

Washington D.C. update

HEARINGS HELD

On June 4, 1980, the Senate Select Committee on Indian Affairs held hearing on S. 2767, the bill introduced by Senator Mark Hatfield to allow Indian tribes to issue per capita dividend checks to their members. Mr. Ralph Reeser, Acting Deputy Assistant Secretary for Indian Affairs in the Department of the Interior, testified on behalf of the Administration.

Mr. Mark Phillips of the Warm Springs' Washington Office presented the Confederated Tribes of Warm Springs' testimony supporting the legislation as introduced. The Bureau of Indian Affairs is in favor of the legislation, but

suggested an amendment to exempt the U.S. Government from any liability stemming from tribally issued per capita payments.

COMMITTEE ACTION

On June 25, 1980 the house Interior and Insular Affairs Committee will meet to mark-up H.R. 7267, the bill introduced by Congressman Aucoin to establish a reservation of the Confederated Tribes of Siletz Indians. -

ADMINISTRATION

On June 18, 1980, The Senate received President Carter's nomination of Thomas W. Fredericks of Colorado to be the Assistant Secretary of the Interior, who would replace Forest Gerard, who resigned.

PASSAGE

On May 30, 1980, the Senate passed S. 1181, the Tribal-State Compact Act of 1980. The bill would provide legislative authority for Indian tribes and states, counties and municipalities to enter into compacts and agreements allocating civil and criminal jurisdiction and other regulatory authority among themselves.

Presently there are uncertainties with respect to the authority of a tribe and State to enter into an agreement which involves the issue of jurisdiction. The bill was referred to the House Interior and Insular Affairs Committee on June 3rd for consideration.

SUPREME COURT RULES STATE TAXES MUST BE PAID ON RESERVATION CIGARETTE SALES:

The United States Supreme Court ruled June 10 that the State of Washington has the right to collect its cigarette and sales taxes on sales to non-Indians made at Indian reservation smoke shops. Washington State authorities had estimated that the State was losing some \$15 million annually from untaxed sales made on the reservations. The State levies a cigarette excise tax of \$1.60 a carton and a five percent sales tax on the sales of personal property. The Indian smokeships paid a tribal tax of 22.5 cents on the Yakima Reservation and 40-50 cents on other reservations, but were still able to sell the cigarettes for a bout a dollar less than their non-Indian competitors. The decision is expected to apply to Indian smokeships in other States—and will probably apply also to liquor sales. The Supreme Court ruled that the tribe may impose its own taxes on cigarette sales, but that authority does not invalidate the State taxes. The court also said that the State has the right to require the Indians to keep detailed records of tax-exempt sales and, in order to enforce its taxing authority, has the right to seize unstamped cigarettes as contraband if the tribes do not cooperate in collecting the State's taxes.

Volcanic Eruption threatens Columbia River Fishery

Testifying this month before the House Subcommittee on Fisheries and Wildlife Conservation and the Environment, the Columbia River Inter-Tribal Fish Commission recommended necessary changes for passage of enhancement legislation that would truly assist the treaty and non-treaty fishery on the Columbia River. The Subcommittee is considering H. R. 6959, legislation for the enhancement of salmon and steelhead resources in the Pacific Northwest which includes \$30 million for the Columbia River.

The Inter-Tribal Commission, composed of tribal representatives from the Umatilla, Yakima, Nez Perce and Warm Springs, Reservations, suggested that additional funds may be required to offset the damage done by the Mount St. Helens eruption. The problems of the Columbia River fishery "environmental degradation as well as the failure of overlapping jurisdictions are highlighted by the effects of the volcanic eruption," Inter-Tribes' testimony said.

Successful enhancement legislation, according to the

Inter-Tribal Commission, must address the environmental and economic problems of the fishery in a manner consistent with treaty obligation of the United States.

The Inter-tribal Commission directed the committee to make several changes that would improve the enhancement legislation. One proposal was to designate the Department of the Interior, instead of the Department of Commerce, as the head administering agency. The U.S. Fish and Wildlife Service, under the Interior Department, "has been involved with all salmon user groups including commercial, sport and Indian fishers," while Commerce's National Marine Fisheries Service is "oriented almost entirely to that of commercial marine fisheries."

The testimony of the Inter-Tribal Commission also charges the Pacific Fisheries Management Council, which is under the Department of Commerce, has failed to demonstrate its ability to coordinate enhancement objectives with harvest management. The Pacific Fisheries Management Council

"has ignored its responsibilities to insure escapement and to insure escapement and allocations to the inside fisheries. Both treaty and non-treaty fishers have had to endure drastic and in many cases, total fishery closures in order to enable sufficient fish to return to the spawning grounds to perpetuate the source, while the ocean fishers have experienced only minor season cutbacks."

