

Smith rejects counsel

This article appeared in the January 31, 1980 issue of *The Bend Bulletin* and was written by Bob Pratte.

A 24-year-old Warm Springs man charged with murder refused the services of "two of the best attorneys in Central Oregon" Thursday January 31 in Deschutes County Circuit Court.

Vernon E. Smith, a member of the Confederated Tribes of Warm Springs, told Judge Walt Edmonds that he didn't want to be represented by Warren West or Tom Howes, two court-appointed attorneys from Bend.

Smith is charged with the November 26 stabbing death of James "Eddie" Middleton at a Madras bar.

Smith refused to leave his Deschutes County Jail cell January 31. Edmonds ordered him brought to court handcuffed.

"I'm not going to appoint other counsel unless you can show these fellows haven't been doing their job," said Edmonds. "This is a serious case. You could be executed. I've appointed two of the best attorneys in Central Oregon. I would like you to have

counsel."

West and Howes attempted to discuss the case with Smith on three occasions, according to West.

"We were not able to establish the rapport and trust with him," West said. "Because of our inability to talk to him, we would like to be withdrawn as counsel."

Edmonds, changed Smith's trial from February 12 to April 1. He said Smith would have to retain his own attorney, accept a court-appointed attorney or represent himself.

He said West and Howes no longer would be defense attorneys of record, but he might reappoint them later.

Smith has resisted the court proceedings since his arrest. Edmonds entered an innocent plea of for him in December because Smith had no attorney.

Howes presented motions today asking for an extension of the trial date and the deadline for filing motions. But Smith refused to have the motions entered.

Edmonds offered to provide an attorney to advise but not represent Smith, but Smith refused the offer. He said he wanted to talk to his family's

attorney, Dave Glenn of Madras.

Smith also waived his right to a bail hearing, but he did ask that his trial not be held in Central Oregon.

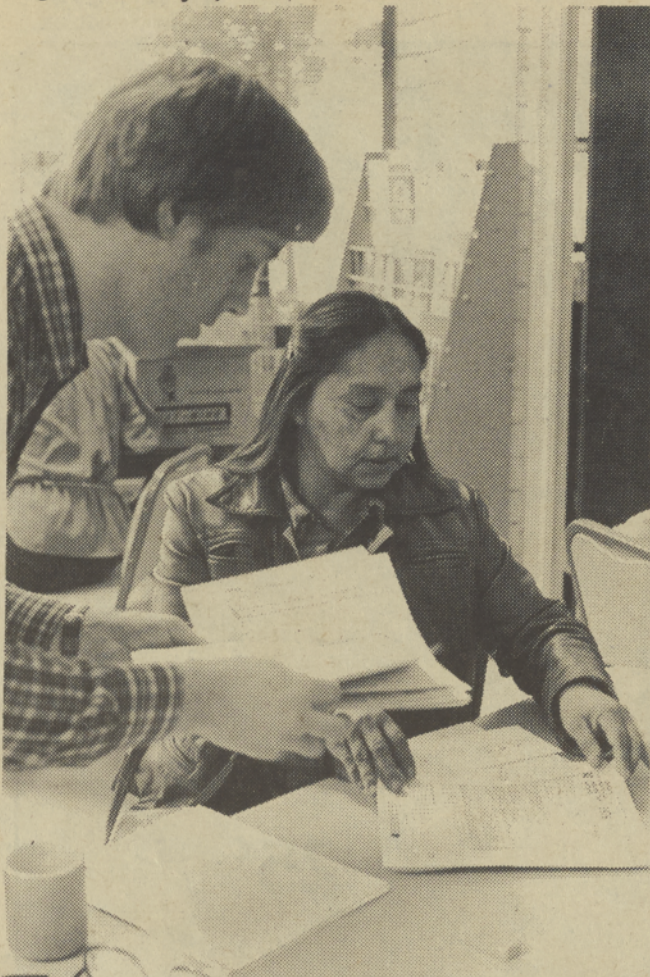
"I've heard from reliable persons that you can't stand the sight of a person with long hair in open court," Smith told Edmonds. "Speaking for myself, I feel already convicted because I'm sitting in open court in handcuffs."

