

Editorial E COOSH EEWA:

(The way it is)



(Continued from Page 1)

High Court Rejects Tribal Jurisdiction

recognize that some Indian tribal court systems have become increasingly sophisticated and resemble in many respects their state counterparts.

We also acknowledge that with the passage of the Indian Civil Rights Act of 1968, which extends certain basic procedural rights to anyone tried in Indian tribal courts of criminal jurisdiction over non-Indians only a few decades ago have disappeared.

Finally, we are not unaware of the prevalence of non-Indian

crime on today's reservations which the tribes forcefully argue requires the ability to try non-Indians.

But these are considerations for Congress to weigh in deciding whether Indian tribes should finally be authorized to try non-Indians. They have little relevance to the principles which lead us to conclude that Indian tribes do not have inherent jurisdiction to try and punish non-Indians.

Gerard Disappointed By Supreme Court Ruling

Interior's Assistant Secretary for Indian Affairs Forrest J. Gerard said last week that he was disappointed by the United States Supreme Court ruling that Indian tribes do not have criminal jurisdiction over non-Indians on reservations.

He said that he thought the decision would inhibit the development of tribal self-government and the maintenance of criminal justice systems on the reservations.

Gerard also said that he did not believe that the decision applied to matters of civil jurisdiction. In a memorandum to Bureau of Indian Affairs field officers, Gerard wrote: "The Supreme Court did not consider or decide the issue of whether

tribal courts may exercise civil jurisdiction over non-Indians. Your decision on approval of ordinances or resolutions asserting only civil jurisdiction over non-Indians should not be affected by this decision."

With the development of Indian self-determination as a national policy, a number of the tribes have asserted the need and the right to exercise criminal jurisdiction over non-Indians on the reservations. The Oliphant decision denies this right. (See main article on page 1)

Gerard said that he would continue to work with the tribes, other Federal agencies, and state and local governments to try to provide full protection against crime for all persons on the reservations.

Oliphant Decision- The Sovereignty Issue

"The Supreme Court dealt only with the issue of tribal criminal jurisdiction over non-Indians — not considering questions of civil jurisdiction," said Forrest Gerard in a memorandum prepared with the help of Associate Solicitor for Indian Affairs, Tom Fredericks.

Nonetheless, the decision will raise questions on civil jurisdiction and the whole matter of Indian tribal sovereignty. The common understanding of Indian sovereignty has been that the tribes retained all sovereign powers not specifically removed or limited by treaties or Congressional Act.

The Oliphant decision, however, seems to add another restriction when it says: But the tribes' retained powers are not

such that they are limited only by specific restrictions in treaties or Congressional enactments.

As the Court of Appeals recognized, Indian tribes are proscribed from exercising both those powers of autonomous states that are expressly terminated by Congress and those powers "inconsistent with their status."

Cal Noel, quoted by UPI as an NCAI spokesman, took the "whistling by the graveyard" approach. He asserted that Indian nations have sovereign rights, despite the court's ruling. He said the ruling "applies only to one treaty, one tribe and one reservation."

(Thanks to Vince Lovett of Indian News Notes for much of the above information)

Tribal Council Agenda

Mar 27 - Tribal Council Meeting, 9:00 a.m.

1. Unfinished Business
2. 10:00 a.m. - Hildress Vanegas, NAIWA
3. 11:30 a.m. - Mormon Church
4. 1:30 p.m. - General Manager Report
5. 3:00 p.m. - Bear Springs Agreement Celilo-Wy'am Board

Mar 28 - Tribal Council Meeting, 9:00 a.m.

1. Master Health Plan
- Orientation on new rules and regulations

Portland Area Health Bd
H&W Committee-Planners

Mar 29 - Tribal Council Meeting, 9:00 a.m.

1. Management Reports

It's Not Nice to Fool Mother Nature . . . Nature's Way of Showing

Sometimes humans can do more harm by altering the Natural habitation of the earth's surface especially the Natural Stream beds that flow through the valley's.

Take for instance the Shitike Creek. It once went flowing lazily through the community of Warm Springs never doing much harm to anything, just winding its way toward the sea.

