The Search for Integrity in the Conflict Over Cherry Point as a Coal Export Terminal

by Jewell Praying Wolf James, Lummi Indian Tribe

“The whites got together and talked until it made my heart feel dead … I saw the Great Father [the president] again and told him that I would not let the cattle, or the Railroad, pass over my land. Finally the Great Father told us that they wanted the land … and that if we did not give it up it might be bad for us, that they might put us in some other place.” (Pretty Eagle, Crow Nation, 1880)

Introduction

We are living in a fast-paced society and rarely take the time to reflect upon the truths behind the laws that govern us. We are, one and all, proud to be law-abiding citizens. We operate under the assumption that the law is just, reasonable, and fair, and that no person stands above it. But how many people understand — or have even been introduced to — the important role Native Americans played in the governance of the American Nation?

I hope through the medium of history to give voice to a silenced history. In this article we will move through time, from first contact between European-Americans and the indigenous peoples of the Western Hemisphere, in 1492, to the present conflict over Cherry Point. Along the way, I hope to inform the reader about some of the laws, political realities, and administrative procedures that benefit corporate interests more favorably than either tribal rights or the greater public good. Just as important, I hope to show how the general public can influence the final outcome of this search for integrity.

Part I

From Natural Law to National Law: The Growing Point

Over two hundred years ago, during the colonial period, Native Americans, in accordance with their sacred vision, pressed upon the Founding Fathers to unite the colonies for the development of the Constitution (1787-89). In 1587-89, the United States Congress, in Senate Concurrent Resolution 76 and House Concurrent Resolution 331, proclaimed that the Iroquois and Choctaws Confederacies were role-models for the Constitution. Students are rarely taught this history. Most Americans do not know that the Sons of Liberty worked closely with the Iroquois and Mo- hawks to learn how to be “First Americans” and to stand up united for their inherent rights of liberty and freedom, as one people that shall choose their leadership and hold them accountable. But to understand the full significance of this, we must first look back to the original foundation of the tribes’ relationships with the United States.

We need to return to the time of Columbus and the life and work of Fray Bartolomé de Las Casas. In 1502, at the age of 18, this young man, whose family was known to Columbus, disembarked with Governor Ovando to the island of Hispaniola (now Haiti and the Dominican Republic). He was on the first two military missions aimed at pacifying those Natives who remained on the island. In the end, and in short order, the brutality he witnessed in the treatment of the Native peoples inspired him to renounce his family’s holdings on the island and begin his life-long campaign to protect the Indians.

In 1550, at the request of Charles V of Spain, Las Casas debated his fellow Dominican Priest Juan Ginés de Sepúlveda. Sepúlveda argued that the Indians were “natural slaves” (an Aristotelian concept that posited that there are people who by their nature or lack of rational capacities are born to be ruled by others) and that it was therefore legitimate to reduce them to slavery or serfdom. In his frustration, Las Casas stated that it would be better to enslave the blacks of Africa than to enslave the Indians. He lived to regret this outburst as the African slave trade rapidly expanded into the Americas.

Las Casas claimed the Indians had a right to be self-governing in a community forum on government, environmental issues and media www.whatcomwatch.org

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determining and self-governing, and should not be conquered, enslaved, or have their property taken from them. He forcefully and persuasively argued the actions of the conquistadors were criminal and in violation of the laws of Christian Nations. Sepúlveda maintained that the “savage, heathen” Indians were best described as “like women are to men, like apes are to humans, like children are to adults.” Two hundred and fifty years later, in the nascent United States, Supreme Court Chief Justice John Marshall ruled in Cherokee v. Georgia (1832) that the “Indians were like wards to the guardian.” He made Sepúlveda’s argument a principle of national law. The barbaric enslavement of Africans and the eventual shipment of 3.9 million human beings from Africa to the Americas were also justified, in part, on the basis of this presumed natural law. These are two sad and salient examples of how narrow, convergent, and self-serving theological, political, and economic interests translated into juridical-legal orchestration of a “discovery” into colonization. Ultimately, manifest destiny became the accompanying narrative to the formation of the United States.

