

Don't forget  
Mother's Day



# Spilyay Tymoo

Coyote News

25¢



Zane and Norma Jackson's yard by the Deschutes River was bursting with pink crabapple blossoms, tulips and sunshine as spring muscled its way into Central Oregon despite chilly nights and cool rainy days.  
CDS Photo

## No Void In Criminal Jurisdiction Solicitor Issues Opinion On Oliphant Ruling

A recent Supreme Court decision that Indian tribes have no inherent criminal jurisdiction over non-Indians does not leave a void in criminal law enforcement on reservations, Interior Department Solicitor Leo M. Krulitz said in an opinion released April 12.

"The purpose of the opinion is to emphasize that the Supreme Court decision in *Oliphant v. Suquamish Indian Tribe* — while very explicit in the narrow area it covers — does not call into question other clearly established principles of law regarding Indians," Krulitz said. "We do not have to ask ourselves, 'If tribes have no criminal jurisdiction over non-Indians for acts committed on reservations, who does?' The answer is clear and unchanged: the federal government does."

Krulitz said the Supreme Court has reiterated the conclusion that the United States has jurisdiction over crimes committed by non-Indians against Indians or their property. That jurisdiction is exclusive,

Krulitz said, citing a 1946 Supreme Court ruling that, while state courts may have jurisdiction over offenses committed by non-Indians against non-Indians, the laws and courts of the U.S. have jurisdiction over offenses against Indians by non-Indians.

As recently as 1976, the Solicitor said, a federal appellate court held that offenses committed by non-Indians against Indians may not be prosecuted under state law.

"Except where a state has acquired, by Act of Congress, jurisdiction over Indian country within its borders, Bureau of Indian Affairs police and tribal police commissioned by the federal government may arrest non-Indians for offenses committed against Indians or their property in Indian country," said Krulitz.

"We are not merely talking about specific offenses described in federal statutes, either. Under the Assimilative Crimes Act, state laws are often adopted as federal law for federal enclaves. Offenses under these laws are

punishable according to the law of the state in which the enclave is located."

Krulitz pointed out that prosecution for such crimes must be by the Department of Justice before a federal district court judge or a federal magistrate. He advised the Bureau of Indian Affairs to work closely with the Justice Department to set up procedures to ensure cooperation.

Here are other major points in the opinion:

— BIA or tribal police who carry state commissions may also arrest non-Indians for violations of state law, even when no Indians or Indian property is involved. Non-Indians arrested for those crimes may be tried only in state courts.

— The U.S. continues to have jurisdiction over Indians and non-Indians alike who violate federal laws applying across the nation or who violate substantive criminal laws applicable only to Indian country, such as Indian liquor laws or bans on hunting or fishing on Indian lands without permission.

## Unity Sought At First NATRO Conference

"Remember we have all suffered injustices and much of these have come about because we have never been United."

Seeking to correct this historical problem, representatives of 200 tribes from the U.S. and Canada attempted to map out strategies to combat non-Indian backlash when they gathered at Window Rock, Arizona April 12-14 for the first Native American Treaties and Rights Organization conference.

Hosted by the Navajo Nation and funded by donations from the participating tribes, the conference produced a number of recommendations none of which were finalized for lack of a chartered body to approve or implement them. Representatives were asked to take the suggestions of eight task forces

back to their tribes for discussion and ratification.

Three members of the Warm Springs Tribal Council returned with sheafs of strategy ideas which they hope will be addressed at the next meeting of the Affiliated Tribes of Northwest Indians.

The first recommendation was that a new organization not be created but that NATRO function as an arm of existing Indian groups, namely the National Congress of American Indians and the National Tribal Chairmen's Association.

Warm Springs Chairman Eugene Greene expressed disappointment over the absence of any reference to accountability for the thousands of dollars pledged by Indian tribes last November to fight backlash. Warm Springs promised \$10,000 for the effort but stressed the need for accountability in the use of the funds.

Peter MacDonald, chairman of the Navajo Tribe, likened the unique multi-national Indian council to the banding together of tribes for the Battle of Little Big Horn, but also saw the conference as "a chance for communication between the Indian world and the white world." The outside press was invited and turned out in force, but the Indian press was noticeably absent at the event.

A task force on public relations stressed the need for accurate information about Indians

to counteract the unfavorable attitudes, legislation and court decisions that have plagued Indians recently. But first tribes must support their own media and consolidate information on the homefront, it was noted.

Other task forces addressed the issues of self-determination, treaty rights, economic and resource development and federal-Indian trust relations.

Urging a "pan-Indian" effort to assert human rights, participant Russell Means said tribes should "decolonize" and strive for international recognition of their people and predicament. A more conservative approach was taken by the task force on legislation strategy, which outlined a lobbying model based on forming alliances, assessing politicians and holding them to their campaign promises and creating a clearing-house of issues affecting Indians.

The expressed task of finding allies, presenting an image of positive unity and improving communication with anti-Indian factions knit the more than 800 tribal representatives together but no specific strategy was adopted.

However, ten Indian organ-

izations were voted onto a future NATRO board and the initial conference may have created momentum for the attainment of the unity sought by Indian tribes.

"We must unite to fight for rights and resources" was NATRO's motto — and the campaign is on.

## Fishing Season Opens Saturday

Well, anglers, get your poles and reels ready for the official opening day of fishing season which is tomorrow, April 22.

Reservation regulations were distributed early in the week and should be obtained when fishing permits are purchased. Rules and regulations are similar to last year's, but should be carefully read so that no misunderstandings occur.

It has come to the attention of the Natural Resources Department that tribal members with property adjacent to the Warm Springs and Deschutes rivers have been allowing outsiders to fish on their property. This is a federal violation and results in a \$40 fine.

Happy fishing and hope the "big one" doesn't get away this year.

## Brand Registration Deadline Changed

The deadline for registering new or changed brands has been extended to April 28, according to Gordon Scott of the Natural Resources Department. The deadline was previously set for March 31.

All brands which are not registered with the Tribes or the State must be brought to the Natural Resources Department. This would include any brands that have changed or have been

transferred to new owners.

The brand and its position, along with the owner's name and address and the district in which the livestock will be run, should be brought in or sent to the Natural Resources Department as soon as possible for registration.

The reason for making April 28 the deadline for brand registration is that the Natural Resource Department will, on May

1, be putting them in alphabetical order and setting up a new brand book.

Along with the brand and its position, the ear mark should also be brought in. Also, health certificates and brand inspection forms required by the State for livestock purchased off the reservation or brought onto the reservation must be filled out and turned into the Natural Resource Department as soon after purchase as possible.

WEATHER			
APRIL	HI	LOW	PREC.
7	58	31	
8	58	30	
9	73	27	
10	81	33	
11	58	35	
12	60	24	
13	58	28	
14	56	34	
15	60	39	.18
16	54	38	
17	55	32	.01
18	66	39	
19	62	36	.06
20	56	30	.05