Even during the rainy and snow season as all streams rise over the banks, this still didn't do any damage or destruction that would cause any alarm. Even though the stream would overflow, there was a buffer system from the 's' formation or pattern of the stream. This acted as a buffer not giving the high water any force to do any damage.

Well, here comes man with bulldozers and bright ideas to straighten out the channel of the stream, making it look nice while the stream is at it's low flow.

The rains come and next the snow melts, both joining forces causing the stream to rise. And with all that force behind, it reaches the straight channel through Warm Springs. With such force there is no way anything can stop the raging waters from the destruction to follow. Homes, bridges, roads and other community facilities are in danger or disaster.

What now? In the past, major floods took, at least one life, homes, roads, bridges and things that shouldn't have happened if the stream flow had been left as nature meant it to

Rides should be posted

All cattle and horse rides should be posted in three public places at least 10 days in advance. This procedure, specified in Tribal Ordinances No. 16 and 43, is a courtesy to those livestock owners who may be running cattle and horses in the same district.

Forms may be picked up at the Natural Resources Department in the Old Agency Building, 8-5:00 p.m. daily.

To Anyone Interested

We will be in need of a baby sitter one of these days when the woods open up. We have two girls, one is 4 and one is 9 months.

It would be perfect if someone could come to our home, but we will be more than willing to bring them to yours. Our oldest is in HeadStart, so transportation to school everyday will be needed.

If you can help us, please call me at the Spilyay Tymoo, 553-1644 or at home, 553-1610.

Thank you.
Donna Behrend

A SPECIAL THANKS TO ALL OF YOU

For all you nice people-
A brief "Thank You" note
But the warmest, in fact
Anyone ever wrote
To say once again
What has always been true-
It's wonderful knowing
Nice people like you!
THANKS AGAIN

George Clements Jr. & Family
Hazel Suppah Family

Happy Birthday to Josephine Henry whose special day was March 23 — from her nieces and her sister.

TO THE EDITOR

Dear Sir,

If you would like to use this in your paper, it would please me very much. I knew Flora for

a good many years, and will miss her more than words can tell.

Thank you,
Red De Mars

A Legend In Her Own Time . . .

*Forever we'll mourn this Chief's Widow's passing.
Both Indians and whites for her funeral were
massing.*

*Flora Thompson was her name.
But we called her Grandma, just the same.*

*To the Great Chief Tommie, she was married.
And after his death, his work she carried.*

*Fighting for her people's rights.
This she did, both days and nights.*

*The Great Spirit felt he needed her above.
So, with her parting, she left us with a
memory of her love.*

*Being of the Warm Springs Tribe, by birth,
She chose to return there, with her mother earth.*

*Sleep well, my friend, this is not the end.
For those who believe, it is only the beginning.*

By Red De Mars

TOE NESS

It is said that the only person who listens to both sides of a family argument is an innocent by-stander. "YIKES"

SS SS SS

There were these two guys discussing their financial situation. The first guy asks the second, "How do you manage to save money?" The second guy said, "I don't because my neighbors keep on buying thing I can't really afford." "YIKES"

SS SS SS

A guy said that he saw this sign on a busy freeway and the sign read: Any driver who has one for the road has a State trooper for a chaser. "YIKES"

SS SS SS

There was this fisherman who radioed his wife and said you don't have to wait for the Shrimp boats because I'm coming home with Crabs. "YIKES"

There were these guys having their regular meeting banquet and discussing their jobs and stuff like that. Leon asks, "Would you pass the nuts Professor?" The Professor looks at Leon and said, "Yes, but I should flunk them." "YIKES"

SS SS SS

Al and Jim came in off the Kah-Nee-Ta golf course after a round of nine holes one day.

Ray asks, "How was your day?" Terrible said Jim, because Al here invited a guest from Oklahoma and he died of a heart attack on the first "Tee", and after that it was hit a shot and drag his friend, hit a shot and drag his friend." "YIKES"

SS SS SS

Sandra said, "My salary is okay, it's the take-home pay that I can't live on."

SS SS SS

There are some men that have the idea of charity and that is to give unto others the advice he can't use himself. "YIKES"