators and member of Congress urging their "No" vote on this bill?

A recently released economic study by the Beacon Hill Institute of Suffolk University found that, if passed, the Akaka bill will cost the State up to $690 million dollars annually in lost tax revenue alone. For example, the study found that this legislation would very likely exempt Native Hawaiians from most income and sales taxes paid by other state residents. Together with the probable transfer of more than 20% of Hawaii's land base to the new Native government, resulting tax increases to non-Native citizens would have large, negative impacts on the State's economy - - especially upon the many small businesses who would have grave difficulty competing with Native-owned enterprises. To access the full economic report, go to: www.grassrootinstitute.org/Publications/BHI_Akaka_0109.pdf

The Akaka bill was rewritten prior to being officially reintroduced in both the House and the Senate. The new version is even more dangerous because previous changes made in the bill's language to accommodate Bush Administration concerns have been eliminated, such as the prohibition on opening gambling casinos, a prohibition on taking land-into-trust to create "Indian Country", and the prohibition on Native Hawaiian government claims against U.S. Military lands. If this bill passes, the Akaka Tribe will have jurisdiction to enforce criminal laws on their lands, which will undoubtedly serve as a shield for political corruption and white-collar crime.

There is also a radical disclaimer clause in Section 10 of the newly re-written Akaka bill specifically creating the right of ethnic Hawaiians to seek secession of all of Hawaii from the United States before the United Nations or the International Court of Justice!

The House has twice before easily passed the Akaka bill with little debate. But sixty votes are required in the Senate to win a vote for cloture on any filibuster attempt. With party unity, Republicans have the votes to support a filibuster, but several GOP members have previously supported this terrible proposal.

In addition to the vast majority of Republican Senators, D.C. insiders have identified three Democrat Senators whom Akaka's staff believe don't support the bill. They are:

* Jim Webb (D-VA) http://webb.senate.gov/contact

* Sherrod Brown (D-OH) http://brown.senate.gov/contact

* Bob Casey Jr. (D-PA) http://casey.senate.gov/contact

There were also nine new Senators seated in 2009, two Republicans and seven Democrats. (Plus, a Minnesota Senate seat remains contested as Democrat comedian Al Franken seeks to unseat Republican Senator Norm Coleman.)

Your urgent action is needed today! A vote could take place in the House or Senate any day now, so time is of the essence. Send letters and follow-up with phone calls.

TESTIMONY TO THE U.S. COMMISSION ON CIVIL RIGHTS BY ONE NATION UNITED

Public Comment and Testimony offered by One Nation United (ONU) to the Hawaii State Advisory Committee and the U.S. Commission on Civil Rights (U.S.C.C.R.)

Aloha!

My name is Barb Lindsay. I'm National Director and Spokesperson for One Nation United (ONU). I'm writing to you on behalf of the Board and membership of our national organization to express our opposition to the Akaka bill because of the severe harm it threatens to do to Native Hawaiians as well as millions of property owners and multiple thousands of small businesses in Hawaii and across America.

I wish to warn you of the inevitable damage that the Akaka bill would cause to the civil liberties and constitutional rights of the vast majority of Native Hawaiians, based upon the experience of hundreds of thousands of Mainland tribal members, who currently suffer under the plenary power of Congress over tribal governments, and the experience of many thousands more individual Native Americans who continue to be severely harmed due to the virtually unchecked political power of tribal leaders over the lives, liberty, and property of their enrolled members.

One Nation United (ONU) is a nonprofit, nonpartisan 501(c) 4 public educational umbrella group dedicated to defense of our constitutionally-guaranteed private property rights, a healthy free enterprise system, and the rule of law - - ALL of which are seriously threatened by the Akaka bill, now pending before Congress.

ONU represents more than 500,000 concerned U.S. citizens, property owner organizations, businesses large and small, local governments, academics, clergy, state and national trade groups, law enforcement leaders, enrolled tribal members, and elected officials in thirty-nine states across America.

The damage this legislation threatens (if passed) arises because of the precedent the bill sets for the balkanization of America by encouraging hundreds of other newly assembled Indian groups to demand federal recognition to "tribal" status. More tribes would mean higher taxes for all other U.S. citizens, since tribal governments and enrolled members are exempt from most taxes other Americans must pay.

Additionally, when tribal retail establishments open, nearby businesses and local governments are hurt since tribes typically refuse to collect or remit sales and excise taxes lawfully owed on purchases made by their non-tribal customers. Tribes do this despite the fact that the U.S. Supreme Court ruled in 1994 that state and local taxes are lawfully due on tribal sales to non-Indian purchasers. They just flaunt the law.

Yet innocent non-Native Americans are being punished for following the law! How can any local business compete against the lower, tax-free pricing offered at tribal establishments? And when law-abiding, tax-collecting businesses are forced to close their doors, local governments also lose the taxes formerly collected by these non-tribal retailers. It's a downward spiral, suffocating our free enterprise system. This is precisely what will happen in Hawaii, too, if the Akaka bill becomes law.

This bill is not a simple federal recognition for one Indian group, following the legal criteria set forth in Title 25 of the Code of Federal Regulations. Everyone acknowledges that, if these regulations were applied, Native Hawaiians would certainly fail to meet the test. That's why the only way they can gain federal recognition is by passing a special Congressional bill like this one, which abandons required CFR requirements and instead would grant them tribal status based on race alone.

