

Tribal studies proposed for Washington schools

OLYMPIA, Wash. (AP) — An American Indian lawmaker wants the state to require tribal studies in all Washington public schools.

Rep. John McCoy, D-Tulalip, said his bill would encourage diversity and promote local history by requiring K-12 school districts to work with the state's 29 federally recognized tribes to develop such courses.

"Tribes in the state of Washington have a lot to offer and we're willing to share it," McCoy, a Tulalip tribal member, said Monday as the bill went before the House Education Committee.

McCoy's bill would require school districts to develop classes in local tribal history and culture for each grade. Schools would collaborate with the tribes with reservations inside district boundaries, or those whose traditional lands and territories fall within a 100-mile radius.

To graduate from high school, Washington students

must take at least one-and-a-half credits of state history and government — areas of study that may include information about the state's first inhabitants.

But McCoy said such coursework often contains inaccuracies, or focuses on tribes in other regions. He called Washington's American Indian population "the state's best kept secret."

Martina Whelshula said she still fields questions about teepees — a form of housing Northwest Indians didn't use — when she and her husband visit schools to perform tribal dances and share their American Indian heritage.

"It's just because of a total lack of cultural understanding," said Whelshula, a member of the Arrow Lake Nation, part of the Colville Confederated Tribes, who coordinates Gonzaga University's Indian Education Outreach Project.

Supporters also hope the bill will help curtail high dropout

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Denny Hurtado

rates among the state's more than 30,000 American Indian students.

Those students often cite a lack of connection to their classroom studies, said Marsha Wynecoop, whose daughters dropped out of school in the 7th and 8th grades, respectively.

"It has nothing to do with who they are as individuals and as a people," said Wynecoop, a member of the Spokane Tribe.

State Indian Education Director Denny Hurtado said efforts are already being made to bring American Indian culture into classrooms.

Wynecoop and Whelshula belong to the First People's Language and Culture Committee,

a group that successfully petitioned to the Legislature for certification of tribal members as language and culture experts. The three-year pilot program has certified nine people since lawmakers adopted it last year.

The state Indian-education office has developed tribal curricula for kindergarten through second grade, Hurtado said. The three units — drumming, hunting and gathering, and canoes — actually can be applied to any culture, he said.

Those courses could be expanded for use by all grades and school districts, according to Hurtado.

"This needs to happen," he said. "There's kids that live within the reservation boundaries that don't even know what tribe they belong to."

Nobody testified against the bill, though it could draw resistance from local school districts, especially since the measure doesn't include funds for the new programs.

Report details gaming fines

OKLAHOMA CITY (AP) — The National Indian Gaming Commission has assessed almost \$21 million in fines and settlements against Oklahoma's gaming tribes since 1993, according to a published report.

Many violations identified by the commission were for operating illegal gaming machines, and more than half of the fines and settlements are still due, The Oklahoman reported in a story in Sunday's editions.

Oklahoma gaming tribes have been in conflict with the federal agency over the legality of their electronic games, which look and operate like slot machines. Tribes have contended the games are a legal, souped-up version of bingo.

The agency could have far less responsibility in regulating gaming facilities operated by tribes under a proposal announced by Gov. Brad Henry last week.

It "will give legal certainty to many of the games already offered in existing casinos," Henry said.

"It's... important to point out this proposal would not bring Las Vegas-style casino gaming to Oklahoma. It would simply address the same type of games that have been played at tribal casinos across the state."

The agency's regulatory documents were provided to The Oklahoman in response to a federal Freedom of Information Act request.

Federal judge dismisses Blackfeet housing lawsuit

GREAT FALLS, Mont. (AP) — A federal judge has dismissed a lawsuit seeking repair or replacement of 203 houses on the Blackfeet Indian Reservation that residents claim made them sick.

An appeal is expected.

U.S. District Judge Sam Haddon recently granted motions to dismiss the lawsuit filed in August 2002 against the federal Department of Housing and Urban Development and the Blackfeet Housing Authority.

Martin Marceau, a lead plaintiff, said the case likely will be appealed to the 9th U.S. Circuit Court of Appeals.

Marceau and his fellow plaintiffs bought the houses, built in the late '70s and early '80s, under a rent-to-own program with the tribal housing authority.

They say their families have suffered medical problems from asthma to sinusitis because the homes were built with treated wood foundations unsuited for the area.

Moisture problems caused by the wooden foundations have exposed residents to mold, and the wood itself was treated with toxic chemicals, the plaintiffs contend.

The suit asked for unspecified monetary damages and for the homes to be repaired or replaced, an undertaking esti-

mated to cost \$30 million.

Haddon ruled that HUD can't be sued under the various laws that apply to the housing projects and the Blackfeet Housing Authority has "sovereign immunity."

He said responsibility for maintenance of the homes falls with the housing authority and the plaintiffs.

"We think he's dead wrong," said Tom Towe of Billings, attorney for the plaintiffs.

HUD had a trust responsibility to maintain the homes because it funded construction and imposed long-term rules and regulations on the project, Towe said.

At a hearing in mid-November, assistant U.S. attorney Timothy J. Cavan, who represented HUD, argued the federal agency has no authority over the sovereign Blackfeet nation and, therefore, did not force the tribal housing authority, which built the homes, to do anything.