The Daisy Chain of Legal Fictions

In Johnson v. M’Intosh, Supreme Court Chief Justice Marshall in 1832 gave birth to legal recognition of the “Discovery Doctrine” as a cornerstone to United States law. It proclaimed that “the first Christian Nation” to discover a territory, occupied or not, had superior right to it over and above other subsequent Christian nations making the same claim of discovery. It was a rule honored between nations to lessen the likelihood of war. It also proclaimed that the Indians had only the right of occupancy, not ownership, of their territory. This court decision gave birth to the next legal fiction: that the United States had conquered all the tribes they had encountered. The fiction of conquest extended west of the Mississippi and Missouri Rivers and applied to tribal peoples who knew little or nothing about the United States. In 1859, this served as a precedent for yet another legal fiction in the Termination-Era case of Tee-Hit-Ton. In this case, the Supreme Court, justifying its understanding that anything not given was purchased or paid for by the United States, and Washington assumed the responsibilities of the treaty. The salmon were the Children of Salmon Woman. Her children were a gift to us. We, the Lummi, had the sacred right to fish. They did this in recognition that they only had a right to harvest if they respected the treaties. The treaties were legal and political instruments that were used to permanently locate the Indians on reservations. They were one important part of the colonialization era of the American Indian (1850-1871).

Under the terms of the treaties, Native peoples, under extreme duress, ceded to the United States certain rights with the understanding that anything not given was reserved to them. This reserved rights doctrine is not an alien concept in the American experience. It was incorporated in the Constitution of the United States for the protection of the citizen and states (Articles 10 and 11 of the Bill of Rights). The problem is that the United States, and Washington state, took the rights of the treaty without honoring the commitments made to the Indians. The Indians were ordered to stay on the reservation as the settlers expanded into their aboriginal territories and secured titles to the lands — lands that were never purchased or paid for by the United States.

The Lummi were the first reef-net fishers in the Pacific Northwest. This technology was spread amongst the tribes around the Salish Sea but was invented by the Lummi. It was introduced into other tribal communities by way of intermarriage between the tribal groups. The technology reflected the sacred balance between the male and female genders. It was a part of the duality, and of the sacredness of creation and sustainability. Those men that operated the reef nets had a duty to themselves and their families; but, in exchange for the sacred right to fish, they had to assure that every widow, woman, and child that did not have someone to care for them received enough salmon annually to sustain them. They did this in recognition that they only had a right to harvest if they respected the salmon as a gift to all the people. This is why the First Salmon Ceremony was so important to the Coast Salish Nations.

Throughout the San Juan Islands, as the salmon migrated into the Straits of Juan de Fuca, through the San Juan Islands, and back to the river systems, including the Fraser River, the tribal people practiced the First Salmon Ceremony. This ceremony was essential to harvesting any of the salmon runs. The salmon were the Children of Salmon Woman. Her children were a gift to us. We were obligated to honor their return. As the salmon passed through our fishing territory the First Salmon Ceremony was conducted, each in its turn. This process connected Cherry Point to all the other sites before and up to Point Roberts, into the Fraser River, in the ceremonial cycle. The people buried at Cherry Point were ancestral reef net fishermen who kept these ceremonies alive for each generation after them.

In the case of the territory of the Lummi Indians, the United States offered to pay $58,000 in the early 1970s for the San Juan Islands and mainland homeland areas in Whatcom County. When the Lummi refused this offer the Bureau of Indian Affairs (BIA), as the tribe’s “guardian,” accepted the money on behalf of the tribe (their “wards”) and placed it in the U.S. Treasury. The BIA argued with the Lummi, saying the tribe could use this money to build a school, a hospital, or homes for their people. The Lummi response was to order the BIA off the reservation. After their unceremonious departure, the BIA made it clear that they would hold the money until the tribe “came to its senses.” At the time of this “offer” the United States was still in the fever of the Termination era, conveniently terminating treaty duties and responsibilities owed to the tribes. During this most recent cycle of termina-

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Key Events in United States — Native American Relations