"You refused to come out your cell," Edmonds sternly told Smith. "I ordered you handcuffed and forced to court. We want you in court to protect your rights. If we need leg irons and to gag you, that's what's going to happen."

Smith said Edmonds was prejudiced against him because he is an American Indian.

Smith was moved to the Oregon State Penitentiary in early January after an incident between Smith and a guard in Jefferson County Jail. Smith later was brought to the Deschutes County Jail for hearings. His trial is scheduled to be held in Madras.

Edmonds ruled that Smith will be jailed in Jefferson, Crook or Deschutes County until his trial.



Taxes Out Of The Way

Getting tax forms mailed can be a relief. Having someone else do them for you is even nicer. Karen Wallulatum, like many other, got her taxes out of the way by taking advantage of the tax help offered by the tribe. Coopers & Lybrand, a Portland tax firm, will be back again on February 21 and 22 for those who want help with their taxes.

Pelton Hearings this month

Tribal representatives as well as Portland General Electric (PGE) officials will be traveling to Washington D.C. to participate in hearings concerning the Pelton Dam rent adjustment February 19 through 22. The second week of hearings is scheduled to be held in Portland from February 26 to 29.

According to Tribal administrative branch manager Doug McClelland, each concerned party will have expert witnesses to testify before Federal Administrative Law Judge Lande. The tribal witnesses will be Jerry Dibble, Lee Warbington and Thomas

Stetson. PGE witnesses will be Robert Lee, Grieg Anderson and Elmer Moke. PGE also proposed that an additional witness be allowed.

The Federal Energy Regulatory Commission (FERC) will also have three witnesses who will be Robert Tindall, Wilbur Earley and Frank Miller. The Public Utilities Commissioner Roger Colburn has also requested to be allowed to testify on behalf of the rate payers.

Dibble says that the Tribes are taking the position that the \$94,000 annual Pelton Dam rent is "grossly behind what power values are," and that the

rate should "be raised substantially." Dibble declined to say what exact dollar amount was being asked.

In July 1977, the tribes were awarded a "major increase in the payment for the utilization of a reservation resource," for Round Butte Dam. The settlement, a 450% boost, totaled \$1,090,000.

Following the hearings, it will apparently take several months for Judge Lande to make a decision concerning the rate increase.

Community Calendar

- February 8-10 Lincoln's Birthday Powwow, Simnasho Longhouse
- February 9 Cross-Country skiing trip to Government Camp for children over 10 years old. Call Community Center for details
- February 13 North American Indian Women's Association meeting, CeCe Smith's trailer, 7-9 p.m.
- February 14 Baby Contest for newborn babies up to 1 year olds, 6:30 p.m. Community Center
- February 22 Photo Contest Deadline
- Feb. 23 - 24 Buckskin Gloves Boxing Tournament, Community Center, 2:00 p.m. Saturday, 11:00 a.m. Sunday
- February 29 & March 2 100th Birthday Celebration at Chemawa Indian School in Salem
- March 8 Second Annual Simnasho Mini-Marathon

Spilyay Tymoo

Coyote News



***** SPILYAY TYMOO STAFF *****

MANAGING EDITOR Sid Miller
ASSISTANT EDITOR Sandy Rangila
PHOTOGRAPHIC SPECIALIST/WRITER Olney Patt Jr.
REPORTER/PHOTOGRAPHERS

Donna Behrend Roger Stwyer Marsha Shewczyk
TYPESETTER Priscilla Squelphen

FOUNDED IN MARCH OF 1976

Published bi-weekly by the Confederated Tribes of the Warm Springs Reservation of Oregon. Warm Springs, Oregon 97761. Located in the Old Administration Building. Any written material to Spilyay Tymoo should be addressed to:

Spilyay Tymoo
P. O. Box 735
Warm Springs, Oregon 97761
Phone 553-1644 or 553-1161, Ext. 274
Subscription Rate \$6.00 per year



Tribes Receive Check

After a long, two year wait, the Confederated Tribes were awarded a \$5 million interest free 20-year loan from the U.S. government, January 15. The loan will be used to support the development of the upcoming reregulating project. Ken Smith along with other tribal representatives received the check from Doyce Waldrip, a former superintendent at Warm Springs. Construction will hopefully begin on the project in May, with the completion date scheduled for the end of 1981.

Spilyay Tymoo photo by McClelland