The Mashantucket Pequot "tribe" of Connecticut, a phony new tribe unable to qualify for federal recognition under the standard CFR rules, successfully lobbied Congress to pass just such a special bill (similar to the Akaka bill). Sen. Dan Inouye, then chairman of the Senate Indian Affairs Committee, was primarily responsible for getting that tribe recognized. In the process, Inouye accepted hundreds of thousands of dollars in campaign donations from this "tribe" and its affiliated contractors because tribal governments are quasi-sovereign and exempt from most campaign contribution laws. Please understand that state and local legislators in Hawaii, as well as federal elected officials, will be influenced politically by the Akaka tribe in the exact same way if this bill passes.

McCain-Feingold limitations on "aggregate" contributions do not apply to Indian tribes. And ALL other governments, both foreign and domestic, are prohibited from making federal campaign donations. Yet Indian tribes now spend millions annually on such gifts. Likewise, the Office of Hawaiian Affairs has spent many millions of dollars on lobbying and advertising to promote passage of the Akaka bill. Once recognized, the Mashantucket Pequot Tribe opened the world's largest (tax-exempt) gambling casino called "Foxwoods" in a suburban residential area, causing tremendous hardship to the surrounding community, which was powerless to stop it because of tribal sovereign immunity. A book well worth reading written by Jeff Benedict describes the extremely corrupt process which lead to this Tribe's congressional recognition: "Without Reservation: The Making of America's Most Powerful Indian Tribe and the World's Largest Casino."

The huge profits garnered by this phony new Connecticut "tribe" encouraged other alleged tribes to redouble their well-funded efforts to get recognized, including the Schaghticoke Tribal Nation and the Eastern Pequots. The Eastern Pequots were, in fact, granted "recognition" by the BIA. (Thankfully, there was such an outcry of opposition from the Connecticut Attorney General, State Governor, and both U.S. Senators that the BIA ultimately reversed their decision.) But, just as congressional recognition of the Mashantucket Pequots spurred other groups to seek "tribal" status, passage of the egregious Akaka bill would certainly do the same thing.

The highly controversial congressional recognition of the

Mashantucket Pequot Tribe in Connecticut was also based upon the purported history of that group as allegedly functioning as a tribe. Likewise, Native Hawaiians fail to have the sort of history or current characteristics which are clearly required under 25 CFR 83.7. They simply do not to meet the legal requirements, which is why they now seek to circumvent the rules by requesting action by Congress instead.

The Akaka bill is based upon an entirely new theory of the U.S. Constitution - - claiming Congress has the power to create a "tribe" out of any group of indigenous people, even if they are widely scattered, completely assimilated, and have no history at all of a being a racially exclusionary government having authority over the same territory they now seek to gain tribal "self-governing" rights.

The bill's supporters frequently cite the *Lara* decision as a legal precedent for upholding the power of Congress to create new tribes. But no! The *Lara* decision only affirmed that Congress has the right to resuscitate a tribe that was previously federally recognized and later de-certified. The *Lara* decision simply did NOT conclude that Congress could arbitrarily create a new "tribe" out of thin air.

If Congress successfully asserts such new power in the case of Native Hawaiians, then hundreds of other Native groups will immediately demand recognition based upon the same erroneous theory. They will inevitably file numerous lawsuits demanding "equal treatment" or "legal parity" with the new Hawaiian tribe.

When will this outrageous balkanization of America come to an end?

Congress exercises its plenary power over Native American tribes through the Bureau of Indian Affairs. We've all read numerous news reports in recent years about the widespread corruption and horrendous inefficiency of the BIA. And most Americans are quite familiar with the devastating Third World conditions which have prevailed, without change, on U.S. Indian reservations for so many decades.

We can't imagine why Native Hawaiians would wish to willingly place themselves under the "wardship" of the federal government? Rather, we attribute actual support for the Akaka bill to state government officials seeking to protect and increase the flow of federal tax money to Hawaii and to large institutions there made wealthy and powerful by the fact that enormous amounts of our federal tax dollars are flowing into their bureaucracies. Yet it's clear that very little, if any, of these millions in taxpayer funding actually "trickles down" to needy Native individuals who are supposed to benefit from it, just as with existing Mainland tribal members.

We've all read news stories, too, about individual Indians having their constitutional rights and basic civil liberties repeatedly trampled by their own tribal leaders. Remember, each tribe has limited governmental sovereignty, writes its own laws, and often maintain their own courts, thus preventing enrolled members from being protected by the majority of our federal and state laws. Members cannot sue their own governments - - even for financial transparency to find out how their tribe's casino profits are being spent - - thanks to tribal "sovereign immunity" from suit.

Unfairly, federal money goes only to tribal leaders, who then decide whether or not to pass ANY of it along to their individual members (mostly not) and, if so, which members should receive how much. Under these conditions, it's easy to see why enrolled members suffer such severe intimidation. Since tribal courts are controlled by tribal leaders, too, there's very little chance their civil rights will be upheld.

Finally, we close with a rebuttal to another concept often asserted by supporters of the Akaka bill. They say that Native Hawaiians are the "only indigenous group" not recognized by the federal government. They say Native Hawaiians deserve to get the same federal recognition given to Native Americans and Native Alaskans. It must be noted, however, that the federal government does not give any recognition to Native Americans as a group.

Rather, federal recognition is granted ONLY to individual "tribes" - - 562 at last count - - based on each tribe's unique political history. Federal recognition is not given to the entire racial group of Native Americans. In fact, most Indians are not members of any tribe. Across America, hundreds of Native groups are now seeking recognition as "tribes" while many have already been refused. Hawaii's pro-Akaka officials should not be claiming Native Hawaiians are somehow discriminated against by comparison to other Native Americans.