- 1823 Johnson v. McIntosh - first claim of discovery ruling
- 1832 Cherokee v. Georgia - ruling that Indians are like wards to the guardian
- 1855 Point Elliot Treaty defines a government between US government and Pacific northwest Tribes
- 1859 Point Elliot Treaty proclaimed the law of the land
- 1872 President Grant shrinks Lummi reservation land by Executive Order
- 1883 Religious Crimes Code bans religious freedom for Native Americans (unless Christian)
- 1923 Circular 1656 - banned Native American ceremonial dancing
- 1950 Last termination era - residential schools, forced relocations, extermination of tribalism
- 1955 Tee-Hit-Ton termination era case - all Indians declared to have been conquered
- 1959 Lummi refuse $58,000 offer for San Juan Islands and mainland Lummi home areas
- 1974 Boldt decision - reinstates Native American treaty claims
- 1978 American Indian Religious Freedom Act
- 1979 Lummi tribe closes commercial herring fishery for conservation purposes
- 1979 Supreme Court ruling on Boldt decision reaffirms treaty fishing rights
- 1988 Supreme Court strikes down American Indian Religious Freedom Act
- 2011 Pacific International Terminals illegally bulldozes and drills on GPT land

Making Treaties, Breaking Promises

The treaties in the Northwest Territories were negotiated by Joel Palmer in Oregon and Isaac Stevens in Washington Territory. These treaties covered the modern-day states of Washington, Oregon, Idaho, and Montana. The Treaty with the Omaha Indians was used as a template to structure the treaties in these territories, including the Portland Treaty of 1855, which was ratified by the Senate and Proclaimed by the President in 1859 and became the “supreme law of the land” (Art. VII). These treaties were legal and political instruments that were used to permanently locate the Indians on reservations. They were one important part of the colonialization era of the American Indian (1850-1871).

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Around the time of the signing of the Treaty of Point Elliott, the Chief of the Lummi, Chow-it-soot, made clear his concerns about what is now known as Cherry Point. He reminded his people that this was one of their most important and ancient villages and warned that what was there — and must remain — the northwest corner of the reservation. He reminded his people that it had been unlawfully taken from the Lummi. Their treaty with the federal government stated that the U.S. government-appointed Farmer-in-Charge, at the request of the U.S. government, would return it. Since that time, all of the Lummi Chiefs have directed Lummi leadership to get Cherry Point back into Lummi ownership and secure its protection. It is, in the words of our current Hereditary Chief, Tsilixw (Bill James), the “home of the Ancestors.” Its integrity must at all costs be respected and protected with its burial areas and ancient grave sites.

The relevant territorial and federal records have been buried deep in the federal archives to prevent the Lummi from re-acquiring this part of the original reservation. This story goes back to the white squatters along our eastern and northeastern reservation boundaries. We demanded the federal government remove the squatters from our reserved lands. Instead the government-appointed Farmer-in-Charge (a non-Native married to a Lummi woman), asked the U.S. government to come in and move the squatters to the reservation. This was an executive order. The Executive Order contravened federal law for only Congress can change the boundaries of an established treaty Indian reservation.

These alienated reservation lands have never been returned to the Lummi people. We were required to move to and stay on the reservation once the treaty was ratified. The Lummi, Lummi elders, Lummi reservation lands were sold to white buyers by the BIA despite the fact that the sales violated the treaties. Nor did the Lummi receive compensation for the loss of these reservation lands. These lands are neither lost to us nor forgotten.10

Part II

Introduction

Following the signing of the treaty, our people were required to set aside our ancestral forests and rivers. The forests and streams were cut down, the salmon were fished to near extinction, the rivers and streams were dried for agriculture and municipal needs, or dammed, and the animals were slaughtered by recreational hunters. Our sacred sites and cemeteries were desecrated, with our sacred artifacts and ancestral remains going to collectors or to universities for storage and study. We were not allowed to leave the reservation to fish, hunt or gather under the threat of prosecution by state or federal authorities. All during this time, the federal government, our “Trustee,” refused to protect our treaty rights against the State and its enforcers. Looking over this history, up to the present day, we ask the readers to stand with us and ask:

