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February 5, 2014

Richard Jehn, Managing Editor
Whatcom Watch
P. O. Box 1441
Bellingham, WA 98227-1441

Notice of Libel and Request for Corrective Action

Dear Mr. Jehn:

This letter is written on my own behalf at the advice of legal counsel.

I very much appreciate the need for open and vigorous public dialogue on issues of importance. I have, in the past, been a donor to Whatcom Watch to advance this purpose.

The views that you choose to present are your business and I do not wish, at this time, to comment on them. My purpose in writing is to request your careful attention to the avoidance and mitigation of published libel, caused either by intention or by failure to exercise prudent editorial judgment.

A recent editorial piece by Sandra Robson, "What Would Corporations Do? Native American Rights and the Gateway Pacific Terminal?", appears to have been cleverly and intentionally written so as to confuse the reader as to whether it is fact or a fictionalized hypothetical. It is, as you know, fiction. But the impression that the editorial was based upon fact was the genesis of coverage in an on-line piece by Jay Tabor further spreading a false assertion. (See copy attached.)

Mr. Tabor's embracing of the Robson editorial as fact in his writing indeed flames the fires of racial divisiveness by creating conflict where, in fact, race has not been the issue. Unfounded accusations of racism or the use of such allegations to promote other agendas only serve to undermine serious consideration of such matters. This is offensive.

PIT* and its affiliates have not, in fact, hired anti-Indian racists. Nor is there a public relations campaign against the Lummi Nation or the Affiliated Tribes of Northwest Indians, as Tabor claims. There is not a speck of truth in the speculation that they have done either of these things. [*PIT is a subsidiary of Washington-based SSA Marine and is the proponent of Gateway Pacific Terminal. SSA was founded in Whatcom County in 1949 as Bellingham Stevedoring Company and has had a presence in this community since then.]

As a matter of principle, the project proponents would not have any involvement that would imply anything other than respect for tribal rights and culture. The company feels that, in the end, tribal and project interests can be harmonized and it continues to reach out to the affected tribes in this spirit.

Further, none of the individuals or groups that Ms. Robson cites as being racist or anti-Indian are affiliated with the GPT project or its consultants. (Her references in this regard include, for example, the Pacific Legal Foundation, Citizens Equal Rights Alliance, Citizens Equal Rights Foundation, as well as the names of various individuals.) However, the intentional and clever structure of her editorial leaves the inaccurate impression of a conspiracy and fosters guilt by association. This was no accident and Tabor's subsequent piece citing her editorial as fact is evidence of the effectiveness of this deception. I am outraged and feel that by implication, because I am a consultant to the project on public and community relations, I am being damaged by Robson's editorial. **Her piece, and Tabor's, constitute libel.**

Since moving here a few years ago, Ms. Robson has engaged in a needless pattern of personalizing conflict by attacking the motives and reputations of those with whom she disagrees. She is loose with the facts and manufactures sinister speculation. I have overlooked prior instances of this, but this time she went way too far over the line.

This is no small thing to me. Perhaps a little history will help you to understand why I am serious about rectifying this matter. My wife and I have demonstrated a life-long commitment to the promotion of human rights and an appreciation of cultural diversity. I list some of the things that we have done in an attached page not to be boastful, but rather as evidence of our personal values being translated into action.

With respect specifically to tribal matters, the following are the facts:

- I was raised by parents who were anything but racist and who had friends among the Lummi people. My parents were friends with and started a business partnership with Lummi leader Forrest ("Dutch") and Florence Kinley. Mr. Kinley took me out on the Nooksack River as a teenager.
- While in college, I was a member of the Nooksack Indian Advisory Council and worked with Nooksack administrator Mabel "Mickey" Roberts in seeking tribal recognition from the federal government.
- My wife and I helped create perhaps the first scholarship at Northwest Indian College (NWIC).

- When the Lummi reservation was flooded and inaccessible in 1979, I organized an airlift of donated food supplies and rode with the Air National Guard by helicopter to deliver them. (Photo and narrative attached.)
- In the 1980s, Lummi elder Pauline Hillaire called me for help. The 1962 Seattle World's Fair (Century 21) had prominently displayed a totem pole carved by her father, Joseph Hillaire. I remembered seeing the pole when I visited the fair as a youngster. Pauline said that the pole had been discovered sitting in a warehouse in Seattle and she wanted to repatriate it back to Lummi, but the money wasn't there to do it. So I bought the pole and gifted it to the Lummi people. It now stands on the campus of the Northwest Indian College with a plaque at its base acknowledging the gift. (Photo attached of two of my young daughters and me at the dedication ceremony.)
- My family has often donated to the NWIC and I have been honored to have been called as a "witness" at one of its events.
- As Chair of the University of Washington Board of Regents, I co-hosted a conference of the state's tribes at the UW.
- I was asked by NWIC's former President to introduce the College to the Gates Foundation, which I did through my friend and colleague Bill Gates, Sr., to whom I highly recommended his consideration. I was told by the College that this led to one of the College's largest donations.

