

Drug abuse: court considers prevention measures

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"We see violence in the courts. On my third day on the bench I was conducting a criminal arraignment. We had a person there, a tribal member, who I've known all his life. He's a relative of mine. I couldn't tell if he was coming down off meth or if he was still under the influence. He became very angry. We have these big, heavy defense tables, and he got up and he picked up the table to throw at me. It was really amazing that he was strong enough to do that," she said. "I was a judge in the '80s, and I had never experienced anyone that angry or violent in Tribal Court."

Jackson said she recently asked for protection from a bailiff at a juvenile case, because a youth, apparently under the influence of methamphetamine, was being abusive and disruptive in the courthouse. She said that never used to happen before.

"We see people that are agitated, and they're very verbal and nervous and uptight, edgy," Jackson said. "Either they're on it, or they've been on it and they're coming down off it, and it's pretty sad."

Meth abuse has been the central topic of discussion for the Justice Team, a wide-reaching group made up of the tribal judges, law enforcement officials, Child Protective Service (CPS) workers, Indian Health Services, the Bureau of Indian



Chief Judge Anita Jackson addresses the conference on the prevention of methamphetamine abuse on the reservation.

Affairs, among others tribal services.

The purpose of the team is to identify the issues related to drug abuse, and to do something about them. The Justice team recently has been primarily educating itself through various media and conferences on meth abuse and prevention.

In the courts, Jackson said one goal is to amend the tribes' criminal code to expand its drug enforcement. There is currently only one available drug charge — for possession, use or the sale of anything from narcotics to hallucinogens — and only one charge dealing with possession of drug paraphernalia.

"It doesn't specifically address anything that may be more dangerous, or the idea that if you've been convicted three times, then maybe you should have a stiffer sentence," said Jackson. "We're looking at changing that."

Additionally, she said the Tribal Court is looking at mak-

ing it a separate crime to use or sell drugs with minors present.

"We have a lot of that," she said. "I know CPS is working with all those kids, and it is very sad we have so many."

Issue of bail

Also in the works is a plan to raise the cash bail amount for defendants charged with crimes involving methamphetamine.

"We had a tribal member that had been charged with selling drugs, and the judge set a \$2,000 bail," she said. "The bail was posted in 20 minutes." Bail is usually no more than \$50 to \$100, \$250 at the highest.

"Another thing we're doing is interpreting the bail and bond laws liberally," she said. "We have the ability to set the bail at two times the fine amount, so the fine amount is \$5,000 maximum for each criminal offense in Warm Springs. We're looking at \$10,000."

Another measure would be restriction of "signature bonds,"

where a defendant charged with a criminal offense can be let out on bail if two adult tribal members sign a bond, thereby accepting responsibility for his appearance in any ensuing court proceedings.

"If they don't show up, then the bondsman is also responsible to pay the fine. We're careful about accepting those, because we want to make sure the bondsman actually knows what they're doing," she said.

Or the defendant can be held with no-bail and no-bond, Jackson said.

Stricter jail sentences

She said the court can issue stricter sentences for defendants in drug-related cases by imposing consecutive sentences in the cases that involve multiple charges, so if the defendant is found guilty, he or she serves the time for each of the charges separately, one after the other, instead of concurrently, all at the same time. And the jail time would be served in straight time, meaning without time off for good behavior or for work releases.

Jackson said CPS would have a greater role in the enforcement in meth-related cases by taking juveniles from homes where someone has been arrested for possession and placed. The child would be placed either at the CPS center or with another family member, but away from the defendant.

"Juvenile court also has continuing jurisdiction over children until they are 18 years old," she said. "So if the parent doesn't comply with the court order, then it would not mean that after 30 days or 90 days the child

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Anita Jackson
Tribal Court Chief Judge

would just go back.

"If the parent or guardian is not complying, then we can continue to keep custody of that juvenile until he is 18 years old."

In such cases, the court would also hold onto any bonus or per-capita funds the child would receive, and ensure those funds' use only for the child.

Jackson said the tribes, in particular Tribal Councilman Raymond Tsumpti, director of Public Safety, are negotiating with the U.S. Attorney's office in Portland to lower the threshold dollar amount of drugs for which the federal government would prosecute.

For the U.S. Attorney to prosecute a drug case, the threshold amount of drugs involved has been in the \$10,000 range, Jackson said.

"But of course we have small dealers. Even a relatively small amount, such as \$2,000, is going to impact our community much more than it would a place like Portland."

Jackson said Tsumpti is negotiating with the U.S. Attorney's office to have the federal government prosecute any drug

case in Warm Springs.

"So defendants will be in the federal system," she said. "And if you think the Tribal Court is rough, try federal prison."

Jackson said that tribal members would likely hear complaints about these new steps being taken by the courts. But with methamphetamines tearing families apart, and creating a climate of violent crime, Jackson said she and her fellow judges are not overly worried about such complaints.

"I'm sure you'll hear feedback, if you haven't already from the community. A person might say, 'Oh, they're violating my civil rights. The court can't do that. They're picking on me. Boo hoo hoo,'" she said. "But what we're trying to do is show the community and the people who are involved with drugs, and especially those selling drugs, that we are taking this seriously, and we're not going to sit by. We're not going to let them get out on a \$50 bail or a recognizance bond and then be out there the next day selling methamphetamine to the community. We're not going to allow that to happen."