As the Constitution of the Kingdom of Hawaii, written in 1840, clearly states: "All men are of one blood to dwell on the Earth in unity." The Kingdom's own civil laws gave all persons born or naturalized in Hawaii, whatever their ancestry, the same rights as Natives. Our U.S. Constitution requires the same equality under the law.

Please oppose the unfair and discriminatory Akaka bill, S.310 and H.R.505. It would unconstitutionally divide American citizens by race. Thank you.

Sincerely,

Barb Lindsay for One Nation United (ONU),
P.O. Box 3336, Redmond, WA 98073

NOTE: Thankfully, the U.S.C.C.R. announced their formal opposition to the Akaka bill. We believe ONU's testimony helped convince them to do so. Feel free to use any of the arguments we used above in your own letter to President Obama and your federal elected representatives - - especially your two U.S. Senators. Thanks much again!

You can contact all U.S. Senators with your opinion on this or any bill by going to: http://www.senate.gov/general/contact_information/senators_cfm.cfm

PENDING LEGAL ACTIONS

The U.S. Supreme Court heard oral arguments in a critically important land-into-trust case *(Carcieri v. Kempthorne)* on November 3, 2008. Twenty-one states signed on in support of this legal action filed by Rhode Island Gov. Donald L. Carcieri against Secretary of Interior Dirk Kempthorne. The Council of State Governments, National League of Cities, U.S. Conference of Mayors, National Association of Counties, and the International City/County Management Association have likewise all expressed their support for Rhode Island's position.

This case has very broad national implications and is being closely watched across the country. Rhode Island told the High Court that their lawsuit could impact scores of states and tribes nationwide. The basic question to be decided is whether or not "a potentially unlimited amount of land" should be permanently removed from the sovereign jurisdiction of state governments and handed over to the control of Indian tribes.

Many knowledgeable observers believe the outcome of this case will probably be contrary to tribal interests, based upon how arguments went before the Supreme Court Justices. Of particular interest was a discussion between Chief Justice John Roberts and Rhode Island's legal counsel, Ted Olson, in which Roberts brought up the issue of federalism, arguing that the government "should be very cautious before we take land out of the jurisdiction of the State." Even the Justice Dept. appears to be anticipating changes in the fee-to-trust process for many tribes across America who gained federal recognition after 1934. We'll let you know how the High Court ultimately rules on this case. But it looks very good for our side!

TRIBES LOSE "SACRED" PEAKS CASE

Our Nation's Highest Court is also being asked to review a 2008 decision made by the 9th Circuit Court of Appeals *(Navajo Nation v. U.S. Forest Service)* allowing artificial snowmaking on Arizona land considered sacred to thirteen Indian tribes. Construction has been delayed at the ski resort until the Supreme Court decides whether or not it will hear the tribes' appeal. The tribes claim that to allow snowmaking on the San Francisco Peaks would violate the Religious Freedom Restoration Act. Tribes assert that they view the Peaks as "a home of spiritual beings" and "a place where significant mythological events occurred." (Note: The High Court only takes about one percent of the cases they receive.) In an 8-3 vote, the 9th Circuit Court rejected the tribes' claims and held that "Giving one religious sect a veto over the use of public park land would deprive others of the right to use what is, by definition, land that belongs to everyone."

The Snoqualmie Tribe in Washington State used virtually identical arguments in its unsuccessful effort to strip Puget Sound Energy of their license to operate a power plant at Snoqualmie Falls, calling the falls "sacred" just as the tribes said about the Arizona peaks in the case above. But the 9th Circuit Court ultimately supported the Federal Energy Regulatory Commission's decision to relicense the power plant for another forty years. Justices said that issuance of the new license will not require the Snoqualmie to violate their religious beliefs. Nor will it prohibit access by tribal members to Snoqualmie Falls for performance of their religious ceremonies.

Back in April of 1988 the U.S. Supreme Court ruled on a legal challenge brought by tribal religious practitioners against Forest Service timber harvesting and road building plans in California. Justice O'Connor, writing for the 5-3 majority, said: *"Nothing would distinguish this case from another lawsuit in which they (or similarly situated religious objectors) might seek to exclude all human activity*

HOW TO FIX U.S. TRIBAL POLICY (excerpt)

By Francis G. Hutchins

Published: December 19, 2008

The election of a U.S. President whose heritage includes multiple ethnicities has been hailed around the world as a milestone for racial integration. Ironically, one day before Barack Obama's election, the U.S. Supreme Court was at work discussing how to implement a 1934 federal law promoting racial segregation. In Carcieri v. Kempthorne, a case pitting the State of Rhode Island against the federal government as guardian of the Narragansett Tribe, neither side nor any of the justices questioned the propriety of the 1934 Indian Reorganization Act's directive that the federal government raise protective legal walls around persons of "one-half or more Indian blood," although several justices did express annoyance at the Act's circular definition of "Indian blood" as the "blood" of an "Indian."

Discredited elsewhere, 1930s race-thinking persists in U.S. tribal policy. Under current federal law, more than 500 groups presumed to possess "Indian blood" are authorized to govern themselves on reservations that are to varying degrees exempt from the laws of the states in which they are located. As these privileged "Indian blood" communities grow – and with federal recognition of additional such entities planned – states are worried about ever-increasing impediments to their ability to govern. For their part, tribal leaders see freedom from state laws as just the first step toward realizing tribal "sovereignty."