What About Those Promises…

...Acting in a Moral and Ethical Manner…

The venality of the Department of War, which oversaw the BIA, stealthily took back everything promised and allocated by Congress and the President to the Indians from 1789 to 1849, is well known to his heir. It was also apparent to Congress, which transferred Indian Affairs to the Department of the Interior. Sadly, but not surprisingly, they merely continued this practice from 1849 to 1872. In utter frustration, President Ulysses S. Grant sent the Point Elliott, the Chief of the Lummi, a letter asking the Commissioner of Indian Affairs to the Department of the Interior. Sadly, but not surprisingly, they merely continued this practice from 1849 to 1872. In utter frustration, President Ulysses S. Grant sent a letter to the Commissioner of Indian Affairs, asking the Commissioner to change the boundary to protect the squatters. President Grant, of course, complied with the request and unilaterally changed our boundary. This was made illegal by the Executive Order. This Executive Order contravened federal law for only Congress can change the boundaries of an established treaty Indian reservation.

The Lummi have usual and accustomed rights to protect our spiritual ceremonies in federal prisons. We have been harmed economically, socially, educationally, and culturally because of reduced salmon harvests caused by state barriers that prevent fish passage. We ruled that the state has the financial ability to accelerate the pace of its repairs over the next several years.

In 1979 the Lummi tribe, on its own initiative, sought closure for conservation purposes of the state and tribal commercial herring fishery that extended from the Lummi reservation, past Cherry Point to the San Juan Islands. This herring fishery was a primary herring spawning and fishing area. The lucrative annual herring fishery was worth about $3 million per year to our treaty fishermen. This closure is still in effect 34 years later. Lummi tribal members have sacrificed over $100 million over that time in lost fishing income. This lost income represents our investment in restoration of the future resident herring population. In addition, the immediate area is good for crab fisheries and other stocks. We understand, honor and respect what needs to be done, and have sometimes sacrificed, to be true stewards of these resources. We consider our sacred obligation or Xa Xalh Xechnging in our language. Unfortunately, at Cherry Point and elsewhere in the Salish Sea bight region, this sacred obligation is seldom respected in any meaningful way by either the governments or by commercial and industrial interests. In a sense, Xoo’chi’Xen (Cherry Point) represents a challenge that is faced every day by each one of the American Indian tribes and Canadian First Nation Bands in Salish territory.11

The Lummi have usual and accustomed fishing grounds scattered throughout the San Juan Islands and on the mainland of Whatcom County up to the Canadian border.12

The deforestation of the United States since 1820 is almost complete. Even in 1920, very little virgin forest remained.
American Progress ... but not for Native Americans

credit: Jewell James

American Progress ... but not for Native Americans

Clockwise from top left, the painting American Progress by John Gast (1872), an allegory of Manifest Destiny advancing the American settlers by horseback, train, covered wagon, and stagecoach across the prairies as Native Americans and animals flee.

Top right, an aerial map of Xwe’chi’exen (Cherry Point).

Bottom right, author Jewell Praying Wolf James speaks to supporters at the gathering at the Bellingham Unitarian Fellowship on May 27, 2013. The Lummi Nation Sovereignty and Treaty Protection Office called two separate meetings of Bellingham clergy and activists to discuss Tribal concerns about Cherry Point and the proposed Gateway Pacific Coal Terminal.

Bottom center, in 2002, carvers from the Lummi Nation crafted a 13-foot high red cedar Healing Pole and presented it for families of the victims at the site of the World Trade Center. It is now permanently located at Sterling Forest, just north of Manhattan. The pole is carved from a 140-year-old cedar log. At the top of the pole is a bald eagle, representing the fathers who died at the World Trade Center. In the center is a bear, representing the mothers. At the bottom is a bear cub, for the concept of healing through hope, and the gifts of life, liberty and pursuit of happiness.

Bottom left, the aboriginal territory of the Lummi Nation which included the San Juan Islands, Cherry Point, and other coastal lands up to Point Roberts. The current Tribal lands are marked in red on the map, including a small property on Orcas Island at Madrona Point.
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Can you imagine if this was your family's ancestors in a box, in a university?  