The Inter-Tribal Commission also raised the issue of steelhead, calling it an "illusory problem on the Columbia River." Their testimony argues that the heart of the problem for most sports fishers is habitat degradation and ineffective and uncoordinated anadromous fish management, rather than Indian steelhead catch.

Inter-Tribes provide data that shows a steady decline of steelhead caught by the Indian fishery from 29,000 down to 6,100 in the past three years. The decline is the result of the tribes' agreement to forgo a target fishery on summer steelhead in return for certain assured harvest of other species. The tribes have kept their part of the bargain, while "state and federal regulation of the Columbia River has failed to insure our agreed-upon harvest and has, in fact, resulted in a 193,000 deficit of fall chinook."

The enhancement money proposed in H.R. 6959 can only be spent if all involved state and federal agencies and the tribes agree to a comprehensive enhancement plan. The way the legislation is now written "adverse impacts" must be avoided to insure that steelhead

NORTHWEST INDIANS OPPOSE EDUCATION CUTS CAUSED BY FORMULA FUNDING:

The Affiliated Tribes of Northwest Indians are fighting a huge budget cut for education in the Portland Area Office from some \$900,000 in this fiscal year to \$265,700 in fiscal year 1981. ATNI's education group, Advocates for Indian Education, argues that the cut flows from the formula funding process initiated under Public Law 95-561. This process emphasizes BIA school operations and does not consider the Portland Area's "use of creative, non-school programs, such as recreation or media services." The area has only one BIA school, Chemawa, an off-reservation boarding high school at Salem, Oregon. Most of the education employees in the area office and at agency or reservation level, consequently, involuntarily in programs other than BIA school operations. If the proposed funding cut goes through, it has been estimated that all but seven of 31 present positions may have to be eliminated. Earl Barlow, Director of the BIA Office of Indian Education Programs, said in a letter to the Advocates that he could not help. He wrote, "In summary, the Indian School Equalization Formula provides for uniform funding of all schools and no discretionary funds are retained for special activities must be absorbed or other funding sources obtained." The Northwest Indians are still applying pressure for the Administration to find a way to restore the funding for 1981 and to get legislation for a long-term solution. They have hired former Assistant Secretary for Indian Affairs Forrest Gerard to lobby for them.

Northwest Indian education conference

The Chemawa School Board and Siletz Tribe are cohosting the 1980 Northwest Indian Education Conference Oct. 13-16 at the Holiday Inn in Wilsonville, Oregon (10 miles South of Portland).

Please submit all inquiries or proposed workshop recommendations to Lorena Thompson, Chemawa Indian School, 3700 Hazel Green Road, Salem, OR 97303 or phone (503) 390-4125.

enhancement accrues "solely to recreational fisheries." Since steelhead migrate throughout the year (during the salmon runs), the Indian fishery would have to completely close to prevent the incidental catch of steelhead while fishing for other stocks.

"We believe that a federally-imposed standard limiting our treaty steelhead fishing amounts to an abrogation of our treaty fishing rights and we therefore strongly request that (it) be deleted from the bill," the testimony said.

Steelhead have always been as essential to the livelihood of

the Columbia River tribes as salmon. During the lean winter months, tribal members relied upon the winter run of the steelhead as their primary source of fresh food. Also a food source for the winter steelhead meat was combined with the preserved meat of spring chinook to form patties called pemicin. Steelhead not only leant subsistence support to the tribes, but also financed support through barter and trade with other tribes and whites. The treaties with Columbia River tribes affirmed their rights to take steelhead as well as salmon.

TOE NESS

Little Orville's mother enrolled her precious child at a private school and gave a list on instructions. "My son is so sensitive," she explained. "Don't punish him. Just slap the boy next to him. That will frighten Orville." YIKES

SS SS SS SS

There was this lady who asked this comedian if he got nervous before a show. He said, "That's ridiculous. I never get nervous before a show." The lady asked again if he was sure he didn't get nervous before a show. He said, "Yes." She said, "Then what are you doing here in the ladies room?" YIKES

SS SS SS SS

A guy was driving out of Las Vegas after losing money. All of a sudden out of the air, he hears a voice say: "Go back, go back." He figures this is a good omen, so he drives back, walks into the casino and hears the voice say. "Go to the roulette table and put 20 on the red." He puts \$20 on the red and loses the voice says, "How about that?" YIKES

SS SS SS SS

There was this guy who asked his wife which she'd prefer, a mink or a trip to Sweden. She said, "Let's go to Sweden. I hear the mink is cheaper there." YIKES

SS SS SS SS

Reagan is so sure of winning the presidential election that he has asked the Secret Service to install running boards on his horse. Heard on the Johnny Carson show.

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