Definitions of sovereignty differ, but many tribal advocates contend that because tribes were independent nations prior to the American Revolution they are beyond the reach of both federal and state authority in vital respects, having been in effect grandfathered into the American Constitution. This argument encourages the impression that American Indians have only a limited allegiance to the country of which they are citizens. It also misrepresents the Constitution. The framers of the Constitution made compromise arrangements for dealing with "Indian" communities resident in U.S.-claimed territory, just as they accepted slavery as a current reality in most states of the Union. Yet the Constitution did not preclude the future abolition of slavery. Similarly the Constitution acknowledged tribal sovereignty as a practical necessity, since the scores of independent-minded "Indian" communities on U.S.-claimed soil clearly could not be integrated into the American Union on a basis of equality any time soon. But nothing in the Constitution implied permanence for its various "Indian" provisions.

but their own from sacred areas of the public lands….Whatever rights the Indians may have to the use of the area, however, those rights do not divest the Government of its right to use what is, after all, its land."

PRECEDENT SETTING WIN IN CALIFORNIA

We're thrilled to report that, after four long years of waiting on the federal court system, two California property owner groups finally gained legal standing to challenge the U.S. government's ability to remove land from local regulatory and taxing authority through the fee-to-trust process. In late January of this year, the Dept. of Interior and Santa Ynez Band of Indians formally withdrew their appeal of the ruling by Federal Judge A. Howard Matz, thus making final his July 9, 2008, court order. Matz rejected arguments made both by the tribe and the federal government that P.O.L.O. and POSY had no right to appeal a BIA decision to take land into trust for the nearby casino tribe.

"Never before have these decisions been subject to judicial review," said Kathryn Bowen, spokesperson for Preservation of Los Olivos (P.O.L.O) and Preservation of Santa Ynez (POSY). "This is a big victory for all affected communities."

The property owner groups filed a legal challenge back in 2005 on behalf of their local community questioning the BIA's decision to place 6.9 acres of land into federal trust status for the benefit of the Santa Ynez Band.

"This has always been about restoring and preserving the voice of each and every one of us. The Constitution is still a very young document, but it provides a clear framework for our rights as citizens and this case is a monumental example," added Steve Pappas, Founder of P.O.L.O. Our hats are off to this diligent and hard-working group of concerned U.S. citizens who persevered against great odds to achieve a historic win for all of us! Hooray!

OKLAHOMA: JUDGE RULES AGAINST OSAGE NATION

In January of this year, a federal judge thankfully ruled against the Osage Nation in a lawsuit seeking to exempt tribal members who live and work in Osage County from state income taxes.

U.S. District Judge James Payne decided that doing so "would have significant practical consequences not only for income taxation but potentially for civil, criminal and regulatory jurisdiction in Osage County." Tax Commission general counsel Douglas Allen said a contrary ruling would have introduced a "multilayered potential for problems."

The tribal lawsuit was filed in 2001 in federal court in Tulsa. The Nation asked the court to declare all 2,296 square miles of Osage County to be a reservation, even though "Congress and the courts have repeatedly recognized there are no reservations in Oklahoma," arguing that the Osage Reservation was never formally disestablished by Congress and, therefore, that all of Osage County should be considered Indian Country.

Judge Payne held that the Osage Nation was mounting "an unprecedented challenge" that "disregards established law." He noted that the State of Oklahoma has governed Osage County for more than a hundred years, yet the tribe has "not sought to re-establish their claimed reservation or to challenge the state's taxation until recently."

Payne also noted that the county is "predominantly non-Indian and non-Osage," citing 2000 U.S. Census statistics which show that while 20.7 percent of the county's 44,437 residents are Indian only 5.4 percent identify themselves as being Osage.

OREGON LAWSUIT MOVES AHEAD

"People Against a Casino Town" (PACT) are delighted to report that their lawsuit opposing a tribal casino in Florence, Oregon *(Dewberry, et al v. Oregon Governor Theodore Kulongoski, Oregon Supreme Court, SC S056410)* continues moving forward. PACT's attorney, Kelly Clark of O'Donnell, Clark & Crew, LLP, filed their most recent brief on the merits on January 6, 2009. Oral arguments are now scheduled to be heard on February 25. The simple question PACT wants the court to answer is how can the Governor keep signing compacts to site tribal casinos in a state whose constitution clearly proclaims "no casinos" are allowed? The full text of their brief can be viewed at: http://www.pactoregon.org/Info/090106-PACTBrief.pdf

NEBRASKA: COURT BLOCKS TRIBAL CASINO

On November 29, 2008, U.S. District Court Judge Charles Wolle reversed a federal government decision allowing the Ponca Tribe of Nebraska to open a casino on five acres it owns in Carter Lake, Iowa. The tribe had signed an agreement with the State of Iowa promising to use the land for a health clinic and not for gambling activities. But the Poncas switched gears and announced plans to open a casino after all. The States of Iowa and Nebraska successfully argued that the tribe "deceived" the government to get its land moved into federal trust.

Wolle ruled emphatically that the 2002 State-Tribal agreement was binding. He rejected tribal arguments that they have the right to change their minds about the intended use of their trust land. He also held that the National Indian Gaming Commission "was unreasoned and arbitrary in holding that the Ponca Tribe was not bound by its agreement with Iowa to have no gaming on its Carter Lake site." He held that the NIGC acted outside its authority when it granted the tribe permission to place a casino on the land. This historic decision sets a crucial national precedent. Way to go, Iowa and Nebraska!

TRIBAL CIGARETTE TRAFFICKERS INDICTED

A federal grand jury recently handed down a 58-count money laundering indictment seeking $84 million dollars from two Spokane, Washington, wholesalers accused of supplying untaxed

cigarettes to Coeur d'Alene tribal businesses. The indictment charges the wholesale companies with selling at least four million cartons of untaxed cigarettes to Coeur d'Alene smoke shops which, in turn, shipped the cigarettes to 12 other Washington tribal outlets. The indictment is the latest development in a state and federal investigation that began in 2003 with a series of raids on the Coeur d'Alene Indian Reservation. Authorities say the conspiracy cost the State of Washington an estimated $23 million in lost taxes over a four-year period.