I could go on, but I think you get the picture. One could try call me many things, but being racist isn't one of them. **Nor would I work with a racist company or consultants. An examination of others working on GPT or at SSA Marine would perhaps surprise you as to their long-standing histories of collaborative and respectful relations with Native peoples, even at times when it was not popular or of any pecuniary benefit to conduct themselves as such.**

It is, frankly, painful to see newcomers with no history of friendship with the Lummi or Nooksack people now claiming, for their own purposes, an allegiance that never heretofore existed. It doesn't take much imagination to predict that many of these people are fair-weather friends whose generosity of resources and spirit will disappear when their usage of tribal status and respect no longer serves their personal, non-tribal objectives.

You and your writers will be held accountable for any acts of liable, for which you are now on notice. Any implication that I am a racist or anti-tribal is going to trigger serious legal consequences. Further, you are specifically asked to immediately and prominently publish and display the following notice in such a manner and with such frequency as I may approve:

Page 4

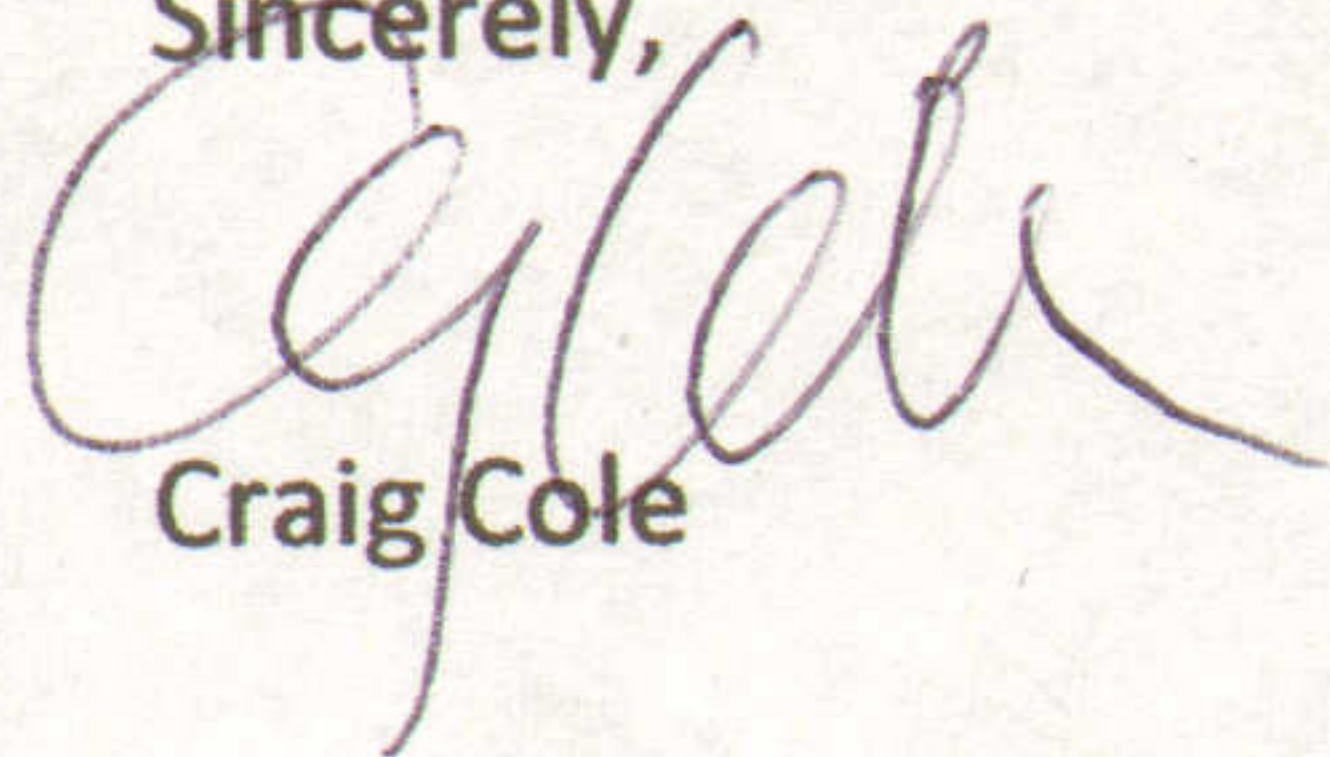
The piece by Sandra Robson that we ran ("*What Would Corporations Do? Native American Rights and the Gateway Pacific Terminal?*", dated January 2014) was a hypothetical work of fiction. We do not claim that the Gateway Pacific Terminal or its affiliates have, in fact, hired anti-tribal or racist consultants. Nor do we claim that they have, in fact, engaged in any public relations campaign against the Lummi Nation or any other tribes. We apologize for any misunderstandings about this.