Over the past several decades there have been numerous intrusive archaeological studies completed at this former village site. We were not asked to give our permission to remove them. The Indians were not even consulted. During the time of these studies, the non-Indians operated under the assumption it is perfectly all right to move our ancestors. If this were your family's ancestors in a box, on a shelf, in a university, and marked as "hu man remains"? This is all part and parcel of the relationship with portions of our homeland. The Corps is a permitting agency. They are also our Trustee. They wish to be seen as good neighbors, but have shown themselves to be unworthy. We were reminded that Isaac Stevens was a Colonel, as was George Estok, the Seattle County’s SEPA MDNS or revised conditions. The U.S. Army Corps of Engineers asserted lead agency.

The Washington State Office of Archeology and Historical Preservation (AHP) sent the county a letter objecting to the MDNS. AHP cited the archeological disturbance and stated that, under state law, no further work could be conducted on-site until a permit was issued by its office (if Whatcom County is the lead agency), or until a "Memorandum of Agreement" (MOA) was signed by affected Tribes under Section 106 of the National Historic Preservation Act (NHPA). If the U.S. Army Corps of Engineers is lead agency.

Whatcom County issued a Mitigated Determination of Nonsignificance (MDNS) in response to restoration of disturbance at a major fitting the defined mitigation of the archeological disturbance. DOC C October 5, 2011:
The United States Army Corps of En gineers, with questionable legal authority in this instance, has asked the Lummi Tribe to sign a Memorandum of Agreement (MOA) to bring SSA/PIT "into compliance." The Corps of Engineers in Seattle repeatedly misrepresented the MOA to our people (see the timeline to the right for additional detail), uses twisted logic to explain its authority regarding the violation of arche ological sites on state and private lands, fails to fully communicate the situation to their superiors in Washington, D.C., and in the end go forward with or without the Lummi on the MOA, and threatens to issue an after-the-fact permit for the wetlands violation if we do not sign the MOA. They are using this unconscionable pressure tactic, but the whole process is a study in dissembling and dysfunction.

Coal Dust on the American Dream  

It is an old, old story of coercion, with new players, big money, and co-option of a regu lated industry. I think it should be regulated. The Indians are in the way of "progress". The Islands and their sacred grounds, their burial grounds, their customary way of life, and Indians who value family and future generations above short-term profit. The naked truth is, the proposal by PTT/SSA and their partners for coal shipment, storage, and transport would cost us all — Indian and non-Indian — dearly here, and across the Pacific Northwest, in the Washington, D.C., corridor, and on a handful of shareholders on the east coast. I sometimes think I’m dreaming. I fail to see how any responsible public official — state or otherwise — could possibly profit in this unconscionable pressure tactic, but the whole process is a study in dissembling and dysfunction.

Damages to Cherry Point  

1. SSA Cuts Trees, Fills Wetlands, Disturbs Cultural Areas Without Permits. July 16, 2011: Whatcom County Planning and Development Services (PIDS) received a report of tree cutting at the site the week before they were scheduled to start the preliminary design for the project. August 2, 2011: PIDS issued a Notice of Violation DOC A to the Pacific International Terminals, a subsidiary of SSA Marine (SSA). The County reissued the notice on August 17. The violation involved cutting of approximately 23,132 linear feet (9.1 acres) for access paths/roads in uplands and in wetland forest and shrub areas (approximately 2.8 acres of wetlands impacts and .98 acres of upland impact). July 30, 2011: SSA issued a press release DOC B, acknowledging that its contractors conducted work on the site, digging approximately 70 core-sample holes. The press release did not mention the 4.4 miles of roads (9.1 acres) or the 3.8 acres of wetlands and buffers cleared by SSA, according to the County’s SEPA MDNS or revised conditions. Sept. 12, 2011: Whatcom County issued a Mitigated Determination of Nonsignificance (MDNS) DOC C for the SSA clearing violations.