A similar amount of tax revenue was also lost by WA State over the same time period, according to a separate investigation of cigarette trafficking by leaders of the Stillaguamish Tribe in Arlington. Four tribal leaders, including the Tribe's Executive Director and Vice Chairman, lived in luxury while state residents were cheated out of more than $25 million dollars that should have been collected in state taxes. All four were indicted on November 5, 2008, for alleged conspiracy and illegal money transactions (federal felonies) after state and federal authorities seized more than 3.5 million contraband cigarettes from the Blue Stilly Smoke Shop. Prosecutors seized both the cigarettes and close to $1.3 million dollars in cash. Charging documents say that the four defendants shared at least $15 million in illegal profits between 2003-2007.

HEARING SET ON NY TRUST LAND DECISION

Judge Lawrence Kahn has agreed to hear a challenge to the federal government's decision to take eighteen acres in upstate New York into trust for the Oneida Indian Nation. His hearing will take place on February 25, 2009.

State and local elected officials criticize transfer of the former Air Force land, complaining bitterly that they weren't notified in advance of the government's decision. Their lawyers argue that the law used by the federal government to move land into trust does not apply in the State of New York and also that the manner in which the Dept. of Interior made their decision was unconstitutional.

"I see no reason why the Department could not have, at the minimum, consulted local officials before taking this step, and am disappointed that the Department has chosen to take this action despite pending federal lawsuits regarding this issue," stated Congressman John McHugh.

Kahn is also overseeing seven separate lawsuits challenging the Dept. of Interior's rash decision to put an additional 13,086 acres into trust for the Oneidas. One of ONU's member groups, Upstate Citizens for Equality (UCE), joined the State of New York, Madison and Oneida Counties, and local municipalities in challenging these land-into-trust decisions. Thank you, UCE, for your vision, courage, and persistence in taking on this legal challenge!

"It was flat wrong to give away public land in the dead of night with no opportunity for public review," said Senator Charles Schumer in a prepared statement. "I will work with my delegation partners to try to get these 18 acres undone and make sure it doesn't spread."

COURT RULING CLOSES NY TRIBAL STORES

The Cayuga Indian Nation was dealt a serious legal setback on December 9, 2008, when it were forced to close both of its LakeSide Trading stores in Union Springs and the Town of Seneca Falls.

State Supreme Court Judge Kenneth Fisher sided with Cayuga and Seneca counties in ruling that the Nation does not have a sovereign right to sell untaxed cigarettes to non-Indians. The Nation has been selling tax-free tobacco products since opening its stores about four years ago.

Fisher's decision also raises the possibility that criminal tax-evasion charges will be filed in the case and district attorneys for both counties say they are going to present their individual cases to grand juries for review. "We've determined (that) in our view there's been a violation of the law and it should be reviewed," Seneca County District Attorney Richard Swinehart said during a news conference with Cayuga County District Attorney Jon Budelmann and Cayuga County Sheriff David Gould.

The Cayugas asked Fisher for an injunction to allow them to resume selling tax-free cigarettes after being raided on November 25, 2008 by sheriff's deputies for both counties. A total of 17,600 unstamped cartons of cigarettes were confiscated. The Cayugas had not paid state taxes due on them, which amounted to over $485,000.

"This decision will affect people's children and grandchildren in the future," said former Seneca Falls business owner Marjorie Baker. "With a huge state budget deficit, this is tax money we could use to support our programs. Allowing them to sell untaxed cigarettes is not fair for other businesses."

For more than three years now, local citizens and elected officials have been pressing the State to enforce its tax laws and compel the Nation to remit both excise and sales taxes on cigarettes sold to non-Indians. Leaders of the American Cancer Society, American Heart Association and American Lung Association have also been strongly urging Governor Paterson to enforce the law. Not paying taxes gives the Cayugas an unfair competitive advantage over neighboring non-tribal businesses because the Nation can charge so much less for its tax-free tobacco products. We applaud Judge Fisher's excellent decision!

The City of New York also filed a federal lawsuit in September of 2008 over the issue of untaxed tribal cigarette sales. New York City Mayor Bloomberg says 11.3 million cartons were sold by dealers on Long Island's Poospatuck reservation alone, estimating that the City loses $195 annually in tax revenues. We say, go for it, NYC.

A new expose published in October of 2008 by the Center for Public Integrity reveals the vast criminality behind Indian smoke shops and mounting evidence that serious organized crime plays a crucial role in multi-billion dollar tribal cigarette smuggling - - which is now international in its reach and just as sinister as drugs or weapons trafficking. Federal prosecutors found, for example, that the Poospatuck reservation on Long Island is truly a gang battleground, with cigarette dealers resorting to arson, beatings, and even murder to defend their share of the trade. Meanwhile, our cities and states are losing hundreds of millions of dollars annually in uncollected taxes. It's way past time to crack down and simply enforce the law.

NEVADA: WELL OWNERS BEING SUED BY TRIBE

Well owners in Nevada's Walker River Basin recently received formal notice that they are being included in a pending federal lawsuit between the Paiute Tribe and Walker River Irrigation District. The tribe is seeking additional underground and surface water from the Walker River, formal recognition of tribal storage rights, as well as lands that were to be returned to their reservation in 1936. Well owners will be affected if the Paiutes are ultimately allowed to increase pumping from tribal lands. We will keep you posted on the outcome of this litigation.

