

THE TRIBAL NATIONS EXCHANGE

INFORMATION SHARING ON

U.S. ARMY CORPS OF ENGINEERS

ACTIVITIES IN INDIAN COUNTRY

Supreme Court to Hear Case on Management of Historic Structures on Tribal Trust Lands

The United States Supreme Court has approved a Petition for a Writ of Certiorari, meaning, it has agreed to review, the case of *United States of America v. White Mountain Apache Tribe*. The Petition was submitted by the Department of Justice and the Solicitor General of the United States.

At the center of this case is the Fort Apache Historic District which includes dozens of buildings and structures dating from frontier days and the early twentieth century. Several Acts of Congress, culminating with a 1960 statute placed Fort Apache under the administrative control of the Department of the Interior, to be held in trust for the White Mountain Apache Tribe.

Over time, many of the Fort Apache historic structures have deteriorated and a White Mountain Apache study indicated that rehabilitation and reconstruction costs would total around \$ 14 million. The Tribe pressed suit against the United States in the Federal Court of Claims for money damages which was denied. The matter was then addressed by the Circuit Court of Appeals, which reversed and remanded the Court of Claims decision, basically finding for the Tribe.

The Solicitor General has now petitioned the Supreme Court to review the case and the Court has agreed. The government's case does not revolve around the need to care for the properties but instead focuses on the nature of the trust responsibility and relationship between Interior and the Tribe. Specifically, the Department of Justice questions the legal validity of the award of monetary damages in lieu of other remedies. The Court will hear oral arguments and is expected to rule on this case this session. The government's petition in this matter can be viewed in text or PDF file at:

<http://www.usdoj.gov/osg/briefs/2001/2pet/7pet/2001-1067.pet.aa.html>

Quote of the Issue

"Tribes are battling all over the country to protect sacred sites. This is an effort to hang on almost by our fingernails to what's left."

Northern Arapaho Tribal Attorney Andy Baldwin on the decision by Denver-based Anschutz Exploration to transfer oil and gas leases for Montana's Weatherman Draw to the National Trust for Historic Preservation. The Draw is sacred to Northern Plains Tribes and the Trust will hold the leases until the leases expire.

PRAIRIE WIND

Wind across the prairie,
blowing, intertwining,
touching everything in its breath
caressing each blade of grass
as it passes whispering to the flowers
weaving through the branches
moving,
ever moving
flowing over all
creating the beautiful music
for the dancing of the grasses
green and green and green some more
speckled with colors that go beyond a dream
it awakes me to my reality
reminds me of my tomorrows
my thoughts are as the wind
the wind as it is
the substance of the high plains
the strength of the land
my dreams are as the wind
cascading across the night
seeping into my sleep
caressing my thoughts
blowing the past into my memory
whispering about the future
fleeting little thoughts making me smile
the wind ever moving
ever changing
ice in winter
fire in summer
the wind the music
of the high plains
it makes the land sing
I know the song it is written in my heart
and the heart of my people
hear it softly sing
it whispers,
listen
listen to the whisper
it tells of our loved ones
who heard it's voice
and have gone on
to walk upon the clouds
hear its mournful cry
crying for our people
it tells of places and
old forgotten names
names that still call out
the existence of our land
wind you are the freedom
that was stolen long ago
you blow it in our faces
whisper it in our dreams
the freedom that is still there
if we want to take it
reach out and grasp it
let our hearts flow
let us join our brothers
as they fly using the wind
to roam across the sky
sky and earth joined together
by the breath of our creator
who blows his blessing upon us
the wind
the beautiful wind
blowing across forever

Mary Lee Johns, Omaha District

Used by permission of the author

THE TRIBAL NATIONS EXCHANGE

MAY 2002

Native American Training -- Confederated Tribes of the Umatilla and the Corps Walla Walla District

The *Confederated Tribes of the Umatilla* hosted the *US Army Corps of Engineers* for a Native American cultural and regional issues workshop. It was held at Indian Lake on top of the Blue Mountains in eastern Oregon. The experiential workshop is a new "sensitivity" method the tribes are testing. They are focusing on key agency decision makers to increase their personal understanding of tribal values and issues. The experience included many aspects of tribal culture, tribal living, and the tribe's ethics concerning the sustainable development of "mother earth".



Twenty Corps participants from the District, Division, and Washington DC spent four days in the early-spring forest living in teepees,

making and using Native American hunting tools, developing an understanding of Native American values, and trying to stay warm. Everyone really looked forward to the daily "sweat lodge" where the chill of the day was warmed by incandescent cherry-red rocks, herbal steam, personal prayers, and jolting immersions in a nearby mountain stream.



Late afternoon Sweat Lodge was followed

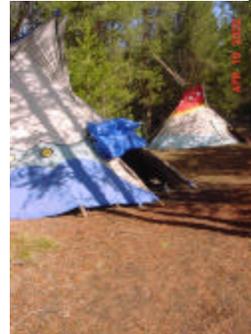


by hearty suppers that provided much needed energy

for the late evening campfire councils. We slept in teepees in the twenty-five degree nights under deep wilderness skies. Each night it managed to snow, but hot coffee, great breakfasts, and the morning sun melted the night chill each morning.

Each day there were campfire councils, regional issues discussions, and work on our atlatl, a spear-like large mammal hunting tool thrown with a wooden lever.

Participants enjoyed learning about native methods of woodworking, creating obsidian arrowheads, and using our self made tools to "hunt" in the Atlatl Olympic Games. Many participants earned Indian names during the week, an honor that will last our lifetimes. Everyone agreed that the week was intense, powerful, productive, and very insightful.



Submitted by Allen Pomraning, Walla Walla District

Book Notes

Ancient Ones by Kirk Mitchell

Now, stop me if you've heard this one: the story begins with a chance discovery of an extremely old human skeleton that has eroded out of a river bank in the Pacific Northwest and is in the custody of the U.S. Army Corps of Engineers. There's a battle-hardened female Corps District Engineer, a Federal court rendering decisions faster than you can say Jean-Luc Picard, Indian tribal representatives quoting Federal regulations, and famous but world-weary anthropologists.

Add to this, the kidnapping of a tribal NAGPRA monitor, a gruesome murder of a Basque shepherd, an FBI agent and her romantically-linked BIA cop/partner, a malevolent ancient spirit let loose in the countryside, and you have Kirk Mitchell's latest excursion into the worlds of archeology and tribal culture.

While the Ancient Ones is not exactly ripped from the pages of American Antiquity, Mr. Mitchell does a respectable job of explaining some aspects of geology, human osteology and archeology that come into play with the discovery and examination of sites containing extremely old human remains. In addition, he examines and uses NAGPRA rather skillfully and brings this law and its objectives to a segment of the reading public that is ordinarily not reached by popular fiction.

This is a fast read and I recommend it for your next plane or long car ride. I am near the end of the book and I haven't cheated so I can't tell you how the story ends. I am betting, though, at the last minute a bold agency Federal Preservation Officer comes in to save the day - - but that's just me.

Paul Rubenstein