2. DNR Determines the Disturbance Is Not Actually Part of the Project. August 12, 2011: DNR issued a “Notice to Comply” DOC D documenting numerous violations of the Forest Practices Act, including pulling of stumps and timber harvesting in wetlands without a permit. DNR did not issue a finding of an illegal “conversion” asserting that a conversion only occurs when SSA actually obtains permit approvals and starts constructing the project. (Note: The Department of Ecology also issued notification of violations under the Clean Water Act.) Had DNR found that SSA engaged in an unlawful “conversion,” Whatcom County could have imposed a six-year moratorium on approving any application for land development on the site. Whatcom County Code 20.80.7381(1)(i)(ii). This would have precluded development of the coal terminal proposed by SSA for a decade, factoring in the time from application to final approval. In summary: DNR determined that the project had not yet actually begun; the geotechnical exploration was not the same as a starting project; and conversion of land from forestry uses did not actually occur because “the project” had not begun. DNR’s interpretation was cited in a letter from their FOIA request office. In re-directing permitting Attorney Royce Buckingham explaining why the county would not impose a moratorium.

Although DNR’s notice stated that SSA conducted forest practices without a permit, DNR did not require SSA to obtain the missing permit. DNR merely required SSA to the site in three years if it did not obtain new state permits. SSA’s environmental violation is the destruction of a cultural landscape and has no regard to the validity of the State Environmental Policy Act (SEPA). Had SSA engaged in an illegal act, SSA would have been required to apply for and obtain the necessary state permits. DNR’s decision is all part and parcel of the relationship with portions of this ancient village site was not the case. Whatcom County staff did not seek a six-year moratorium.

3. Whatcom County Requires an “MOA” With Tribes Prior to Further Work. August 15, 2011: SSA filed a SEPA Checklist with Whatcom County, indicating SSA’s intent to convert the land to another land use. SSA disclosed that its illegal grading and clearing had disturbed items of Native American archeological significance.

September 12, 2011: PIDS issued a Mitigated Determination of Nonsignificance (MDNS) under the State Environmental Policy Act (SEPA). While the first version of this document outlined options for restoration of disturbed areas and mitigation of the archeological disturbance. DOC C October 5, 2011:

The Washington State Office of Archeology and Historical Preservation (AHP) sent the county a letter objecting to the MDNS. AHP cited the archeological disturbance and stated that, under state law, no further work could be conducted on-site until a permit was issued by its office (if Whatcom County is the lead agency), or until a “Memorandum of Agreement” (MOA) was signed by affected Tribes under Section 106 of the National Historic Preservation Act (NHPA). If the U.S. Army Corps of Engineers is lead agency.

October 16, 2011: DNR added another objection to the MDNS in response to restoration of disturbance at a major fitting the defined mitigation of the archeological disturbance. DOC C October 5, 2011:

The United States Army Corps of En gineers, with questionable legal authority in this instance, has asked the Lummi Tribe to sign a Memorandum of Agreement (MOA) to bring SSA/PIT “into compliance.” The Corps of Engineers in Seattle repeatedly misrepresented the MOA to our people (see the timeline to the right for additional detail), uses twisted logic to explain its authority regarding the violation of arche ological sites on state and private lands, fails to fully communicate the situation to their superiors in Washington, D.C., and in the end go forward with or without the Lummi on the MOA, and threatens to issue an after-the-fact permit for the wetlands violation if we do not sign the MOA. They are using this unconscionable pressure tactic, but the whole process is a study in dissembling and dysfunction.

Coal Dust on the American Dream  

It is an old, old story of coercion, with new players, big money, and co-option of a regu lated industry. I think it should be regulated. The Islands and their sacred grounds, their burial grounds, their customary way of life, and Indians who value family and future generations above short-term profit. The naked truth is, the proposal by PTT/SSA and their partners for coal shipment, storage, and transport would cost us all — Indian and non-Indian — dearly here, and across the Pacific Northwest, in the Washington, D.C., corridor, and on a handful of shareholders on the east coast. I sometimes think I’m dreaming. I fail to see how any responsible public official — state or otherwise — could possibly profit in this unconscionable pressure tactic, but the whole process is a study in dissembling and dysfunction.