WELCOME RULING BY IDAHO COURT OF APPEALS

In late December of 2008, the Idaho Court of Appeals issued a significant, possibly precedent-setting decision, holding that Idaho state troopers can arrest tribal members on highways which cross Indian reservation land. This case stemmed from the February 2007 drunken-driving arrest of Jake Beasley (a member of the Shoshone-Bannock tribes) on U.S. Interstate 15 on the Fort Hall reservation. Beasley argued that the trooper violated tribal sovereignty as well as protections against unreasonable search and seizure. But the three-judge State Appeals Court panel held that the arrest was legal because the state and tribes share jurisdiction over the interstate highway as it crosses the reservation. Thumbs up to three very wise judges!

FEDS TARGET TRIBAL DRUG RING

In early December of 2008, federal authorities made another drug sweep through an upstate New York Indian reservation. Federal prosecutors say that this time the drug trafficking was centered on the Onondaga Indian Nation, south of Syracuse.

The grand jury indicted 29 people, accusing them of smuggling thousands of pounds of high-potency marijuana into the United States from Canada through the St. Regis Mohawk Reservation across the U.S.-Canadian border. The marijuana was next taken to the Onondaga reservation and distributed to other points, including the Salamanca reservation near Buffalo.

And, in November of 2008, a federal grand jury charged 34 more people in connection with another drug ring also operating originally from St. Regis. This criminal activity must stop, National security is at grave risk if it continues…

OUR VIEW: STATE CAN'T RENEGE ON TOBACCO TAX

Observer-Dispatch editorial

January 19, 2009

AT ISSUE: If Senecas break the law, then they should be held accountable

If any individual or group decided to disrupt traffic on a public highway in New York State, they would be dealt with in accordance with laws.

That's exactly what should happen if the Seneca Indian Nation attempts to collect tolls on the New York State Thruway in western New York.

Last week, the Senecas said they are preparing to collect tolls on sections of the Thruway that run through reservation land to protest the state's plans to tax cigarettes destined for their discount smokeshops. Seneca Nation President Barry Snyder Sr. said he is mobilizing an emergency response team of military veterans to protect Seneca land and wants the federal government to send in the military to protect its sovereign territory.

This is nonsense. Collecting the tax is supported by the U.S. Supreme Court. It ruled in 1994 that New York state could collect taxes on tobacco and gasoline sold by Native Americans to non-Indians. Unfortunately, past governors haven't had the courage to do it.

A bill to collect the tax was approved by the Legislature last summer and signed into law by Gov. David Paterson in December.

The Senecas have protested before. When then-Gov. George Pataki attempted to collect the tax a decade ago, they blocked highways, confronted police and burned tires. Instead of holding them accountable for breaking the law, Pataki backed down.

Again, in March 2007, when it appeared then-Gov. Eliot Spitzer would collect the tax, Senecas protested in downtown Buffalo, arguing that forcing the tax collection would put them out of business.

That's ridiculous. Hundreds of non-Indian businesses across the state pay taxes on the tobacco products they sell and manage to survive — despite the unfair economic advantage of reservation sales. This law not only ensures a fair and level playing field for all tobacco retailers, but it can provide millions of dollars in tax revenue that this state and its counties so desperately need.

Paterson needs to remain steadfast. His administration should have a plan in place to deal with any civil disobedience, and then enforce it if laws are broken. To do otherwise is to abdicate responsibility. The law is the law.

CONNECTICUT: TRIBE TRAMPLES FREEDOM OF THE PRESS

In January of this year - - right here in America where open government and transparency are the norm - - the Mohegan Tribe is prosecuting a tribal member and journalist who dared to reveal financial information about the Mohegan Tribal Council. Mohegan tribal leaders passed what they call a "Restriction of Information Ordinance" making it unlawful for members to make any tribal government records public. The Council is threatening to impose punishments on this tribal member, as well. And they also recently sealed the records of a lawsuit being filed by the journalist in tribal court. As ONU has reported so many times in the past, "freedom of the press" does not exist on most Indian reservations. This is just the latest example of how enrolled members (and non-tribal citizens) so often see their civil rights trampled by tribal leaders. To read more about the case go to: www.brokenwingeditorials.blogspot.com

TRIBES ERECT LARGE ILLEGAL BILLBOARDS

An electronic sign and two billboards flanking I-5 near Arlington, Washington, are too big and too close to exit ramps to pass muster with State Department of Transportation officials. But the State can't do anything about them because the signboards are on land owned by the Stillaguamish Tribe. The electronic sign's bright lights point drivers to the Tribe's Angel of the Winds Casino. And more such tribal billboards are coming.

"I could care less if the (State Department of Transportation) makes an issue of my signs," Stillaguamish Tribe Executive Eddie Goodridge Jr. says. "They don't have jurisdiction on tribal property."

The large signs have angered many local residents, who say they believe distracted drivers will cause an increase in car accidents and needless injuries. "Even if they can do whatever the heck they want, this is so out of proportion to what seems appropriate," said Catherine Cloud of Stanwood.

Only the electronic sign, which stands a few stories tall, will feature the tribe's casino. The billboards will be leased out to Clear Channel which, in turn, rents the space out to advertisers, Goodridge added.

State officials agree that State rules don't apply. "What we're dealing with here is basically international law," says Pat O'Leary, a traffic regulations specialist at the Department of Transportation. "Federal laws and state laws do not (apply) on Indian land."

State and federal regulations prohibit billboards from being placed closer than two miles ahead of an Interstate exit and not within 1,000 feet after an on-ramp, O'Leary stated. Billboards also are limited to 150 square feet in size.