The new ruling, filed Jan. 12 in federal court in Great Falls, suggests that the proper venue for the suit would be the Court of Claims in Washington, D.C. It typically decides contract disputes involving the federal government. Other plaintiffs named were Candice Lamott, Julie Rattler, Joseph Rattler Jr., Mary Grant, Gary Grant and Deana Mountain Chief.

Tabacco shop case appealed

PROVIDENCE, R.I. (AP) — The Narragansett Indians have filed an appeal of a federal court ruling that said the state was in the right when it shut down their tax-free tobacco store.

One of the tribe's attorneys said the appeal asks the 1st Circuit Court of Appeals in Boston to take another look at whether the state had the right to execute a search warrant on tribal lands.

"There are very important questions here of tribal sovereignty," attorney Jack Killoy said of the December ruling issued

by the U.S. District Court.

In July, the state police executed a warrant and seized the smoke shop's merchandise.

The raid turned violent when tribal police and other tribe members resisted the State Police Department's advance onto the tribe's lands in Charlestown.

The Narragansetts filed suit, claiming the state's actions violated their rights as a federally recognized tribe.

Killoy said the tribe also wants the appeals court to take another look at whether it can sell tobacco tax-free.

Lawsuit suffers major setback

KANSAS CITY, Kan. (AP) — A federal prosecutor said Kansas Attorney General Phill Kline has no jurisdiction to file lawsuits against two federal agencies and has asked that the suits be dropped.

Kline sued the National Indian Gaming Commission and the U.S. Department of the Interior last fall after the Wyandotte Tribe of Oklahoma opened a casino in downtown Kansas City, Kan., next to the

tribe's historic Huron Cemetery.

Kline accused the federal agencies of allowing the casino to open without adhering to environmental and historic preservation guidelines. He complained that state officials had not been consulted beforehand. But Eric Melgren, U.S. Attorney for the District of Kansas, said that environmental and historic preservation laws did not apply in the case and that Kline should have sued the tribe instead.

Tribe plans multibillion-dollar complex

LOS ANGELES (AP) — The Agua Caliente Band of Cabuilla Indians is seeking permission to turn a square-mile portion of downtown Palm Springs into a multibillion-dollar complex featuring high-rises, shopping malls, restaurants, a theme park and a second casino.

The controversial development plan is to be submitted Wednesday to the city planning commission.

"The city should have a great run from this plan because it's in the downtown area, and it gives the city a focus in terms of what it is we're looking for," Agua Caliente Chairman Richard Milanovich told the Los Angeles Times.

The tribe unveiled last week an initiative for the November ballot that would boost payments to the state in exchange for more gambling rights. The proposal would remove state restrictions that allow a maximum of 2,000 slot machines and two

casinos per tribe.

The 412-member Agua Caliente Band is already the only tribe in the state with two casinos, including a \$95-million downtown Palm Springs gambling palace that opened in November and one in Rancho Mirage.

"If everything in the plan manifests it will be a glory day," Palm Springs City Manager David Ready said. "If only a third of it happens, it would have a huge positive impact on the entire city."

Not everyone, however, is thrilled. Homeowners, hotel owners and others say they object to the size, design and location of the complex, which would be on a 640-acre site a short block east of Palm Canyon Drive and a mile west of the city's international airport.

Bill Gonzalez, president of the Palm Springs Allied Homeowners Assn., was among a group of residents who com-

plained to the city attorney that the project would affect property values of homes and bed-and-breakfast inns that now enjoy a measure of solitude and serene desert views.

"The attorney insisted the money generated by this project will help the city," Gonzalez said. He also said, "The tribe is a sovereign nation and there's not much we can do about it."

"But we say: 'Let's take back our city. Let's not allow the tribe to get away with this. Let's turn the tribe's power and gas off if necessary.'"

The Agua Caliente tribe defends its plan, calling it a vision for "a unique and cohesive district with its own identity, which is separate but linked to downtown Palm Springs."

The tribe compares it to Pleasure Island in Orlando, Fla., an entertainment complex that includes eight nightclubs and evening street parties set off by music and fireworks.

South Dakota to have Indian education office

SIoux FALLS, S.D. (AP) — An advisory group will meet this month to lay the groundwork for an office of Indian Education within the South Dakota Department of Education.

The 15-member group will include representatives of the nine American Indian tribes in South Dakota and state school officials, said Rick Melmer, state education secretary.

Melmer hopes to have the new office operating by summer.

The state will include Bureau of Indian Affairs schools in its planning process, even though South Dakota has no jurisdiction over those federally funded schools.

Students from those schools

often move back and forth between BIA and public schools, educators say.

"We want to try to bridge that division even though clearly we have jurisdiction over the public and not the other schools," Melmer said.

Roger Bordeaux, superintendent of Tiospa Zina School, a BIA school in Agency Village, said there hasn't been much cooperation between state and tribal schools.

"I think that it's something that's long overdue," Bordeaux said of the state's invitation to talk with tribes.

With No Child Left Behind data being broken down by race, there is more incentive to

work together because the information is reflective of each school, Bordeaux said. The 2-year-old No Child Left Behind Act requires all children to meet standards in reading and math by 2014.

BIA schools, which serve more than 7,000 students in South Dakota, collectively are the lowest-performing schools in the state on standardized tests. Scores for public schools on or near reservations historically have been lower than other public school test results, too.

Education experts say poverty is the leading cause of poor performance among children who attend BIA schools in South Dakota.

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