The afternoon seminar also featured KWSO radio Will Robbins, who recounted his own well-documented battle against methamphetamine addiction that ended in 2001.

There was also a talk on the effect of methamphetamine on pregnant women and babies, a talk by Madras High School junior Nic Katchia, and an introductory talk from Mitzie Allen of the Indian Health Service pharmacy.

Language: visit was inspiring for teachers

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The revitalization began in earnest in the 1970s, when Higgins began teaching.

"When I came on the late '70s, we had devised methodologies that were easy for our people to adapt to, and the results were quite overwhelming and successful. We decided that's one of the messages that we're sharing. We hear the stories from the local communities here, the Native communities here, about the struggles they have just getting their youth involved," she said.

The revitalization followed a period when the Maori language was starting to show signs of being lost.

"The greatest impact on our language was education and the urbanization of our people," said Higgins. "Once they left the tribal homelands to work in the '50s, the language started to dissipate. People were no longer in the traditional area where it was the first language. They became integrated with the rest of society. There were also negative aspects, with people being told, 'It's rude to speak another language.' Our language was not encouraged. We were strapped at school for speaking the language, and all of these things impacted the demise of the language."

But with the introduction of new educational methods in the late 1970s, the Maori language took on a resurgence, and by the 1980s, the Maori community was ready to challenge the New Zealand government to allow the teaching of the language of an ethnic group that makes up 15 percent of the nation's population of 4.5 million.

"We took the government to tribunal, and the tribunal found against the government. By gov-



Maori language teachers Te Ripowai Higgins and Tonga Karena (second and third from left), from Victoria University of Wellington, New Zealand, visited Warm Springs after speaking at a language revitalization seminar in Salem the weekend of Nov. 5-6. They were the guests of Warm Springs language teacher Rosie Johnson, left, and language coordinator Val Switzler, right.

ernment we mean the education department, the justice department, the broadcasting corporation, the whole system, and we had them account for their part," she said. "Then they had to make some restitution toward the language."

A national Maori language commission was formed, as well.

"That was one of the things we were aiming for, not just the constitutional change," Higgins said. "We needed a body that actually was the lobby, and the group that would maintain and ensure that there was a coordinated language plan, so we have a language strategy."

The end result is that Maori is now an official language of New Zealand. The national anthem of New Zealand is now sung in both English and Maori at all sporting events, even internationally.

But even with the backing of an entire national government,

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Te Ripowai Higgins
Maori language teacher

Higgins said language revitalization, especially at the local level, needs financial resources to perpetuate teaching the language and re-educating adults who had not spoken the language while it had been "lost" in the '50s and '60s.

For a culture with traditional languages like Warm Springs, Higgins said she sees at least two positive assets: the interest of tribal elders and dedicated language teachers.

"You can have all the won-

derful buildings, and all the wonderful resources, and your major resource is actually your people," she said. "Your major resource are your fluent speakers, and in the case here, I know that many of the speakers are elders."

"At our conference, we were honored to have so many elders there. It just shows the commitment they have. It's part of their identity, and allows us to encourage them to keep going, particularly the teachers."

She said it can be a daunting task staying diligent in teaching the language to one's own people, if the people turn skeptical and don't see the need to learn the language.

"The whole point about language is that it ties up with your identity, it ties up with self-esteem, your spirit," she said.

What's more is that in New Zealand, the Maori language has created such a sense of cultural pride that it has spread through

and fueled young people's very ambition.

"It's amazing how it's changed our young people," she said. "There were particular families that were already well-educated anyway. Now they aspire to be lawyers and teachers and things like that. Our children now, when you ask them, they say they want to be astronauts, they want to be things we would never even think of."

"The aspirations are totally different, and they've been turned around by our language."

Ambition and hope haven't always been part of the Maori history, since the British colonized the country in the late 1800s. But revitalizing the language and restoring the Maori cultural identity has changed things.

"It's part of a human need to have identity," Higgins said. "Once the children get that, their whole world turns around. We know this because our people

were in the worst statistical rates. We had bad health, we were poorly educated, and socially at the bottom of the heap."

"That was always constantly heard from the policy makers as well. Maori was bad. Jails were too full of Maori."

"And we see that, internationally, we all have a common history of colonization of our people. We feel we have a duty to share with our indigenous peoples."

Val Switzler, language coordinator at the Warm Springs Culture and Heritage Department, said that listening to Higgins and Karena speak in Salem, and having them around in Warm Springs, was helpful.

"When we went to the conference, just to have that energy back again helped," she said. "Sometimes you get worn out and feel almost defeated. Going back to meet with other teachers and with elders gives you all the energy back. You remember why you're in this, for our kids and our kids' kids."

The Culture and Heritage Department hosted Higgins and Karena at a dinner that included traditional Warm Springs dancing.

Higgins said many ideas for teaching the Maori language came from other cultures that sought the perpetuation of their own languages and cultures.

"We went out and saw the Irish experience. We learned from the Irish experience. We learned from the Welsh experience and their own language revitalization. We looked at Quebec," she said. "Whoever was doing something out there, we went. We went to share ideas with them. We wanted to know their programs, what was successful. We didn't just do this in isolation down in New Zealand."

"On some of the tours we learned there's a difference between teaching children and teenagers and adults. Ideally, you start when they're born. Then they grow up learning the language," she said.