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The Lummi recognize the land, water, and air will be contaminated. This pollution will have a cascading effect throughout our natural environment. The river runs dry for corporate profit and the salmon cannot swim upstream during the lowest flow periods of the year. The salmon die because they cannot get to the spawning grounds. Offshore, the fragile herring population will be immediately assaulted by the dust and toxins. Crabs in the area will be poisoned as well. Who will ultimately pay the price for the inevitable damages done to the environment from this proposed terminal? Our people and the residents of Whatcom County have seen these many times before. The answer comes down the Nooksack River in the form of massive debris flows and silt loads from a history of clear-cutting in the forests. It can be found at the bottom of Bellingham Bay with the left-over poisons from Georgia Pacific. It is evident in the fouled waters off Point Roberts where our fishing nets are turned gray from the pollution from the Westshore coal terminal at Tsiawasa.

Fortunately, the Lummi Nation has the support of the Affiliated Tribes of North- west Indians (ATNI) in its opposition to the Gateway Pacific Terminal proposal. ATNI represents 57 Pacific Northwest tribes in five states. Many of these tribes will be directly impacted by the coal trains. Several thousand Treaty Indians along the Columbia River and within the Salish Sea will have unavoidable and permanent damage done to their treaty fishing rights. We know and understand treaty rights would be lost for generations. After all these years, we perceive that it is still all about getting tomorrow. Jobs and income opportunity are something near to home. For the average member; in the Salish Sea 3,000 people annually in economic benefits are directly employed by the fishing in the Nooksack River in the form of massive living income for their families, which is possible only if both parents are working. What many Americans are learning is that the top 1 percent own over 42 percent of the (non-home) financial wealth in the United States; the bottom 80 percent own less than 5 percent. Among the top 100 major industrial nations, the United States ranks ninth-tenth in income equality.14 The corporations have a virtual stranglehold on the American continent and now grip the Constitution through the fiction of corporate rights. They are now absurdly recognized as “persons” with standing in a court of law. These corporate persons have shamelessly covered the continent in toxic pollutants through short-sighted and self-interested industrial development. Today they are super-citizens that feed the rich and deprive the majority of Americans the basic necessities of life. These are the bad actors that hope to convince us that they have the right to develop Cherry Point — and we, the citizens, need these jobs — regardless of the environmental consequences and costs. It is a formula that has served them well in the past: the privatization of profit and the socialization of cost.

We are “The People”

The Constitution is for “We the People” not “We the Corporations.” Sovereignty derives from the many, not the few. American Constitutional sovereignty has been popularly-based since 1787. The incorporated states tried to define “control” under the Articles of Confederation, but failed because the People did not agree. They wanted a government selected by and for the people, exercising powers delegated from the people, and held accountable to the people. The corporations involved in the coal port proposal have joined together to translate their dream into profits. They have persuaded Congressmen Larsen, among others, to join them. Interestingly, he received far more in contributions from SSA Marine than any other representative in the Washington congressional delegation. Perhaps this is a coincidence, but it does not seem likely. Tribal leaders report that neither he nor his staff will give them the time of day on this issue. His mind is made up. Could this be the result of corporate influence peddling? They pave the political road with corporate contributions. Politicians are held accountable to them, not “We the People.” We expect SSA Marine and PIT to try to influence the upcoming tribal elections in the Lummi Nation, just as they will be pouring millions into the Whatcom County elections through their surrogates. We the People are merely a nuisance to them whom they believe are easily bought and sold. This is but one in a long line of outrages of these “corporate neighbors.” The Lummi people, their Chief, and their leadership are endowed with enough traditional knowledge and teachings to resist these temptations. We are kinship-based, not corporate. Nature is a gift, not a commodity. There are a few individuals in our community singing the praises of Pacific International Terminals songbook, a songbook with false lyrics and false notes for false singers, and they can unfortunately be found in any community, as well as those who spill and spread ill-will and mistrust by feeding off fear and ignorance. But our people are, first and foremost, tribally-oriented fishermen. We will always aspire to the dream of restoring the Salish Sea, the streams and rivers, and the salmon runs, and preventing or, if need be, undoing the damage of our corporate “neighbors.” We will also always believe in the spirit of hope and cooperation in our relations with the citizens of Whatcom County who share our concern for the long-term health of this place we all call home.

