

Budget '79

Stressing Accountability and Planning

by Sandy Rangila

In response to increasing community needs and Tribal Council concern, the Municipal Branch has been involved in a large scale coordinated effort to provide better programs and improved community services for the Tribes.

The intent, as reflected in the 1979 objectives, is to provide better quality services through more effective programs with an emphasis upon accountability and professionalism. More community involvement and input is another area the Municipal Branch is beginning to embark upon.

Municipal Branch Manager Rudy Clements observed that in previous years, it was basically a matter of maintaining programs on a year-to-year basis, presenting the same thing to Council with no real accountability or method of measuring the effectiveness of those programs.

With more attention being directed to human needs and the manner in which service programs relate to the community, the municipal branch has been undergoing some major changes in philosophy as well as manpower. Three new programs and 18 positions have been added, 10.5 of these positions to the police department.

In terms of requested dollars, the largest proposed in-

crease is in the police department and juvenile services budget. The overall budget increase requested by the municipal branch is 41 per cent.

(For focus on Police and Juvenile, see next issue)

New Programs

New to the municipal branch is the creation of a tribal prosecutor's office, the movement of the two tribal court advocates from the Tribal Court to the Municipal Branch, and the addition of the Culture and Heritage program.

Prosecutor Brenda Lee works closely with the police department as prosecutor, she represents the Confederated Tribes in all criminal cases heard in the Tribal court.

Until the 1979 budget is in effect, her salary is being paid primarily by funds from the American Indian Lawyers Training Program.

Advocates John Allen and Daisy Ike were placed outside the Tribal Court into the Municipal Branch since they are officers of the court but not personnel of the court.

"For the benefit of individuals facing the court, there was a need for a more strengthened adversary role that advocates have to fulfill," said Clements. He explained that since the police department and the Tribal

seasons were left open — in the name of preservation of the anadromous fish runs.

U.S. v. Oregon was continued and Judge Belloni still has jurisdiction over the commercial fishery in the Columbia River. There have been numerous amendments to his 1969 judgment in the form of injunctions and restraining orders, as fishermen and officials were spending more time in the courtroom than on the river and in their offices.

In 1974 Belloni further defined his term "fair share" by assigning a 50-50 formula to the Indian and non-Indian catches. This ruling echoed District Judge George Boldt's landmark U.S. v. Washington decision, where he asserted that Indians were entitled to 50 per cent of the catch in the State of Washington. This very literal interpretation of the treaties' "in common with citizens" provisions has been an extremely unpopular decision among the non-Indian commercial and sports fishermen who greatly outnumber the Indians.

The need for more specific guidelines became increasingly evident in Oregon. Belloni had ordered the state to come up with a set of regulations to administer his 50-50 ruling, but nothing was forthcoming. After the heated courtroom battles of the summer of 1976, the judge placed the burden on the four treaty tribes to come up with a fishery plan. The result was a comprehensive management plan for the Columbia River fishery, drafted by attorneys for the Warm Springs confederated Tribes. This plan is a 60-40 formula for the allocation of spring and fall

Court work closely together, the relationship of the advocates to the Tribal Court had to be changed for the sake of credibility and in the interest of the clients.

The Culture and Heritage program has been transferred to the Municipal Branch, and Clements revealed that, in addition, the Council has approved the concept of a Culture and Heritage Board. The responsibility of the board, yet to be selected, will be to review anything being documented about the Tribes. "It will act as a sanctioning or validating board," Clements explained.

A New Look At Old Problems

Clements would like to see an increased effort in more family-oriented programs. "A lot of programs tend to isolate out some responsibilities that ought to be family responsibilities," he maintains.

"Programs have had a tendency to do things for, contributing to the weakening of the family." He wants to emphasize through Municipal Branch programs strong, independent, competent families, "We need a more cooperative effort in working with families as a total unit more than we have." Clements stresses the positive and preventative approach so people won't have to utilize the services of the Health Branch so much.

Clements feels there is an element of conditioning which has taken hold as a result of programs delivered over the years. "There is an expectation to have things done for you."

Instead, Clements advocates support to help resolve family problems so they don't get out of hand. "One must learn to cope with those yourself in order to strengthen self and family."

He relates that premise to a Municipal Branch objective — staff development. Each department will do an introspective analysis of staff needs, identifying barriers to a sound, independent program and individual development.

Once the barriers are identified, ways to overcome the barriers can be developed. Then, it will be possible for the program to develop a direction which might best benefit the community. "Hopefully, that spirit of strength will be transferred in how it relates to the community," says Clements.

"High staff turnover forced us to take a look at the problem of staff development," said Clements. And he notes that there are still areas to be improved in that respect.

"People have been placed in positions who need on-the-job training. When attention is paid to individual problems, morale is better and there is a lot less turnover, generally," observes Clements.

Long Term Problems

There is a great deal of concern in the area of education and the Municipal Branch would like to see better results from their education programs.

"We're not happy with the situation as it is, now. Attendance, grades, dropouts are heavy problems. The results of a community Needs Assessment are forthcoming, and may help shed some light, offering possible solutions in this area."