It's not unusual for tribes to rent out oversized billboards or ones that are placed too close to Interstate exits, O'Leary said. The Puyallup Tribe rents out several between Tacoma and Seattle, he noted. This has sparked a dispute over who has jurisdiction, with the City of Puyallup demanding removal of at least one huge sign, estimated to stand 80 feet in height.

> **"Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality."**
>
> *--Hirabayashi v. United States*
> *U.S. Supreme Court*

THE LAWYER AND THE ETHNO-HISTORIAN

By James P. Lynch

Historical Consulting and Research Services, LLC.

Have you ever asked yourself, what is law? This question may sound trivial on one level, but it is of paramount importance on another. For our purposes, law is society's response to human actions or behaviors that are perceived as detrimental to the good of society as a whole. What are human actions? They are actions as expressed in behaviors that have taken place, they are historical in nature.

Those responsible for interpreting and arguing the law do so upon the basis of the foundational facts of the matter. In some cases such facts are not readily discernable or available due to the presence of a time depth between present litigation and the historical action in question. In some cases the time depth in question may go back three hundred years or more. Such examples are historic land title, tribal federal land-into-trust petitions, tribal land claims, water adjudication issues, and claims of un-extinguished Indian title.

At times questions arise, such as, does a specific event match the factual criteria established by legislative enactment or the legal precedent established by a jurist? Are historical claims being advanced by the plaintiff or argued by the defendant supported by valid historical fact? Of even greater importance do the facts and arguments of the matter to be adjudicated match the original intent of the law? We hear this often in matters of constitutional law, wherein the question frequently arises as to what was the original intent of the framers of the federal constitution? Here is where the nexus between lawyer and ethno-historian exists.

The purpose of historical enquiry is to gain understanding of past actions and situations on the basis of the historical record. Unlike the law, historians very seldom rely on documents at their face value to provide answers to an enquiry. My own twenty-five year background in the area of tribal-related issues has taught me this essential lesson. A lawyer and a historian may look at the same document and ask different questions or arrive at different conclusions concerning its content, they

are supposed to. A lawyers training, especially in the analysis of a document is quite different from that of a historian or ethno-historian. A lawyer may ask; does this document help the client; does content meet the legal standard of the law at issue? Lawyers are biased by the very nature of their profession, that is, to successfully advocate their clients' case within the framework of legal ethics. The historian on the other hand is professionally objective, critically challenging the document both internally and externally. By externally we ask, where did the document come from, who was in possession of it through time, does its contents fit the historical and cultural (if you are an ethno-historian) context of the time it was created. Who was the author, did he or she have a bias in the matter, for what audience was the document intended, what action was it intended to provoke? Internally, the document is challenged for its internal and logical consistency. Does its content fit with other historically related documents that were generated before and after the event in question? If not, why? Our task is to create a mosaic that tells us a story. Each piece must be carefully examined and analyzed before it is put into place. By doing so, our lawyer client can be confident as to the authenticity and veracity of the facts at hand.

Another aspect is locating and obtaining the needed documents that will provide the factual basis for a lawyer to legally argue a case within the context of law and to win. Lawyers generally do not have the time or knowledge of the possible documentary sources to locate what is needed to successfully argue a case involving historical questions. In my experience I have sifted through old attic boxes, private homes. State and local historical societies, correspondence, town vital and land records, county records, state records, governmental agency records and libraries, the National Archives, the Library of Congress, Congressional records, the Public Records Office in London, just to name some of the places historical enquiry led me to, not to mention hundreds of personal interviews. But what really counts for those of us who work with the legal community is being part of a team effort to provide a client with the best possible case and valid argument. The icing on the cake is that we can testify in Court to what we did, how we did it, and to our professional conclusions drawn from our historical enquiry and knowledge.

Mr. James P. Lynch is a nationally recognized ethno-historical, research consultant. He has authored numerous books, research publications, and articles on tribal land claims, tribal sovereignty, tribal recognition, historical land title, tribal land into trust issues, and tribal history. His professional services are used by law firms, local, state and federal officials and agencies, and private sectors such as businesses, authors and network news media. He has also testified as a qualified expert witness on historical and anthropological issues in federal and state courts. Mr. Lynch is the owner of Connecticut-based Historical Consulting and Research Services LLC. He can be contacted at jajpl@aol.com.

ONE AMERICA: AN OPEN LETTER TO OUR NEW PRESIDENT

Dear President Obama,

With your inauguration behind us, I would like to share with you one very specific hope (and a corollary fear) I have. Although I did not support your candidacy, throughout the Presidential campaign, I greatly admired your rhetoric on race and race relations. As the first "hapa" U.S. President, you and I share the experience of struggling with the idea of whether or not we were "half" this or "half" that, or a "whole" something else. I believe the answer we both arrived at is that we are "whole" people. beyond "black" and "white." We are both simply "human."

One of the primary reasons I opposed your candidacy was your support for the Akaka Bill, aka the Native Hawaiian Government Reorganization Act. You spoke on the floor before a cloture vote on the Akaka Bill put forth by both Dan Inouye and Dan Akaka, and acting as the "third Hawaiian Senator," you spoke in strong support of their bill. This, despite the fact the Akaka Bill promises to divide our homeland, the State of Hawaii, into two governments solely on the basis of race. I imagine your support of the Akaka Bill was politically expedient, and I hope it was not based on a thoughtful contemplation of the issue.