Our Sacred Obligation

Responding to the project’s permitting process for the proposed terminal is like preparing to give birth to a new being. Are you ready to harvest it, cut it, and polish it, legally, economically, and politically. Internal documents of PIT reveal that in 2012 they were working overnight to the point terminal and up operating in five years — maybe even four.12 We need to strike at the flaws and shutter this false economic dream. This is a false front for the mega-project from going forward. We can and must stop it and put in its place a vision of responsible long-term stewardship of land and water. We must be hypnotized by their narrative or to become a corporate colony of global finance and Wall Street investors. We are the people. We must unite to preserve the ecological vitality of the Pacific Northwest. This is our home. We must commit to stop toxic dumping into public lands, air, and waters. We must demand that our lawmakers stop giving away public resources for private gain. But we can only do this through coalition-building. It has always been true, and is true, today. We respectfully call upon the tribes, the non-Indian community, civic organizations, professional organizations, the business community, the faith-based communities, two-governments, and elected officials to put aside any differences for the sake of the Creation. Most importantly, we are asking that the general public take the time to become aware of the magnitude and madness of this proposal. Let our voices be heard for the benefit of our children and our children’s children — and to honor the Creation.

Now is the time. This is the place. We are the ones called to this duty in the name of our collective Xa xalh Xechnging (“sacred obligation”).

Endnotes
1. For an interesting background history, see http://www raison.com many_worlds/valtions/Es/1/017.html.
15. The proposed permit documents state that the initial construction phase would take two years and the first commissioning would be moved through the facility in 2016. This information can be found at the Whatcom County Planning and Development Services website: http://www.co. whatcom.wa.us/pds/plan/current/gpt-ssa/pdf/20120319-permit-submittal.pdf.
The Salish Sea: In Danger

Salish Sea: In Danger

A Rich, But Vulnerable, Sea

113
172
300
6,000
Mammals
Birds
Fish
Macroinvertebrates

The Salish Sea is one of the world’s largest and biologically rich inland seas. This international water body includes Washington State’s Puget Sound, the Strait of Juan de Fuca and the San Juan Islands, as well as British Columbia’s Gulf Islands and the Strait of Georgia. The name honors the first inhabitants of the region, the Coast Salish. Take a look at the interconnectedness of the Salish Sea and see how increased marine vessel traffic and a major spill could devastate our environment and our economy.

An Interconnected Ecosystem

Herring are an essential part of the ecosystem, providing habitat for many other species. Chinook salmon rely on herring as a food source, and orcas need an abundant Chinook salmon population as a food source. The Salish Sea is home to many endangered species, including Southern Resident Orca Whales, which have been listed as endangered.

A Fragile Economy

The Salish Sea is an important economic asset, providing billions of dollars in economic benefits to Washington State and British Columbia. The fishing industry alone generates $3.8 billion in economic benefits, with the recreational fishing industry adding another $1.1 billion. The tourism industry also contributes $1.5 billion in economic benefits, with over 700,000 tourists visiting the San Juan Islands each year.

The Risk of Increased Ship Traffic

In 2012, 10,000 large ships transited through the Salish Sea. Proposed new terminals and shipping piers could increase this number to as many as 2,000 large ships per year. This increased underwater noise, threat of an oil spill, risk of accidents, and interference with wildlife could devastate the Salish Sea.

Help Us Carry the Voices: The Kwel hoy’ Totem Pole Journey

In September of 2013, a totem pole, being carved by Lummi tribal members and Master Carver Jewell James, will be transported 1,500 miles from the Powder River basin, following the rail lines, all the way to Cherry Point. Mr. James carved and delivered totem poles to each of the 9/11 sites to help heal the American Nation. The totem pole will be blessed by tribes all along the journey, and will serve as a symbol uniting the tribes, small towns, communities, and cities opposed to the project.

The journey will provide an opportunity for communities and tribes to tell their story, hear how this project will impact others, unify the West, and help “draw the line” (Kwel hoy’). The journey will be covered by local, regional, and national press, and will help unite these communities and raise the voices of those who believe in the message of our sacred obligation.

To learn more, or to make a donation to the journey, please visit the website www.totempolejourney.com or call 800-670-6252. All donations are tax-deductible.

“Let our voices be heard for the benefit of our children’s children— and to stand united to honor the sacredness of Creation.”

Help Us Carry the Voices: The Kwel hoy’ Totem Pole Journey