

Rights, Survival and Unity

Indian News Notes

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into our own little worlds while decisions are being made for us somewhere else," said Jim. He called for the recognition and upholding of rights, the struggle for survival and the banding together for common causes. "If we can show that we're united," he said, "everything else will fall into place."

Bearhead Swaney of the Flathead (Montana) Tribe predicted doom if the tribes do not unite. "We will lose everything that we have . . . in the year 2000 they'll be saying 'The Sho-Bans once lived here' . . . because we are not willing to make a commitment to tribes and resources. And the most important resource is people."

"Unity and survival are no longer catch phrases," he continued. "Unity and survival are a must because the 'final solution' of Indians is at hand."

Four Warm Springs Tribal Councilmen, keeping their usual low profile, listened in on thirteen panel discussions and offered one resolution for consideration. For their behind the scenes work, Amos Simtustus and Uren

Leonard earned themselves permanent seats on the Resolutions Committee.

Dialogue was encouraged among the many parties having a hand in the future of the Northwest tribes, including non-Indians representing groups often at odds with the Indians' assertion of rights. A county commissioner, a governor's assistant, and an Interstate Congress of Equal Rights and Responsibilities (ICERR) sympathizer accepted invitations to share their views on issues confronting Indian tribes.

While the spectre of low public opinion focused delegates' attention on improving relations with other governing bodies, many panels addressed the internal challenges of developing resources and beefing up human services on the reservation. It was readily acknowledged by many participants that without a developed land base and skilled membership, the fight for treaty rights is lost.

Outside the dome room, there was much to capture the interest of conferees. Controversial Interior Department Solicitor

Leo Krulitz spoke at the banquet on the final evening of the conference, fielding numerous questions about the department's fulfillment of its trust responsibility to Indian tribes.

Each day during lunch, speakers addressed national concerns such as programs for aging Indians and problems with the National Tribal Chairmen's Association and National Congress of American Indians. Also during lunch, films about Indian culture were shown and people were invited to visit the adjoining museum and learning center where displays and videotapes offered glimpses into Ft. Hall life.

Conference participants were given a tour of the reservation and invited to join in local activities, including a basketball game and a powwow.

Because of the success of the reservation location of their spring conference, the Affiliated Tribes plan to hold their annual meeting on a reservation. Delegates voted to convene at Kah-Nee-Ta on the Warm Springs, Reservation August 26-28, 1979.

More on ATNI . . . See pp. 6-7

ATNI Close-up

Self-Helps Focus Of Health Concerns

Legislation encouraging self-determination in the delivery of health services to Indians (P.L. 94-437) has riveted attention on the area health boards and the needs of local service units. Eight of the eighteen resolutions passed by delegates to the Affiliated Tribes spring conference were health-related.

Rick Nordaal of the National Indian Health Board in Denver summed up the concern by saying, "In order to have a strong tribe, you need healthy members."

Nordaal looked to increased tribal control of health programs, with long range planning as the key to continued development. The Tribal Specific Health Plans mandated by P.L. 94-437 should be "ongoing tools that increase in value" as time passes. They can be used not only to identify needs and design programs but also as the basis for funding proposals and reporting progress.

If 437 is not implemented, state Health System Agencies can step in and "compromise tribal sovereignty," warned Nordaal.

Tribal Specific Health Plans for tribes, urban groups and service units are being gathered at area offices and combined into area plans.

The day before the Affiliated

Tribes began meeting, a blow was dealt to Indian area health boards and the effectiveness of P.L. 95-626, which requires a survey of Indian Health needs and services, reported Violet Hillaire of the Northwest Portland Area Indian Health Board. At a National conference of health boards in Albuquerque April 4, a report entitled "Health Care Needs of American Indians and Alaskan Natives" was delivered by the Office of Research Development.

The document contains gross inaccuracies, said Hillaire, and was not condoned by the health boards. Population figures and service statistics were incorrect and did not agree with information supplied by area offices of the Indian Health Service.

Because of their non-acceptance, the health boards were given an extension for responding formally and by April 18 must correct the inaccuracies. A final report on Indian health needs is due by June 30, said Hillaire. Delegates to the Affiliated Tribes conference were given population figures to look over and revise as necessary as a step toward the accurate completion of the report.

In related discussion, the welfare of Indian children was examined in light of new legislation regulating adoption and

foster placement. The 1978 Indian Child Welfare Act brings responsibility for placement decisions back to tribal courts, guarantees that Indian families will be given priority over non-Indians as placements, and provides funds for improving tribal child welfare programs.

Some concerns remain, as evidenced by a joint statement prepared by several Sho-Ban programs and delivered at the conference by chief judge Genny Edmo. Among these concerns are possible conflicts between tribal and state courts, the disbursement of funds, definitions of such terms as "unmarried person" and "qualified expert witness."

