

Recall supporters gather at longhouse

By Selena Boise
Spilyay Tymoo

Several tribal members approached the microphone to speak about experiences in which they felt the Warm Springs Tribal Council had failed them or the tribes during a meeting at the Agency Longhouse on the Tribal Council recall petition presented by Leona Ike, Vanessa Andy, and Arlene Wewa Thurs, Aug. 11.

About 30 tribal members attended, along with two Associated Press reporters. Ike opened the meeting and read off each point of the petition.

Specific areas of the recall petition included housing, public safety, mental health, range and agriculture, and gaming off the reservation.

Regarding housing, there was mention that grant money has been mismanaged while tribal members are in need of housing and have been for years.

A non-tribal member said he reported drug trafficking at a nearby home and he was told, "Oh yeah, we know." But when someone reported that his grandson was in pos-

session of drugs, a search warrant was promptly issued and he was arrested.

A tribal member spoke about how the cattle on the reservation are not at their summer grazing areas in the timber. The question was, shouldn't they be there now, and not here eating their winter grazing?

A tribal member spoke about how he was put on administrative leave based on a rumor, then later replaced by another employee. He was never informed of the ongoing process. He received a phone call one day and was asked to come in and remove his belongings. He asked, is this proper protocol?

A tribal member got up to speak of the day the three new judges were appointed. Three of the people present spoke against the process of appointing the three new judges. It was questioned as whether all of them should be possibly recalled. Ike said, "No member of Tribal Council stopped this procedure from happening. They should all be recalled."

Petitions were available to sign at the meeting.

Secretary-Treasurer responds to petition

(Editor's note: These following observations on the recall effort are from Charles 'Jody' Calica, the tribes' secretary-treasurer.)

Tribal resolution 4229 does not provide the proper or relevant legal and policy basis for the actions being sought in the petition. It was passed in 1976 for a very specific and unrelated matter.

Even if Resolution 4729 were the proper basis, the petitioners have purposely bypassed the Tribal Council in directing the matter to the Agency superintendent.

In one instance, there is the potential that confidential personal information from court and credit records was illegally obtained and publicly disclosed. This sets a very dangerous precedent.

Addressing the specific points mentioned by the recall petitioners:

Point one: The Tribal Council has invested multi-million dollars in research to develop a tribal casino at Cascade Locks that could not be built because the Cascade Locks site is land in trust to Yakama Nation and failed to notify the membership of the multi-million dollar lost investment.

Response: The Tribal Council

has been acting under two tribal referendums to pursue gaming. The second referendum was passed by a solid 80 percent margin that selected the Columbia River Gorge location over several other locations including a Highway 26 location. The proposed site is owned by the Port of Cascade Locks. It was never owned by the Yakama Nation and was never in trust. The multi-million dollar investment loss is unproven speculation, and thoughtful opposition could have been raised on the two supplemental budgets to stop or regulate any spending authority for the gaming initiative.

Point two: The Tribal Council has operated in special interests of specific individuals and families with failure to provide for all the membership equally.

Response: That allegation is too vague and general to offer valid or accurate responses.

Point three: Members of Tribal Council retain compensation from employment in addition to receiving council compensation benefits: i.e., travel dollars, special per diem, and full salary for employment.

Response: Tribal Council has had employees as members for over 30 years. By policy, members must choose either Council pay or their regular pay. Tribal

voters were aware of candidates' employee status during the election. Council travel costs are known through annual budget meetings.

Point four: Tribal Council recently appointed the Tribal Court Judges without following proper protocol as outlined in the Warm Springs Tribal Code.

Response: Tribal Council instructed staff to advertise for nine appeals court judges, two associate judges and a chief judge as early as February. A four-member nomination committee was selected during that same time period. It was not able to meet because of scheduling of the non-member participant called for in the tribal code. The Council members were provided candidates' applications and the ratings sheet based upon the tribal code, tribal management plan (R-9793) and the job descriptions that were last approved in 1993. Tribal Council had the options to: 1) do nothing; 2) continue to wait for the committee to meet; 3) appoint a different committee, or 4) proceed with appointments based upon the tribal code and tribal Constitution. With the advice of legal counsel, Tribal Council selected the judges.

Point five: Tribal Council appointed three judges not properly suited

for the positions. Anita Jackson was removed from the Public Safety General Manager position by Public Safety Reform referendum. Marie Calica has been investigated for mismanagement of grant and tribal funding. Barbara Jim has interfered with the administration of justice in regards to debts.

Response: The 1999 Public Safety Referendum was only directed at freezing the Public Safety budget proposed for the year 1999. It did not direct or validate any considerations for personnel actions. Legally and ethically, there was no basis found to disqualify any of the five tribal members who applied for the associate judge positions. Assessing moral judgments without solid evidence is inappropriate and could be considered slanderous.

Points six and seven: The Secretary-Treasurer and Chief Operations Officer have failed to perform duties in accordance with his or her job description to ensure the tribes stay within tribal policy, and failed to properly report that to the membership.

Response: These positions are Tribal Council appointments confirmed by tribal resolutions. At the present time, there are no policies or procedures to recall the person in either position.

Petition: issue of judgeship appointments

(Continued from page 5)

Whether using the tribal code or the tribal Constitution, ultimately the Tribal Council selects the judges, said Calica. That was stated in a legal opinion from the tribes' legal counsel, he said, and the Tribal Council then made its decision. The Tribal Council plans to make its Appeals Court appointments on Wed., August 24.

Calica said that Tribal Council has a full plate trying to work toward achieving the priorities it adopted shortly after its members were elected. Tribal Council has also been working to restore programs and services that had slipped into various stages of noncompliance, threatening the safety and economic welfare of the community.

Since taking office in May 2004, the 23rd Tribal Council has fielded many public and private concerns from the tribal membership related to the courts and legal services. Unfair treatment, excessive sentences and minimal responses to burglaries, violent physical and sexual assaults, child abuse and drugs were common complaints. All of these issues were raised in the formal reviews enacted by the 21st and 22nd Tribal Councils. The 23rd Council wants more than the same old plans, promises and complacency, said Calica.

Other concerns confronting the Tribes' leadership include numerous public safety issues, the Warm Springs Housing Authority's performance including being on HUD's watch list, the pressing needs to fix the Children's Protective Services system, the Early Childhood Education problem of \$2 million in grants being jeopardized, mounting financial woes of Warm Springs Ventures, the Community Development Corporation and High Lookie Lodge.

Fixing the joint venture with Indian Health Services has made for a stressful time for the community, senior management and Tribal Council, Calica said. He also noted that the gaming relocation effort has taken a significant portion of Tribal Council

time and effort.

Calica said the Confederated Tribes need to stimulate economic development. "Development of the commercial code will provide needed protection and regulation of the reservation business climate and tribal member rights."

Calica said, "Equally important is to have an effective court system to resolve disputes or business relations to promote the financial security and welfare of our people. Feeding a sense of political instability now will show others only that we are capable of being our own worst enemy."

"We may face uncertainty and frustration as individuals and as a community. However, our elders and ancestors faced even greater challenges. They accepted those challenges with a sense of hope, faith, and purpose to create the community we call home."

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