I would like for you to imagine for a moment that your mother was Native Hawaiian, and had ancestors in the Hawaiian Islands going back before 1778. Also imagine if your father had never left your mother, and lived with you in Hawaii during your entire time there. Now imagine telling your father he wasn't allowed to vote in an election, but you and your mom could. Imagine telling your father he wasn't allowed to serve in an elected office, but you and your mom could. Imagine telling your father you and your mother had "rights" he was not allowed to have.

This is the exact scenario that promises to play out if the Akaka Bill becomes law. A group of "experts" will decide who is and who is not "Hawaiian" by race, and this group will be asked to institute a government to negotiate rights and resources away from the rest of the public of the State of Hawaii. The State of Hawaii legislature might resist attempts to take over public lands and put them into the hands of a single race-based government. Then again, the legislature could be co-opted by the unregulated donations available to them from members of this new race-based government, and thus become a willing participant in the reallocation of land and resources based solely on race.

As a fellow hapa haole, born and raised in Hawaii as you were, educated at Punahou as you were, I beg you to turn towards those who are still promoting the Akaka Bill, and with all the grand rhetoric at your disposal, demand they abandon their attempts to divide us as a people based on race. Insist to them

that we are "One America," "One People," and we should all live under "One Law." Make a note of the first constitution of the Kingdom of Hawaii, which nobly declared that all people were "of one blood." Let them know that as a hapa haole, born and raised in Hawaii, you have just as much, if not more, right to claim the Islands as your homeland as some toe-nail native Hawaiian who was born and raised on the Mainland. Quote from Martin Luther King, Jr.'s speech, and demand that we should be judged on the content of our character, not the color of our skin. Move them with your sincere belief we are all human, first and foremost, and that arbitrary racial distinctions do NOT make the man.

I know your first days in office will be tumultuous ones, with the Middle East burning, the economy tanking, and various special interests groups pounding on your door for their pound of flesh. But if you could please take the time to make a strong stand against racial division as one of the first acts of your office, you could help heal the wounds in the State of Hawaii that have festered for the past 30 years of the race-based experiment called OHA. You have the background, the charisma, and the credibility to demand that everyone should be treated equally, regardless of race. You could change the face of Hawaii politics, and move us away from division and towards conciliation with a single, moving speech.

Please, Mr. Obama, give us the hope you promised.

Mahalo,

Jere Krischel

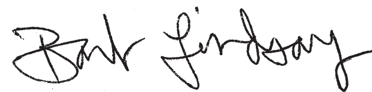
Grassroot Institute member Jere Krischel is a volunteer historian and civil rights activist who has been discussing and studying the Akaka Bill and its historical basis online and in print since 2004. Born and raised in Hawaii, he attended Punahou and later graduated from the University of Southern California. His commitment to the ideals of equality, and the rejection of the use of racial categories to separate out people for disparate treatment is inspired by his diverse heritage and conviction that first and foremost we are all humans, indigenous to this earth.

Combining our money and our collective lobbying efforts under the ONU umbrella over the past twenty years ultimately resulted in a court decision which prevents Puget Sound tribal members from coming down our private driveways and through our backyards in the middle of the night to harvest shellfish. As a result of the vital "Time, Place, and Manner" constraints on tribal harvest - - successfully put in place by Judge Edward Rafeedie at the urging of our legal counsel - - most Washington tideland owners have seen very little, if any, Indian shellfish harvesting on their private beach properties.

And the $33 million dollar federal and state settlement we all lobbied so hard to achieve resulted in tribes giving up the right to take shellfish from the vast majority of commercial shellfish beds. This means most commercial growers (all who can prove they owned or leased their tideland properties before August 28, 1995) don't have to share their shellfish crop with the Indians.

In closing, we wish to thank you all once again for your steadfast support and encouragement. Please don't forget to send those letters and emails to your elected representatives as soon as possible. And mail your contribution or membership renewal check in the enclosed envelope to: One Nation United, P.O. Box 3336, Redmond, WA 98073-3336. We're counting on you to stand with us at this critical time!

Best Wishes Always,



Barb Lindsay for the ONU Board of Directors

P.S. Donations in any amount are truly needed and will be put to use immediately in carrying out ONU's vital work on your behalf. According to our most recent independent audit, 86.4% of every dollar contributed goes to carrying out our charitable purpose. Send $50, $100, $200, or more, if possible, please! We're ALL in this historic battle together…

WHO ARE WE? One Nation United (ONU) seeks to enact comprehensive improvements to failed federal Indian policy in order to preserve America's free enterprise system and to defend the constitutional and property rights of ALL Americans - - Indian and non-Indian alike. Join our efforts today! ONU is recognized by the IRS as a 501(c) 4 nonpartisan, tax-exempt, and nonprofit public educational umbrella organization. We are registered in the both the nonprofit and corporate divisions of the Washington Secretary of State's Office. ONU's total membership adds up to approximately 500,000 people, including many concerned citizens, families, property owner and community group members, businesses large and small, members of respected state and national trade associations, law enforcement leaders, clergy, local governments, academics, and elected officials who share our views in thirty-nine states.Various members of Congress, as well as local and state elected officials, tell us that ONU is one of the best organized and most experienced grass-roots lobbying groups dedicated to defending private property rights, the rule of law, and free enterprise in America.

We first joined together in 1983 in Washington State as United Property Owners of WA. In 2005, UPOW merged with One Nation of Oklahoma and combined our two groups to become One Nation United. We lobby on both the state and federal levels and work hard to promote citizen involvement in government decision-making. By participating in key litigation, media outreach, and public education, One Nation United's mission is to encourage sound public policy development through our ongoing legislative, legal, and regulatory advocacy efforts.