Special health presentations were made at the conference by Bernadine Ricker of the Region X Child Abuse and Neglect Advisory Council who described available resources, and John Mackay, of the Portland Area I.H.S., who said that underfunding was preventing the I.H.S. from tackling more than the symptoms of alcoholism. Larry Curley of the National Indian Council on Aging made a luncheon presentation on efforts to implement the new Title VI of the 1965 Older Americans Act, which addresses specific Indian needs.

by Vince Lovett
of The Bureau of Indian Affairs

PUYALLUPS APPROVE GAMBLING CASINO ORDINANCE:

According to the Indian Voice, published by the Small Tribes Organization of Western Washington, casino-style gambling on the reservation was given an affirmative vote March 10 in an election held at the Puyallup Reservation in Tacoma. Unofficial returns showed 134 in favor and 89 opposed.

The paper's report said that the "Nevada-style gambling ordinances had already been submitted to the Department of the Interior for a review." It attributed the U.S. Attorney Chris McKenna a statement that approval "by the feds could eventuate in a precedent allowing nation-wide gambling on trust lands, regardless of state or local laws to the contrary."

A tribal spokesman said that gambling could begin late this summer. The BIA's Judicial Services Officer in Washington, D.C. said that the ordinance had not been submitted to the Department for approval, but only discussed informally with the Solicitor's staff. The Solicitor's Office said that a tribal attorney was told that the Assimilative Crimes Act would prevent professional gambling on the reservation as long as the State law forbade such gambling.

COURT RULES FOR SEPARATION OF POWERS IN TRIBAL GOVERNMENTS:

An appeals court consisting of two Indian tribal court judges and a North Dakota county judge has ruled that there must be a separation of powers within a tribal government. Specifically the court ruled that a tribal council cannot sit as its own judge to determine that it gave due process to an employee in a dismissal action. The ruling, according to a report in the Bismarck Tribune, upheld a lower tribal court ruling ordering the Turtle Mountain Chippewa Tribe to reinstate Clifford Parisien, with back pay, to his job as tribal planner.

Parisien's lawyer, Dave Garcia described the ruling as "a landmark decision in Indian tribal law because it points out the separation between breaches." Garcia said that the tribal council has the power to appoint judges and that in the past the council has removed judges when they were displeased with them. He said: "What's happened here is that Judge Frederick :Turtle Lake tribal judge; has shown them he will not be intimidated." Garcia claimed that the practice of tribal councils controlling tribal judges was "pretty universal."

CIVIL RIGHTS COMMISSION HEARS TESTIMONY ON INDIAN AFFAIRS:

The United States Commission on Civil Rights had two days of hearings on Indian Affairs, March 19-20 in Washington, D.C. They scheduled an impressive array of witnesses. Sam Deloria of the American Indian Law Center at the University of New Mexico and Robert Pelcyger of the Native American Rights Fund were asked to give a legal and political overview.

Among other things, Deloria spoke in opposition to the establishment of an Indian Trust Counsel Authority to replace tribal representation by the Justice Department. Listed on the schedule as "Grassroots Indians" were Ted Means, Oglala Sioux; Wendell Chino, Mescalero Apache; Barbara Namias, American Friends Service Committee and Clyde Bellecourt, Chippewa. Chino said that he thought the Oliphant decision created a law enforcement vacuum and an unconstitutional situation.

There were four speakers from State Advisory Committees, including Harriet Skye from North Dakota and Willie Hepsley from Alaska. Hensley said that the Civil Rights Commission was not servicing Alaska, that affirmative action programs were simply ignored in the state. James Schermerhorn, one of two speakers from the Civil Rights Division of the Justice Department, said that the Office of Indian Rights was established because Indian needs were not being addressed.

Other first-day speakers included Richard Reid, President of the Interstate Congress for Equal Rights and Responsibilities; Veronica Murdock, NCAI President; Kenneth Black, Executive Director of the National Tribal Chairmen's Association; Sue Gould from the National Conference of State Legislatures; a representative of the National Association of Counties and Joe DeLaCruz as President of Quinault Tribe.

DeLaCruz said that the checker-board ownership of reservation land by non-Indians, which caused many of the jurisdictional problems, should be corrected by the United States buying the land back from the non-Indians at fair market value and restoring it to the tribes. Interior Assistant Secretary Forrest Gerard was the last speaker of the first day. Second-day speakers, all lawyers and law enforcement types, included Tom Fredericks, Associate Solicitor for Indian Affairs and Interior Solicitor Leo Krulitz.

TOE NESS

THERE WAS THIS POLACK visiting there in Warm Springs and one day he met "8 Ball." Later on they went to a pool hall for a friendly game of pool. The Polack said, "I really don't understand the game." At that moment another guy steps up and said, "You have your choice of either knocking all solids or striped balls into the pockets and when you get all the balls in the pockets, you select one of the pockets and knock "8 BALL" in that pocket." The Polack paused for a while and finally said, "Gee, I'd hate to do that to "8 Ball" because I've just met him and besides will he fit?" YIKES

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THERE WAS THIS BOSS who took his lovely secretary to a large convention. Everything was all set except for one thing, when they arrived they discovered the reservations clerk had reserved only one room by mistake and at that time there were no more rooms available anywhere. So they decided to take the room since it had two beds. Late that night the boss heard his secretary say, "Dave dear, would you open the window?" The boss answered, "First Jane, how would you like to play the role of my Mrs. while we are here?" Jane said, "I'd love to." The boss, "Okay, open the damn window yourself." YIKES

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Spilyay Tymoo is Published Bi-Weekly by the Confederated Tribes of Warm Springs.