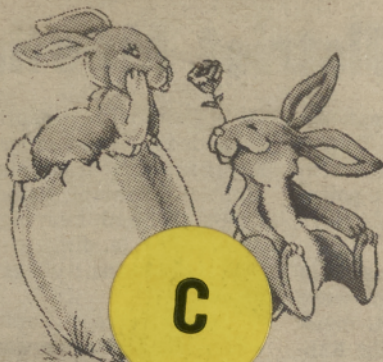


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Coyote News

VOL. 3 NO. 6 WARM SPRINGS, OREGON 97761 MARCH 24, 1978

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Spring has come to the 4-H feed lot with the arrival of 23 calves in the last three weeks. In the evening the newborns are tagged by Rockin' 4-H Club members but the peaceful mornings are reserved for a bit of motherly attention — particularly behind the ears. CDS Photo

Abourezk Asks For Gerard's Resignation

A sequence of events in the southwestern and north central states has left Indian country divided over Bureau of Indian Affairs policy and leadership.

A letter calling for the resignation of BIA head Forrest Gerard lies on the desk of Secretary of Interior Cecil Andrus while the office of Albuquerque area director Sidney Mills is being boycotted by local Indians.

Although the incidents are separate, they have arisen from a common sentiment — that Assistant Secretary Gerard has not followed through on promises to involve tribes in BIA decision-making.

Not everyone in Indian country agrees, however. The Warm Springs Tribal Council is drafting a letter of support for Gerard and other tribes are reacting similarly, according to vice-chairman Delbert Frank.

Area office occupied

Tension reached a high point on Monday, March 13, when Gerard-appointee Sidney Mills was to report to work as the BIA area director in the Albuquerque office. He was met by members of the All-Indian Pueblo Council

who requested that he refrain from working.

According to the AIPC Public Information Office, governors of the 19 Pueblos and other tribes in the area had recommended Roland Johnson from the Laguna Pueblo for the directorship and they would not support the new appointee.

Mills, a Sioux, agreed not to work until the matter was settled and the Pueblos occupied his office. However on Friday a court restraining order was issued to the AIPC and Mills went back to work. Council Chairman Del Lovato announced that although his group would honor the restraining order, they would boycott the office and thereby "render it ineffective."

Lovato referred to Gerard's request for tribal input in the selection of the area director as "window dressing" since the New Mexico tribes' suggestion was not heeded.

Gerard's response was that only five tribes had offered their input, but Lovato said the All-Indian Pueblo Council had notified Gerard by mailgram on February 17 of their support for Johnson.

The Pueblo Council is scheduled to appear in court April 6.

Andrus asked to fire Gerard

While the Pueblos were occupying the Albuquerque office, Sen. James Abourezk (D-S.D.) penned a letter to Secretary of the Interior Cecil Andrus asking that he remove Gerard from the position he has held for less than a year.

Abourezk who is Chairman of the Senate Select Subcommittee on Indian Affairs, was critical of Gerard for his handling of the Albuquerque appointment, asking how this squared with promises made by Andrus and

Continued on Page 5

High Court Rules Against Tribal Jurisdiction

In a decision which could have nationwide impact, the U.S. Supreme Court ruled six to two on Monday, March 6, that Indian tribal courts lack the power to prosecute non-Indians for crimes committed on reservations.

Reaction to the quick decision was that "it is bad news for tribal courts."

The high court ruling overturned an appeals court decision

that the Suquamish Indians could arrest and try non-Indians who live on its Kitsap Peninsula reservation at Port Madison.

The case in particular was one in which the Suquamish Tribe arrested and moved to prosecute two non-Indian residents, Mark D. Oliphant and Daniel B. Belgarde.

The charge against Oliphant was that he had assaulted a tribal officer and resisted arrest

during the Suquamish annual celebration of Chief Seattle Days. Belgarde was arrested following an alleged high-speed chase along reservation highways which ended in a collision with a tribal police car.

Justice William H. Rehnquist wrote in his opinion, "The power of the United States to try and (to) criminally punish is an important manifestation of the power to restrict personal liberty."

"By submitting to the overriding sovereignty of the United States, Indian Tribes therefore necessarily give up their power to try non-Indian citizens of the United States except in a manner acceptable to Congress."

The key to the decision was that since congress had not acted, tribes could not exercise jurisdiction. The power does not exist since it is not so stated,

reasoned the Court.

But Warm Springs tribal attorney Dennis Karnopp, who was disappointed in the decision and the analysis, feels the high court reasoned backwards. "It should be that all powers exist which are not expressly relinquished by treaty—that the power exists unless otherwise stated," he said in a phone interview.

Karnopp said he doesn't think the impact here will be as great as on some other reservations, and he doesn't see any immediate problem for the Warm Springs Reservation.

He did say that zoning, land use planning and the water code could be potential areas of concern, but he feels there is a distinction between regulating and controlling natural resources and regulating and controlling the conduct of persons.

Karnopp's comments followed the logic of Justice Thurgood Marshall who was one of the two dissenters. In his dissent Justice Marshall said that because no treaty or law has withdrawn the rights of tribes to try and punish all persons who commit offenses on reservations, the right remains "...a necessary aspect of their retained sovereignty...."

Chief Justice Warren E. Burger joined Marshall in that dissent.

In the summation of the reversal the opinion stated, "We

Continued on Page 4

From The Police Department

We have been receiving prank "emergency" calls over the C.B. and telephones. When the ambulance is dispatched for such calls it is a waste of officers' and volunteers' time as well as a waste of tribal money. This could cost lives, too, if a real emergency occurred while

the ambulance was out on a prank call.

If you have any information concerning the source of these calls, please contact the Tribal Police at 553-1161 ext. 272 or 553-1171. Your information will be handled confidentially.

Decorate and Hunt For Eggs

Grade schoolers may want to set aside two afternoons of their spring vacation to decorate and hunt for eggs. Prizes and hours of fun are in store for kids preschool through sixth grade.

The Warm Springs Community Center is holding a Spring Decorating Contest and Egg Scramble on Tuesday and Wednesday, March 28 and 29. Fifth and sixth graders are

invited to try their hand at egg decorating at 2:00 on Tuesday. The Community Center will provide the eggs, colored dye and felt-tipped pens but any other materials will have to be provided by participants. Judging will be at 4:00 and prizes will be awarded to each grade in four divisions: a) most colorful, b) craziest, c) ugliest, and d) most original.

At noon on Wednesday the younger kids will have a chance to hunt for those eggs, as well as candy, and three plastic eggs for which there will be special prizes. Preschoolers through fourth graders will hunt in their own areas. Contestants must bring their own collecting bags.

Join the Community Center in its celebration of spring (and spring vacation)!

WEATHER

	HI	LO
March 11	48	38
March 12	46	26
March 13	48	33
March 14	52	30
March 15	57	18
March 16	70	24
March 17	76	30
March 18	76	32
March 19	73	37
March 20	75	29
March 21	66	32

Continued on Page 4