In the area of Natural Resources, joint planning and a coordinated effort is a very high priority. "Right now there is no real mechanism to do that," says Clements. "We have to come up with a comprehensive natural resources preservation and de-

velopment plan on a coordinated basis." Forestry practices, the McQuinn Strip, water and range all have to be carefully evaluated.

In The Works

Planned for completion in 1980, the proposed Community Learning Center will house Day-care, HeadStart, Adult Education, the Education Department, Culture and Heritage, Library, and perhaps a media center. The site is now under consideration.

Such a facility would open up the community center to more activities for the whole community, providing social enrichment and a less restricted activity area, according to Clements.

Another proposed facility affecting the Municipal Branch is the New Comprehensive Criminal Justice Center. If construction begins in the spring of 1979 as planned, the probable completion date would be in mid-1980.

This facility would help bring the Tribes in compliance with the Indian Civil Rights Act of 1968, and provide a safer environment for those being detained as well as for the staff.

The public would also have a separate entrance through which they could come and go while conducting other business.

In Summary . . .

The increased dollar amount requested in the Municipal Branch budget represents some new tribal priorities in the area of community services, according to management.

Community and council concern for improved and expanded services has required very careful planning and review with the program heads, Branch Manager, General Manager, and the Tribal Council. "We had to do only a minimum of rejecting because of this effort," said Clements.

Treaty, Cont'd

that the treaty was "not a grant of rights to the Indians, but a grant of rights from them, a reservation of those not granted." This is the context within which treaty rights are viewed today.

Since that time the Columbia River has continued to be the site of conflicts between Indian and non-Indian fishermen, and between tribes and the states of Oregon and Washington.

The matter of regulating the commercial fishery seemed to be resolved in 1969 with Federal District Judge Robert Belloni's opinion in U.S. v. Oregon. Belloni stated, "The phrase 'the right to fish at all usual and accustomed places' may not be qualified by the State. I interpret this to mean that the State cannot so manage the fishery that no fish remain in the upper regions of the stream where the historic Indian places are mostly located."

The means by which the Indians fish cannot be regulated by the state except for conservation purposes, Belloni also ruled.

Treaty Indians have an "absolute right" to a fishery and they are entitled to a "Fair share of the fish produced by the Columbia River system," said Belloni.

It seemed clear that the state of Oregon was to deal with the Indian fishery as distinct from the fishing of others and to ensure the opportunity of Indians to a fair and equitable share of the fish.

But the subsequent years found the Indian fishery continually subject to closures while other sports and commercial

fishermen, to be computed after a fixed escapement for upriver spawning.

U.S. v. Oregon is still a live case, Belloni having exercised his authority just this week in the closure of the lower river gillnetters season (see story page 1). But with participation of the treaty tribes in planning and management (through the Columbia River Inter-tribal Fish Commission) it is hoped that fewer court hearings will be necessary.

tribes, worsening as the river becomes more crowded.

Despite the treaty's provision for "erecting suitable houses for curing," Ordinance No. 38 prohibits the building of permanent structures at fishing sites, except for scaffolds.

According to No. 38 and the Wildlife Ordinance (No. 50), every fisherman and hunter must carry tribal identification at all times, to be shown on demand to any federal, state, or tribal officer.

Seasons for hunting and fishing are set by the Tribal Fish and Wildlife Committee. In the case of hunting and commercial fishing off the reservation, the Committee acts in accordance with state law.

The Tribes and the state cooperate on monitoring salmon and steelhead catches for the purpose of enforcing limits, estimating run size and gathering biological data. For everything but commercial fishing, records are voluntarily turned over to the Fish and Wildlife Committee. The commercial catch is monitored by state officials right at the buying stations along the Columbia.

No ordinance exists for wild food gathering off the reservation but the treaty reserves the rights on "unclaimed lands." Permission from property owners is required if tribal members wish to have access to private lands. BLM land is open to root diggers and National Forests are open to huckleberry pickers.

Although there exists the right to graze livestock off the reservation, to Gene Greene's knowledge this right is not exercised.

THE END OF ARTICLE 1

The rather confusing provisions that follow the fishing and hunting section and bring the long first article of the treaty to an end, refers to payments for the ceded land. If any bands of Indians did not sign the treaty then those who did would still receive their portion of the payments, which are outlined in the next article.

The treaty also states that any Indians having to abandon improvements made, would be compensated for their loss or have equivalent improvements made on the reservation.

It is not known whether such compensation was ever made. Said Wallulatum with a shrug, "I doubt if they were made."

NEXT: Dollars, Services, and Goods Promised by Treaty-Makers

REFERENCES, PART 4

American Friends Service Committee, Uncommon Controversy, 1970.
 Minutes of the Treaty Council U.S. v. Oregon and Sohapp v. Washington, prepared by attorneys for intervenor Confederated Tribes of Warm Springs William Veeder, "Columbia River Basin Indian Winters' Doctrine Rights to the Use of Water," 1967.
 Tribal Ordinances No. 38 and No. 50
 Nelson Wallulatum, Wasco Chief Harold Culpus, Fish and Wildlife Committee Chairman
 Gene Greene, Natural Resources Director
 Atty. Dennis Karnopp