You are also requested to agree to provide this notice to any media outlet, publication, website, or blog that refers to the offending editorial as factual in nature.

The law aside, you should do this out of a sense of decency. Bearing false witness is shameful and in no way gives you the high ground on any issue. If you wish to take a position on something, I urge you to do so with facts and truth, not with reckless conjecture and lies.

Thank you for your prompt attention to this matter. I request a response within ten (10) days of the date of this letter. I am available to discuss this with you, if you feel that such would be constructive.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Cole", written in a cursive style.

Craig Cole



“Food donated by Associated Grocers is unloaded at the Lummi Tribal Center from a National Guard helicopter during a flood that isolated 2,500 people in December, 1979. The airlift of food was organized by Craig Cole.”

“In December, 1979, Craig Cole organized an airlift of supplies to 2,500 people stranded by floods on the Lummi Indian Reservation along the lower portion of the Nooksack River. Associated Grocers of Seattle and Brown & Cole stores donated 30,000 pounds of food that was brought to the Bellingham Airport.

“National Guard and privately owned helicopters airlifted the food to the Lummi tribal headquarters for distribution. Contributions included 300 loaves of bread, 150 gallons of milk, 200 pounds of butter, and 2,000 pounds of potatoes. There were 300 pounds of flour, 100 cases of peanut butter, 200 pounds of sugar, 10 cases of baby food and 20 cases of disposable diapers.”

[From *Please the Customer First: The Brown & Cole Story*, by Ramon Heller (1985)]



The following are a few examples of a life-long commitment by my wife and me to combatting racism and fostering an appreciation for diversity.

- While in college at WWU, I led an (unsuccessful) effort to get the City of Bellingham to establish a human relations commission.
- My interdisciplinary B.A. degree from Fairhaven College was a concentration in urban studies and civil rights administration.
- Four years of volunteer work for the Washington State Human Rights Commission led to a job there as an investigator and mediator. I worked my way up to become one of the agency's senior staffers. Later, Governor Lowry called upon me to return to that agency as one of his appointees to the five-member Commission that oversees the agency, which I did.
- I left the staff of that agency to go to work for a maritime company to lead its affirmative action efforts.
- I have served on the Governor's Commission on Affirmative Action and testified as a businessman against the repeal of such programs in state government.
- I have authored articles, given numerous presentations on, and received awards for the promotion of diversity.
- I served on a national task force to promote diversity in the supermarket industry.
- My wife and I funded the first (and perhaps only) endowment at WWU for the appreciation of racial and religious diversity. When Morris Dees, founder of the Southern Poverty Law Conference, came to speak at WWU, it was that endowment that paid for it and my wife and I were there to greet him. (He had recently successfully represented a Whatcom County Native American woman who had been harassed by an Idaho white supremacy group.)
- My business and family have funded scholarships and other things through the Whatcom Hispanic Organization, and has received recognition for those contributions.

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Echoes of Racism

By [Jay Taber](#) • Jan 13, 2014 • [No Comments](#)

In her [article](#) on Native American rights and the proposed Gateway Pacific Terminal (GPT) coal export facility in Washington state, *Whatcom Watch* contributor Sandra Robson asks if the hiring of anti-Indian racists by Pacific International Terminals (PIT) to run its public relations campaign against Lummi Nation and the Affiliated Tribes of Northwest Indians constitutes a strategy by PIT to win approval for its proposal by mobilizing anti-tribal resentment. Judging by the behavior of PIT over the last four years, Robson's concern seems well-founded. In response to the convergence of the interests from Wall Street and the Tea Party around GPT, says Robson, "Let us all stand in opposition to the echoes of racism aimed at Native Americans, and let the groups, individuals, and politicians who breathe life into that racism and resentment know that it will not be tolerated anymore in our community, or anywhere at all."



1 2 3

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